



CIVIL LIBERTIES FOR ALL

By Rana Odeh

The new Arizona immigration law (SB1070) states that "a law enforcement officer, without a warrant, may arrest a person if the officer has probable cause to believe that the person has committed any public offense that makes the person removable from the United States." Just like they can use (and abuse) a Terry stop to search any "suspicious" persons without a warrant? Sure, that sounds fair. I do not see how SB1070 could go wrong when you give officers room to interpret what a "probable cause" of suspicious legal status is, in a state that is comprised of 30 percent Latinos and 5 percent Native Americans, way above the national average which is 15 percent and 1 percent respectively according to the 2009 data from the U.S. Census Bureau.

As densely populated with people of Hispanic origin as Arizona is, SB1070 really opens up the door for racial profiling, discrimination, unjust Terry stops (which are already an issue since the war on drugs began) and further violation of civil liberties.

What is the logical argument for enacting such a law? Arizona Governor Jan Brewer, who signed the bill into law Friday, April 23, along with other politicians on the right, believes that SB1070 will "discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States." What most people regard as a financial burden on the state of Arizona is actually a vibrant group of about half a million productive workers and community members who contribute around \$700 million in tax revenues. They also happen to perform the most precarious jobs that no American will take. Arizona businesses and citizens will be the number one losers under this new law. This is not to justify labor exploitation and the miserable working conditions that undocumented workers find themselves in, but even if the supporters of this law are just thinking about the bottom line, well, they have their math all messed up.

Undocumented immigrants do not cross the border because they want to be exploited, underpaid and discriminated against, but rather because they are pushed out of their homeland by poverty, unemployment and lack of resources. This immigration push factor is largely due to U.S. trade policies, especially agribusiness subsidies that have made it impossible for Mexican farmers to compete with U.S. products. If we are serious about solving the immigration problem, we must have a comprehensive policy reform that creates an incentive for immigrants to stay in their homeland. Most immigrants, if given the opportunity to make a decent living in their own community, would rather work and raise their families within their native culture.

No matter the reason people (yes, immigrants are people and should be referred to and treated as human beings) come to America, they should not have to defend themselves or their "legal" status, considering that this country was built on the backs of immigrants, by immigrants, for immigrants. The 307 million people who live in the United States today are clearly not Native Americans. When did America decide to kick the ladder away? Now that we have climbed the ladder of prosperity all the way to the top, we want to kick it away to make sure that no other immigrants can have the same opportunities, rights, and freedoms that we enjoy. As much as I want to say that is not the "American way," I'm afraid it's true.

SB1070 is a desperate attempt to deal with a problem that cannot, and will not, be solved by Arizona. It only exacerbates racial tensions and mistrust between police officers and the communities they serve. Arizona's interest will be better served by leaving immigration law enforcement to the federal government, and its resources are better spent on fighting real crime rather than pursuing undocumented immigrants.

Not only does SB1070 get the economics wrong, but it gets the law wrong as well. Immigration law is a federal issue and it is not up to local police officers to investigate the legal status of residents in the state. Both President Obama and Homeland Security Secretary Janet Napolitano have immediately questioned the constitutionality of SB1070. The law will actually take effect 90 days after the bill was signed, so there is still hope that the federal government will take action to restore civil liberties in Arizona.

As hundreds of thousands of average Americans wait for the federal government to respond, they took it upon themselves to rally in 80 cities across the nation on May 1 to protest Arizona's new stringent immigration law. SB1070 has already stirred up so much commotion across the nation, even before taking effect. This upheaval and anger is just a glimpse of what Arizona should be prepared for if the federal government does not stop them from violating civil liberties and making the biggest mistake the state will ever have to fix.

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ARIZONA'S NEW IMMIGRATION LAW: AN ACT OF SELF-PRESERVATION

By David H. Landon



During the last week of March, Rob Krentz, a third generation Arizona rancher, along with his dog, was murdered on his ranch 15 miles from the Mexican border. Krentz had called in to say he had found an illegal alien at one of his watering holes and was assisting him. He was never heard from again and hours later his body was discovered. Border Patrol and sheriff's deputies followed the assailant's tracks back to the border. Krentz was a rancher whose family roots in Cochise County go back to 1907. Over the past 15 years, like many Cochise County residents, he and his brother had spoken publicly about the financial and human costs of the rising tide of intruders crossing their land—the vandalized water lines, dead cattle, robberies, car-jackings, assaults and home break-ins. He estimated the damage to his 35,000 acre ranch in the millions of dollars.

The Krentz ranch and Cochise County are at ground zero for what can only be described as the invasion of the southern border of the United States. In some months, the Tucson Sector of the U.S. Border Patrol, where the Krentz ranch is located, has apprehended as many as 20,000 border crossers. The ratio of those apprehended to those successful in their crossings is estimated at one in five. Based on that estimate, hundreds of thousands of illegal aliens are crossing the Arizona border each year.

The federal government has failed the citizens of Arizona. Not only are they dealing with the cost of the illegal aliens on their state budget, but now a new and violent element has been introduced to the equation. The Mexican drug cartels are in a turf battle along the border which has been spilling over into the U.S. Murder, kidnappings and other acts of violence have increased dramatically. Phoenix, Arizona has become the "kidnapping capital" of America, with more incidents than any other city in the world outside Mexico City. There were over 370 kidnapping cases in 2008 alone. Even so, the federal government plays politics with the issue and nothing has been done.

The immigration issue is high political theater. Obama and the Democratic Party are holding hostage any real attempt to secure the border. Ignoring the fact that wherever a fence has been constructed border crossings have decreased, they insist the only way to move forward on border security is to couple the border issue with a plan for illegal aliens to achieve citizenship. Their goal is transparent. They want to add these 15 million or so illegals as new citizens to the voter rolls. This is a naked power play that they are undertaking in delaying border security and it is costing the lives of those like rancher Rob Krentz.

Arizona found itself overwhelmed by illegals and abandoned by a federal government unwilling to enforce its own laws. After Krentz's death and similar acts of violence, the state felt compelled to act. Arizona's new anti-illegal immigration law is an effort to "crack down" on illegal immigration and the financial harm it causes Arizona. This includes crime and back breaking public expenses to incarcerate, medically treat, educate and provide other services to illegal immigrants and their children. Arizona has been forced to assume responsibility for

immigration enforcement because of the federal government's refusal to secure the border and conduct adequate internal enforcement. This self-preservation has produced an onslaught of condemnations by the left and the mainstream media lap dogs, raising the specter of fascism, Nazism and a police state in Arizona.

Arizona's new law makes what is already a federal offense - being in the country illegally - a state offense. Arizona's law has an absolute right to assert concurrent jurisdiction with the federal law. First it perfectly mirrors federal law. There are thousands of instances where states and the federal government practice concurrent jurisdiction and they have survived constitutional challenge. Courts usually review whether a state law is in conflict with federal law. In this instance the language in the Arizona law is verbatim with federal

“OBAMA AND THE DEMOCRATIC PARTY ARE HOLDING HOSTAGE ANY REAL ATTEMPT TO SECURE THE BORDER.”

law. Secondly, the new law requires local law enforcement officers to rely on the federal government in making a determination about a person's immigration status. Any officer who reasonably suspects a person is illegal is required to check with federal Immigration and Customs Enforcement. This law has been care-

fully drafted to survive any constitutional challenge over concurrent jurisdiction. The primary responsibility of government is to protect its citizens and territory. I understand that the current administration is busy attempting to nationalize everything from banks to car companies to our health care system. Perhaps they have been preoccupied and missed the invasion happening on the border. But they had better wake up. The state of California is nearing bankruptcy partially as a result of the tremendous cost of illegals on the welfare state. Arizona is feeling the same strain. Cities as far away as Chicago have become operational centers for Mexican drug gangs. The 2,000 mile southern border is leaking like a huge sieve and it needs to be fixed before our social system collapses from the strain.

The Mexican American Legal Defense and Education Fund and other similar groups have already attempted to make this a racial matter. The Reverend Al Sharpton has promised "Freedom Riders" to travel to Arizona and to march in protest of the new law. Mayors in some California cities, like San Francisco, are calling for a boycott of Arizona products. I suppose that means no "Arizona Tea" for San Francisco which prides itself as a "sanctuary" city for illegals. In fact, according to the shrill voices on the left, anyone who doesn't recognize the "rights" of the illegal immigrants over the rights, safety and desires of citizens is a bigot and a racist.

This kind of incitement can only cause a backlash towards illegals. It's time to stop calling law-abiding citizens "bigots" simply because they want their state government, in the absence of the federal government, to protect their communities from being overrun and destroyed by the human wave of illegal immigrants crossing our southern border.

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