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Cover Page Footnote
Peter Morrissey, FCRH 2011, is from Omaha, Nebraska. He is a political science major with a minor in Spanish and a concentration in American Catholic studies. Peter is currently conducting research for an honors senior thesis on the role of democratic party divisions in affecting the outcomes of the last five New York City mayoral elections, working primarily with Dr. Bruce Berg. Peter has been admitted to a masters program at Oxford University in theology and public ethics beginning in the fall of 2011.

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A Canyon Apart: Immigration Politics and Hispanic Mobilization in Arizona

Peter Morrissey, FCRH ’11

This article examines the political and social forces surrounding the April 23, 2010 passage of Arizona’s stringent immigration enforcement measure, Senate Bill (S.B.) 1070, which empowered local law enforcement to demand proof of legal residency from any person suspected of being undocumented. A person’s failure to produce documentation would result in arrest, detention, investigation, and potentially deportation to his or her nation of origin. Through the law’s lens, the article explores the development of the social tension that followed Arizona’s explosive population growth, and examines how Arizona’s large Hispanic population has been unable to assert itself at the ballot box or in statewide government. The article argues that the political exigencies of Arizona are dissimilar from the other border states, explaining why measures such as S.B. 1070 have failed elsewhere. The author employs local and national news sources from the time of the bill’s consideration, U.S. Census Bureau population data, and case studies and journal articles on Hispanic political organization to explore this unique and fascinating battle over public policy, society, and identity.

Immigration has long been among the most contentious issues in the United States, striking at the nexus of American identity, law, security, and justice. Given this extraordinary degree of overlapping complexity, it is not surprising that political firestorms flare around the issue with relative frequency. The most recent immigration-related battle concerns Arizona lawmakers’ aggressive attempt to address this challenge through the now-famous Senate Bill (S.B.) 1070. This state law directly penalizes undocumented immigrants on the state level, and represents the most drastic measures taken by any state to address illegal immigration. The resulting furor has polarized the state along racial, ethnic, and political lines. This study will explore S.B. 1070, its components, and the political environment in which it became law. Through this lens, it will examine (1.) how this law is unique to the social circumstances of Arizona and (2.) why Arizona’s growing Hispanic population has been unable to achieve political influence. Toward this second question, the article will examine why Arizona’s Hispanics were so unsuccessful at blocking a law they detested, and why non-Hispanic residents were generally supportive of the measure.

First, it is important to clarify terminology. In this paper, the term Hispanic will be used to refer to Americans and Arizonans of Latin American origin and extraction; it should be understood as functionally the same as Latino when used in the popular sense. One’s assignment as Hispanic or Latino is primarily determined through self-identification and both identifiers are used by various scholarly sources and media outlets. In the context of Arizona, Hispanic will often, though not exclusively, refer to individuals of Mexican origin or ancestry, as the overwhelming majority of Hispanics in said state are in some way linked to Mexico. Furthermore, there is a great deal of discussion of “Hispanic issues,” an imprecise but necessary group of political issues historically linked to this group. These include, but are not limited to, immigration, bilingual education, and law enforcement practices. While it is naive and inaccurate to paint Hispanics, Arizonans, Mexican-Americans, or even two residents of the same block in Tucson with one broad stroke, for the purposes of this paper it will sometimes be necessary.

It is first important to examine the elements and passage of the contentious law in question. Immigration
is a staple of Arizona politics, but the intensity surrounding the issue reached a fever pitch in March 2010, when rancher Brian Krentz of Cochise County was killed while walking his dog. As rumors swirled, law enforcement was unable to determine who had killed Krentz. Public sentiment concluded that the killer was an illegal alien who fled back to Mexico after the murder (Thornburgh, 2010). The state legislature, mired in a budget crisis and desperate for distraction, turned its attention to immigration reform, with supporters of punitive reform arguing that any bill should be named after Krentz, who was quickly becoming the poster-child for state-level legislation. Several years-worth of attempts to pass a more stringent immigration bill were frantically combined to produce S.B. 1070, the Support Our Law Enforcement and Safe Neighborhoods Act, which passed both chambers that April.

There are three major components of the law, which in the words of one of its statehouse supporters, will stem the tide of immigrants who will come back “larger, stronger, and more destructive than they were several years ago” (Rossi, 2010). First, the law establishes as a state (and not federal, as per past precedent) misdemeanor an alien’s presence in Arizona without proper identification on one’s person. Second, the law bars state or local officials from restricting enforcement of federal immigration laws. This measure applies to both so-called “sanctuary cities” and individual police departments which restrain their officers from demanding identification. Finally and most significantly, the law empowers law enforcement officers to demand proof of legal residency if they have “reasonable suspicion” of an individual’s illegal status. Taken together, the law constitutes an extraordinarily aggressive attempt to toughen in-state immigration enforcement, rather than border security (Rossi, 2010).

After its passage by the state legislature, the bill went to the desk of Republican Governor Jan Brewer, who ascended to the office following Democrat Janet Napolitano’s resignation to become President Obama’s Secretary of Homeland Security. While Napolitano had repeatedly vetoed enforcement-only immigration bills (Archibold, 2010a) and testified to the Senate that she would have vetoed this one (Gorman & Riccardi, 2010), Governor Brewer remained silent during the course of the bill’s legislative debate. Local news sources documented a number of competing interests as she considered whether to sign or veto the bill. Aides said her initial concerns over the racial-profiling implications of the law had been partially allayed by a line-by-line reading with its primary sponsor. Messages from citizens regarding the law were, according to one of her assistants, “running three-to-one in favor” (Phoenix News, 2010). Politics played a role in Brewer’s decision as well: she was facing a challenge in the August Republican gubernatorial primary, and had damaged her bona fides among influential conservatives by advocating for a 1% increase in the state sales tax to avoid cuts in public services (Archibold, 2010a). With these considerations in mind, Governor Brewer signed S.B. 1070 into law on April 23, 2010.

Not surprisingly, the passage of S.B. 1070 caused a massive national uproar. Supporters claimed a victory for states’ rights and national security and a rebuke aimed at an inept and unconcerned federal government. President Obama dubbed the law “misguided” and worried that it would “undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and our communities that is so crucial to keeping us safe” (Archibold, 2010a). Mexican President Felipe Calderon termed the law a “violation of human rights” which “opens the door to intolerance and hatred” (Booth, 2010). Law enforcement officers were split between chiefs and rank-and-file officers: while the Arizona Association of Chiefs of Police criticized the law as “problematic,” the Phoenix Law Enforcement Association (the largest police union in the state) supported it (Johnson, 2010). Los Angeles Cardinal Roger Mahoney summed up the reaction of the U.S. Conference of Catholic Bishops when he blasted Arizona for “reverting to German Nazi and Russian Communist techniques whereby people are required to turn one another in to the authorities on any suspicion of documentation” (Watanabe, 2010). And, of course, the Phoenix Suns famously wore “Los Suns” jerseys in solidarity with Arizona’s immigrant community, broadening the court of public opinion ever more.

S.B. 1070’s fate, however, will likely be decided in a different sort of court. A number of advocacy organizations, ranging from the National Council of La Raza (NCLR) to the American Civil Liberties Union (ACLU), filed lawsuits against the law, but a suit filed by the Justice Department carried the most weight. In July, Judge Susan Bolton, a U.S. District Court Judge for the Federal District of Arizona, issued a preliminary injunction in response to the Justice Department’s suit, writing that “preserving the status quo through a preliminary injunction is less harmful than allowing state laws that are likely pre-empted by federal law to be enforced” (Archibold, 2010b). Essentially,
Judge Bolton based her opinion on the Constitution’s Supremacy Clause, under which immigration (along with other political issues) is delegated exclusively to federal authorities. She was also sympathetic to opponents who argued along less procedural grounds, finding that “there is a substantial likelihood that officers will mistakenly arrest legal resident aliens,” and that Arizona was imposing a “‘distinct, unusual and extraordinary’ burden on legal resident aliens that only the federal government has the authority to impose” (Archibold, 2010b). Unsurprisingly, Arizona appealed the decision, and the case is working its way through the courts. The bill’s original sponsor, Senator Russell Pearce, expects it to be ultimately decided by the Supreme Court (Rau, 2010).

The next logical step in the analysis of S.B. 1070 is, unsurprisingly, where does the law go from here? With anti-immigrant rhetoric a popular centerfold of modern politicking, it would be expected that bills similar to S.B. 1070 would appear in state legislatures around the region. Surprisingly, however, this is not the case. While a few individual state legislators have voiced their support, Arizona’s law has not been replicated in the border region since its passage. The opinions of the other border-state politicians are significant, as theirs are the only states that can begin to approximate the social and political challenges facing Arizona and help determine if S.B. 1070 was a unique phenomenon. Democratic Governor Bill Richardson of New Mexico, the only Hispanic governor in the country, condemned the bill as “against the democratic ideals of this country.” California’s Arnold Schwarzenegger, a centrist Republican (and immigrant), responded by saying “this is very clearly something we will not do here in California.” But most remarkable in his opposition was Texas’ conservative Republican Governor Rick Perry. Perry, a pistol-packing favorite of the Tea Party, said that Arizona’s law “would not be the right direction for Texas” and would distract law enforcement from fighting other crimes (Spagat, 2010). Interestingly, none opposed the law on the grounds of Bolton’s Supremacy argument; rather, three governors from all across the political spectrum (left, center-right, and far-right) all signaled concern with the substance of the bill and not just its constitutional propriety.

Hispanics in Arizona also signaled their displeasure. One local poll suggested that 81% of Hispanic registered voters in the state opposed the law’s passage (Gonzalez, 2010). In fact, some so deplored it that between April and November roughly 100,000 Hispanics left Arizona, with nearly 25,000 returning to Mexico (Stevensen, 2010). With 1.7 million Hispanics in Arizona, it is truly remarkable that nearly one in seventeen Arizona Hispanics left following the law’s passage. These two pieces of data are inspirations for the second portion of this undertaking. Arizona Hispanics are both overwhelmingly opposed to the law and quite numerous in the state, and yet S.B. 1070 advanced through the legislature with relatively little difficulty.

To understand this, it is crucial to examine Arizona’s unique demographics and their social implications. The 2005-2007 American Community Survey provides the best, most recent Census population updates, and according to its estimates, self-identifying Hispanics constitute 29.0% of Arizona’s population, some 1.7 million people out of a population of 6.1 million (US Census Bureau, 2008). Within this population (both of Hispanics and statewide), undocumented immigrants constitute a sizeable chunk of Arizonans: a Department of Homeland Security report from 2009 estimated that 460,000 undocumented immigrants (almost entirely of Latin American origin, and more than any Western state, save for California) reside in Arizona, meaning that undocumented immigrants constitute roughly 27% of Arizona Hispanics, and 7.5% of the state as a whole. Indeed, the nearly 700-mile long border between Arizona and Mexico has been the entry point for roughly 40% of all border-crossers from Mexico through much of this decade (Economist, 2006). Given these two figures, it is not surprising that illegal immigration is a highly publicized, visible issue in Arizona.

Further contributing to the significance and central status of immigration as a political issue in Arizona is the rapidly changing nature of the state. The massive growth that Arizona has experienced in the last thirty years has contributed to a constantly changing society as successive waves of newcomers (from north and south alike) have reinvented Arizona. It has grown faster than nearly every other state, quadrupling in population since 1970 (US Census Bureau, 2009). This growth can be attributed mainly to two sources. First and obviously, Hispanic immigration, particularly from Mexico, is an enormous contributor to Arizona’s population boom. But second, Arizona welcomed thousands of out-of-state, often out-of-region, non-Hispanics from northern cities (“Sunbirds”). This particular group is significant to examining the social strain Arizona underwent throughout the last decades as its population evolved. Arizona’s Hispanics find...
themselves in a unique sort of “demographic donut hole”, numerous enough that they are associated with immigration issues and highly present in the eyes of the rest of the state, yet not so numerous that they can meaningfully advocate policy changes or rebut aggressive legislation. Further contributing to this lack of influence is the poorly mobilized nature of this community and its relative lack of political engagement.

Another aspect of this growth in Arizona’s population is evident in the settlement patterns of newcomers: the state, for all intents and purposes, is remarkably segregated. Maricopa County, the state’s largest, is the most instructive example of this divide. Using the New York Times’ recently published “Mapping America” American Community Survey census tool, a cursory glance across the county underscores the extraordinary divide (2010). Most precincts in the city of Phoenix proper, (aside from a small cosmopolitan downtown area) are overwhelmingly Hispanic, with census tracts in densely populated eastern Phoenix approaching 90% Hispanic. However, the suburbs surrounding the city (yet still within the county) are quite the opposite: most precincts in suburban Scottsdale, for example, are nearly 80% white. Outside of Maricopa County, this degree of racial stratification continues: Hispanics comprise huge majorities of several southern border counties, such as Santa Cruz County, which in 2008 was approximately 80% Hispanic. While in the northern part of the state, Hispanics are far more scarce; Cococccino County is barely 12% Hispanic. Given this data, it is highly plausible that a white resident of Arizona is acutely aware of immigration as a political issue, and associates said immigration with Hispanic Arizonans. However, given the relative lack of social integration in the state, it is unlikely that this resident has many interpersonal relationships with Hispanics to dampen attitudes based solely on the perception of illegal immigration as a “problem.” Conversely, an Arizona Hispanic has relatively few natural outlets to develop social bonds with non-Hispanic Arizonans, as Hispanics are highly localized.

Though the entire border region grew quickly and reinvented itself dramatically in the past thirty years, its other three states all have more well-established Hispanic populations and non-Hispanic populations with longer histories and stronger bonds with immigrants and Mexico than Arizona. The more well-established bonds prevent the sort of social stratification that enables socially-divisive laws like S.B. 1070 to pass with enormous support. In New Mexico in 2000, for example, fully 88% of adult Hispanics were native New Mexicans and therefore, American citizens by birth, demonstrating the longstanding influence and stability of that community (Garcia & Sierra, 2004). New Mexico’s Hispanic population is, proportionally, the highest in the nation at 45% of the state’s total, and equal to that of whites. Though California and Texas do not have similarly high rates of native-born Hispanics (at 61% and 68%, respectively) each has a strong history of well-organized Hispanic advocacy (Pew Hispanic Center). In California, for example, “the post-World War II period spawned Unity Leagues that attacked discrimination and fought for greater political representation” (Navarro & Mejia, 2004), culminating in the return of Hispanic representation to the Los Angeles City Council in 1949 after seventy years absence. Similarly, in the 1960s Hispanic college students in Texas were remarkably influential in pressuring administrators to recruit more Mexican-American students, offer more ethnic-specific scholarships and grants, and establish courses and programs relating to the Mexican American experience (Navarro & Mejia, 2008). Advocacy for the needs of and challenges facing Hispanic communities in other border states was well established and remarkably successful for decades before most of the current residents of Arizona arrived in the region. Between 2000 and 2010, the population of Hispanics in Arizona increased by nearly 50% (more than any other border state), signaling the recentness of the arrival of many of today’s Hispanics. Thus, Arizonans lacked the same social and communitarian bonds that make the other border states more socially cohesive and responsive to organized Hispanic advocacy.

In addition, however, to disadvantageous demographics and a less-than-cohesive history, another challenge facing Arizona Hispanics is a remarkably poor degree of political organization, resulting in greatly diminished political advocacy potential. At both the mass and elite levels, Arizona’s Hispanic population is not capable of leveraging its sizable numbers toward the advancement of policy goals. The first, most basic issue is the low turnout rate among Hispanic voters. Despite representing 29% of the state’s population, Hispanics made up only 16% of Arizona voters in the 2008 Presidential election (Lopez, 2008). Even taking into account the proportion of Arizona Hispanics who are ineligible to vote, Arizona Hispanics still failed to represent themselves strongly at the polls. Looking back on the 2000 election, Hispanic voters’ apathy is brought into even starker relief. Arizona’s ballot fea-
tured a proposition (Proposition 203) that would have ended bilingual education in public schools. Despite overwhelming opposition among Latino advocacy groups, Proposition 203’s presence “did not substantially increase voter turnout among the Latino electorate” (Garcia & Sierra, 2004). Given these data, it is clear that Arizona Hispanics endemically fail to assert themselves at the polls.

The implications of Arizona Hispanics’ absence is felt in the dearth of Hispanic officeholders. The National Association of Latino Elected and Appointed Officials reported that, as of 2010, only 16% of the Arizona legislature was Hispanic. In contrast, New Mexico’s legislature is 44% Hispanic, California’s is 23%, and Texas’s is 20% (Spagat, 2010). While Hispanics’ representation in both California and Texas’s legislatures falls below their numbers statewide, they are appreciably closer than Arizona’s. These statistics illustrate why S.B. 1070 was able to pass the Arizona legislature with relatively little fanfare. Certainly, a higher proportion of visible Hispanic public officials would have helped drive public opposition.

The implications of the lack of political mobilization of Hispanic voters are clear. Given their degree of under-representation, both political parties in Arizona lack an incentive to aggressively seek out Hispanic preferences and craft appealing policy positions: Arizona Republicans can win elections without appreciable Hispanic support, while Democrats take Hispanic support as a foregone conclusion. New Mexico Republicans specifically recruited an Hispanic gubernatorial candidate, while California Democrats were able to survive the 2010 wave because of successful Hispanic-outreach efforts (Sharry, 2010). In Texas, of course, the most famous conservative Republican of the past century, George W. Bush, aggressively supported comprehensive immigration reform both in Austin and in Washington, recognizing Hispanics as the future of his party in his home state. S.B. 1070, thus, is partially the result of a lack of Hispanic political engagement.

Two possible explanations for this failure of Hispanic voter mobilization are germane to Arizona and deserve brief treatment. First, Arizona’s status as a strongly anti-labor state deprives Hispanic advocacy groups of natural organizing ground. While national labor unions have sometimes bemoaned immigrant-friendly legislation which they believe drives down wages at the state-level, in the southwest Hispanic advocacy groups and labor unions have been tightly bound. The most famous example is the United Farm Workers in California, who are credited with greatly expanding Hispanic political influence in that state by employing organizing tactics and providing a mouthpiece for Hispanic leaders who shared policy concerns with non-Hispanics, thereby increasing multiethnic political cooperation (Navarro & Mejia, 2004). Indeed, to the extent that they exist, Arizona’s labor unions strongly opposed S.B. 1070, even organizing boycotts of state attractions after its passage (Phoenix Business Journal, 2010). However, their impact was marginal given that their organizational strength is minimal: only 6.5% of Arizona employees are dues-paying union members, while 17.2% of Californian workers are unionized (Bureau of Labor Statistics, 2010). Much of this disparity is legalistic in nature: Arizona is a right-to-work state, making the formation of new unions much more difficult (National Right to Work Legal Defense Foundation). Without this historic linkage, Arizona Hispanics lose a potent political organizing mechanism.

A second aspect of the lack of meaningful Hispanic voter mobilization is found in an examination of the proliferation of Hispanic advocacy organizations. The League of United Latin American Citizens (LULAC) is the nation’s largest grassroots Hispanic advocacy group, with 115,000 members in more than 600 chapters nationwide. LULAC’s policy focus is political advocacy at the state and local levels, and it has successfully advocated for bilingual education, challenged discriminatory legislation in court, and pushed for access to voting in heavily Hispanic communities (Martinez, 2009). But in Arizona, there are only 14 local councils, in contrast to 46 in New Mexico, 82 in California, and an astounding 291 in Texas where LULAC was founded (League of United Latin American Citizens Online). Given this lack of grassroots infrastructure, it is unsurprising that Arizona Hispanics are relatively disengaged.

The above analysis paints a fairly bleak picture for Arizona Hispanics. S.B. 1070, a bill shunned outside of Arizona, is the result of both massive, recently-arrived populations and poorly established Hispanic communities, and the absence of meaningful Hispanic political organization, union establishment, and advocacy groups. However, just as it was in California, Texas, and New Mexico, the tide of history is against the supporters of S.B. 1070. A first reason, of course, is continued demographic shifts. Texas, California, and New Mexico have joined Hawaii as majority-minority American states, states in which groups classified as
rational or ethnic minorities constitute a majority of the population. Arizona is not far behind and may join their ranks as early as 2015 (MSNBC News, 2005). With greater diversity comes greater political sensitivity to the needs of minority communities and greater influence therein. Arizona’s Hispanic population, though currently not quite numerous enough to drive political discourse, may soon have the opportunity to do so.

The second evolution, however, may be more significant. It is possible that Arizona Hispanics may be able to reverse their political disorganization through the most unlikely device imaginable: the galvanizing destestation of S.B. 1070 itself. While this may seem counterintuitive, it is not without historical analog. California in the 1990s was very similar to Arizona today: huge numbers of newcomers caused considerable, misplaced backlash against illegal immigrants, and spurred the passage of the infamous Proposition 187. “Prop 187” denied all public services to undocumented immigrants, establishing citizenship checks in order to receive public education, health care, and food stamps. The effort to place Proposition 187 on the 1994 ballot was orchestrated by California’s Republican Governor Pete Wilson, who stoked public dissatisfaction with illegal immigration in order to orchestrate a come-from-behind reelection campaign. While Wilson managed to win, the long-term political consequences of Proposition 187 were disastrous for the California Republican Party, which has generally been unable to escape the association with anti-immigrant rhetoric and policy. Proposition 187 provided the impetus for a massive Hispanic registration drive in California, and Republican candidates saw their average share of the Hispanic vote fall from 35% in 1990 to 24% in 1998, with further drop-offs occurring in the 2000s (Davies & Morgan, 2007). Absent Proposition 187, it is conceivable that California’s Hispanics would never have organized to the degree or at the pace they did. They are now an integral part of any winning electoral coalition in California, and have yet to forgive California Republicans not named Arnold Schwarzenegger. (Proposition 187 did pass, but nearly all of its provisions were struck down on court challenges.)

An additional galvanizing feature of Proposition 187 was an easily identifiable “bogey-man”—Governor Wilson—whose comments and tone fueled the perception that the campaign was overtly anti-Hispanic (Barreto & Woods, 2005). Here, another parallel exists with Arizona, as two possible candidates for this role exist today. The first, unsurprisingly, is Governor Brewer, who drew the additional ire of immigrants and Mexican-Americans when she declared that “a majority of the illegal trespassers [from Mexico]...are under the direction and control of organized drug cartels” (Rough, 2010). The other, perhaps more likely candidate to become the galvanizing public face of Arizona’s Hispanic population is Maricopa County Sheriff Joe Arpaio, who terms himself “America’s toughest sheriff”; Sheriff Arpaio has organized a “posse” of some three thousand volunteers who serve as freelance immigration enforcers and conduct questionably-legal raids of heavily Hispanic neighborhoods in Phoenix in an effort to root out undocumented immigrants (Finnegan, 2009). Generally speaking, Arizona today possesses many of the same political forces as California in the mid-1990s: a politically dormant but fast-growing Hispanic population, public officials easily harnessing anti-immigrant furor, and near-total Hispanic opposition to a controversial piece of immigration-related legislation. While there is no guarantee that S.B. 1070 will have the same galvanizing effect as Proposition 187, the parallels seem hopeful for Arizona Hispanics.

Arizona’s S.B. 1070 is an important piece of legislation not only for scholars of immigration politics and the state-federal divide, but also because it sheds light upon the political forces that exist uniquely in Arizona. It is a striking combination of history, demographics, and social politics, which make such a law not only plausible but perhaps unavoidable. Furthermore, the failure of Arizona’s Hispanic population and its advocates to rally public opinion against it is indicative of the challenges of Hispanic political organization in Arizona. S.B. 1070 provides a fascinating (if convoluted) cross-section of society, politics, and culture in America’s fastest growing region and among America’s fastest growing demographic. Its example will be instructive in identity battles for years to come.

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