



Written by on April 20, 2010

Arizona Legislature Passes Tough Illegal Immigration Bill

The Arizona legislature moved another step closer to giving the state one of the toughest anti-illegal immigration laws in the country on April 19, as the state Senate passed Senate Bill 1070 by a 17-11 vote. Governor Jan Brewer has five days in which to sign the bill into law.



The *Arizona Republic* reported Brewer's statement that she will review the legislation over the next several days and will seek the advice of her staff as well as outside experts in reviewing the constitutionality and other aspects of the bill. One point of consideration is that controlling illegal immigration is usually the responsibility of the federal government. Senate Bill 1070 would, among other things, make it a state crime to be in the country illegally and would require local police to enforce federal immigration laws.

"I think it's very important that we secure our borders," the Governor was quoted by the *Republic*. "It's very unfortunate that the federal government hasn't stood up to its responsibilities."

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CNN quoted Republican state Sen. Russell Pearce, the bill's author, who said in a recent interview that, with this new legislation: "We're going to take the handcuffs off of law enforcement, we're going to put them on the bad guy. Illegal is not a race, it's a crime."

"You know, this is amazing to me. We trust officers, we put guns on them, they make life and death decisions every day," he added. "They investigate capital crimes, they investigate sophisticated crimes, but we're afraid they're going to pick up the phone and call ICE [U.S. Immigration and Customs Enforcement]."

The endorsement of the bill by U.S. Sen John McCain demonstrated the political effect on candidates of having strong opponents. Former U.S. Rep. J.D. Hayworth, who is challenging McCain in the Republican primary for his Senate seat, has been issuing news releases in support of the state legislation for weeks. When the bill's popularity became widespread, McCain, who was considerably softer on illegal immigration as a presidential candidate (and before, when he cosponsored the 2007 Kennedy-McCain comprehensive immigration bill, which included an amnesty provision) decided to come on board and support the bill: "I think it is a good tool," said McCain. "It's also a commentary on the frustration that our state legislature has that the federal government has not fulfilled its constitutional responsibilities to secure our borders."

A *New York Times* report about the Arizona legislation observed: "While surveys show immigration is



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less of a hot-button issue than it was a few years ago, Republican conservatives still care about the issue. In a New York Times/CBS News poll released last week, 82 percent of self-identified Tea Party supporters said illegal immigration was a 'very serious' problem."

The *Times* noted how much the issue of illegal immigration had become a hot button position in Arizona, quoting Republican State Representative Bill Konopnicki of Yuma, who said that planned amendments to the bill to address legal and other concerns never materialized because "everybody was afraid to vote no on immigration."

The writer observed: "People on both sides of the debate see the bill as a result of the failure of Congress to overhaul the immigration system, and predict that other states, as they have in the past, will be inspired by Arizona to consider similar legislation."

While illegal immigration touches almost every one of our states, the border states from California to Texas have borne an especially tough share of the burden. Illegal immigrants have overburdened healthcare and educational resources in those states, and the taxpayers are forced to pay the bills. Additionally, gangs of illegal immigrants have added to the crime rate of border cities, transforming them from peaceful Sun Belt retreats to virtual battlegrounds.

While, in general, our federal government tends to interject itself into many areas not specifically authorized by the Constitution (which is, itself, a violation of the Tenth Amendment) preventing illegal immigration is one area where the document *does* assign responsibility to Washington. Article IV, Section 4. of the Constitution states: "The United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion."

And an invasion is exactly what has occurred in our nation, something that is particularly evident in our states border states. If Washington is too preoccupied with things the Constitution does *not* authorize (such as healthcare) to perform its constitutional responsibilities, then our state governments must protect themselves against invasion.

While they are at it, it would be a good idea for every state legislature to insist that the federal government obey the Tenth Amendment and not usurp powers reserved to the states.

Photo: Arizona state Sen. Russell Pearce (R-Mesa) speaks with Sen. Al Melvin prior to a vote on Senate Bill 1070 on April 19, 2010: AP Images



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