



Written by [Warren Mass](#) on August 1, 2017

Judge Finds Former Arizona Sheriff Arpaio Guilty of Criminal Contempt

U.S. District Judge Susan Bolton found former Maricopa County, Arizona, Sheriff Joe Arpaio (shown) guilty of criminal contempt of court on July 31, a misdemeanor punishable by up to six months in jail.

Bolton ruled that Arpaio had willfully violated a 2011 court order issued by another federal district judge, G. Murray Snow, which ordered the sheriff to halt detention based solely on suspicion of a person's immigration status, when there was no evidence that a state law had been broken.

Arpaio refused to comply, however, insisting that his office's practices were legal and would not change.

Bolton wrote: "Not only did Defendant abdicate responsibility, he announced to the world and to his subordinates that he was going to continue business as usual no matter who said otherwise."

Bolton, who was nominated to the district court in 2000 by former President Bill Clinton, has been a thorn in the side of the Arizona legislature's attempts to support police efforts to identify illegal aliens within the state. On July 28, 2010, she issued a ruling blocking key portions of SB 1070, which gave the state the authority to effectively enforce immigration laws, allowing its state troopers to crack down on illegal immigrants. The bill made it a state misdemeanor for individuals to be in Arizona without the required identification documents; barred state or local officials and agencies from restricting enforcement of federal immigration laws; and cracked down on those transporting, sheltering, and hiring illegal immigrants — practices already prohibited under federal immigration laws.

In her 2010 ruling, Bolton wrote that "requiring police to check the immigration status of those they arrest or whom they stop and suspect are in the country illegally would overwhelm the federal government's ability to respond, and could mean legal immigrants are wrongly arrested." Continuing, Bolton added: "Federal resources will be taxed and diverted from federal enforcement priorities as a result of the increase in requests for immigration status determination that will flow from Arizona."

On September 5, 2012, Bolton granted a partial concession and cleared the way for police to carry out the 2010 law's requirement that officers, while enforcing other laws, may question the immigration status of those they suspect are in the country illegally. This part of the law has been called the "show me your papers" provision.

However, she never ended her judicial war against Arpaio, even after he was defeated for reelection last November and was replaced by newly elected Sheriff Paul Penzone on January 1. On July 31, she filed her "Findings of Fact and Conclusions of Law" holding Arpaio in criminal contempt of court for violating the 2011 injunction.





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The *New York Times* reported that some supporters of stricter immigration enforcement have publically expressed support for Arpaio. The *Times* quoted Dan Stein, the president of the Federation for American Immigration Reform, who said the election of President Trump had vindicated Arpaio's policies. "Clearly Joe Arpaio won the war, even though he lost this particular battle," Stein said. "Like any good American citizen, he recognized his obligation and was willing to pay the price for a form of civil disobedience."

The *Times* also quoted Jack Wilenchik, one of Arpaio's lawyers, who said Judge Snow's 2011 order "was not clear and definite, and Judge Bolton did not adequately address that." Wilenchik added that Bolton had also violated Arpaio's rights by denying him a trial by jury.

The *Los Angeles Times* reported that Wilenchik said on July 31 that Arpaio planned to appeal Bolton's verdict and get a trial by jury. Arpaio lost his bid for a jury trial in early May after Bolton rejected it on the grounds that the law did not require juries in cases in which the potential jail term was so short.

"Bolton violated the U.S. Constitution by issuing her verdict without even reading it to the defendant in public court," Wilenchik said in a statement. "Arpaio believes that a jury would have found in his favor, and that it will. He is in this for the long haul."

Given Arpaio's age (85), and the fact that the "crime" of which he is charged is a misdemeanor, many legal experts doubt that he will receive any jail time at all, but will be given a suspended sentence. However, even a suspended sentence would be a blot on the legacy of a man who was elected sheriff of Arizona's Maricopa County in 1992 and served six terms before losing reelection in November.

Arpaio, who once called himself "America's toughest sheriff," was admired by conservatives from coast to coast for his no-nonsense enforcement of the law, especially immigration law. He regularly held illegal aliens past their court-ordered release dates to ensure that they would be picked up by immigration agents.

A writer for *BizPac Review* described Bolton's decision as "a holdover victory for the Obama administration." The Obama administration was notorious for its lax enforcement of immigration laws.

The report observed that, in view of the fact that Arpaio endorsed Trump in the 2016 presidential election (as well as the fact that the two have similar views on immigration enforcement), many of Arpaio's supporters are already calling on the president to intervene and grant the former sheriff a pardon.

While it is too soon to expect any hint of a pardon from the White House, such action would not be unheard of.

Photo of Joe Arpaio: Gage Skidmore

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