



Written by on May 4, 2010

Protests Against Arizona Immigration Law

AP news reported on May 1 that “tens of thousands of protesters” — including 50,000 alone in Los Angeles — had rallied in cities nationwide demanding that President Barack Obama immediately tackle immigration reform. The report described those engaged in the protests as having been “angered by a controversial Arizona immigration law.”

The report noted that the volume of public protest had been building since Arizona Gov. Jan Brewer signed legislation enforcing immigration laws April 23. The media have generally described the new law as requiring local and state law enforcement to question people about their immigration status if there’s reason to suspect they’re in the country illegally and also makes it a state crime to be in the United States illegally. However, the new law empowers local and state police to enquire about a person’s immigration status only when that person is lawfully detained for some other purpose.



AP reporters covering a protest at a park on Chicago’s West Side quoted Juan Baca, a 19-year-old student who admits his parents brought him from Mexico illegally when he was 4 months old. Baca told reporters he has had to drop out of college and work because he can’t qualify for financial aid. “It’s been a struggle,” complained Baca. “I missed the [citizenship] mark by four months.”

Borrowing a phrase normally used to describe homosexuals that publicly declare their orientation, Baca and other students referred to their disclosure of their illegal status as “coming out.”

The AP reporter made the accurate (and interesting) observation that “May 1 — International Workers Day — is a traditional date for political demonstrations.” The significance of International Workers Day could be the subject of a lengthy essay, but an entry in [Wikipedia provides a brief description](#):

International Workers’ Day is the commemoration of the Haymarket Massacre in Chicago in 1886, when Chicago police fired on workers during a general strike for the eight hour day, killing several demonstrators and resulting in the deaths of several police officers, largely from friendly fire.

The Wikipedia article continues: “Due to its status as a celebration of the efforts of workers and the socialist movement, May Day is an important official holiday in Communist countries such as the People’s Republic of China, Cuba, and the former Soviet Union. May Day celebrations typically feature elaborate popular and military parades in these countries.”



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A May 2 report in the Chicago *Democrat Examiner* described Chicago protests as being part of an “annual Workers Day march” and noted: “The ever-present Rev. Jesse Jackson chimed in and told the crowd to boycott [Arizona] by not vacationing or attending conventions, and that they should lose the 2011 Major League All-Star game.”

The *Democrat Examiner* also recorded the arrest of a member of Congress at the event:

U.S. Rep. Luis Gutierrez was taken in plastic handcuffs by U.S. Park Police to a processing center and booked. A Gutierrez spokesman, Douglas Rivlin, said that Gutierrez was released around 7 p.m. Eastern.

Gutierrez was charged with a misdemeanor for “failure to obey a lawful order from a U.S. Park policeman” and was ordered to pay a small fine,” Rivlin said. He also said that Gutierrez already gave U.S. Park Police a “heads-up” earlier this week that he planned on joining the protest. He wore a shirt to the protest that said “Arrest Me Not My Friends,” and was described as being “very excited” about being arrested. Gutierrez was arrested once before for trespassing on Navy grounds during a 2001 demonstration against bombing exercises on a Puerto Rican island.

Among other protests against the Arizona law was one reported by the Portland (Maine) *Press Herald* on May 4, about an event attended by an estimated 500 demonstrators who gathered in Portland on May 1 to watch state Sen. Justin Alford present a letter signed by 27 state lawmakers opposing Arizona’s law. The article said that the rally was organized in part by one Ben Chin on behalf of an activist group called the Maine Peoples Alliance.

The *Press Herald* quoted Brianna TwoFoot, field director for the Maine Civil Liberties Union, who said the campaign for “immigration reform” will intensify next month with a hearing in Portland. “Arizona’s law is legally unsound and encourages racial profiling,” TwoFoot said in a prepared statement. “Racial profiling betrays the most basic American value and belief that all people, regardless of their skin color, should be protected equally by the law.”

In New York, NY1, a New York City Web-based news channel, reported on April 26 that “the Reverend Al Sharpton and other city activists say they will mobilize people from across the country to march in Arizona to protest that state’s new immigration law.”

NY1 reported that Sharpton said in an April 25 speech in downtown Manhattan that he was prepared to be arrested during a protest in Arizona and compared the immigration law to the legal segregation of the Jim Crow era. “We will bring freedom walkers to Arizona just like freedom riders went to the deep south 50 years ago. We cannot sit by and allow people to be arbitrarily and unilaterally picked off as suspects because of the color of their skin,” said Sharpton.

Those unfamiliar with Sharpton’s background might note this excerpt from [“Gingrich, Sharpton Still Odd Couple”](#) a *New American* article posted online on October 28, 2009:

Sharpton, a Baptist minister, has often been accused of inflaming passions in racially charged confrontations. The incident for which he is probably most famous is the 1987 Tawana Brawley case, in which a 15-year-old African American girl claimed to have been raped and beaten by six white men, some of them police officers in Wappinger, New York. When a grand jury concluded Brawley’s story was a hoax, Sharpton and two attorneys accused Dutchess County prosecutor Steven Pagones of racism and of being one of the perpetrators of the alleged abduction and rape. The three were sued for slander and ordered to pay \$345,000 in damages. Sharpton refused to pay his share of the damages, which was later paid by a number of black business leaders.



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Despite the proliferation of anti-Arizona protests and calls for boycotts nationwide, at least two prominent national figures, neither of whom has a reputation as being particularly “conservative,” have made public statements against any boycott of Arizona.

The San Francisco *Chronicle* reported that California Governor Arnold Schwarzenegger said on May 3 that he does not support a state boycott of businesses or local governments in Arizona, but that he would rather see Congress and the president make changes in federal immigration policy than take actions against Arizona. “We showed our displeasure, and we made it clear that this [passing such a law] is not something we would do in California and I’ll leave it at that,” Schwarzenegger said.

The *Chronicle* also reported that former Supreme Court Justice and Arizona native Sandra Day O’Connor offered what the paper termed “some modest criticism” of the new immigration law,” but told a San Francisco audience, “Don’t boycott us.”

O’Connor, a former Arizona legislator and judge, did not provide an explanation for her reasons for opposing a boycott, but she observed that Arizona and California both suffer from the smuggling of humans and drugs from Mexico. “It’s the job of our federal, national government to secure our borders, not a job of state government,” she said.

Though regarded as a “liberal” (i.e., loose constructionist) justice during her years on the High Court, O’Connor is correct that the Constitution does charge the federal government with securing our borders. Article IV, Section 4 of the U.S. Constitution states in part: “The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion.”

What recourse the states, or even individual citizens, should take when the federal government is remiss in its duty remains open to question. At some point, however, the ancient common law principles allowing for each person’s defense of his own life and property would surely apply.

Photo: Demonstrators hold a sign as they protest at Wrigley Field in Chicago, April 29, 2010: AP Images



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