

Arizona Takes the Lead on Illegal Immigration Enforcement

BY ARIZONA STATE SEN. RUSSELL PEARCE

Here in Arizona, we have a provocative idea: We are going to enforce the laws of our land, protect our citizens and stand firmly behind the rule of law. Excuse me if I have doubts that the federal government feels the same way. We in Arizona understand illegal is a crime, not a race.

As a senator in a state on the front lines of the illegal invasion, I see firsthand the damage being done to our state and our country. It is clear we cannot wait for the feds to secure the border or to enforce the laws that are already on the books even as the violence and cost continue to soar for our citizens. I authored the “Support our Law Enforcement and Safe Neighborhood Act,” also known as Senate Bill 1070, signed into law by Arizona Gov. Jan Brewer.

The new law goes into effect July 29, and it simply mirrors federal law. It simply makes what is already illegal a violation of state law as well. It actually removes so-called sanctuary/catch-and-release policies in Arizona. Illegal aliens are by definition in violation of federal immigration laws — they can be arrested by local law enforcement currently — but policies have put handcuffs on our police officers; well, the handcuffs are coming off the good guys, and the handcuffs are going on the law violators.

Seems like common sense, doesn’t it? Well, not to the open-border, pro-amnesty crowd. They continue to spread misinformation, and the media are quick to spit it out as the truth.

Racial profiling! The new Arizona law specifically states that police “may not consider race, color or national origin” when implementing S.B. 1070. So while opponents claim it will encourage racial profiling, the truth is that it specifically prohibits it.

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Before asking a person about immigration status, law enforcement officials must have a “good reason” to ask called “reasonable suspicion” that a person is an illegal alien. The concept of “reasonable suspicion” is well-established by court rulings. Since Arizona does not issue driver’s licenses to illegal aliens, having a valid license creates a presumption of legal status.



Arizona State Sen. Russell Pearce

President Obama joined the chorus of critics, suggesting a family going out for ice cream could be asked for identification — what an insult to law enforcement. That’s not going to happen. The law only allows police to ask about immigration status in the normal course of “lawful contact” with a person, such as a traffic stop, or if they have committed a crime *and* have reasonable suspicion.

The sanctuary cities — you know, those who refuse to enforce our laws — have an easy time criticizing this law, of course without reading it. They don’t live in fear, like our ranchers on the Arizona-Mexico border. During the actual debate over S.B. 1070, my friend, rancher Rob Krentz, was gunned down by an illegal alien. Authorities followed the suspect’s footprints in the desert ground for miles that led into Mexico. Twelve Phoenix police officers have been killed or seriously maimed by illegal aliens. \$2.7 billion a year to educate, medicate and

incarcerate illegal aliens in Arizona. Enough is enough.

Ranchers have been terrorized by the daily invasion of illegals that cross their property. The Border Patrol isn't even on the border anymore. It sets up shop 60 miles inland, and agents are not allowed to use force in stopping anyone. What kind of patrolling is that? And when they get to the big cities, the police are not allowed to ask, unless there is another victim and another crime.

I have to laugh every time a news report comes on detailing the "controversial" Arizona illegal-immigration law. Controversial to whom? This is one of the most popular bills in America today. Poll after poll shows support for this law at 70 percent or higher. Here in Arizona 56 percent of Democrats, 60 percent of Hispanics and 86 percent of Republicans support it. Our citizens get it. Too bad the White House and Congress don't.

Why We Need SB 1070

The new law simply codifies federal law into state law and removes excuses and concerns about states inherent authority to enforce these laws and removes all so-called "sanctuary" policies.

When do we stand up for Americans and the rule of law, if not now? We are a nation of laws, a Constitutional Republic.

Arizona did not make illegal, illegal, illegal was already illegal. It is a crime to enter or remain in the U.S. in violation of federal law 8 USC 1324 and 1325. States have inherent authority to enforce immigration laws and yet has failed or refused to do so. Sanctuary policies are illegal under federal law (8 USC 1644 & 1373) yet we have them all over the United States.

Well here in Arizona we are going to enforce our laws, protect our citizens and stand firmly behind the rule of law.

If law enforcement could not stop someone before this law, they cannot stop them now. If you did not have to carry ID before this law, you don't have to carry ID under this new law. We did not expand law enforcement authority or require any "new" requirements or put new conditions on citizens. We simply took the handcuffs off from law enforcement and allow them to enforce our immigration laws, like any other law.

• The new Arizona law mirrors federal law, which already requires aliens (non-citizens) to register and carry their documents with them (8 USC 1304(e) and 8 USC 1306(a)). The new Arizona law simply states that violating federal immigration law is now a state crime as well. Because illegal immigrants are by definition in violation of federal immigration laws, they can now be arrested by local law enforcement in Arizona.

• The law is designed to avoid the legal pitfall of "pre-emption," which means a state can't adopt laws that conflict with federal laws. By making what is a federal violation also a state violation, the Arizona law avoids this problem. Look at the Supreme Court Decision of *Muehler vs Mena* a 9-0 Land Mark Decision by the U.S. Supreme Court on this very issue of pre-emption, 4th and 14th Amendment issue.

• The law only allows police to ask about immigration status in the normal course of "lawful contact" with a person, such as a traffic stop or if they have committed a crime.

• Estimates from the federal government indicate that more than 80 percent of illegal immigrants come from Latin America. Thus; there is concern that police may target only Hispanics for enforcement.

• Before asking a person about immigration status, law enforcement officials are required by the law to have a lawful contact/a violation of law and "a reasonable suspicion" that a person is an illegal immigrant. The concept of "reasonable suspicion" is well established by court rulings. Since Arizona does not issue driver's licenses to illegal immigrants, having a valid license creates a presumption of legal status. Examples of reasonable suspicion include:

• A driver stopped for a traffic violation has no license, or record of a driver's license or other form of federal or state identification.

• A police officer observes someone buying fraudulent identity documents or crossing the border illegally.

• A police officer recognizes a gang member back on the street who he knows has been previously deported by the federal government.

• The law specifically states that police, "may not consider race, color or national origin" when implementing SB 1070.

• When Arizona's governor signed the new law, she also issued an executive order requiring the Arizona Peace Officer Standards and Training Board to provide local police with additional training on what does and what does not constitute "reasonable suspicion."

Rancher Rob Krentz was murdered by the drug cartel on his ranch a month ago. I held a senate hearing two weeks ago on border violence. One only had to hear the concerns and pleas from these folks to recognize the monumental failure of government to secure our borders and enforce our laws and the cost to our citizens.

Here are just some of the highlights from those who testified.

The people who live within 60 to 80 miles of the Arizona/Mexico Border have for years been terrorized

and have pleaded for help to stop the daily invasion of humans who cross their property. One Rancher testified that 300 to 1,200 people a day come across his ranch, vandalizing his property, stealing his vehicles and property, cutting down his fences, and leaving trash. In the last two years he has found 17 dead bodies and two Qur'an bibles.

Another rancher testified that on a daily basis drugs are brought across his ranch in a military operation. A point man with a machine gun goes in front, one-half mile behind are the guards fully armed, 1/2 mile behind them are the drugs, behind the drugs one-half mile are more guards. These people are violent and they will kill anyone who gets in the way. This was not the only rancher we heard that day who talked about the drug trains.

One man told of two illegals who came upon his property, one shot in the back and the other in the arm by the drug runners who had forced them to carry the drugs and then shot them. They listen to gunfire during the night; it is not safe to leave his family alone on the ranch and they can't leave the ranch for fear of nothing being left when they come back.

The border patrol is not on the border. They have set up 60 miles away with check-points that do nothing to stop the invasion. They are not allowed to use force in stopping anyone who is entering. They run around chasing them, if they get their hands on them, then they can take them back across the border.

Federal prisons have over 35 percent illegals incarcerated, and 20 percent of Arizona prisons are filled with illegals who have committed felonies. In the last few years, 80 percent of our law enforcement personnel who have been killed or wounded were done by an illegal alien.

The majority of people coming now are people we need to be worried about. The ranchers told us that they have seen a change in the people coming they are not just those who are looking for work and a better life.

The Federal Government has refused for years to do anything to help the Border States. We have been overrun and once they are here, Arizonans have the burden of funding state services that they use. Education costs have been over a billion dollars. The health-care costs for illegal aliens runs into the billions of dollars. Our State is broke; \$3.5-billion deficit and we have many serious decisions to make. One is that we do not

have the money to care for any who are not here legally. It has to stop.

The border can be secured. We have the technology; we have the ability to stop this invasion. We must know who is coming and they must come in legally so that we can assimilate them into our population and protect the sovereignty of our country. We are a nation of laws. We have a responsibility to protect our citizens and to protect the integrity of our country and the government which we live under.

It will do no good to forgive them because millions more will come behind them, and we will be over run to the point that there will no longer be a United States of America but, a North American Union of open borders. I ask you what form of government will we live under?

How long will it be before we will be just like Mexico? We have already lost our language; everything must be printed in Spanish. We have already lost our history since it is no longer taught in our schools. And we have lost our borders.

The leftist media have distorted what SB 1070 will do. It is not going to set up a Nazi Germany. Are you kidding? The ACLU and the leftist courts will do everything to protect those who are here illegally, but it was an effort to try and stop illegal's from setting up businesses, and employment, and receiving state services and give the ability to local law enforcement when there is probable cause, such as a traffic stop to determine if they are here legally. Federal law is very clear if you are here on a visa you must have your papers on you at all times. That is the law. In Arizona all you need to show, as a legal citizen, is a driver license, MVD identification card, Native American Card, or a Military ID. This is what you need to vote, get a hunting license, etc. So nothing new has been added to this law. No one is going to be stopped walking down the street. The leftists here and in DC are angry because we dare try and do something. They want the "Transformation" to continue.

Maybe it is too late to save America. Maybe we are not worthy of freedom anymore. But as an elected official I must try to do what I can to protect our Constitutional Republic. Living in America is not a right just because you can walk across the border. Being an American is a responsibility, and it comes through respecting and upholding the Constitution, the law of our land which says what you must do to be a citizen of this country. Freedom is not free. ■

