

ARIZONA SB 1070

Could It Happen Here?

Research Action Report

October 26, 2010

FAITH

COURAGE

COMPASSION

KINSHIP

INCLUSIVITY

POWER

COMMUNITY

DIVERSITY

KNOWLEDGE

LEADERSHIP

ORGANIZE!



COMMUNITY LEADERS FROM SANTA CLARA COUNTY

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ILRC (Immigration Legal Resource Center)

SVAIR (Silicon Valley Alliance for Immigration Reform)

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ICEJ: (Interfaith Council on Economics and Justice)

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Justice for Immigrants (JFI), Diocese of San José is the official diocesan campaign of the program sponsored by the United States Conference of Catholic Bishops, Justice for Immigrants. JFI, Diocese of San José cooperates and coordinates our activities with PACT and members of SVAIR, SIREN and other groups that interact within the Catholic community of the Diocese of San José. We help engage people of all people regardless of race, language, and religious affiliation to participate in the immigration reform movement through direct advocacy, community organizing and prayer.

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Arizona Research Action Report- June 24, 2010 Delegation

UFCW Hall, Phoenix

Arizona Senate Bill 1070¹ (SB 1070) was signed into law by Governor Jan Brewer on April 23, 2010. The state wants to reduce the number of undocumented residents in Arizona. In its first paragraph, the new law says that "the intent of this act is to make attrition through enforcement the public policy of all state and local government agencies in Arizona." The political justification in the debate is the "reduction of criminal activity" in the state of Arizona by enabling state and local law enforcement to question, detain, and deliver to federal agents anyone whom they have "reasonable suspicion" is in the country without proper documentation. Proponents state that it is only affirming existing federal law. SB 1070 took effect on July 29, 2010, but certain provisions of the law were blocked pending full review by the Federal Courts.

Arizona's state action has brought a polarizing immigration debate to the forefront of national politics. This has led to the federal government's response in the form of a challenge to the law as it potentially creates a constitutional crisis regarding who defines immigration law - the state or the federal government. An 1875 Supreme Court decision² declared that regulation of US immigration is the responsibility of the Federal Government.

On July 28, 2010, a day before the law was to take effect, a federal judge blocked the most controversial parts of Arizona's immigration law from being enforced. The overall law still took effect July 29, 2010, but without the most controversial provisions, included the sections that required officers to check a person's immigration status while enforcing other laws. The judge also put on hold parts of the law that required immigrants to carry their papers at all times, and those that made it illegal for undocumented workers to solicit employment in public places. In addition, the judge blocked officers from making warrantless arrests of suspected undocumented immigrants. U.S. District Judge Susan Bolton stated, "Requiring Arizona law enforcement officials and agencies to determine the immigration status of every person who is arrested burdens lawfully-present aliens because their liberty will be restricted while their status is checked."³

In the absence of the federal court's stay, SB 1070 would give significant new powers to state and local law enforcement officers and agencies. While in the course of enforcing any state, county or municipal law or ordinance, SB 1070 would require police officers to determine

an individual's immigration status when they have a reasonable suspicion they might be undocumented. The law creates a new state crime of not carrying one's identification that proves lawful immigration status in the United States. It gives private citizens legal standing to sue if they think city/town/law enforcement is not complying fully with SB 1070. The law prohibits cities, towns, and counties from having any policy in place limiting the investigation of violations of federal enforcement laws. The law also creates a new state crime, making it illegal to either work as or to hire a day laborer. It will also now be a state crime to knowingly transport, move, conceal, harbor, shield from detection someone who is undocumented.

Political reaction to the ongoing debate has been immense. Arizona has become ground zero for anti-immigrant legislation. Fifty-eight percent of respondents in a poll taken shortly before the date of this Research Action supported SB 1070.⁴ A poll taken by a conservative polling organization in May found that 69 percent of respondents nationwide believed that police should be required to check the immigration status of those they stop for traffic or other violations if they believe the person might be in the country without documentation.⁵ Earlier in the month of this research visit, 22 state legislatures were considering passing similar legislation.⁶ In the wake of SB 1070, many cities and counties across the country began to consider anti-immigrant legislation as well. Eleven Latin American countries have requested permission to file amicus curiae briefs in a federal lawsuit against SB 1070.⁷ The government of Mexico has issued a travel warning for the state of Arizona.⁸ Some cities and other organizations, both inside and outside the United States, have called for boycotts of Arizona while SB 1070 is in force.⁹

According to 2008 Census updates thirty one percent of the Arizona population is Hispanic.¹⁰ Forty-one percent of the state's children are Hispanic, with ninety-six percent of them US Citizens, and four percent non-citizens. Department of Homeland Security statistics estimate that 560,000 undocumented immigrants lived in the state of Arizona as of January, 2008.¹¹ A simple survey of the statistics suggests that SB 1070 could affect the lives of many residents of Arizona, both documented and undocumented.

Statistics alone, however, never tell the complete stories of people's lives. Labels such as "undocumented" do not speak to the dignity of every human person, nor do they address the other roles that a person may have: mother, worker, advocate, taxpayer, wife, or neighbor. Amidst the angry debates and partisan positioning in Arizona while SB 1070 was proposed, debated, voted on, and eventually signed into law, the people living in Arizona struggled with the stresses created within their communities. Although SB 1070 as written specifically targets undocumented immigrants, in reality, as the breadth and reach of the law exacerbated fears and stresses within cities, churches, schools, and between people and law enforcement, all people living in Arizona have been affected by the tension.

"If we don't fix this, we are going to have civil rioting on the right and the left. We have to come together in the middle to solve this 50-year quagmire."

Neville Cramer, Retired INS Special Agent

Could It Happen Here? A Research Action

Justice for Immigrants (JFI) is a campaign of the United States Conference of Catholic Bishops to "educate Catholics about the Church's teaching about migrants and immigrants."¹² The rights of migrants and refugees have long been a priority for the Roman Catholic Church, drawing on scriptural references that talk of our forebears' own experience wandering across deserts and through the wilderness, seeking only a place to live in safety, build their communities, and worship their God. Jewish and Christian believers alike read the following text (Leviticus 19:33-34) and are compelled by faith to take action in solidarity with our brothers and sisters:

"When an alien lives with you in your land, do not mistreat him. The alien living with you must be treated as one of your native-born. Love him as yourself, for you were aliens in Egypt. I am the Lord your God."

Recently, the Diocese of San Jose's Justice for Immigrants leadership (JFI), with People Acting in Community Together (PACT) leaders from St. Julie Billiart Roman Catholic Parish, decided to conduct a one-day action research project by taking a delegation to Arizona to hear firsthand accounts about the impacts of SB1070 on the lives of immigrants, as well as within the community at large. The thirty-one delegates from Santa Clara County came from a variety of faith traditions, and many others were in attendance in their professional capacity, rather than specifically as part of a faith community. In addition to faith leaders, the delegation included union leaders, community members, local politicians and public servants, and a journalist.¹³ The motivation behind undertaking this effort was to fulfill the ancient call to treat the "alien" in our midst as we do ourselves. No less important was the desire to hear the testimonies of some of the proponents of SB 1070, who are after all our brothers and sisters as well. Our goal was to understand better the conditions that had led to SB1070, the anticipated effects of SB1070, and to learn whether what happened in Arizona could happen in Santa Clara County as well.

The day began with a flight from San Jose to Arizona at 5 AM. Once the delegation arrived at the UFCW hall in Phoenix Arizona, a local pastor offered a blessing, which was followed by a briefing with local panelists. The panel of 20 was asked to answer the question: What does SB 1070 mean to you? Where do you see answers coming from to solve these challenging issues around immigration? After the two hour long conversation, there was a brief time for

questions, answers and closing thoughts. The majority of the briefing focused on the impact of fear, the breaking up of families the stress on an over extended support system and an economic crisis that deteriorates as boycotts spread.

Panelists from across the political spectrum agreed that US immigration law was outdated for the current economic reality. Emotions were high in the room as participants spoke from anger, frustration, cynicism, sadness, and loss.

“The day the Legislature passed the bill people were crying. They have begun to leave the state after 10-15 years of struggle for a better life. We have been fighting for something better. We are America and we love America.”

Anti-SB 1070 Vigil participant

For all the Arizona participants, it was the first time that both sides of the issue were in the room. Many met each other for the first time and others never imagined they would be in the same room as former Arizona Attorney General, Grant Woods. Even for those on the “same side” it was the first time that so many had come together. Immigrants and their supporters expressed relief at the opportunity to meet and talk with one another, as well as to engage in constructive dialogue with those with different perspectives on the law.

The delegation heard testimonies from those directly affected by SB 1070, undocumented community members who live and work in Phoenix. One California delegate was assigned to have lunch with the co-author of the bill as a protection barrier for the participants that were going to give testimony. Lunch was then followed by focus groups to conduct more in-depth discussions on specific topics. The three-hour focus groups were divided up in the following manner 1) labor, 2) faith, 3) law enforcement/legal, 4) social services/education/the undocumented experience, and 5) policy makers. Some of the groups went on an offsite visit. The policy maker focus group met with former Arizona Attorney General, and Republican Party Consultant, Grant Woods. The day ended with a sharing of the small group experience and an evaluation of the day.

The small group discussions allowed for a more intimate and profound conversation regarding the tensions, impacts and difficulties being faced. There was the sense of loss as isolated populations become fragmented in the face of this policy that is destroying communities, “When people leave, it takes away from the tax base, the consumer base and the labor base. The impacts of this law are not exclusive to the Latino community.” The faith community spoke about fear in discussing the issue, even relating stories of pastors who were

afraid to speak to one other. Every focus group highlighted the need for more civility in the discourse around immigration in general, and SB 1070 in particular.

The delegation from Santa Clara County traveled to Phoenix to learn first-hand from those living through the struggle around SB 1070. In just a day, participants learned the sobering reality of how the legislation had already significantly impacted the lives of people in Arizona, regardless of their views about immigration, and before the law was even in effect. At the time of the delegation's visit, several lawsuits were pending to stay implementation of SB 1070, but panelists universally believed that, even if the law were to be stayed, the cumulative damage caused by the failure to resolve issues relating to immigration in Arizona was already so great that the stalling of one particular piece of legislation would have little effect on the lived reality of people across the community.

"If you're brown, SB 1070 is in effect already."

Labor Focus Group Participant

Indeed, our delegates learned over the course of the day that SB 1070 was but the latest instance of anti-immigrant legislation to be passed in Arizona. In 2005 alone, nine anti-immigrant bills passed the Arizona State Legislature.¹⁴ Governor Janet Napolitano vetoed six of the nine bills, but one of the three that passed barred the existence of day labor centers if the centers served any undocumented workers.

This Report is a compilation of the stories and analysis graciously shared by our hosts in Arizona. Despite the challenges that each participant faced, personally and professionally, after SB 1070's passage and as its effective date loomed, without exception they shared their frank assessment of the complex situation facing their state, their agencies and organizations, and the people living in Arizona, documented and undocumented. Our delegates returned home with a deeper understanding of the depths of the pain caused by SB 1070 and its predecessor legislation. Most significantly, we returned with lessons from people from all perspectives on the immigration debate in Arizona, and pleas to work even harder to stop the cycle of rhetoric and divisiveness. While participants may not have all agreed on the wisdom of SB 1070, none believed that the law would address the root cause of the struggles Arizona faces, or bring about a more just society.

The Report tells the story of a moment in time in Arizona, but is cautionary not only to Santa Clara County and California, but to any jurisdiction in the United States where undocumented immigrants live, work, practice their faith, and raise their families.

Research Action Panel: Stories and Summaries

Introduction:

Panel participants were chosen in order to represent a wide diversity of roles of people affected by SB 1070 in the Phoenix area. Senate Bill 1070 unambiguously targets *undocumented immigrants* living in Arizona, but its effects are far reaching, directly or indirectly affecting all Arizonans. To gain as full a picture as possible of the breadth of impact of SB 1070, the JFI research action invited people from organized labor, faith communities, education, social services, law enforcement, and public policy to address a series of questions about the impact of this legislation from their specific perspectives.¹⁵ In addition, some people who were directly targeted by SB 1070 – undocumented workers – shared their thoughts and experiences.

Although the panelists came from many distinct backgrounds, some common themes emerged from the panel discussion. Participants representing different viewpoints about SB 1070 agreed on a critical point – this particular piece of legislation was only the latest incident in a long-term situation regarding immigration in Arizona. Although the new law received a great deal of media attention, legislation enacted in previous sessions had already restricted the rights of undocumented immigrants within the state. **After several years of increased polarization and no legislative solutions, many voters simply disengaged from the process and stopped voting.** This led to the election of even more anti-immigrant candidates, more partisan rhetoric against undocumented workers and their families, and a more pervasive environment of fear and mistrust within the community.

Thus our delegates identified a key theme from the morning's discussion that is instructive to our own work in Santa Clara County: **Maintaining an engaged and involved electorate is essential.** Although SB 1070 and predecessor legislation in previous sessions eroded the security and safety of immigrants in Arizona, the presence of a Governor who sought a very limited state role in what was perceived as a federal issue resulted in vetoes of many bills that were even more anti-immigrant than SB 1070. In some cases, the systematic denial of immigrants' rights hinged on only one or two legislative votes. Had enough immigrant citizens and their supporters turned up at the polls to shift the results in a small number of seats, the results could have been very different. Now, with Governor Brewer using anti-immigrant rhetoric as an integral part of her campaign for a full term in office, the political atmosphere in Arizona is such that changing immigrants' circumstances via the electorate will be difficult for years to come.

The enforcement campaign led by Maricopa County Sherriff Joe Arpaio, ostensibly carried out under the authority of federal law, made the Phoenix area the most hostile environment for immigrants – documented and undocumented alike - in the state. Even before

SB 1070, conditions for immigrant workers and families were not good, and the economic downturn from 2008-2010, including rising rates of unemployment among US citizens as well as undocumented workers and legal permanent residents, had brought what was previously a simmering resentment to a boiling point. Especially in Maricopa County (Phoenix), Latino residents increasingly found themselves the targets of anti-immigrant rhetoric and suspicion, nominally aimed toward undocumented immigrants, but as a practical matter affecting anyone perceived to be of Mexican, Central American, or Latin American descent. As one panelist noted, “Even before SB 1070 was drafted there was a lot of prejudice going on.”

During the course of the two-hour panel discussion, community organizers who work directly with immigrants openly wondered if some of the clauses of SB 1070 that prohibit transporting immigrants in a vehicle would criminalize their work – they use a handful of vans and cars to, among other things, help people attend church services. An educator spoke about the trauma he was seeing in children and adolescents who were missing more school and worrying about whether their parents would be deported while they were away in class. A proponent of the law shared his frustration with the perceived lack of initiative shown by the federal government, and its inability to resolve the issue of undocumented immigration, leaving the state no choice, in his opinion, but to act to protect its citizens. An immigrant woman who was participating in a vigil begun the day of SB 1070’s passage spoke of her sadness at seeing her community so afraid and so fragmented.

From the morning panel session, the California delegation heard participants from various perspectives speak out against any broad boycott of Arizona. Those who were in favor of SB 1070 saw themselves as reluctant bearers of work that needed to be done to strengthen the state, but work that was properly in the Federal government’s purview. They believed that SB 1070 would help improve Arizona’s economy, but a boycott would jeopardize that progress. Opponents of SB 1070 spoke about who would be hurt most by a boycott, especially one that included conferences and tourism – the many men and women who work in the hospitality and service sector in Arizona, a significant proportion of whom are immigrants, documented and undocumented alike. Labor advocates advocated for targeted travel to Arizona, including staying in union-staffed hotels and supporting local immigrant businesses.

The morning panel discussion closed with no resolution of the myriad problems facing immigrants and others in Arizona, both before and after passage of SB 1070. For many participants, though, this discussion was the first time they’d met face to face with others who held very different perspectives than themselves, and all felt that the opportunity to engage in dialogue in a focused and facilitated manner had given them an opportunity to be heard by the others. To our delegates, the breadth of the morning session provided a strong foundation to take into the more intensive afternoon focus group sessions, where the delegation would

divide into small groups to discuss key areas in depth with representatives of those constituencies from the Phoenix area.



Focus Groups: Learning from our Arizona Organizational Counterparts

Following the morning panel, participants broke into five separate focus groups to share lunch and discussion about SB 1070's particular effects on their constituencies. One group consisted of workers and union organizers who discussed how SB 1070 was affecting not only labor organizing, but working conditions for all employees, especially in the hospitality industry. A second focus group brought two religious leaders together with our participants to discuss how faith communities and leaders were responding to the new law. Policy Makers met to discuss governmental implications of SB 1070 and prospects for moving forward. Social workers and educators gathered to share the very human stories of how anti-immigrant rhetoric and legislation was devastating children and families, and making communities more unsafe. Finally, although invited law enforcement delegates opted to not attend the session, a former INS special agent and retired Former Attorney General Grant Woods shared their perspectives on law and immigration enforcement strategies in the context of SB 1070.

Working Under the Sun: Labor Organizing Culture in the Context of a Hostile Environment

Participants:

Stan Taylor, St. Julie's Parish Liaison to Interfaith Council for Economics and Justice (San Jose)
Rev. Rebecca Kuiken, Director, Interfaith Council for Economics and Justice (San Jose)
Tony Alexander, Political Director, United Food and Commercial Workers (UFCW) (Arizona)
Rebekah Friend, Director of Arizona State AFL-CIO
Josué Garcia, Deputy Executive Officer, Santa Clara/San Benito County Building & Construction Trades Council (San Jose)
Ten workers from various industries (Arizona)
Maria and Nick, staff organizers of the Interfaith Alliance for Worker Justice (IAWJ) (Arizona)

Several workers from the construction and hotel service industries, as well as union organizers from the AFL-CIO and other trade unions joined the afternoon panel discussion about labor organizing in the shadow of SB 1070. A recurring theme in the discussion was "fear" – fear of racial profiling, fear of retaliation, fear of a worsening of the economic downturn, exacerbated by the economic effects of boycotts and of immigrants abandoning Arizona. Even in the welcoming environment of this research day, the worker participants asked to remain anonymous in any report about the event. Any statements that might potentially identify any individual have been modified to retain the intent of the statements, but to remove the risk to the worker who spoke.

The Labor Focus Group participants began the discussion by presenting the context in which labor finds itself in Arizona in 2010. As with the rest of the nation, the economic

downturn has hit certain industries especially hard, including construction. A participant reported that the construction trades locally were experiencing 55% unemployment due to the absence of commercial construction. This dramatic drop in employment has increased the number of workers, including immigrants, who are reaching out to the unions for support. As a result, the AFL-CIO has begun to build worker justice campaigns that explicitly include immigrant workers.

As with so many other constituencies in Arizona, union organizers reported that the proposal and passage of SB 1070 created huge rifts within their membership. The membership of Unite Here, one of the most diverse labor organizations in the area, declined to take a stand on SB 1070. Many of their members were frustrated by the organization's silence on the issue, but other members prefer to not get involved, and even see the fight over the rights of undocumented workers as a distraction from efforts to organize and provide better jobs and working conditions for workers who are in the country with proper documentation. Others see the issue as one of a broken border, where immigrants are able to come in and take jobs without documentation, and with willingness to accept wages and working conditions that would drive the overall wage structure down for all workers. With no coherent message around which the membership could agree, Unite Here simply opted for neutrality, a stance that reportedly frustrated nearly everyone, even if for different reasons.

A hotel worker who is also an organizer with Unite Here explained that many of his coworkers were not politically active. "It's asking a lot to get people to take a position about [SB 1070], when even teaching people what the union is takes work."

Even before SB 1070, low-wage workers were feeling the economic pressure, with shifts, hours, and wages being cut, and remaining workers asked to do more work under worse conditions. One worker shared a story of a hotel that had previously employed around 500 employees gradually cutting employment down to under 300, often by aggressively disciplining employees for offenses that would've passed unnoticed before, such as being one minute late for a shift or wearing a slightly incorrect uniform. Fewer people are doing essentially the same work, but with no additional compensation or benefits.

Union hotels are not immune from these pressures. On the one hand, employees feel slightly better protected because of their contracts, but they also report that the climate has made everyone more fearful. Another hotel worker related the story of a colleague: "The talk show hosts are scaring people. A front desk worker I know who worked at the hotel for 16 years was really stressed by SB 1070. The worker took four days off work and started having migraine headaches. He finally gave up and sent all of his furniture to Mexico. He's going to move back." Another worker from a union hotel explained that being organized is no easy solution to the

problems caused by the downturn and fear of SB 1070. Although the workers see some of the good that has come from having a contract, they still fear taking the breaks to which they're entitled.

The participants spoke with one voice, however, when it came to the question of boycotts proposed by out-of-state opponents of SB 1070, and supported by at least some elected officials and community organizations within the state. Without exception, the members of the Labor focus group spoke unambiguously *against* any boycott of the state. "Boycotts hurt the wrong people." The global economic downturn has resulted in a sharp decline in the number of construction jobs, and tourism is not only one of the remaining drivers of Arizona's economy, but it's one of the remaining viable options for employment for many workers.

Rebekah Friend of the Arizona AFL-CIO suggested that no general boycott was useful. However, a targeted boycott of those who provided the financing, lobbying and support to create SB 1070 and other anti-immigrant legislation could be considered. At the time of the Research Action day, work was still in progress to identify who those supporters might be.

A general boycott would just provide employers with more reasons to cut hours, cut wages, and cut staff. Instead of boycotting Arizona, the worker and organizer participants in the Labor Focus Group discussion urged Californians to support their struggle in Arizona. Visitors were urged to come see the state, but stay in union hotels. Organizers urged activists to come to Arizona to help organize workers, and even send money to Arizona to help the unions organize hotel and other workers. The boycott called when SB 1070 passed was badly dividing the community, and even creating divisions among organized labor along racial lines.

Interfaith Alliance for Worker Justice – Helping Workers Know Their Rights

A subset of the Arizona delegation left the UFCW meeting hall to visit the Interfaith Alliance for Worker Justice (IAWJ) home. Two staff organizers, including one who joined the staff after seeking their help following a labor dispute with a previous employer, met with five of the delegates.

Maria shared her story of how she came to be involved with IAWJ. For over 15 years, she was employed by a large grocery store chain as a bakery manager, specializing in custom cake design. In the course of her employment, she suffered stress fractures to her feet, and could not work. Her manager had her sign a blank document, and then subsequently filled in data that resulted in her termination. He also indicated that, because she was "illegal", she would not receive unemployment compensation.

Maria is a United States citizen.

She sought help from IAWJ, which assigned someone to assist her with reopening and filing her case, ultimately leading to her receiving the unemployment benefits to which she was due. She chose to remain with IAWJ after this experience, helping other women who are caught in unjust employment situations, who have been intimidated at the workplace, and who have lost hope. Even before SB 1070 passed, she began to hear more stories of white people attacking Latinos, attacking Mexicans. Maria says that some women have committed suicide because of the stress.

Since SB 1070 was proposed, already stressful conditions for Latinos living and working in Phoenix have deteriorated badly. Maria says that the police just assume that anyone Latino is illegal. Her son was asked for a green card or birth certificate during a routine traffic stop. The police only stopped hassling her son when they realized that Maria knew her legal rights, and was not afraid to assert them. Workers who are stopped and who only have a green card may find themselves facing tickets for offenses that would never be given to citizens, which affects people's ability to purchase insurance. If insurance is available, its costs are increased by the additional infractions on the driver's record. Even though people with green cards are legally able to work, to drive, and to be in the country, the climate after SB 1070 is so bad that they are afraid to leave their homes or to stand up for their rights. "The police are playing the "illegal" card already, even though the law hasn't taken effect."

"At IAWJ, we used to get 15-20 people a day coming in to talk with us about their rights. Now we only see two or three. The others are afraid to leave home or to travel anywhere they don't need to go."

IAWJ Organizer, Phoenix, Arizona

Nick, another IAWJ organizer, believes that SB 1070 is giving a sense of impunity to bad employers, removing any reason they might have to even attempt to act responsibly toward their employees. "People see raids. They accept getting ripped off, or having to leave." Media coverage is filled with language such as "border battles", "illegals", and "aliens" – all terms used to characterize Latinos as a whole. He noted that as the climate deteriorates, local Chicanos (2nd generation immigrants) are beginning to exploit their undocumented workers and neighbors, taking advantage of the climate of fear that will keep these workers from complaining about their treatment for fear of deportation. Both organizers asserted that wage theft and worker mistreatment was on the rise because of the climate of fear engendered by SB 1070, especially the belief by workers that any attempt to report violations of wage or safety regulations would put them at risk for deportation.

Nick believes that FAIR, the conservative organization behind SB 1070 has a strong organization that will support copycat legislation around the country, and that will use the same rhetoric to organize anti-immigrant campaigns and build their organizations in other places. Whether legislation passes or not, “enforcement through attrition” – generating a climate of such fear among immigrants, especially those who do not know what rights and protection they do have, achieves the intended purpose.

Much of IAWJ’s work in the wake of SB 1070 has been the development and deployment of “Know Your Rights” campaigns to both documented and undocumented immigrant workers. These training sessions, often conducted now in workers’ homes due to their fear of traveling to the center, include lengthy role-play sessions. How can an undocumented worker best respond if ICE agents arrive at her workplace? What rights does an immigrant worker have when law enforcement officers are putting papers in front of him in a language he cannot read, and order him to sign his name on a line? The IAWJ organizers explained that, while a few private attorneys have come forward to help immigrants in emergency situations, there is no organized legal assistance for Latinos – documented or undocumented – who have experienced harassment by the police, or who are questioning whether their rights at work are being violated. Therefore, the “Know Your Rights” campaign is very valuable to the workers. IAWJ’s organizers encouraged our delegates to develop and implement similar efforts in Santa Clara County as well.



Faith Focus Group: All God's Children: Embracing the Sojourner

Participants:

Rev. Gary Kinnaman

Rev. Ian Danley, Director

Rev. Nancy Palmer Jones, Senior Minister, First Unitarian Church of San Jose

Lynne Lukenbill, Santa Clara Mission

Heidi Livingston Eisips, Chair, Jewish Community Relations Council, San Jose

Rev. Jack Michael (Chair), First Congregational Church of San Jose

The Arizona participants in the Faith Focus Group gave voice to many of the underlying issues behind SB 1070. They drew sharp contrasts between the official justification given for the promotion and popularity of the law, and the more complicated and, for people of faith, profoundly troubling concerns that would not be addressed simply by enacting this legislation. Several participants agreed that the biggest division within the faith community as a whole is not along denominational or congregational lines, but along ethnicity. Even within many individual faith communities the congregations are fragmented – “It’s a white vs. brown issue.” As one participant explained, within Arizona, the <diversity> of religious identification is broken down into three similarly-sized categories: Roman Catholic, Evangelical, and Latter Day Saints (Mormon). Russell Pierce, the chief legislative proponent of SB 1070, has relied on the support of the most conservative members of these three groups to help promote his message. Thus religious lines were being drawn to support passage of the law.

The day of the Research Action, a quote from Governor Jan Brewer appeared in the Arizona Republic. The governor stated that “[t]he majority of people crossing the border are a criminal element.”¹⁶ Absolutely no statistical proof exists to substantiate this claim; indeed, significant data suggests that border cities such as Nogales and El Paso are extremely safe, and that all Arizona border cities have experienced declining or flat crime rates over the past 10 years.¹⁷ “Only one death this year has been attributed to immigration, and there hasn’t been a single murder in Nogales” (a city on the US-Mexico border). One focus group participant pointed out that El Paso, also along the border, is currently the second-safest city in the United States. “People aren’t listening for the truth.”

If data disproves the controversial statements made by Governor Brewer and other elected officials, what, then, is the source of the fear that has led to SB 1070’s passage, and why does the legislation have significant support across the Arizona electorate? The delegates to the Faith focus group argue that the source of the tension is a result of the huge demographic change that has taken place in the East Valley / Mesa area around Phoenix. According to the delegates, 50% of the under-18 population in the area is Latino, a noticeable increase,

especially to the area around Mesa. “We’re not talking about the demographic change, though – we’re talking about the border, about ‘legality,’” explained one of the focus group participants. In addition, the Arizona electorate is heavily influenced by retirees from out of state. “The sentiment that this demographic change is a bad thing is in our churches.” As a result, the faith community in the Phoenix area is deeply divided, not by congregation or denomination, but by ethnicity. “It is a white vs. brown problem.”

The delegates reported that in the Phoenix area, at least, congregational leaders were aware of the tension and racial dynamics, but seemed unsure how best to address the situation. Some Evangelical churches with large immigrant populations had begun to speak out about SB 1070, but most were still silent. Later in July, an interfaith meeting for immigration reform had been planned, bringing leadership from mainline Protestant churches. A key theme of their discussion was simply to share how difficult they found the task of talking about issues around immigration, especially as those issues related to race and demographics. Many church leaders share a sense of compassion and empathy for both the immigrants and those who feared their presence, but find it quite difficult to know how and where to begin to address the fundamental issues underlying the new law. “We have to be careful not to contribute to the problem or fan the flames.”

Faith community leaders recognize that the current tumult around SB 1070 is not a new phenomenon, but simply the latest and most visible step in a situation that has been gradually deteriorating for at least six years. Multiple incremental pieces of legislation were passed over a period of several years, with SB 1070 only the latest – and not the only anti-immigrant legislation proposed during the 2010 legislative session. Social service funding was cut, eligibility for in-state tuition relief for undocumented high school graduates was cut, and a bill with tough sanctions for employers who hired undocumented workers cost many their jobs, and drove families into poverty.

“Our cultural formation (around race, racism, and the media) is stronger than our spiritual formation.”

Participant, Faith Focus Group

Churches have some degree of influence, and thus have the potential to significantly affect how Arizonans weather this crisis. Focus group participants laid a share of the blame on a “failure of leadership” within the religious community. Faith Focus Group participants expressed frustration that Phoenix Bishop Thomas Olmsted “has been silent” about SB 1070. In actuality, Bishop Olmsted had published a column against SB 1070 in May in the local diocesan paper¹⁸, but it is unclear whether most non-Catholic Arizona faith leaders were aware of his

stance on the proposed legislation. “We haven’t done enough explaining to our congregations to explain why law enforcement only solutions are immoral according to our tradition.” A focus group participant recounted how failures after amnesty in the 1980s contributed to the crisis today. No system was ever established to create legitimate entry points or provide unskilled worker visas. Undocumented workers continued to arrive to work in agribusiness jobs, and tacit support was given to the employers to hire these workers without retribution, even for violating wage and hour laws, but the laborers themselves were punished if they were caught, because they hadn’t entered the country legally. “It’s *immoral* to blame only the workers.”

The portrayal of the immigration situation in Arizona as a “zero-sum game” is immensely destructive to the community. Arizona is currently very polarized over the issue, and the mass media, especially conservative talk radio stations, are engaging in very divisive rhetoric. “People listen to talk radio and hear one side of the situation, but think they’re hearing the truth.” Not only does the media coverage contribute to the polarization within the community, but, as one participant noted, it affects how people see their neighbors. “It feeds a latent racism in all of us! The media spark this, because they need the ratings, and politicians need angry people to drive their agendas.” He then drew a contrasting <view> - “We faith leaders need to have a *different* kind of voice – the voice of civility.”

Rev. Gary Kinnaman, who describes himself as “an unapologetic Evangelical with a social conscience”, outlined three keys to addressing the impasse in which faith communities in Arizona find themselves: *begin with compassion, engage with civility, and then seek a non-partisan solution to the problem.* “We need to appeal to people to back off and examine their values and choices.” He indicated that it wouldn’t be an easy task. “People aren’t connecting what they hear in their churches with how they live their lives.” At Gary’s former church, the immigration issue is no longer a topic to be discussed. The pastor who succeeded him in the community tried to bring it up, but was met with significant opposition. “Now the official position there (about this issue) is ‘on our knees’ – it’s a matter for prayer.” Both participants noted the need to engage beyond their own faith communities as well. “If we’re just preaching to the choir, then we’re losing all across the country.”

“Of all the streams of influence in our culture, religion isn’t even in the top ten.”

Participant, Faith Focus Group

The participants from Arizona were asked if they had found any particularly effective vehicles for outreach to people outside of their own churches, especially with those who disagree with them about the issue of immigration. Gary is focusing on getting evangelical leaders in a room

together to build connections and friendships, and then to begin to work on issues of shared concern. He suggested that nondenominational evangelical churches have enough differences with traditional interfaith organizations that alliances now would be difficult, but that in any case, evangelicals needed to begin by simply talking with and getting to know one another. He noted an increase in concern about social issues among evangelicals, and believes that there are new opportunities to work together on this issue now, even when it was impossible in recent years. In 2008, both of these faith leaders had been part of a call for compassion around immigration, calling for “civil discourse, not civil war” without taking any specific policy position at all, but many others in the local faith communities responded with anger, called them “open border” people, and refused to engage. They noted that even the term “sanctuary” was detrimental in Arizona now – “It’s too freighted with old baggage.”

Ian spoke of “parallel vehicles” – forming connections with people outside of faith contexts, building relationships one on one with influential people “at the golf course, over dinner” – in whatever nonthreatening context might enable an open discussion. “Our job is to carry the burden of the pain of anti-immigration laws to the people who don’t have to feel it.” He related the story of working with a fast-food franchise owner, originally not an ally, who was ultimately moved to attempt to lobby Governor Brewer against signing SB 1070.

The two pastors cited several examples of interfaith efforts that were beginning to bear fruit. The Reform Immigration for America (RIFA) vigil was created by people of faith, and at the time of the Research Action, African-American church leaders were becoming engaged around the issue. The Valley Interfaith Project, Arizona Ecumenical Council, pastors from Nazarene churches, and the most prominent African-American preacher in Phoenix had all begun to speak out against the proposed law, and to advocate for comprehensive immigration reform.



**Public Policy and the Politics of Immigration:
Toward Defining and Redefining What It Means to Be American/What it means to be America**

Participants:

Dave Cortese, Santa Clara County Supervisor, District 3
Petra Falcon, Reform Immigration for America (RIFA) (Arizona)
Ash Kalra, San Jose City Council, District 2
Brendan Walsh, PhD, Executive Director, Central Arizonans for a Sustainable Economy (CASE)
Rev. Jon Pedigo, S.T.L. (Chair), St. Julie Billiard Roman Catholic Parish
Other community participants

The views and insights from the Arizona policy makers reflected the complexity and competing interests that SB 1070 itself demonstrates. Individuals working in government or other public policy roles represent Arizonans who promoted SB 1070 as well as those who are directly negatively impacted by its passage. This focus group was asked to address questions of how SB 1070 came about, as well how its implementation would affect civic life in Arizona, including public safety and state, local, and individual economics.

Petra Falcon, representing Reform Immigration for America (RIFA) discussed the political background and dynamics that led to the passage of SB 1070, and that also contribute to a toxic environment around the issue of immigration. She described how, after 9/11, immigration became a valuable issue for politicians to use when they needed to increase their poll numbers. Proposition 200, an Arizona state initiative passed in November 2004 with 56% of the vote, requires individuals to produce proof of citizenship before they may register to vote or apply for public benefits in Arizona. The proposition also makes it a misdemeanor for public officials to fail to report persons unable to produce documentation of citizenship who apply for these benefits, and allows citizens who believe that public officials have given undocumented persons benefits to sue for remedies. Authors of the ballot measure, the "Protect Arizona Now" committee, wrote it because of a serious concern for lax voter registration and voting procedures and concerns that public services to immigrants from neighboring Mexico, many of whom are illegal immigrants, were too costly. Proposition 300 (2006) removed basic health privileges from undocumented children and barred undocumented adults from taking adult education classes. These measures further isolated the immigrant community and helped perpetuate divisiveness across the state.

When Janet Napolitano was governor, many of the harshest anti-immigrant bills were vetoed.¹⁹ Barack Obama's election resulted in a worse situation for immigrants in Arizona. First, Napolitano was selected to chair the Department of Homeland Security, and was replaced by Jan Brewer, a governor much less sympathetic to the rights of the undocumented. Even in the

most recently concluded legislative session (2010), seven bills with explicit anti-immigrant positions had all passed easily and all were expected to be signed into law by Governor Brewer as well. Anti-immigrant legislation since Obama's election also resulted in increased polarization in Arizona in general, often along racial lines. Arizona was hit hard by the economic downturn, many white people had not voted for President Obama, and a great deal of mistrust of him and his government led to even greater polarization across communities. "The economy sunk, and people were looking for someone to blame."

Participants discussed the impact that SB 1070 was having on the Arizona economy already, well before the law took effect. Several immediate impacts were noted, as well as others with longer-term implications. Long lines at Mexican consulates were described, as some people were choosing to register their US citizen children with the Mexican government as well, in case they were deported or needed to move. In Arizona, as in many communities across the US, a significant number of families are "mixed-status", with both citizen and undocumented members, even within the same household. One participant noted that many families have only one undocumented member, possibly a parent of kids who are citizens, but who has been unable to become a citizen himself or herself. Public policy issues around family unification were not being adequately addressed, according to the focus group participants.

Senate Bill 1070's effects on local and state tax revenues, retail sales, and availability of labor as people began to leave the state in advance of the law's effective date were generally agreed upon by the focus group participants. As one person noted, "If even five percent of the population moves, it will have an impact. A five percent difference will make or break many institutions." Local businesses were already noticing decreased sales, even within areas that had previously been recovering a bit from the economic downturn. Anecdotal stories of families already packing up to leave Arizona were shared, along with comments about how those departures would mean fewer children would attend local schools, negatively affecting the money that would come from the state to fund those schools. As one participant noted, "Education is not the issue, because these children are Americans. We are investing in our future." With families leaving the state, foreclosures, both of single-family houses and of rental properties, were expected to increase.

The impact of the media in Arizona's polarized political climate cannot be overestimated.²⁰ Several participants noted that the media appears to be able to run stories with misinformation about border security or crime rates among undocumented immigrants without being held accountable for checking what they are presenting as "fact." One participant talked about how the media coverage around immigration is increasingly sensationalized, and that what is presented as "news" comes with an unmistakable anti-

immigrant editorial slant. As a participant from RIFA noted, “There is no presentation of the faces of fear within our community. The media is not portraying things right.”

Participants discussed the gradual discouragement and disenfranchisement of the legal immigrant community, as more and more legislation passed over the years that targeted undocumented workers, but caught them up in the waves of racism and antagonism as well. “You grow up thinking that it’s all right for the white people to undermine the brown people. People are afraid and discouraged.” One member spoke of how people in Arizona are often there because they simply couldn’t make it in New York or California. “Arizona is their last chance” for a better life for themselves and their families.

The increased immigrant presence over the previous decade, coupled with an expanding number of white retirees, has resulted in two new badly-drawn congressional districts, further fragmenting communities and increasing political tensions. Focus group participants discussed the balancing act that business interests play with regard to immigration in general, and SB 1070 in particular. On the one hand, business interests are often seen to side with anti-immigrant activists. On the other hand, though, immigrants – documented and undocumented alike – are customers of local businesses. They are vital to the labor force, and they make purchases and pay taxes as well. Businesses therefore can’t afford to completely alienate the immigrant community, or to be perceived as being too closely allied with the right-wing white nativist activists. The business community is also currently allied to some degree with organized labor, arguing against a general boycott of the state. In Arizona’s already weak economy, a boycott can severely damage the business community. Meanwhile, the people who might be most severely hurt by a boycott are the immigrants working in the hospitality and service industries. For different reasons, both sides are wary of the boycotts emerging in the wake of SB 1070.

Participants were asked to provide their thoughts about the politics of the border, and how border issues and border policy in Arizona contribute to the discourse around SB 1070. One participant responded, “Let’s understand what’s *really* broken here, and what needs to be fixed.” Much of the discussion in Arizona, as well as pleas made to the Federal Government, has focused on the idea of “sealing the border.” Data shows, however, that violence along the border is down (contrary to statements by the Governor and popular perception), and that the ease with which people can cross the border has been severely curtailed. The border is a symptom of broader economic forces, as one participant noted.

Social Services Focus Group

Living Out our Social Contract In the Context of Fear and Uncertainty (Health Care, Education, and Social Work)

Participants:

Carol Dunn Thornton, St. Mary's Parish, Los Gatos, JFI
Patti Basulto, JFI Executive Team, St. Julie's Parish, San Jose
Dione T. Rábago, JFI Executive Team, PACT, St. Julie's Parish, San Jose
Staff member, Chicanos por la Causa
Kendra Leiby, Arizona Coalition Against Domestic Violence
Jarret Sharp, Children First Academy, Phoenix and Tempe
Domestic violence case workers, A New Leaf, Phoenix
Laurie Medool, Family Care Center
Arizona Department of Economic Security and Child Protective Services

The social services continuum in Arizona, ranging from schools to shelters, was expected to experience intense effects from SB 1070. As the safety net for the most vulnerable in the community, a law that promised to increase the vulnerability and fear within a significant portion of the population served by social service agencies could not avoid increasing the burden on these agencies and their staff. Educators of children would be similarly affected; federal law guarantees all children, regardless of citizenship, a K-12 education, but SB 1070 could potentially jeopardize access to other programs that families need for their well-being. Educating children who are afraid of a parent's deportation is no simple task. Our delegation expected to hear the worries and plans of focus group participants as SB 1070's effective date loomed. Instead, the stories shared were of the trauma already experienced as a result of the pending legislation. Workers at domestic violence shelters, educators, and social workers were already seeing the fallout of SB 1070 and the toll it was taking on the lives of some of the area's most vulnerable residents.

Social work focus group participants, similar to the participants in the Faith focus group, identified demographic shifts in the Arizona electorate and population as a whole as factors behind anti-immigrant legislation. "The majority of the population is migrant, but most of the voters are retirees from the Midwest. They are not interested in social services, education, or healthcare for the disenfranchised community." One participant spoke passionately of her understanding of the agenda of these voters, the helplessness of the immigrant community in response, and said "Moderates are just shutting down." The polarization within the community as a whole makes any attempt to pass progressive legislation impossible.

"[Voters] are not interested in social services, education, or healthcare for the disenfranchised community."

Participant, Social Work Focus Group

Educator participants in this focus group discussed the racial politics and tensions that also contribute to a polarized situation, even with regard to children's education. Within many public schools, white parents believe that the "best teachers" are often assigned to work with special education students, and children of color (including English Language Learner students) are pulled from the classroom for special programs or immersion. As a result, they believe that it's their own children who are receiving fewer education dollars and less support in the schools. "It's a monumental struggle to collect data" to demonstrate that this is not happening, said the educator. Other controversies arise over STEM (Science, Technology, Engineering, and Mathematics) magnet programs. STEM programs receive additional funding, but according to one of the educator focus group participants, some white families feel "entitled" to have their children attend those programs. Angry battles have erupted when STEM programs have been opened up to all students, potentially including US citizen children of undocumented parents or even undocumented children themselves. "Communities are pitted against one another, and the deep-rooted racism has become systemic in the programs we offer and in our schools."

Participants in the Social Work, Social Services, and Education Focus Group provided some of the most troubling testimony about the effects of SB 1070 on vulnerable communities in Arizona. An educator at a charter school with a significant number of immigrant children related the trauma in school the day SB 1070 passed the legislature. "Everything came to a grinding halt. We spent the rest of the day soothing the kids." He spoke of at least ten families who had been "irreparably broken" by the severely broken immigration system itself. When one parent is deported, the remaining parent, often also undocumented, has to decide whether to leave to rejoin the other parent in their country of origin, or to remain with the family's children, often US citizens, while still living in the shadows. In some cases, the remaining parent has chosen to uproot the family to move to another city or state. In all cases, the disruption to the children's education and sense of stability is dramatic.

According to educators who work with immigrant/migrant populations time a family moves, it takes about two weeks for their children to return to school, and then another month of adjustment and settling the family into the school. In the meantime, the kids' social skills decrease. The family is functioning in survival mode, and children do not have an environment conducive to study or to build friendships. For educators, the effect is not just on students who come and go, but on all of the children in the school, who are unsettled with each transition in or out of a classmate.

Along with the stress faced by the children, schools face other challenges. Public school funding is based on the number of students who attend classes. Even before SB 1070 was proposed, calculating regular attendance expectations for a school with a significant population of children of undocumented parents was difficult. Once SB 1070 passed, some students' school

attendance became very sporadic or stopped altogether. Some families stopped using public transportation, believing it would put them at greater risk of being identified and deported. Other families simply uprooted themselves, sometimes after many years, and left Arizona altogether.

If the stories related about the effects of the broken US immigration system on Arizona's immigrant children are disturbing, the effects on women experiencing human trafficking and domestic violence are even more tragic. One Focus Group participant who works with a domestic violence shelter estimates that a third of the victims of domestic violence that her agency sees are immigrant women with American citizen husbands who, as part of the abuse they perpetrate, withhold documents, threaten their spouses with deportation if they are not compliant. In even more severe cases, women are prostituted by their male partners for money or drugs, with the threat of turning the women over to ICE looming if they refuse to comply. Some of these women entered as refugees and thus have legal status, but the news and rhetoric around the law have created significant confusion, and many of these women erroneously believe that SB 1070 applies to them as well. As a practical matter, although they are legally protected by their refugee status, SB 1070 places the burden of proof on them to prove that they are, in fact, in the country legally. Any encounter with law enforcement involves risk, especially if a woman's husband is withholding her documentation as a means of maintaining control.

"I feel trapped in our home."

Arizona victim of domestic violence, reported by a Social Work Focus Group participant

Even some of the service providers are unclear about the effects of SB 1070 in the course of the work that they do to support these women. Harboring or transporting an undocumented immigrant is a criminal act under SB 1070. The law provides no exemptions for social service workers, domestic violence counselors, religious organizations, social workers, or volunteers with any community organizations who may have previously been part of the support network for women and children trying to escape abusive situations. Even though one of the primary shelters in the Phoenix area is funded by the federal Violence Against Women Act, much confusion remains around whether or how the agency workers can continue to support undocumented immigrant women without running afoul of SB 1070.

All of the participants in this focus group shared similar stories. Each agency received funding from sources other than the State of Arizona. Some domestic violence shelters receive federal funding, and others are able to take advantage of nonprofit funding as well. Schools are protected in their educational capacity by federal laws that guarantee all children a K-12

education, but what about charter schools, or other programs at schools that provide other services to school families, some of whom may be undocumented? One social service agency even lost its Executive Director, who had been working with a legal work permit in the United States. When she tried to renew her work permit before its expiration date, she lost legal status because a previous signatory authorizing her work was no longer authorized to do so. She was deported, leaving her husband and children in Arizona.

This agency has begun proactive work with its staff and volunteers to counter the impact of SB 1070 on the community they serve. This Latino-led organization is struggling with questions of whether they are permitted to transport their clients – including women who have survived domestic violence and their children – to safety. They have already trained their staff and volunteers to “neither confirm nor deny” the status of any client whom they serve in their residential or other programs in the event that they are questioned by ICE. “We’re very worried about our clients. They come to us for respite, but then often end up going back to their abusers because they have no other means of support, and they are cut off from services.”

Enforcement and the Law: Upholding Community Safety and Civil Rights

Grant Woods, Former Attorney General, State of Arizona
Neville Cramer, Special Agent (Retired), Immigration and Naturalization Service

Several law enforcement agencies were invited to send representatives to participate in the Research Action day, but all either failed to respond or declined to participate. However, former Arizona Attorney General Grant Woods, did join the discussion for the day. Former Attorney General Woods and offered his thoughts about SB 1070, and also about the history and the present cultural context within Arizona that led to the law’s passage. In addition, Neville Cramer, a retired Special Agent with the Immigration and Nationalization Service (INS), which was renamed “Immigration and Customs Enforcement” (ICE) after the creation of the Department of Homeland Security, joined the discussion and offered his thoughts about immigration laws, their enforcement, and the challenges posed by SB 1070.

Former Attorney General Woods identified himself as a Republican, and as a supporter of Senator John McCain. Contrary to stereotype, he says he cannot support SB 1070 because he believes it is unconstitutional. Woods was in office in the late 1990s, during the time of the infamous “Chandler Round-Up”. In that incident, the US Border Patrol staked out places in a Phoenix suburb where Latinos were known to congregate, and stopped and arrested people on the basis of the color of their skin. Attorney General Woods had campaigned for office on a civil rights agenda, and he responded to the Round-Up by filing charges against the Border Patrol.

Attorney General Janet Reno contacted him to ask what it would take for him to drop his lawsuit, and he asked for assurances that nothing of that sort would ever happen again. Former Attorney General Woods spoke of how his office had worked hard to restore trust with the Latino community after that incident. “What we accomplished then is now being destroyed by [SB 1070].”

“If people believe they may be deported, they are NOT going to talk to the police.”

Former Arizona Attorney General Grant Woods

Although he is a member of the Arizona Republican Party, Woods complained that only the extreme end of that Party participates now in meetings and on Election Day. Woods stated, “If there was a way to get larger turnouts, then these problems would go away. Most Arizonans don’t have a problem with illegal (sic) immigrants, especially the ones that have been here a long time, but they do have a problem with crime.” If SB 1070 deters undocumented immigrants from working with law enforcement to prevent crime or catch perpetrators, Arizona will not be a safer state for anyone.

Former Immigration and Naturalization Service (INS) agent Neville Cramer provided a contrasting view about the significance of SB 1070 for the law enforcement community. Drawing upon statistics from the amnesty program enacted in 1986, he asserted that providing a path to citizenship for 12 million undocumented workers would really mean 65-70 million new legal immigrants, as each worker brought in their relatives. He asserted that the country’s infrastructure, including law enforcement, simply could not handle an influx of that size. He also believes that the local economy does not benefit from immigrants’ presence, because immigrant workers send remittances to Mexico, use health services, and don’t pay taxes.

Cramer supports SB 1070, and spoke of his willingness to help train local law enforcement in its application, in order for officers to avoid racial profiling by uncovering other means of determining “reasonable suspicion” that an individual might be in the country without proper documentation.

Cramer’s assertion that “reasonable suspicion” for a stop could be found without resorting to racial profiling was not consistent with testimony repeated by many participants in different focus groups and the panel throughout the day. Well-documented instances of inconsistent application of many laws against people of Latino heritage underlies the pervasive fear that many experience, and which contributes to a serious lack of trust between the Latino community and law enforcement personnel and agencies. Former Attorney General Woods demonstrated a greater understanding of the fear and despair that many Latino people,

regardless of documentation status, felt with the passage of SB 1070, and the risk that such fear posed to public safety to the community as a whole. "We know that people in the immigrant community are likely to be victims of fraud and con men. Even if there is a serial rapist, victims might not take the risk of coming forward. *If people believe they may be deported, they are not going to talk to the police.*"

A Reflection from a Visiting Journalist

Professor Bob Rucker, San Jose State University, Department of Journalism;
Former CNN Correspondent

No matter one's individual personal views or opinions about how and why today's media does business, the fact remains that professional journalism, political advertising, and public relations efforts remain a primary source of news and information for people everywhere. We noted, however, in Arizona, that journalistic reporting of immigration issues within that state has historically contributed greatly to and profoundly affected the thinking, viewpoints and strong reactions of Arizona residents within all cultural groups.

Many told us that media efforts there have done a lot to polarize the public and reinforce the notion that all Arizona residents care about regarding the immigration issue are public safety and border security concerns. Ironically, on the day of our visit, the local newspaper in Phoenix featured an extensive story, written by its journalist based in Washington D.C. The story detailed the proposed millions of dollars the Obama Administration now wants from Congress to beef up Arizona border security. The article also drew major attention to state crime problems as they relate to illegal immigration factors.

During the course of our day in Phoenix, I spoke with the local television journalist from Channel 5 who shot interviews and cover video of some of the participants in the Research Action's opening panel discussion. This journalist told me privately as part of a standing local media agreement, his video and reporting would be shared with FOX local TV and one other station. His one visual perspective, his questions and the answers received would be the common perspective offered by all three local media outlets. During a brief videotaped interview I did with him, the Phoenix journalist acknowledged that Arizona news coverage has been criticized statewide for not fully exploring and presenting, in some depth, the growing tensions and personal feelings on all sides of the immigration issue. This 20 year veteran local TV newsman also used the analogy that "explosions get coverage," referring to common business thinking of how to approach print, online and broadcast journalism in America today. News assignments which result in long story coverage tend to focus more on immediate, highly visual and emotional community efforts like protest marches and cultural clashes. Thoughtful and probing

community fact-finding inquiries, like the San Jose group effort in June, usually draw little media attention or gets covered "quick and dirty" by a singular "one man band" journalist who must also shoot video and still pictures, conduct interviews, and turn around a short story for print, broadcast or posting online as quickly as possible. Depth of content is not prioritized.

During an offsite visit to an interfaith labor resource center in Phoenix, my photo journalism colleague John Russo and I put down our cameras and participated in a very candid and insightful exchange of information with a man and woman who work closely with other Latino local residents, including immigrants. They offered detailed, very chilling and sometimes emotionally painful accounts of questionable county sheriff and local police treatment of Mexican-Americans, Mexican, Central and South American immigrants. When asked about media coverage, the two related their lack of confidence in the fairness of journalistic efforts directly to their lack of trust in law enforcement. The two seemed convinced Arizona's media is far more likely to address the interests and needs of its white population, which they said, rarely showed interest in the daily lives, experiences and needs of Arizona's Latino population. Numerous examples of insensitive interactions they have personally experienced supported their perspectives and left all in the San Jose group very disheartened.

After listening to the comments of elected officials and politicians who attended the gathering for the San Jose inquiry group, yet another media-related perspective emerged. Several politicians said the media had not done enough to dig deeper to identify and address the most challenging aspects of the immigration debate. But most also highlighted public polls in the state suggesting more than 80% of residents favored the SB 1070 legislation. One went so far to say if a politician wanted to get elected in Arizona, they'd better be aware of that figure. Ironically, the media and its decision-makers, which are more and more driven by polling results and basic public interests, do little to challenge the public to develop an appetite for more enterprise thinking and broad based reporting.

Finally, a Wordsmith's observation. Throughout the day in Arizona, I noticed media people, expert panelists, residents, even Arizona organizers who set up the gathering for the San Jose group all using an unpleasant term to refer to some human beings living in that state. I gave up counting the number of times I heard undocumented people or workers also referred to as "illegal aliens," an unsophisticated and hurtful term many in our society and in academia think of as not too subtle hate speech. It was even more disheartening to hear that the media in Arizona actually use that reference in its reporting, thereby reinforcing its use by the general public.

Research Action Day: Conclusions

Senate Bill 1070 raises concerns of race, security, sovereignty, civil rights, state power, foreign relations, federalism, criminal law, procedure & interaction with the existing laws. In the human rights perspective three concerns come up as human rights violations in the framework of the United Nations Declaration of Human Rights:

1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
2. Everyone has the right to recognition everywhere as a person before the law.
3. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

The law also brings in the forefront the matter of state governance versus federal governance. We cannot have different immigration laws in 50 states. Immigration is an issue that will not go away until we address it in a manner that takes into account the global economic reality that governs our daily lives. The longer we postpone this dialogue as a nation the more polarized our county will become, the more rights will be denied to US citizens because of the status of their parents and a larger set of second class citizens will be created in the US. As the Research Action Delegation learned during the visit to Arizona, SB 1070 has created divisiveness, promotes fear of the other, fragmentation, makes the communities unsafe and creates isolation and segregation across all communities. It will waste resources at a time of limited funds as state governments have to prosecute federal crimes and as local governments have to protect themselves from lawsuits of racial profiling and charges of insufficiently enforcing federal law. Meanwhile, real criminals have fewer resources directed at them, and undocumented victims of crime will remain silent, fearing the consequences of seeking help.

The Research Action Delegation sought to answer the question: ***Could SB 1070 happen here in Santa Clara County?*** If we have a disengaged electorate, if our population allows itself to be manipulated by emotional scapegoating and we do not have a community that comes together to challenge untrue statements about immigrants in our communities, the answer is yes – we could be at risk as well. As Rebekah Friend, Executive Director of the Arizona State AFL-CIO noted, “How did we get here? ***By not voting.*** We have a community that has been disengaged, lied to and broken. We cannot disengage from the system. We are dealing with daily life issues, not political illusion. The business community has not been not engaged in this discussion. **Now everyone must engage.**”

Therefore, the Arizona Research Action Delegation and the Diocese of San Jose Justice for Immigrants/PACT committees offer this Report, not only to the Santa Clara County and San Jose communities, but to faith communities, community organizers, educators, and people working, living, and studying with our immigrant brothers and sisters across the country. Until federal comprehensive immigration reform is achieved, our communities must remain vigilant, and not give in to the desire for temporary, piecemeal solutions that do not respect the dignity and integrity of all people living in our communities, documented and undocumented alike. Senate Bill 1070 has not strengthened Arizona, nor is the state any safer than it was prior to the law's enactment. Instead of ripping our communities apart with polarizing legislation that drives people apart along lines of race, ethnic origin, languages spoken, or religious beliefs, our communities need to come together, to build safer, stronger cities and states together.

The ultimate fate of Senate Bill 1070 is in the hands of the federal and Arizona courts, and also in the hands of the Arizona electorate. Resolution is unlikely to be swift, and in the meantime, Arizona is facing economic hardship as boycotts and the departure of many immigrants to safer states decreases the state's tax base. Worst of all, "the least among us", immigrants in Arizona, are living in fear, and are not safe. We urge our friends and neighbors to read this Report, to discuss it openly, and to work together to let SB 1070-like laws end with what has happened in Arizona, and to move forward together in a more inclusive direction.

Faith-Based Analysis and Commentary

Theological Reflection on Senate Bill 1070 and the Faith Community in Arizona

Rev. Rebecca Kuiken, Interfaith Council Director

Working Partnerships USA, San Jose, CA

I was distressed to discover the silencing of the faith community in Arizona during the day we spent in Phoenix in June. Due to a polarized and vitriolic climate, faith leaders were pressed to be very much behind the scenes and strategic. In this sense, the terror of the undocumented worker matched the almost underground quality of leaders who were supportive of them.

In recent months, Arizona has returned to my ministry as director of the Interfaith Council on Economics and Justice. I have listened to the stories of undocumented Mercado workers, who are treated with contempt, disregard and frequently criminally. Those who speak up or try to organize for dignified treatment are routinely fired for false "theft." One woman was held for 5 hours while 4 managers "interrogated" her to force her to confess to something she hadn't done.

The twin sins of an unreformed immigration system and corporate greed are joining forces with the anti-immigrant hysteria.

On August 4th, the Interfaith Council and the Cathedral of St. Patrick in San Jose held "Welcoming the Stranger: A Mass for those Impacted by SB1070 in Arizona." Thomas Saentz, general counsel for MALDEF (Mexican American Legal Defense and Education Fund) gave the message. A Mercado worker spoke as well.

More partnerships and momentum between the faith community, undocumented workers and civil rights leaders will take place. I pray that the JFI report does not draw dust but rather, awakens all of us into a new force and movement.

THE POLITICAL REALITY OF THE FAITH COMMUNITY

Fr. Jon Pedigo, S.T.L., Pastor of St. Julie Billiart Roman Catholic Parish, San Jose
Director, Justice for Immigrants, Diocese of San Jose

Background

Arizona is a politically conservative state with a long established history of conservative politics. Two counties, Pima and Maricopa, make up nearly 80% of the electorate. Maricopa County accounts for nearly 60% of the entire state's population. Much of the focus of anti-immigration rhetoric and the harsh enforcement measures that target immigrants comes from groups such as the Minuteman movement and Tea Party, with a strong presence in Phoenix and Maricopa County. The southern county of Pima, home to Tucson, is geographically closer to unauthorized border crossing points. Tucson politics is not particularly hostile toward immigrants and unlike the antagonistic environment of law enforcement felt in Phoenix, Tucson's law enforcement culture seems to enjoy a relatively positive relationship with the immigrant community. It is clear that Arizona is not uniformly anti-immigrant, but rather, only certain parts of Arizona such as Maricopa County and rural townships with an active Tea Party and nativist presence are fiercely hostile toward immigrants.

Communities that are hostile toward immigrants typically employ enforcement measures that target immigrants. Enforcement measures include frequent traffic checks in immigrant neighborhoods, pedestrian citations located near ethnic businesses, car towing, and stopping individuals suspected of traveling without proper documentation due to their appearance and speculation that they might be immigrants. These enforcement measures may seem like simple cases of racial profiling or harassment; however, when immigrants are brought in to the police station for questioning or paying off their traffic fines, ICE officials meet them at the police station directly. Individuals are caught off-guard and without proper legal counsel. Individuals sign voluntary departure papers because they have not had access to proper legal counsel and thus, do not exercise their civil rights with confidence. They are essentially coerced into signing a "volunteer" agreement with ICE for the return to their country of origin, even if, as is the case with many young people, they have no memories of having ever lived there.

The antagonistic relationship between local law enforcement and the immigrant community has resulted in immigrant communities divided within themselves. Based on our research in Arizona, we believe that when law enforcement's presence in the community is experienced as targeting immigrants, the community becomes agitated and less likely to report legitimate crimes happening within their own communities. SB 1070 is like vinegar in an open wound. Facts and figures demonstrate how enforcement- only measures such as SB 1070

contribute to making communities unsafe and insecure; however, the impact of SB 1070 is best expressed in real human stories. Our research team members were astounded as social workers and educators spoke about domestic violence. Undocumented women and children are victimized by citizen or legal resident household members and these incidents are left unreported. Criminals are emboldened when they know they can perpetrate crime with no risk of negative consequences. In short, enforcement-only measures leave entire neighborhoods vulnerable to domestic violence, gang and drug related activity. As people of faith, we must respond to these injustices.

SB 1070 Is Greater Than Arizona

The first step to address these issues is to conduct a series of "one-to-one's," or intentional conversations around the issues of immigration enforcement. Intentional conversations open up the layers of pain and frustration that the people experience. What people tell us provides important data for our research because when people open up and talk about what really matters to them in regard to SB 1070 and other enforcement-only measures, we gain a much more nuanced understanding of how enforcement-only measures affect the quality of life of literally thousands of families. One-to-one's also provide opportunities to discover new leadership within the immigrant community.

The second step is our research phase. This phase involves meeting with other advocates who share our concern and observations and to also meet with public officials, law enforcement, and other authorities whose decisions directly affect the lives of those who suffer under enforcement measures. The purpose of the research phase is to provide clarity and to help leaders develop a winning strategy for overturning SB 1070. Specifically, when local immigrant leaders gain a deeper understanding of civil and human rights violations that have come about because of SB 1070, these leaders will develop goals and outcomes to help frame their community organizing and advocacy work. Community organizing groups, for example, may want to strategically select certain testimonies as a way to influence key public officials to commit to support immigrant-friendly legislation. A winning strategy, therefore, requires an understanding of the full context in which enforcement measures are carried out. We chose to meet in Arizona because SB 1070 has been promoted as a legitimate exercise of already existing immigration enforcement laws.

Proponents of SB 1070 include both Democrats and Republicans; however, it is primarily Republican personalities (elected officials and media commentators) that are driving the campaign. SB 1070 is not just an Arizona issue. U.S. House and Senate candidates and incumbents have already weighed in on the issue and over 20 other states have initiated copy-

cat legislation. Political analysts have also pointed out that SB 1070 has become a national rallying-point for conservatives who seek to overthrow liberal-leaning incumbents who are seen as sympathetic to immigrants. Proponents believe that the most effective way to address unauthorized immigration into the U.S. is to enforce the laws that demand the immediate repatriation of all undocumented immigrants, regardless of whether undocumented residents are minors, married to legal residents or citizens, are the primary wage earner in the family, or have special needs. SB 1070 includes provisions that require local law enforcement to act as proxy federal immigration officials and to require local law enforcement to investigate the immigration status of any person that they reasonably suspect as being in the country without authorization. The recent ruling²¹ from District Judge Susan Bolton placed an injunction against the law. The proponents of the law have appealed the decision.

The plight of undocumented immigrants and their families is in the hands of the enforcers of federal laws. Short of asking law enforcement not to enforce the laws, the ultimate remedy lies in Washington, D.C.. A just and humane reform of immigration laws that will provide a path of legalization will be the only real solution for the 11 million undocumented residents and their families. A comprehensive approach to this problem will address the other factors that are inseparable from unauthorized residency, i.e., restoration of due process for those facing deportation, a fair and workable policy that will address the flow of future immigrant workers and their civil rights and will respect labor protections for citizen workers, provide ways to speedily unify families, and address the root causes of immigration.

The Role of the Faith Community in Making Justice for Immigrants Possible

Our report includes several accounts that speak to the hostile social environment in Arizona. Arizona is not unique in treating immigrants harshly. The Southern Poverty Law Center has documented the rise of anti-immigrant activity all across the country.²² In our supposed immigrant-friendly county of Santa Clara, recent incidents against Muslim immigrants indicate that the anti-immigrant sentiment is not unique to Arizona. One of the most effective means to combat anti-immigrant activity is the involvement of the faith community.

The traditional role of faith communities is to preach, teach and sanctify the people. Congregants are aware of this role and it is therefore understandable that most mainstream religious traditions' congregants are at worst unsupportive of their clergy or congregational leaders' involvement in social issues on behalf of the congregation or at best, mildly interested in what their clergy and lay leaders are doing in the congregation's name. Congregants who are hostile towards the immigrant rights movement pose a unique challenge to clergy and

congregational leaders who believe that it is their fundamental religious duty to engage directly in the movement. Fissures in congregational life can financially break a community. Because of these pastoral realities, many clergy have decided to forgo direct engagement and have offered only tacit or passive support.

The Arizona Catholic, mainline Protestant and Evangelical communities self-identify as politically and socially conservative. As one of our panelists said, "Our preaching has less effect on our communities than the influence of society." Our research suggests that in fact, congregants (that are non-Hispanic/Latino) are less sympathetic to undocumented immigrants than their co-religionists who happen to be Hispanic or Latino. This difference is certainly more apparent in immigrant families where one or more members of the household are themselves undocumented persons. *In effect, preaching and teaching about our religious obligation to care for our neighbor is sadly not as compelling as the non-religious pulpit of radical conservative AM radio. Race-baiting and nativism are far more compelling, albeit fundamentally wrong messages than the church's message of ensuring justice for all people, particularly those at the margins of our society, and particularly today the immigrants.*

Clergy and congregational leaders who see themselves as having a specific role to create unity within the congregation are legitimately concerned that by raising the issues of immigration, they would in fact divide the congregation. The clergy's reluctance to speak on immigration is based on the political reality of the larger society. Rather than hitting the issue head on, many clergy that come from denominations that are centrally based with a jurisdictional authority, such as Roman Catholics or Episcopalians, are waiting for their bishop or jurisdictional head to take a strong, public stand in favor of a just, humane reform of immigration policy. By depending on their bishop or denominational chair to make a decision, clergy who support immigrants and publicly advocate for immigration reform do not feel isolated and enjoy a certain amount of protection from their own congregants who do not agree with the pro-immigration reform policy of their denomination.

Clergy and denominational heads in many areas in the Southwest have expressed clear, unconditional support for the undocumented residents. Phoenix is the center of the storm and clergy that were interviewed stated that there has not been sufficient public support for immigrants and immigration reform from the larger churches, including the Roman Catholic community. The intensity of anti-immigrant rhetoric requires an equal or stronger push back from the faith community in Phoenix. In other areas of the Southwest, such as Los Angeles, Tucson, or New Mexico, clergy and denominational heads have been present at well-attended vigils, demonstrations and legislative actions. Clergy in Phoenix would like that same level of support and engagement with people of faith.

PROPHETIC WITNESS: PREACHING, TEACHING AND CELEBRATING KINSHIP WITH IMMIGRANTS:
The Potential of Kinship to Overcome the Damage of Anti-Immigrant Narratives

Are we not our brother and sister's keeper? The answer that we give to that question will be one of many indicators in how we understand the fundamental issues surrounding immigration policy and in particular, Arizona Senate Bill 1070. Genesis 4:9 lays out the theological premise that we are in fact our sister and brother's keeper.

Then the LORD asked Cain, "Where is your brother Abel?" He answered, "I do not know. Am I my brother's keeper?" The LORD then said: "What have you done! Listen: your brother's blood cries out to me from the soil!"

We have a fundamental, sacred duty to connect with our fellow human beings. From the theological and spiritual traditions that reference this text, caring for and loving another human being is what makes us fully human. The issue of just and fair treatment of immigrants is connected to the premise that we *are* in fact we are each others' keepers. People of faith are obligated to attend the needs of those immigrants who find themselves in difficult circumstances. Faith communities can legitimately exercise their considerable influence in the public arena when it comes to lifting up the needs of vulnerable immigrant populations, especially the segment of the immigrant population that is undocumented. Faith groups working within the labor community can raise questions about labor violations and wage theft suffered by many immigrant workers. It is indeed our sacred duty to heed the cries of those who suffer. The faith community can reach out in various ways to respond to the needs of immigrants: to organize leaders within the community itself, to facilitate key relationships between law enforcement and the immigrant community, to encourage businesses to support better working conditions, and lastly, to encourage immigrant leaders to search out and find allies to help them achieve justice for all immigrants.

Abel's blood cries up from the parched soil of Arizona, from the poultry plant in rural Georgia, from the verdant fields of Salinas Valley, and from the busy streets of Chicago. Each time a 10 year old daughter falls into acute anxiety because she fears coming home to an empty house due to the very real possibility of one or both her parents being deported and each time an American raised son is denied opportunities for higher education because he lacks legal residency, the blood of injustice falls upon the soil.

Preaching on kinship and highlighting the ethical demand of hospitality has the potential to undermine arguments for the outright expulsion of undocumented immigrants by exposing

the anti-immigrant narrative. Anti-immigrants use "law and order" language; however, scrape away all the hyperbolic patriotic rhetoric and you will find a policy of exclusion. The true intention of the anti-immigrant nativist is not a lawful society, but rather, a society that excludes immigrants.

Kinship preaching and teaching cuts through the rhetoric of law and order and demands a human response to a crisis of suffering. Kinship begs the questions, "Can we ignore the cries of the suffering?" "Is this the kind of society we want to be?" "Are we okay with exclusion and deportation as a way to handle this crisis of suffering?" Kinship spans race and nationality and demands that all people partake equally from the common good.

PROPHETIC (AND STRATEGIC) PARTNERSHIP: Faith and Labor: Organizing in the Workplace

Faith communities with large immigrant populations and labor organizers are natural allies because the immigrant faith community and the labor community share many of the same constituents. Unfortunately, these partnerships are not easily forged. While some clergy have supported the work of UFCW, SEIU, UFW and other unions, congregants within the clergy's congregations are largely uninvolved in the struggle. Phoenix's faith communities work with some labor advocates around the issues of worker justice, for example, through the Arizona Interfaith Alliance for Worker Justice; however, it seems that the partnership with labor is somewhat fragile because the political climate in Phoenix is not friendly to all unions, specifically unions that have majority immigrant and/or Latino/Hispanic members.

One of the key challenges to the partnership between faith and labor is the work of maintaining internal cohesion between citizen and legal resident members with undocumented members. Both labor and faith communities have a mixed population of both documented and undocumented members. The challenge of union organizers and pastors is the same: maintain internal membership cohesion while addressing immigration reform. Our research indicated that as institutions advocated for immigration reform, some congregations and unions experienced tension and in some cases, a reduction in membership, particularly within faith communities. If there is to be a lasting strategic partnership between faith and labor, faith leaders and labor organizers need to find a way to speak in favor of comprehensive immigration reform that bridges the ideological divide between protecting American-born workers' rights, immigrant supporters who favor making undocumented immigrants legal residents (and eventually citizens) and those who advocate solely for enforcement-only policies against immigrants. While it may be impossible to avoid tension due to the difference of opinions and ideologies or simply a difference of political agendas, the faith community along with labor can

manage and work through the tension and maintain a strategic partnership that lifts up justice for all immigrants.

Immigration reform may have a better chance of having a hearing within congregations and in the general public if immigration reform were reframed as a matter of *workers' rights*. Faith-based critique on worker exploitation is not the same as a policy briefing. Clergy and lay leaders would need ready access to Scriptural and theological resources that would enable them to present nuanced faith reflections to potentially defensive and suspicious audiences. By connecting Scripture references of immigrant worker exploitation (see references below) to the poor conditions of employment, wage theft, and the intimidation of workers in their efforts to organize in our contemporary workplaces, faith communities would see up close how all workers, documented and undocumented, positively contribute to their own communities and yet do not share in the bounty of their labors. As congregants try to reckon the principles of faith with real life, a level of cognitive dissonance may arise and people will need to find a way to close the gap between what their faith calls them to do and their political convictions.

Preaching and teaching are not enough. Change in the political culture requires a change in social relationships. Preaching and teaching may open congregants to the issues; however, what is really needed to heal the wounds of separation within our communities are opportunities to connect to those who suffer under anti-labor and anti-immigrant politics. Bridge-building activities such as retreats, congregational talks, and prayer vigils are excellent opportunities to bring labor members into direct contact with congregants. These activities are most successful when there is joint planning between clergy, congregational leaders and union organizers. Attitudes of suspicion give way to greater understanding of the issues affecting immigrant workers and their families when faith and labor work together in strategic planning and coordinating messaging around workers' issues.

The faith community's commitment to engage in the struggle for immigration reform - including opposing SB 1070 - is rooted deep within their own ethics and theologies. After working for years alongside faith leaders from various faith traditions, it is clear that the faith community is in this battle for the long run. In other words, whether or not SB 1070 is upheld in court or if Washington DC doesn't pass comprehensive immigration reform this year, *the faith community will not give up the struggle*. The faith commitment to help bring about justice for immigrants is, therefore, not tied to political opportunity, but rather, is tied to an eternal law that demands that we are in fact our brother and sister's keeper. To the commandment to love our neighbor as ourselves. To do for the least of our sisters and brothers. The faith community hears the cry of the poor and the role of the faith community is to provide a clear,

uncompromising voice of hope to those who mourn the loss of land, life, freedom and human dignity.

Selected Scriptural Passages Applicable to Work Conditions and Immigrant Rights

Exodus 23:9

You shall not oppress an alien; you well know how it feels to be an alien, since you were once aliens yourselves in the land of Egypt.

Leviticus 19:13, 33-34

You shall not defraud or rob your neighbor. You shall not withhold overnight the wages of your day laborer...."When an alien resides with you in your land, do not molest him.

You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt. I, the LORD, am your God.

Deuteronomy 10:17-19;

For the LORD, your God, is the God of gods, the LORD of lords, the great God, mighty and awesome, who has no favorites, accepts no bribes; who executes justice for the orphan and the widow, and befriends the alien, feeding and clothing him. So you too must befriend the alien, for you were once aliens yourselves in the land of Egypt.

Deuteronomy 24:14-22

"You shall not defraud a poor and needy hired servant, whether he be one of your own countrymen or one of the aliens who live in your communities. You shall pay him each day's wages before sundown on the day itself, since he is poor and looks forward to them. Otherwise he will cry to the LORD against you, and you will be held guilty. Fathers shall not be put to death for their children, nor children for their fathers; only for his own guilt shall a man be put to death. You shall not violate the rights of the alien or of the orphan, nor take the clothing of a widow as a pledge. For, remember, you were once slaves in Egypt, and the LORD, your God, ransomed you from there; that is why I command you to observe this rule. When you reap the harvest in your field and overlook a sheaf there, you shall not go back to get it; let it be for the alien, the orphan or the widow, that the LORD, your God, may bless you in all your undertakings. When you knock down the fruit of your olive trees, you shall not go over the branches a second time; let what remains be for the alien, the orphan and the widow. When you pick your grapes, you shall not go over the vineyard a second time; let what remains be for the alien, the orphan, and the widow. For remember that you were once slaves in Egypt; that is why I command you to observe this rule.

Deuteronomy 26:1,ff.

When you have come into the land which the LORD, your God, is giving you as a heritage, and have occupied it and settled in it, you shall take some first fruits of the various products of the soil which you harvest from the land which the LORD, your God, gives you, and putting them in a basket, you shall go to the place which the LORD, your God, chooses for the dwelling place of his name. There you shall go to the priest in office at that time and say to him, 'Today I acknowledge to the LORD, my God, that I have indeed come into the land which he swore to our fathers he would give us.' The priest shall then receive the basket from you and shall set it in front of the altar of the LORD, your God. Then you shall declare before the LORD, your God, 'My father was a wandering Aramean who went down to Egypt with a small household and lived there as an alien. But there he became a nation great, strong and numerous. When the Egyptians maltreated and oppressed us, imposing hard labor upon us, we cried to the LORD, the God of our fathers, and he heard our cry and saw our affliction, our toil and our oppression. He brought us out of Egypt with his strong hand and outstretched arm, with terrifying power, with signs and wonders; and bringing us into this country, he gave us this land flowing with milk and honey. Therefore, I have now brought you the first fruits of the products of the soil which you, O LORD, have given me.' And having set them before the LORD, your God, you shall bow down in his presence. Then you and your family, together with the Levite and the aliens who live among you, shall make merry over all these good things which the LORD, your God, has given you. When you have finished setting aside all the tithes of your produce in the third year, the year of the tithes, and you have given them to the Levite, the alien, the orphan and the widow, that they may eat their fill in your own community, you shall declare before the LORD, your God, 'I have purged my house of the sacred portion and I have given it to the Levite, the alien, the orphan and the widow, just as you have commanded me. In this I have not broken or forgotten any of your commandments: I have not eaten any of the tithe as a mourner; I have not brought any of it out as one unclean; I have not offered any of it to the dead. I have thus hearkened to the voice of the LORD, my God, doing just as you have commanded me. Look down, then, from heaven, your holy abode, and bless your people Israel and the soil you have given us in the land flowing with milk and honey which you promised on oath to our fathers. This day the LORD, your God, commands you to observe these statutes and decrees. Be careful, then, to observe them with all your heart and with all your soul. Today you are making this agreement with the LORD: he is to be your God and you are to walk in his ways and observe his statutes, commandments and decrees, and to hearken to his voice. And today the LORD is making this agreement with you: you are to be a people peculiarly his own, as he promised you; and provided you keep all his commandments, he will then raise you high in praise and renown

and glory above all other nations he has made, and you will be a people sacred to the LORD, your God, as he promised."

Isaiah 10:1-4

Woe to those who enact unjust statutes and who write oppressive decrees, Depriving the needy of judgment and robbing my people's poor of their rights, Making widows their plunder, and orphans their prey! What will you do on the day of punishment, when ruin comes from afar? To whom will you flee for help? Where will you leave your wealth, Lest it sink beneath the captive or fall beneath the slain? For all this, his wrath is not turned back, his hand is still outstretched!

Malachi 3:5

I will draw near to you for judgment, and I will be swift to bear witness Against the sorcerers, adulterers, and perjurers, those who defraud the hired man of his wages, Against those who defraud widows and orphans; those who turn aside the stranger, and those who do not fear me, says the LORD of hosts.

Micah 2:1-3

Woe to those who plan iniquity, and work out evil on their couches; In the morning light they accomplish it when it lies within their power. They covet fields, and seize them; houses, and they take them; They cheat an owner of his house, a man of his inheritance. Therefore thus says the LORD: Behold, I am planning against this race an evil from which you shall not withdraw your necks; Nor shall you walk with head high, for it will be a time of evil.

James 2:5-9, 12-13

Listen, my beloved brothers. Did not God choose those who are poor in the world to be rich in faith and heirs of the kingdom that he promised to those who love him? But you dishonored the poor person. Are not the rich oppressing you? And do they themselves not haul you off to court? Is it not they who blaspheme the noble name that was invoked over you? However, if you fulfill the royal law according to the scripture, "You shall love your neighbor as yourself," you are doing well. But if you show partiality, you commit sin, and are convicted by the law as transgressors....So speak and so act as people who will be judged by the law of freedom. For the judgment is merciless to one who has not shown mercy; mercy triumphs over judgment.

Homiletic Example:

http://www.frjonblog.org/Site/Homilies/Entries/2010/5/10_hom2v10_files/hom2v10.pdf

Story on the Scriptural Debate on Immigration Reform Within Congress:

<http://religion.blogs.cnn.com/2010/07/14/immigration-debate-focuses-on-religion-ethics/>

APPENDICES

Morning Panel Discussion

Reverend Ian Danley, Youth Pastor at Neighborhood Ministries, offered a blessing to begin the day:

“...Thank you for this time to reflect, to think. Thank you for a moment of stillness, for humble hearts and learning spirits in the midst of what can be very chaotic. Help us to come together and to see a way forward...”

Because panelists came from many different backgrounds and shared insights specific to their background, several comments are closely transcribed for this Appendix to the Research Report. In order to protect the candor with which the panelists spoke, some identifying details have been removed from specific comments, and comments are presented in groups, aggregating the thoughts of the participants from related backgrounds. Also, although specific questions were initially posed to the panel, many panelists opted to answer with more breadth and context than a simple response to the question would allow. Therefore, some comments have been adjusted to improve readability, although the intent and tone of their author remains the same. Responses are presented below in composite groups representing the different perspectives of the panelists.

Question: How has your work changed since the passage of SB 1070? What does SB 1070 mean to you?

Faith Community Respondents

Senate Bill 1070 is implemented in my world. When people are stopped while driving and present a driver's license, they are being asked for a birth certificate because they look "undocumented". People are being referred to as "illegal". People are afraid to drive, even to come to us for help. IAWJ now has to go to meet their clients where they are. As an organization, we are spending a lot more money on gas. Doing any immigrant rights work is very challenging.

Rev. Trina Zelle, Interfaith Alliance for Worker Justice

This is not the law yet, but as the faith community we are very concerned about the implications if it becomes law. Neighborhood Community Ministries has a mission to 15 central city neighborhoods, and we transport people to church and other activities using

15 vehicles and vans. We don't ask for documents to come to church. In SB 1070, though, there is problematic language regarding transporting and harboring the undocumented. In the midst of our own work are we knowingly disregarding status under SB 1070, and does the law then criminalize our work?

Rev. Ian Danley, Neighborhood Community Ministries

Our Diocese is made up of Latino, Polish, Korean and Sri Lankan immigrants. The Diocese stretches from Flagstaff to Phoenix. We are a 2000 year church made up of immigrants. This is true in the Old Testament as well as in the New Testament. Jesus never had a home to lay his head in. The Popes have reaffirmed the rights of workers, that immigrants have rights, and that as a Church we have the responsibility to take care of immigrants. A country does have the right to protect its borders, but it also has an obligation to support people living in their lands. The Bishops in Arizona have opposed SB 1070, and have begun to talk about the harm caused by this law. John Paul II said that in this continent we are one America, one communion in solidarity with our brothers and sisters in Christ.

Ignacio Rodriguez, Hispanic Ministries, Catholic Dioceses of Phoenix

Legal Community and Law Enforcement Respondents

Even though SB 1070 supposedly has not become effective the supporters have accomplished their mission. They have sent a message that we are not a place that is friendly to undocumented people and people of color in general. Supporters say this was passed only because there has not been Federal comprehensive immigration reform. I believe the state will never be satisfied with what the federal government will do.

This kind of practice has been happening for a very long time in Maricopa County. US citizens have been stopped and asked for proof of residency. High school students are arrested for being undocumented. You need to look city by city to see if local law enforcement already has 1070-like policies and practices. Senate Bill 1070 prevents sanctuary legislation, prevents progressive pro-immigrant policies, and turns what were previously federal crimes into state crimes. 1070 does not deal with the 12 million undocumented or agriculture workers.

Andy Silverman, University of Arizona Law School

When SB 1070 passed [the legislature] I offered my assistance to train officers. This is a federal issue, and if we don't fix the immigration problem properly we are going to have civil rioting on the right and left. We all need to come together in the middle.

Neville Cramer, former INS special agent.

We are pressing to have Obama intervene in 1070. We are collecting testimonies now about what is happening in the state.

Sylvia Herrera, PhD, Puente

SB 1070 has had a tremendous effect. There are no bail provisions in criminal proceedings in this law. We foresee job site raids, racial profiling, unlawful arrest, and unlawful detentions. It is important to continue challenging the implementation of the law. ACLU is challenging SB 1070 in the courts. National Immigration Law Clinic (NILC), National Association for the Advancement of Colored People (NAACP), Mexican American Legal Defense & Education Fund are filling challenges and calling for a preliminary injunction.

Victoria Lopez, Arizona ACLU

Senate Bill 1070 is already resulting in an increase to our workload. Right now, 3000 people every day are detained and go through deportation proceedings. We have an increasingly hard time pursuing justice for those who have been detained, because family members in other states and communities do not want to travel to Arizona to support their family members' cases. They are afraid to be in the state.

Lindsey Marshall, Executive Director, the Florence Project

Education / Social Services respondents

We are a charter school for homeless children. We provide clothing, food, dental and limited counseling to our students. Our student population is made up of 53% Latinos, mostly single parent mothers, many in domestic violence situations. SB 1070 added a significant layer of complications in their lives. Many partners left. It is hard to navigate the system of transitional housing and food stamps. You need documents to register for most programs. We can assist families as long as they are trying to relocate. With SB 1070 tensions rise. Bad decisions get made. Temporary fixes that do not work are no longer enough to keep kids safe. Everything is more complicated.

Jarrett M. Sharp, MA, Principal, Children First Academy, Phoenix

Fifty-eight percent of the families we serve are Latino/Mexicano, and of course they are affected by this law. People are affected by the fear that their family members will be detained and incarcerated and deported. Fear has many faces. Some people are paralyzed, and are unable to take action. Other families are anticipating separation, anticipating that their US-born children will be left behind. Some children did not even know their status. Families are working with social workers to create a safety plan if parents are deported so their kids won't be sent to family services. We're working with the Mexican Consulate and Child Protective Services as well.

Laurie Melrood, Executive Director, Arizona's Children.

Community Organizer Respondents

This is Maricopa County. We have Sheriff Arpaio who has been working with 287 G. We have the testimony of civil and human rights violations. This is a continuation of that atmosphere. Many are emboldened by the law. We get complaints of racial remarks and physical abuse. These families are from indigenous communities. They have their right to migrate throughout the continent. They are not immigrants, they are migratory workers. There is a UN Declaration of Human Rights that protects them. There is also the 2007 Declaration of Rights of Indigenous Peoples. SB 1070 criminalizes the community. It increases the climate of hate. If we don't stop it here it is going to spread to other states that are waiting to see what will happen. There is a lot of grey area in this law regarding racial profiling. We have to stop the physical abuse and the terrorizing of children. The legislators of Arizona started this boycott by discouraging business and neighborhood groups when they wanted to do economic development. In this climate, we have focused on "Know Your Rights" efforts for the community.

Sylvia Herrera, PhD- Puente

In the 1940s people [Mexicans] were not allowed to migrate. They were not allowed to drink from drinking fountains, they had to drink from a water hose. People are angry. People are treated like my grandparents were. I am having to teach my grandchildren their rights. I am an active member of RIFA. Anytime there is an economic change, who gets scapegoated in Arizona? For 69 days we have been praying for change at the state and federal level. We began a vigil at the state capital the day the governor was going to sign the bill.

Petra Falcon, Reform Immigration for America (RI4A)

I have been participating in the vigil for 67 days. We have a responsibility to volunteer, to make sure this law does not come into being. We have to have faith, hope and a vote. I have seen my daughter's activism. I have to get involved.

Rosa Maria, Vigil Participant

What moved me the most was what our people felt. The day the governor signed the bill people were crying. They have begun to leave the state after 10-15 years of struggle for a better life. We have been fighting for something better. We are America and we love America. We are fighting for the dignity of our community.

Gregoria, Vigil Participant

Labor Respondents

I represent 200 unions and over 180,000 workers. SB 1070 happened because an extreme right wing constituency has become very powerful, controlling both houses of the Legislature. Many people are not voting, but if they did vote, there would be greater balance in the Legislature. We have a community that has been disengaged, lied to and broken.

We are not supportive of an economic boycott. The boycott affects the people that are affected by this law. Because of the boycotts we are seeing layoffs in the hospitality, tourism and construction industries. These industries are made up of 60% Latinos. This is only the preview of the next [legislative] session if we don't continue to organize workers. We need to stand up and have a collective voice to get people unelected.

Rebekah Friend, Executive Director of the Arizona State AFL CIO

Business Respondents

Where have you all been? This is just the latest of many related actions. Immigration Reform is a national issue. The solution must come from the federal government. If you are thinking boycotts, it is unfair to punish my state and colleagues. It is unfair to punish our workers and our employees. We have a checkered history in Arizona. We have a multicultural fabric in our community. We were in the middle of the Martin Luther King Jr. Holiday issue but we were the only state where this holiday was accepted by the vote of the people.

Martin Schultz- Vice President, Government Affairs, Pinnacle West Capital Corporation,
and former Chairman, Phoenix Chamber of Commerce

The law is the result of years of frustration, anger and panic. For over 16 years, the federal government had not done what it needs to do in the context of immigration. As with any desperation, the state is self-medicating. This is a temper tantrum by extremists. A boycott does not hurt the proponents of SB 1070. It hurts the people involved in the tourism, hospitality and construction industries. Once again, the community is embarrassed back into the shadows. All it takes is one politician to grab on and the general public latches on to it.

Bill Straus, Executive Regional Director, Anti Defamation League (ADL)

Question: Is the remedy in Washington? How are you working together? Do you have high hopes for Comprehensive Immigration Reform? How do we turn back this issue?

- 1. Keep pressure on Obama. We cannot rely on Congress to act.*
- 2. Demand that Obama stop workplace raids.*
- 3. Terminate 287(g) programs. (The federal authorization that enables state law enforcement to cooperate with the federal government on immigration matters, widely believed to be a source of abuse.)*

We took testimony to the US Listening Session. We are going to go to the UN Summit to give testimony about what is occurring around human rights in Arizona. We have to elevate this issue to the international community.

Sylvia Herrera, PhD, Puente

The goal of this law is to get rid of people of color and marginalize the community. Border crime is down. The reasons cited for the law are simply not true.

Reverend Trina Zelle, Executive Director, Arizona Interfaith Alliance for Worker Justice

There are 18 states looking at copy cat legislation. This is a wedge issue between people of color and the electorate.

Petra Falcon, Reform Immigration for Arizona

Go and get involved with the school boards. We have to get united around children of color. They are being segregated and have no native language access.

Jarrett M. Sharp, MA, Principal, Children First Academy

Register to vote. The AFL-CIO has a five point immigration plan. We would not endorse anyone who is in support of these policies. We have to look at who is funding SB 1070. Who is funding this polarization? Who is funding the tea party? Who is funding these anti-immigrant groups? There is corporate money involved. There should be a boycott against those that are funding these groups and politicians.

Rebekah Friend, Arizona AFL-CIO

Law enforcement is a problem. There is a divide between what the chief of police says and what the beat cops are doing. We must look at the number of Latino faces being arrested. The undocumented do not commit most crimes. We also have to focus on the economic issues. We need to look at the economic roots of displacement in Zacatecas and Michoacán, and to look at the role of NAFTA. There is a sense of frustration and outrage. Politicians respond to the electorate. The electorate is sharply aware of the demographic changes.

Angela, Vigil participant

Arizona Research Action Day Participants

Participants from Santa Clara County, and organizational affiliation

1. Jill Malone, Co-Chair JFI, PACT
2. Fr. Jon Pedigo, Diocesan Director for Justice for Immigrants Diocese of San José, Pastor St. Julie Billiart Catholic Parish
3. Dione T. Rábago, JFI Executive Team, PACT, Social Worker
4. Nicholas Kuwada, Staff Attorney, Asian Law Alliance
5. Jonathan Apodaca, JFI Executive Team, PACT
6. Maria Ester Cabrera, St. Patrick Proto-Cathedral
7. Lynne Lukenbill, Santa Clara Mission
8. Stanley Edward Taylor, JFI Executive Team, Interfaith Council on Economics and Justice

9. Robert Rucker, SJSU Journalism Professor, former CNN Correspondent
10. Patricia Basulto, JFI Executive Team
11. Rev. Carl Michael, Associate Minister, First Congregational Church of San Jose, UCC
12. Kathryn Rose Malone, Student, Art Center, Pasadena
13. Rev. Nancy Palmer Jones, Senior Minister, First Unitarian Church of San Jose
14. John Russo, Media Intern SJSU
Matthew Malone, SJSU
15. Heidi Livingston Eisips, Chair, Jewish Community Relations Council Silicon Valley
16. Josué Garcia, Deputy Executive Officer SC/SB, Building and Construction Trades Council
17. Angela Junck, Immigrant Legal Resource Center
18. Teresa Castellanos, IRIS, Office of Human Relations
19. Lourdes Mieses, PACT Organizer
20. Rev. Rebecca Kuiken, Director, Interfaith Council on Economics and Justice
21. Tony Alexander, Political Director, United Food and Commercial Workers, Local 5
22. Monica Padilla, JFI Executive Team, SJSU
23. Carol Dunn Thornton, Director of Pastoral Care, St. Mary of the Immaculate Conception Parish, Los Gatos
24. Apolonio Morales, Community and Development Director, Contra Costa Interfaith Supporting Community. Organizing. (CCISCO)
25. Charles R. Mendez, JFI
26. Ash Kalra, San Jose City Council Member, District 2
27. Dave Cortese, Santa Clara County Supervisor, District 3
28. Jilian Salas, SJSU Reporter
29. Martha Campos, Community Activist, Silicon Valley Alliance for Immigration Reform
30. Rosario Vital, El Observador Newspaper

Panelists from Arizona, and organizational affiliation

1. Brendan Walsh, PhD, Executive Director, CASE, Central Arizonans for a Sustainable Economy
2. Rebekah Friend, Executive Director of the Arizona State AFL CIO
3. Petra Falcon and Raquel Teran, Reform Immigration for America
4. Rev. Trina Zelle, Exec. Director of Arizona Interfaith Alliance for Worker Justice
5. Rev. Ian Danley, Youth Pastor at Neighborhood Ministries
6. Rev. Gary Kinnaman, former Pastor of Word of Grace
7. Bill Straus, Executive Director of Anti-Defamation League (ADL)
8. Neville Cramer, Former INS Special Agent
9. Victoria Lopez, Arizona ACLU advocate
10. Grant Woods, Former Attorney General
11. Sylvia Herrera, PhD, Puente
12. Kendra Leiby, Systems Advocacy Coordinator, Arizona Coalition Against Domestic Violence
13. Lindsay Marshall, Executive Director, The Florence Project
14. Andy Silverman, University of Arizona Law School
15. Laurie Melrood, Director of Arizona's Children
16. Monica Sandschafer, Executive Director of LUCHA (Formerly Acorn)
17. Ignacio Rodriguez and José Robles, Hispanic Ministries, Catholic Diocese of Phoenix

18. Jarrett M. Sharp, MA, Principal at Children First Academy
19. Martin L. Shultz, Vice President, Government Affairs, Pinnacle West Capital Corp.
20. Rosa Maria Soto and Gregoria, Vigil Participants

Arizona Research Action Report Contributors

This Arizona Research Action Report is the “work of many hands”, all of whom came together to present the story of what the Justice for Immigrants delegation learned in California. Notes and reflections from the day were provided by many of the San Jose participants noted in the Appendix above. The following individuals contributed to the authorship of this report: Teresa Castellanos, Rev. Jon Pedigo, Rev. Rebecca Kuiken, and Professor Bob Rucker each contributed sections to the report. Members of the JFI Executive Committee provided editorial and logistical assistance: Jonathan Apodaca, Patti Basulto, Jill Malone, Dione Rabago, and Stan Taylor. The Report was compiled by Sarah Crary Gregory, Justice for Immigrants, San Jose, CA. The Arizona Research Report is copyright © 2010, Diocese of San Jose, San Jose California.

¹ <http://www.azleg.gov/legtext/49leg/2R/bills/SB1070S.pdf>

² *Chy Lung v. Freeman*, 92 U.S. 275 (1875). <http://supreme.justia.com/us/92/275/case.html>

³ Arizona Immigration Law: Sections BLOCKED by Federal Judge. http://www.huffingtonpost.com/2010/07/28/arizona-immigration-law-s_n_662376.html

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⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/17/AR2010061700008.html?hpid=topnews> (June 17, 2010)

⁵ http://www.tucsonsentinel.com/local/report/052110_rasmussen_boycott (May 21, 2010)

⁶ <http://www.immigrationpolicy.org/special-reports/ga-guide-arizonas-new-immigration-law#eighteen> (June 2, 2010)

⁷ http://colorlines.com/archives/2010/10/latin_american_countries_stand_against_sb_1070.html (October 5, 2010)

⁸ <http://articles.latimes.com/2010/apr/27/world/la-fg-0428-mexico-warning-20100428> (April 27, 2010)

⁹ <http://www.azcentral.com/business/articles/2010/05/13/20100513immigration-boycotts-list.html> (August 27, 2010)

¹⁰ <http://quickfacts.census.gov/qfd/states/04000.html>

¹¹ http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2008.pdf

¹² <http://www.justiceforimmigrants.org/about-us.shtml>

¹³ A complete list of delegates is provided in Appendix B of this report.

¹⁴ <http://www.ncsl.org/default.aspx?tabid=13133>

¹⁵ A complete list of panel participants from Arizona is found in Appendix C.

¹⁶ “What part of distortion doesn’t Brewer understand?”

<http://www.azcentral.com/members/Blog/EJMontini/87586> (April 24, 2010)

¹⁷ “Border ‘Mayhem’? An Illegal Immigration Fact Check Shows Violence Declining”

<http://abcnews.go.com/Politics/illegal-immigration-fact-check-mayhem-us-mexico-border/story?id=10690707> (May 20, 2010)

¹⁸ “Remaining One in Christ: The Challenge of SB 1070” <http://www.catholicsun.org/bishop/2010/052010.html> (May 20, 2010)

¹⁹ For example, see the National Conference of State Legislatures Immigrant Policy Project review of legislation passed in 2005. <http://www.ncsl.org/default.aspx?tabid=13133> Arizona passed nine anti-immigrant laws, six of which were vetoed by Governor Napolitano.

²⁰ A media representative from San Jose joined the delegation as well. His reflections about the trip are found in this report on page 29.

²¹ “Arizona immigration law SB 1070 – Judge blocks some sections” <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/28/AR2010072801794.html> (July 29, 2010)