

Arizona, the Anti-Immigrant Laboratory

By Todd Miller

SIXTY-THREE MEN AND WOMEN STOOD BEFORE a federal judge in Tucson. Their wrists and ankles shackled, most had difficulty walking to the front of the court when their names were called. They wore the same dirty T-shirts and torn jeans they had on as they walked through triple-digit temperatures in the Arizona desert, where the Border Patrol arrested them for entering the United States without authorization. In less than half an hour, the judge sentenced 22 of them to prison time.

This was on May 24, more than two months before Arizona's draconian new immigration law was slated to go into effect. With SB 1070, as the new law is called, life for undocumented immigrants in Arizona is set to get a whole lot worse. As critics in both the United States and abroad have emphasized, the law institutionalizes racial profiling by requiring that local police demand papers from anyone they have a "reasonable suspicion" of being undocumented. It represents the cruelest attempt yet to close off the border, capping a nearly 20-year history in Arizona of cracking down on migrants.

The stage was set for SB 1070 in 2005, when the Department of Homeland Security launched Operation Streamline, a federal immigration-enforcement program that targets and charges first-time border crossers with "illegal entry." Operation Streamline is most significant for treating undocumented migration as a criminal, rather than a civil, infraction for the first time. Under the program's fast-food approach to due process, an average of 70 people are convicted and sentenced every weekday in Tucson, often within an hour.

That adds up to about 17,850 undocumented people who must face a judge each year in Tucson alone, and almost 7,000 who receive prison time, ranging from 30 days to six months. A re-entry charge carries a prison

sentence of between two and 20 years. About half receive prison time, while the rest remain in jail as they go through the formal deportation process, their U.S. records permanently stained. These newly minted prisoners are then fed to Arizona's voracious private prisons, which constitute one of the only growth industries in a state hit hard by the recession.

According to Caroline Isaacs, program director of American Friends Service Committee's Tucson office, both Operation Streamline and SB 1070 culminate a shift begun in the 1990s to using "war-on-crime approaches to what can only be called the war on immigrants." SB 1070 will add a Class 1 trespassing misdemeanor for being in the state of Arizona without correct documents on top of Operation Streamline's illegal entry charge. The trespassing charge comes with a mandatory prison sentence of 20 days, and the migrant will have to pay for his or her jail costs. There are additional penalties, including potential prison time, for smuggling, harboring, and hiring immigrants, and even for being hired. These various provisions, Isaacs says, show that SB 1070 consists of "40 previous bills, all smushed together."

How did it come to this? Though notable for its extremism, SB 1070 obeys the same "zero tolerance" logic behind Operation Streamline and the broader federal "deterrence" policy that began in Arizona in 1993. That year the Border Patrol launched a series of ongoing militarized crackdowns: Operation Hold the Line in El Paso, Operation Gatekeeper in San Diego, and, in 1994, Operation Safeguard in Arizona. Border Patrol agents wielding sophisticated military technology saturated and sealed off the traditional immigration crossing routes in the towns of Nogales and Douglas, and 16-foot walls went up.

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TAKING NOTE

President Clinton promised in 1994 that the immigration “problems” would be solved with the implementation NAFTA, which would supposedly boost employment in Mexico. But the promise of more and better-paying jobs south of the border proved false; in fact, NAFTA only worsened the poverty in Mexico. The free trade agreement unleashed an unprecedented exodus of Mexicans into the United States, an average of 500,000 each year since 1994. Many of them were funneled into Arizona’s dangerous desert, which claims an average 200 migrant lives each year. Arizona became the U.S.-Mexico border’s immigration hot spot, a prime location to experiment with border enforcement policy.

The more than a decade and a half since NAFTA has seen the rise of two parastatal elements associated with Arizona’s enforcement apparatus: private prisons and vigilante groups. In the late 1990s, the Immigration and Naturalization Service threw the almost dead private prison industry a bone, offering it contracts to imprison undocumented immigrants. Within a decade, as migration boomed, armed vigilante groups like Ranch Rescue, the American Border Patrol, and the Minutemen, some associated with national white supremacist groups, began forming in southern Arizona and patrolling the desert for supposedly dangerous immigrants.

Few of Arizona’s policymakers and officials condemned these groups; in fact, they became essential ingredients in Arizona’s anti-immigrant

laboratory. Some of the state’s police forces, instead of cracking down on their potential illegal activities, began to mimic them. In 2006 Maricopa County sheriff Joseph Arpaio, almost on cue from these groups, created a 250-strong posse (which included volunteers) to enforce a 2005 state anti-smuggling law under which undocumented immigrants could be charged with criminal conspiracy, a felony, to smuggle themselves into the United States. He established a tent city equipped to hold 2,000 prisoners, mostly undocumented immigrants, where male prisoners were forced to wear pink underwear.

“I’m the only agency enforcing this law,” Arpaio told Fox News, responding to criticism, “and I’m going to put up tents up from here to Mexico if I have to keep these illegals incarcerated.” As the *Phoenix New Times* pointed out, SB

1070 simply legalizes what Arpaio was already doing. In Arizona vigilante practices have become vigilante policies, and SB 1070 could be the Arizona laboratory’s most potent poison yet.

“I lived in the South Africa,” wrote Nobel Peace Prize winner Desmond Tutu on April 28, reflecting on Arizona “. . . where a black man or woman could be grabbed off the street and thrown in jail for not having his or her documents on their person. . . . Abominations such as apartheid do not start with an entire population suddenly becoming inhumane. They start here. They start with generalizing unwanted characteristics across an entire segment of the population.”

Indeed, the confluence of economic, military, border, and immigration policies in Arizona, making it the country’s primary laboratory for draconian immigration policies, connects the U.S. border zone to a broader international context of “global apartheid,” as geographer Joseph Nevins put it in an interview with Znet in 2008. This collection of policies disproportionately targets “the relatively poor” and “largely people of color” who “in order to overcome their deprivation and insecurity . . . risk their lives trying to overcome ever-stronger boundary controls put into place by rich countries. . . .” Meanwhile, Nevins writes, privileged and mostly white people are “generally free to travel across national boundaries and live wherever they would like or have the means to access the resources they ‘need.’ ”

Although President Obama has condemned SB 1070—directing his Justice Department to review the law and possibly challenge it in court—the administration remains committed to Operation Streamline and to the overall logic of militarized border policy: In May, Obama ordered the deployment 1,200 National Guard troops to the Southwest border region.

If history is any indication, SB 1070 will not stop undocumented immigration. Rather, it will supply thousands more people convicted of illegal entry to Arizona’s private prisons, providing the human raw material for the profit of the Corrections Corporation of America and other such companies, which have every incentive to push for laws that will imprison as many people as possible for as long as possible. As long as Arizona remains an anti-immigrant laboratory, the vicious circle of border enforcement will become only more vicious. ■

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