

【연구논문】

Subnational Activism for Immigration Reform: Arizona and SB 1070*

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1. Introduction

Immigration and immigration policy have always been a salient issue in the U.S. policy debate (Hatton and Williamson 2005). Traditionally, the federal government had enjoyed the exclusive right to handle the matter, in which its character had largely been bipolar - usually along the partisan or ideological lines in Congress, with Republicans and conservatives in the anti-immigration camp, whereas Democrats and liberals in the pro-immigration camp (Scheve and Slaughter 2001, Hanson et al. 2007, Mayda 2006). Recently, the debate on immigration has taken a new turn with states as individual actors in immigration policymaking. That is, some states, wanting to divert federal power of immigration regulation into their own hands, enacted state-based immigration restriction laws such as Arizona in 2010. The federal courts have been striking down such sub-federal

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activism for immigration reform under the doctrine of preemption, though such efforts could not completely halt sub-federal activism for immigration reform. In an effort to seek clues as to the changing dimensions of the issue, this paper examines the conditions under which states challenge the federal exclusivity with Arizona in keen context. It focuses on analyzing the applicability of the intuitive drivers of sub-federal immigration policymaking, such as socio-economic, demographic, and political factors.

The paper is divided into two major parts. The first part illustrates a general review of the existing literature on immigration federalism, and identifies the conventional factors labeled as the triggering variables on sub-federal activism for immigration reform. In doing so, this paper employs a statistical analysis of the identified factors as means to verify and test the validity of the factors. As it will be addressed later, the empirical analysis suggests that the combination of poor economic conditions and partisanship characteristics are statistically significant drivers of a sub-federal activism for immigration reform.

In the second part, this paper triangulates the findings from the empirical analysis to the specific case of Arizona and finds that the statistical significance of designated factors have little explanatory power in supporting why and how specific state governments are triggered to challenge the federal exclusivity. In that note, this paper turns its attention to explaining the process of how Arizona's omnibus immigration law, SB 1070, came to be enacted by tracing the spread of anti-immigrant sentiment in the state of Arizona. This research ultimately suggests that Arizona's omnibus immigration law

is a product of interaction among many different factors, and that regardless of how the bill came into being, it served as an important wake-up-call for the federal government to tackle the matter on immigration at the national level.

The scholarship in immigration federalism is in the process of evolving, thus making it difficult to come to an abrupt conclusion with the implications generated with its basis in the findings and the methods from the existing literature. Ultimately, by employing the mixed methods in this research, combining the benefits of systematic analysis through the empirical study with the benefits of a detailed oriented case study of Arizona, this research offers a degree of foresight towards which direction of American immigration policy legislation is headed at the subfederal levels. In detail, there are three major contributions that this research can make to the evolving scholarship. First, this research data can be used as a reference point for the current position and status of how far the scholarship on immigration federalism has evolved. Second, this research can serve as a useful tool in verifying previous studies and their results. By conducting this research with analogous fields of data from the previous literature, the findings from this research can serve as a handy verification to the former studies with verifiable methods that can be repeated. Lastly, this research can shed light on which factors have been overlooked and explore new, yet significant, independent variables in order to find the root cause of why some sub-federal units of governments challenge the federal exclusivity on immigration policymaking. In all, as a part of the burgeoning academic corpus on immigration federalism, this research is a pivotal work in progress –

a necessary step in diagnosing how well the American democracy and federalism has evolved in the control and treatment of immigrants in the US through its policies, not just from the limited perspective of the federal government, but rather from the sub-federal levels.

2. “The Knows and How’s”: Triggering Variables of Immigration Federalism

(1) Literature Review

Discussion on the role of states and localities in immigration-related policymaking is most active in legal scholarship. While the legal scholarship is distant from seeking clues as to why and how immigration federalism installs or proliferates, it does highlight the constitutionality and practicality of immigration federalism. Largely, it is divided into two camps, one that argues for, and the other arguing against immigration federalism. The pro-immigration federalism camp argues that state regulations, such as the Arizona’s SB 1070 were products of the mirror-image theory,¹⁾ which is ultimately inconsistent with the federal government’s immigration jurisprudences, laws, and policies (Chin). Scholars who side within this perspective agree that

1) The ‘mirror image theory’ is a technical legal concept that champions the idea that states can draft, pass, and enact immigration laws based on federal standards. This theory proposes the idea that sub-federal polities, especially the states, can help execute federal policies by enacting and enforcing state laws that “mirrors” federal statutes and standards.

states can enact and enforce state regulation of immigrants, not immigration control.

Proponents of ‘immigration federalism’ argue not only that the increased state and local involvement in immigration enhances the robustness of cooperative federalism in the US, but also that the federal government cannot preempt the shared power of immigration.²⁾ More specifically, they argue that despite the federal exclusivity in immigration policymaking, the federal government must acknowledge that the states are a “de facto multi-sovereign regime,” and that there is a “structural need for federal, state, and local participation in immigration regulation [and immigration integration;]” ultimately concluding that allowing --federal governments to legislate independent immigration policies will not necessarily be hostile to immigrants (Clare Huntington 823).

The opposing camp sees immigration federalism through a more gloomy and negative lens. For instance, they express concerns over the negative consequences of the full devolution of the immigration regime and the potential for uncontrollable proliferation of sub-federal activism in immigration policymaking. The opposing camp contends that the devolution of federal enforcement authority over immigration, or simply immigration federalism, will inevitably lead to immigrants suffering discrimination by the local governments. Essentially, what the opposing camp believes is that in the model of immigration federalism, immigrants will be treated as second class citizens who

2) See, Clare Huntington, “The Constitutional Dimension of Immigration Federalism,” *Vanderbilt Law Review* 61 (2008): 787-853; Peter Schuck, “Taking Immigration Federalism Seriously,” *Yale Law Faculty Scholarship Series* 1675 (2007): 57-92; Kevin Tessier, “Immigration Crisis in Federalism: A Comparison of the United States and Canada,” *Indiana Journal of Global Legal Studies* 3.1 (1995).

will have to bear the burden of living under institutional discrimination separating them from receiving benefits by the equal-protection clause of the 14th Amendment because their national origin is different.³⁾

In the social sciences, the issue was addressed in a much more systematic way than the legal scholars and far from discussing only in terms of constitutionality and practicality of immigration federalism. Earlier contribution developed as response to California's passage of Proposition 187 in 1994, tracing the historical evolution of state's role in immigration. Although the earlier works tended to highlight mainly the situation in the 1880s, a time before the arrival of plenary power, they contributed to the literature dynamics by setting the argument that immigration policymaking is not necessarily the exclusivity enjoyed only by the federal government (Skerry). In doing so, social scientists who contributed to the literature earlier seemingly sympathized with the state governments, expressing that the federal inaction to actively tackle the matter of immigration is essentially an act of burden shifting; reluctance of the federal government to

3) See, e.g., Huyen Pham, "The Inherent Flaws in the Inherent Authority Position: Why Inviting Local Enforcement of Immigration Laws Violates the Constitution," *Florida State University Law Review* 31 (2004); Muffazer Chisti, "The Role of States in U.S. Immigration Policy," *New York University Annual Survey of American Law* 58 (2002); Linda Bosniak, "Immigrants, Preemption, and Equality," *Virginia Journal of International Law* 35 (1994); Hiroshi Motomura, "Federalism, International Human Rights, and Immigration Exceptionalism," *University of Colorado Law Review* 70 (1999); Hiroshi Motomura, "Immigration and Alienage, Federalism and Proposition 187," *Virginia Journal of International Law* 35 (1994); Michael Olivas, "Preempting Preemption: Foreign Affairs, State Rights, and Alienage Classifications," *Virginia Journal of International Law* 35 (1994); Michael Olivas, "Immigration-Related State and Local Ordinances: Preemption, Prejudice, and the Proper Role for Enforcement," *University of Chicago Legal Forum* (2007).

address the matter on immigration places economic, social, and political burdens on sub-federal units of governments.

Since then, social scientists have contributed to the understanding of immigration federalism generally in three ways. First, major scholarship tended to take on the issue in a similar vein as the earlier works by documenting the “how” aspect of immigration federalism. That is, the literature addressing the methods in which sub-federal governments have involved themselves in the making and enforcing of immigration policies. Some efforts were made approaching the matter in a twofold manner, stating both the *de facto*, and *de jure* ways in which immigration federalism had functioned.⁴⁾ More specifically, some argued that the federal exclusivity is a mere “myth,” and that the states have played and will continue to play a crucial and innovative role in immigration policymaking (Filindra and Tichenor). This line of argument is in conjunction with former US Supreme Court Justice, Louis Brandeis’ famous idea of states as “laboratories of democracy,”⁵⁾ especially because state-specific immigration policies can function as an effective “trial-and-error” mechanism, not only for themselves, but also for the national immigration policies. That is, state legislation on

4) See, e.g., William McDonald, “Crime and Illegal Immigration: Emerging Local, State, and Federal Partnership,” *National Institute of Justice Journal* (Jun. 1997); Miriam Wells, “The Grassroots Reconfiguration of U.S. Immigration Policy,” *International Migration Review* 38 (2004).

5) Justice Brandeis first popularized the term, “States as Laboratories of Democracies.” To understand how the concepts have been applied in the scholastic discourse on federalism, and state policymaking, see, James Gardner, “The ‘States-as-Laboratories’ Metaphor in State Constitutional Law,” *Valparaiso University Law Review* 30 (1996): 475-491.

immigration is essentially a message that the state governments is sending to Washington D.C., as an attempt to encourage the federal government to act (Newton and Adams).

As the years have progressed, more statistical methods were applied in analyzing why and how the phenomenon of immigration federalism came to be. Many scholars employed the regression analysis to test the degree of significance of different variables that could have triggered or actively proliferated the phenomenon. Many of the findings re-confirmed the intuition that immigration policymaking activism at the local level is a product of massive demographic transition due to the rising immigrant population, though there had been literatures that suggested contrasting argument than the conventional belief on demography (Thangasamy 33). Some referred to the organization of state bureaucracy for the variation of states' policy towards immigrants, and others found that local partisanship in local governments "matters greatly in accounting for the rise in ordinance activity related to the incorporation of undocumented immigrants."⁶⁾ Certainly, the regression analysis method echoed the conventional belief that immigration is largely a demographic, economic, or political issue,⁷⁾ though arguments against such conventional wisdom and intuition also made it to the scene.⁸⁾ Needless to

6) Karthick Ramakrishnan, and Tom Wong, "Partisanship, Non Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants," *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*, ed. Monica W. Varsanyi (Stanford: Stanford University Press, 2010), 73-93.

7) Jorge Chavez, and Doris Marie Provine, "Race and the Response of State Legislatures to Unauthorized Immigrants," *Annals of the American Academy of Political and Social Sciences* 623 (2009).

8) Daniel Hopkins, "Politicized Places: Explaining Where and When Immigrants

mention, the existing scholarship on immigration federalism from the social sciences is seemingly building a general consensus that immigration is a local issue beyond just federal-state level.⁹⁾

(2) Testing the Validity of Existing Literature

In an effort to verify the claims made in the studies that incorporated quantitative analysis in seeking the trigger mechanism for the sub-federal activism on immigration policymaking, this research piloted a regression analysis on multiple factors that could have affected individual states to challenge the federal exclusivity over immigration¹⁰⁾ using the event history analysis technique.¹¹⁾ Alongside

Provoke Local Opposition,” *American Political Science Review* 104 (2010).

- 9) Monica Varsanyi, *et al.*, “A Multilayered Jurisdictional Patchwork: Immigration Federalism in the United States,” *University of Denver Law & Policy* 34 (2012).
- 10) The empirical data collected for the study are fourfold: 1) economic; 2) demographic; 3) partisanship; 4) and security. The economic data consisted of the US employment rates and the change in the GDP per capita for the years 1990 to 2010, collected from the US Censi, 1990, 2000, and 2010. The demographic data used the non-white persons provided in the same US Censi, to test whether there is a specific threshold that could have led to a subsequent subnational challenges to the federal exclusivity on immigration policymaking across the 50 states. The partisanship data, collected from the National Conference of State Legislature (NCSL), are the party composition of each individual state legislature that measured the potential electoral strengths of the respective parties on handling the immigration matter at the state level. The NCSL was also the source of where the dependent variable (the passage of anti-immigration law – the omnibus kind) was collected from. Lastly, the safety data, collected from the FBI Uniform Crime Reports prepared by the National Archives of Criminal Justice Data for years 1991 to 2011, tested the relationship between the changes of state crime rates with the respective state’s decision to enact hardliner immigration policies.
- 11) Since the 1980s, this method has been favored by the sociology discipline. There are different terminologies for this method: Event History Analysis,

the conventional economic, demographic, political factors and variables used in the previous studies, this pilot test included a few new variables, such as the safety factor and more party politics variables. By testing the new factors, which had been neglected in the existing literature, this paper hoped to test the hypotheses on other intuitive variables that often trail along naturally on the issue of immigration and immigration politics.

The results of the multivariable regression analysis that tested the degree of influence of 7 factors on all 50 states across the US on the matter of omnibus immigration policies showed to have confirmed the claims made in the existing literature; the matter of sub-federal immigration reform is largely a battle of the political parties – both at the national and state level – and the economic atmosphere of the time significantly influences states to challenge the federal exclusivity.

The results of the pilot study that employed a multivariable regression analysis tested the degree of influence of 7 factors on all 50 states across the US on the matter of enactment of omnibus immigration policies. The findings suggested that the most influential factors in triggering local immigration laws were the percent of Democrats in state's lower house, state's unemployment rate, and the percent of non-white population in respective order.

Survival Analysis, Duration Analysis, Failure Time Analysis, and Hazard Analysis. In mathematical terms, this analysis is used when the social process is concerned with change in $y(t)$. For example, “transitions across labor market status, from unemployed to employment,” “transition out of marriage to divorce/separation,” “transition from poverty to financial security,” “recidivism, what factors predict further criminality?,” etc.

Table 1.1 Measures of State’s Likelihood to Enact Omnibus Immigration Bill

| | (a) Coefficients | (b) Odds Ratio |
|--|---------------------|--------------------|
| % of Democrats in State Lower House (HDem) | -0.074** [0.032] | 0.929** [0.030] |
| Governor’s Party Affiliation (STGov) | -1.118 [0.912] | 0.327 [0.298] |
| State Legislature & Governor Republican Alliance (RepAlliance) | 0.020 [0.869] | 1.020 [0.887] |
| State Crime Rates (Crime) | -0.000 [0.000] | 1.000 [0.000] |
| State GDP per Capita (GDP) | -0.000 [0.000] | 1.000 [0.000] |
| State Unemployment Rate (Unemp) | 0.311** [0.125] | 1.365** [0.170] |
| % of Non-White Population (NWP) | 0.041* [0.026] | 1.041* [0.027] |

Notes: Both (a) and (b) models are logistic regressions. Standard error are in brackets.

*Significant at 10 percent

**Significant at 5 percent

***Significant at 1 percent

Concerning the first significant factor in detail, the statistical model showed that for every 1% increase in the Democratic leaders in state legislature, the odds of that state enacting an omnibus immigration bill decreases. This does not necessarily mean that the Democrat-controlled states are less likely to enact such policies than the Republican-controlled states. Rather, since the rise of Democrat leadership would conversely mean the decrease of Republican leadership, this result must be interpreted as: the odds of the Democrat-controlled states enacting an omnibus immigration law are

less than the odds of the Republican-controlled states doing so. Other political factors such as the partisanship of state governor and whether there was partisanship unification between the state legislature and the governor did not show enough degree of significance to be considered as the causal factors.

As for the second significant factor or the economic factor, the statistical model showed that the change in the state's unemployment rates supported the contention that the economic deprivation and stress triggers states to enact omnibus immigration bills. In values, for every unit increase in the unemployment rate by 1, states are approximately 40% more likely to enact an omnibus immigration bill at the state level. The demographic factor showed lower level of significance as the triggering factor compared to the other factors identified as significant in this study.

Ostensibly, the results of the statistical models show that sub-federal immigration activism is largely borne out of partisan divide and competition. However, there are several shortcomings of research that employ statistical analysis as a method to test the significance of variables and factors, such as that of Thangasamy's, and Ramakrishnan and Wong's research. Most importantly, the multivariable regression model employed in the pilot test of this research came short of proving the results beyond reasonable doubts of hasty generalization. In other words, while the statistical findings give key clues in identifying which possible factors influence individual states on local immigration regulation activism, they seldom show the high rate of applicability on all cases concerning the matter across the US. For instance, it is difficult to conclude that

the political factor really plays a significant role in all states that enacted omnibus immigration policy. The scarce cases of sub-federal immigration enforcement activities are outlier cases that make generalization difficult for all such instances. That is, each locality is equipped with or is under specific situations requiring a case-by-case qualitative analysis, which can ultimately contribute to the findings and implications of the quantitative models. The next section of this paper triangulates the findings of the regression analysis with the case in Arizona and attempts to trace the process in which Arizona's infamous anti-immigrant bill, SB 1070, was enacted.

3. Arizona SB 1070 and Anti-Immigration Sentiment

(1) Applicability of Findings From the Quantitative Analysis

The State of Arizona serves as a great example of a sub-federal challenge to the federal exclusivity on immigration policymaking. In April 2010, Arizona enacted the infamous SB 1070 and since then, the Supreme Court had found the law partially unconstitutional. In search of the causal mechanisms in which such laws are introduced and proliferated, many existing literatures and researches employed statistical models. The results suggested that the issue was largely a partisanship issue beyond other conventional variables. However, the shortcoming of the statistical models¹²⁾ is that they largely neglect to

12) To review the statistical analysis, *see*, Ramakrishnan and Wong (2010); Jorge Chavez, and Doris Marie Provine, "Race and the Response of State Legislatures to Unauthorized Immigrants," *Annals of the American Academy of Political and*

test the qualities of other factors that failed to show statistically significance in the quantitative models.

This paper suggests that the passage of immigration laws, especially the omnibus kind, like SB 1070 are products of interaction of different factors that bridge social, economic and political factors. Hence, the intent of the research is not to seek individual factors as the determinant causal variable in local activism on immigration policymaking; rather, it argues that the interactions of the statistical findings that put importance on partisanship and the poor economic conditions, and the sudden surge of anti-immigrant sentiment all contributed to the eventual enactment of SB 1070 in Arizona.

In that note, both scholars and policy analysts have built a broad consensus over the past decade or so that generally, immigration is good for the American economy. While the claims on the degree of positive outcome or impact of immigration on the American economy vary in the scale from miniscule to significant, immigration “unambiguously improves employment, productivity, and income.”¹³⁾ This general consensus did not seem to change during times of recession as the Arizona’s SB 1070 case shows.

Arizonians’ intuition hold that their state has had long been experiencing surges of foreigners, mainly by the Mexican immigrants.

Social Sciences 623 (2009); Daniel Hopkins, “Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition,” *American Political Science Review* 104 (2010); Monica Varsanyi, *et al.*, “A Multilayered Jurisdictional Patchwork: Immigration Federalism in the United States,” *University of Denver Law & Policy* 34 (2012); Andrew Thangasamy, *State Policies for Undocumented Immigrants: Policy-making and Outcomes in the US, 1998-2005* (LFS Scholarly Publishing LLC, 2010).

13) “The Impact of Immigrants in Recession and Economic Expansion.”

Considering that Arizona shares the longest border with Mexico than any other Southern Border States, it is likely that Mexican immigrants, both legally and illegally would make Arizona their first stop in the US. In fact, according to the US Census data, the total non-white population of Arizona accounted for nearly 45% of its total population in 2011. In detail, the non-white persons in Arizona in 2011 were 2.8 million persons out of 6.5 million total populations. Of the 2.8 million, more than 2 million people were of Hispanic Origin; people of Hispanic origin alone accounted for nearly 31% of the entire Arizona population. While it is difficult to differentiate what portion(s) of the Hispanic population, or of the entire population of Arizona are illegal immigrants, what seems clear is that the ethnic makeup of Arizona had no seemingly significant influence on the economic conditions of the state. An important inference can be drawn from this that when put in comparative perspective, side-by-side, while the changing demography of Arizona and the poor economy coincided with the growing non-white population in the states and the down spiraling economy, it is difficult to see the two factors in a causal interaction.

In fact, according to the US Census data, in between 1990 and 2010, Arizona experienced approximately 4.59% annual growth of non-white population with that population composing over 42% of the entire population in 2010, and a tumbling down economy in 2010; the unemployment rate and the per capita GDP of the state was at its lowest ever.¹⁴⁾ However, such trend in the economic downfall was

14) "Per Capita Personal Income by State," *The Bureau of Business & Economic Research at the University of New Mexico*, accessed 23 Sept. 2014.

utterly due to the effect of the subprime mortgage crisis¹⁵⁾ that brought extreme economic hardship to the entire nation, not just Arizona, since the Great Depression.¹⁶⁾ Simply put, there is no clear indicator to suggest that the mere change in demography and the coincidental poor economy caused the state government to want to control its immigrant population. Though, in turn, it can be conjectured that the two conditions could have led to a spread of anti-immigration sentiment based on the logic of scapegoating.

Apart from economic and demographic factors, the pilot test also sought to test the degree of influence and significance of other factors like crime rates. While the results of the test were not of any particular interest, crime rates in relations with the growing immigrant

(<http://bber.unm.edu/econ/us-pci.htm>);

“Local Area Unemployment Statistics (LAUS) Data,” *Arizona Office of Employment and Population Statistics, in cooperation with the US Department of Labor, the Bureau of Labor*, accessed 13 Aug. 2014.

(<http://azstats.gov/laus-series-query-tool>);

“GDP per Capita (current US\$),” *The World Bank*, accessed 23 Sept. 2014.

(http://data.worldbank.org/indicator/NY.GDP.PCAP.CD?order=wbapi_data_value_2009%20wbapi_data_value%20wbapi_data_value-first&sort=asc);

“United States: Gross Domestic Product, Current Prices (U.S. Dollars),” *The International Monetary Fund*, accessed 24 Sept. 2014.

(<http://www.imf.org/external/pubs/ft/weo/2012/01/weodata/weorept.aspx?pr.x=56&pr.y=10&sy=2009&ey=2012&scsm=1&ssd=1&sort=country&ds=.&br=1&c=111&s=NGDPD%2CNGDPDPC%2CPPPGDP%2CPPPPC%2CLP&grp=0&a=>).

15) “US Business Cycle Expansions and Contractions,” *The National Bureau of Economic Research*, accessed 2 Aug. 2014. (<http://www.nber.org/cycles.html>)

16) The 2008 subprime mortgage crisis was a nationwide baking crisis that coincidentally happened while the US was hit hard with recession, which lasted from December 2007 through June 2009. Critiques of this study may point to a counterfactual argument that the impacts of the economic crisis was felt more by the residents of Arizona. Admitting that this counterfactual cannot be simply refuted, this research inclined to reinforce the details of the study in the future.

population in states like Arizona is worth a glance of analysis. Part of the reason why the crime data was included as a factor in the pilot test of this research is because there are some who point out a peculiar relationship between crime rates and immigration. There is no uniform or coherent arguments on the relations between immigrants and crime rates. While some studies found lower rates among immigrants than among non-immigrants in the US (Ellis and Beaver, 2009), some studies argued that the “[new] government data indicate that immigrants have high rates of criminality, while older academic research found lower rates.”¹⁷⁾

Perhaps the incoherency in the expert arguments on the relations between crime rates and immigration is a revelation that crime rate is not a significant factor in inflicting state governments to enact regulatory measures to curve immigration. In fact, according to the data collected from the official crime reports published by the Federal Bureau of Investigation (FBI),¹⁸⁾ Arizona was among the 27 other states that reduced local crime rates more than the national average between 1990 and 2013. To be exact, Arizona cut nearly 50% of its state crime rates, thereby logically disproving the common misconception that immigrants increase local crime rates. Unfortunately, however, as shown in the case of popularizing the necessity of SB 1070, Arizona state lawmakers often cited immigrants - mainly illegal immigrants - and their “criminal nature and activities” as the reasons why regulatory immigration law is necessary at the state level.¹⁹⁾

17) Steven a. Camarota, and Jessica Vaughan, “Immigration and Crime: Assessing a Conflicted Issue,” *Center for Immigration Studies Reports* (2009).

18) The Federal Bureau of Investigation, The Department of Justice, *Uniform Crime Reports Prepared by the National Archive of Criminal Justice Data* (2013).

Much of the Arizonian politicians' rhetoric on illegal activities of immigrants refers to border-area criminal activities. Surely, the border states, especially the states that share the southern border, are more prone to the illegal crossings and other border-related criminal activities, nonetheless, the geographical proximity to the national borders alone does not necessarily increase the states' likelihood to enact regulatory immigration policies. In between 1991 and 2011, there were 11 states that enacted an omnibus immigration bill, and 7 out of them were non-border states, implying that at the face value, while the intent of Arizona in passing its omnibus bill, SB 1070 was to reduce and prevent border-related crimes, but other states had fundamentally different motives than the State of Arizona.

Again, despite that the results of the pilot test identified certain factors that held more weight than the others in triggering states to enact local immigration laws, application of the identified factors to all 50 states across the US comes short of providing sufficient evidences to make it a conclusive and generalizable finding. Whether it may be the political, economic, social, or others, what seems clear is that there is no specific factor that serves as a linchpin for states to initiate local immigration policymaking. Each state's unique situation and circumstances in which they enact immigration policies is different, although the sheer fact that regulatory immigration policymaking has proliferated within the last decade goes to show that a suspecting degree of anti-immigration sentiment has spread in

19) "Statement by Governor on SB1070," *The Official Website of Arizona State Governor Janice K. Brewer*, accessed 13 Aug. 2014.
(http://azgovernor.gov/dms/upload/PR_042310_StatementByGovernorOnSB1070.pdf)

certain localities. In the next section, this research pins the State of Arizona has a case study of tracing how and under what circumstances such anti-immigration sentiment had spread.

(2) Spread of Anti-Immigration Sentiment in Arizona Localities

Though it is true that the Arizona state legislatures tends to be overwhelmingly white for both Republicans and Democrats alike, to argue that the legislators' ethnicity has direct linkage to the drafting and enforcement of an anti-immigration law in the state would equate racist politics. Such unwarranted opinion and an argument cannot be proven beyond doubts or suspicion. Nonetheless, regardless of what the ethnicity of the state legislators may have been, the ostensible impression behind the enactment of SB 1070 is that the public sentiment had grown in Arizona to support a local enforcement of immigration law. Conditionally labeling such sentiment as an anti-immigration sentiment, this section attempts to see how such anti-immigrant sentiment had proliferated in Arizona. In doing so, this research introduces the popularity and approval ratings of a six-time elected local politician, Sheriff Joe Arpaio of Maricopa County in Arizona, and the public survey data on the matter of immigration.

Key proponents of SB 1070 included Governor Jan Brewer, Senator Russell Pearce (R-AZ) - the primary sponsor of SB1070 - Kris Kobach, former lawyer and current Secretary of State of Kansas, and Sheriff Joe Arpaio, the sheriff of Maricopa County, Arizona. Maricopa County, located in the south-central part of Arizona, is the largest electoral district in Arizona with the state capitol city,

Phoenix. With nearly 4 million populations,²⁰⁾ Maricopa is the largest and the most heavily populated county in Arizona, and fourth most populous county in the US throughout. About 42.4% of the Maricopa County's population in 2013 was non-white persons, which is around the same percentage of non-white population of the entire Arizona state. By population alone, Maricopa County dominates Arizona's politics – Arizona has nine congressional districts, in which eight of them include some portion of the county with five of the districts located centrally within the county.



Diagram 1.1 Map of Arizona by Counties

20) According to the Census data, in 2010, the reported population of Maricopa County, Arizona was 3,817,117 out of 6,392,017 total persons in Arizona.

According to the latest US Bureau of Justice Statistics' 2008 *Census of State and Local Law Enforcement Agencies*, Arizona had 141 law enforcement agencies employing 714,591 sworn police officers, which is about 224 for each 100,000 residents.²¹⁾ Among them, Maricopa County Sheriff's Office (MCSO) is the largest sheriff's office in Arizona that act as the primary law enforcement for both incorporated and unincorporated areas of the county. Since 1992, MCSO is headed by a six-time elected sheriff, Joe Arpaio.²²⁾ As one of the most fierce and outspoken advocate, and enforcer of local immigration laws, it is worthwhile to observe how the Arizonian public's sentiment on immigration changed over the years through examining Arpaio's popularity and approval ratings. In addition, often self-publicized as "America's toughest sheriff," Arpaio is a good candidate for observation in seeing the change on Arizona public's anti-immigration sentiment, not only because of his publicity and the county that he represents, but also because of the MCSO's

21) "Data Collection: Census of State and Local Law Enforcement Agencies," *Bureau of Justice Statistics*, accessed 23 Dec. 2014. (<http://www.bjs.gov/index.cfm?ty=dcdetail&iid=249>)

22) In 1992, Arpaio successfully campaigned for the MCSO, and voters reelected him again in 1996, 2000, 2004, 2008, and in 2012. Prior to being elected as the Maricopa County Sheriff for the first time in 1992, Arpaio served as a DEA officer for 25 years. Arpaio is clearly a controversial figure, accused, investigated, and charged of abuse of power, misuse of funds, failure to investigate criminal activities, improper clearance of cases, violation of election laws, unlawful/unconstitutional enforcement of immigration laws, etc. Specifically, Arpaio was found guilty of racial profiling in federal courts, and the MCSO-operated jails have been ruled unconstitutional in the past. The US Department of Justice concluded that Arpaio's crackdown on illegal immigration was the worst pattern of racial discrimination and profiling in the history of the United States, and subsequently filed multiple suits against him for unlawful discriminatory police conduct.

extreme activities pertaining to immigration enforcement.

2005 seems to have been a significant first year, since it was when Arizona experienced a spike of anti-immigration sentiment. For instance, it was when a new Maricopa County Attorney, Andrew Thomas, was elected - Thomas was supposedly the first local politician to run on the campaign slogan of “stop illegal immigration.” Until 2005, Arizona politicians had a consensus to concede to the idea that immigration issues were largely a federal concern and that it was beyond the jurisdiction of a local law enforcement powers.²³⁾ This pre-2005 understanding is apparent in Arpaio’s opinions as well - during a 2005 interview regarding an illegal-immigrant incident²⁴⁾, Arpaio publically stated that “[being] illegal is not a serious crime” and showed no aggression towards regulating illegal immigrants himself. Nonetheless, ever since that incident which seemed to threaten his public support and opinion, Arpaio, in collaboration with the newly elected County Attorney, began focusing on illegal immigration enforcement.

The main duties of immigration enforcement that the MCSO

23) Ej Montini, “Arpaio: Racist or Opportunist?,” *AZ Central* 24 Jul. 2012.

(<http://archive.azcentral.com/members/Blog/EJMontini/167250>)

24) In 2005, an Army reservist named Patrick Haab held a group of immigrants at gunpoint in Arizona desert located in Maricopa County. Arpaio was called to the scene and had Haab arrested. However, the County Attorney, Andrew Thomas who ran on the slogan to stop illegal immigration, decided not to prosecute Haab. Thomas’s decision drew public support, creating a sort of a backlash against Arpaio. Since then, Arpaio has transformed into a hardliner immigration law enforcer. See, JJ Hensley, “Sheriff Joe Arpaio: 20 Years of Controversies and Successes,” *AZ Central* 18 Dec. 2011.

(<http://archive.azcentral.com/news/election/azelections/articles/20111218joe-arpaio-controversies-success.html>)

executed were targeting human smugglers for undocumented alien trafficking, unwarranted worksite raids on illegal immigrants, and stop-and-pullover immigration arrests. It is not an overstatement that one of the primary functions of MCSO must have been immigration sweeps²⁵); since the beginning of Arpario's raid on immigrants, the number of arrests made in Maricopa County increased significantly than the previous years when he had not so fiercely done so. No arrest data is so specific in a manner in which it shows how many immigration-related arrests were made in a specific locality. Further, it is difficult to spot immigration-related arrests from public data because they are not included in the traditional criminal activities statistics. Nevertheless, as mentioned in detail in the footnote, because immigration related arrests make up for part of the "others" category, the general change in the "others" arrest can potentially provide valuable inferences on how many immigration-related arrest could have been made.

Table 3.6 lays out the "other" arrest data in relation to 100,000 people in Maricopa County. As shown in the table, not only the net number of arrests made for "other" crimes have increased after 2005,

25) Technically, it is "illegal" to live in the US without a proper legal status, hence making the residency of illegal aliens a criminal conduct. Nonetheless, residency crime or status crime is not included in the overall crime statistics. This was the case for the *Arizona Department of Public Safety Annual Crime Report*. This annual report, though it does not specify which category of crime immigration crime is classified under, it does have the "all other" arrests made category by county. It is logical to infer that immigration raids made arrests and that even if immigration crime cannot be charged under traditional criminal activity, arrest statistics must have included the immigration arrests as well. See "Crime in Arizona Reports," *Arizona Department of Public Safety*. (http://www.azdps.gov/About/Reports/Crime_In_Arizona)

but they were at the height between 2007 and 2009 – the years in which Arpaio and MCSO were mostly active in immigration sweeps.

Table 1.2 Maricopa County “Other” Crimes

| Year | # of “Other” Crime | Population (in million) | Approximate Crime per 100k Residents |
|------|--------------------|-------------------------|--------------------------------------|
| 2002 | 37323 | 3,299 | 1131,343 |
| 2003 | 39192 | 3,391 | 1155,765 |
| 2004 | 42223 | 3,503 | 1205,338 |
| 2005 | 39206 | 3,647 | 1075,021 |
| 2006 | 43224 | 3,776 | 1144,703 |
| 2007 | 46556 | 3,873 | 1202,066 |
| 2008 | 50228 | 3,958 | 1269,025 |
| 2009 | 51158 | 4,023 | 1271,638 |
| 2010 | 45482 | 3,823 | 1189,694 |
| 2011 | 41291 | 3,869 | 1067,227 |
| 2012 | 40287 | 3,941 | 1022,253 |
| 2013 | 45953 | 4,009 | 1146,246 |

Because his immigration enforcement practices had been regularly conducted mainly targeting the Latino neighborhoods, Arpaio has been accused, investigated, and charged on racial discrimination and profiling against immigrants continuously since 2007.²⁶⁾ The most controversial of them all was when the Justice Department sued Arpaio in civil rights probe after the MCSO refused to cooperate

26) A 2007 newspaper piece on Joe Arpaio revealed that Arpaio was not only the most-sued sheriff in America, but also that lawsuits against him have cost over \$41 million dollars. Most of these lawsuits have been filed against Arpaio on charges of racial profiling and unconstitutional searches and seizures of immigrants during the “raids.” See, <http://www.phoenixnewtimes.com/arpaio>

with the federal agency in providing information regarding immigration sweeps and arrests they have made in the past.²⁷⁾ Furthermore, just recently, on January 6, 2015, a federal judge has issued a court order barring MCSO and Arpaio from conducting workplace immigration raids on constitutional grounds.²⁸⁾

Despite having to spread negative images and creating an unfriendly atmosphere for himself over the issue on immigration, Arpaio remained as the MCSO sheriff with overwhelmingly high approval and popularity ratings among the voters between 2001 and 2011.²⁹⁾ In fact, multiple survey data³⁰⁾ shows that Arpaio's approval and popularity rating since 2001 showed to have been in its prime during which Arpaio's operations against illegal immigrants began as addressed the following table.

27) Amanda Lee Myers and Paul Davenport, "Arizona Sheriff Joe Arpaio Sued By Justice Department In Civil Rights Probe," *Associated Press* 25 May 2011.

(http://www.huffingtonpost.com/2010/09/02/sheriff-joe-arpaio-sued-b_n_703563.html)

28) David Schwartz, "Federal Judge Blocks Sheriff Joe Arpaio From Conducting Workplace Immigration Raids," *Reuters*, Jan. 6, 2015.

(http://www.huffingtonpost.com/2015/01/06/joe-arpaio-immigrant-raids_n_6424782.html)

29) In this research, "approval ratings" refer to the job performance points that the voters rated the candidate on. Generally, approval ratings were collected from the surveys that contained questions that asked the surveyors to rate the subjects' job performances on a 5-level-scale from very poor to excellent/good. Popularity ratings were collected from the surveys that contained questions that asked the surveyors' support for a hypothetical governor's race, such as, "if so-and-so was running for governor/party primary, who would you vote for?" Arpaio's popularity ratings show the percentage of voters' who is likely to vote for Arpaio in a potential election for a public office.

30) BRC produces nationally respected and recognized *Rocky Mountain Poll* and *Consumer Confidence Index*, etc., which tracks public opinion data in Arizona. See, "Rocky Mountain Poll Reports," *Behavior Research Center*, accessed 21 Dec. 2014. (http://www.brc-research.com/rocky_mountain.htm)

Table 1.3 Joe Arpaio Ratings, 2001-2011

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------------|------|------|--------------|------|------|--------------|--------------|--------------|------|--------------|--------------|--------------|
| Approval Rating | – | – | 59% (19%) | – | – | 64% (16%) | 64% (22%) | 54% (34%) | – | 39% (34%) | 41% (33%) | 37% (42%) |
| Popularity Rating | 26% | 29% | – | 51% | – | – | – | 52% | – | – | – | – |

**Note.* Approval Ratings (Disapproval Ratings)

Arpaio, on average, stayed in the above 50% range for his job approval ratings throughout the 10 years in which the ratings were collected. His popularity ratings showed similar patterns, though it had a slower climbing rate in the early 2000s. All of the recorded popularity ratings of Arpaio were survey results of voters who placed him as the most favorable candidate to vote for either a hypothetical governor race for Arizona or the Republican Party primary race. Voters not only found Arpaio more favorable than the other inner-party competitors, but also, they were more likely to vote for Arpaio among all candidates in the race, regardless of party allegiance. Clearly, Arpaio was a favorable and popular person to the majority of the voters in Arizona.

Joe Arpaio experienced a parallel growth of both approval and disapproval rating since he began the illegal immigration raids. First, his approval ratings have been higher than 50% until 2010. This suggests that in the years preceding 2010, 50% or more percentage of voters approved of Arpaio's job performance, which would include his notorious anti-immigration activities. When one equates the approval ratings as the voters' approval of Arpaio's anti-immigration activities, it is reasonable to argue that, at least during the period

between 2005-2009, the Arizonian public understood local illegal-immigrant raids - despite its unconstitutional character - as a legitimate act of law enforcement.

Paradoxically, however, the public opinion that disapproves of Arpaio grew extremely fast since 2005 as well, showing a parallel growth in conjunction to his approval ratings. The sheer fact that his disapproval rating began to spike since 2005 suggests that voters were unhappy of Arpaio's job performance. Again, one of the most prominent activity of Arpaio since 2005 was the immigration raids. Ultimately, the shifts in Arpaio's approval ratings clearly show that the public had grown discontent with Arpaio's performance; while the MCSO's or Arpaio's main duty had not been illegal immigration raids, the arrest statistics and the disapproval ratings both go to show interactive growth, henceforth strengthening the argument that public discontent borne out of Arpaio's immigration raids.

Surveys conducted between 2005 and 2009 seem to support the claim, that the public sentiment on illegal immigration had been growing in a bipolar manner. Between 2006 and 2007, when Arizona voters were surveyed on the question, "people who enter the US illegally to seek work are no better than common criminals," 27% of the people agreed both years, and 64% and 69% disagreed respectively. The slight drop in the "disagree" percentage could potentially lead to a logical suspicion that some Arizona voters who used to not equate illegal aliens as common criminals or less are now reconsidering their thoughts. While this survey data may not necessarily be a definite or ultimate conclusion that an anti-immigration sentiment has spread among Arizonian voters, it infers that something

has invoked negative doubts in the voters' perception of immigrants. Further, in 2005, 33% of Arizona's public answered that they favor a law under which any business found to employ illegal aliens would lose its license to do business in Arizona and be forced to close. An additional 2007 survey which asked the voters whether they favor or oppose requiring local police to enforce immigration laws by requiring officers to verify the nationality of anyone they stop in course of their regular law enforcement duty, surprising 58% of the voters agreed with 32% disagreeing to local immigration enforcement.

Clearly, the public's opinion on illegal immigration is divided on the issue of local law enforcement and general negative perception on them; that is, the majority of the public seems to support local law enforcement of immigration laws which would penalize illegal immigration, while not necessarily perceiving illegal immigrants as potential threats or negative influence over them. Table 3.8 outlines such divisive character of Arizonian public opinion on illegal immigrants.

Table 1.4 Arizona Public Opinion on Illegal Immigration

| Year | Paths to Citizenship/Legal Status | Local Immigration Enforcement |
|---------------------|-----------------------------------|-------------------------------|
| | Agree (Disagree) | Agree (Disagree) |
| 2006 ³¹⁾ | 73% (25%) | 16% (76%) |
| 2007 ³²⁾ | 76% (16%) | 58% (32%) |
| 2010 ³³⁾ | – | 52% (39%) |
| 2013 ³⁴⁾ | 74% (14%) | – |

31) Surveyors were asked to rate on the statements of, "immigration law should find a way for immigrant workers to come and go without breaking US laws," and "it is the responsibility of the federal government to secure our borders, not the

These data on Arpaio's ratings in relation to the public survey data show a bipolar attitude of Arizonian public on illegal immigration. The overwhelming support for an outspoken anti-immigrant public law enforcement official who commit inhumane and unconstitutional raids on illegal immigrants coincide with the public's support for local enforcement of tough immigration law. Ironically, the public shows a degree of sympathy towards illegal immigrants when over 70% of them would agree that illegal immigrants deserve a path to legal status to stay in America. This research present these data as tool in diagnosing the multifaceted characteristics of Arizona's anti-immigration sentiment, and infer reasonable and valid ways on how such sentiment could have spread.

It is difficult to determine which factor had initiated an anti-immigration sentiment in Arizona, but it is easy to spot when and how such sentiment had proliferated in Arizona. The existence of a local politician in the center of the buildup for anti-immigration sentiment goes to show that sub-federal challenge on federal exclusivity on immigration regulation is a product of unpredictable,

various states. State funds should be used for such things as education, transportation and job development."

- 32) Surveyors were asked to rate on the statements of, "immigration law should find a way for immigrant workers to come and go without breaking US laws," and "in general, do you favor or do you oppose requiring local police in addition to their regular duties, to enforce immigration laws by requiring officers to verify the nationality of anyone they stop in the course of their regular law enforcement duties?"
- 33) Surveyors were asked to either favor or oppose the governor signing the SB 1070 law.
- 34) Surveyors were asked to either favor or oppose creating an opportunity for illegal immigrants to stay in the US and apply for citizenship.

sporadic political theater borne out of local politics, not necessarily from national politics in Washington DC.

4. Conclusion

As the Arizona case showed, none of the factors identified from the pilot test and the existing literature concerning the state's economy, demography, and safety showed to have had a significant degree of influence over the state in enacting SB 1070. This research demonstrated that the political factor is a complicated matter that goes beyond the existing literature's discussion of which party tends to support immigration or not; political factor is seldom party politics alone, rather it is an amalgamation of state's economic, demographic, and social issues. Further, it showed that the issues surrounding immigration is not only a statewide matter, but also a very local matter at the municipal, and county level. Just as public opinion on a particular politician may form, sentiments regarding immigration may form with either negative or positive nuance, ultimately spreading to diverse corners of society.

In terms of economy, while it is undeniable that Arizona is an exceptional state that challenged the federal exclusivity when the unemployment was at its peak, and when the GDP per capita experienced negative growth, it is difficult to determine that the economic factor significantly triggered the sub-federal enactment of the omnibus immigration law. In this section, this research demonstrated that Arizona fails the true experiment under the assumption that it is

only logical to comprehend that states would enact sub-federal immigration policies to regulate both authorized and unauthorized immigrants, should they believe that that regulation is more cost effective in operating the state economy. Such cost-benefit analysis of local immigration policies and their impacts on the state economy requires a twofold analysis. First, it requires a plausible answer to the question: “do immigrants hurt or benefit the state economy?” Second question to address is: “does the removal of immigrants bring more economic benefit to the state?” In a sense, since the removal of immigrants is only applicable for the unauthorized, this question is ultimately asking whether the removal or detention of illegal immigrants is cost effective for the state economy.

There is really only one answer to this. Immigrants are economical agents – although they may not necessarily directly increase or decrease state economic activity all the time, in the case of the United States, immigrants or the institution of immigration do not hurt the economy. As long as the inflow of immigrants is regulated (which is done at the federal level), immigrants, authorized and/or unauthorized will contribute to supply and demand in the market economy. This overly generalized statement is backed by an ample number of researches on immigration and labor. For instance, according to a study on immigrants on fiscal and economic impacts in the State of Arizona, the “total state tax revenue attributed to immigrant workers was an estimated \$2.4 billion (about \$860 million for naturalized citizens plus about \$1.5 billion for non-citizens).” Even when considered that a large sum of the state revenue generated by immigrants went towards education, health care, and

law enforcements, “immigrants in Arizona generated [...] a net fiscal contribution of \$940 million toward services such as public safety, libraries, road maintenance, and other areas.”³⁵⁾

Arizona is not the only state to have benefitted economically from immigrations. The above claim is true for other states besides Arizona as well. According to a study on immigrants’ economic contribution to the state of California, the “immigrants are among California’s most productive entrepreneurs, and have created jobs for tens of thousands of Californians [...] and] over the next 30 years, the children and grandchildren of immigrants will play an increasingly critical role in the state’s economy.”³⁶⁾ The same goes for the state of Washington as well; not only do immigrant laborers represent 14.3% of Washington’s civilian workforce, and constitute a large significant portion of the growth in Washington’s labor force, but also, “Washington’s economic growth has always been fueled by the contributions of immigrant workers, more than many other states across the country.”³⁷⁾ These researches show that immigrants are not only a significant portion of Arizona’s total consumer market, but also an undeniable agents for expanding the economy by participating in a variety of markets and state expenses.

35) Judith Gans, “Immigrants in Arizona: Fiscal and economic Impacts,” *Udall Center for Studies in Public Policy at the University of Arizona* (2008): 10. (<http://udallcenter.arizona.edu/immigration/publications/impactofimmigrants08>)

36) “Looking Forward: Immigration Contributions to the Gold State – A Compilation of Recent Research Findings on Immigrants in California,” *California Immigrant Policy Center* (2008). (<http://www.caimmigrant.org>)

37) Pramila Jayapal, and Sarah Curry, “Building Washington’s Future: Immigrant Workers’ Contribution to Our State’s Economy,” *One America With Justice for All* (2009):10. (<http://oneamericanews.files.wordpress.com/2009/03/oneamerica-report-april-09-low.pdf>)

Furthermore, the state demography and its relation to the states' action of challenging federal exclusivity ultimately showed that there is no significant correlation between the two variables. State demography played non-significant role in triggering states to enact state-specific omnibus immigration policies, and no significant correlations were found for Arizona in 2010. In terms of general demographic changes in Arizona, the economic downfall had little or no impact on the trajectory of rise of non-white population in Arizona. This goes to show that the demographic movement and makeup is either unaffected or insignificantly affected by the economy. Same conclusion can be derived for the safety factor. By examining the state crime rates, this research found that while states that did enact an omnibus immigration bill tended to be Border States, there is no significant correlation between general crime rates and the passage of omnibus laws. Moreover, states had different reasons to cite crime as a legitimating tool in passing their omnibus immigration laws.

This in-depth analysis demonstrated that while it is true that the racial mix up of the American population will rise naturally, the data, both at the surface level and in deeper level, suggests that the demographic change is natural, and has no direct correlations to explaining why and when the states challenge the federal exclusivity. Samuel Huntington in 2004 "warned" and criticized the US for ignoring the challenge set forth by Mexicans and other Latinos. The challenge he referred to was the "persistent inflow of Hispanic immigrants [threatening] to divide the US in to two peoples, two cultures, and two languages. Unlike past immigrant groups, Mexicans

and other Latinos have not assimilated in to mainstream US culture, forming instead their own political and linguistic enclaves - from LA to Miami - and rejecting the Anglo-Protestant values that built the American dream.”³⁸) It is worthwhile that this part has demonstrated that such extremely racists and quite ridiculous norms and perspectives on the growing trend in the non-white population in the US as something negative, and un-American has been proven wrong, at least policy-wise. That is, if what Huntington was warning about was right, then US culture must be built on an Anglo-Protestant value set, and the states or its federal partner should have actively enacted laws to regulate immigrants, especially those who do not come from Anglo-Protestant backgrounds. They have not.

Some previous findings shared the implications of this research on the ethnic makeup of state demography, criticizing the conventional interpretation of scholars of immigration that “Americans’ ethnic and racial surroundings influence their attitudes and political behaviors (Hopkins, 2010).” In testing the effects of demographic change and politicization of immigration, Hopkins cleverly hypothesized that the sudden change in demography and national rhetoric is what is causing the anti-immigration fever in localities. The findings of Hopkins’ research have suggested, “such contextual effects are far less ubiquitous. Those who live near larger proportions of immigrants do not consistently exhibit more negative attitudes. Instead, at least as far as immigrants are concerned, people respond to the demographics of their communities only under specific circumstances. When faced

38) Samuel Huntington, “The Hispanic Challenge,” *Foreign Policy* 141 (2004): 30-45.

with a sudden, destabilizing change in local demographics, and when salient national rhetoric, such as party platform, campaigns political ads, and public opinion politicizes that demographic change, people's views turn anti-immigrant (Hopkins, 2010)."

Hopkins' suggestion partially supports the claims made in this research on the proliferation of anti-immigration sentiment: when faced with a sudden political campaign ads, public opinion tends to politicize the matter, which in turn turns people's view as anti-immigrant, or at least accepting of harshly criticizing illegal immigrants. In the case of Arizona, this research demonstrated that a single popular politician with power of law enforcement might influence the construction of public sentiment on immigration, though such sentiment lack tenacity, and the opposing opinion builds just as quickly.

By examining the State of Arizona in depth, this research has found that there is no significant linkage between poor economy, poor economic growth, demographic makeup, or raw crime rates with why and when the state government enacts anti-immigration measures. Additionally, this research showed the likelihood of politicization of sub-federal immigration enforcement activities as result of local politics. The implication this finding has on the American model of federalism is quite important, especially in the discourse of American federalism in terms of sub-federal activities fostering local activism to stretch the definition of concurrent authority. First, strictly in economic sense, state governments should find no need to coerce sharing of such regulatory power, simply because it benefits the state economy by saving unnecessary expenses in battling for self-rule;

second, local activism to stretch murky regulatory power may be initiated at the local level, not imposed by the higher government level.

This research is not without shortcomings. Mainly, what this research fell short of is asking the question of whether states view enacting state-specific immigration laws as a direct challenge to the American federalism system, or a challenge to the federal government. It is unclear as to what the motives behind the states were. Under the premise that the act of enacting state-specific immigration policy is a challenge to the federal government, it is quite possible to infer that the states perceive the federal government as a nemesis, at least in terms of the regulation of immigration. But simultaneously, it could also suggest a simple showing of a sign of frustration of localities and that they are attracting federal attention to fix local problems by politicizing the matter first at the local level. Furthermore, this research had not taken in to consideration that the regional distribution of the ethnic minorities throughout the states may have a significant effect in showing states' tolerance to ethnic minorities – something that a future, continuous, or follow-up study of this research should embrace.

Works Cited

Primary Sources, Data, Government Publications.

- Brewer, Jan. "Statement by Governor on SB1070," *The Official Website of Arizona State Governor Janice K. Brewer*. Accessed 2 Nov. 2014. (http://azgovernor.gov/dms/upload/PR_042310_StatementByGovernorOnSB1070.pdf)
- "Gross Domestic Products by State." *Bureau of Labor Statistics*. Accessed 10 Sept. 2014. (<http://www.bls.gov>)
- "Labor Force Statistics Including the National Unemployment Rate." *Bureau of Labor Statistics*. Accessed 10 Sept. 2014. (<http://www.bls.gov/data/#unemployment>)
- "Local Area Unemployment Statistics (LAUS) Data." *Arizona Office of Employment and Population Statistics, in cooperation with the US Department of Labor, the Bureau of Labor*. Accessed 13 Aug. 2014. (<http://azstats.gov/laus-series-query-tool>)
- "Rocky Mountain Poll Reports." *Behavior Research Center*. (http://www.brc-research.com/rocky_mountain.htm)
- Senate Bill 1070*, State of Arizona Senate 49th Legislature. 2010.
- The U.S. Federal Bureau of Investigation. "Uniform Crime Reporting Statistics." *U.S. Department of Justice*. Accessed 3 Oct. 2014. (<http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm>)

Books & Book Chapters

- Bednar, Jenna. *The Robust Federation: Principles of Design*. Cambridge: Cambridge University Press, 2009.
- Ellis, Lee, and Kevin Beaver. *The Handbook of Crime Correlates*. Academic Press, 2009.
- Graham, Otis Jr. *Immigration Reform and America's Unchosen Future*. Bloomington: AuthorHouse, 2008.
- Mark Jones, and Benjamin Chou. "Immigration Policy and Partisan Politics in State Legislatures: 2010-2012." *Undecided Nation*. Ed. Tony Payan and Erika de la Garza. Springer Press, 2014. 90-120.

- Kretsedemas, Philip. *The Immigration Crucible: Transforming Race, Nation, and the Limits of the Law*. New York: Columbia University Press, 1991.
- Nugent, John. *Safeguarding Federalism: How States Protect Their Interests in National Policymaking*. Norman: University of Oklahoma Press, 2009.
- Ramakrishnan, Karthick, and Tom Wong. "Partisanship, Non Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants." *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*. Ed. Monica W. Varsanyi. Stanford: Stanford University Press, 2010. 73-93.
- Ramakrishnan, Karthick, and Paul Lewis. *Immigrants and Local Governance: The View from City Hall*. San Francisco: Public Policy Institute of California, 2005.
- Thangasamy, Andrew. *State Policies for Undocumented Immigrants: Policy-making and Outcomes in the US, 1998-2005*. LFS Scholarly Publishing LLC, 2010.
- Varsanyi, Monica. *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*. Stanford: Stanford University Press, 2010.
- Yi, Okyeon. *American Democracy in a Kaleidoscope*. Seoul: Oruem Publishing House, 2012.
- Zoldberg, Aristide. *A Nation by Design: Immigration Policy in the Fashioning of America*. Boston: Harvard University Press, 2009.

Journals

- Allison, Paul. "Discrete-Time Methods for the Analysis of Event Histories." *Sociological Methodology* 13 (1982).
- Bosniak, Linda. "Immigrants, Preemption, and Equality." *Virginia Journal of International Law* 35 (1994).
- Camarota, Steven, and Jessica Vaughan. "Immigration and Crime: Assessing a Conflicted Issue." *Center for Immigration Studies Reports* (2009).
- Chavez, Jorge, and Doris Marie Provine. "Race and the Response of State Legislatures to Unauthorized Immigrants." *Annals of the American*

- Academy of Political and Social Sciences* 623 (2009).
- Chin, Gabriel, and Marc Miller. "The Unconstitutionality of State Regulation of Immigration Through Criminal Law." *Duke Law Journal* 61.2 (2011).
- Chisti, Muffazer. "The Role of States in U.S. Immigration Policy." *New York University Annual Survey of American Law* 58 (2002).
- Filindra, Alexandra, and Daniel Tichenor. "Beyond Myths of Federal Exclusivity: Regulating Immigration and Noncitizens in the States." Paper presented at the annual meeting of the *American Political Science Association*. Boston, MA. 28-31 Aug. 2008.
- Gans, Judith. "Immigrants in Arizona: Fiscal and economic Impacts." *Udall Center for Studies in Public Policy at the University of Arizona* (2008): 10.
(<http://udallcenter.arizona.edu/immigration/publications/impactofimmigrants08.pdf>)
- Gardner, James. "The 'States-as-Laboratories' Metaphor in State Constitutional Law." *Valparaiso University Law Review* 30 (1996): 475-491.
- Gulasekaram, Pratheepan, and Karthick Ramakrishnan. "Restrictive State and Local Immigration Laws: Solutions in Search of Problems." *American Constitution Society for Law and Policy* (2012).
- Hessick, Carissa. "Mirror Image Theory in State Immigration Regulation." *Supreme Court of the United States Blog*. 13 Jul. 2011.
(<http://www.scotusblog.com/2011/07/mirror-image-theory-in-state-immigration-regulation>)
- Huntington, Clare. "The Constitutional Dimension of Immigration Federalism." *Vanderbilt Law Review* 61 (2008): 787-853.
- Hopkins, Daniel. "Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition." *American Political Science Review* 104 (2010).
- McDonald, William. "Crime and Illegal Immigration: Emerging Local, State, and Federal Partnership." *National Institute of Justice Journal* (1997).
- Motomura, Hiroshi. "Federalism, International Human Rights, and Immigration Exceptionalism." *University of Colorado Law Review* 70 (1999).

- _____. "Whose Immigration Law?: Citizens, Aliens and the Constitution." *Columbia Law Review* 97 (1997): 1567-1601.
- Newton, Lina, and Brian Adams. "State Immigration Policies: Innovation, Cooperation, or Conflict?" *Publius: The Journal of Federalism* 39 (2009).
- Olivas, Michael. "Immigration-Related State and Local Ordinances: Preemption, Prejudice, and the Proper Role for Enforcement." *University of Chicago Legal Forum* (2007).
- Parlow, Matthew. "A Localist's Case for Decentralizing Immigration Policy." *Denver University Law Review* 84 (2006):1061.
- Peri, Giovanni. "The Impact of Immigrants in Recession and Economic Expansion." *Migration Policy Institute* (2010).
- Pham, Huyen. "The Constitutional Right Not to Cooperate? Local Sovereignty and the Federal Immigration Power." *University of Cincinnati* 74 (2006).
- _____. "The Inherent Flaws in the Inherent Authority Position: Why Inviting Local Enforcement of Immigration Laws Violates the Constitution." *Florida State University Law Review* 31 (2004).
- Rodriguez, Christina. "The Significance of the Local in Immigration Regulation." *Michigan Law Review* 106 (2008).
- Rosen, Jeffrey. "The War on Immigrants." *The New Republic* (1995).
- Skerry, Peter. "Many Borders to Cross: Is Immigration the Executive Responsibility of the Federal Government?" *Publius* 25 (1995): 71-85.
- Spiro, Peter. "Federalism and Immigration: Models and Trends." *International Social Science Journal* 53 (2001): 67-73.
- _____. "The States and Immigration in an Era of Demi-Sovereignities." *Virginia Journal of International Law* 35 (1994): 121-78.
- Varsanyi, Monica, *et al.* "A Multilayered Jurisdictional Patchwork: Immigration Federalism in the United States." *University of Denver Law & Policy* 34 (2012).

Newspaper & Magazine Articles

- Archibold, Randal C. “Judge Blocks Arizona’s Immigration Law.” *The New York Times* 28 Jul. 2010.
(http://www.nytimes.com/2010/07/29/us/29arizona.html?_r=0)
- CNN Wire Staff. “Feds Sue to Overturn Arizona Immigration Law.” *CNN* 7 Jul. 2010. (<http://edition.cnn.com/2010/POLITICS/07/06/arizona.immigration.lawsuit/index.html?hpt=T2>) “Feds Sue to Block Ariz. Immigration Law.” *CBS News* 6 Jul. 2010.
(<http://www.cbsnews.com/news/feds-sue-to-block-ariz-immigration-law>)
- Hensley, JJ. “Sheriff Joe Arpaio: 20 Years of Controversies and Successes.” *AZ Central* 18 Dec. 2011.
(<http://archive.azcentral.com/news/election/azelections/articles/20111218-joe-arpaio-controversies-success.html>)
- Huntington, Samuel. “The Hispanic Challenge.” *Foreign Policy* 141 (2004): 30-45.
- Markon, Jerry, and Michael D. Shear. “Justice Department Sues Arizona Over Immigration Law.” *The Washington Post* 7 Jul. 2010.
(<http://www.washingtonpost.com/wpdyn/content/article/2010/07/06/AR2010070601928.html>)
- Montini, Ej. “Arpaio: Racist or Opportunist?” *AZ Central* 24 Jul. 2012.
(<http://archive.azcentral.com/members/Blog/EJMontini/167250>)
- Preston, Julia. “Lawyer Leads an Immigration Fight.” *New York Times* 20 Jul. 2009.
(<http://www.nytimes.com/2009/07/21/us/21lawyer.html?pagewanted=all>)
- Reinhard, Beth. “GOP’s 2016 Hopes on Rise.” *The Wall Street Journal* 5 Nov. 2014. (<http://online.wsj.com/articles/midterm-elections-2014-parties-look-for-2016-clues-in-tuesdays-midterm-elections-1415127383>) “What Have the Immigrants Ever Done for Us?” *The Economist* 8 Nov. 2014.
(<http://www.economist.com/news/britain/21631076-rather-lot-according-new-piece-research-what-have-immigrants-ever-done-us>)
- Zeiger, Dan. “GOP Gained Huge Benefit from SB 1070, but Could Face Backlash.” *East Valley Tribune* 22 Apr. 2011.
(<http://eastvalleytribune.com/arizona/immigration/article993bb99a-6ad5-11e0-9c79-001cc4c03286.html>)

Websites

- “CNN/ORC Poll.” *Turner Broadcasting System, INC.* Accessed 28 Nov. 2014.
(<http://i2.cdn.turner.com/cnn/2014/images/02/06/rel3g.pdf>)
- “Immigration Policy Project.” *National Conference of State Legislature.*
Accessed 13 Oct. 2014.(<http://www.ncsl.org/research/immigration/omnibus-immigration-legislation.aspx>)
- “New York Times/CBS News Poll: Immigration Overhaul.” *The New York Times.* Accessed 27 Nov. 2014.
(<http://documents.nytimes.com/new-york-times-cbs-news-poll-immigration-overhaul?ref=us>)
- “Per Capita Personal Income by State.” *The Bureau of Business & Economic Research at the University of New Mexico.* Accessed 23 Sept. 2014.
(<http://bber.unm.edu/econ/us-pci.htm>)
- “State Partisan Composition.” *National Conference of State Legislature.*
Accessed 18 Aug. 2014.(<http://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx>)

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Abstract

Subnational Activism for Immigration Reform: Arizona and SB 1070

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US Immigration policymaking has been the purview of the federal government. However, there has recently been increasing local activism in immigration-related policymaking, especially at the state level. This research examines several factors related to the triggering mechanism of subfederal activism in immigration policymaking in the US. In doing so, this research employs a mixed methodological approach, triangulating the findings of a multivariable regression analysis that tests the degree of influence of social, economic, demographic, political and safety factors. Those factors may initiate such subfederal activism throughout all 50 states across the US, with an in-depth case study of the State of Arizona. This research ultimately exhibits that no variable can be singled out as a sole cause of state immigration policymaking, and that each state enacting state-specific regulatory immigration law is situated under unique circumstances that may be more prone to the spreading of anti-immigration sentiment than the other.

Key Words

Immigration, Immigration Policy, Local Immigration Law, Arizona, SB 1070