

Episode 3: Burn that Capitol down

RON: Previously on Rediscovering: SB 1070.

YVONNE: Hundreds of thousands of immigrants crossed illegally through Arizona's borderlands. The numbers were staggering and the consequences were sometimes deadly.

PBS: House Bill 2779 signed by the governor in July punishes employers who knowingly hire unauthorized workers.

YVONNE: The law essentially forced employers in the state to use a federal online system called E-Verify to check whether new employees were authorized to work. Business owners who knowingly hired undocumented workers could lose their license to operate. State lawmaker Russell Pearce said the law had broad popularity.

Russell: They always accused me of picking on Mexicans are not the people bringing 'em here and hiring them. And I said first of all: has nothing to do with race. Secondly, you're absolutely right. I said, you know, take- you know the employers are breaking the law. We need to go after 'em. The feds don't seem to be doing much. We just turn a blind eye [00:19:49][17.6]

(Audio of the round of applause when Obama and Biden approach the mic can start the episode)

YVONNE: On March 23, 2010, President Barack Obama signed the Affordable Care Act into law.

Obama: Today, after almost a century of trying. Today, after over a year of debate. Today, after all the votes have been tallied, health insurance reform becomes the law in the United States of America (applause).

RON: It would be the most consequential legislative achievement of his presidency. After witnessing the collapse of two bipartisan efforts at overhauling the nation's immigration system during his term in the Senate, Obama focused his presidency on health care reform. He **bemoaned** the inaction on immigration reform throughout his presidency. Here he is in 2013.

Obama: I'm here because most Americans agree that it is time to fix the system that has been broken for way too long. I am here because business leaders, faith leaders, labor leaders, law enforcement, and leaders from both parties are coming together to say now is the time to find a better way to welcome the striving, hopeful immigrants who still see America as the land of opportunity.

YVONNE: Despite his promises, Obama was unable to pass such legislation. He wasn't alone in this. Before him, George W. Bush spent his presidency trying to push the issue with congress.

Bush - This country's debating an important issue. An issue about our soul and our character. An issue that relates to people in our country: immigration. And I don't think this issue can wait for a baseball game or a baseball tournament. It needs to be addressed now.

RON: Even President Bill Clinton had tried to address the issue. He introduced a bill in 1993.

Clinton - Several weeks ago, I asked the Vice President to work with our departments and agencies to examine what more might be done about the problems along our borders. I was especially concerned about the growing problems of alien smuggling and international terrorism ...

RON: Yet the attempts made by Clinton, Bush and Obama were made in vain. The last major immigration reform was in 1990.

YVONNE: For two decades ... and through three administrations ... Arizonans waited for the federal government to solve the issue that many felt was right at their doorstep. They were left without a solution.

RON: Then ... *four days* after Obama signed the 2010 Affordable Care Act into law ... a well-known rancher named Robert Krentz was gunned down on his remote, 35,000-acre Cochise County ranch near the border.

RON: Authorities suspected undocumented immigrants.

YVONNE: I'm Yvonne Wingett Sanchez.

RON: And I'm Ron Hansen. This is part 3 of Rediscovering: SB 1070.

YVONNE: In this episode, we'll take you behind the scenes on how Senate Bill 1070 landed on Arizona Governor Jan Brewer's desk.

CBS - The sun is hot in Arizona (sound of protesters comes in then fades), but nothing like the political heat on Arizona governor Jan Brewer. All week, pushed and pulled by

RON: You'll hear the public's reaction to the news.

Protesters: Si, se puede! Si, se puede! Si, se puede!

Woman: It's a racist law. It's causing discord here in Arizona. We need your help.

YVONNE: And in a candid interview, you'll hear the governor's reflections on the monumental and controversial bill a decade later.

RON: Arizona Governor Jan Brewer was in a precarious position before SB 1070 landed on her desk.

RON: Brewer ascended to the governor role from the Secretary of State a year earlier. The move came after Janet Napolitano left to head the Department of Homeland Security for President Barack Obama.

YVONNE: Brewer was born in Hollywood, California, and moved to Arizona in 1970 after marrying her husband John, a chiropractor. A mom of three sons, she spent their young years zipping them around to Little League games and volunteering as a den mother in their Cub Scout packs.

YVONNE: She decided to seek elected office after going to a school-board meeting. She was determined to help improve the education system.

RON: Brewer won a seat in the state House of Representatives and wound up serving in both the House and the Senate from the early 1980s to the mid 1990s. She was affable and funny, traits that helped her effectively whip votes to build a majority coalition around legislation.

YVONNE: As a lawmaker, she was known to smoke in the member's lounge, along with her colleagues. She built a reputation as a fiscal conservative, voting against a multi-million package of revenue shifts and tax increases. But she also pursued legislation she thought would protect children, including one that sought to ban sales of explicit recordings to kids and mandate warning labels on music that contained sex, drugs and violence.

RON: In 1996, she won her election to the Maricopa County Board of Supervisors before winning her first statewide election. In 2002, she won her campaign for Secretary of State. As the state's second-in-command, she helped oversee elections. She rarely made headlines.

RON: In becoming Arizona's 22nd governor, Brewer was thrust into center stage.

Brewer: It was a tough time when the governor was sent to Washington, D.C. to work for President Obama because you're are going through a terrible recession at that time. We had no money. We were facing this immigration problem. It was a very, very difficult time.

YVONNE: The transition from a Democratic governor to a Republican administration came in the midst of the worst financial crisis since the Great Depression. Brewer's leadership team was triaging the problems in front of them, not looking long term.

YVONNE: Here's Brewer's former chief of staff, Scott Smith.

Scott Smith: Just to put it in perspective, there were there were pay periods in state government when we were trying to figure out how to move money around to make payroll for the state employees. It was a it was a severe crisis. [00:08:12][10.8]

RON: For nearly a year, Brewer had been fighting with many of her fellow Republicans at the state Legislature. She wanted to temporarily raise the state's sales tax. Income from that would help manage the profound budgetary effects of the Great Recession.

RON: That unresolved battle lingered into the start of the 2010 legislative session.

Brewer: You know, a lot of things that were on our plate and I found myself suddenly at the helm of it all. You know, I always said that I thought it was maybe by the grace of God that I had a lot of experience of the legislature and county government and as secretary of state that led me to that place on the ninth floor to govern the state of Arizona, because then I knew that at least I knew the people and the players and I knew how it operated.

YVONNE: On top of managing the state's fiscal woes, Brewer was also running for a full term in her own right in the elections later that year. There were a handful of Republican challengers willing to take her on in a primary that would drag on into the summer.

RON: In January 2010, Brewer sold the state Capitol and several other office buildings in a sale-leaseback deal that provided Arizona with what it still needed most: immediate cash.

RON: The day before that deal, Senate Bill 1070 already had its first hearing in the Legislature. *But it went unnoticed by Brewer and her leadership team at the time.*

YVONNE: Here's Chuck Coughlin, who managed Brewer's 2010 campaign and advised her during her time in office.

Chuck Coughlin: it was not on our radar screen. You were not focused on it. It was not something we want. We wanted. We had enough to deal with. We had it, as Scott accurately pointed out. We were having a hard time making payroll.

Part II: Pearce's Opportunity

RON: Between the budget, battles with Republicans and the upcoming election, Brewer and her team were unaware of the initial rumblings of SB 1070. But there was one person who wouldn't let another legislative session go by without passing it: Russell Pearce.

YVONNE: Pearce had used hardline action against illegal immigration to accumulate power within the Republican Party. For him, the bill was a logical extension of the restrictive policies that targeted undocumented workers that he and other immigration hardliners had already passed. He also felt such legislation would help Arizona's difficult financial situation.

Russell: But just to get your financial problem, one of the things why it was such a big deal into to- you're talking about a fiscal crisis time-- Illegal aliens, just to educate, medicate and incarcerate in the state of Arizona. [00:25:14][15.5]

RON: He saw 2010 as his best chance at pushing his legislation through both chambers and up to Gov. Brewer's desk. Republicans held supermajorities in both the House and the Senate. And now, Pearce had risen to chairman of the powerful appropriations committee, which helps determine spending.

YVONNE: Pearce said he received a lot of apologies from his colleagues at the state capitol who ended the previous year's session without passing his other measures similar to SB 1070. Heading into 2010, he felt his allies in the Legislature were ready to pass SB 1070.

Russell: More hopeful than I was in the past. I know it's not easy. I'm tenacious. I don't let go. And that's one thing, you know, if it's my bone, it's my bone. You're going to have to be a lot bigger dog to get it from me. And. And so you have to be. And I was very committed.

Russell: I'm tired of this. "Russell, it's a federal problem." It's not a federal problem. It's my neighborhood. It's my community, it's my country!

RON: Pearce also felt he had public support for such legislation, especially after the lack of progress on the issue during the Bush and Obama administrations. Public sentiment was on the side of cracking down at the border, and stemming the flow of undocumented immigrants.

Elsa: ... because every country needs to know exactly who is in the country, whether it's, you know, immigrants that are here legally. Which I'm one of those. I'm a U.S. citizen now. But I came here as a legal aid because. Immigrants. And so when when a country is not able to know exactly who is here. You know, there's not no longer a country.

YVONNE: That's Elsa Barnes. She's a 61-year-old from Tucson. Elsa felt -- then and now -- that SB 1070 was necessary from an economic standpoint.

Elsa: if I remember correctly, there were a lot of people that were out of work and they were undercut by people that were not here legally. They were their jobs were taken by people that weren't willing to work for a lot less money.

RON: Armed with a powerful position on the appropriations committee, a Republican supermajority and public support, Pearce went to work. He started drafting SB 1070.

YVONNE: The bill was complex, but the most controversial piece did this: It *required* local police to check on the immigration status of anyone they reasonably suspected of being in the country illegally. At the time, police had the discretion of asking about legal status but were not *mandated* to do so.

RON: It rested on federal requirements for immigrants to carry their paperwork with them at all times. It also had the effect of putting local authorities into the immigration-enforcement business.

YVONNE: Pearce wrote the legislation with input from national figures, like former Kansas Secretary of State Kris Kobach. Kobach was a former constitutional law professor who was well-known and respected in conservative GOP circles. In recruiting Kobach, Pearce assuaged concerns about SB 1070's legality.

RON: 1070 was a bit different from the versions of legislation he had previously introduced. This one was written to withstand a legal battle that he rightly presumed would reach the nation's highest court. Much of the substance was the same, he said. It was just packaged differently.

Russell: It was not very different. It but it was different in the way that I wrote it more for Supreme Court arguments. All I did was rearranged stuff, titled things a little different, same substance. Instead of calling it trespass, I didn't call that trespass ... this is where Kobach did play a good part. I do consider him probably the number one attorney in the nation on preemption issues. He wrote a law review on the whole issue that was fantastic. You know, and I used that in part just to, you know. It's compelling, not the language itself out of it. So anyway, it was the same substance packaged differently to get it through.

Russell: Knowing I'm going to go to the Supreme Court. I know I'm going to be sued. So I wrote it to that effect.

YVONNE: However, critics found the bill problematic in many ways. They questioned what would be considered a reasonable suspicion of being illegal and whether that was simply an excuse for racial profiling.

RON: Critics also felt that the bill could overwhelm the federal immigration court system. If a minor transgression like a traffic stop could lead to a spike in immigration cases, would the system be prepared to handle that?

YVONNE: Pearce saw the bill in black and white: It sought to enforce federal law, even if Washington would not. In the beginning, he didn't think it would be as controversial as it later proved to be. He had introduced versions of the bill before, but they went nowhere.

RON: But there was one person who questioned parts of the proposed legislation. Someone whose opinion could sink the crowning jewel in Pearce's legislative history ... Governor Jan Brewer.

YVONNE: Although Pearce's initial efforts were unnoticed by Brewer, her team eventually learned of his intent.

Her long-time adviser, Doug Cole, remembers bringing it up to her for the first time during a phone call.

Doug: She had called me up on the way to work. We were talking back and forth on other issues, budget stuff, other political stuff. And. And I said, hey, it looks like like President Pearce's bill dealing with immigration is going to get out. We really need to engage with the House and start looking at ways to fix it because it's really overreaching. Should go. And so we started that dialogue.

RON: Brewer recalls the original version of 1070 as something she couldn't support.

Brewer: Once I finally saw the ... kind of the draft legislation and got through my policy people up on the ninth floor, I was a little bit uncomfortable with some of it.

YVONNE: Brewer was concerned about the potential for racial profiling.

Brewer: And that I wanted to make absolutely sure that everybody under this law would be treated equally

Brewer: And then the bill started moving. And so then I knew. So I said, you know, you got to get down there. You guys, you got to get some of this stuff rectified.

RON: Brewer's aides scrambled to slow down the legislation. They sent someone from their team to work with Pearce on drafting the bill.

RON: Brewer's long-time advisor Doug Cole said there was an agreement that Brewer would *consider 1070 only if* there was a trailer bill attached to it.

Doug Cole: ... in legislative parlance, that is a bill that immediately follows something that passed to change, fix issues that are in that bill.

YVONNE: Her team got to work. They crafted the trailer bill, House Bill 2162.

Doug Cole: And that changed a lot because the original 1070 had had when you win, a law enforcement person can stop it, change it. It softened that if for lack of a better word of how a law enforcement person could stop someone. It took this civil fines from, if I remember, like from five hundred dollars down to one hundred dollars.

RON: Then ... as the shepherding of SB 1070 and its trailer bill continued ... 58-year-old cowboy Robert Krentz was shot dead. (pause) Here again is reporter Daniel Gonzalez.

Dan: Migrants had been crossing across that ranch for, for years. and Mr. Krentz used to actually provide food and water to those migrants. He was sympathetic to them. Most likely what

happened was there was some kind of criminal smuggler, drug runner, scout, somebody who came across their paths, cross, and something happened. And and Mr. Krentz was murdered.

RON: That morning, Krentz had radioed his brother and asked him to contact authorities because he was with an immigrant "in need of help." This was according to a Cochise County Sheriff's Office's homicide investigative file. Several people heard that transmission.

YVONNE: Though authorities made no arrests and had no suspects, Krentz's slaying was instantly attributed to drug smugglers.

AP: Deputies and border patrol officers followed foot tracks to the border with Mexico.

YVONNE: News of Krentz's murder made national headlines, including Fox News, CNN and The New York Times.

YVONNE: Members of Congress spoke out about the need to better protect the nation's borders. Some proposed improving cell phone reception in border towns, since Krentz's wife believed he was in an area with poor reception during the time of his murder.

C-Span House Session Ted Poe: On March 27th, 2010, Rancher Bob Krentz of Arizona was murdered 20 miles north of the border from Mexico in an isolated area of Arizona. [05:24:07] The lack of communications capability made Krentz more vulnerable than he would have been otherwise and complicated the search for the assailants.

RON: Representative Gabrielle Giffords -- a Democrat -- sent a letter to President Barack Obama, asking for deployment of the National Guard. She wrote the "cold-blooded murder" was a reminder that Americans' safety on their own soil was under attack.

RON: Republican Arizona Senators John McCain and Jon Kyl also called for the Guard to be sent in.

John McCain: This is no longer a situation where someone from Mexico or some other country decided he wants to cross our borders. These are highly organized, highly sophisticated, well equipped, well trained, armed cartels.

YVONNE: Brewer also wanted the National Guard in Arizona. She was incensed by Krentz's murder. If there was any doubt in her mind, his slaying demonstrated the need to act ... in some way ... from a policy position.

YVONNE: Here she is in a Fox News interview from 2010.

Brewer - It is absolutely devastating, you know. It's a horrible tragedy that's taken place with that family.

RON: Today, Brewer feels much the same about the situation.

Brewer: I mean, that was a real breaking point for me. After that happened, I was relentless. I wasn't stopping. I wanted my border secured. And by God that the federal government, where they helped me was that I was going to do it ever. And however, I was going to do it.

RON: Pearce said that Krentz's death moved votes in the legislature. Those who were sitting on the fence ... including lawmakers who represented border towns ... were outraged by the rancher's death.

Russell: You know, it's a shame that it takes a front page article or something tragic to happen to motivate people. Surely would never wish that to be the case, but it is. But once it happened and Susan, his wife, sweet lady, what we did with that compelled us again a coming together of the ranchers out there who were experiencing things that nobody knew about.

YVONNE: Ranchers in southeastern Arizona's drug-smuggling corridor condemned the U.S. government for failing to protect them and their lands. Their complaints were picked up by high-profile politicians and national media, galvanizing the national conversation about what was happening at the border.

YVONNE: Here's Pearce again.

Russell: One farmer, one rancher down there came to me and said, when we leave our house, we can't leave together. If we do, I have my wife lay on the seat so they don't think we're leaving together cause they're burglarized or assaulted almost every day. I said, that's the America we live in down here, you know. And I said, "It's not right."

YVONNE: Supporters of 1070 carried signs and wore buttons in honor of Krentz as they lobbied the Legislature. Krentz's slaying affected the 1070 debate in a way no facts, figures or political ideology could.

YVONNE: Alia Beard Rau covered the state legislature at the time for The Arizona Republic. Here's what she remembers

Alia: I remember lawmakers giving these, you know, tearful, impassioned speeches on the House and Senate floor about Robert Krentz. Quite a few of them knew him. You know, he was a rancher, pretty active in the southern Arizona communities. And that just got really emotional. And so all of that emotion kind of came in both in the House and Senate floors and into some committee hearings.

RON: Two weeks after the shooting, Arizona's House of Representatives approved the legislation. On April 19, the Senate sent Senate Bill 1070 to Gov. Brewer's desk.

YVONNE: Although Krentz's murder pushed many on the right to support SB 1070 ... that support wasn't unanimous throughout the state.

RON: Protesters gathered outside of the state Capitol complex, just west of downtown Phoenix. Some of them crowded into the lobby of the 8th floor of the governor's office.

YVONNE: Many of the protesters shared Brewer's initial concern: it would lead to racial profiling by police stopping and questioning anyone who looked Latino. It was an issue activists had been fighting for years on another front with Joe Arpaio and his law enforcement sweeps.

Carlos Garcia: For us, we were at a different moment. We were ready, obviously organized civil disobedience. There was a group of students that while the bill was moving, a lot of MECHA folks, different people that got those first civil disobedience when they chained themselves to the state house.

RON: That's Carlos Garcia. Garcia was an organizer for Puente Movement, a grassroots migrant justice group. For years, he had been fighting policies by Arpaio. He feared SB 1070 would require police all over Arizona to wage their own aggressive immigration-enforcement efforts like those of Maricopa County Sheriff Joe Arpaio.

YVONNE: Garcia wanted to draw national attention to the need for comprehensive immigration reform. He figured President Obama was watching what was unfolding in Arizona. His hope was to move Obama to take legal action against SB 1070.

Carlos Garcia And so we were ready to take different tactics, different message and escalate in a different place because we knew we weren't going to be able to appeal to the Republican Party in Arizona or the National. So there was a need to actually get Obama and others to intervene.

YVONNE: Democrats at the statehouse knew 1070, in some form, was unavoidable by 2010. Here's U.S. Sen. Kyrsten Sinema. At the time, she was a state House member.

Sinema: There was this growing knowledge or acknowledgement that something was going to be done. And with the change from Governor Napolitano, who, as you'll recall, signed some of the legislation, the legislature passed and vetoed some of it. And from that change to Governor Brewer, I think there was an expectation that something would pass.

RON: Outside of the House and Senate chambers, the number of protesters showing up at the state capitol was growing by the day. The din of their cries ... and a steady beat of a protesters' drum ... grew by the hour.

Chuck Coughlin: I'd never seen it as a charged political environment. [00:34:14][5.3] The drum banging outside the office. I remember that because it did create a cadence of like this is war.

YVONNE: In the end, the protesters did not persuade those whose votes counted.

Russell: It passed with every single vote. As you know, House and Senate unanimous Republicans voted not one abstention or no vote.

YVONNE: With the bill waiting on her desk, Brewer had three options. She could sign SB 1070, making it state law. She could veto it. Or, she could let it become law without her signature. No one, it seemed, knew how she would ultimately fall. Here's Russell Pearce again.

Russell: ... I was excited to get that to Governor Brewer. I got to tell you a story. Can't help but tell you on this, but anyway uh she's waiting to sign this. And I talked to her people and I don't know and she never once got engaged when I'm writing it; not once. And, and then I we got pushback saying, well, we don't know if she.. She really is not sure about if she's gonna sign it. I said. I'd hate to burn that capitol down. I said on my knees you're not a pyromaniac, but I says she may bring me to it.

Part VII: Brewer's conundrum

RON: Despite her feelings on the Krentz murder, Brewer still had misgivings about the legislation and its potential for racial profiling. The usually-influential business community had been a non-factor on the bill to that point. No one knew where Brewer would ultimately fall, including her staff. And she faced mounting pressure from both sides. Today, Brewer admits that for a time, she didn't know if she would sign it either.

Jan Brewer: Oh, no. Actually, the bill came up to the night before I left the legislature and was waiting my signature. We had a lot of discussion ups and the downs and that. Yes. And, you know, those kinds of things that we do with all pieces of legislation.

YVONNE: Brewer felt strongly that there was a need for stringent immigration reform. Krentz's murder showed how dire the situation on the border had become. And the lack of action from the federal government compounded the situation.

YVONNE: Over the next several days, she huddled with gubernatorial staff and attorneys. She prayed. She had restless nights. The decision in front of her kept her up.

RON: After the Arizona House and Senate passed SB 1070, Brewer had five days to decide what she was going to do. The night before her deadline, she convened about two dozen people she trusted off-campus. The location was close enough to the Capitol, but provided some distance between Brewer and the continuous protests.

Jan Brewer: I wanted to I want to both sides in a device that never disappointed you. They would be very honest and very bold. And, you know, we had a lot of disagreements

YVONNE: The meetings afforded her the chance to hear a variety of blunt perspectives about her campaign, legislation and other matters from the people she trusted most. Here's how her advisers Doug Cole and Chuck Coughlin described them.

Chuck/Doug interjects. She'd put everybody that mattered in a room, a big table, big table behind a table. And you'd go round and say, what do you think? And everybody you didn't get to duck. You had to say.

Doug: Otherwise you weren't in the room, right. Because you had to participate.

YVONNE: The governor sat in the middle of a long conference table, as she always did.

Chuck: And she you know, she started off. She goes, I've been praying about this, literally talking. And, you know, she goes and this is a very difficult decision for me. I've spent a lot of time. And as she would do in her garden on Union Hills Road, you know, she's fond of birds and of she had a pension of, you know, having birds land on her hand and eat, eat, you know, birdseed and stuff out of her hand. It was her peaceful spot. But she would go there and contemplate and she goes, so I'm going to go home tonight and I'm going to think and pray and ask what I should do about this. But I want to hear what everybody in the room has to say. So we went around the room and, you know, I was.

Doug: It was a lot of different opinions. It was there was no it was not. There was no unanimity about what to do.

Part VIII: Protests Grow

RON: As the bill sat on Brewer's desk, the number of protesters grew. Laborers, parents, grandparents, people of faith and unionized immigrant workers and their supporters showed up.

RON: Here's activist Salvador Reza, who had worked closely with day laborers.

Salvador: ... deep inside, most people, when they see injustices, they rise up. But the thing is, at that moment, they they, they. To them, it was life or death. You know, it's surviving with their families, not surviving with the families.

YVONNE: Alfredo Gutierrez, the activist and radio host, camped out with thousands of protesters for weeks. From the mining town of Miami, Arizona, he grew up in the organizing movement at a time when farmworker activists fought for fair pay and bathroom breaks.

YVONNE: For him, the protests on 1070 felt different. They didn't just bring out the usual protestor types.

Alfredo: Much of that was spontaneous. Some of it was organized. I mean, I was on radio saying, come here. But much of it was spontaneous.

RON: High school students walked out of school to show their opposition.

Alfredo: I mean, for example, the first school walkout happened at North High. We had nothing to do. We were blamed for it. Of course, we had nothing to do with those kids on their own said

we're leaving. And the administration tried to stop them as they should. I mean, that's their job. So they jumped over the fence and then they started coming. They couldn't stop them. And they started coming by droves. By the next day, they were coming from Central High. They were coming from camelback. I mean, they were coming in cars from the East Valley.

YVONNE: Gutierrez said he was worried for some of the high school students. Some of them were carrying signs that said, "Undocumented and Unafraid."

Alfredo: Look my family was deported. And I was brought up being afraid and being told every day, every day. You know, you go out there, don't tell anybody we're from Mexico, don't do this. Don't do that, because that fear of deportation was inculcated into me. So to see these kids walking around. Well, first of all, it's shocking. And secondly, wow. I mean, I admired the hell out of them. But God damn, it was dangerous

RON: Given how large the protests were growing, Gutierrez worried that the students could be easy targets for arrests.

Alfredo: *[00:16:53] I was just about to be 70 years old at that time. I was so there was a there's a kind of a fatherly thing going on here. Emotion of saying, be careful. You know, you're 17 year old. You'd want end up in his hands in Arpaio's hands. You don't wanna end up in those jails. You don't want to end up in prison. [00:17:17][24.5]*

YVONNE: And the students weren't the only group who Gutierrez felt anxious about attending the protests.

Alfredo: I worried about a lot because, you know, be walking around and I'd hear them speaking in Spanish. And recién llegado in Spanish means recently arrived. And you know that, you know, the sing song had recently arrived. They haven't yet actually made it even for Spanish speakers. And, you know, they were probably undocumented. And you'd go to them and say, look, it may not be safe here. I mean, we don't know what they're going to do. We were surrounded. That's why I felt worse for.

RON: But there was another thing Gutierrez remembers feeling: pride.

Alfredo: I can't tell you how proud I was of those kids. Still am of those kids

YVONNE: Eventually, the protests grew beyond the state Capitol.

YVONNE: Some protesters went to the governor's home in Peoria, a northwest suburb of Phoenix. Her Aides said that for the first time ever, the Department of Public Safety assigned 24-hour protection to the governor.

Jan Brewer: I had buses and people coming to my house and protesting. You know, I couldn't get out of my driveway. It was was out of control. Totally, totally out of control.

RON: Amid the protests, there was one group Brewer and the legislature did not hear much from: the business community. Despite raising concerns with the employer-sanctions law we mentioned in episode one, many leaders in Arizona's economy failed to weigh in with their thoughts on SB 1070.

RON: As Brewer pondered her decision, everyone else wrestled with a more basic question: What would she do?

Chuck: Well, that was the thing she wouldn't tell us.

Doug: She wouldn't tell us ...

RON: The suspense was getting to Russell Pearce.

Pearce: 'Course I was worried. And I was talking to her people. I and she was conflicted. Well I don't know, I think because of chamber pressure and others.

YVONNE: His message to Brewer's staff: if she was so torn over 1070, just let it go into law without endorsing it with her signature.

Pearce: If you really don't want to sign it, you know, run for cover. Just don't do anything with it. But don't veto it because I was worried. I mean, that much work any. I've been on this for years. I finally get it to her desk and then I'm worried about her signing it. Yeah, it was a big deal to me.

RON: By the night of April 22 ... the night before her decision was due ... Gov. Brewer had made up her mind.

RON: The federal government wasn't doing enough to help her state -- Robert Krentz's death was life-and-death proof of that, in her mind. Public sentiment was on the side of cracking down on illegal immigration and strengthening border security.

YVONNE: She also would soon be asking voters to elect her to a full term and faced GOP challengers.

YVONNE: The governor said the election had no bearing on how she weighed the legislation. But it was clear that public sentiment was on the side of cracking down on illegal immigration and strengthening security at the border.

Brewer: You know, I remember the night before that when the decision was going to have to be made the next day. And I had a very heavy schedule that morning. And I just laid really heavy on my heart trying to get in my head just exactly how this is all play out and what the reaction was really going to be because it had been so horrific up until that point in time, the behavior of people. And I laid in bed and thought about it. And I just simply not sleep that night. And I did not sleep that night. I just kept thinking about, you know, some bill, which I felt pretty. I I was comfortable with the bill. But it was you know, I was really very concerned about how it was

going to be accepted and what the reaction was going to be out there. It was like a time bomb. And, you know, how was I going to be doing this? It was difficult.

RON: When Brewer woke up the next morning, it was in some ways, like any other day. Her schedule was jam packed. She had speeches early in the day. Phone calls with advisors and her staff.

YVONNE: Her aides were working with the Department of Public Safety to scout a venue distant from protesters for a signing ceremony for SB 1070.

YVONNE: With protesters camped out at the statehouse, her team and state police identified a Department of Transportation training facility near I-10 and 23rd Avenue. It was close enough to the capitol complex but far enough away from the din of the protests and drums.

RON: Law enforcement officers were being summoned to appear with her on stage. National camera crews from stations like Fox News were making preparations to carry the signing ceremony on live TV.

Fox News Anchor: Governor Jan Brewer coming out right now. Her decision, very closely scrutinized, we're gonna know it right now.

Brewer: Well, good afternoon everyone. And thank you all for being here today to join me as we take another step forward in protecting the state of Arizona.

YVONNE: She said the law was a tool the state could use to combat a crisis the state did not create, and one the federal government refused to fix.

Brewer - This bill, the Support Law Enforcement and Safe Neighborhoods Act, strengthens the laws of our state. It protects all of us, every Arizona citizen and everyone here in our state lawfully.

RON: With the nation watching, Brewer walked across the stage to sign the bill.

RON: It took time for the gravity of that moment to sink in for her.

Brewer: It's a real I don't know if I really realized at the time that it was being broadcast nationally. It's kind of interesting looking back or even, you know, a day or two or three afterwards that that kind of hit me afterwards, that it was national and that people were interacting, that people didn't love their country and they didn't want something done with the borders and the cartels. And that was taking place in America.

Brewer: At the time, I think I felt that I was on the right side of history. I think I was on the right side of it. I do not regret doing what I did. It had to be done.

YVONNE: There was ... however ... one key figure missing from the bill's signing stage. Russell Pearce, the architect of SB 1070, was not summoned to the ceremony.

YVONNE: The day of the signing, Pearce said he had just left the state Capitol and was about to get on the freeway when he got a call from his son, a sheriff's deputy.

Russell: But one thing, I got a call while in that car also from my son, who was a deputy sheriff that was invited to be on the stage behind her. And I said, Yeah. One of those people you got on stage is my boy. And he says, are you coming down, Dad?

RON: Coming down for what, Pearce asked his son. No one had told him about the planned signing ceremony for the bill he authored.

RON: After receiving that call, Pearce turned around. He made it to the signing, watching it from the area that was open to the public. He wrote the bill, but he was not on stage when it was signed. Pearce felt snubbed by the oversight. But more than anything else, he was glad the governor signed it.

Pearce: And so I was kind of nice, but I was not on the stage. I was not recognized. And I'm okay. Just sign it, governor.

Part XI: Fallout begins

YVONNE: News of signing quickly reached protesters. Carlos Garcia, the immigrant rights activist, recalled leaving the protests altogether.

Carlos: I left the capital. It was. And it didn't feel like the moment for escalation. We knew it was going to be implemented in two in three more months. And so it was more of a strategic mind. It was not again, it was something we expected. And it wasn't all a big rallying cry for us.

YVONNE: Others stayed, keeping vigil at the Capitol, ensuring that the protests would continue for months to come.

RON: Back at the White House, Obama criticized 1070 as "misguided."

RON: But he also said the federal government's failure to pass comprehensive immigration reform was partly to blame. He said it would contribute to "irresponsibility by others," a clear reference to Brewer's decision.

Obama - In fact I've instructed members of my administration to closely monitor the situation and examine the civil rights and other implications of this legislation. But if we continue to fail to act at a federal level, we will continue to see misguided efforts opening up around the country.

YVONNE: For Brewer and supporters of SB 1070, the battle for the legislation -- and Arizona's reputation, was just beginning.

RON: Next time on Rediscovering SB 1070

YVONNE: Four days after Brewer signed 1070 into law, the state faced its first lawsuit.

YVONNE: Within days, there were more.

YVONNE: Legally, the case pitted the state of Arizona against the United States government. But the case had the feeling of a grudge match about it. Three months before the Supreme Court arguments, Gov. Jan Brewer memorably pointed her finger in President Barack Obama's face during a tense talk on the tarmac at Phoenix's Sky Harbor Airport.

Arizona V. United States, OYEZ: John G. Roberts, Jr.: We'll hear argument this morning in Case 11-182, Arizona v. the United States. Mr. Clement.

Paul D. Clement: Mr. Chief Justice, and may it please the Court: The State of Arizona bears a disproportionate share of the costs of illegal immigration. *fade out as he says, "In addressing those costs..."

RON: This podcast was edited and produced by Katie O'Connell, Maritza Dominguez and Taylor Seely. Reporting by Yvonne Wingett Sanchez, Daniel Gonzalez and myself, Ron Hansen. Script supervision came from Katie O'Connell, Daniel Gonzalez and John Adams, our senior director for storytelling.

YVONNE: Greg Burton is our executive editor. John Adams is our director for storytelling and innovation. Social media for this podcast came from Danielle Woodward, Grace Palmieri, Garrett Mitchell, Angel Mendoza and Claire Rafford. Web production by John Paul McDonnall.

RON: Audio in this episode comes from C-SPAN, CBS, Fox News and The Associated Press. Additional audio came from the Obama Administration White House. Additional audio came from the Obama Administration White House.

YVONNE: Thanks so much for listening to Rediscovering: SB 1070, a podcast from The Arizona Republic and azcentral.com.