

## REDISCOVERING: SB 1070 | Season 2

### Episode 4: That's their image of us

**RON:** Previously on Rediscovering: SB 1070 ...

\*music

**Jan Brewer:** 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.

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

**Jan 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.

**RON:** Back at the White House, Obama criticized 1070 as “misguided.” 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.

**Barack 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.

\*music fades out

**RON:** In 2010, just months after Senate Bill 1070 was signed, Dennis Hoffman traveled to Madison, Wisconsin. An economist with Arizona State University, Hoffman was there to watch the Sun Devils play football against the Badgers.

**Dennis Hoffman:** And I remember Friday evening marching down the streets and seeing other Sun Devil fans on the other side of the streets. And we started a chant, “Let's go devils, let's go devils.” And we went back and forth and we walked by this delightful cafe where people were enjoying a glass of wine, and they chimed right in. “Show us your papers!” And we laughed about it at the time. And I thought, “Wow, that's their image. When they hear Arizona, that's their image of us.”

\*musical interlude\*

**YVONNE:** I'm Yvonne Wingett Sanchez.

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

**YVONNE:** In this episode, we'll look at what happened in Arizona and around the world after the state passed 1070.

**YVONNE:** On April 23rd, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070 into law. She did it with a national television audience watching. The aftershocks from Arizona's foray into immigration enforcement came quickly and from all corners.

**RON:** President Barack Obama made it clear he didn't like what Arizona was about to do.

**Barack Obama:** Our failure to act responsibly at the federal level will only open the door to irresponsibility by others. And that includes the recent efforts in Arizona, which threaten to undermine basic notions of fairness that we cherish as Americans. As well as the trust between police and their communities that is so crucial to keeping us safe.

**RON:** And he hinted at legal actions.

**Barack Obama:** In fact I've instructed members of my administration to closely monitor the situation and examine civil rights and other implications of this legislation.

**YVONNE:** The legislation had international repercussions, too. A month after Brewer signed the bill, Mexican President Felipe Calderon spoke to the U.S. Congress in a long-planned speech intended to strengthen ties between the nations.

**Announcer:** Madame speaker! The president of Mexico! \*applause fades out\*

**YVONNE:** During his address, he singled out Arizona's new law, saying it would not achieve what its supporters hoped.

**Felipe Calderon:** I strongly disagree with the recently adopted law in Arizona. \*claps\* It is a law that not only ignores our reality that cannot be erased by decree but also introduces a terrible idea using racial profiling as a basis for law enforcement.

**YVONNE:** SB 1070's toll was monumental. While national leaders weighed in on what it would do, on the ground in Arizona, it was emptying neighborhoods. Here's Daniel Gonzalez, The Arizona Republic's immigration reporter.

**Daniel Gonzales:** The thing that really stands out for me is that right after SB 1070 was passed, we started hearing that people were leaving.

\*music\*

**Daniel Gonzales:** And I remember I was given an assignment to try to find somebody who was leaving the state and I remember thinking that that might be kind of hard to do. And I remember I got in my car and I drove over to the west side of Phoenix. And it was absolutely staggering to drive through neighborhoods and see entire streets where house after house after house were yard sales.

**Daniel Gonzales:** And I went up to this woman and I asked her why she was having a yard sale. And she said, "We're leaving."

\*musical interlude\*

**Daniel Gonzales:** I remember it was a very tearful goodbye because the kids had some little pet dogs, and the mom had lied to them and said they were going to bring the dogs, but then they couldn't bring the dogs with them. So at the very last minute, right before they got in the car, the mom had to break the news to them that they were giving the dogs to their neighbor. So the kids were already having to say goodbye to their friends. Because the kids had grown up in the United States. And then they left their dogs there.

\*musical interlude\*

**RON:** The grim exodus played out quietly all over Arizona. To the rest of the country, the law served as a laugh track and spectacle.

**Seth Meyers:** This week Arizona signed the toughest immigration law in the country, which would allow police to demand identification papers from anyone they suspect is in the country illegally. I know people in Arizona are worried Obama is acting like Hitler, but can we all agree there's nothing more Nazi than saying, "Show me your papers?"

**RON:** Late-night comedians like NBC's Seth Meyers skewered Arizona.

**Seth Meyers:** Everytime someone says, "Show me your papers," Hitler's family gets a residual check.

**Jon Stewart:** It turns out Arizona is the meth lab of Democracy!

**YVONNE:** Jon Stewart spoofed the state on Comedy Central's The Daily Show.

**Jon Stewart:** Ya know, it's tough. It's not unprecedented having to carry around your papers. It's the same thing that free black people had to do in 1863. \*laughs\* Lord knows that didn't leave any residual anger.

**RON:** Brewer maintains the late-night shows didn't phase her.

**Jan Brewer:** Well, you know, I never watched those nighttime shows because either I was working or I was asleep because I had to get up at 4 in the morning to be somewhere. I didn't really pay much attention to that. Comedians go on, talk shows go on. And they think about their ratings. They can say whatever they want. I certainly hope people don't get their information politically or policy from those kinds of people. I think people probably more than likely think it's funny. That's fine. I can laugh at myself, but I don't pay much attention to that.

**YVONNE:** But the images of Arizona as a racist, backward-looking state complicated economic conditions.

**Newsclip:** All around the country a kind of emotional civil war continues, some people deciding to try to hit Arizona in the pocketbook.

**YVONNE:** While SB1070 sat on Brewer's desk, Congressman Raul Grijalva, a Democrat from Tucson, called for a boycott of his own state.

**Raul Grijalva:** And I think Arizona deserves.. National organizations, conventions, uh, super bowls, they need to not be part of doing business with Arizona.

**YVONNE:** Within weeks of signing the law, the state's tourism industry counted at least two dozen events that were canceled, costing millions of dollars in expected revenues.

**Activists at Cubs Game 4/29/2010:** Boycott Arizona! Boycott Arizona! Boycott Arizona!"

**RON:** A number of cities, from Austin to Boston, and from Seattle to St. Paul, nixed travel to or business with Arizona.

**KXAN-Austin-Newsclip:** Austin City Council just voted to restrict travel and boycott businesses in Arizona! Good afternoon I'm Chris Willis. I'm Sally Hernandez. The decision's in response to the new immigration law in Arizona \*fade out\*

**RON:** Although many of the bans ended within a few years, the Los Angeles business ban lasted until 2018.

**Newsclip:** Los Angeles is not going to stand for bigotry, for racism. For attacks on immigrants.

**Newsclip:** This is an out-and-out brawl. A nation choosing sides!

**YVONNE:** In a show of solidarity with opponents of SB 1070, music groups cancelled their shows across the state. Cypress Hill scrapped a show in Tucson. Hall and Oats were scheduled to play a concert after a baseball game but nixed it because of the law. And a group of musicians created a coalition to boycott performances in protest of the law.

**Sound Strike Press Conference:** And the artists of the Sound Strike are fully committed to win. We thank our fans. Especially those in Arizona who understand we are also fighting for them. Thank you.

**YVONNE:** The "Sound Strike" campaign was organized by the lead singer of Rage Against the Machine and artists ranging from Kayne West to Los Tigres del Norte signed on in support.

**RON:** Todd Sanders was the President of the Greater Phoenix Chamber of Commerce at the time. The chamber represented 2,400 companies in Arizona, ranging from small mom-and-pop shops to mid-sized businesses and large companies. He said business owners who had been

caught off guard by the legislation, or presumed it wouldn't become a law, felt the need to respond.

\*music slowly fades in\*

**Todd Sanders:** I think very quickly, we saw the boycotts coming. And so for us in the business community, I think the strategy was, "Don't hurt Arizonans who don't support this by deciding not to come here to support our local economy." That was a big message.

**YVONNE:** Alfredo Gutierrez, the activist and former Democratic lawmaker who served in the Arizona State House, found he had new allies in his battles against the state's immigration hardliners.

**Alfredo Gutierrez:** They were panicked. I mean, it was delegations coming to see me. I felt very important again. The business community, finally, finally realized that they had to do something. The state was becoming a joke. I mean, it was the subject of lots of criticism but lots of humor, too, aimed at the dorks that lived in this state: the racists. And folks who ran APS and other major corporations began to get very embarrassed.

**YVONNE:** Six months after Brewer signed SB1070, a liberal policy institute in Washington commissioned an economic analysis from a Scottsdale consulting firm. The firm estimated that in the four months after the bill became law, the state missed out on \$141 million in spending. And, it cost Arizona about 2,700 jobs.

\*fade music out

**RON:** In May 2010, while the law was still making its rounds on late-night TV leaving a bad taste in many people's mouths, the Republican National Committee chose Tampa to host the 2012 Republican National Convention. Phoenix, along with Salt Lake City, had been a finalist. But the National Council of La Raza, a prominent hispanic advocacy organization, asked the RNC not to select Phoenix.

**YVONNE:** The GOP didn't pin its decision on SB 1070. Instead, they blamed Arizona's sizzling summer heat. But prominent conservatives, such as Karl Rove noted that he wished Arizona had not passed the law. This was an indication that the repercussions of Senate Bill 1070 had bled not just into the economy but into politics.

**RON:** Still, there was one event that stayed in Arizona, even though 1070's opponents tried to block it.

**MLB-All-Star-Game-PHX-2011:** \*MLB music chimes in\* .. Sports commentator: For the first time ever, the all-star game hits the desert! The crowd here in Phoenix Arizona is ready!

**RON:** In 2010, Major League Baseball refused to relocate the 2011 All-Star Game from Chase Field in Phoenix.

**RON:** Critics of the law hoped to erase the All-Star Game the same way the National Football League in 1990 canceled a future Super Bowl in Tempe after Arizona voters rejected the creation of a holiday for Martin Luther King, Jr.

**Activists at Cubs Game 4/29/2010:** This is not against the players, but the owners who are strong backers of the conservatives who pushed through this bill.

**CNN-All-Star-Game-Protest:** It would be inconsistent with the traditions of major league baseball to have the All Star game in a state that is deliberately discriminating against part of this population!

**YVONNE:** The players' union opposed the law, but didn't call for a boycott. Some Latino players, like the San Diego Padres Adrian Gonzalez, said in 2010 he would not play if the game were held in Phoenix because of a law he viewed as "immoral." By the time the game happened in 2011, Gonzalez was a member of the Boston Red Sox and had a new view of 1070. He told ESPN the law "had been tweaked a little, I hear, so it's a lot better than it was in the beginning." On the night of the All-Star Game ... Gonzalez hit a home run for the American League's only score of the night. The All-Star Game in Phoenix went on as usual.

\*earnest music that shifts tone

**RON:** One reason for that is because the American public generally agreed with 1070's aims.

**Newsclip:** Here at home, a new poll shows that majority of Americans, 59%, support Arizona's tough law requiring police to check the documents of...

**RON:** A CNN poll taken just as 1070 was set to go into effect found that 55 percent of Americans supported the law. And they did it with a clear-eyed view of what it could mean. Most said it would increase discrimination against Latinos, and only half thought it would help reduce illegal immigration.

**YVONNE:** It wasn't long before other states — *Alabama, Georgia, South Carolina, Indiana and Utah* — had passed versions of Arizona's law. Americans, it seemed, wanted action.

**Newsclip:** Whether you're for or against your law here in Arizona, you're on the cutting edge of a national debate. ... At least a handful of states are trying to do exactly what Arizona did. And a bunch of other states are doing some similar things. Essentially, testing what Arizona did. How much rights do the states have to get into the business of enforcing immigration?

**RON:** And all the talk about the consequences of 1070 on the state economy? It turns out, not everyone thought it was so simple. For one thing, 1070 happened while Arizona was still in the grips of the Great Recession. The housing crash hit Arizona especially hard.

**YVONNE:** The only other state that lost a greater share of its workforce during that downturn was Nevada. Half of Arizona's construction jobs vanished.

**RON:** And Arizona's 2008 employer-sanctions law — *the one that required business owners to verify their new hires were allowed to work* — also helped drive down business just as the overall economy started tanking.

**YVONNE:** So blaming the state's poor economy on 1070 was easy but probably not completely fair. Here's Dennis Hoffman, the ASU economist, to explain.

\*explanatory music

**Dennis Hoffmann:** As you went from 2007 to 2010, 2011, 2012, our construction employment base collapsed on the order of 50 percent or more. Many of those were undocumented workers that left the state. Many would have left because there was no demand for their services. Others left because of E-Verify. And those that were still here in 2010 were encouraged to leave by the the quote "show us your papers law." I would say that this legislation was akin to. Throwing jet fuel on a fire that was pretty well blazing at that point.

**RON:** Governor Brewer also pointed to Arizona's profound economic problems before SB1070.

**Jan Brewer:** We were trying to come back from a terrible, terrible recession. And people weren't coming to Arizona. And I think that that was all blown totally out of proportion. I think maybe a couple of conferences probably might have canceled. But I don't think it was in the amount that we heard about, or people wanted to suggest that was going on. Conferences weren't going on anywhere. And the boycotts in Los Angeles from California, they weren't coming here to visit anyway. So, I just don't buy into that.

**YVONNE:** State Sen. Russell Pearce, the law's author, said people overlook what 1070 saved taxpayers.

**Pearce:** Also reported by the Arizona Republic back then is the numbers that left. Hundred, 150,000 fled the state of Arizona. I can tell you, I was approached by a board school member in Mesa that said, "We in our schools that are non-English speaking schools" - they have several that are 95 percent non English speaking elementary school. They said, "We could close 13 elementary schools because of 1070." He said, "We've lost complete neighborhoods down here or they have fled the state.." I was a little surprised at that. That's millions and millions of dollars.

**RON:** The reality is, the political fallout of 1070 was mixed. Although there was a boycott, it's hard to say how much that contributed to a loss of business. After all, the Great Recession was in swing at this point. It's fair to say that Arizona's reputation took a hit. And it was devastating to the Latino community throughout the state. And the fallout for those who were involved was mixed as well. Let's start with Jan Brewer.

**RON:** Before she signed SB 1070, the governor was seen as vulnerable in the Republican primary. After she signed it, Brewer pulled away from the pack. She easily defeated her three

GOP challengers in the August primary, and defeated Democrat Terry Goddard by 12 percentage points in November.

**Jan Brewer, Victory Speech:** Tonight, the people have renewed and redeemed America!

**YVONNE:** Brewer's political team that helped propel her to victory thinks SB 1070 played only a small part in her November win.

**Her campaign consultant, Chuck Coughlin:** We had literally spent blood, sweat and tears on getting the state to a financial position that we could operate. I remember we'd done polling from the very beginning tracking where she was. After she passed the budget bill, she cleared the field because we demonstrated to the electorate she could govern.

**RON:** But the governor herself attributes the victory in part to SB 1070.

**Jan Brewer:** I think that SB 1070, you know, made me sort of a national figure as a fighter, and I think that people finally had somebody that was willing to stand up and believed in the rule of law and I was going to go down fighting. And I did. That was my goal. And I know that when I started out running that in other polls were really against me. But I just forged ahead and won overwhelmingly, by the way, when I won the election. So I guess going out and campaigning and telling the story the way it is being the truth teller and doing the right thing, even though a lot of times it's a hard thing to do, made me get reelected.

**YVONNE:** But Brewer wasn't the only one who found success in taking a hardline stance against immigration. Senator John McCain had previously made several attempts at passing bipartisan, comprehensive immigration reform. But after SB 1070, McCain pivoted.

**YVONNE:** Two years after he was the Republican presidential nominee, McCain was fending off a primary challenge from J.D. Hayworth, a former congressman. Hayworth was a border hawk, so McCain's re-election campaign veered right.

**Newsclip:** John McCain, once a champion for immigrants' rights, is scrambling to be identified with that fence!

**YVONNE:** McCain turned to his former running mate Sarah Palin and Pinal County Sheriff Paul Babeu to help see him through. In a commercial taped along the border, Babeu assured viewers that McCain is "one of us." McCain memorably told the sheriff that his plan was to "complete the danged fence."

**McCain TV ad:** McCain: And complete the danged fence. Babeu: It'll work this time. Senator, you're one of us.

**YVONNE:** McCain's hard-right turn worked.



**Jan Brewer Victory Speech:** Congratulations to my great friend John McCain! We've campaigned together since the primary.

\*music crescendos\*

**YVONNE:** He easily defeated Hayworth and then Democrat Rodney Glassman to win a fifth term in the Senate.

**RON:** And remember Rep. Grijalva's call for a boycott?

**Raul Grijalva:** After consultations with many good corporations, such as SRP, Marriott, Pepsi Co., who have publicly stated and are actively opposed to much of the legislation in Arizona that's going on and being proposed, we felt that it was time to pull back on that.

**RON:** By October, facing the closest race of his career, Grijalva said he was ending his protest. Political novice Ruth McClung, a Republican, came within 6 percentage points of him in a district that normally leaned lopsided to the left.

**Raul Grijalva:** It wasn't having the strategic impact that it should.

**RON:** The politics of 1070 were good for Brewer and Arizona Republicans at the time.

**Jan Brewer Victory Speech:** It appears that Ken Bennett will be our secretary of state! \*applause\* Tom Horne, our attorney general! \*applause\* Doug Ducey our state treasurer! \*applause\* John Huppenthal our superintendent of public instruction! \*applause\* And tonight, we see the fruits of a united party!

**RON:** Russell Pearce not only won another term in the Senate, his Republican colleagues elevated him to the chamber's president. After Pearce's easy re-election, he went to the state Capitol for the 2011 session with more immigration bills on his agenda. And when the legal battles over 1070 came, they were ready.

\*anticipatory music

**YVONNE:** Four days after Brewer signed 1070 into law, the state faced its first lawsuit. Within days, there were more.

**Newsclip:** SB 1070 facing another hurdle! Good afternoon.

**YVONNE:** The cities of Tucson and Flagstaff sued. Police officers sued.

**Newsclip:** It's not often a police officer speaks out publicly against the laws he's sworn to uphold.

**YVONNE:** Immigrants' rights and civil liberties groups sued. In July, the U.S. Justice Department sued.

**Newsclip:** Tonight's new immigration law under attack tonight by the U.S. government. Thanks for choosing us. I'm Katie Raml. And I'm Steve Irvin. The Department of Justice filing a lawsuit earlier today claiming Arizona is undermining its authority.

**RON:** Arizona's attorney general, Democrat Terry Goddard, opposed the law and agreed to step aside rather than try to defend it. So Brewer started a legal defense fund to protect SB 1070. Donations flooded in from all over the country.

**YVONNE:** One day before SB 1070 was set to go into effect on July 28, a federal judge in Phoenix issued an injunction.

**Newsclip:** Breaking news! As it's happening right now, the judge, Judge Bolton just released documents in regard to her decision on SB 1070 and what will happen to SB 1070.

**YVONNE:** The injunction blocked the heart of the law from being used. Police would not be required to check the immigration status of those they suspected could be an undocumented immigrant. And the state of Arizona could not criminally charge immigrants for failing to carry the documents the federal government required. Nine months later, a federal appeals court upheld that decision to temporarily block the most controversial aspects of the law from going into effect. Arizona, the judges wrote, was trying to form policies in areas reserved for the federal government.

**RON:** For Brewer, there was no question of what she would do next. Her legal team appealed the matter to the U.S. Supreme Court. After all, this was what Russell Pearce had anticipated when crafting it.

\*music fades out

**YVONNE:** Pearce had written and faced challenges over dozens of other immigration-related bills in his past. By this time, he was something of an expert. And with 1070, he wrote it with the specific intention of passing constitutional muster. In April 2012, when the U.S. Supreme Court took up Senate Bill 1070, he'd get his chance to see it through. That is, if Brewer didn't keep it from him.

**Russell Pearce:** I was told by her counsel and her that I'd be there for the debate in D.C. You know, for the hearing, the Supreme Court hearing. And so anyway, you check the list and I'm not on the list. And so I called two or three times. They said, don't worry about it. She'll get you on there. Her counsel, her uh solicitor general, if you will. I talked to him. He said no problem. You'll be there. And so I made hotel arrangements, I made all the arrangements I needed to go and when I get there, I'm not on the list.

**YVONNE:** The distance between Brewer and Pearce that nearly kept him from the signing of the law in Arizona, almost kept him from sitting in on the case at the Supreme Court. But in the end, a friend, Rep. Steve King, helped him get a seat.

**Russell Pearce:** He calls me back, he says, "You're on the list. You've got a seat. And a better seat than the governor would have given you!" I said, "How do you do that? He says, I called Judge Justice Roberts at home." And he said and told him what the story was. And he said. "He's got a seat."

**RON:** The governor doesn't recall the details of who got tickets, who didn't, or whether they were even needed to attend the court's arguments.

**Jan Brewer:** I remember going to the Supreme Court. You know, and then Sandra Day O'Connor, and waiting in her office and waiting to go out into the courtroom. There was lots of people there. And I remember leaving the courtroom and coming down, I never saw so much press in my life. Oh, it was unbelievable. The pictures just, you know, it's breathtaking to see what was going on out there at that time. But as far as Russell, again, I don't know. I don't know. Do people get invited to the Supreme Court? \*laughs\*

**YVONNE:** Tensions were high as the case came before the justices. The stately and smallish courtroom was packed.

**Justice John G. Roberts, Jr.:** We'll hear arguments this morning in Case 11-182, Arizona v. the United States.

**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.

**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.

**RON:** The case focused on the question of how much latitude the state had without cutting into federal authority. During oral arguments, the justices signaled they were troubled by parts of 1070.

**Justice Sonia Sotomayor:** What happens if this is the following call, the call to the federal government. "Yes, he's an illegal alien. No, we don't want to detain him." What does the law say, the Arizona's law say with respect to releasing that individual?

**Justice Ruth Bader Ginsburg:** But how would a state officer know if the person is removable? I mean that's sometimes a complex inquiry.

**Justice Anthony M. Kennedy:** If it takes two weeks to make that determination, could the alien be held by the state for that whole period of time? Just under section six?

**Justice Antonin Scalia:** Anyway, if this is a problem, is it an immigration law problem? Or is it a Fourth Amendment problem?

**Paul D. Clement:** Justice Scalia, it's neither --

**Justice Antonin Scalia:** Is the government's attack on this that it violates the Fourth Amendment?

**YVONNE:** Two months later, the Supreme Court handed down a dense, divided opinion that struck down three out of four parts of the law. The justices focused mainly on the question of pre-emption, the idea that federal law prevails when it's in conflict with state law. The majority struck down 1070's provisions criminalizing seeking work and being in the country illegally. It also disallowed warrantless arrests for deportable offenses. But the court left intact the centerpiece of 1070. That's the requirement that police inquire about someone's legal status when they seem to be an undocumented migrant.

**RON:** Justice Anthony Kennedy, the court's customary swing vote, said Arizona had to recognize there were limits to what it could do.

**Justice Anthony M. Kennedy:** With power comes responsibility and the sound exercise of national power over immigration depends on the nation's meeting its responsibility to base its laws on a political will, informed by searching thoughtful, rational, civic discourse. ... Arizona may have understandable frustrations with the problems caused by illegal immigration while that process continues, but the state may not pursue policies that undermine federal law."

**YVONNE:** Justice Antonin Scalia, the court's stalwart conservative, was disappointed his colleagues failed to uphold the law in full..

**Justice Antonin Scalia:** I would uphold all the provisions of the Arizona law. ...

**YVONNE:** He delivered a dissent in court, which was seen as remarkable for its attacks on the Obama administration's policies at the time

**Justice Antonin Scalia:** Arizona has attached consequences under state law to acts that are unlawful under federal law. But to say, as the court does, that Arizona contradicts federal law by enforcing applications of the immigration law that the president declines to enforce boggles the mind.

**RON:** The ruling didn't address the racial profiling concerns that many in the immigrant community feared most. And it specifically kept open the possibility that such concerns could be grounds to revisit the papers-please portion of the law.

**YVONNE:** But for now at least, 1070's controversial core was preserved. The state could require police to inquire about the legal status of those they suspect of being undocumented immigrants.

**RON:** Sen. Russell Pearce was a bit deflated to see the high court knock down parts of his law. But on the whole, he was pleased.

**Russell Pearce:** The main parts were upheld. The meat of the bill was upheld. And that's why I get little tired whenever people talk about 1070... Everything important was upheld. I put a couple pieces in there [that were] icing on the cake, if you will. But that wasn't the meat of the bill.

**YVONNE:** To those casually opposed to 1070, winning on three of four counts might have seemed like a victory. But in the immigrant community, the fact that the high court preserved the right to seek legal documents on demand left a deep, lingering fear of discrimination and deportation. Here's community activist Carlos Garcia.

**Carlos Garcia:** It was a dividing moment. The parts that were blocked were the parts that impacted US citizens.

\*poignant music\*

**Carlos Garcia:** The trafficking piece. The transporting piece. Those sorts of things. The part, the racial profiling piece that forced every officer to be like Arpaio detained my friend's father right before Thanksgiving. And he was just released last week. That still continues. It weakened us in the sense that it divided and said, "OK, you can still go after the undocumented people. But all these other charges of if you're transporting or a citizen's getting in trouble, you all are fine." There was always this narrative, "Oh my God, 1070, if there's a priest driving a car full of undocumented folks, that priest is going to be criminalized." So then people would come fight for that priest. And the things that got taken out, we were grateful that it wasn't worse. But the racial profiling piece stayed.

**RON:** From their vantage point, this was something they had lived with for long enough. SB 1070 changed every aspect of their lives. Many stayed at home and only left if they absolutely had to, to go to work, school or the grocery store.

**YVONNE:** Carmen Guerrero, a retired reverend who worked for the bishop of the Episcopal Church, remembered her immigrant parishioners were afraid to attend church services. They were so scared they would only enter and leave church through the back door.

**Carmen:** They were talking about figuring out ways to be able to participate in a quote unquote, religious community, the church, without getting caught. And so, you know, a lot of times people were in the church sending texts to people [like] "Don't take that highway, don't take that road, because the sheriff's group is there." And warning each other. A lot of breaking up of families, not taking them into consideration.

**RON:** Even some people who were not undocumented decided to leave. Here's Alfredo Gutierrez.

**Alfredo Gutierrez:** People knew. I mean, and if they could get away, they got away. A lot of people, by the way, who were documented got away. They said, "I just don't want to be here."

You know, this place is full of hate. I just don't want to be here." If they could get away, they got away. They moved away. More importantly, they lived in fear.

**YVONNE:** But while thousands of people left Arizona, far more stayed. And many of them weren't going to hide.

\*music shifts to tense, redemptive ticking

**YVONNE:** After years of trying to find common ground to prevent hostile legislation, these activists were ready to engage more directly. Here again is Carlos Garcia.

**Carlos Garcia:** [In] 2005, we tried taking flags from people and giving them all U.S. flags and making them all wear white. And all these tactics where we were thinking of either not pissing off the right wing or the middle folks coming along with us and trying to prove we are America. The coalition was called Somos America. We are America. To me, that hurt us. Because the people that wanted us gone were never going to believe that that's that's what it was. They were still going to see our skin color. They were going to see whether we were documented or not. And so by the time we get to five years later and SB 1070, it's no longer apologizing about who we are, but asserting who we are and asserting our rights.

**YVONNE:** After 1070 was signed, his group became more organized than ever.

**Garcia:** The week after the signage, the May 1st action to me is symbolic of what we've done the last 10 years. We tried something that we had never tried before, which was on May 1st. We called for a rally at the Capitol and we divided people up into groups depending on where they lived. It was the beginning for Puente of the defense committees. How can we start organizing people in different parts of the Valley, teaching them their rights and then creating the defense committees? We created 26 defense committees and had meetings across the valley. So it was a marker of changing of strategy that week. It was literally us shifting. We are going to have to go on defense mode and organize at another level than the activist work we had been doing before.

**RON:** It wasn't long before opponents of 1070 achieved their first big win.

**Newsclip:** Fate of Arizona Senate President Russell Pearce is now in your hands. A group seeking to remove the senator from office has collected enough signatures to force a recall election.

**RON:** The group Citizens for a Better Arizona, led by a liberal community organizer, began gathering signatures to recall Sen. Russell Pearce. He had won reelection and had just become the new Senate president. Many of the same activists, immigrants and Democrats who descended on the state capitol to oppose SB1070 galvanized around the effort to recall Pearce.

**YVONNE:** And remember Tony Valdovinos, the student who found out he was undocumented when he tried to join the Marines?

**Tony Valdovinos:** It was painful to literally not have the ability to do anything in your life other than hide...

**YVONNE:** He worked with dozens of volunteers walking the neighborhoods of Pearce's west Mesa district. Tony and other recall supporters gathered more than 10,000 signatures to force a recall election. The area was largely conservative, blue-collar and included the city's downtown. It was home to Mesa's poorest neighborhoods and lowest performing schools. Faith would also play a role in the recall contest. Pearce's district included Arizona's first temple of the Church of Jesus Christ of Latter-day Saints. Valdovinos remembered talking to thousands of voters about Pearce's legislation, his political ideology, and his political associates.

**Tony Valdovinos:** We connected the dots for folks over Russell Pearce's extreme brotherhood with Joe Arpaio and what they wanted to accomplish together. And you have Arpaio, you know, going to activists' homes in the middle of the night, pulling them out because they're they're calling him out.

**RON:** The effort was a referendum on whether the 71,000 voters in the district supported Pearce's tough approach to illegal immigration. At the same time, The Arizona Republic published articles detailing how Pearce had attended college football games across the country paid for by the Fiesta Bowl.

**Newsclip:** A major shake-up today at the Fiesta Bowl. CEO John Junker was fired after an independent review found that the organization improperly reimbursed employees for contributions to political candidates.

**RON:** His financial disclosure records with the Legislature didn't properly acknowledge the gifts, and Pearce offered shifting accounts of what had happened. By November 2011, the political environment at the statehouse was changing. Pearce had seen his fellow Republicans reject other immigration bills, a federal judge had put the brakes on 1070 and now, his name was tied to a Fiesta Bowl scandal that threatened the game's national standing.

**YVONNE:** Voters in the recall election could choose between Pearce and Jerry Lewis, a fellow LDS member and charter school executive who offered a more measured style of conservatism.

**RON:** Pearce said it was retribution by liberal activists, unions and their financial supporters for his work on SB 1070.

**YVONNE:** In the end, voters chose Lewis.

**Jerry Lewis Victory Speech:** \*applause\* Thanks to all those who campaigned so feverishly for a fresh voice in Mesa and a civil tone to politics! \*applause\* Just 12 months ago in November of 2010 my opponent won reelection in a landslide. When we started this campaign, we were

under no illusion as to the odds of our success. Our opponent was the most powerful politician in Arizona!

**Russell Pearce:** Still everybody assumed I'd win. So I think a lot of people didn't work real hard, saying, "You can't beat Russell Pearce." I said, "Guys! Don't underestimate these people." So it was tough because at that point, I think I probably could've ran for almost any office in the state and won it. So it was disappointing because it was misinformation. It was character assassination. You know, there's so much misinformation out there. If I believed half of what I'm hearing, I wouldn't vote for me. So, you know, I mean, good grief, guys. And so anyway. So there was a combination of things that did that. And extremely, extremely disappointing.

**YVONNE:** But Pearce's recall wasn't the only win the immigrants rights community wanted. ... The incomplete victory at the Supreme Court sent people like Garcia and Valdovinos back to work. Not to change 1070 but to change the state's political system.

\*theme music\*

**RON:** Next time on Rediscovering: SB 1070

**YVONNE:** Nothing lasts forever. Not in politics, not in policy. Change can come slowly, but it does happen.

**Tom Perez:** It sometimes felt like you could hold a meeting of the House Democratic Caucus in your state house, you know, in a phone booth. It felt like we needed more troops. And now you look today, you know, the through line that 29 out of 60 members of the House are Democrats.

**NPR:** Long a safe bet for republican presidential candidates, Arizona has joined the ranks of hotly contested battle ground states.

**Katherine Figueroa:** Like even when my coworkers I'm just like, don't forget vote. Well, you know, it's really important, especially if we want to see a change. If we really do want to see a change, we need to go out and vote.

**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 our director for storytelling and innovation John Adams.

**YVONNE:** Greg Burton is our executive editor. 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 Fox News, The Associated Press, NBC, ABC News, Comedy Central and MSNBC. Additional audio from KXAN Austin, California Senate Democrats, Sound Strike, MLB TV, CNN, ABC 15 Arizona, Nonprofit News and Arizona PBS.



**YVONNE:** Thanks so much for listening to Rediscovering: SB 1070, a podcast from The Arizona Republic and [azcentral.com](http://azcentral.com).