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The state doesn't even enforce the immigration laws it already has.

 [100428_TBM_flag.jpg](#) [1]

Last month, as Arizona's legislature debated draconian new measures to enlist the police into an ever harsher hunt for illegal immigrants, local authorities shut down a Subway franchise in Phoenix for two days for employing an illegal worker. The shutdown, [as Phoenix's New Times newspaper reports](#) [2], was the very first time that Arizona authorities had used the power of Arizona's last major anti-immigration law—passed back in 2007—to sanction a business in the state.

In that amazing fact—*one* fast-food outlet penalized in more than two years under a law that was ostensibly supposed to stop businesses from employing illegals—is encapsulated all the bad faith of the anti-immigrant movement. Last week, Arizona hit a new low, as governor Jan Brewer signed into law [a measure](#) [3] designed to ensure that the illegal (or merely foreign-born or dark-skinned) live in fear of the authorities.

Arizonans have clearly sent a message that they want to punish illegal immigrants with a law that makes every cop a full time border control agent (and, bizarrely, calls on citizens sue towns that don't pursue illegal immigrants with sufficient fervor). But in taking an ever-harsher line against immigrants while ignoring employers the anti-immigrant movement has gotten across an even harsher message: That they're less interested in cutting illegal immigration than in conducting an endless campaign of terror against Mexican and Central American workers.

Migrant labor moves to jobs, and the availability of jobs is the single most obvious factor in the flow of illegal immigration. It may surprise many people to know that the number of illegal immigrants in Arizona has, in fact, *fallen* recently, from an estimated 560,000 at the beginning of 2008 [to 460,000 a year later](#) [4]. The cause of this is simple: the recession and the disappearance of work.

The main concern publicly voiced by the anti-immigration lobby is that illegal migrants take jobs away from legal residents. Ostensibly, Arizona's 2007 law addressed this directly by penalizing employers who hire illegals. Billed as a solution to the demand side of the illegal immigration equation—discouraging folks from crossing the border by stopping businesses from hiring them—that law has, in practice, been meaningless.

Described sometimes as “loosely enforced,” the Arizona law providing sanctions for employers is, as the *New Times* brilliantly demonstrates, simply not enforced at all. The lesson here seems clear: Arizonans want to take a stand against illegal immigration, but they don't actually want to do anything about it that would hit the employers

who rely on illegal workers. They want the cheap labor that illegal Mexican workers give them, while somehow hoping to get rid of the workers themselves.

In this, Arizona's approach to illegal immigration, while unusually punitive, mirrors the approach of the country as a whole. U.S. law has provided for sanctions against employers who hire illegal immigrant workers since 1986. But aside from the occasional high-profile demonstration, these sanctions are hardly ever put into effect.

The annual reports of the federal Immigrations and Customs Enforcement agency are full of photos of intimidating agents in dark glasses and flak jackets. But what you will not find in them is much mention of fines against employers. Last year, the agency announced a newly invigorated campaign to focus on employers—securing \$4.5 million fines from poultry processor Pilgrim's Pride. But while the agency points to an increase against employers, it starts from a base that is piddlingly small; in all of 2008, only 45 employers were fined by the agency—for [a total of \\$798,179](#) [5].

Compare this with countries such as France and the Netherlands that center their illegal immigration policies on employer sanctions, as [this paper](#) [6] by British law scholar Bernard Ryan usefully outlines. According to Ryan's numbers, the Netherlands—a country with about one-*nineteenth* the population of the United States—in 2006 fined employers 43.7 million euros, or about \$58 million—for employing illegal workers. It's worth doing the math here to emphasize the difference: If the United State were as serious as the Netherlands about penalizing employers, it would be exacting fines of more than \$1 billion a year.

The reality is that it is not. Genuinely differing views are possible on the question of how aggressively countries should deal with illegal immigration. There are those who reasonably believe that its costs for jobs for legal residents outweigh the benefits of inexpensive foreign labor. But it's impossible to escape the sense that the effect of the American way of immigration enforcement is not to preserve jobs for Americans, but on the contrary to perpetuate a supply of cheap, disposable and terrified laborers.

Arizona's approach takes this model to a new extreme. The state's 2007 employer focused law was vigorously opposed by business groups who anticipated an impact on the bottom line. They needn't have bothered: It's clear now that Arizona has no intention of actually punishing employers and addressing the “demand” side of the illegal immigration equation.

On the new law, the state's business groups have stayed silent. A spokesman for the Arizona Chamber of Commerce told the *Arizona Republic* that the group was “neutral” on the measure, having been satisfied by the legislature that the requirements would not be “overly burdensome” for employers.

Indeed, from a cynical employer's point of view the Arizona law may be anything but “overly burdensome.” A program aimed at arresting illegal immigrants to be replaced by a new batch is effectively a formula for maintaining a class of workers with even lower wages and less ability to assert their rights than they currently have. For the American workers who ostensibly lose jobs to the illegals it does nothing. It merely means that more foreign laborers will go unpaid at the whim of employers who can more easily resort to the option of calling the police to arrest them and ship them back over the border.

Do Arizonans understand this? I suspect that in their hearts they do. Though I also suspect that some of the citizens who lobbied for this legislation will also feel in their hearts that they don't really care what someone like me thinks about the legislation anyway. After all, I arrived in the United States as a (legal) immigrant more than 30 years ago. That, for some folks, will surely disqualify me from the debate. Because when you look beyond the

rhetoric it becomes increasingly clear that the new Arizona law isn't about American jobs or any of the other economic fig leaves that the anti-immigrant lobby hold on to. It's just about hatred of the foreign-born.

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