

# Not talking about SB 1070 or similar bills from the pulpit

## Desert Southwest Conference

### Keeping strategic focus

It goes without saying that Arizona Law SB 1070 is a volatile subject of discussion not only within the State of Arizona, but also throughout the nation.

But it is also important to remember that the main focus of the church is on the passage of comprehensive immigration reform. Finally, we must remember that although a very high percentage of people polled approve of SB-1070, an even higher percentage favor comprehensive immigration reform.

SB 1070 is now being enforced, minus four sections which have been postponed by court injunction pending the outcome of the Ninth Federal Judicial Circuit case *United States v. Arizona*. Therefore, it is neither wise nor productive to continue public debate about the merits of the law, especially from the pulpit. Such debates and arguments quickly become consumed by inflammatory political rhetoric. The courts will decide the issue on the basis of legal, not political, precedent; and they will not be swayed by public opinion.

According to a report by the Arizona Republic,<sup>1</sup>

“Key parts of SB 1070 that will not go into effect Thursday:

- The portion of the law that requires an officer make a reasonable attempt to determine the immigration status of a person stopped, detained or arrested if there's reasonable suspicion they're in the country illegally.
- The portion that creates a crime of failure to apply for or carry "alien-registration papers."
- The portion that allows for a warrantless arrest of a person where there is probable cause to believe they have committed a public offense that makes them removable from the United States.

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<sup>1</sup> Accessed on August 1, 2010 from <http://www.azcentral.com/news/election/azelections/articles/2010/07/28/20100728arizona-immigration-law-court-ruling-brk28-ON.html>

- The portion that makes it a crime for illegal immigrants to solicit, apply for or perform work. There are three parts to that part of the law. Two of them will go into effect, one of them will not.

Bolton prevented from going into effect the part that creates a crime for an illegal immigrant to solicit, apply or perform work. She allowed the part that makes it a crime to pick up a day laborer in a roadway if it impedes the flow of traffic as well as the part that makes it a crime to be picked up as a day laborer in a roadway if it impedes the flow of traffic.

The ruling also says that law enforcement still must enforce federal immigration laws to the fullest extent of the law when SB 1070 goes into effect at 12:01 a.m. Thursday. Individuals will still be able to sue an agency if they adopt a policy that restricts such enforcement.

Bolton did not halt the part of the law that creates misdemeanors crimes for harboring and transporting illegal immigrants.”

## **Why The United Methodist Church and the Desert Southwest Conference leaders opposed SB 1070’s passage**

At some point in conversation, it is likely that people will ask why United Methodist leaders opposed the passage of SB 1070. From the inception of the bill in the Arizona Senate, leaders in the Desert Southwest Conference advocated the defeat of SB 1070 for some basic reasons:

First, the stated purpose of the law was the creation of a state immigration policy of “attrition through enforcement.” The idea was to make the state and the people of Arizona such an inhospitable and legally difficult state that undocumented migrants would choose not to come here, and that those that were here would choose to leave. Even if the federal courts had thrown out the whole law, the mere passage of the law has been a success on this account.

Although there are no survey data available to indicate just how many immigrants and Hispanic citizens have left Arizona, there is some significant anecdotal information from our own churches and agencies that minister with that community, as well as from the Catholic Church, evangelical churches, and other denominations. They all tell stories of undocumented aliens, immigrants with proper documentation, and U.S. citizens alike that have already moved away from Arizona to other states. In some cases, they left to seek work because of the Arizona economy. But the majority cited not the law, but the atmosphere it has created, in which citizen and immigrant alike would become targets, especially children in school.

What church leaders are hearing across the board is that immigrant churches have lost up to thirty percent of their members. For a law that claims to address the issue of immigrant crime, especially along the border, it is instructive to note its effect on church-going Christians. Now that the majority of the law has entered into effect, churches are waiting to see how many more Christians leave for other states. It seems that the wrong type of people is leaving.

A second major reason leaders opposed the legislation was that it sought to criminalize a whole class of people on the basis of having broken an immigration law. Phoenix Chief of Police Jack Harris points out that many people in the U.S. break laws each day, but that does not make them criminals. Declaring all illegal immigrants criminals goes beyond federal immigration law. The court injunction put this part of the law on hold, on the presumption that it would be stricken down after legal arguments were heard; but in the mean time it would have damaged people by criminalizing them when federal immigration law does not do so.

A third major reason leaders opposed the legislation was that it was ambiguous at the point of making it a crime to “harbor and transport illegal immigrants.” In the amendments made to SB 1070 after its signature by the governor, a clause was inserted exempting child protective services officers and state social workers from prosecution, even though the language of the law referred to people involved in the commission of a crime. This subsequent change puts in doubt whether or not church people involved in ministry could be arrested and have personal and church vehicles impounded and property confiscated, cutting to the heart of the issue of the separation of church and state. This part of the legislation entered into effect on July 29.

A fourth major reason leaders opposed the legislation was that it created an impossible job for the police of the state, who stood likely to be sued whichever way they acted in legal contacts with the immigrant public. It also would require them to add the enforcement of federal immigration law to their job without extra funding, which would by definition take time and resources away from the problems of public safety and crime. This part of the law was temporarily halted by the injunction.