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Arizona's New Immigration Law: How State Politics Can Inhibit Our Public Diplomacy ^[1]

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On April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070 into law, legalizing one of the harshest immigration enforcement laws this country has seen in decades. SB1070, dubbed by some as the "Papers, Please" law, is a hefty piece of legislation whose creators claim that the unprecedented crack down on illegal immigration will lead to safer neighborhoods in Arizona.

In the past few weeks, this law has spurred controversy and outrage across Arizona and the United States. There have been countless protests, rallies, marches and in some cases, vandalism (a swastika made of refried beans was found smeared on the doors to the Arizona Legislature). Supporters of this law say that it is necessary, that the time for real law enforcement is long overdue. Critics say that it is a violation of basic human rights and will inevitably lead to racial profiling in the state.

Though there has been much debate about this law's impact on both Arizona and the rest of the U.S., its potential consequences have yet to be explored in a key area: its effect on our public diplomacy with Latin America, and most significantly, Mexico. It is no secret that bad domestic policies can lead to bad public diplomacy, and given the national and international nature of this law, U.S. public diplomacy is in a prime position to suffer as a result of Arizona's actions. The federal government must take swift action to address the discriminatory elements at the core of this law, lest we further strain our relationship with our southern neighbors.

Amidst other things, this law requires that all documented immigrants in Arizona carry their alien registration paperwork at all times. It also stipulates that any law enforcement official has an obligation to stop people and ask for their documentation should the official have "reasonable suspicion" that they are in the country illegally.

Critics have decried this idea of "reasonable suspicion:" what does an "undocumented" person look like, exactly? Is there a particular "undocumented" behavior that law enforcement officials will be able to identify? How can law enforcement officials suspect illegal status on any basis other than race, color or national origin? Immigrant and human rights advocates throughout Arizona and the U.S. have raised these and other questions in opposing this legislation and its predisposition to racial profiling of people of Hispanic descent.

Activists on this side of the border aren't the only ones outraged - and here's where public diplomacy comes into play - various foreign countries have expressed their disappointment and indignation. Cognizant of the fact that many of their citizens now reside and work in Arizona, the governments of Mexico, Guatemala and El Salvador have issued harsh

statements against this law.

Since Mexico's national image has been dealt the heaviest blow as a result of this law, its response, not surprisingly, has been the most critical. Five days after SB1070 was signed, the Mexican government issued a travel warning to its citizens, stating "there is a negative political environment for migrant communities and for all Mexican visitors" in Arizona.

Upon hearing these statements, SB1070 proponents would probably argue that Mexico's response is unlikely to go beyond words because of its financial and economic dependence on the U.S. Though the U.S.-Mexico relationship will probably survive this law, it does appear that President Felipe Calderón's government is more likely than previous administrations to take action in the face of legislation that specifically targets so many of its people.

In fact, Mexico has already begun putting its outrage into action beyond the initial travel warning. For instance, Guillermo Padrés Elías, the governor of Sonora, Mexico, canceled a bi-national trade and tourism meeting of the Arizona-Mexico Commission; no such cancellation has happened in the last 50 years. In addition, at least one Mexican airline, AeroMexico, plans to cancel flights to Phoenix. These items accompany national and international calls for a boycott of Arizona.

For those who are skeptical about how much the U.S.-Mexico relationship depends on the politics of Arizona and other Border States, consider the following numbers and statistics:

- More than 30% of Arizona's population is of Hispanic descent.ⁱ
- "Each day, more than 65,000 Mexican residents are in Arizona to work, visit friends and relatives and shop, according to a University of Arizona study sponsored by the Arizona Office of Tourism."ⁱⁱ
- "While [in Arizona], Mexican visitors spend more than \$7.35 million daily in Arizona's stores, restaurants, hotels and other businesses."ⁱⁱⁱ

These numbers illustrate two important points:

- 1) This law is going to harm and discriminate against people of Mexican descent who have a right to be in the U.S. whether through tourist visas, green cards or work visas.
- 2) Both nations have something to gain economically from an amicable relationship. Therefore, both also have something to lose from the fear-provoking, hostile elements of Arizona's new law

Yet another point about SB1070 that could severely harm our public diplomacy is the issue of safety for Latin Americans living and working in Arizona. Law enforcement priorities will likely undergo a shift from policing our neighborhoods and communities to enforcing immigration law, which should be a federal responsibility. This shift in policing raises a red flag for both human rights advocates and law enforcement: what will happen in our communities if people are too scared to report crimes for fear of being deported themselves, or for causing the deportation of a neighbor, relative or friend? Though this law is intended to protect Arizona, it may lead to an increase in crime if there is a policing shift from crime to immigration. SB1070 also stipulates that Arizona residents can legally sue law enforcement officials for not doing

their jobs. If we don't protect the people who immigrate to this country from around the world, we certainly won't be able to "win their hearts and minds" through public diplomacy.

The final nail in the coffin (and a piece of legislation not many have heard about) is the Arizona ban on ethnic studies classes. On April 29, 2010, the Arizona Legislature passed HB2281, a bill that would ban all ethnic studies (read: Chicano studies) classes from the state. Apparently, "schools will lose state funding if they offer any courses that 'promote the overthrow of the U.S. government, promote resentment of a particular race or class of people, are designed primarily for students of a particular ethnic group or advocate ethnic solidarity instead of the treatment of pupils as individuals.'" If there was any doubt regarding the true political agenda of Arizona's legislators, HB2281 certainly makes it clear. If requiring every person with brown skin to carry his/her papers won't make our public diplomacy with Latin America more difficult, surely prohibiting public education about students' Hispanic heritage and culture will.*

Our future ties with Latin American countries hinge on the consequences of Arizona's law, and in no country is that more true than Mexico. The rumors that other states, like Oklahoma, may try to implement similar legislation will only hurt our ability to foster beneficial relationships with our southern neighbors. Given the various factors that have plagued the U.S.-Mexico relationship over the years, including drug wars, arms control, and border violence, SB1070 and its inevitable consequences do not seem like a risk we should be willing to take.

Should SB1070 survive its pending legal challenges, the U.S. has much diplomatic work ahead to clean up Arizona's mess before the law takes effect on July 28. We will be hard-pressed to restore our image with Mexico and other Latin American countries in the wake of such misguided domestic policies. The time for critical words and harsh jabs has passed; the time for real action and reform is now.

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i. <http://quickfacts.census.gov/qfd/states/04000.html>

ii. http://azstarnet.com/news/local/border/article_897e9ba9-5baf-53e8-8e64-ed3d4573e8bd.html

iii. *Ibid.*

* At the time of posting, Governor Jan Brewer had not yet signed or vetoed HB2281.
