

Law conference at ASU tackles SB 1070

by *Alia Beard Rau* - Oct. 9, 2010 12:00 AM
The Arizona Republic

Some of the nation's top scholars offered insights into Arizona's immigration situation and Senate Bill 1070 during a daylong conference at Arizona State University's Sandra Day O'Connor College of Law on Friday.

The conference attracted about 200, mostly legal professionals and law students.

"Senate Bill 1070 is the law you just can't stop hearing about," said ASU law professor Carissa Byrne Hessick, who organized the conference. "But it's become pretty clear that not everyone necessarily knows all of the legal concepts and ideas that are at stake."

Former U.S. Supreme Court Justice Sandra Day O'Connor was scheduled to speak but sent a video instead.

"This is a very important topic, not just for Arizona but for the whole nation," O'Connor said. "Other states are watching what happens here in Arizona."

Among other things, speakers shared their opinions about what they believe SB 1070 is about and what prompted it.

UCLA Law School professor Hiroshi Motomura said SB 1070 is less about federal vs. state authority and more about the state controlling how local governments handle the issue. The law requires local police to fully enforce federal immigration law.

"The local role is more dominant in the role of building communities while the state role is more dominant in enforcement," Motomura said. "SB 1070's function is to quash local initiative."

State University of New York Buffalo law professor Rick Su agreed, saying Maricopa County Sheriff Joe Arpaio used the state Legislature to support his immigration-enforcement efforts while cities like Phoenix are using the government to oppose it.

"The state is being used as a trump or veto, and there is very little discourse and discussion going on," Su said.

New York University School of Law professor Cristina Rodriguez said it's nothing new for states to pass immigration laws. She said Colorado, Oklahoma and Georgia have laws requiring police to question status.

"So why is it that Arizona has broken through the federal consciousness and stayed on the front page for so long?" she asked. "It might have to do with the very colorful political figures on both sides of the equation."

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She said the decision by the government to file a legal challenge of the law is also about politics. "The federal government rarely intervenes in pre-emption cases," she said. "But the Arizona Legislature was directly repudiating federal government and the lawsuit was a way of reasserting federal control."

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