



Making America White Again: Trump's Pardon of Joe Arpaio

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Trump's pardon of Joe Arpaio, former Sheriff of Maricopa County in Arizona, was a major set-back for immigrant and human rights activists who fought to remove him from office in 2016. The pardon gives a pass for elected officials and police to violate the civil rights of Latinos, primarily low-wage working-class Mexicans. Trump's critics explain the pardon by pointing to the President's history of racial discrimination. For Trump supporters, the pardon is a logical piece of his "Make America Great Again" campaign, which he announced with these now-familiar claims about Mexican immigrants: "When Mexico sends it people, they're not sending the best... they're sending people that have lots of problems and they're bringing those problems. They're bringing drugs, they're bringing crime. They're rapists and some, I assume, are good people, but I speak to border guards and they're telling us what we're getting." Arpaio's description of his raids as "crime suppression sweeps" echoes this claim, but the court ruled that he had violated the Fourteenth Amendment. Instead of arresting criminals with outstanding warrants, the raids arrested day laborers and other low-wage workers. Targeting workers in immigration law enforcement and in legislations, such as Arizona's anti-immigrant SB 1070, is so obvious that industries relying on these

workers have joined civil rights organizations in filing lawsuits to stop the rampant racial profiling of Latino workers.



Photo by Patrick Breen, The Arizona Republic

To understand the impact of Trump’s pardon of Joe Arpaio, we have to remember that the foundation for claiming that Mexican immigrants are criminals – rapist and drug dealer – was solidified in the legislation passed after the Oklahoma bombing to deter terrorism, which blurred the distinctions between “alien immigrant” and “criminal.” In previous laws, being an “alien immigrant” was an administrative violation attached to one’s status upon entering the U.S. without documentation. This category included people who had overstayed their visas or had expired green cards, as well as some other noncriminal circumstances. “Criminal aliens” referred to immigrants engaged in illegal behavior. AEDPA broadened the definition of “aggravated felony” for alien immigrants to include less serious convictions. The third category of alien immigrants are persons the state identifies as posing a grave risk to national security and are deportable as terrorists. By blurring the distinction between undocumented workers and criminals, the 1995 Antiterrorism and Effective Death Penalty Act (AEDPA) provided Arpaio the opportunity to enter center stage in the immigration debate.

Arpaio’s reputation as the “toughest sheriff” was not solely based on establishing a tent prison in the Arizona desert, banning coffee and cooked meals, or restoring chain gangs, but he first pushed the Maricopa County Sheriff’s Office (MCSO) toward immigration law enforcement by offering ICE county resources to hold suspected “alien immigrants” and “criminal immigrants” until deportation. The formal partnership between ICE and MCSO allowed local law enforcement to engage in immigration law enforcement. MCSO was not only among the first local police forces to sign a contract with ICE; its agreement was one of

the most expansive in the country. Along with obtaining military equipment to set up command centers during immigration raids, the MCSO, along with a volunteer posse, prioritized immigration law enforcement over local responsibilities.



Photo by Patrick Breen, The Arizona Republic

Maricopa County sheriff's deputies targeted Latinos during traffic stops on the presumption that they had entered the country illegally. This highly selective policing of Latinos cast a wide net, but it primarily targeted day laborers, and it resulted in some arrests of immigrants without documentation and even a few with minor offences. Businesses known to hire Mexican workers were targeted by following drivers to and from work. These raids were publicly reported as “crime suppression sweeps” but generally focused on law abiding alien immigrants. Selective stops of only persons appearing to be of Mexican ancestry reflected popular belief that Mexicans and other dark Latinos are immigrants, not citizens. The MCSO built on this problematic assumption by establishing a hotline for residents to report undocumented immigrants and criminals engaged in trafficking. Arpaio encouraged community support of his immigration law enforcement with ads like this: “HELP SHERIFF JOE ARPAIO FIGHT ILLEGAL IMMIGRATION & TRAFFICKING CALL 602.876.4145 WITH TIPS ON ILLEGAL ALIENS.”

A class action lawsuit, *Ortega Melendres vs. Arpaio*, finally ended Arpaio's career. Plaintiffs in the case identified a wide-range of MCSO policing practices in raids conducted between 2007-2008 that violated the agreement with ICE, such as using pretextual and unfounded stops, racially motivated questioning, searches and other mistreatment, and often baseless arrests of Latinos. Deputies and members of the volunteer posse abused the unchecked discretion Sheriff Arpaio gave them, which established the conditions for these violations. In general, Arpaio condoned and participated in circulating racist commentary about Latinos,

creating a general cultural of bias in the sheriff's office. U.S. District Judge G. Murray ruled that practices based on race violated the Equal Protection Clause of the Fourteenth Amendment.

In 2011, Judge Snow issued a preliminary injunction against MCSO prohibiting further illegally targeting of Latinos. In 2013, the judge mandated changes to eliminate misconduct and future violations of the community's constitutional rights by the MCSO. Arpaio violated court orders to audio and video record all traffic stops, increase training and monitoring employees, and maintain comprehensive records.

Court monitoring found that Arpaio ignored the order and had not stopped enforcing immigration enforcement. Judge Snow found him in contempt of court and scheduled sentencing for October, 2017. Even though Arpaio was unlikely to do jail time, Trump pardoned him on August 25th.

Over his 24 years as sheriff, Arpaio was accused of numerous practices of police misconduct, mistreatment of prisoners, abuse of power, misuse of funds, failure to investigate sex crimes, unlawful enforcement of immigration laws, and election law violations. Over 2,700 law suits, concerning violations at the county's prisons alone, were filed against Arpaio in federal and county courts. The cost of paying law suits fell on the shoulders of hard working taxpayers in Maricopa County. The pardon is not only another step in normalizing xenophobia and hate in immigration law enforcement and a move toward Making America White Again, it also serves to enforce the vulnerability of undocumented workers.

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