

Ariz. immigration law sparks controversy

By Jonathan J. Cooper
ASSOCIATED PRESS WRITER

PHOENIX — The conflict over a sweeping crackdown on illegal immigration in Arizona intensified Monday as vandals smeared refried beans in the shape of swastikas on the state Capitol's windows.

More protests were planned Monday after thousands gathered this weekend to demonstrate against a bill that will make it a state crime to be an illegal immigrant in Arizona.

Opponents say the law will lead to rampant racial profiling and turn Arizona into a police state with provisions that require police to question people about their immigrant status if they suspect they are here illegally. Day laborers can be arrested for soliciting work if they are in the U.S. illegally, and police departments can be sued if they don't carry out the law.

But supporters of the law, set to take effect in late July or August, say it is necessary to protect Arizonans from a litany of crimes committed by illegal immigrants. Arizona is home to an estimated 460,000 illegal immigrants.

Gov. Jan Brewer, who signed the bill on Friday, argues Arizona must act because the federal government has failed to stop the steady stream of illegal immigrants and drugs that move through Arizona from Mexico.

The fallout over the dispute spread across the border Monday as Mexican President Felipe Calderon said the law is discriminatory and warned relations with the U.S. border state will suffer. Calderon says trade and political ties with Arizona will be "seriously affected," although he announced no concrete measures.

The law has revved up the national debate, drawing the attention of the

Obama administration and Congress. Obama has called the new law "misguided" and instructed the Justice Department to examine it to see if it's legal.

The new law makes it a crime under state law to be in the country illegally. Immigrants unable to produce documents showing they are allowed to be in the U.S. could be arrested, jailed for up to six months and fined \$2,500.

Arizona officers would arrest people found to be undocumented and turn them over to federal immigration officers. Opponents said the federal government can block the law by refusing to accept them. Democratic Rep. Raul Grijalva asked the federal government not to cooperate when illegal immigrants are picked up by local police. State Sen. Russell Pearce, the Republican who sponsored the legislation, said it's "pretty disappointing" opponents would call on the federal government to refuse to cooperate with Arizona authorities.

"It's outrageous that these people continue to support law breakers over law keepers," Pearce said Sunday.

Grijalva and civil rights activists promised to march in the streets and invite arrest by refusing to comply with the law. Police said the protests Sunday were peaceful and there were no clashes.

"We're going to overturn this unjust and racist law, and then we're going to overturn the power structure that created this unjust, racist law," Grijalva said.

U.S. Rep. Luis Guterrez, D-Ill., called on Obama to live up to a campaign promise to pass immigration reform. Guterrez is one of the nation's loudest voices calling for comprehensive immigration reform would create a pathway to citizenship for the millions of illegal immigrants now in the United States.



Ross D. Franklin/Collegian

A protester holds the Mexican flag while wearing the American flag as he stands to take in the scene at the Arizona capitol building after the signing of immigration bill SB1070 into law.

Mexican president condemns crackdown

By Alexandra Olson
ASSOCIATED PRESS WRITER

MEXICO CITY — Mexican President Felipe Calderon on Monday condemned Arizona's tough new immigration law as discriminatory and warned relations with the U.S. border state will suffer.

The measure, which will make it a crime under state law to be an illegal immigrant, "opens the door to intolerance, hate, discrimination and abuse in law enforcement," Calderon said.

Calderon said he instructed the Foreign Relations Department to double its efforts to protect the rights of Mexicans living in the United States and seek help from lawyers and immigration experts.

"Nobody can sit around with their arms crossed in the face of decisions that so clearly affect our countrymen," Calderon said in a speech at the Institute for Mexicans Abroad.

The Arizona law restored immigration to the forefront of U.S.-Mexico relations, which had largely been focused on deeper cooperation in the drug war.

The law, set to take effect in late July or August, will require police to question people about their immigration status if they suspect they are there illegally. Day laborers can be arrested for soliciting work if they are in the U.S. illegally, and police departments can be sued if they don't carry out the law.

The chief of the Organization of American States also criticized the legislation.

"We consider the bill clearly discriminatory against immigrants, and especially against immigrants from Latin America," Jose Miguel Insulza said during a visit to El Salvador.

Calderon said trade and political ties with Arizona will be "seriously affected," although he announced no concrete measures.

Mexican politicians, church leaders and others have criticized Calderon for not taking a tougher stance against the law.

Some Mexican legislators have urged a trade boycott against Arizona, and several called the federal government's response lukewarm.

"In Congress, we support any trade and transport boycott necessary to reverse this law," said Oscar Martin Arce, a lawmaker from the president's National Action Party.

Mexico is Arizona's largest foreign market. The U.S. state sent \$4.5 billion in exports to Mexico in 2009 — nearly a third of its total exports, according to the U.S. International Trade Administration.

Andres Ibarra, president of the chamber of commerce in Nogales, a Mexican city across the border from Nogales, Arizona, said he doubted the government would impose a formal trade boycott, saying it would hurt Mexico most.

Even so, he warned the immigration law would harm Arizona economically. Ibarra said the U.S. state depends heavily on cheap labor from Mexican immigrants and any surge in deportations would make the state less competitive. Arizona is home to an estimated 460,000 illegal immigrants.

"It's regrettable. I think this was a hasty decision that did not consider the consequences, not only for Mexicans and undocumented people from other countries, but also for the Arizona economy," Ibarra said. "Immigrants, as everyone knows, do the work that Americans don't want to do."

"This campaign is completely based on racism. It's a xenophobic campaign," he added.

Calderon said he would raise his concerns with President Barack Obama and U.S. lawmakers during a visit to Washington in May.

Obama has called the Arizona law misguided and instructed the U.S. Justice Department to examine it to see if it's legal.



Ross D. Franklin/Collegian

Thousands of protesters rally in Mexico City on Sunday. Activists called on President Barack Obama to fight a tough new Arizona law targeting illegal immigrants.

Wal-Mart implicated in suit

The chain will face charges in paying women less than men for the same jobs.

By Paul Elias
ASSOCIATED PRESS WRITER

SAN FRANCISCO — A sharply divided federal appeals court on Monday exposed Wal-Mart Stores Inc. to billions of dollars in legal damages when it ruled a massive class action lawsuit alleging gender discrimination over pay for female workers can go to trial.

In its 6-5 ruling, the 9th Circuit U.S. Court of Appeals said the world's largest private employer will have to face charges that it pays women less than men for the same jobs and female employees receive fewer promotions and have to wait longer for those promotions than male counterparts.

The retailer has fiercely fought the lawsuit since it was first filed by six women in federal court in San Francisco in 2001 and said it would appeal the decision to the U.S. Supreme Court.

The ruling "opens up every company in America that has employees to class actions like this," said Theodore Boutsros, the company's lead lawyer on the largest gender bias class action in U.S. history.

The appeals court upheld a lower court ruling allowing the lawsuit to go forward as a class action, which attorneys for the Wal-Mart employees said encompasses more than 1 million women. Wal-Mart disputes that figure and asserts fewer than 500,000 women are covered by the decision Monday.

Either way, the company could lose billions of dollars if it is found liable and required to fork over back pay to the affected women.

The appeals court did order the trial court judge to reconsider two important issues would alter any potential pay out.

U.S. District Court Judge Vaughn Walker in San Francisco was told to determine the appropriateness of punitive damages and whether former employees at the time of the 2001 filing of the lawsuit should be part of the class action. The case was transferred to Walker after the resignation of U.S. District Court Judge Martin Jenkins, who ruled against Wal-Mart on those two issues.

Wal-Mart employs 1.4 million employees in the United States and 2.1 million workers in 8,000 stores worldwide, and argued the conventional rules of class action suits should not apply because each outlet operates as an independent

business. Since it doesn't have a companywide policy of discrimination, Wal-Mart argued women alleging gender bias should file individual lawsuits against individual stores.

Finally, the retailer argued the lawsuit is simply too big to defend.

"Although the size of this class action is large, mere size does not render a case unmanageable," Judge Michael Daly Hawkins wrote for the majority court, which didn't address the merits of the lawsuit, leaving that for the trial court.

Judge Sandra Ikuta wrote a blistering dissent, joined by four of her colleagues.

"No court has ever certified a class like this one, until now. And with good reason," Ikuta wrote. "In this case, six women who have worked in thirteen of Wal-Mart's 3,400 stores seek to represent every woman who has worked in those stores over the course of the last decade — a class estimated in 2001 to include more than 1.5 million women."

Analysts said the ruling was a setback to Wal-Mart's campaign to improve its image with shoppers.

The ruling was a "big black eye for Wal-Mart, and it's not going to heal anytime in the near future," said retail consultant Burt P. Flickinger. Flickinger said the ruling could turn off women shoppers — the company's critical base — at a time it faces increased pressure from a host of competitors, ranging from Kroger to J.C. Penney.

Wal-Mart's fourth-quarter results, announced in February, showed total sales at its U.S. Walmart stores fell for the first time since the company went public in 1969.

The company also reported its third consecutive quarter of declines in sales at stores opened at least a year. Sales at stores opened at least a year are considered a key indicator of a retailer's health. Wal-Mart officials sought to focus on the few portions of the 95-page ruling went its way, including the possible trimming of the number of women who stand to collect damages if Wal-Mart is found liable.

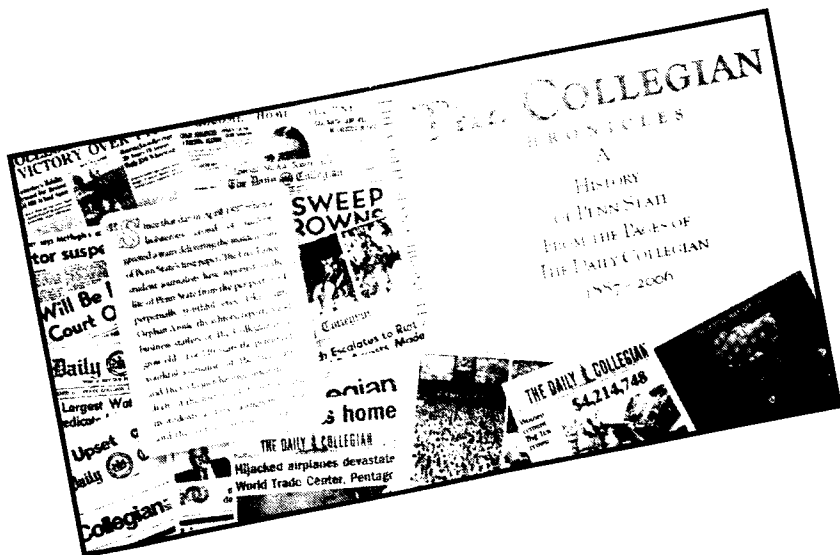
The appeals court ordered the trial judge to determine whether the lawsuit should date to all workers as of 1998, as alleged in the complaint, or to 2001 when it was filed.

The appeals court also told the trial judge to reconsider the appropriateness of awarding punitive damages, which are awarded above actual damages to punish the accused for bad behavior.

Wal-Mart's top lawyer Jeff Gearhart said the company disagreed with the ruling and was considering its next step, which could include an appeal to the U.S. Supreme Court.

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