

# College district won't be bullied by attorney general

**EJ MONTINI (/BLOG/EJMONTINI/)**

EJ Montini, The Republic | [azcentral.com](http://azcentral.com)

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Arizona Attorney General Tom Horne likes the bully pulpit – especially the bully part.

He's always threatening lawsuits in a way that seems to have less to do with protecting Arizona citizens than promoting Tom Horne.

Having the attorney general's office as an adversary can be scary. Horne has all the state's money to back him up. And a department full of lawyers.

But the good folks who run the Maricopa County Community College District are not intimidated.

Horne hit them with a lawsuit over tuition for "dreamers" and they have fired right back, telling the attorney general, "You're not the boss of us."

(Technically, they asked a judge to tell Horne that. But you get the idea.)

Horne's lawsuit would put an end the district's policy of allowing undocumented students to pay in-state tuition if they have been granted federal work permits under President Barack Obama's Deferred Action for Childhood Arrivals program.

You know the kids were talking about. We call them dreamers, since they would qualify for the long-proposed federal DREAM Act.

Their parents carried them into the country illegally and they've grown up as Americans. They know nothing else. And many of them are talented and ambitious.

The president's program permits them to stay in the U.S. temporarily without the threat of deportation.

There are many types of deferred-action immigrants. Once a person is awarded that status he has the right to work, pays taxes, etc.

Gov. Jan Brewer, however, decided to punish the dreamers, denying them the opportunity to get a driver's license, which would allow them to achieve the goals we've taught them to seek.

Horne's lawsuit would make their lives even more difficult. He wants to force the community college district to charge these kids out-of-state tuition, tripling the cost and putting higher education out of reach for many of them.

But the community college district, an independently elected body, isn't kowtowing to the attorney general.

He and Gov. Brewer, for whom he is suing, are going to have to beat them in court.

The district says Horne doesn't have the authority to bring the case.

"Basically, when you look at the job of the attorney general, his duties are proscribed by statute," said the district's attorney Mary O'Grady. "It's a big job. It covers civil rights, consumer protection, representing state agencies and some criminal prosecution. Those are his responsibilities. Tuition levels at community colleges isn't part of that bundle of activities. We believe there is case law that says the AG only has the authority that is given to him in the statutes. Bringing this action against a political subdivision isn't one of them."

Horne disagrees, of course.

"The community college district thinks that it's a law unto itself, and unanswerable for violations of the law," he told Capitol Media Services.

O'Grady and the district board don't see it that way, and they're asking a judge to tell Horne that he has overstepped his bounds.

The attorney general points out that in 2006 Arizona voters passed a ballot measure that limits in-state tuition to citizens and legal residents. But, for now, deferred-action recipients have a right to be here.

The Maricopa County Community College District describes itself as "one of the largest providers of higher education in the United States."

It includes 10 colleges, two skill centers and a number of education centers. It serves about 250,000 students. The dreamers, over which Horne and Brewer are causing all this legal expense, probably amount to a couple of hundred students.

Why all the fuss?

Politics?

Spite?

A while back about 50 young protestors set fire to copies high-school diplomas at the State Capitol, saying that Horne's actions were "burning" their dreams.

These young people didn't cross the border on their own. They've lived here their whole lives. They were educated here. They want to work here, to build a life here, to pay taxes here, to achieve great things here.

It's not only their potential that's going up in smoke. It's ours.

(Column for Mar. 24, 2014, Arizona Republic)

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