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The Honorable Jan Brewer
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

Re: SB 1070

Dear Governor Brewer:

I write to express outrage about SB 1070, a dangerous piece of legislation awaiting your veto. The National Hispanic Caucus of State Legislators represents over 300 Hispanic state legislators across the country – including several elected in Arizona. We stand firmly in calling for a veto of SB 1070. The bill is legally flawed in its encroachment upon Constitutionally-established federal immigration enforcement activities, and endangers all Arizonans by diminishing common notions of fair, legal law enforcement. In fact, the law smacks of a poorly-motivated attempt to codify racial and ethnic profiling and harassment into law. We call upon you to veto this bill immediately.

SB 1070 is Constitutionally suspect. As you know, the Constitution clearly reserves the right to regulate immigration to the Federal Government. This is settled law, upheld by several courts. It is clear that states, while struggling to address the influx of immigrant families in the absence of a comprehensive federal immigration policy, do not have the right to establish individual enforcement regimes. Such state-level regulation of immigration must only be done with a formal agreement with the federal government. No such agreement exists here.

The bill would make ethnic profiling a legal policing practice for local law enforcement – legalizing harassment of those simply resembling an undocumented immigrant, notwithstanding their legal status. Section 6 of SB 1070 establishes local law enforcement's power to arrest a person without a warrant whenever a police officer has probable cause to believe a "person has committed any public offense that makes the person removable from the United States." This would clearly occur in disregard of well-established 14th Amendment protections, and put the power to assess immigration status in the hands of local police officials who are neither qualified nor federally authorized to do so.

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The only logical result of this law would be harassment of families and workers whose "crime" may appear only in their look or dress. The persecution of citizens under this law for offering a ride or shelter to someone without legal status would further damage trust and strain law enforcement resources, diminishing overall safety.

America is struggling with complex questions about immigration and undocumented immigrants. In the absence of Congressional action, any state measures must remain in keeping with our values and the legal foundations established in our Constitution. SB 1070 does neither – in fact, the bill is a grim reminder of the times in this country where we failed to remain faithful to our Constitution, resulting in wholesale violations of Human and civil rights. We urge you to veto HB 1070, and work with your legislature, local communities and the federal government in identifying real solutions that enhance quality of life for Arizonans and strengthen the community's faith in the rule of law.

We demand a veto of SB 1070 for the sake of American values and in defense of the legal foundations that continue to make America the world's beacon. The National Hispanic Caucus of State Legislators remains resolute in its stance against such unconstitutional, anti-immigrant activity, and we encourage your administration to join the community in advocating for real and comprehensive solutions.

Sincerely,



Senator Iris Y. Martinez (IL.)
President
The National Hispanic Caucus of State Legislators

CC: Secretary Janet Napolitano