



Founder

Hon. Edward R. Roybal (Ret.) †

Board of Directors

Hon. Juan C. Zapata, **Chairman**
Florida State Representative

Hon. Hector Balderas, **Treasurer**
New Mexico State Auditor

Ms. Ivelisse R. Estrada, **Secretary**
Univision Communications Inc.

Mr. Andrew Baldonado
Anheuser-Busch Companies, Inc.

Hon. John P. Bueno
JPMorgan Chase & Co.

Hon. José (Pepe) Estrada
WalMart Stores, Inc.

Hon. Anitere Flores
Florida State Representative

Hon. Stephanie Garcia
Pueblo City Schools Board President

Hon. Sylvia R. Garcia, NALEO President
Commissioner, Harris County, TX

Hon. Cynthia Matus Morris
School Board Member, Patagonia, AZ

Hon. Pauline Medrano
Deputy Mayor Pro-Tem, City of Dallas, TX

Hon. Lucille Roybal-Allard
Member of Congress

Mr. Art Ruiz
State Farm Insurance Companies

Hon. Susan Santana, Esq.
AT&T

Mr. Peter Villegas
JPMorgan Chase & Co.
Special Advisor

Board of Advisors

Hon. Maria L. Alegria
Former Mayor, City of Pinole, CA

Hon. Carol Alvarado
Texas State Representative

Hon. Karen Avilla
Treasurer, City of Carson, CA

Hon. Maria Calix
Committee Member,
Los Angeles County School Districts Organization

Hon. Kevin Carbo
School Board Member,
Mesquite Independent School District

Hon. Pedro Colón
Wisconsin State Representative

Hon. Rey Colón
Alderman, City of Chicago

Hon. Lorraine Cortés-Vázquez
Secretary of State, New York

Hon. John J. Duran
Councilmember, City of West Hollywood

Hon. Luis Fortuño
Governor, Commonwealth of Puerto Rico

Hon. Steve Gallardo
Former Arizona State Representative

Hon. Pete Gallego
Texas State Representative

Hon. Ron Garcia
Mayor, City of Brea, CA

Hon. Gerri Guzman
School Board Member,
Montebello Unified School District

Hon. Paul D. López
Councilmember, City of Denver, CO

Hon. Iris Y. Martinez
Illinois State Senator
President, National Hispanic Caucus of State Legislators

Hon. Ray Martinez
Chairman, Governor's Minority Business Advisory Council of Colorado

Hon. Ana Rivas Logan
School Board Member, Miami-Dade County Public Schools

Hon. Sergio Rodriguez
President, Hispanic Elected Local Officials National League of Cities

Hon. Fernando M. Treviño
School Board President, East Chicago, IN

Hon. Don Francisco Trujillo II
New Mexico Deputy Secretary of State

Hon. Nydia M. Velázquez
Member of Congress
Chair, Congressional Hispanic Caucus

Hon. Luz Urbáez Weinberg
Commissioner, City of Aventura

Executive Director

Arturo Vargas

† deceased

Partnership Council Members

Chairman's Council Members
State Farm Insurance Companies

AT&T
Advance America
Southwest Airlines
Univision Communications Inc.
WalMart Stores, Inc.
The Walt Disney Company

April 23, 2010

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

Dear Governor Brewer:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I am writing to express our strong opposition to SB 1070, and I urge you to veto this terribly flawed legislation. SB 1070 is an unconstitutional and costly measure which will jeopardize the public safety of all Arizonans, violate their civil rights, and subject Arizona's Latinos and newcomers to discrimination. The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide, including 370 in Arizona.

Courts are likely to find that many of the provisions of SB 1070 violate the United States Constitution or other legal doctrines. For example, the bill would allow the state of Arizona to regulate immigration by making any non-citizen who has entered the United States without permission guilty of the additional state crime of trespassing. In addition, the legislation provides local police officers with the authority to conduct warrantless arrests of persons if the officer has "probable cause" to believe the persons have committed public offenses that make them deportable. This section of the bill appears to be an effort to create the state arrest authority for an administrative violation of federal immigration law. The criminalization of unlawful entry and the provision of state arrest authority are just two of the many sections in the bill which appear to violate the Supremacy Clause of the U.S. Constitution and the doctrine of the federal preemption of state law.

The bill also imposes criminal penalties for the solicitation of work by undocumented immigrants. Courts have held that the solicitation of work is protected speech under the First Amendment, and the foregoing provision is also likely to violate the U.S. Constitution.

In addition, SB 1070 will significantly impair the ability of local police to effectively protect the communities and neighborhoods of Arizona. It gives local police officers authority to investigate, detain and arrest people for perceived immigration violations, and in some cases, requires them to take such actions.

1122 W. Washington Blvd., Third Floor
Los Angeles, CA 90015
Tel: (213) 747-7606
Fax: (213) 747-7664

600 Pennsylvania Ave., SE Suite 230
Washington, DC 20003
Tel: (202) 546-2536
Fax: (202) 546-4121

1314 Texas Avenue, Suite 410
Houston, TX 77002
Tel: (713) 228-6400
Fax (713) 228-0606

110 Wall Street, 16th Floor
New York, NY 10005
Tel: (212) 480-1918
Fax: (212) 480-1697

The enforcement of federal immigration laws by local law enforcement agencies makes immigrants mistrustful of local police. As a result, newcomers will be fearful of reporting crimes or cooperating with law enforcement officials, which will prevent those officials from obtaining the information they need to solve crimes, and protect the safety of local communities and neighborhoods. Moreover, local police lack the specialized training in immigration law, border policies and human rights issues required for the enforcement of federal immigration law.

In addition, the involvement of local police in federal immigration enforcement diverts valuable resources away from pressing public safety issues, such as criminal activity, emergencies and response to natural disasters. At a time when many counties and cities are facing severe budget challenges, SB 1070 would require local governments to spend scarce local revenues that are needed for a wide range of critical community services.

SB 1070 would impose other significant costs on the state of Arizona and its communities. It would allow private citizens to sue localities for violating certain of its provisions, which could lead to potentially frivolous suits against localities, who would then incur expenses for their defense. The overall constitutional vulnerability of SB 1070 poses a serious problem for Arizona, because the state is virtually certain to be sued if it is enacted. Some of SB 1070's provisions raise the same constitutional issues as California's Proposition 187. If California's experience with that ballot measure is any guide, it could take Arizona as long as seven years to litigate SB 1070 in state and federal courts, and it would cost the state up to hundreds of thousands of dollars in attorney fees. This is an expense that should be taken seriously considering the more than \$3 billion budget deficit that Arizona currently faces.

Finally, many of SB 1070's provisions are likely to lead to the unlawful apprehension and detention of Arizonans, both citizen and non-citizen alike. These provisions provide authority to local police to make enforcement decisions about immigration status for which they have not been trained, and there is a serious risk that such enforcement will be carried out in a manner that discriminates against the state's Latino community.

Arizona's newcomers are making significant contributions to the economic, social and cultural life of the state. Our nation's federal policymakers are currently involved in an extensive national discussion about how to fix our nation's broken immigration laws and this is the appropriate arena for the discussion to occur. SB 1070 would significantly disrupt efforts to achieve fair and humane immigration policies for all U.S. immigrants.

In conclusion, the adoption of SB 1070 will have disastrous consequences for Arizona. It will jeopardize the safety of all of the state's residents by diverting valuable resources away from pressing local concerns and deterring immigrant cooperation with law enforcement efforts. It will lead to the violation of the due process and civil rights of all Arizonans, and subject Latinos and newcomers to unfair and illegal discrimination. It is virtually certain to result in litigation against the state, which would require the expenditure of significant resources to defend a measure containing several unconstitutional provisions.

The Honorable Jan Brewer

April 23, 2010

Page 3

Visitors to your website as greeted with the theme "Building a Better Arizona." We urge you to uphold this vision by vetoing SB 1070, a costly, unconstitutional and discriminatory measure that will severely hurt of the residents of your state.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Vargas", with a stylized flourish extending to the right.

Arturo Vargas
Executive Director

cc: Members of the Arizona State Legislature