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**The CHBA Denounces Arizona's Enactment of SB1070**

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**Denver, Colorado – April 30, 2010** – The Colorado Hispanic Bar Association (“CHBA”) is gravely concerned about Arizona’s enactment of SB1070. This legislation invades the federal government’s province by attempting to regulate immigration and facilitates the unconstitutional and oppressive harassment of Hispanic Americans.

SB1070 (a/k/a the “Support Our Law Enforcement and Safe Neighborhoods Act”) purports to facilitate the cooperative enforcement of federal immigration laws in Arizona. In reality, however, SB1070 violates the U.S. Constitution in several ways.

Federal immigration law clearly preempts SB1070. The legislation requires law enforcement officials to determine a person’s immigration status if the official has a “reasonable suspicion” that the person is unlawfully present in the U.S and detain them if the official has “probable cause” to suspect them of being removable. Thus, on its face, SB1070 impermissibly attempts to grant Arizona law enforcement officials the power to determine immigration status and effect the deportation of undocumented immigrants—functions expressly reserved for the federal government and its designated officials under the U.S. Constitution and federal law.

Worse, SB1070 encourages discriminatory and abusive State conduct against Latinos. In carrying out the legislation’s requirements, Arizona law enforcement officials are expressly permitted to consider race, skin color, and national origin. The legislation also effectively requires law enforcement officials to consider ethnicity, language, accent, and manner of dress, among other things, in forming a “reasonable suspicion” that someone is in the country illegally.

The inevitable result is that Latinos—many of whom are natural-born or naturalized American citizens, legal residents, permitted temporary workers, or tourists with valid U.S. visas—will be unlawfully interrogated and detained, and will have to carry and produce their papers to avoid arrest. Caucasians are unlikely to face such harassment. Arizona Governor Jan Brewer’s contrary protestations and vague promises to prevent racial profiling provide no reassurance. Law enforcement officials, emboldened by the plain language of SB1070, are apt to unlawfully harass and abuse Latinos. Indeed, such conduct is already reportedly widespread in Arizona, especially under Maricopa County Sheriff Joe Arpaio.

Another consequence of this legislation is that the fear of harassment, detention, and deportation will discourage immigrants—documented or not—from reporting crimes to law enforcement officials. This will render immigrants more vulnerable to crime and exploitation than they are today, making the entire community less safe. Fringe groups like the Minutemen already reportedly commit violence indiscriminately against Latinos in Arizona and elsewhere. In the wake of this legislation, such reprehensible attacks are likely to increase.

These are but a few of the legal and practical problems SB1070 creates. On a broader scale, the passage of SB1070 has spurred a fresh wave of divisiveness across the nation. President Obama has called the legislation “misguided,” as has former Arizona Governor and current U.S. Homeland Security Secretary Janet Napolitano. The renewed divisiveness engendered by SB1070 only makes it more difficult to build consensus toward practical and humane immigration policy that reflects the core American values of freedom, equality, economic opportunity, and tolerance.

As we move forward, it is crucial that lawmakers and voters recognize the far-reaching and often inhumane consequences of ill-conceived immigration reform. Immigration laws affect not only immigrants, but also their children, siblings, parents, extended family, friends, coworkers, employers, and other community members, many of whom are American citizens or lawful residents.

The CHBA is certain that collectively we can craft immigration policy that balances considerations of national security and crime prevention against the economic and humanitarian benefits derived from immigration. The CHBA urges Colorado’s elected and appointed leaders at the federal, state, and local levels—as well as candidates for such offices—to denounce Arizona’s unlawful and discriminatory legislation and instead work toward the passage of responsible, realistic, and humane immigration reform.

Until then, the CHBA will encourage legal challenges to SB1070 and similar local bills nationwide. The CHBA also urges its members and partners to consider Arizona’s recent actions in their own current and future dealings with that State.

*The CHBA is a nonpartisan, nonprofit professional association representing the interests of the more than 500 Hispanic attorneys in Colorado. For over 30 years, the CHBA has dedicated itself to serving the public interest by promoting legal reform and facilitating the administration of justice, particularly concerning issues affecting the Hispanic community.*

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