

RAÚL M. GRIJALVA
7TH DISTRICT OF ARIZONA

COMMITTEE ON NATURAL RESOURCES
Subcommittee on National Parks, Forests and Public
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Subcommittee on Water and Power

COMMITTEE ON EDUCATION AND LABOR
Subcommittee on Workforce Protections
Subcommittee Early Childhood, Elementary and
Secondary Education

CONGRESSIONAL PROGRESSIVE CAUCUS,
Co-Chair



Congress of the United States
House of Representatives
Washington, DC 20515-0307

1440 Longworth HOB
Washington, DC 20515
Phone: (202) 225-2435
Fax: (202) 225-1541

District Offices:
810 E 22nd Street, Suite 102
Tucson, AZ 85713
Phone: (520) 622-6788
Fax: (520) 622-0198

1455 S Fourth Avenue, Suite 4
Yuma, AZ 85364
Phone: (928) 343-7933
Fax: (928) 343-7949

<http://grijalva.house.gov/>

April 23, 2010

The Honorable Barack Obama
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

The Arizona Legislature passed a law this week, and Governor Brewer is set to sign tomorrow, the Support Our Law Enforcement and Safe Neighborhoods Act (SB 1070). SB 1070 is a dangerous and mean spirited law that improperly imposes state law upon Federal prerogatives relating to matters of foreign policy, immigration and naturalization. The bill encourages racial profiling and threatens the safety and privacy of immigrants and citizens, especially Latinos. I call on your leadership to challenge, in any way possible, this un-constitutional and discriminatory law. I urge you to make clear that the Federal Government will not participate in any way in the enforcement of this law or cooperate with the state of Arizona in its implementation and execution.

The bill is a serious overstep of state authority in Federal issues. If enacted, SB1070 would arrogate to each Arizona law enforcement office and public official the power and duty to determine and enforce immigration law by transforming civil and criminal violations of immigration law into Arizona criminal offenses and by creating state immigration criminal offenses where none exist under Federal law.

In intent and effect, SB 1070 bypasses the delicate balance of state and Federal responsibilities and limited authority conferred on selected local law enforcement officials under the 287(g) program and reverses the scheme of 287(g) by effectively deputizing Federal immigration officials to enforce state laws.

SB 1070 does not sufficiently focus on serious crime related to illegal immigration. Instead it creates new immigration status-based crimes and inflexible mandates that will misdirect enforcement efforts away from persons who pose serious threats to public safety.



Even more troubling, SB 1070 requires state and local officials to act on limited and often faulty information, including encouraging action based on race, national origin and English language. In deputizing local law enforcement officers to enforce federal immigration law Arizona would undermine public safety, public trust and diverts scarce resources and increase its exposure to liability and litigation.

The Arizonan legislative measure requires and demands your active involvement and cooperation. I ask that you immediately cease the establishment of new Department of Homeland Security (DHS) Memorandums of Understanding (MOUs) under 287(g) program in the state of Arizona. I further encourage you to terminate and revise existing agreements within the state. 287(g) agreements in the state of Arizona have been subject to serious concerns as local law enforcement agencies have used the new powers to target communities of color, including a disproportionate number of Latinos for arrest.

Currently, the Department of Justice has launched a civil rights investigation into the Maricopa County Sheriff's Office, whose 287(g) program has been widely criticized for engaging in racial and ethnic profiling. SB1070 would exacerbate the problem of racial profiling embedded within 287(g) and would continue to compromise the civil rights of citizens, legal residents, tourist and foreign visitors.

Mr. President, I urge you to implement your existing authority to limit your cooperation with Arizona officials in their enforcement of SB1070. Swift action on your part will send a clear message that the Federal government will not support Arizona's unconstitutional and discriminatory actions.

Sincerely,



Raúl M. Grijalva
Member of Congress