

Talking Points in Opposition to S.B.1070

Prepared by Arizona Employers for Immigration Reform

SB1070 has a stated intent of making “attrition through enforcement the public policy of all state and local government agencies in Arizona,” and “discourage the unlawful entry and presence of aliens and economic activity by persons unlawfully in the United States. While this measure may make some people feel as though the legislature is “doing something,” it does nothing to address the root causes of the problem and in fact, does significant damage to our state’s economy and business climate.

1. SB1070 gives any police officer the right to stop and question any person's citizenship status and right to be anywhere only using "reasonable suspicion" as the criteria. The criteria for "reasonable suspicion" is never defined and could therefore mean skin color, neighborhood, accent, dress, type of music, or anything else that may make the officer "reasonably suspicious" that someone may be in the country illegally.
2. SB 1070 will codify in Arizona statutes that police actions based on race, national origin, personal appearance, accent or language ability are the official public policy of the State of Arizona. The bill would prohibit police from taking action against a person only when the actions are based “solely” on race, national origin, etc. In other words, if police action is based 99% on race, that will be lawful under SB 1070.
 - a. The concept of prohibiting discrimination only when actions are based “solely” or race or national origin was the legislative language proposed by white segregationists in 1964 when they were trying to “gut” the federal Civil Rights Act of 1964. Prohibiting discrimination only when actions are based “solely” on race is the legal equivalent of saying that discrimination is allowed.
3. In cases where the arresting or instigating officer is adjudicated to have acted in bad faith, the damage to a business reputation and its financial position will have already been done and even though legal remedies exist, recovery of its reputation may likely be impossible.
4. SB1070 makes every city, county, and state employee immigration enforcement officers and makes that their primary responsibility. As part of their official duties, they will be required to report anyone whom they encounter in their job to law enforcement if they have a "reasonable suspicion" that person may be in the country illegally. This will make it very difficult for many state employees to perform their regular duties and complete their work for the citizens of Arizona §23-212 (B).
5. SB1070 permits anyone to sue any local, county or state agency if they believe that agency is not enforcing immigration laws §11-1051 (F). This will have a chilling effect on local and county government because there is:
 - a. No clear standard for “reasonable suspicion” thus rendering enforcement subject to pretext and wide open to mean-spirited, unjust and dangerous interpretations,
 - b. No limit to the number of suits a single person can file
 - c. No requirement that you have to live in the county in which you are filing the suit
 - d. No proof the person making the charge is a U.S. citizen
 - e. No resources provided to the local or county governments to offset the costs of protecting themselves from lawsuits,
 - f. No resources provided to cover the additional costs of providing basic law enforcement services in addition to the prioritization of immigration enforcement,
 - g. No resources to cover the additional training costs so their officers have a better understanding of the requirements of SB1070 to the point they can reduce the threat of lawsuit resulting from errors in judgment or mistaken information

- h. No resources are provided to assist state or county attorneys to investigate any and all claims made under §23-312(C) and §23-312.01(C)
6. SB1070 will put at risk general or subcontractor licenses should employees of either entity hire or transport an undocumented alien in instances where one knows the alien's status and the other does not. This will cause the loss of both business license and the loss of the vehicle in which the employees and alien were riding. §23-312.01 and §28-3511

HARMFUL CONSEQUENCES

Unconsidered, though not unexpected, consequences of SB1070 raises question of whether the sponsors have considered the practical impacts to business and the state's economic well-being.

1. SB1070 will result in the wrongful arrest of legal U.S. citizens. During the Scottsdale raid of March 26, the manager was arrested even though she was a legal U.S. citizen. Despite her pleas of innocence, she was arrested because she didn't have "her papers" with her. She was eventually released with the rationalization "this is normal police work." With no funds appropriated for training, these mistakes are likely to recur.
2. SB1070-Unjustifiable raids on businesses will become common. Legal employees with dark complexions, accents, or just happen to be seen in the office at the wrong time could motivate someone to "have reasonable suspicion" an employee may be an "illegal alien" and everything from their social security number to driver's license is immediately suspect, even though it is an approved method of identification §11-1051 (C).
3. SB1070 will create a negative incentive for every business in the state NOT to hire Latinos for jobs. This is an employment-at-will state and Latinos could be fired for simply because the employer doesn't want to be hassled by anti-Hispanic activists or disgruntled employees looking to instigate a raid or file frivolous lawsuits just to make a buck.
4. SB1070 will cause the isolation of the Latino community from law enforcement protection as even those citizens will choose not to report crimes and domestic violence, identify criminal perpetrators, or become witnesses simply because they will come to believe they, themselves, will become suspects of not being legal residents of their home country or state. We believe the increase in violent crimes, particularly gang activity is directly related to this phenomenon that is a result of the current employer sanctions law.
5. Impact on investors who are considering moving to Arizona who are looking at these actions and being concerned about the stability. Businesses require a stable legislative and economic environment in which to start and grow. This bill, like many others this session, has damaged Arizona's reputation and as well intentioned as SB1070 may be, it is the wrong solution at the wrong time.

We encourage business owners to call Speaker Adams, President Burns and Governor Brewer and give them the above reasons them that supporting SB1070 is a bad bill for business, in addition to so many other problems associated with it.

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- Speaker Kirk Adams at 602.926.5495 | email: kadams@azleg.gov | fax: 602.417.3019
- Senate President Bob Burns at 602.926.5993 | email: rburns@azleg.gov | fax: 602.417.3225