

**Approved by the  
Law and Society Association Board of Trustees  
May 26, 2010**

**An Open Letter to the People of Arizona:**

The Law and Society Association, an organization of scholars who study law from a variety of disciplinary perspectives, expresses its opposition to the recent passage of Arizona's Support Our Law Enforcement Safe Neighborhoods Act (better known as SB 1070). The new law, signed by Governor Brewer on April 23 and amended by HB 2162, is slated to take effect in July 2010. This legislation creates a constitutionally questionable crime of trespass for being in the state without appropriate documents and requires that every law-enforcement agency aggressively enforce it or risk being sued. This legislation is the most extreme step in the state's on-going efforts to deter unauthorized immigration from Mexico and other Latin American countries.

Our members include scholars who study and teach about constitutional law, immigration law and policy, and criminal justice, and so we are particularly concerned with the provision that requires police officers to inquire into immigration status in every stop where there is "reasonable suspicion" that the person might be undocumented. This mandate applies to ordinance violations and traffic violations, as well as serious crimes. Both the breadth of this requirement and its vagueness invite serious violations of personal privacy and discrimination based on race, skin color, accent, national origin, and/or other indicia of foreign birth. Citizens and legal residents who appear Hispanic/Latino will inevitably become the targets of increased scrutiny, intrusive questioning, possible harassment, and perhaps detention. Those who cannot prove their right to remain will be subject, not only to deportation, but to a jail term.

The new law makes police vulnerable to litigation from anyone, resident in Arizona or not, for failing to take active steps to determine immigration status. At the same time, officers and departments will be vulnerable to lawsuits for false arrest, harassment, and failure to adhere to the legal standards of criminal arrest. The law also undermines past efforts of police to build trust in communities that contain large numbers of immigrants. Mixed families -- those that include both legal residents and those without documents -- will be less willing to step forward to identify suspects, report crimes against others, or report their own victimization, making everyone less safe and ultimately making police officers less able to do their jobs.

One of the most troubling aspects of the law is its impact on young Arizona citizens who have a parent or guardian who is undocumented. These children run a daily risk of losing adult relatives to deportation or of being required to leave in order to keep their families intact. Many young lives will be damaged forever if this law takes effect. The law also drives a wedge between family members by criminalizing those who assist loved ones without legal authorization. Arizona has effectively created second-class citizens who are subject to drastic intervention by the state at its discretion, thereby rolling back the clock for some residents to the pre-civil-rights era.

It is unlikely that this law will survive judicial scrutiny, given the response of the federal courts to less draconian laws in the past. A number of lawsuits have been filed against the law challenging the state's power to legislate in this area because it is governed by federal authority, and calling into question the law's compatibility with the Equal Protection Clause of the 14th Amendment.

The damage that law-makers have done to Arizona's reputation will not be repaired for many years, even after federal courts declare the law unconstitutional. Like the state's earlier effort to avoid participation in the national holiday commemorating Dr. Martin Luther King, this law will be talked about for decades. We predict that many current supporters of the law will eventually withdraw their approval as its true dimensions become better known.

The Law and Society Association seldom takes a position on matters of state or federal legislation. It is a non-partisan professional association committed to the advancement of knowledge about socio-legal matters. This is a situation, however, in which a repugnant law conflicts with the basic goals of the Association, which include respect for civil rights and rational discourse. Moreover, foreign-born and Latino/a members of our Association may be negatively affected by this law. We have resolved to demonstrate our rejection of Arizona's new law by joining with other organizations, local governments, and individuals who are boycotting the state. We pledge not to hold our Annual Meeting (which in recent years has drawn more than 1500 attendees) or our annual Executive Committee meeting in Arizona so long as this law is on the books.