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Contact: Damian Arguello, CHBA President
(303) 892-7411 • damian.arguello@dgsllaw.com

The CHBA Reaffirms its Denouncement of Arizona's New Immigration Law

Denver, Colorado – May 6, 2010 – On April 30, 2010, the Colorado Hispanic Bar Association (“CHBA”) denounced Arizona’s recent enactment of legislation titled the “Support Our Law Enforcement and Safe Neighborhoods Act,” commonly known as SB1070. SB1070 purported to facilitate the cooperative enforcement of federal immigration laws in Arizona.

The CHBA opposed SB1070 because it invaded the federal government’s province by attempting to regulate immigration and expressly required Arizona law enforcement officials to impermissibly consider race, skin color, and national origin in forming a “reasonable suspicion” that a person is illegally in the U.S. and otherwise facilitated racial profiling.

In response to widespread, bipartisan criticism that SB1070 allowed or would lead to racial profiling, the Arizona legislature passed, and Governor Jan Brewer signed, House Bill 2162 (“HB2162”) amending SB1070. According to Governor Brewer, HB2162 is a “gesture of statesmanship” that purportedly “defines and clarifies even further the proper implementation and enforcement of the law” and “lay[s] to rest” questions of racial profiling.

The CHBA disagrees that HB2162 eliminates or even meaningfully reduces the potential for Arizona law enforcement officials to engage in racial profiling and other discriminatory acts against Latinos in enforcing this legislation. Additionally, SB1070, as amended, continues to violate the Supremacy Clause of the U.S. Constitution and invade the province of the federal government. While the amendments attempt to make the legislation somewhat less offensive, the CHBA is concerned that these changes will only make Arizona more recalcitrant in its unconstitutional intrusion into the federal government’s jurisdiction.

Moreover, the CHBA joins other groups in expressing concern that anti-Latino, anti-immigrant fringe groups will use the amended law as cover for continued harassment and violence against Latinos, especially in interfering with Hispanic citizens’ right to vote in upcoming elections.

Arizona’s unprecedented and impermissible foray into federal immigration regulation remains problematic on numerous legal, moral, and practical grounds, including those specified in the CHBA’s April 30 press release. For these reasons, the CHBA renews its denouncement of this legislation. The CHBA also repeats its call to Colorado’s federal, state, and local lawmakers, appointed officials, and candidates to condemn Arizona’s unlawful and discriminatory legislation and instead to work toward the passage of responsible, realistic, and humane immigration reform.

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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