



June 4, 2010

City Council Members
City of Woodland
230 Davidson Ave
P.O. Box 9
Woodland, WA 98674

Re: Proposed City Resolution No. 588 in Support of Arizona Senate Bill 1070

Dear Members of the Woodland City Council:

I write on behalf of the American Civil Liberties Union of Washington. We are a statewide, non-partisan, non-profit organization with over 20,000 members, dedicated to the preservation and defense of constitutional and civil liberties. We understand that on June 7, the Council will consider a resolution in support of Arizona's new immigration law. The Arizona law is unconstitutional, and it is bad public policy. If enforced, it will lead to racial profiling, threaten public safety, divide communities, and undermine fundamental American values. We urge you not to support the Arizona law or to encourage other lawmakers to enact similar legislation.

Arizona's law is preempted by federal law because it unconstitutionally attempts to regulate immigration at the state level, creating state criminal penalties for violations of federal immigration laws, where the federal government imposes only civil penalties. Arizona's law also violates important individual constitutional rights. The law requires police to demand "papers" from every person who they reasonably suspect may be in the country illegally. Anybody who cannot produce satisfactory documents can be arrested, detained, and transported without constitutionally adequate due process safeguards. Unfortunately, it is impossible to tell just by looking at somebody whether he or she is in the country lawfully. Local police, untrained in enforcing complex federal immigration law, will therefore have no choice but to rely on preexisting biases when deciding whether to demand people's identification. This violates the Fourth and Fourteenth Amendment guarantees against unreasonable searches and seizures and to equal protection of the laws. The law also violates the established First Amendment right to solicit work in public. These problems affect not only undocumented immigrants, but also violate the rights of the many U.S. citizens and lawful immigrants who will be stopped, questioned, and detained under the law simply because they look "foreign" or happen not to be carrying proof of their citizenship or immigration status.

On a practical level, the Arizona law seriously threatens public safety. It forces police to redirect scarce resources toward false threats and away from preventing and

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solving crimes, and it will deter crime victims and witnesses—especially minorities—from contacting or cooperating with police. Many police agencies oppose these kinds of measures precisely because they detract from law-enforcement officers' mission to protect and serve their communities. When that happens, everybody loses.

Our immigration system clearly needs fixing. But immigration is a federal issue, and the ultimate fix must come from the federal government in the form of comprehensive reform. Arizona's law is unconstitutional, it undermines our basic American commitments to fairness and equality, and it will detract from public safety and divide communities. We urge the Council not to endorse the Arizona immigration law and to reject this resolution.

Sincerely,

Shankar Narayan
Legislative Director