



## QUESTIONS AND ANSWERS ABOUT THE BOYCOTT OF ARIZONA

**Question:** How does Arizona’s new immigration law, SB 1070, expand racial profiling? Isn’t it focused only on those who are in the country illegally?

**Answer:** Under current law, state-local police are authorized to enforce federal immigration laws only in limited circumstances. Even so, law enforcement agencies in Arizona and throughout the country are already challenged by substantial evidence of wrongful arrests, racial profiling, and discrimination.<sup>1</sup> The new law would dramatically exacerbate the problem. Specifically, the new law:

- Increases the ranks of those enforcing immigration laws from a few police departments, or units within departments, to every single law enforcement officer in the entire state.
- Expands the population at risk of being stopped, arrested, and detained from a limited number—those targeted by bona fide immigration enforcement operations, or those already in police custody—to everyone who comes into contact with a law enforcement officer who has a “reasonable suspicion” someone may be undocumented.
- Virtually guarantees that Latinos and other minorities will be asked to provide proof of legal residency and will be subject to arrest and detention if they cannot do so, at far higher rates than non-minorities. Research on racial profiling shows that not only do minority drivers experience more traffic stops than do non-minority drivers, but that once stopped, minorities are subject to higher rates of searches, arrests, and formal charges than similarly situated non-minority drivers.
- Provides powerful incentives for wrongful arrests, racial profiling, and other abuse by creating a private right of action against any agency that fails to uphold the new law’s provisions, while at the same time indemnifying police officers from litigation brought by those who are wrongfully detained or racially profiled.

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<sup>1</sup> According to the Pew Hispanic Center, in the last year, 10% of the Latino population was stopped and questioned by authorities regarding their immigration status. Thus, of the nearly 50 million U.S. Hispanics, 80% of whom are U.S. citizens or legal immigrants, five million are ensnared in immigration enforcement annually. Since a little more than 300,000 people, not all of whom are Hispanic, were deported last year, perhaps 4.7 million of these stops were of Latinos lawfully in the U.S.

**Question:** Why are you calling for a boycott?

**Answer:** An extreme law calls for an extraordinary response. It is one thing to ignore or tolerate isolated examples of racial profiling; it is another to codify racial profiling as standard practice for law enforcement statewide.

We've tried to persuade the Arizona legislature and the governor through appeals to reason, and they've ignored us. Now, we're using another tool we have at our disposal—our economic power—to protest this unjust law.

The use of economic action in similar situations has been effective in the past. Through economic boycotts, governments, organizations, and people of conscience across the globe helped end apartheid in South Africa and moved Arizona to recognize Martin Luther King, Jr. Day as a rightful holiday.

**Question:** What does this boycott entail?

**Answer:** We have carefully crafted a set of responses appropriate to this situation. In short, we are pledging not to hold major conventions, conferences or other special events involving significant travel to Arizona from out of state, and we are asking our affiliates, chapters, members, and other allies and stakeholders to do the same.

We are also asking all major American institutions, such as Major League Baseball, to follow our lead.

Finally, we are asking all organizations and people of conscience to consider whether any purchases of goods and services might perpetuate this unjust law. For example, some have suggested that our communities should refrain from purchasing goods and services from major contributors to the politicians who sponsored this law.

**Question:** Wouldn't a boycott also affect your constituencies?

**Answer:** The systemic profiling and discrimination that will occur as a result of this law far outweigh any short-term impacts from a boycott.

Our Arizona-based affiliates confirm, and early polling data show, that a clear majority of Latinos in Arizona support the boycott.

Even so, we are exploring a number of ways to mitigate adverse impacts of the boycott. For example, many national organizations are calling for targeted investments in the state to combat the effects of the law, such as increased legal services for those targeted, strengthened community services, and heightened voter registration and other civic engagement efforts.

**Question:** **What about the recent changes made to the law? Don't they eliminate fears of racial profiling?**

**Answer:** Let's just say that the governor and the bill's authors have a credibility deficit. There is already a record of racial profiling by law enforcement in Arizona. So they pass a law that dramatically expands the scope and scale of the problem, and in doing so make sweeping assurances that racial profiling wasn't possible under the original bill. But then they backtrack a few days later and make revisions. You'll have to forgive us if we don't take their word that the latest modifications will solve the problem.

Of the four reasons identified for why the bill expands wrongful arrests and racial profiling, the changes limit only one—the circumstances for the initial stop. At best, the modifications might preclude overt use of explicitly racial criteria related to the initial determination of what constitutes “reasonable suspicion.” However, the amended law would still dramatically expand the ranks of those enforcing immigration laws, perpetuate differential treatment occurring after stops, and create powerful incentives for abuse.

In fact, the changes significantly increase the number of those at risk of being stopped by law enforcement by extending the law's reach even to municipal ordinances, and not just state laws covered in the original bill.

Even more dangerous, the revisions provide a guide for what kinds of grounds officers will indicate they used to determine “reasonable suspicion,” typically after the fact. So if questioned, officers need merely to state that any pretext other than race was used to decide whether to stop someone in order to comply with the new language. The changes provide more protection for officers who engage in profiling than for victims of the practice.

**Question:** **Under what circumstances will you end the boycott? What if a court temporarily stays implementation of the law?**

**Answer:** We will end the boycott when the threat to Latinos and others likely to be racially profiled and wrongfully arrested and detained is ended. While we cannot foresee every future scenario, if the law is repealed, overturned by the courts, or is superseded by a federal comprehensive immigration reform, the boycott will end. We do not, however, anticipate ending the boycott if lower courts temporarily enjoin or suspend implementation of the law, since a subsequent court could overturn this decision and reinstate the law.