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Why we should boycott Arizona

By CHRISTOPHER A. KEROSKY

The effort to overturn Arizona's recently passed law targeting illegal immigration is an important civil rights battle that we should all support. If it takes effect, the law could make a significant segment of our population — many of them U.S. citizens — vulnerable to arbitrary detention and questioning, based solely on their accent or the color of their skin. It is an insidious law that takes a big step back in the evolution of our laws toward equal rights for all, and it should be repealed.

The Arizona law is discriminatory and divisive.

Many of the provisions of the law, known as SB 1070, have not been widely publicized or understood by the American public. Its terms are far more extreme than California's ill-fated Proposition 187 or other more recent state laws targeting illegal immigration. SB 1070 requires state and local officials to demand people's immigration status if there is a "reasonable suspicion" that they are undocumented. The law does not specify how law enforcement is to determine "reasonable suspicion," and it is hard to see any other way except by racially profiling. It's naive to think that Latinos, legally and illegally here, will not be the primary targets of such police conduct.

What has not been widely discussed is that this provision also applies to non-police civil servants enforcing state and municipal civil codes. For example, even county officials visiting residents' homes for such things as housing inspections, child welfare visits, even complaints about barking dogs would have an obligation to demand proof of legal status if they had a "reasonable suspicion" that the residents they were visiting may be undocumented.

For the first time, persons not trained in law enforcement would suddenly have a role in enforcing our immigration laws. This could dramatically change the role of local government with the Latino community in Arizona and open the window wide for abuse of power by local officials of all kinds. The law also requires immigrants to carry proof of their legal status or be subject to six months imprisonment and fines. How can such a law be enforced except by inviting government officials to demand immigration papers for anyone who looks or talks like they might be born outside this country? This is reminiscent of police state regimes that singled out religious or ethnic minorities to "carry their papers" or be subject to arrest.

Most extreme is a provision which allows anyone to sue a local, county or state agency or official to enforce the law. Police officers and government officials would be subject to paying fines up to

\$5,000 for every day they are deemed to have not adequately applied the law and paying the legal fees and costs of the person or group who sued them. This opens up our civil servants to lawsuits from anti immigrant groups and individuals who believe the law is not being enforced aggressively enough. It puts them in an untenable position between enforcing the law and attempting to observe the equal protection clause of the Constitution barring racial and ethnic discrimination.

A boycott is the best response.

There were several cities and towns that enacted extreme anti-immigration laws in the past, only to realize that the net effect was to cause a mass emigration of Latinos from their communities. The resulting financial loss in consumer spending, business activity and tax revenue for their localities pushed many to the point of insolvency. Many of their leaders have now expressed regret for passing these laws.

We here in Sonoma County benefit from a rich and dynamic Latino population that contributes greatly to our society, our economy and culture. We should lead the movement to resist this law and boycott the state of Arizona. Only by making the state suffer financially can we hope to repeal this divisive law and discourage similar laws from being enacted across the country.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY PURVES & BOGUE has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last six years by San Francisco Magazine “Super Lawyers” edition (2006-2011). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

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