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Governor Gary R. Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114-2220
Email

Re: First Substitute House Bill 497, "Utah Illegal Immigration Enforcement Act" and Third Substitute House Bill 116, "Utah Immigration Accountability and Enforcement Amendments."

Dear Governor Herbert:

On behalf of the American Civil Liberties Union of Utah, we urge you to veto First Substitute H.B. 497, "Utah Illegal Immigration Enforcement Act" and "Third Substitute H.B. 116, "Utah Immigration Accountability and Enforcement Amendments." While these bills have been characterized as a 'kinder, gentler' version of Arizona's discriminatory law, SB 1070, in reality signing this pair of bills into law would place Utah in similar legal territory as Arizona.

HB 497, Utah's proposed enforcement law, is no different than SB 1070 in that it would encourage racial profiling and could actually hinder local law enforcement's ability to enforce the laws of this state. And, while HB 116 would supposedly allow undocumented workers to work in Utah under certain circumstances, it—like HB 497—directly contradicts federal immigration law and would likely be found unconstitutional if challenged.

Furthermore, HB 497 would, as a practical matter, mandate that local law enforcement engage in law enforcement tactics that are counterproductive, costly, and unconstitutional, and HB 116 promises benefits that the State of Utah cannot deliver.

Among the myriad of legal and policy concerns surrounding these two bills are the following:

- Utahns would need to carry proof of lawful presence at all times or risk being subjected to a lengthy detention and investigation, which would result in an un-American, "show-me-your-papers" approach to law enforcement.

- Utahns who belong to racial or ethnic minority groups would, regardless of citizenship or lawful presence, be at an increased risk of being stopped, detained, or investigated based on impermissible, racially motivated criteria.
- Already scarce law enforcement resources would be spent on heavy-handed, immigration-motivated enforcement of low-level civil violations, such as traffic violations, which has the potential to erode trust between local law enforcement and immigrant communities, and could pose serious threats to public safety.
- Immigrants wishing to participate in a "guest worker" program would be lulled into a false sense of security by promised benefits that would extend only to Utah residents, while still being at constant risk of deportation by the federal government.
- Considerable taxpayer dollars would be spent defending laws that legislative analysts have said are "unconstitutional because they are preempted by federal law" (see Legislative Review Note to HB 116) and that, in the case of HB 497, are similar to laws already under constitutional challenge (and that have been largely suspended by the courts) in Arizona.

To conclude, the supposed benefits of these bills are illusory, at best, but the negative consequences are significant and certain. We recognize that people are concerned about immigration, but a solution that undermines the federal constitution and sacrifices the civil rights of Utahns is not the answer. We strongly urge you to veto both bills.

Sincere regards,



Karen McCreary
Executive Director



Marina Lowe
Legislative & Policy Counsel

cc: John Pearce, Esq.
General Counsel