

March 25, 2008

The Honorable _____
Arizona State Capitol
1700 W. Washington
Phoenix, AZ 85007

Dear Senator/Representative:

As President of the largest, direct service faith-based organization in Arizona, I am writing to you on behalf of the Society of St. Vincent de Paul Diocesan Council Board who voted to oppose HCR 2039 which would create a felony crime of trespassing for all undocumented immigrants in Arizona and require the assistance of local, county and state officials in the enforcement of federal immigration laws. We believe that the requirement of determining the citizenship of every person arrested will place an unreasonable burden on local law enforcement, lead to racial profiling and result in a decreased response to violent crime.

Furthermore, there is a serious question of whether the law is constitutional. It would violate Article I, Section IX, Paragraph 3 of the United States Constitution and Article 2, Section 24 of the Arizona Constitution because it would retroactively apply to persons who came here at a time when it was not a crime of trespass. In addition, it would also violate these Sections of the United States and Arizona Constitutions because it would impose harsh penalties without the benefit of the judicial process. Lastly, requiring a person to give information about their citizenship in conjunction with imposing a criminal felony statute would violate the Fifth Amendment rights of the individual both under the United States and Arizona Constitutions. For these reasons, we believe that HCR 2039 is a direct violation of human rights as guaranteed by both our federal and state constitutions and should not be placed on the ballot.

St. Vincent de Paul, as a Catholic Charity, serves Arizona's needy through over 3,200 volunteers at 86 parish conferences in Northern and Central Arizona. We are frequently the source of last resort responding to requests for food, clothing, rental and utility assistance. Within the past few months, our members have responded to calls for assistance from undocumented who are unable to work, afraid to leave their homes and stranded in Arizona. Some have reported being victims of crime but are afraid to call the police due to their undocumented status.

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We believe that the criminalization of people who came to meet labor needs and support their families is not in the best interest of Arizona. We will continue to support border enforcement and the active pursuit of criminals involved in human smuggling and drugs. However, we believe that the shift of the law enforcement focus contained in HCR 2039 will lead to a less safe environment for all who reside in our state and is a direct violation of human rights.

The United States is a nation of laws *and* justice, as verified daily in the Pledge of Allegiance. We urge you to continue to work toward an immigration policy that takes into consideration the aging population in the U.S. and the unmet labor needs in various sectors such as agriculture, service and construction. As an Arizona elected official, you are in an excellent position to keep the pressure on our federal government to adopt fair and just reform.

Sincerely,

Stephen J. Jenkins
President
Phoenix Diocesan Council
Society of St. Vincent de Paul