



NEWS: For Immediate Release

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Court Blocks Implementation of Key Sections of Arizona's Racial Profiling Law

PHOENIX -- Ensuring that Arizona law enforcement will not be required to demand "papers" from people they stop who they suspect are "unlawfully present" in the U.S., a federal court in Phoenix today blocked key provisions of Arizona's racial profiling law, scheduled to go into effect on July 29, pending a final court ruling on its constitutionality. The ruling came in a lawsuit filed by the Department of Justice challenging the Arizona law. The ruling vindicates similar claims made by the National Immigration Law Center and a coalition of civil rights groups in a separate lawsuit challenging the discriminatory measure.

The blocked sections under the law include the following provisions:

- The requirement that police officers investigate the immigration status of all individuals they stop if the officers suspect that they are in the country unlawfully;
- The mandatory detention of individuals who are arrested, even for minor offenses that would normally result in a ticket, if they cannot verify that they are authorized to be in the U.S.;
- The new statute imposing state criminal penalties for non-citizens failing to register with the Department of Homeland Security or failing to carry registration documents;
- The provision for warrantless arrest of individuals who are deemed by state or local police officers to be "removable" from the U.S.; and
- The new state statute making it a crime for alleged undocumented immigrants to work.

The court did not block the provision that criminalizes the solicitation of employment on public streets or the provision that forbids local police agencies from adopting policies that limit or restrict enforcement of federal immigration laws.

The civil rights coalition includes the National Immigration Law Center (NILC), the ACLU, MALDEF, the Asian Pacific American Legal Center (APALC) - a member of the Asian American Center for Advancing Justice, ACLU of Arizona, the National Day Laborer

Organizing Network (NDLON), and the NAACP. The law firm of Munger, Tolles & Olson LLP is acting as co-counsel in the case.

The coalition's lawsuit, filed on May 17, challenges SB 1070 on the grounds that it invites the racial profiling of people of color, violates the First Amendment, and interferes with federal law. According to the coalition, the law would subject massive numbers of people -- both U.S. citizens and noncitizens -- to racial profiling, improper investigations, and detention.

The following quotes can be attributed to members of the coalition, as listed below.

Linton Joaquin, General Counsel, NILC

"With today's ruling, Judge Bolton enjoined the most egregious provisions of SB 1070, a dangerous enactment that threatens the fundamental rights of countless Arizonans and visitors. Other states following in Arizona's misguided footsteps should consider themselves forewarned: attempts to trample on the constitutional rights of communities of color in this country must not be permitted. We look forward to showing, through our lawsuit, that this pernicious law should be taken off Arizona's books permanently."

Anthony D. Romero, Executive Director of the ACLU:

"This is a major step that will help protect the residents of Arizona against racial profiling and discrimination, and the Obama administration deserves praise for its principled decision to challenge this law despite pressure to stay silent. A single state's frustration with federal policy cannot be allowed to hijack federal authority or dictate federal priorities in ways that impede effective law enforcement, threaten the rights of citizens and non-citizens alike and violate core American values."

Nina Perales, Regional Counsel Southwest Region for MALDEF:

"Today's ruling guts the unconstitutional immigration scheme that Arizona wanted to establish. The judge's decision further shows that SB 1070 is an unconstitutional attempt by the state to take over the federal immigration system within Arizona's borders. States around the nation should take heed that any similar efforts will not succeed."

Alessandra Soler Meetze, Executive Director of the ACLU of Arizona:

"This is a first step toward a victory for civil liberties in Arizona. We eagerly anticipate proving to the court that this reactionary racial profiling law violates the Constitution so we can begin the real work of crafting practical solutions that address our nation's immigration concerns rather than violate fundamental American values."

Julie Su, Litigation Director of APALC:

"We applaud the judge for seeing the imminent danger of having this law enacted. SB 1070

presents a distinct and separate immigration scheme that conflicts with federal law and policy, and would have a devastating impact on Asian Americans, Pacific Islanders, Latinos and other people of color in Arizona. Indeed, some of those negative effects have already been felt. This ruling makes clear that intimidation of immigrant communities, pretextual stops to ask for 'papers,' and rhetoric about who belongs in Arizona and who doesn't under the guise of enforcing SB 1070 should cease immediately."

Pablo Alvarado, Director of NDLO:

"If history is any guide, the road ahead in Arizona will be a long one. Today was one stop along the way, and while we have complete faith in the legal process to ultimately defend the United States Constitution, we will not declare victory until SB 1070 is stopped in its entirety and until civil rights of all people in Arizona are fully protected."

Organizations and attorneys on the case, *Friendly House et al. v. Whiting et al.*, include:

- **NILC:** Joaquin, Karen Tumlin, Nora A. Preciado, Melissa S. Keaney, Vivek Mittal and Ghazal Tajmiri
- **ACLU Immigrants' Rights Project:** Lucas Guttentag, Omar Jadwat, Cecillia Wang, Tanaz Moghadam and Harini P. Raghupathi
- **MALDEF:** Perales, Thomas A. Saenz, Cynthia Valenzuela Dixon, Victor Viramontes, Gladys Limón, Nicolás Espiritu and Ivan Espinoza-Madrigal
- **ACLU Foundation of Arizona:** Dan Pochoda and Annie Lai
- **APALC:** Su, Ronald Lee, Yungsohn Park, Connie Choi and Carmina Ocampo
- **NDLO:** Chris Newman
- **NAACP:** Laura Blackburne
- **Munger Tolles & Olson LLP:** Bradley S. Phillips, Paul J. Watford, Joseph J. Ybarra, Susan T. Boyd, Yuval Miller, Elisabeth J. Neubauer and Benjamin Maro
- **Roush, McCracken, Guerrero, Miller & Ortega:** Daniel R. Ortega, Jr.

The motion for a preliminary injunction can be found at

www.nilc.org/immlawpolicy/LocalLaw/Friendly-House-v-Whiting-PI-MotionBrief-2010-06-04.pdf.

More information about the Arizona law and this lawsuit can be found at

www.nilc.org/immlawpolicy/LocalLaw/index.htm#fed_lit.

A new ACLU video about how the SB 1070 invites racial profiling can be found at

www.aclu.org/immigrants-rights-racial-justice/would-you-ask-man-his-papers.

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