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NDLON and Civil Rights Groups Ask Court to Block Implementation of Arizona's Racial Profiling Law during Legal Battle

PHOENIX, AZ – A coalition of civil rights groups today asked a federal court to block Arizona from implementing its controversial new law, known as SB 1070, pending a final court ruling on its constitutionality. The law requires police to demand 'papers' from people they stop who they suspect are "unlawfully present" in the U.S. According to the coalition, the law would subject massive numbers of people—both citizens and non-citizens— to racial profiling, improper investigations and detention.

The civil rights coalition includes MALDEF, the National Immigration Law Center (NILC), the American Civil Liberties Union, the Asian Pacific American Legal Center (APALC) – a member of the Asian American Center for Advancing Justice, ACLU of Arizona, National Day Laborer Organizing Network (NDLON) and the National Association for the Advancement of Colored People (NAACP).

Last month, the coalition filed a lawsuit challenging the extreme law and charging that it invites the racial profiling of people of color, violates the First Amendment and interferes with federal law. Today's filing seeks to halt implementation of the law while the case is litigated. The coalition expects that the court will rule on its request before SB 1070's effective date, July 29, 2010.

"SB 1070 is an unacceptable and short-sighted attempt to take over the federal immigration system within Arizona's borders. Instead of helping to fix our

fundamentally broken immigration system, SB 1070 will decrease the safety and security of all Arizonans by draining the resources of state, local and federal law enforcement,” stated Nina Perales, MALDEF Southwest Regional Counsel.

“Arizona's thinly veiled attempt to institutionalize discrimination puts a target on the back of every immigrant and person of color within their borders,” said Karen Tumlin, managing attorney with the National Immigration Law Center. “We cannot allow the basic rights and liberties of these members of our society to be undermined simply because an unconstitutional law is now on Arizona's books.”

“SB 1070 is a disastrous law that would endanger public safety, increase racial profiling, and create an un-American ‘show me your papers’ regime if allowed to go into effect,” said Omar Jadwat, a staff attorney with the ACLU Immigrants’ Rights Project. “Every day this law would be in effect would be a day too long, and we’re confident that the court will understand the importance of preventing its implementation, even while our lawsuit is pending.”

“We seek a preliminary injunction to head off numerous harms that are imminent if SB 1070 goes into effect. As law enforcement officials from around the country, including Arizona, have stated, SB 1070 will lead to racial profiling of communities of color and unwarranted, prolonged detention of individuals. This will strain law enforcement resources in a way that compromises public safety for all,” stated Julie Su, Litigation Director of the Asian Pacific American Legal Center.

“Arizona can't pick and choose which portions of the United States Constitution to uphold. Federal law is very clear: Arizona can not declare war on Mexico, it can't subordinate the rights of Mexican-Americans or those with Latino appearance, and it certainly cannot rewrite federal immigration laws,” said Pablo Alvarado, executive director of National Day Laborer Organizing Network. “Throughout history, when states have gone rogue, and when they have unjustly and unlawfully scapegoated their residents, the federal government has had to intervene to be the ultimate defender of bedrock constitutional protections.”

“For three years Latino communities and families in Maricopa County have been terrorized by the abusive and discriminatory practices of Sheriff Arpaio in his immigration enforcement campaign,” said Alessandra Soler Meetze, Executive Director of the ACLU of Arizona. “With SB 1070 the state is seeking to mandate such practices by all local law enforcement agencies and immediate court intervention is necessary to prevent wholesale constitutional violations.”

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

NDLON: Chris Newman;

ACLU Immigrants’ Rights Project: Omar Jadwat, Lucas Guttentag, Cecillia Wang, Tanaz Moghadam and Haring P. Raghupathi;

MALDEF: Thomas A. Saenz, Nina Perales, Cynthia Valenzuela Dixon, Victor Viramontes, Gladys Limón, Nicolás Espiritu, and Ivan Espinoza-Madrigal;

NILC: Karen Tumlin, Linton Joaquin, Nora A. Precede, Melissa S. Kearney, Vive Mitta and Ghazal Tamari;

ACLU Foundation of Arizona: Dan Pechora and Annie Lai;

APALC: Julie Su, Ronald Lee, Yungsohn Park, Connie Choi and Carmine Ocampo;

NAACP: Laura Blackburne;

Monger Tolles & Olson LLP: Bradley S. Phillips, Paul J. Watford, Joseph J. Ybarra, Susan T. Boyd, Yuval Miller, and Elisabeth J. Neubauer;

Roush, Mccracken, Guerrero, Miller & Ortega: Daniel R. Ortega, Jr.

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