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16
 17
 18 UNITED STATES DISTRICT COURT
 19 DISTRICT OF ARIZONA

20 Friendly House, et al.,
 21
 22 Plaintiffs,
 23 v.
 24 Michael B. Whiting, et al.,
 25 Defendants.

CASE NO. CV 10-1061-PHX-JWS

**PROPOSED BRIEF OF ASIAN
 AMERICAN INSTITUTE AND
 OTHER AMICI CURIAE IN
 SUPPORT OF PLAINTIFFS'
 MOTION FOR PRELIMINARY
 INJUNCTION**

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1 **I. INTRODUCTION AND INTEREST OF AMICI CURIAE**

2 A group of thirty-eight amici submit this brief in support of Plaintiffs’
3 Motion for Preliminary Injunction. The amici are all public interest organizations. They
4 represent many different sets of communities of color, of faith, and of individuals, all
5 united in their pursuit of tolerance and equality. The amici are Asian American Institute,
6 American-Arab Anti-Discrimination Committee, Arab American Institute, Arab
7 Community Center for Economic and Social Services, Arizona Asian-American Bar
8 Association, Arizona Opportunities Industrialization Center, Asian American Legal
9 Defense Fund, Asian Law Caucus, BPSOS, Inc., Center for Community Change, Clergy
10 & Laity United for Economic Justice, Coalition for Humane Immigrant Rights of Los
11 Angeles, Equal Justice Society, Greater Phoenix Urban League, Hebrew Immigrant Aid
12 Society, Hispanic Bar Association of New Jersey, Illinois Coalition for Immigrant and
13 Refugee Rights, Immigration Equality, Lambda Legal Defense and Education Fund,
14 Inc., Lawyers Committee for Civil Rights San Francisco, League of Woman Voters of
15 Arizona, League of Woman Voters of the United States, Muslim Advocates, Muslim
16 Public Affairs Counsel, National Center for Lesbian Rights, National Asian Pacific
17 American Bar Association, National Black Law Students Association, National
18 Immigration Project of the National Lawyers Guild, National Korean American Service
19 and Education Consortium, National Organization for Mexican American Rights, New
20 York Immigrant Coalition, OneAmerica, Organization of Chinese Americans,
21 Progressive Jewish Alliance, Public Counsel, Sikh American Legal Defense and
22 Education Fund, Society of American Law Teachers, and Southern Center for Human
23 Rights.¹

24 SB 1070 invites Arizona law enforcement officers to place individuals in
25 one of two tiers. In the first tier are those who do not arouse suspicion that they are
26 “unlawfully present” in the United States. In the second tier are those who do, whether

27 _____
28 ¹ The Appendix to this brief contains additional information about the amici and is fully incorporated herein.

1 because of their ethnicity, skin color, facial features, hair, accent, or clothing.
2 Enforcement of SB 1070 thus necessarily revolves around a subjective decision that
3 there is a “reasonable suspicion” someone is “unlawfully present” based on physical
4 appearance and language. It will subject United States citizens and legal residents who
5 are members of racial and ethnic minority groups, and particularly those who may be
6 perceived to be somehow “foreign,” to the disruption, stress, and humiliation of
7 detention and interrogation, and to the constant fear of the possibility of such treatment.

8 The impact of SB 1070 will be far-reaching. Amici write with particular
9 concern regarding the likelihood that it will chill the willingness of many United States
10 citizens and legal residents to report and cooperate in the investigation of crimes,
11 including hate crimes. It may all too easily result in an erosion of trust in government in
12 general, and of law enforcement in particular.

13 The harms that threaten to unfold from enforcement of SB 1070 do so even
14 though the statute contains facially neutral language. For more than 150 years, the
15 courts have prevented enforcement of laws, even neutrally worded ones, that unfairly
16 targeted racial, ethnic, and religious minority populations. Like those laws, SB 1070
17 invites second class treatment of entire communities. The Court should enjoin it.

18 **II. ARGUMENT**

19 **A. Enforcement of SB 1070 Will Result in Discrimination Against** 20 **Certain Communities of Color.**

21 SB 1070 mandates that Arizona law enforcement officers make an on-the-
22 spot assessment, during every stop, detention, or arrest under any other law or ordinance,
23 of the residency status of the suspect. SB 1070 § 3(B) (to be codified at Ariz. Rev. Stat.
24 § 11-1051(B)). If the law enforcement officer has “reasonable suspicion that the person
25 is an alien and is unlawfully present in the United States,” the officer must then make a
26 reasonable attempt to ascertain the suspect’s immigration status.²

27 ² The statute recognizes that actual determination of immigration status may only
28 be made by a law enforcement officer authorized by the federal government to verify
status, or by “the United States Immigration and Customs Enforcement or the United
(continued...)

1 Immigration status cannot be determined merely from one's appearance.
2 *See, e.g., Arizona Governor Signs Immigration Bill*, CNN.com, Apr. 24, 2010 (quoting
3 Gov. Brewer: "I do not know what an illegal immigrant looks like."), *available at*
4 <http://www.cnn.com/2010/POLITICS/04/23/obama.immigration/index.html>. The
5 procedure set forth in SB 1070 inevitably will lead to heightened police scrutiny of
6 certain communities of color, regardless of citizenship, simply because their members
7 look or sound "foreign." The statute relies on the subjective judgment of any given law
8 enforcement officer, with nothing to stop the officer, consciously or not, from linking the
9 difference in appearance or English-language usage from the majority with the potential
10 for illegality. *See, e.g., Transcript: Arizona's Immigration Controversy; Charlie Crist*
11 *Leaving Republican Party?; Protests on Wall Street*, CNN.com, Apr. 29, 2010 (quoting
12 Gov. Brewer: "I can tell you that I think that there are people in Arizona that assume
13 they know what an illegal immigrant looks like."), *available at*
14 <http://transcripts.cnn.com/TRANSCRIPTS/1004/29/rlst.02.html>.

15 While SB 1070 (as amended) does say that law enforcement officers "may
16 not consider race, color or national origin in the enforcement of this section except to the
17 extent permitted by the United States or Arizona Constitution," SB 1070 § 3(B) (to be
18 codified at Ariz. Rev. Stat. § 11-1051(B)), amici cannot imagine how even the most
19 conscientious law enforcement official could avoid observing and thus considering those
20 factors when earnestly trying to discharge his or her duty to assess whether "reasonable
21 suspicion" exists. The statute itself does not articulate any basis — other than the use of
22 race, color, or national origin "to the extent permitted by the United States or Arizona
23 Constitution" — that might be used to support "reasonable suspicion." United States
24 citizenship and immigration status are based on federal laws, regulations, procedures,
25 and judicial decisions; they are often not capable of quick and easy determination. *See*
26 *States Customs and Border Protection.* SB 1070 § 3(E) (to be codified at Ariz. Rev.
27 Stat. § 11-1051(E)). Presumably, an individual detained on suspicion of being
28 "unlawfully present" would not be released until an appropriate federal agent makes the
determination. The problems inherent in this procedure are described more fully in
Plaintiffs' Motion for Preliminary Injunction and Memorandum in Support at 7.

1 *Public Safety and Civil Rights Implications of State and Local Enforcement of Federal*
2 *Immigration Laws: Hearing Before the Subcomm. on the Constitution, Civil Rights, and*
3 *Civil Liberties, and Subcomm. on Immigration, Citizenship, Refugees, Border Security,*
4 *and International Law of the H. Comm. on the Judiciary, 111th Cong. 77-78 (2009)*
5 (‘‘Public Safety Hearing’’) (statement of David A. Harris, Professor of Law, University
6 of Pittsburgh School of Law) (‘‘Harris Statement’’) (comparing complexity of
7 immigration laws to that of U.S. tax code). As Tucson Police Chief Roberto A.
8 Villaseñor has noted, ‘‘It says you can’t use race and ethnicity. If you’re not paying
9 attention to race and ethnicity, what other elements are there? . . . If it’s 95 percent based
10 on race and ethnicity, what’s the other 5 percent? No one knows.’’ Peter Slevin, *Arizona*
11 *Law on Immigration Puts Police in Tight Spot*, Wash. Post, Apr. 30, 2010, available at
12 [http://www.washingtonpost.com/wp-dyn/content/article/2010/04/29/](http://www.washingtonpost.com/wp-dyn/content/article/2010/04/29/AR2010042904970.html)
13 [AR2010042904970.html](http://www.washingtonpost.com/wp-dyn/content/article/2010/04/29/AR2010042904970.html).

14 That the law requires law enforcement officers to assess ‘‘unlawful’’
15 presence only when conducting lawful stops, detentions, and arrests under other laws is
16 of no comfort. The statute requires law enforcement officials to be on constant lookout
17 for ‘‘unlawfully present’’ individuals and, as commentators have previously noted, the
18 plethora of traffic and other laws provide ample pretext to stop, detain, or arrest virtually
19 anyone. *See, e.g.,* Matt Welch, *Driving While White*, Reason, Apr. 29, 2010, available at
20 <http://reason.com/blog/2010/04/29/driving-while-white> (‘‘When you have thousands
21 upon thousands of criminal laws, chances are non-trivial that you’re breaking one of
22 them as we speak, or at least can be seen as possibly breaking one of them, in case you
23 happen to cross paths with a motivated law enforcement officer.’’); *see also* Alex
24 Kozinski & Misha Tseytlin, *You’re (Probably) a Federal Criminal*, in *In the Name of*
25 *Justice* 44 (Timothy Lynch ed., 2009) (‘‘At worst, a ubiquitous criminal law becomes a
26 loaded gun in the hands of any malevolent prosecutor or aspiring tyrant.’’).

27 What is more, the law even contains a citizen suit provision allowing any
28 Arizona resident to bring an action in state court challenging any law enforcement

1 agency or official “that adopts or implements a policy that limits or restricts the
 2 enforcement of federal immigration laws.” SB 1070 § 3(H) (to be codified at Ariz. Rev.
 3 Stat. § 11-1051(H)). The result is that SB 1070, like other laws that seek to place
 4 responsibility on state and local law enforcement to enforce federal immigration laws,
 5 “will force our police officers into an untenable position by giving them an assignment
 6 which most cannot carry out without relying on racial or ethnic appearance.” Public
 7 Safety Hearing, at 77 (Harris Statement).

8 Nearly 20 percent of Arizona’s population describe themselves as
 9 members of races other than white, and nearly 30 percent of Arizona’s population
 10 identify as Hispanic or Latino (of any race, including white).³ Thus a substantial portion
 11 of Arizona’s population may reasonably be concerned that SB 1070 will apply
 12 disproportionately to them, even if they are “legal residents.” For example, given that
 13 the state shares a long border with Mexico, it is likely that Latinos will be constant
 14 targets for inquiry into immigration status under SB 1070. Yet, because most Latinos
 15 living in the United States are either citizens or possess other federal permission to
 16 remain in the U.S.,⁴ “lawful” residents who are or are perceived to be Hispanic will

17 ³ According to a three year American Communities Survey conducted by the U.S.
 18 Census Bureau, from 2006 to 2008, 3.5 percent of Arizona’s population was “Black or
 19 African-American,” 4.5 percent was “American Indian or Alaskan Native,” 2.6 percent
 20 was “Asian” or “Native Hawaiian or Pacific Islander,” and 9.3 percent was “Some other
 21 race” than white. At the same time, 29.6 percent of Arizona’s population was
 22 considered “Hispanic or Latino (of any race).” U.S. Census Bureau, “2006-2008
 23 American Community Survey 3-Year Estimates” for Arizona, *available at*
 24 <http://www.factfinder.census.gov> (last visited June 16, 2010). The terms “Hispanic” and
 25 “Latino” are used interchangeably in this brief.

26 ⁴ Combining statistics from the U.S. Census Bureau and the Pew Hispanic Center,
 27 39.36 out of the 48.4 million Hispanics present in the United States (roughly 81 percent)
 28 are either citizens or “authorized” immigrants. *See* U.S. Census Bureau, *Annual*
Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United
States: April 1, 2000 to July 1, 2009, *available at* <http://www.census.gov/popest/national/asrh/NC-EST2009-srh.html> (last visited June 15, 2010) (estimating that, as of
 July 1, 2009, more than 48.4 million Hispanics reside in the United States); Pew
 Hispanic Ctr., *A Portrait of Unauthorized Immigrants in the United States*, at i (2009),
available at <http://pewhispanic.org/files/reports/107.pdf> (estimating that, as of March
 2008, 76% of the country’s 11.9 million undocumented immigrants, or 9.04 million, are
 Hispanics); *see also* Michael Hoefler et al., Dep’t of Homeland Sec., *Estimates of the*
Unauthorized Immigrant Population Residing in the United States: January 2009, at 3
 (2010) (noting that the Department of Homeland Security’s estimates of the total number
 of undocumented immigrants closely track the Pew Hispanic Center’s estimates),
 (continued...)

1 likely receive more police scrutiny under SB 1070 than non-Hispanic white residents,
 2 including non-Hispanic white residents who are “unlawfully present” in the United
 3 States. *See also* Pew Hispanic Ctr., *Hispanics and Arizona’s New Immigration Law* 3
 4 (2010) (“2010 Pew Report”), available at <http://pewhispanic.org/files/factsheets/68.pdf>
 5 (noting that native-born and foreign-born Latinos were equally likely to report having
 6 been stopped by the police or other authorities and asked about their immigration status
 7 in the previous twelve month period).⁵

8 **B. SB 1070 Threatens Public Safety In Arizona.**

9
 10 *1. SB 1070 Will Have a Chilling Effect on the Reporting and
 Investigation of Crime in Arizona.*

11
 12 One negative impact of perceived discriminatory police treatment is the
 13 erosion of trust between law enforcement and the community it is working to protect.
 14 *See Anita Khashu, The Role of Local Police: Striking a Balance Between Immigration
 Enforcement and Civil Liberties* 23 (Mary Malina ed., 2009), available at
 15 [http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.p](http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf)
 16 [df](http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf) (“Police Foundation Report”). SB 1070 will exacerbate that harm by instilling a
 17 climate of fear and mistrust in Arizona’s communities of color, and causing a chilling
 18 effect on the reporting of crime and cooperation in criminal investigations.

19
 20 Racial and ethnic minority victims of crime may well prefer to let a
 21 particular incident go unreported rather than potentially expose themselves to

22
 23 available at [http://www.dhs.gov/xlibrary/assets/statistics/publications/
 24 gis_ill_pe_2009.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/gis_ill_pe_2009.pdf).

25 Another likely candidate-group for increased police scrutiny is the Asian
 26 American population. In the 1920s this community consisted primarily of U.S.-born
 27 individuals of Chinese and Japanese descent but is now made up primarily of foreign-
 28 born individuals from a variety of countries, including Vietnam, Korea, American
 Samoa, India, Thailand, the Philippines, and China. Rand Corp., *America Becoming:
 The Growing Complexity of America’s Racial Mosaic* (2001), available at
http://www.rand.org/pubs/research_briefs/RB5050/index1.html. Foreign-born Asian
 Americans, even those who are citizens or have been granted other federal permission to
 remain in the United States, would be more likely than U.S.-born Asian Americans to
 speak limited or heavily accented English, which may in turn trigger heightened police
 scrutiny under SB 1070.

1 interrogation and possible detention while their own immigration status is investigated.
2 United States citizens and legal residents who are persons of color, and particularly those
3 who are English-language learners, may similarly refuse to testify as witnesses or assist
4 police in criminal investigations.

5 This reluctance would be an even greater risk for individuals who are
6 themselves “undocumented” or who have permission to stay in the United States but
7 have not yet received the requisite papers under SB 1070 to prove their temporary status
8 — individuals for whom the message of SB 1070 is that Arizona’s law enforcement is
9 primarily interested in catching and deporting them.⁶ Reluctance to cooperate with law
10 enforcement is also predictable for the significant number of people who may
11 themselves be “lawfully present” in the United States but who may live with parents,
12 siblings, neighbors, and friends who are not. In one survey, 57 percent of Hispanics
13 report worrying that they or a close friend or family member will be deported, and 35
14 percent of American-born Hispanics — more than one in three — admit to having this
15 concern. 2010 Pew Report, at 3. For those who fear that they or a loved one will be
16 deported, reporting a crime or providing witness information to law enforcement
17 officials who, under SB 1070, must perpetually watch for people “unlawfully present” in
18 the United States will be too risky a proposition to accept. And even for those whose
19 own and whose loved ones’ legal status is secure and well-documented, interacting with
20 law enforcement may simply come to represent too great a likelihood of detention, and a

21 ⁶ Fear of reporting crimes and cooperating with police investigations has frequently
22 been recognized as a problem among the undocumented, which often makes them prey
23 for thieves and other criminals. *See, e.g.*, Nat’l Network for Immigrant & Refugee
24 Rights, *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the*
25 *Rights of Immigrants* 36 (2008), [http://www.nnirr.org/resources/docs/](http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf)
26 [UnderSiege_web2.pdf](http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf) (noting that many crimes committed against immigrants go
27 unreported because immigrants fear deportation if they report any incident to the police);
28 S. Poverty Law Ctr., *Under Siege Life for Low-Income Latinos in the South* 6 (Apr. 2009),
available at [http://www.splcenter.org/sites/default/files/downloads/](http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf)
[UnderSiege.pdf](http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf) (noting that 41 percent of migrant workers in survey reported wage
theft). SB 1070’s emphasis on documentation will exacerbate this fear, and will make it
more likely to be expressed among those who, because of incredibly complex federal
immigration laws and practices, *see, e.g.*, Public Safety Hearing, at 77-78 (Harris
Statement), are in fact “lawfully present” in the United States but do not have the
paperwork to prove it.

1 humiliating and time-consuming investigation, that they perceive to be instituted at the
2 whim or due to the zeal of local law enforcement officers.

3 Even before SB 1070, the indignity of repeatedly being stopped by the
4 police, questioned as a potential criminal, and in some cases searched and/or detained,
5 already served to alienate members of the Latino community — including U.S. citizens
6 — from law enforcement. *See, e.g.*, Public Safety Hearing, at 18 (statement of Antonio
7 Ramirez, Community Advocate) (“These actions by the police in Frederick [to enforce
8 federal immigration laws] have made even Latino *citizens* change the way we live to
9 avoid being harassed. We avoid driving on certain roads that we know the police stake
10 out. We avoid driving at all late at night, when it is too easy for the police to pick out
11 the Latino drivers and make up a reason to pull us over.”); Anthony E. Mucchetti,
12 *Driving While Brown: A Proposal for Ending Racial Profiling in Emerging Latino*
13 *Communities*, 8 Harv. Latino L. Rev. 1, 18 (2005) (“[M]any Latinos desire to avoid
14 interaction with the police to such an extent that they modify their daily routines and
15 behaviors. For example, a growing number of minorities are altering their driving routes
16 so as to avoid all-white neighborhoods or places where they might ‘stand out,’ even
17 though this may add to their commuting time.”). And according to a 2008 National
18 Survey of Latinos, only 45 percent of Latinos said they had a great deal or fair amount of
19 confidence that police officers in their communities would treat Latinos fairly. *See* 2010
20 Pew Report, at 4. SB 1070 will further marginalize members of communities who
21 already doubt that they will be treated fairly by the police.

22 Ultimately, the more pointed the police scrutiny based upon factors such as
23 race, ethnicity, and national origin becomes, the lower the targeted community’s trust in
24 government will sink, potentially interfering with other aspects of the legal system. “In
25 the courtroom, . . . minority victims and witnesses may be less willing to testify, and
26 jurors may engage in nullification when they perceive that charges were unjustly brought
27 against a minority defendant, regardless of the weight of the evidence.” Mucchetti, 8
28 Harv. Latino L. Rev. at 22. If targeted groups view law enforcement as discriminating

1 against them, they will doubt the justice system’s ability to function fairly — destroying
2 “the ideal that holds us together as a nation: equal justice under the law. And when that
3 goes, we are all in trouble.” David A. Harris, *The Stories, the Statistics, and the Law: Why “Driving While Black” Matters*, 84 Minn. L. Rev. 265, 326 (1999).

4
5 When victims and witnesses are too afraid to seek out and cooperate with
6 law enforcement, public safety is at risk. As Hubert Williams, President of Police
7 Foundation, a nonpartisan organization established to improve policing in the United
8 States, explained in testimony to Congress:

9 The reluctance of local police to enforce federal immigration
10 law grows out of the difficulty of balancing federal and local
11 interests in ways that do not diminish the ability of the police
12 to maintain their core mission of maintaining public safety,
13 which depends on public trust. In communities where people
14 fear the police, very little information is shared with officers,
15 undermining the police capacity for crime control and quality
16 service delivery. As a result, these areas become breeding
17 grounds for drug trafficking, human smuggling, terrorist
18 activity, and other serious crimes. As a police chief in one of
19 our focus groups asked, “How do you police a community
20 that will not talk to you?”

21 Public Safety Hearing, at 81-82 (statement of Hubert Williams, President, Police
22 Foundation) (recommending that local law enforcement not engage in immigration
23 enforcement activities that directly involve the public, such as requesting documentation
24 in connection with traffic stops).

25 The concern that if local police officers enforce immigration laws, trust in
26 government will decline is not merely theoretical. A 2009 report concluded that a local
27 Virginia police department’s enforcement of immigration laws caused a 15 percent
28 decrease in the level of trust in government among Hispanics in the community, and a
two point drop (on a ten point scale) in their quality of life. Thomas M. Guterbock et al.,
Evaluation Study of Prince William County Illegal Immigration Enforcement Policy, at
xi, 76-78 (2009), available at <http://www.co.prince-william.va.us/docLibrary/PDF/10636.pdf>. Such occurrences impede the level of communication and trust necessary for
optimally effective local law enforcement.

1 Law enforcement agencies have recognized how critical it is to have the
2 trust of the community. See Jack McDevitt et al., Ne. Univ. Institute on Race & Justice,
3 *COPS Evaluation Brief No.1: Promoting Cooperative Strategies to Reduce Racial*
4 *Profiling* 21 (2008) (“Being viewed as fair and just is critical to successful policing in a
5 democracy.”). Many police departments have adopted “community based policing,”
6 which requires police to interact with members of the community in order to forge trust
7 and respect. Police Foundation Report, at 24. To encourage cooperation between the
8 police department and the public, other locales have adopted policies similar to the Los
9 Angeles Police Department’s Special Order No. 40, which prohibits police officers from
10 “initiat[ing] police action with the objective of discovering the alien status of a person.”
11 L.A. Police Dep’t, LAPD Manual Vol. 4 § 264.50, *available at*
12 http://www.lapdonline.org/lapd_manual/volume_4.htm#264.50 (last visited June 18,
13 2010); *see also* L.A. Police Dep’t, Chief of Police Special Order No. 40 (Nov. 27, 1979)
14 (adopting policy located in LAPD Manual at Vol. 4 § 264.50 because “effective law
15 enforcement depends on a high degree of cooperation between the Department and the
16 public it serves”), *available at* http://www.lapdonline.org/get_informed/pdf_view/44798.

17 SB 1070 will have precisely the opposite effect. Rather than encouraging
18 cooperation between law enforcement officers and the communities they serve, it will
19 chill reporting by victims and collaboration with residents to end crime, and jeopardize
20 the effectiveness of law enforcement’s efforts to keep Arizona safe. Not only will
21 enforcement of SB 1070 directly harm communities living in fear and distrust of law
22 enforcement, it ultimately will threaten the public safety and well-being of all Arizona
23 residents.

1 2. *SB 1070 Leaves Minorities Even More Vulnerable to Hate Crimes.*

2 If SB 1070 takes effect, those who are most intimidated by the new law
3 enforcement regime will also be among those most in need of government protection
4 against crimes of hate. By the Federal Bureau of Justice's own estimates, only 44
5 percent of hate crimes are reported to the police. Caroline Wolf Harlow, Bureau of
6 Justice Statistics, *Hate Crime Reported by Victims and Police* 4 (Nov. 2005), available
7 at <http://bjs.ojp.usdoj.gov/content/pub/pdf/hcrvp.pdf>. One explanation for the significant
8 underreporting of hate crime may be similar to the reason that undocumented workers
9 may underreport crimes: victims fear that calling attention to the crime will lead to
10 further targeting, whether by the perpetrator or by the police. Moreover, the level of
11 vitriol in the immigration debate has recently increased: in only two years the number of
12 what the Southern Poverty Law Center terms "nativist extremist" groups, "organizations
13 that go beyond mere advocacy of restrictive immigration policy to actually confront or
14 harass suspected immigrants,"⁷ has more than doubled, from 144 groups in 2007 to 309
15 groups in 2009. Heidi Beirich, S. Poverty Law Ctr., *The Year in Nativism*, Intelligence
16 Report, Spring 2010, available at [http://www.splcenter.org/get-informed/intelligence-](http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/spring/the-year-in-nativism)
17 [report/browse-all-issues/2010/spring/the-year-in-nativism](http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/spring/the-year-in-nativism). In such a climate, all
18 minority groups need to be able to trust in law enforcement to ensure their safety.

19 Members of minority communities (including communities defined by
20 color, faith, sexual orientation, and gender) are the disproportionate victims of hate
21 crimes. They are also the most likely to bear the brunt of SB 1070 enforcement. For all
22 the reasons expressed in Section II.B.1 above, if SB 1070 takes effect it will be less
23 likely that the victims of hate crimes will feel comfortable reporting those crimes to law
24 enforcement.⁸ This in turn will likely result in even more artificially low records of such

25 ⁷ S. Poverty Law Ctr., *New SPLC Report: "Patriot" Groups, Militias Surge in*
26 *Number in Past Year*, Mar. 2, 2010, [http://www.splcenter.org/get-informed/news/](http://www.splcenter.org/get-informed/news/splc-report-number-of-patriot-groups-militias-surges-by-244-in-past-year)
27 [splc-report-number-of-patriot-groups-militias-surges-by-244-in-past-year](http://www.splcenter.org/get-informed/news/splc-report-number-of-patriot-groups-militias-surges-by-244-in-past-year) (defining
28 "nativist extremist").

⁸ The danger of the underreporting of hate crimes exists for all minorities, not just ethnic minorities, who may feel that law enforcement is not interested in advancing or maintaining the well-being of their communities. For instance, law enforcement (continued...)

1 crimes, and in an inaccurate picture of the state of crimes, and particularly hate crimes,
2 in Arizona.

3 **C. The Stated Ends of SB 1070 Do Not Justify the Means.**

4 Defendants may argue that SB 1070 is about “illegal immigration,” not
5 race or ethnicity, and they may point to statistics or anecdotes of crimes allegedly caused
6 by individuals residing in the country illegally.⁹ SB 1070 is not the first statute of its
7 kind to act “tough” on immigration, however: Anti-immigrant factions have associated
8 immigrants with crime, filth, and other undesirable social characteristics throughout the
9 history of this nation. *See, e.g.,* Peter Schrag, *Untangling Immigration’s Double Helix*,
10 *Wall St. J.* (May 17, 2010), *available at* [http://online.wsj.com/article/](http://online.wsj.com/article/SB10001424052748703460404575244693157268432.html)
11 [SB10001424052748703460404575244693157268432.html](http://online.wsj.com/article/SB10001424052748703460404575244693157268432.html) (“Arizona’s new law, which
12 gives police the power to detain those they suspect of being illegal aliens, is only the

13 organizations have recognized that lesbian, gay, bisexual and transgender (“LGBT”)
14 communities often are reluctant to report hate crimes to unsympathetic officials. King
15 County Dep’t of Pub. Health, *Safety and Hate Crimes*, Oct. 7, 2008,
16 <http://www.kingcounty.gov/healthservices/health/personal/glb/HateCrime.aspx>
17 (“Minority groups, including [LGBT] communities, have historically had strained
18 relations with law enforcement and fear that crimes against them will not be taken
19 seriously or that the police reaction will be unsympathetic or hostile.”); *see also* Jon
20 Davidson & Francisco Dueñas, *Arizona Law Hurts Us All*, *Advocate*, May 5, 2010,
21 http://advocate.com/Politics/Commentary/Lambda_Legal_Arizona_Law_Hurts_Us_All/
22 (explaining that LGBT undocumented immigrants often are doubly deterred from
23 seeking justice after being victims of anti-LGBT discrimination or crime for fear of
24 arrest or deportation, causing injustices to go unremedied and encouraging further
25 wrongdoing).

26 There is plenty of statistical data suggesting otherwise. *See, e.g.,* Nicholas
27 Riccardi, *Both Sides in Arizona’s Immigration Debate Use Crime Argument*, *L.A.*
28 *Times*, May 3, 2010, *available at* [http://articles.latimes.com/2010/may/03/nation/la-na-](http://articles.latimes.com/2010/may/03/nation/la-na-arizona-crime-20100503)
[arizona-crime-20100503](http://articles.latimes.com/2010/may/03/nation/la-na-arizona-crime-20100503) (“The rate of property crimes in [Arizona], for example, has
plummeted 43% since 1995, compared with 30% nationwide. That’s no surprise to those
who study immigration — both sides, whether for or against increased immigration,
agree that immigrants tend to commit fewer crimes than native-born Americans.”);
Michael Kiefer, *Migrant Rate of Crime Even with Numbers*, *Ariz. Republic*, Feb. 25,
2008, at B1, *available at* [http://www.azcentral.com/arizonarepublic/news/articles/](http://www.azcentral.com/arizonarepublic/news/articles/0225illegals0223.html)
[0225illegals0223.html](http://www.azcentral.com/arizonarepublic/news/articles/0225illegals0223.html) (“Despite public perception and stepped-up enforcement of
immigration laws in recent months in Maricopa County, undocumented immigrants are
not charged with a disproportionate number of crimes in Maricopa County.”); Ron Unz,
His-Panic: Talk TV Sensationalists and Axe-Grinding Ideologues Have Fallen for a
Myth of Immigrant Lawlessness, *Am. Conservative*, Mar. 1, 2010, *available at*
<http://www.amconmag.com/article/2010/mar/01/00022/> (examining statistical crime data
and concluding that the evidence “constitutes strong support for the ‘null hypothesis,’
namely that Hispanics have approximately the same crime rates as whites of the same
age.”).

1 latest chapter in centuries of intermittent efforts to slow immigration, or stop it
2 altogether. . . . Cartoonists, including the great Thomas Nast, had a field day drawing
3 German and Irish immigrants as raucous drunks (you could tell them apart because the
4 Germans had the beer steins and the Irish the whiskey bottles), Italians as Mafiosi and
5 immigrant Jews as peddlers carrying sacks marked ‘Sabbath desecration.’”).

6 The stated end of reducing crime, however, cannot justify such
7 extraordinary and unjust means as those employed in SB 1070. Indeed, the law will
8 have the perverse effect of further victimizing the victims of crime themselves, who the
9 statistics indicate will avoid seeking help from or cooperating with law enforcement.

10 Over the past 150 years, the courts have prevented the application of many
11 statutes aimed at excluding certain minority groups from the benefits, rights, and
12 liberties granted to those in the majority. In some cases, the statute in question
13 effectively applied only to certain groups. *See, e.g., Takahashi v. Fish & Game*
14 *Comm’n*, 334 U.S. 410, 427 (1948) (holding unconstitutional California statute that
15 denied commercial fishing license to those ineligible for citizenship, including legal
16 resident born in Japan); *Oyama v. United States*, 332 U.S. 633, 644 (1948) (refusing to
17 apply California’s Alien Land Law, which essentially applied only to Japanese, to
18 deprive American citizen of title to land solely because his father was Japanese); *Church*
19 *of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 525, 534 (1993) (holding
20 that, although City of Hialeah’s “animal sacrifice” ordinance appeared facially neutral,
21 ordinance was intended to suppress central element of the Santeria religion brought to
22 region by immigrants and was unconstitutional under First Amendment). In others, a
23 facially neutral statute was discriminatorily applied. *See, e.g., Yick Wo v. Hopkins*, 118
24 U.S. 356, 373-74 (1886) (holding that facially neutral local ordinance requiring laundry
25 operators in wooden buildings to obtain permits from San Francisco Board of
26 Supervisors was nevertheless unconstitutional as applied because Board of Supervisors
27 had denied the permit requests of more than 200 Chinese applicants, and granted permits
28 to 80 similarly situated non-Chinese applicants).

1 The laws at issue in these cases reflect specific moments in our nation’s
2 history when sentiment against particular races, religions, or ethnicities resulted in
3 legislation that, although sometimes even neutrally worded, disproportionately and
4 unfairly harmed members of those communities. By its terms, SB 1070 similarly does
5 not single out any particular race or ethnicity. Nevertheless, the day-to-day indignities
6 of detention, interrogation, and arrest authorized under SB 1070 will be
7 disproportionately experienced by Latinos, Asian Americans, English-language learners,
8 and others who simply look different or speak differently — U.S. citizens, legal
9 residents, tourists, and undocumented workers alike. The enforcement of SB 1070 is
10 anathema to our country’s founding principles of equality and certain inalienable rights.

11 **III. CONCLUSION**

12 If enforced, SB 1070 will lead to state-sponsored discrimination against
13 certain targeted groups. This is wrong. It is un-American. And it will chill cooperation
14 with law enforcement in Arizona, thereby threatening public safety within the state. For
15 these reasons, amici curiae support Plaintiffs’ Motion for a Preliminary Injunction
16 against enforcement of SB 1070.

17 **Respectfully submitted:**

18
19 DATED: June 21, 2010

s/ Wendy L. Feng

20 COVINGTON & BURLING LLP
21 Attorneys for Amici Curiae
22 identified in Appendix
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Appendix of Amici Curiae

1
2
3 **Asian American Institute (“AAI”)** is a pan-Asian, non-partisan, non-
4 profit organization located in Chicago, Illinois, whose mission is to empower the Asian
5 American community through advocacy, coalition-building, education, and research.
6 AAI’s programs include legal advocacy, community organizing, and leadership
7 development. Asian Americans are a diverse and often overlooked community, but they
8 are one of the fastest-growing populations in the United States. AAI strives to eradicate
9 the illegal and unjust discrimination that Asian Americans face, including discrimination
10 against those who look or sound foreign. The enforcement of laws such as SB 1070
11 worsen discrimination against communities of color. Accordingly, AAI has a strong
12 interest in the outcome of this case and in enjoining enforcement of SB 1070.

13 **The American-Arab Anti-Discrimination Committee (“ADC”)** is a
14 national non-profit grassroots organization whose mission is to defend and promote
15 human rights, civil rights, and civil liberties of Arab Americans and other persons who
16 seek assistance. ADC, which is non-sectarian and non-partisan, is the largest Arab-
17 American grassroots organization in the United States. ADC is at the forefront in
18 addressing discrimination and bias against Arab Americans wherever it is practiced.
19 With members residing in Arizona, ADC has a particular interest in ensuring that SB
20 1070 is not enforced. Enforcement of the bill would subject all minority communities –
21 including Arab Americans – to discrimination, based on the fact these individuals may
22 “look” or “sound” foreign or different. As a result of profiling, many ADC members in
23 Arizona may be subject to unwarranted harassment, detention, and interrogation by law
24 enforcement officials.

25 **The Arab American Institute** represents the policy and community
26 interests of Arab Americans throughout the United States and strives to promote Arab
27 American participation in the U.S. electoral system by focusing on two areas:
28 campaigns and elections and policy formation and research. The Institute strives to

1 serve as a central resource to government officials, the media, political leaders, and
2 community groups on a variety of public policy issues that concern Arab Americans and
3 U.S.-Arab relations. The Arab American Institute has actively worked to find policy
4 alternatives to subjective stops and detentions (both within the U.S. and at its borders)
5 conducted by local law officials who play an ever-increasing role in immigration
6 enforcement.

7 **The Arab Community Center for Economic and Social Services**
8 (**“ACCESS”**) is a 40-year old human services organization committed to the
9 development of the Arab-American community, and the greater community, in all
10 aspects of its economic and cultural life. To support this goal, ACCESS provides a wide
11 range of human and cultural services, as well as advocacy work. A leading “core value”
12 of ACCESS is empowering the community by challenging them to become involved in
13 civic engagement. It is only through participation at all facets of society that true
14 “integration” can come to fruition in the United States of America and the legacy of
15 racism will fade into history. Essential to that philosophy is a requirement that the laws
16 of this country are not designed to encourage racial and ethnic profiling.

17 **The Arizona Asian American Bar Association (“AAABA”)** is nonprofit
18 organization that seeks to provide a vehicle and forum for unified expression of opinions
19 and positions by our members regarding current social, political, economic, legal, and
20 other issues of concern to Asian Americans. AAABA also promotes the professional
21 growth of Asian American lawyers and provides financial and academic support to
22 Asian American law students. AAABA opposes measures that, in purpose or result,
23 discriminate against individuals based on immutable characteristics such as race or
24 ethnicity. AAABA believes SB 1070 will increase targeting of “illegals” and result in
25 unjust application of the law. Accordingly, AAABA has a strong interest in the outcome
26 of this case.

27 **The Arizona Opportunities Industrialization Center (“Arizona OIC”)**
28 was founded in April 1967, as a private nonprofit, community based organization,

1 designed to address the critical employability needs of Phoenix's economically
2 disadvantaged and ethnic minority citizens. Since 1967, Arizona OIC has served over
3 50,000 and placed more than 30,000 in meaningful jobs. The clients of Arizona OIC are
4 economically disadvantaged and face significant barriers to employment. Within this
5 population, Arizona OIC services all segment: those with limited English proficiency
6 school dropouts, teenage parents, ex-offenders, handicapped, dislocated workers,
7 homeless, and displaced homemakers. Many of Arizona's OIC's clients would likely be
8 the subject of police inquiry if SB1070 is enforced.

9 **The Asian American Legal Defense and Education Fund**

10 ("AALDEF"), founded in 1974, is a non-profit organization based in New York City
11 that defends the civil rights of Asian Americans nationwide through litigation, legal
12 advocacy, and dissemination of public information. Throughout its long history,
13 AALDEF has protected the rights of Asians and other immigrants to be free from
14 discrimination based on race and ethnicity as well as immigrant status. The inherent
15 racial profiling of SB 1070 threatens the rights of Asians and other immigrants.

16 Founded in 1972, the **Asian Law Caucus** is a non-profit organization
17 advancing the legal and civil rights of Asian American and Pacific Islander
18 communities. It is the nation's oldest legal organization serving Asian Americans and is
19 dedicated to the pursuit of equality and justice for all sectors of society. We advocate for
20 the full and equal integration of immigrant communities in a variety of contexts and
21 focus particularly on the needs of Asian and Pacific Islander immigrants.

22 **BPSOS, Inc. (formerly Boat People S.O.S.)** headquartered in Falls
23 Church, Virginia, is a national Vietnamese-American community-based organization
24 with 18 branch offices nationwide. Its mission is to empower, organize, and equip
25 Vietnamese individuals and communities in their pursuit of liberty and dignity. BPSOS
26 has a particular interest in ensuring that SB 1070 is never enforced because it potentially
27 subjects Vietnamese Americans to harassment due to their appearance, behavior or
28

1 culture. This would undermine the Vietnamese American community’s trust in law
2 enforcement and leave many reluctant to report crimes within their own neighborhoods.

3 **The Center for Community Change (“CCC”)**, a 501(c)(3) organization,
4 is committed to building the power and capacity of low-income people, especially low-
5 income people of color, to change their communities and public policies for the better.
6 Recognizing that low-income communities, particularly communities of color, are often
7 subject to great social and economic injustice, CCC connects and mobilizes grassroots
8 groups to enhance their leadership, voice, and power. CCC presently works to
9 strengthen grassroots immigrant organizations and equip them to participate in the public
10 debate about immigration reform. With its grassroots partner groups, CCC works
11 toward the full participation and integration of immigrants in the civic life of the nation.
12 CCC’s goal is to transform the public conversation from hostility toward immigrants to
13 recognition that they play an integral and valuable role in American democracy.

14 **Clergy & Laity United for Economic Justice (“CLUE-LA”)** is an
15 economic justice organization, concerned with ensuring that all people have access to
16 economic opportunities which can bring them to the middle-class. Its mission is to
17 educate, organize, and mobilize the faith community to walk with workers and their
18 families in their struggle for good jobs and dignity in the workplace. This mission is
19 rooted in scripture, for CLUE-LA believes in “loving the stranger,” a phrase found
20 dozens of times in the Hebrew Bible. As a multi-faith community of clergy and lay
21 leaders devoted to economic justice, CLUE-LA recognizes how racism, xenophobia, and
22 anti-immigrant attitudes undermine its biblical commitment to the “Other” and prevent
23 entire communities of people from advancing economically.

24 **The Coalition for Humane Immigrant Rights of Los Angeles**
25 **(“CHIRLA”)** is a membership-based non-partisan, non-profit organization located in
26 Los Angeles, California. CHIRLA’s mission is to work for and empower its membership
27 through advocacy, education, and organizing. This is done by working in coalitions at
28 the local, state, and national levels, with diverse segments of the community from

1 household workers, street vendors, day laborers to both high school and college students.
2 In Los Angeles, the Los Angeles Police Department currently adheres to its own Special
3 Order 40, which prohibits its officers from initiating contact in order to determine an
4 individual's immigration status. Laws such as SB 1070 are the antithesis of SO 40;
5 while inevitably leading to discrimination against communities of color, they are also
6 severely detrimental to public safety as people become more reluctant to report crimes to
7 the police. In California, CHIRLA has also directly dealt with the very real effects of
8 statewide Proposition 187, which (before it was declared unconstitutional) attempted to
9 deny access to social services, health care, and public education to undocumented
10 immigrants. CHIRLA's interest in this case is based upon its mission and experience
11 with issues such as SO 40 and Proposition 187.

12 The **Equal Justice Society** ("EJS") is a national organization of scholars,
13 advocates, and citizens that seeks to promote equality and enduring social change
14 through law, public policy, public education, and research. The primary mission of EJS
15 is to combat the continuing scourge of racial discrimination and inequality in America.
16 Consistent with that mission, EJS works to confront all manifestations of invidious
17 discrimination and second-class citizenship. Such threats to dignity spring from a
18 common source and endanger everyone, no matter the context in which they arise.

19 The mission of the **Greater Phoenix Urban League**, one of the 101
20 affiliates of the National Urban League, is to assist African Americans, other minorities
21 and the disadvantaged in the achievement of social and economic equality. The league
22 implements its mission through advocacy, bridge building, program services and
23 research. Since 1945, the Greater Phoenix Urban League has worked to help individuals
24 who confront hardships improve their quality of life. The tradition of direct and targeted
25 educational programs, home ownership assistance, and job readiness training has been a
26 hallmark of the Grater Phoenix Urban League (GPUL) since its founding.

27 The **Hebrew Immigrant Aid Society** ("HIAS") has been the international
28 migration arm of the American Jewish community for over 125 years. HIAS has helped

1 over 4.5 million refugees and other vulnerable migrants by providing overseas assistance
2 and resettlement services in communities nationwide, as well as by representing
3 immigrants in their applications for asylum, adjustment of status, and citizenship before
4 the U.S. government. Particularly in light of the mandate set forth in the Torah to
5 “welcome the stranger” as well as the history of persecution and extermination of Jews,
6 HIAS has a strong interest in seeing that SB 1070 is enjoined.

7 The **Hispanic Bar Association of New Jersey (“HBA-NJ”)** is entering its
8 thirtieth year of service to the Hispanic community of the state and was chartered to
9 promote the education and advancement of Hispanics in the legal profession, to support
10 the development of young Hispanic attorneys, and to advocate on the major issues
11 affecting Hispanic lawyers and the Hispanic community in the Garden State. The HBA-
12 NJ has been very active addressing the concerns of Latino residents on the issues of
13 policing and the immigrant community including the application of Section 287g status
14 by certain municipalities in the state and the issuance of Attorney General’s Directive
15 2007-3, which purports to regulate the interactions between law enforcement and
16 members of immigrant groups in New Jersey. Its interest in Arizona law SB 1070 is
17 based on these experiences and its concern about a) the constitutionality of statutory
18 measures that can be used to discriminate against protected classes in this country – a
19 practice that has been documented but not fully ameliorated in New Jersey; and b) the
20 statute’s potential to increase the vulnerability to crime of our nation’s immigrant
21 population and to sabotage the best features of community policing.

22 The **Illinois Coalition for Immigrant and Refugee Rights (“ICIRR”)** is
23 dedicated to promoting the rights of immigrants and refugees to full and equal
24 participation in the civic, cultural, social, and political life of our diverse society. In
25 partnership with its member organizations, ICIRR educates and organizes immigrant and
26 refugee communities to assert their rights; promotes citizenship and civic participation;
27 monitors, analyzes, and advocates on immigrant-related issues; and, informs the general
28 public about the contributions of immigrants and refugees. ICIRR believes that

1 Arizona’s SB 1070 openly discriminates against immigrants, their families, and other
2 individuals who may appear to be immigrants, and supports efforts to stop the
3 enforcement of this law and the enactment of similar laws throughout the country.

4 **Immigration Equality** is a national organization that works to end
5 discrimination in immigration law against those in the gay, lesbian, bisexual, and
6 transgender (“LGBT”) community and immigrants who are living with HIV or AIDS.
7 Incorporated in 1994, Immigration Equality helps those affected by these discriminatory
8 practices through education, outreach, advocacy, and the maintenance of a nationwide
9 resource network and a heavily-trafficked website. Immigration Equality also runs a pro
10 bono asylum program and provides technical assistance and advice to hundreds of
11 attorneys nation-wide on sexual orientation, transgender, and HIV-based asylum matters.
12 Immigration Equality is particularly concerned by SB 1070 because LGBT individuals
13 are often the targets of hate crimes, and this statute will make it dangerous for anyone
14 potentially perceived as foreign to report these crimes. Moreover, transgender
15 individuals are often targeted for police harassment simply based on their appearance
16 and would be at heightened risk of pretextual police stops.

17 **Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”)** is
18 the oldest and largest national legal organization dedicated to securing full civil rights
19 for lesbian, gay, bisexual and transgender (LGBT) people and those living with HIV.
20 Through its Proyecto Igualdad, Lambda Legal extends its legal and educational
21 resources to Spanish speakers and engages the many Latino/Hispanic communities in the
22 United States. SB 1070 doubly threatens LGBT people of color, and especially LGBT
23 immigrants of color, many of whom are forced into a double closet – and made
24 unconscionably vulnerable – afraid of disclosing their sexual orientation and/or gender
25 identity and afraid of disclosing their immigration status. Moreover, because lesbian and
26 gay U.S. citizens may not sponsor a foreign-born spouse or partner to immigrate
27 lawfully, as thousands of heterosexuals do every year, binational same-sex couples
28 cannot achieve legal security. By recent calculations, nearly 800 of these families live in

1 Arizona, many with children. SB1070 makes it likely that even more of these families
2 will be torn apart.

3 **The Lawyers' Committee for Civil Rights of the San Francisco Bay**
4 **Area ("Lawyers' Committee")** is a civil rights and legal services organization devoted
5 to advancing the rights of people of color, low-income individuals, immigrants and
6 refugees, women, children, and other underrepresented persons. The Lawyers'
7 Committee is affiliated with the Lawyers' Committee for Civil Rights Under Law in
8 Washington, D.C., which was created at the behest of President John Kennedy in 1963.
9 In 1968, the Lawyers' Committee was established by leading members of the private bar
10 in San Francisco. Through its Immigrant and Refugee Rights Project, the Lawyers'
11 Committee has litigated scores of major class actions implicating the constitutional
12 rights of immigrants and refugees, including a successful challenge to Proposition 187, a
13 California law similar to SB 1070. The Lawyers' Committee has a profound interest in
14 protecting the constitutional rights of noncitizens in this country.

15 **The League of Women Voters of the United States** is a nonpartisan,
16 community-based civic organization that encourages the informed and active
17 participation of citizens in government and influences public policy through education
18 and advocacy. Founded in 1920 as an outgrowth of the struggle to win voting rights for
19 women, it is organized in more than 825 communities and in every State, with more than
20 150,000 members and supporters nationwide. **The League of Women Voters of**
21 **Arizona**, with 700 members grouped into seven local organizations, is affiliated with,
22 but separately incorporated from, the League of Women Voters of the United States.
23 Both organizations have long worked to protect civil rights under the Constitution,
24 believing that no person or group should suffer legal, economic or administrative
25 discrimination.

26 **Muslim Advocates** is a nonprofit, educational, charitable entity dedicated
27 to promoting and protecting freedom, justice, and equality for all, regardless of faith, by
28 using the tools of legal advocacy, policy engagement, and education. Founded in 2005,

1 Muslim Advocates is a sister entity to the National Association of Muslim Lawyers, a
2 network of Muslim American legal professionals. Muslim Advocates seeks to protect
3 the founding values of this nation and believes this country can be safe and secure
4 without sacrificing constitutional rights and protections. In pursuit of this goal, Muslim
5 Advocates works to end discriminatory government policies and practices, such as SB
6 1070, that are contrary to this nation's promise of equal protection and equal justice
7 under the law.

8 **The Muslim Public Affairs Council ("MPAC")** is an American
9 institution which informs and shapes public opinion and policy by serving as a trusted
10 resource to decision makers in government, media and policy institutions. MPAC is also
11 committed to developing leaders with the purpose of enhancing the political and civic
12 participation of American Muslims. MPAC believes it is unjust for any group or
13 community to be discriminated against or have their civil liberties violated. It is
14 important for America to preserve trust between communities and law enforcement,
15 which is critical to enhance public safety and national security. Laws such as SB1070
16 will only increase and invite discriminatory treatment by law enforcement officers and
17 will weaken the trust between communities and law enforcement.

18 **The National Asian Pacific American Bar Association ("NAPABA")** is
19 the national association of Asian Pacific American attorneys, judges, law professors, and
20 law students. NAPABA represents the interests of over 40,000 attorneys and 63 local
21 Asian Pacific American bar associations. NAPABA's members include solo
22 practitioners, large firm lawyers, corporate counsel, legal service and non-profit
23 attorneys, and lawyers serving at all levels of government. Since its inception in 1988,
24 NAPABA has served as the national voice for Asian Pacific Americans in the legal
25 profession and has promoted justice, equity and opportunity for Asian Pacific
26 Americans. NAPABA engages in civil rights advocacy on various fronts and has a
27 particular interest in ensuring that SB1070 is not enforced because individuals should not
28

1 be subjected to heightened police scrutiny and should not be burdened with a
2 presumption of illegality on the basis of their perceived “foreignness” in appearance.

3 **The National Black Law Students Association (“NBLSA”)** is a
4 501(c)(3) corporation and the nation’s largest student-run organization, representing
5 nearly 6,000 minority law students from over 200 chapters and affiliates throughout the
6 United States and six other countries. Founded in 1968, NBLSA was created and
7 designed to advocate for changes within the legal system that will make it more
8 responsive to the needs and concerns of the Black community. Enforcement of SB 1070
9 threatens harm to all communities of color in Arizona, including the Black community.

10 **The National Center for Lesbian Rights (“NCLR”)** is a national legal
11 organization committed to advancing the civil and human rights of LGBT people and
12 their families through litigation, public policy advocacy, and public education. In 1994,
13 NCLR became the first national LGBT legal organization to establish a project dedicated
14 to immigration issues. Since that time, NCLR’s Immigration Project has made
15 significant legal and policy gains for LGBT immigrants and has provided free legal
16 assistance to thousands of LGBT immigrants nationwide. NCLR has argued on behalf
17 of numerous LGBT applicants for asylum and has published a comprehensive study on
18 the outcomes of lesbian asylum claims. LGBT people face oppression and
19 marginalization based on race, ethnicity, immigration status, class, gender identity, age,
20 or disability. NCLR’s work is grounded in the recognition that full equality for the
21 LGBT community can only come about through working for the just treatment of all
22 people.

23 **The National Immigration Project of the National Lawyers Guild**
24 **(“National Immigration Project”)** is a non-profit membership organization of
25 immigration attorneys, legal workers, grassroots advocates, and others working to
26 defend immigrants’ rights and to secure a fair administration of the immigration and
27 nationality laws. The National Immigration Project regularly authors and presents public
28 education materials for communities affected by heightened immigration enforcement

1 efforts. The National Immigration Project routinely participates as amicus curiae in
2 cases before the federal courts that impact the constitutional, statutory, and regulatory
3 rights of noncitizens.

4 **The National Korean American Service & Education Consortium**

5 (“NAKASEC”) is a dynamic grassroots-based organization founded in 1994 to advance
6 a progressive voice and promote the full participation of Korean Americans within a
7 diverse, national social justice movement. Based in Los Angeles with a D.C. branch
8 office, NAKASEC also has affiliates in Los Angeles (The Korean Resource Center) and
9 in Chicago (The Korean American Resource & Cultural Center). For more than a
10 decade, NAKASEC and affiliates have conducted campaigns, programs, policy
11 advocacy, and community education on the importance of protecting and advancing the
12 rights of immigrants. Korean Americans now number over 1.5 million, of which more
13 than 65 percent are immigrants, and are thus directly impacted by policies related to
14 immigrants and immigration reform. Roughly 30,000 Korean Americans live and work
15 in Arizona according to community reports. Communities have been devastated by
16 current immigration reform policies including the separation of families and young
17 children. As an ethnic minority group, the Korean American community fears that
18 passage of SB 1070 will legalize discriminatory treatment against Korean Americans.

19 **The National Organization for Mexican American Rights, Inc.**

20 (“NOMAR, Inc.”) is a national nonprofit organization established for the purpose of
21 promoting and defending the civil rights of Americans of Hispanic origin and their right
22 to equal employment and educational opportunities. It is also the mission of this
23 organization to defend and protect the civil rights of Hispanic Americans to ensure that
24 they are afforded all of the rights provided by the Constitution and the Bill of Rights of
25 the United States of America. NOMAR, Inc. is concerned that the potential for civil
26 rights violations will occur based on the recently passed Arizona law SB 1070. It
27 appears evident that Hispanics will be at significant risk for harassment based solely on
28 their skin color and the perceived notion that all Hispanics are potentially “illegal

1 aliens.” The purported intent of the law is to stem the flow of unauthorized immigration
2 from Mexico; thus, the logical conclusion is that the overwhelming number of stops for
3 suspicious activity will be Hispanics, whether undocumented immigrants or U.S.
4 citizens.

5 **The New York Immigration Coalition (“NYIC”)** is a 501(c)(3) nonprofit
6 organization that serves as an umbrella policy and advocacy organization for
7 approximately 175 immigrant serving groups throughout New York State. The mission
8 of the NYIC is to achieve a fairer and more just society that values the contributions of
9 immigrants and extends opportunity to all. With its multi-ethnic, multi-racial, and multi-
10 sector base, the NYIC provides both a forum for immigrant groups to share their
11 concerns and a vehicle for collective action to bring about positive social change locally
12 and nationally. We believe that the enforcement of laws like SB 1070 in Arizona will
13 result in discrimination against communities of color and will cause people in those
14 communities to fear seeking assistance of law enforcement in case they become victims
15 of crime or are witnesses of crime.

16 **OneAmerica’s** mission is to advance the fundamental principles of
17 democracy and justice at the local, state, and national levels by building power within
18 immigrant communities in collaboration with key allies. Formed directly after
19 September 11, 2001 in response to hate crimes and discrimination targeting Arabs,
20 Muslims, and South Asians, OneAmerica has now grown into a leading force for
21 immigrant, civil and human rights. OneAmerica has consistently fought to maintain the
22 longstanding barrier between federal enforcement of immigration laws and local
23 enforcement of criminal laws because — according to law enforcement officials and
24 community members alike — the most effective means of keeping communities safe is
25 to ensure trusting relationships with those communities. OneAmerica believes SB 1070
26 will lead to the destruction of trust between law enforcement and communities that will
27 threaten public safety.

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1 **The Organization of Chinese Americans (“OCA”)** is a national
2 organization dedicated to advancing the social, political, and economic well-being of
3 Asian Pacific Americans. Headquartered in Washington, D.C., OCA represents
4 members and associates in over 80 chapters and affiliates across the country. OCA has
5 worked in coalition with other national groups to defend the rights of the Asian Pacific
6 American and immigrant communities and ensure that they are accorded the rights
7 guaranteed to them under the Constitution and federal, state, and local law. OCA
8 supports this brief because SB 1070 is detrimental to the Asian Pacific American
9 immigrant community by sanctioning discrimination based on outward appearance.

10 The mission of **Progressive Jewish Alliance (“PJA”)** is to engage Jews of
11 diverse backgrounds to learn, lead, and act to create a more just and equal society.
12 PJA’s vision of social transformation is rooted in Jewish values and realized through
13 partnership with local and national allies. PJA has fought for economic justice by
14 standing with disenfranchised and marginalized communities and by organizing the
15 Jewish community to join in campaigns to improve working conditions and secure basic
16 rights for low-wage workers. PJA believes Jews have a deep lived history of migration
17 and that the Torah commands to “honor the stranger, for [we] were strangers in the land
18 of Egypt.” This migratory history commands the recognition of the humanity of
19 migrants, the underlying reasons for their migration, and the perils of persecution created
20 by SB 1070.

21 **Public Counsel** is the public interest law office of the Los Angeles County
22 and Beverly Hills Bar Associations and the Southern California affiliate of the Lawyers’
23 Committee for Civil Rights Under Law. Established in 1970, Public Counsel is
24 dedicated to advancing equal justice under law by delivering free legal and social
25 services to indigent and underrepresented children, adults, and families throughout Los
26 Angeles County, ensuring that other community-based organizations serving this
27 population have legal support, and mobilizing the pro bono resources of attorneys, law
28 students, and other professionals. Public Counsel’s Immigrants’ Right Project has broad

1 expertise in federal immigration issues based on its work representing immigrants before
2 U.S. Citizenship and Immigration Services, the Executive Office for Immigration
3 Review and the federal courts. Public Counsel also conducts legal rights presentations to
4 immigrants detained by Immigration and Customs Enforcement (“ICE”) in Santa Ana,
5 California and provides legal representation to ICE detainees.

6 **The Sikh American Legal Defense and Education Fund (“SALDEF”)**
7 is a national civil rights and educational organization. Its mission is to protect the civil
8 rights of Sikh Americans and ensure a fostering environment in the United States for
9 future generations of Sikh Americans. SALDEF seeks to empower Sikh Americans
10 through legal assistance, educational outreach, legislative advocacy, and media relations.
11 SALDEF believes that it can attain these goals by helping to protect the religious and
12 civil liberties of people of all backgrounds. SALDEF speaks here against SB 1070 and
13 for the protection of members of all minority communities who may be targeted by law
14 enforcement as a result of this bill.

15 **The Society of American Law Teachers (“SALT”)** is an association of
16 law faculty, deans, administrators, and legal education professionals from over 170 law
17 schools. Incorporated in 1974, SALT was founded by a group of leading law professors
18 dedicated to improving the quality of legal education by making it more responsive to
19 societal concerns. SALT has appeared as amicus curiae in federal and state courts on
20 behalf of historically under-represented groups to support their claims to equal access to
21 education, employment, and health care, and to full participation in civic life. As a
22 membership organization of law scholars and teachers, SALT is particularly sensitive to
23 the need for coherent systems of law affecting the preservation of human and civil rights
24 within America’s borders.

25 **The Southern Center for Human Rights (“the Center”)** is a non-profit,
26 public interest organization that provides legal representation to people facing the death
27 penalty, challenges human rights violations in prisons and jails, seeks through litigation
28 and advocacy to improve legal representation for poor people accused of crimes, and

1 advocates for criminal justice system reforms on behalf of those affected by the system
2 in the Southern United States. SB 1070 will inevitably lead to discriminatory treatment
3 by law enforcement and will exacerbate the harmful effects of a criminal justice system
4 that already unfairly targets communities of color. The Center has an interest in
5 ensuring that similar legislation is not replicated in the Southern states.

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