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16  
 17 UNITED STATES DISTRICT COURT  
 18 DISTRICT OF ARIZONA  
 19

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

CASE NO. CV 10-1061-PHX-SRB

**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-seven amici submit this brief in support of Plaintiffs’  
3 Motion for Preliminary Injunction (dkt #235). The amici are all public interest  
4 organizations representing disparate communities of color, of faith, and of individuals,  
5 all united in their pursuit of tolerance and equality. The Appendix contains additional  
6 information about amici.

7 SB 1070 invites Arizona law enforcement officers to place individuals in  
8 one of two tiers: in the first tier are those who do not arouse suspicion that they are  
9 “unlawfully present” in the United States; in the second tier are those who do, whether  
10 because of their ethnicity, skin color, facial features, accent, or clothing. Enforcement of  
11 SB 1070 thus necessarily revolves around a law enforcement officer’s subjective  
12 decision — based on an individual’s physical appearance and language — that there is a  
13 “reasonable suspicion” that that individual is “unlawfully present.” It will subject  
14 United States citizens and legal residents who are racial and/or ethnic minorities, and  
15 particularly those who may be perceived to be foreign, to the stress and humiliation of  
16 detention and interrogation, and to the constant fear of the possibility of such treatment.

17 The harms that threaten to unfold from enforcement of SB 1070 are far-  
18 reaching. In particular, amici fear SB 1070’s enforcement will chill the willingness of  
19 many United States citizens and legal residents to report and cooperate in the  
20 investigation of crimes, including hate crimes. This chilling effect threatens the public  
21 safety of all who live and work in Arizona. For more than 150 years, the courts have  
22 prevented enforcement of laws, even neutrally worded ones, that unfairly targeted racial,  
23 ethnic, and religious minority populations. Like those laws, SB 1070 invites second  
24 class treatment of entire communities. The Court should enjoin it.

25 **II. ARGUMENT**

26 **A. Enforcement of SB 1070 Will Result in Discrimination Against**  
27 **Certain Communities of Color.**

28 SB 1070 mandates that Arizona law enforcement officers make an on-the-

1 spot assessment, during every stop, detention, or arrest under any other law or ordinance,  
2 of the residency status of the suspect. If the law enforcement officer has “reasonable  
3 suspicion that the person is an alien and is unlawfully present in the United States,” the  
4 officer must then make a reasonable attempt to ascertain the suspect’s immigration  
5 status.<sup>1</sup> SB 1070 § 3(B) (to be codified at Ariz. Rev. Stat. § 11-1051(B)).

6 Immigration status cannot be determined merely from one’s appearance.  
7 *See, e.g., Arizona Governor Signs Immigration Bill*, CNN.com, Apr. 24, 2010 (quoting  
8 Gov. Brewer: “I do not know what an illegal immigrant looks like.”), *available at*  
9 <http://www.cnn.com/2010/POLITICS/04/23/obama.immigration/index.html>. Yet the  
10 procedure set forth in SB 1070 inevitably will lead to heightened police scrutiny of  
11 certain communities of color, regardless of citizenship, simply because their members  
12 look or sound foreign. While SB 1070 (as amended) does say that law enforcement  
13 officers “may not consider race, color or national origin in the enforcement of this  
14 section except to the extent permitted by the United States or Arizona Constitution,”  
15 SB 1070 § 3(B) (to be codified at Ariz. Rev. Stat. § 11-1051(B)), amici cannot imagine  
16 how even the most conscientious law-enforcement official could avoid observing and  
17 thus considering those factors when earnestly trying to discharge his or her duty to assess  
18 whether “reasonable suspicion” exists. Indeed, the statute itself does not articulate any  
19 basis — other than the use of race, color, or national origin “to the extent permitted by  
20 the United States or Arizona Constitution” — that might be used to support “reasonable  
21 suspicion.” *Id.* As Tucson Police Chief Roberto A. Villaseñor has noted, “It says you  
22 can’t use race and ethnicity. If you’re not paying attention to race and ethnicity, what  
23 other elements are there? . . . If it’s 95 percent based on race and ethnicity, what’s the  
24 other 5 percent? No one knows.” Peter Slevin, *Arizona Law on Immigration Puts*

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<sup>1</sup> The statute recognizes that actual determination of immigration status may only 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 States Customs and Border Protection.” SB 1070 § 3(E) (to be codified at Ariz. Rev. Stat. § 11-1051(E)). Presumably, a person detained on suspicion of being “unlawfully present” would not be freed until an appropriate federal agent makes the determination.

1 *Police in Tight Spot*, Wash. Post, Apr. 30, 2010, available at  
2 [http://www.washingtonpost.com/wp-dyn/content/article/2010/04/29/  
3 AR2010042904970.html](http://www.washingtonpost.com/wp-dyn/content/article/2010/04/29/AR2010042904970.html).

4 It is no comfort that the law requires law enforcement officers to assess  
5 “unlawful” presence only when conducting lawful stops, detentions, and arrests under  
6 other laws. As commentators have previously noted, the overabundance of traffic and  
7 other laws provide ample pretext to stop, detain, or arrest virtually anyone. *See, e.g.*,  
8 Matt Welch, *Driving While White*, Reason, Apr. 29, 2010, available at  
9 <http://reason.com/blog/2010/04/29/driving-while-white> (“When you have thousands  
10 upon thousands of criminal laws, chances are non-trivial that you’re breaking one of  
11 them as we speak, or at least can be seen as possibly breaking one of them, in case you  
12 happen to cross paths with a motivated law enforcement officer.”).

13 What is more, SB 1070 contains a citizen suit provision allowing any  
14 Arizona resident to bring an action in state court challenging any law enforcement  
15 agency or official “that adopts or implements a policy that limits or restricts the  
16 enforcement of federal immigration laws.” SB 1070 § 3(H) (to be codified at Ariz. Rev.  
17 Stat. § 11-1051(H)). The result is that the statute “will force [] police officers into an  
18 untenable position by giving them an assignment which most cannot carry out without  
19 relying on racial or ethnic appearance.” *See Public Safety and Civil Rights Implications*  
20 *of State and Local Enforcement of Federal Immigration Laws: Hearing Before the*  
21 *Subcomm. on the Constitution, Civil Rights, and Civil Liberties, and Subcomm. on*  
22 *Immigration, Citizenship, Refugees, Border Security, and International Law of the H.*  
23 *Comm. on the Judiciary*, 111th Cong. 77 (2009) (“Public Safety Hearing”) (statement of  
24 David A. Harris, Professor of Law, University of Pittsburgh School of Law).

25 Nearly 20 percent of Arizona’s population describe themselves as  
26 members of races other than white, and nearly 30 percent of Arizona’s population  
27  
28

1 identify as Hispanic or Latino (of any race, including white).<sup>2</sup> Thus a substantial  
2 portion of Arizona's population may reasonably be concerned that SB 1070 will apply  
3 disproportionately to them, even if they are legal residents. For example, given  
4 Arizona's long border with Mexico, Latinos likely will be heavily targeted under SB  
5 1070. Yet, most Latinos living in the United States are either citizens or possess other  
6 federal permission to remain in the U.S.<sup>3</sup> Such lawful residents will likely receive more  
7 police scrutiny under SB 1070 than non-Hispanic white residents, including non-  
8 Hispanic white residents who in fact are "unlawfully present" in the United States. *See*  
9 *also* Pew Hispanic Ctr., *Hispanics and Arizona's New Immigration Law* 3 (2010) ("2010  
10 Pew Report"), available at <http://pewhispanic.org/files/factsheets/68.pdf> (native-born  
11 and foreign-born Latinos equally likely to report having been stopped by police and  
12 asked about their immigration status in the previous twelve-month period).<sup>4</sup>

13  
14  
15 <sup>2</sup> From 2006 to 2008, 3.5 percent of Arizona's population was "Black or African-  
16 American," 4.5 percent was "American Indian or Alaskan Native," 2.6 percent was  
17 "Asian" or "Native Hawaiian or Pacific Islander," and 9.3 percent was "Some other  
18 race" than white. At the same time, 29.6 percent of Arizona's population was "Hispanic  
19 or Latino (of any race)." U.S. Census Bureau, "2006-2008 American Community  
20 Survey 3-Year Estimates" for Arizona, available at <http://www.factfinder.census.gov>  
21 (last visited June 16, 2010). The terms "Hispanic" and "Latino" are used  
22 interchangeably in this brief.

23 <sup>3</sup> Statistics suggest approximately 80 percent of Hispanics in the United States are  
24 either citizens or "authorized" immigrants. *See* U.S. Census Bureau, *Annual Estimates*  
25 *of the Resident Population by Sex, Race, and Hispanic Origin for the United States:*  
26 *April 1, 2000 to July 1, 2009*, available at [http://www.census.gov/popest/](http://www.census.gov/popest/national/asrh/NC-EST2009-srh.html)  
27 [http://www.census.gov/popest/](http://www.census.gov/popest/national/asrh/NC-EST2009-srh.html)  
28 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, 9.04 million of the nation's undocumented immigrants are Hispanics).

<sup>4</sup> Another likely candidate-group for increased police scrutiny is the Asian-  
American population, which is presently made up primarily of foreign-born individuals  
from 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](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 to speak limited  
or heavily accented English, which may in turn trigger heightened police scrutiny under  
SB 1070. Asian Americans born in the United States are also likely to face heightened  
policy scrutiny under SB 1070, simply because of their appearance.

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

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

4           Perceived discriminatory police treatment erodes trust between law  
5 enforcement and the community it is working to protect. *See Anita Khashu, The Role of*  
6 *Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*  
7 23 (Mary Malina ed., 2009), available at [http://www.policefoundation.org/](http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf)  
8 [pdf/strikingabalance/Role%20of%20Local%20Police.pdf](http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf) (“Police Foundation Report”).  
9 SB 1070 will exacerbate that harm by instilling fear and mistrust in Arizona’s  
10 communities of color, and chilling the reporting of crime and cooperation in criminal  
11 investigations.

12           Individuals who are themselves undocumented or who have permission to  
13 stay in the United States but have not yet received the requisite papers under SB 1070 to  
14 prove their temporary status — individuals for whom the message of SB 1070 is that  
15 Arizona law enforcement is primarily interested in catching and deporting them — may  
16 well prefer to let a particular incident go unreported rather than potentially expose  
17 themselves to interrogation and possible detention while their own immigration status is  
18 investigated.<sup>5</sup> United States citizens and legal residents who are persons of color, and  
19 particularly those who are English-language learners, may similarly refuse to report  
20 crime, or to testify as witnesses or assist police in criminal investigations. A significant  
21 number of people may themselves be “lawfully present” in the United States but may  
22 live with parents, siblings, neighbors, and friends who are not. In one survey, 57 percent

23 <sup>5</sup> Fear of reporting crimes and cooperating with police investigations has frequently  
24 been recognized as a problem among the undocumented, which often makes them prey  
25 for thieves and other criminals. *See, e.g., Nat’l Network for Immigrant & Refugee*  
26 *Rights, Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the*  
27 *Rights of Immigrants* 36 (2008), [http://www.nnirr.org/resources/docs/](http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf)  
28 [UnderSiege\\_web2.pdf](http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf); 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/](http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf)  
[downloads/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, including  
among those who, because of incredibly complex federal immigration laws and  
practices, are in fact “lawfully present” in the United States but do not have the  
paperwork to prove it.

1 of Hispanics report worrying that they or a close friend or family member will be  
2 deported, and 35 percent of American-born Hispanics — more than one in three —  
3 admit to having this concern. 2010 Pew Report, at 3. For those fearful that they or a  
4 loved one will be deported, reporting a crime or providing witness information to law  
5 enforcement officials who, under SB 1070, must perpetually watch for people  
6 “unlawfully present” in the United States will be too risky a proposition to accept. And  
7 even for those whose own and whose loved ones’ legal status is secure and well-  
8 documented, interacting with law enforcement may simply come to represent too great a  
9 likelihood of detention, and a humiliating and time-consuming investigation.

10 Even before SB 1070, the indignity of repeatedly being stopped by the  
11 police, questioned as a potential criminal, and in some cases searched and/or detained,  
12 already served to alienate members of the Latino community — including U.S.  
13 citizens — from law enforcement. *See, e.g.*, Public Safety Hearing, at 18 (statement of  
14 Antonio Ramirez, Community Advocate) (“These actions by the police in Frederick [to  
15 enforce federal immigration laws] have made even Latino *citizens* change the way we  
16 live to avoid being harassed. We avoid driving on certain roads that we know the police  
17 stake out. We avoid driving at all late at night, when it is too easy for the police to pick  
18 out the Latino drivers and make up a reason to pull us over.”); *see also* Anthony E.  
19 Mucchetti, *Driving While Brown: A Proposal for Ending Racial Profiling in Emerging*  
20 *Latino Communities*, 8 Harv. Latino L. Rev. 1, 18 (2005) (same). And according to a  
21 2008 National Survey of Latinos, only 45 percent of Latinos said they had a great deal or  
22 fair amount of confidence that police officers in their communities would treat Latinos  
23 fairly. *See* 2010 Pew Report, at 4. SB 1070 will further marginalize members of  
24 communities who already doubt that they will be treated fairly by the police.<sup>6</sup>

25  
26 <sup>6</sup> This concern 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 in the Hispanic community, and a two-point  
drop (out of ten points) 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>.

1           When victims and witnesses are too afraid to seek out and cooperate with  
2 law enforcement, public safety is at risk. *See* Public Safety Hearing, at 81-82 (statement  
3 of Hubert Williams, President, Police Foundation) (recommending that local law  
4 enforcement not engage in immigration enforcement activities that directly involve the  
5 public, such as requesting documentation in connection with traffic stops). Law  
6 enforcement agencies have recognized how critical it is to have the trust of the  
7 community. *See* Jack McDevitt et al., Ne. Univ. Institute on Race & Justice, *COPS*  
8 *Evaluation Brief No.1: Promoting Cooperative Strategies to Reduce Racial Profiling* 21  
9 (2008) (“Being viewed as fair and just is critical to successful policing in a  
10 democracy.”). Accordingly, many police departments have adopted “community based  
11 policing,” which requires police to interact with members of the community in order to  
12 forge trust and respect. Police Foundation Report, at 24. To encourage cooperation  
13 between the police department and the public, other locales have adopted policies similar  
14 to the Los Angeles Police Department’s Special Order No. 40, which prohibits police  
15 officers from “initiat[ing] police action with the objective of discovering the alien status  
16 of a person.” L.A. Police Dep’t, LAPD Manual Vol. 4 § 264.50, *available at*  
17 [http://www.lapdonline.org/lapd\\_manual/volume\\_4.htm#264.50](http://www.lapdonline.org/lapd_manual/volume_4.htm#264.50) (last visited June 18,  
18 2010); *see also* L.A. Police Dep’t, Chief of Police Special Order No. 40 (Nov. 27, 1979)  
19 (adopting policy located in LAPD Manual at Vol. 4 § 264.50 because “effective law  
20 enforcement depends on a high degree of cooperation between the Department and the  
21 public it serves”), *available at* [http://www.lapdonline.org/get\\_informed/pdf\\_view/44798](http://www.lapdonline.org/get_informed/pdf_view/44798).

22           SB 1070 will have precisely the opposite effect. Rather than encouraging  
23 cooperation between law-enforcement officers and the communities they serve, it will  
24 chill reporting by victims and collaboration with residents to end crime, and jeopardize  
25 the effectiveness of law enforcement’s efforts to keep Arizona safe. Not only will  
26 enforcement of SB 1070 harm communities already distrustful of law enforcement, it  
27 ultimately will threaten the public safety and well-being of all Arizona residents.  
28

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 groups termed "nativist extremist" by the Southern Poverty Law Center, i.e.,  
13 "organizations that go beyond mere advocacy of restrictive immigration policy to  
14 actually confront or harass suspected immigrants,"<sup>7</sup> has more than doubled, from 144  
15 groups in 2007 to 309 groups in 2009. Heidi Beirich, S. Poverty Law Ctr., *The Year in*  
16 *Nativism*, Intelligence Report, Spring 2010, available at [http://www.splcenter.org/get-](http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/spring/the-year-in-nativism)  
17 [informed/intelligence-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  
18 a climate, all minority groups need to be able to trust in law enforcement to ensure their  
19 safety.

20                   Members of minority communities (including communities defined by  
21 color, faith, and sexual orientation) are the disproportionate victims of hate crimes. They  
22 are also the most likely to bear the brunt of SB 1070 enforcement. For the reasons  
23 expressed in Section II.B.1 above, if SB 1070 takes effect it will be less likely that the  
24 victims of hate crimes will report those crimes to law enforcement.<sup>8</sup>

25 <sup>7</sup> 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").

<sup>8</sup> The danger of the underreporting of hate crimes exists for all minorities, not just ethnic minorities. For instance, law enforcement organizations have recognized that lesbian, gay, bisexual and transgender communities often are reluctant to report hate (continued...)

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

2           Defendants may argue that SB 1070 is about “illegal immigration,” not  
3 race or ethnicity, and they may point to statistics or anecdotes of crimes allegedly caused  
4 by individuals residing in the country illegally.<sup>9</sup> Indeed, anti-immigrant factions have  
5 associated immigrants with crime, filth, and other undesirable social characteristics  
6 throughout the history of this nation. *See, e.g.,* Peter Schrag, *Untangling Immigration’s*  
7 *Double Helix*, Wall St. J. (May 17, 2010), available at [http://online.wsj.com/article/](http://online.wsj.com/article/SB10001424052748703460404575244693157268432.html)  
8 [SB10001424052748703460404575244693157268432.html](http://online.wsj.com/article/SB10001424052748703460404575244693157268432.html) (“Cartoonists . . . had a field  
9 day drawing German and Irish immigrants as raucous drunks (you could tell them apart  
10 because the Germans had the beer steins and the Irish the whiskey bottles), Italians as  
11 Mafiosi and immigrant Jews as peddlers carrying sacks marked ‘Sabbath desecration.’”).  
12 The stated end of reducing crime, however, cannot justify the extraordinary and unjust  
13 means employed in SB 1070. Because the statute will likely lead a substantial portion of  
14 the population to avoid seeking help from or cooperating with law enforcement, SB 1070  
15 will have the perverse effect of further victimizing the victims of crime themselves.

16           Over the past 150 years, the courts have prevented the application of many  
17 statutes aimed at excluding certain minority groups from the benefits, rights, and  
18 liberties granted to those in the majority. In some cases, the statute in question  
19 effectively applied only to certain groups. *See, e.g., Oyama v. United States*, 332 U.S.  
20 633, 644 (1948) (refusing to apply California’s Alien Land Law, which essentially  
21 applied only to Japanese, to deprive American citizen of title to land solely because his

22 crimes to unsympathetic officials. *See King County Dep’t of Pub. Health, Safety and*  
23 *Hate Crimes*, Oct. 7, 2008, [http://www.kingcounty.gov/healthservices/health/](http://www.kingcounty.gov/healthservices/health/personal/glb/HateCrime.aspx)  
[personal/glb/HateCrime.aspx](http://www.kingcounty.gov/healthservices/health/personal/glb/HateCrime.aspx).

24           Statistical data suggests otherwise. *See, e.g.,* Nicholas Riccardi, *Both Sides in*  
25 *Arizona’s Immigration Debate Use Crime Argument*, L.A. Times, May 3, 2010,  
26 available at [http://articles.latimes.com/2010/may/03/nation/la-na-arizona-crime-](http://articles.latimes.com/2010/may/03/nation/la-na-arizona-crime-20100503)  
27 [20100503](http://articles.latimes.com/2010/may/03/nation/la-na-arizona-crime-20100503) (“[B]oth sides, whether for or against increased immigration, agree that  
28 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.”).

1 father was Japanese); *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S.  
2 520, 525, 534 (1993) (holding that, although city’s “animal sacrifice” ordinance  
3 appeared facially neutral, ordinance was intended to suppress central element of Santeria  
4 religion in violation of First Amendment). In others, a facially neutral statute was  
5 discriminatorily applied. *See, e.g., Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886)  
6 (holding that facially neutral local ordinance requiring laundry operators to obtain  
7 permits from San Francisco Board of Supervisors was nevertheless unconstitutional as  
8 applied because Board of Supervisors had denied the permit requests of more than 200  
9 Chinese applicants, and granted permits to 80 similarly situated non-Chinese applicants).

10           The laws at issue in these cases reflect specific moments in our nation’s  
11 history when sentiment against particular races, religions, or ethnicities resulted in  
12 legislation that, although neutrally worded, disproportionately and unfairly harmed  
13 members of those communities. Similarly, SB 1070 does not, by its terms, single out  
14 any particular race or ethnicity. Yet the day-to-day indignities of detention,  
15 interrogation, and arrest authorized under SB 1070 will be disproportionately inflicted  
16 upon Latinos, Asian Americans, English-language learners, and others who simply look  
17 different or speak differently — U.S. citizens, legal residents, tourists, and  
18 undocumented workers alike. The enforcement of SB 1070 is anathema to our country’s  
19 founding principles of equality and certain inalienable rights.

### 20 **III. CONCLUSION**

21           If enforced, SB 1070 will lead to state-sponsored discrimination against  
22 certain targeted groups. This is wrong. It is un-American. And it will chill cooperation  
23 with Arizona law enforcement, thereby threatening public safety. For these reasons,  
24 amici curiae support Plaintiffs’ Motion for a Preliminary Injunction.

25           **Respectfully submitted:**

26  
27 DATED: July 14, 2010

s/ Wendy L. Feng

28  
COVINGTON & BURLING LLP  
Attorneys for Amici Curiae  
identified in Appendix

1 **Appendix of Amici Curiae**

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

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

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

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

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

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

28

1                   **The Arizona Opportunities Industrialization Center (“Arizona OIC”)**  
2 was founded in April 1967, as a private, nonprofit, community-based organization,  
3 designed to address the critical employability needs of Phoenix’s economically  
4 disadvantaged and ethnic minority citizens. Since 1967, Arizona OIC has served over  
5 50,000 individuals and placed more than 30,000 workers in meaningful jobs. The clients  
6 of Arizona OIC are economically disadvantaged and face significant barriers to  
7 employment. Within this population, Arizona OIC services all segments: those with  
8 limited English proficiency, school dropouts, teenage parents, ex-offenders, the disabled,  
9 dislocated workers, the homeless, and displaced homemakers. Many of Arizona’s OIC’s  
10 clients would likely be the subject of police inquiry if SB1070 is enforced.

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

18                   Founded in 1972, the **Asian Law Caucus** is a nonprofit organization  
19 advancing the legal and civil rights of Asian American and Pacific Islander  
20 communities. It is the nation’s oldest legal organization serving Asian Americans and is  
21 dedicated to the pursuit of equality and justice for all sectors of society. The Asian Law  
22 Caucus advocates for the full and equal integration of immigrant communities in a  
23 variety of contexts and focus particularly on the needs of Asian and Pacific Islander  
24 immigrants.

25                   **BPSOS, Inc. (formerly Boat People S.O.S.)**, headquartered in Falls  
26 Church, Virginia, is a national Vietnamese-American community-based organization  
27 with 18 branch offices nationwide. Its mission is to empower, organize, and equip  
28 Vietnamese individuals and communities in their pursuit of liberty and dignity. BPSOS

1 has a particular interest in ensuring that SB 1070 is never enforced because it potentially  
2 subjects Vietnamese Americans to harassment due to their appearance, behavior or  
3 culture. This would undermine the Vietnamese American community's trust in law  
4 enforcement and leave many reluctant to report crimes within their own neighborhoods.

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

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

26           **The Coalition for Humane Immigrant Rights of Los Angeles**  
27 **(“CHIRLA”)** is a membership-based non-partisan, nonprofit organization located in Los  
28 Angeles, California. CHIRLA's mission is to work for and empower its membership

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

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

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

1           The **Hebrew Immigrant Aid Society (“HIAS”)** has been the international  
2 migration arm of the American Jewish community for over 125 years. HIAS has helped  
3 over 4.5 million refugees and other vulnerable migrants by providing overseas assistance  
4 and resettlement services in communities nationwide, as well as by representing  
5 immigrants in their applications for asylum, adjustment of status, and citizenship before  
6 the U.S. government. Particularly in light of the mandate set forth in the Torah to  
7 “welcome the stranger” as well as the history of persecution and extermination of Jews,  
8 HIAS has a strong interest in seeing that SB 1070 is enjoined.

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

24           The **Illinois Coalition for Immigrant and Refugee Rights (“ICIRR”)** is  
25 dedicated to promoting the rights of immigrants and refugees to full and equal  
26 participation in the civic, cultural, social, and political life of our diverse society. In  
27 partnership with its member organizations, ICIRR educates and organizes immigrant and  
28 refugee communities to assert their rights; promotes citizenship and civic participation;

1 monitors, analyzes, and advocates on immigrant-related issues; and, informs the general  
2 public about the contributions of immigrants and refugees. ICIRR believes that  
3 Arizona's SB 1070 openly discriminates against immigrants, their families, and other  
4 individuals who may appear to be immigrants, and supports efforts to stop the  
5 enforcement of this law and the enactment of similar laws throughout the country.

6 **Lambda Legal Defense and Education Fund, Inc. ("Lambda Legal")** is  
7 the oldest and largest national legal organization dedicated to securing full civil rights  
8 for lesbian, gay, bisexual and transgender ("LGBT") people and those with HIV.  
9 Through its Proyecto Igualdad, Lambda Legal serves Spanish speakers and engages  
10 Latino/ Hispanic communities in the United States. Because SB 1070 unavoidably will  
11 cause local authorities to investigate disproportionately the immigration status of those  
12 perceived as different in suspect ways, the law poses a magnified threat to LGBT people  
13 of color, and especially LGBT immigrants of color, many of whom already experience  
14 heightened hostility, harassment and even violence based on others' views of their  
15 appearance, mannerisms, manner of speaking and other traits. Such wrongful treatment  
16 too often occurs at the hands of local officials who lack basic understanding of human  
17 diversity regarding sexual orientation and gender identity. SB 1070 will exacerbate the  
18 fear and distrust that dissuade many already marginalized LGBT people of color from  
19 seeking protection from, and offering to assist, our law-enforcement systems.

20 **The Lawyers' Committee for Civil Rights of the San Francisco Bay**  
21 **Area ("Lawyers' Committee")** is a civil rights and legal services organization devoted  
22 to advancing the rights of people of color, low-income individuals, immigrants and  
23 refugees, women, children, and other underrepresented persons. The Lawyers'  
24 Committee is affiliated with the Lawyers' Committee for Civil Rights Under Law in  
25 Washington, D.C., which was created at the behest of President John Kennedy in 1963.  
26 In 1968, the Lawyers' Committee was established by leading members of the private bar  
27 in San Francisco. Through its Immigrant and Refugee Rights Project, the Lawyers'  
28 Committee has litigated scores of major class actions implicating the constitutional

1 rights of immigrants and refugees, including a successful challenge to Proposition 187, a  
2 California law similar to SB 1070. The Lawyers' Committee has a profound interest in  
3 protecting the constitutional rights of noncitizens in this country.

4           The **League of Women Voters of the United States** is a nonpartisan,  
5 community-based civic organization that encourages the informed and active  
6 participation of citizens in government and influences public policy through education  
7 and advocacy. Founded in 1920 as an outgrowth of the struggle to win voting rights for  
8 women, it is organized in more than 825 communities and in every State, with more than  
9 150,000 members and supporters nationwide. The **League of Women Voters of**  
10 **Arizona**, with 700 members grouped into seven local organizations, is affiliated with,  
11 but separately incorporated from, the League of Women Voters of the United States.  
12 Both organizations have long worked to protect civil rights under the Constitution,  
13 believing that no person or group should suffer legal, economic or administrative  
14 discrimination.

15           **Muslim Advocates** is a nonprofit, educational, charitable entity dedicated  
16 to promoting and protecting freedom, justice, and equality for all, regardless of faith, by  
17 using the tools of legal advocacy, policy engagement, and education. Founded in 2005,  
18 Muslim Advocates is a sister entity to the National Association of Muslim Lawyers, a  
19 network of Muslim American legal professionals. Muslim Advocates seeks to protect  
20 the founding values of this nation and believes this country can be safe and secure  
21 without sacrificing constitutional rights and protections. In pursuit of this goal, Muslim  
22 Advocates works to end discriminatory government policies and practices, such as SB  
23 1070, that are contrary to this nation's promise of equal protection and equal justice  
24 under the law.

25           The **Muslim Public Affairs Council ("MPAC")** is an American  
26 institution which informs and shapes public opinion and policy by serving as a trusted  
27 resource to decision makers in government, media and policy institutions. MPAC is also  
28 committed to developing leaders with the purpose of enhancing the political and civic

1 participation of American Muslims. MPAC believes it is unjust for any group or  
2 community to be discriminated against or have their civil liberties violated. It is  
3 important for America to preserve trust between communities and law enforcement,  
4 which is critical to enhance public safety and national security. Laws such as SB1070  
5 will only increase and invite discriminatory treatment by law enforcement officers and  
6 will weaken the trust between communities and law enforcement.

7           The **National Asian Pacific American Bar Association** (“**NAPABA**”) is  
8 the national association of Asian Pacific American attorneys, judges, law professors, and  
9 law students. NAPABA represents the interests of over 40,000 attorneys and 63 local  
10 Asian Pacific American bar associations. NAPABA’s members include solo  
11 practitioners, large firm lawyers, corporate counsel, legal service and nonprofit  
12 attorneys, and lawyers serving at all levels of government. Since its inception in 1988,  
13 NAPABA has served as the national voice for Asian Pacific Americans in the legal  
14 profession and has promoted justice, equity and opportunity for Asian Pacific  
15 Americans. NAPABA engages in civil rights advocacy on various fronts and has a  
16 particular interest in ensuring that SB1070 is not enforced because individuals should not  
17 be subjected to heightened police scrutiny and should not be burdened with a  
18 presumption of illegality on the basis of their perceived “foreignness” in appearance.

19           The **National Black Law Students Association** (“**NBLSA**”) is a  
20 501(c)(3) corporation and the nation’s largest student-run organization, representing  
21 nearly 6,000 minority law students from over 200 chapters and affiliates throughout the  
22 United States and six other countries. Founded in 1968, NBLSA was created and  
23 designed to advocate for changes within the legal system that will make it more  
24 responsive to the needs and concerns of the Black community. Enforcement of SB 1070  
25 threatens harm to all communities of color in Arizona, including the Black community.

26           The **National Center for Lesbian Rights** (“**NCLR**”) is a national legal  
27 organization committed to advancing the civil and human rights of LGBT people and  
28 their families through litigation, public policy advocacy, and public education. In 1994,

1 NCLR became the first national LGBT legal organization to establish a project dedicated  
2 to immigration issues. Since that time, NCLR's Immigration Project has made  
3 significant legal and policy gains for LGBT immigrants and has provided free legal  
4 assistance to thousands of LGBT immigrants nationwide. NCLR has argued on behalf  
5 of numerous LGBT applicants for asylum and has published a comprehensive study on  
6 the outcomes of lesbian asylum claims. LGBT people face oppression and  
7 marginalization based on race, ethnicity, immigration status, class, gender identity, age,  
8 or disability. NCLR's work is grounded in the recognition that full equality for the  
9 LGBT community can only come about through working for the just treatment of all  
10 people.

11 **The National Immigration Project of the National Lawyers Guild**

12 (“**National Immigration Project**”) is a nonprofit membership organization of  
13 immigration attorneys, legal workers, grassroots advocates, and others working to  
14 defend immigrants' rights and to secure a fair administration of the immigration and  
15 nationality laws. The National Immigration Project regularly authors and presents public  
16 education materials for communities affected by heightened immigration enforcement  
17 efforts. The National Immigration Project routinely participates as amicus curiae in  
18 cases before the federal courts that impact the constitutional, statutory, and regulatory  
19 rights of noncitizens.

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

21 (“**NAKASEC**”) is a dynamic grassroots-based organization founded in 1994 to advance  
22 a progressive voice and promote the full participation of Korean Americans within a  
23 diverse, national social justice movement. Based in Los Angeles with a D.C. branch  
24 office, NAKASEC also has affiliates in Los Angeles (The Korean Resource Center) and  
25 in Chicago (The Korean American Resource & Cultural Center). For more than a  
26 decade, NAKASEC and affiliates have conducted campaigns, programs, policy  
27 advocacy, and community education on the importance of protecting and advancing the  
28 rights of immigrants. Korean Americans now number over 1.5 million, of which more

1 than 65 percent are immigrants, and are thus directly impacted by policies related to  
2 immigrants and immigration reform. Roughly 30,000 Korean Americans live and work  
3 in Arizona according to community reports. Communities have been devastated by  
4 current immigration reform policies including the separation of families and young  
5 children. As an ethnic minority group, the Korean American community fears that  
6 passage of SB 1070 will legalize discriminatory treatment against Korean Americans.

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

8 (“**NOMAR, Inc.**”) is a national nonprofit organization established for the purpose of  
9 promoting and defending the civil rights of Americans of Hispanic origin and their right  
10 to equal employment and educational opportunities. It is also the mission of this  
11 organization to defend and protect the civil rights of Hispanic Americans to ensure that  
12 they are afforded all of the rights provided by the Constitution and the Bill of Rights of  
13 the United States of America. NOMAR, Inc. is concerned that the potential for civil  
14 rights violations will occur based on the recently passed Arizona law SB 1070. It  
15 appears evident that Hispanics will be at significant risk for harassment based solely on  
16 their skin color and the perceived notion that all Hispanics are potentially “illegal  
17 aliens.” The purported intent of the law is to stem the flow of unauthorized immigration  
18 from Mexico; thus, the logical conclusion is that the overwhelming number of stops for  
19 suspicious activity will be Hispanics, whether undocumented immigrants or U.S.  
20 citizens.

21 **The New York Immigration Coalition (“NYIC”)** is a 501(c)(3) nonprofit  
22 organization that serves as an umbrella policy and advocacy organization for  
23 approximately 175 immigrant serving groups throughout New York State. The mission  
24 of the NYIC is to achieve a fairer and more just society that values the contributions of  
25 immigrants and extends opportunity to all. With its multi-ethnic, multi-racial, and multi-  
26 sector base, the NYIC provides both a forum for immigrant groups to share their  
27 concerns and a vehicle for collective action to bring about positive social change locally  
28 and nationally. We believe that the enforcement of laws like SB 1070 in Arizona will

1 result in discrimination against communities of color and will cause people in those  
2 communities to fear seeking assistance of law enforcement in case they become victims  
3 of crime or are witnesses of crime.

4 **OneAmerica's** mission is to advance the fundamental principles of  
5 democracy and justice at the local, state, and national levels by building power within  
6 immigrant communities in collaboration with key allies. Formed directly after  
7 September 11, 2001 in response to hate crimes and discrimination targeting Arabs,  
8 Muslims, and South Asians, OneAmerica has now grown into a leading force for  
9 immigrant, civil and human rights. OneAmerica has consistently fought to maintain the  
10 longstanding barrier between federal enforcement of immigration laws and local  
11 enforcement of criminal laws because — according to law enforcement officials and  
12 community members alike — the most effective means of keeping communities safe is  
13 to ensure trusting relationships with those communities. OneAmerica believes SB 1070  
14 will lead to the destruction of trust between law enforcement and communities that will  
15 threaten public safety.

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

25 The mission of **Progressive Jewish Alliance (“PJA”)** is to engage Jews of  
26 diverse backgrounds to learn, lead, and act to create a more just and equal society.  
27 PJA's vision of social transformation is rooted in Jewish values and realized through  
28 partnership with local and national allies. PJA has fought for economic justice by

1 standing with disenfranchised and marginalized communities and by organizing the  
2 Jewish community to join in campaigns to improve working conditions and secure basic  
3 rights for low-wage workers. PJA believes Jews have a deep lived history of migration  
4 and that the Torah commands to “honor the stranger, for [we] were strangers in the land  
5 of Egypt.” This migratory history commands the recognition of the humanity of  
6 migrants, the underlying reasons for their migration, and the perils of persecution created  
7 by SB 1070.

8           **Public Counsel** is the public interest law office of the Los Angeles County  
9 and Beverly Hills Bar Associations and the Southern California affiliate of the Lawyers’  
10 Committee for Civil Rights Under Law. Established in 1970, Public Counsel is  
11 dedicated to advancing equal justice under law by delivering free legal and social  
12 services to indigent and underrepresented children, adults, and families throughout Los  
13 Angeles County, ensuring that other community-based organizations serving this  
14 population have legal support, and mobilizing the pro bono resources of attorneys, law  
15 students, and other professionals. Public Counsel’s Immigrants’ Right Project has broad  
16 expertise in federal immigration issues based on its work representing immigrants before  
17 U.S. Citizenship and Immigration Services, the Executive Office for Immigration  
18 Review and the federal courts. Public Counsel also conducts legal rights presentations to  
19 immigrants detained by Immigration and Customs Enforcement (“ICE”) in Santa Ana,  
20 California and provides legal representation to ICE detainees.

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

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

13           The **Southern Center for Human Rights (“the Center”)** is a nonprofit,  
14 public interest organization that provides legal representation to people facing the death  
15 penalty, challenges human rights violations in prisons and jails, seeks through litigation  
16 and advocacy to improve legal representation for poor people accused of crimes, and  
17 advocates for criminal justice system reforms on behalf of those affected by the system  
18 in the Southern United States. SB 1070 will inevitably lead to discriminatory treatment  
19 by law enforcement and will exacerbate the harmful effects of a criminal justice system  
20 that already unfairly targets communities of color. The Center has an interest in  
21 ensuring that similar legislation is not replicated in the Southern states.

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2010, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants:

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