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**U.S. SUPREME COURT REAFFIRMS THE FEDERAL GOVERNMENT'S AUTHORITY IN
ARIZONA SB 1070 CASE**

Arizona Law Held Unconstitutional; Court Fails To Strike Down Controversial Racial Profiling Provision

WASHINGTON – Today, the U.S. Supreme Court invalidated critical provisions of the Arizona anti-immigration law, S.B. 1070, holding that those provisions are pre-empted by federal law. The Court, however, upheld the controversial provision which has led to racial profiling in other states that have enacted similar provisions. As a result of the Supreme Court's ruling, local law enforcement officers can no longer criminalize failure to carry immigration registration documents or conduct warrantless arrests—but they can still use the mandate to target individuals based on their appearance and speech if the officers believe that a suspect is in the country illegally. The racial profiling provisions will not go into effect until the lower courts apply the Court's ruling.

“We are pleased that the U.S. Supreme Court reaffirmed the long standing view that the federal government has the ultimate authority on immigration,” said Jessica Chia, staff attorney at the Asian American Justice Center and counsel in the *Friendly House* litigation. “However, the Court's decision to uphold racial profiling is deeply troubling and we have grave concerns about how this provision will be implemented, what constitutes ‘reasonable suspicion,’ and how officers will be able to enforce this provision without discriminating against individuals based on appearance or speech.”

Two members of the Asian American Center for Advancing Justice (Advancing Justice)—Asian Pacific American Legal Center (APALC) and Asian American Justice Center (AAJC)—are co-counsel with a coalition of civil rights groups in a separate lawsuit—*Friendly House v. Whiting, et al.*—that challenged S.B. 1070 because it violates many constitutional rights, including the right to be treated equally regardless of race.

One of the *Friendly House* plaintiffs is Jim Shee, a U.S. citizen of Spanish and Chinese descent. In April 2010, the month S.B. 1070 passed, Shee was stopped twice by local law enforcement and asked to produce his identification documents. As a result, he now carries his passport with him at all times in case he is again pulled over and required to prove his right to be in his own country and state. Shee, who was born and raised in Arizona, became one of the plaintiffs in the *Friendly House* case to attempt to stop this degrading treatment of the state's immigrant and racial minority communities.

“Our client Jim Shee's experiences show that Arizona's law can harm citizens and non-citizens alike, and allows local law enforcement to unfairly target individuals from communities of color. It is now more

important than ever that we stand in solidarity to fully dismantle this fundamentally discriminatory legislation,” said Laboni Hoq, litigation director at the Asian Pacific American Legal Center and counsel in the *Friendly House* litigation.

The political space for laws like S.B. 1070 is being created by the absence of federal action to overhaul our immigration system. Local police should not be entangled with federal civil immigration enforcement, and a patchwork of state laws is not the answer. In California, the TRUST Act will provide a bright-line rule that separates ICE from local law enforcement. In addition, Advancing Justice supports comprehensive immigration reform that would include easing the backlogs for family immigration, strengthening due process protections for immigrants, and providing a fair path to citizenship for undocumented immigrants.

“Upholding the narrowest provisions of S.B. 1070 adversely impacts our communities of color. Sanctioning local and state law enforcement to target a person based solely on their ethnicity is inherently unconstitutional and fundamentally contrary to the ideals of our nation,” said Reena Arya, staff attorney at the Asian Law Caucus. “The California TRUST Act is a viable alternative for states who wish to send a clear message about the rights of immigrants.”

“Laws similar to S.B. 1070 set the immigration debate back in a way that is unproductive and discouraging. We believe in a policy that values the fundamental American principles of justice and equality,” added Tuyet Le, executive director of the Asian American Institute.

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The Asian American Center for Advancing Justice (www.advancingjustice.org) is comprised of the Asian American Justice Center in Washington, DC(www.advancingequality.org), the Asian American Institute in Chicago (www.aaichicago.org), the Asian Law Caucus (www.asianlawcaucus.org) in San Francisco and the Asian Pacific American Legal Center (www.apalc.org) in Los Angeles. The mission of the Asian American Center for Advancing Justice is to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities.