ASIAN AMERICAN CENTER FOR ADVANCING JUSTICE URGES THE UNITED STATES SUPREME COURT TO HOLD ARIZONA’S SB 1070 UNCONSTITUTIONAL

WASHINGTON — The United States Supreme Court today heard arguments from the U.S. Department of Justice’s (DOJ) legal challenge to Arizona’s sweeping anti-immigrant law S.B. 1070, which requires state and local law enforcement officers to detain and investigate residents based on the suspicion that they are undocumented. It also purports to authorize state and local law enforcement officers to make warrantless arrests for alleged violations of immigration laws independent of federal authority to do so.

Members of the Asian American Center for Advancing Justice (Advancing Justice)—Asian Pacific American Legal Center (APALC) and Asian American Justice Center (AAJC)—filed an amicus brief in support of the DOJ urging the Court to find that S.B. 1070 is unconstitutional because it violates the U.S. Constitution’s supremacy clause. At oral argument, the DOJ argued that states cannot create their own immigration laws and make unilateral decisions about enforcement of existing immigration laws because under the U.S. Constitution the federal government has exclusive power and authority over immigration matters.

APALC and AAJC are part of a broad coalition of civil rights groups that filed Friendly House v. Whiting, a class action lawsuit challenging S.B. 1070 on behalf of individuals and organizations that are directly harmed by the law. In the Friendly House action currently pending in Arizona district court, civil rights groups have sought to stop implementation of S.B. 1070 because it would result in racial profiling and the violation of our communities’ civil and constitutional rights.

“APALC is part of the civil rights challenge to S.B. 1070 because the law would result in widespread discrimination and harm to all of our communities, including Asian Americans, Pacific Islanders, Latinos and other communities of color,” said Yungsuhn Park, senior staff attorney at APALC.

S.B. 1070 has already subjected Asian Americans and other racial minorities to discrimination and racial profiling. For example, Friendly House plaintiff Jim Shee, a U.S. citizen of Spanish and Chinese descent, was stopped twice by local law enforcement and asked to produce his identification documents in April 2010, when the Arizona law was passed.

“I’m part of this lawsuit because racial profiling is wrong and I don’t think that people should be targeted, pulled over and questioned because of the color of their skin,” said Shee, a lifelong resident of Arizona.

S.B. 1070 violates the Constitution, encourages racial profiling and threatens public safety by diverting scarce law enforcement resources and discouraging crime reporting by immigrant victims and witnesses.
“Our country is in need of immigration reform, but a patchwork of 50 state laws is not the solution,” said Jessica Chia, staff attorney at AAJC. “We call on Congress to pass comprehensive immigration reform and the Supreme Court to prevent states from enacting discriminatory laws like S.B. 1070.”

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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.