

Texas Cities Join Others in Brief Opposing Arizona Law

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The city of Austin didn't like Arizona's controversial immigration-enforcement law — SB1070 — when it first passed in 2010, and it still doesn't like the measure today as the U.S. Supreme Court prepares to hear arguments for and against it.

In 2010, the city of Austin quickly passed a resolution that urged city departments to sever ties with businesses in that state.

Council members said then they wanted to send a message that they opposed racial discrimination of any kind, and they didn't want to risk subjecting city employees to "unfounded detentions while on official city business" in Arizona.

Now, Austin — along with the city of Laredo and Dallas County — is again expressing dismay over the measure in an amicus brief with the U.S. Supreme Court. Oral arguments in the case are scheduled for April 25.

Meanwhile, a leading immigration-policy think tank has issued a report stating that if the justices rule in Arizona's favor, individuals may still bring additional legal claims to halt the policy depending on how it is enforced.

The court will review four provisions of the Arizona law, which has been enjoined by a federal district court. They include a requirement that police officers attempt to determine the immigration status of a person stopped if they suspect the person is in the country illegally; a requirement that immigrants register with the federal government and carry a registration card with them; a provision that makes it a crime for an unauthorized immigrant to work, apply for work or solicit work; and a provision that allows officers to arrest immigrants without a warrant if probable cause exists that they have committed a deportable offense.

The amicus brief, joined by 41 cities, the United States Conference of Mayors and the National League of Cities, argues that the law, and others like it, open the door for racial profiling and adversely affect community policing efforts.

"Such distrust will have long-term deleterious effects on the ability of local governments nationwide to protect the health and safety of all residents within their jurisdictions," the brief explains.

Lars Etzkorn, the NLC's program director, said the intent was to focus on the potential to erode confidence in local law enforcement instead of the issue of pre-emption — whether states can issue immigration laws that supersede federal ones. But legal experts say the case could come down to whether the justices believe the state is trying to enforce laws that are strictly within the purview of the federal government.

"This [brief] was bringing it down from 30,000 feet and really talking about the bind that this places local law enforcement officials in," he said. "It makes it very difficult for them to do their primary job."

Amicus briefs are common and the consideration they are given by the justices varies greatly, but Meitra Farhadi, the assistant city attorney for the city of Austin, said she was confident that theirs would be taken seriously. The immigration laws states have adopted would directly affect many of those who have signed on.

"In my opinion, the more parties that sign on, the more weight that it's given," she said. "And there

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are quite a few governmental entities in addition to individual cities and counties."

The Consequences

In a report issued Tuesday, the Immigration Policy Center, which promotes "a rational conversation" on issues relating to immigration, explains that several options remain after the justices hear arguments in the case.

Because Justice Elena Kagan will not participate in the decision due to her former position as President Obama's solicitor general, the court could be split evenly. The center explains that if that happens, the lower court's ruling would stand and no opinion would be issued. The lower courts could continue to debate similar laws passed in other states, unless the Supreme Court agrees to hear another case and make a ruling on it.

If the court rules against Arizona's law, a permanent injunction will likely be issued, but the state's legislature could modify the law to comply with the court's decision. Even if the court upholds the law and lifts the injunction, the center explains that individuals could still file legal challenges to other parts of the law and its implementation.

Additionally, if the court doesn't find the law unconstitutional, Congress could override the court's decision by enacting new laws or amending existing ones so that would SB 1070 could legally stand.

The Arizona case is the last one on the high court's schedule for the current term, and a decision will likely be issued in June.

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