

# Q&A GUIDE TO *ARIZONA V. UNITED STATES*

WHAT YOU NEED TO KNOW ABOUT  
THE SUPREME COURT CASE  
OVER SB 1070

**By Ben Winograd**

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### **ABOUT SPECIAL REPORTS ON IMMIGRATION**

The Immigration Policy Center's Special Reports are our most in-depth publication, providing detailed analyses of special topics in U.S. immigration policy.

### **ABOUT THE AUTHOR**

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## THE BASICS

### Q: Why do I need this guide?

The Supreme Court will soon hear arguments in *Arizona v. United States*, a dispute over the legality of the immigration law known as “SB 1070.” More than any matter in recent history, the case involves a range of important questions regarding the role that states may play in the enforcement of federal immigration law. The Court’s decision will likely affect not only the future of SB 1070, but the fate of other state immigration laws being challenged in court and the odds of similar laws being passed around the country.

This guide provides brief answers to common questions about *Arizona v. United States*, including how the litigation began, what the contested provisions do and do not say, and what arguments have been raised by each side. As the Supreme Court considers the case, knowing the facts and legal arguments will prove critically important in furthering a rational discussion about the implications of the Court’s decision.

### Q: What is SB 1070?

SB 1070 is the legislative name of the “Support Our Law Enforcement and Safe Neighborhoods Act,” an immigration enforcement law enacted by the state of Arizona in April 2010.<sup>1</sup> According to the statement of legislative intent, the law was designed to make “attrition through enforcement” the official policy of all state and local agencies in Arizona. Attrition through enforcement is a strategy promoted by individuals and organizations—including Kansas Secretary of State Kris Kobach and the Federation for American Immigration Reform (FAIR)—who believe that aggressive enforcement of the immigration laws will make life so difficult for unauthorized immigrants that they will choose to “self-deport.” Following the passage of SB 1070, numerous other states—including Alabama, Georgia, Indiana, South Carolina, and Utah—passed legislation with similar provisions.<sup>2</sup>

### Q: How did the suit against Arizona reach the Supreme Court?

Soon after Arizona Gov. Jan Brewer signed SB 1070 into law, the Obama administration [filed suit](#) alleging its provisions could not be enforced because they were inconsistent with—and were therefore “preempted” by—federal immigration law. (See page 4 for a more detailed discussion of the legal theory of “preemption.”) In July 2010, a federal district judge in Phoenix entered a [preliminary injunction](#) against four of the law’s provisions while permitting others to go into effect.<sup>3</sup> The following April, a federal appeals court in San Francisco [upheld](#) the injunction,<sup>4</sup> causing Arizona to file a [petition](#) with the Supreme Court. The Court granted the petition on December 9, 2011.

The legality of SB 1070 has also been challenged by numerous private plaintiffs and organizations, including the American Civil Liberties Union and the National Immigration Law Center. Those cases remain pending before the lower courts, however, and the merits of the private parties’ suits are not before the Supreme Court.

**Q: Why were parts of SB 1070 blocked before even taking effect?**

When a state passes a law, private parties and/or the federal government may sue in court to prevent it from being enforced. To preserve the status quo while the case is pending, judges may issue a preliminary injunction that temporarily halts enforcement of the law until a final ruling is made. Obtaining a preliminary injunction is very difficult, however, because plaintiffs must show that they are likely to prevail on the merits *and* that they will suffer irreversible harm if the law takes effect. In the Obama administration's suit against SB 1070, a district judge in Phoenix preliminarily enjoined four provisions but allowed others to go into effect.

**Q: When will the case be argued and decided by the Supreme Court?**

Oral arguments before the Supreme Court will take place on Wednesday, April 25, 2012. The Supreme Court does not announce in advance when a decision will be issued, but customarily releases all opinions by the end of June. Because the case will be the last argued during the current term, a ruling is unlikely to be issued before late June—unless the Justices divide 4-4, in which case the outcome will be announced within days of the vote.

**Q: Who will argue the case at the Supreme Court?**

Arizona will argue in favor of SB 1070 and the United States will argue against it. Arizona will be represented by Paul Clement, an attorney in private practice who served as Solicitor General of the United States during the most recent Bush administration. Clement, who clerked for Justice Antonin Scalia after finishing law school, has argued 56 times at the Supreme Court. The United States will be represented by Donald Verrilli, Jr., who succeeded Elena Kagan as Solicitor General after her appointment to the Supreme Court. Verrilli, who clerked for Justice William Brennan after finishing law school, has argued 19 times at the Court.

**Q: Why did Justice Kagan recuse herself from the case?**

When the Supreme Court announced it would hear the case, it revealed that Justice Kagan would not take part in the decision. While no specific reason was given, it is fair to assume she participated in internal discussions about the lawsuit while serving in the Obama administration.

**Q: What outside parties are supporting and opposing Arizona?**

In addition to briefs from the parties themselves, the Supreme Court frequently receives “amicus” (friend of the court) briefs from outside individuals and organizations wishing to share their views of the case. Those who filed briefs supporting Arizona's position on SB 1070 include 16 states and 56 Republican members of Congress. Those who filed briefs opposing Arizona's position include 11 states; 68 Democratic members of Congress; two Commissioners of the former Immigration and Naturalization Service; three former Cabinet

members; 17 foreign countries; and more than 40 U.S. cities and counties. A list of all outside parties who joined an amicus brief is in the appendix.

**Q: Why did the Obama administration sue Arizona but not states that have policies limiting information sharing between state and local police and federal immigration agencies?**

The Obama administration sued Arizona because it believed the provisions of SB 1070 were inconsistent with federal law, and because the Supreme Court has previously struck down similar state measures. The administration has not brought suit against any so-called “sanctuary” cities because community policing policies that forbid questioning individuals about their immigration status do not violate federal law.<sup>5</sup> In fact, the Supreme Court has specifically held that the Constitution forbids the federal government from requiring municipalities to assist in the enforcement of federal law.<sup>6</sup>

## THE DETAILS

### **Q: Why did the Supreme Court agree to hear the case?**

The Supreme Court receives thousands of petitions every year, but does not explain why it accepts the few cases it decides to hear. According to Supreme Court rules, however, the Justices agree to hear cases in only two circumstances: (1) where the decision under review conflicts with that of other appellate courts or a prior decision of the Supreme Court, or (2) where the decision under review involves “an important question of federal law that has not been, but should be, settled by [the Supreme] Court.”<sup>7</sup> In the case of SB 1070, part of the Ninth Circuit’s decision was alleged to conflict with that of another federal court. In addition, the Supreme Court may have agreed to review the case due to the importance of the issues involved and the amount of litigation stemming from copycat legislation in other states.

### **Q: What is “preemption”?**

“Preemption” is the legal principle whereby federal laws take precedence over conflicting state laws. It is why states cannot pass less stringent environmental protections than the federal government, or set a minimum wage below that established by Congress. The concept of preemption comes from the Constitution, which says that federal statutes are the “supreme” law of the land.<sup>8</sup> However, simply because a state law is “preempted” by federal law does not mean it violates the Constitution itself. It simply means that it conflicts with existing federal statutes, which Congress may subsequently change. As presented to the Supreme Court, the question in *Arizona v. United States* is not whether various provisions of SB 1070 violate the Constitution, but whether they are “preempted” by existing federal immigration laws.

### **Q: From a legal perspective, does it matter that Arizona is along the border?**

No. Some have argued that Arizona should have greater leeway to enact immigration-related measures by virtue of its status as a border state. In fact, an [amicus brief](#) filed in support of Arizona says the state has been legally “invaded” by Mexican immigrants and is therefore authorized under the Constitution to wage war against them.<sup>9</sup> However, Arizona’s status as a border state is not legally relevant to the case. The question facing the Supreme Court is not whether Arizona alone can enact a law like SB 1070, but whether *any* state can enact such a law. Though the problems facing Arizona are important from a policy perspective, they are not relevant to the preemption analysis.

### **Q: Which provisions of SB 1070 will the Supreme Court consider?**

The Supreme Court will not rule on the entirety of SB 1070; it will only consider the provisions of SB 1070 temporarily enjoined by the federal district court in Phoenix.

- **Section 2(B)** *requires* state and local police officers to attempt to determine the immigration status of any person stopped under state or local law if “**reasonable suspicion**” exists that the person is unlawfully present in the United States. (Note: “reasonable suspicion” means having a valid reason to suspect unlawful activity, but not enough evidence to make an arrest.) This section also requires state and local authorities to determine the immigration status of any person placed under arrest, regardless of whether the person is suspected of being in the country unlawfully.
- **Section 3** makes it a crime under Arizona law for unauthorized immigrants to violate the provisions of federal law requiring them to apply for “**registration**” with the federal government and to carry a registration card if one has been issued to them. Violations of this provision are punishable by up to 20 days in jail for a first violation and 30 days in jail for subsequent violations.
- **Section 5(C)** makes it a crime under Arizona law for immigrants who are not authorized to work in the United States to apply for work, solicit work in a public place, or perform work within the state’s borders. The term “**solicit**” means any form of communication, including a gesture or nod, indicating that a person is willing to be employed. Violations of this provision are punishable by up to six months in jail and a \$2,500 fine.
- **Section 6** authorizes state and local police officers to arrest immigrants without a warrant where “**probable cause**” exists that they committed a public offense making them removable from the United States. (Note: “probable cause” means having enough evidence of unlawful activity to obtain a warrant or make an arrest.) Under the provision, Arizona law enforcement officers may arrest *lawfully* present immigrants for crimes committed outside the state, or for crimes for which they were previously incarcerated, if the commission of such a crime is grounds for deportation.

**Q: What are the arguments for and against the provisions the Supreme Court will consider?**

Both sides agree that the outcome of the case depends upon whether the contested provisions of SB 1070 are “preempted” by federal law. The parties disagree, however, over two important preliminary issues involving which side should bear the burden of proof. In addition, the parties offer competing interpretations of the federal immigration laws alleged to preempt the four contested provisions.

**Presumption for or against preemption**

Before determining whether the enjoined provisions of SB 1070 are “preempted,” the Court will need to determine which party bears the burden of proof. If the Court applies a presumption *against* preemption, the United States bears the burden of demonstrating that Congress has specifically prohibited states from enforcing each of the four contested provisions. By contrast, if the Court applies a presumption *for* preemption, Arizona must show that Congress affirmatively permitted states to enforce such laws. This preliminary issue is very important—and could determine the ultimate

outcome of the case—because the party bearing the burden of proof must point to specific federal laws that expressly support its position.

Arizona asks the Court to apply a presumption *against* preemption, as courts typically do in preemption cases, arguing that there is “no immigration exception to the general rules of preemption.”<sup>10</sup> By contrast, the United States argues that because immigration is an area of law traditionally reserved for the federal government, the Court should presume the enjoined provisions of SB 1070 are preempted.

### **“Inherent authority” to arrest violators of federal immigration law**

The second preliminary issue is whether states have “inherent authority” to arrest persons solely on suspicion that they have violated federal immigration laws. This issue is also important because—as with the presumption for or against preemption—the party that loses this issue bears the burden of identifying a specific federal law affirmatively supporting its position.

Arizona argues that state officers have “inherent authority” to arrest persons suspected of violating all federal laws, including civil immigration laws, unless Congress directly forbids them from doing so. Again, the United States argues that because immigration has historically been an area of exclusive federal responsibility, state law enforcement officers may *not* make immigration arrests unless specifically authorized by Congress or in cooperation with federal officials.

### **Section 2(B) (“reasonable suspicion” and investigation of immigration status)**

Arizona argues that, far from preempting Section 2(B), federal law encourages state and local police to investigate the status of suspected unauthorized immigrants. As evidence, the state points to federal statutes which allow states to “cooperate” with the federal government in the identification of unlawfully present noncitizens;<sup>11</sup> which require the federal government to respond to state requests to verify or ascertain the immigration status of individuals they encounter;<sup>12</sup> and which say that states cannot prohibit their own employees from exchanging information with federal immigration authorities.<sup>13</sup> In light of these federal provisions, Arizona argues that Section 2(B) is consistent with the intent of Congress, i.e., to encourage state and local law enforcement officers to investigate the status of suspected unauthorized immigrants they encounter.

The United States argues that by permitting local law enforcement agents to “cooperate” with the federal government, Congress authorized them to enforce federal immigration law—but only so long as they follow the instructions and priorities of federal immigration officials. The government argues that by requiring local officers to initiate immigration investigations of *all* suspected unauthorized immigrants they stop or arrest, SB 1070 will disrupt the federal government’s focus on noncitizens convicted of criminal offenses, forcing the government to expend resources on cases that have not been designated as a priority. The United States also argues that Section 2(B) will result

in the unnecessary detention of immigrants with permission to be in the United States, which could in turn create significant foreign policy consequences.

In an amicus brief, the ACLU and other immigrants' rights organizations disagree with both Arizona and the United States. The organizations argue that local officers may enforce federal immigration laws only in limited situations specifically authorized by Congress, such as under a formal "287(g) agreement" entered with the Department of Homeland Security. Outside of these situations, the organizations argue that local officers may not enforce federal immigration law even when their actions are consistent with federal priorities.<sup>14</sup>

### **Section 3 (criminalizing failure to obtain or carry "registration" papers)**

Arizona argues that states possess general authority to prohibit the same conduct that is forbidden by Congress, so long as the state statute "mirrors" federal law. Arizona maintains that Section 3 applies to the same conduct forbidden by Congress and should not be preempted because it "tracks federal law in all material respects."<sup>15</sup> The state notes that SB 1070's maximum penalty for violations of Section 3 do not exceed those of the federal provisions it attempts to mirror.

The United States argues that the registration of immigrants in the United States is an area in which Congress left no room for state legislation whatsoever. The government further argues that Section 3 effectively makes unlawful presence in the United States a criminal offense, whereas federal law imposes only civil penalties (i.e. deportation) for residing in the country without authorization. The United States also notes that unlike federal law, which permits violators to receive probation or a suspended sentence, SB 1070 requires convicted immigrants to receive jail time.

### **Section 5(C) (criminalizing working and solicitation of work)**

Arizona argues that unlike immigration-related matters, states have long had the authority to regulate issues regarding employers and employees. Arizona also argues that whereas Congress restricted the type of sanctions that states may levy against *employers* of unauthorized workers, Congress has not said anything about the type of penalties that states may impose on unauthorized *workers* themselves. Finally, Arizona argues that subjecting unauthorized workers to state criminal punishment will further lawmakers' goal of reducing unauthorized employment.

The United States argues that Congress deliberately rejected proposals to impose criminal penalties on unauthorized workers, deciding instead to impose only civil penalties (i.e. deportation). Under federal law, the United States notes that unauthorized workers may face criminal penalties only for engaging in document fraud or other deceptive practices. The United States also argues that unauthorized workers may be penalized under federal law only for accepting employment, not soliciting employment.

### **Section 6 (authorizing warrantless arrest for commission of “removable” offenses)**

As previously noted, Arizona argues that state and local police officers have “inherent authority” to arrest people solely on suspicion that they are present in violation of federal immigration law. Arizona also argues that Congress has explicitly authorized states to “cooperate” with the federal government in the apprehension of unlawfully present noncitizens.<sup>16</sup> Finally, Arizona argues that because Section 6 does not *require* state and local officers to make arrests, a determination of whether the provision is preempted by federal law cannot be made until law enforcement officers actually exercise such authority.

The United States argues that Section 6—like Section 2(B)—permits local officers to take action against suspected immigration violators without having to “cooperate” with the federal government. The United States also argues that Section 6 authorizes local officers to arrest immigrants with permission to stay in the country, such as those who are subject to removal but whose life or freedom would be threatened in the country of deportation. The United States also notes that local officers could have great difficulty determining whether a prior criminal conviction is grounds for deportation, because most removable offenses under federal immigration law fall under broadly defined categories like “crimes involving moral turpitude.”

### **Q: Does the Supreme Court have to reach the same conclusion for each contested provision?**

No. The Supreme Court may find some, none, or all of the four provisions to be preempted under federal law.

## THE POTENTIAL AFTERMATH

### **Q: What will happen if the Court is evenly divided?**

Because Justice Kagan will not participate in the decision, the eight remaining Justices could divide their votes evenly, 4-4. In that case, the Ninth Circuit's decision will automatically be upheld, but no opinion will be issued—meaning the decision will not create “precedent” or be binding on lower courts. The preliminary injunction would remain in place and lower courts would continue to determine the validity of SB 1070 copycat laws unless and until the Supreme Court agrees to review a different case. In the event of an equally divided vote, the Court would not announce how the individual Justices voted.

### **Q: What will happen if the Supreme Court rules against Arizona?**

If the Court upholds part or all of the preliminary injunction (in other words, rules against all or parts of SB 1070), the enjoined provisions will continue to be prevented from going into effect. The case would go back to the district court in Phoenix to issue a permanent injunction. It is possible that the Arizona legislature could pass modifications to SB1070, however, in which case the district court would have to evaluate the validity of the modifications in light of the Supreme Court's opinion.

### **Q: What will happen if the Supreme Court rules for Arizona?**

#### **Effect on Arizona**

If the Court finds federal law not to preempt any or all of the provisions, the preliminary injunction will be lifted and the legal challenge to those provisions will be effectively over. Importantly, however, even if the Court allows the contested provisions to go into effect, future litigants may still challenge how the law is applied on a case-by-case basis. For example, even if Arizona law enforcement officers have the authority to investigate the immigration status of foreign nationals they stop in public, persons who are excessively detained during such investigations may bring individual challenges to the manner in which that authority is exercised.

In addition, a Supreme Court ruling in favor of Arizona would not forestall existing challenges to SB 1070 by private individuals and organizations. These separate challenges involve issues and arguments not before the Supreme Court in *Arizona v. United States*. In February, for example, the district judge overseeing the case brought by immigrants' and civil rights organizations entered a preliminary injunction against separate provisions of SB 1070 that criminalize the process by which many day laborers are hired.<sup>17</sup>

#### **Effect on other States**

The effect of the Court's ruling on other states with copycat laws—including Alabama, Georgia, Indiana, South Carolina, and Utah—will depend on the scope of the decision. If provisions of SB 1070 are found to be preempted under federal law, identical provisions of

other state laws will also be prevented from going into effect. However, copycat laws in other states contain provisions that are not before the Supreme Court in this case. For example, the decision will not definitively resolve the legality of the provision of [Alabama HB 56](#) that requires school administrators to ascertain the immigration status of newly enrolling students.

**Q: Will Congress be able to override the Supreme Court’s decision?**

It depends on the basis of the Court’s decision. The question under consideration is whether the four enjoined provisions are preempted under federal law, not whether they are prohibited by the Constitution itself. If the Court’s ruling is limited to the validity of SB 1070 under existing federal law, Congress will be free to override the Court’s decision by enacting a new law or amending the relevant federal provision(s).

The ruling could differ from most preemption decisions, however, because the Court may find that the Constitution places independent limits on states’ authority to make or enforce immigration-related measures. Thus, if the Court’s ruling is based on constitutional grounds—finding, for example, that laws like SB 1070 are prohibited even when Congress has authorized them, or that states cannot force the President to accept unwanted assistance—Congress would be powerless to override the decision without adopting a constitutional amendment.

**Q: If the Supreme Court reverses the injunction against SB 1070, will other states be free to enact similar laws?**

The question of whether states *may* enact laws like SB 1070 is distinct from whether states *should* enact such laws. Regardless of the outcome of the Supreme Court’s decision, supporters of state anti-immigration laws will be free to promote variations on SB 1070 that avoid whatever legal determinations the Supreme Court may reach. The consequences for states, however, are likely to be costly at many levels if they continue to pursue anti-immigrant legislation. Opponents of state immigration enforcement laws believe they cruelly separate families, devastate local economies, and place unnecessary burdens on U.S. citizens and lawful immigrants. They believe the “attrition through enforcement” strategy does nothing to address our national immigration problems and places unprecedented legal, fiscal, and economic burdens on states and local communities. For more information on the costs and consequences of SB 1070 and similar laws, see IPC’s [Q&A Guide to State Immigration Laws: What you Need to Know if Your State is Considering Anti-Immigrant Legislation](#).

## End Notes

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- <sup>1</sup> The full title of the law is the Support Our Law Enforcement and Safe Neighborhoods Act. Following the passage of SB 1070, the Arizona Legislature enacted a follow up measure (HB 2162) amending some of its provisions.
- <sup>2</sup> For more information on immigration enforcement laws in other states, see the Immigration Policy Center Special Report, [A Q&A Guide to State Immigration Laws](#) (Updated February 2011).
- <sup>3</sup> *United States v. Arizona*, 703 F. Supp. 2d 980 (D. Ariz. 2010)
- <sup>4</sup> *United States v. Arizona*, 641 F.3d 339 (9th Cir. 2011).
- <sup>5</sup> Lynn Tramonte, [Debunking the Myth of "Sanctuary Cities"](#), Immigration Policy Center Special Report (April 2011).
- <sup>6</sup> *Printz v. United States*, 521 U.S. 898 (1997).
- <sup>7</sup> Supreme Court Rule 10.
- <sup>8</sup> U.S. Constitution, Article VI.
- <sup>9</sup> Amicus Brief of U.S. Border Control et al. at 21-22.
- <sup>10</sup> Brief of Arizona at 26.
- <sup>11</sup> 8 U.S.C. § 1357(g)(10).
- <sup>12</sup> 8 U.S.C. § 1373.
- <sup>13</sup> 8 U.S.C. § 1644.
- <sup>14</sup> Brief of ACLU et al. at 9.
- <sup>15</sup> Brief of Arizona at 52.
- <sup>16</sup> 8 U.S.C. § 1357(g)(10).
- <sup>17</sup> *Friendly House v. Whiting*, No. 10-1061 (D. Ariz), order of February 29, 2012.

## APPENDIX

In addition to briefs from the parties themselves, the Supreme Court frequently receives “amicus” (friend of the court) briefs from outside individuals and organizations discussing the larger policy and legal implications of the case. In *Arizona v. United States*, the Supreme Court received 40 such briefs. A list of all outside parties listed on the *amicus* briefs is below.

| Outside Parties Supporting SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b><u>States</u></b><br/> Alabama<br/> Florida<br/> Georgia<br/> Idaho<br/> Indiana<br/> Kansas<br/> Louisiana<br/> Michigan<br/> Nebraska<br/> Oklahoma<br/> Pennsylvania<br/> South Carolina<br/> South Dakota<br/> Virginia<br/> West Virginia<br/> Wyoming</p> <p><b><u>State Legislatures</u></b><br/> Arizona</p> <p><b><u>U.S. Senators</u></b><br/> David Vitter (R-LA)<br/> Jim DeMint (R-SC)</p> <p><b><u>U.S. Representatives</u></b><br/> Adam Kinzinger (R-IL)<br/> Alan Nunnelee (R-MS)<br/> Ben Quayle (R-AZ)<br/> Bill Flores (R-TX)<br/> Blaine Luetkemeyer (R-MO)<br/> Brian Bilbray (R-CA)<br/> Dan Burton (R-IN)<br/> Dana Rohrabacher (R-CA)<br/> David Schweikert (R-WA)<br/> Dennis Ross (R-FL)<br/> Diane Black (R-TN)<br/> Don Manzullo (R-IL)<br/> Doug Lamborn (R-CO)<br/> Duncan Hunter (R-CA)<br/> Cliff Stearns (R-FL)<br/> Ed Royce (R-CA)<br/> Ed Whitfield (R-KY)</p> | <p><b><u>States</u></b><br/> California<br/> Connecticut<br/> Hawaii<br/> Illinois<br/> Iowa<br/> Maryland<br/> Massachusetts<br/> New York<br/> Oregon<br/> Rhode Island<br/> Vermont</p> <p><b><u>U.S. Representatives</u></b><br/> Al Green (D-TX)<br/> Albio Sires (D-NJ)<br/> Anna Eshoo (D-CA)<br/> Barbara Lee (D-CA)<br/> Bennie Thompson (D-MS)<br/> Bob Filner (D-CA)<br/> Bobby Rush (D-IL)<br/> Carolyn Maloney (D-NY)<br/> Chaka Fattah (D-PA)<br/> Charles Gonzalez (D-TX)<br/> Charles Rangel (D-NY)<br/> Chris Van Hollen (D-MD)<br/> Danny Davis (D-IL)<br/> Donna Christensen (D-VI)<br/> Ed Pastor (D-AZ)<br/> Edolphus Towns (D-NY)<br/> Eleanor Holmes Norton (D-DC)<br/> Elijah Cummings (D-MD)<br/> Emanuel Cleaver (D-MO)<br/> Frederica Wilson (D-FL)<br/> Gary Ackerman (D-NY)<br/> Gene Green (D-TX)<br/> George Miller (D-CA)<br/> Grace Napolitano (D-CA)<br/> Gregory Meeks (D-NY)<br/> Gwen Moore (D-WI)<br/> Hank Johnson (D-GA)<br/> Hansen Clarke (D-MI)<br/> Howard Berman (D-CA)</p> |

| Outside Parties Supporting SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| James Lankford (R-OK)<br>Jean Schmidt (R-OH)<br>Jeff Landry (R-LA)<br>Jeff Miller (R-FL)<br>Jim Jordan (R-OH)<br>Joe Pitts (R-PA)<br>John Culberson (R-TX)<br>John Duncan (R-TN)<br>John Fleming (R-LA)<br>John Kline (R-MN)<br>Ken Calvert (R-CA)<br>Kenny Marchant (R-TX)<br>Lamar Smith (R-TX)<br>Lynn Jenkins (R-KS)<br>Lynn Westmoreland (R-GA)<br>Marsha Blackburn (R-TN)<br>Michael Burgess (R-TX)<br>Michele Bachman (R-MN)<br>Mike Kelly (R-PA)<br>Mike Pompeo (R-KS)<br>Mo Brooks (R-AL)<br>Paul Broun (R-GA)<br>Paul Gosar (R-AZ)<br>Phil Gingrey (R-GA)<br>Phil Roe (R-TN)<br>Ralph Hall (R-TX)<br>Randy Forbes (R-VA)<br>Rob Woodall (R-GA)<br>Robert Aderholt (R-AL)<br>Robert Latta (R-OH)<br>Scott Garrett (R-NJ)<br>Steve King (R-IA)<br>Sue Myrick (R-NC)<br>Ted Poe (R-TX)<br>Tim Murphy (R-PA)<br>Tom McClintock (R-CA)<br>Trent Franks (R-AZ)<br>Virginia Foxx (R-NC)<br>Wally Herger (R-CA)<br>Walter Jones (R-NC) | James Clyburn (D-SC)<br>Jan Schakowsky (D-IL)<br>Janice Hahn (D-CA)<br>Jared Polis (D-CO)<br>Jerrold Nadler (D-NY)<br>Jesse Jackson, Jr. (D-IL)<br>Jim McDermott (D-WA)<br>Jim Moran (D-VA)<br>Joe Baca (D-CA)<br>John Conyers (D-MI)<br>John Larson (D-CT)<br>John Lewis (D-GA)<br>José Serrano (D-NY)<br>Judy Chu (D-CA)<br>Keith Ellison (D-MN)<br>Laura Richardson (D-CA)<br>Linda Sánchez (D-CA)<br>Loretta Sanchez (D-CA)<br>Louise Slaughter (D-NY)<br>Lucille Roybal-Allard (D-CA)<br>Luis Gutiérrez (D-IL)<br>Maurice Hinchey (D-NY)<br>Maxine Waters (D-CA)<br>Mike Honda (D-CA)<br>Mike Quigley (D-IL)<br>Nancy Pelosi (D-CA)<br>Nydia Velázquez (D-NY)<br>Pedro Pierluisi (D-PR)<br>Raúl Grijalva (D-AZ)<br>Rubén Hinojosa (D-TX)<br>Sam Farr (D-CA)<br>Sheila Jackson Lee (D-TX)<br>Silvestre Reyes (D-TX)<br>Steny Hoyer (D-MD)<br>Ted Deutch (D-FL)<br>Terri Sewell (D-AL)<br>Xavier Becerra (D-CA)<br>Yvette Clarke (D-NY)<br>Zoe Lofgren (D-CA) |
| <b><u>State Legislators</u></b><br>Assw. Alison Littell McHose (R-NJ)<br>Assm. Gary R. Chiusano (R-NJ)<br>Del. Bob Marshall (R-VA)<br>Del. Don Dwyer (R-MD)<br>Del. John Overington (R-WV)<br>Del. Nic Kipke (R-MD)<br>Del. Pat McDonough (R-MD)<br>Del. Walter Duke (R-WV)<br>Rep. Becky Currie (R-MS)<br>Rep. Charles Key (R-OK)<br>Rep. Courtney Combs (R-OH)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b><u>Foreign Countries</u></b><br>Argentina<br>Bolivia<br>Brazil<br>Chile<br>Colombia<br>Costa Rica<br>Dominican Republic<br>Ecuador<br>El Salvador<br>Guatemala<br>Honduras<br>Nicaragua                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Outside Parties Supporting SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Rep. Daryl Metcalfe (R-PA)<br>Rep. Dave Agema (R-MI)<br>Rep. David Howard (R-MT)<br>Rep. Eric Koch (R-IN)<br>Rep. George Cleveland (R-NC)<br>Rep. John Kavanagh (R-AZ)<br>Rep. Jon Hubbard (R-AR)<br>Rep. Jordan Ulery (R-NH)<br>Rep. Larry Rappaport (R-NH)<br>Rep. Matt Shea (R-WA)<br>Rep. Randy Terrill (R-OK)<br>Rep. Sally Kern (R-OK)<br>Rep. Wendy Warburton (R-MT)<br>Sen. Charlie Janssen (NE)<br>Sen. Jack Murphy (R-GA)<br>Sen. Kit Jennings (R-WY)<br>Sen. Lori Klein (R-AZ)<br>Sen. Marc Cote (D-RI)<br>Sen. Mike Delph (R-IN)<br>Sen. Scott Beason (R-AL)<br>Sen. Steve Oroho (R-NJ)<br>Sen. Ted Harvey (R-CO)                                                                                                                                                                                                                                                               | Panama<br>Paraguay<br>Peru<br>United Mexican States<br>Uruguay                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b><u>Law Enforcement Officials</u></b><br>Sheriff Joe Arpaio (Maricopa County, AZ)<br>Sheriff Larry Dever (Cochise County, AZ)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b><u>Law Enforcement Officials</u></b><br>Chief Art Acevedo (Austin, TX)<br>Chief Arturo Venegas, Jr. (Sacramento, CA) (former)<br>Chief Charlie Beck (Los Angeles, CA)<br>Chief Chris Burbank (Salt Lake City, UT)<br>Chief Jack Harris (Phoenix, AZ) (retired)<br>Chief Jeff Hadley (Kalamazoo, MI)<br>Chief Jeffrey W. Halstead (Fort Worth, TX)<br>Chief Noble Wray (Madison, WI)<br>Chief Rick Jones (Los Rios, CA)<br>Chief Roberto Villaseñor (Tucson, AZ)<br>Chief Ronald Davis (East Palo Alto, CA)<br>Chief Sergio Diaz (Riverside, CA)<br>Chief Timothy Dolan (Minneapolis, MN)<br>Director Eduardo Gonzalez, U.S. Marshall Service (Retired)<br>District Attorney George Gascón (San Francisco, CA)<br>Sheriff Clarence W. Dupnik (Pima County, AZ)<br>Sheriff Leroy D. Baca (Los Angeles, CA)<br>Sheriff Richard Wiles (El Paso, TX) |
| <b><u>Non-governmental Organizations</u></b><br>Allied Educational Foundation<br>American Civil Rights Union<br>American Unity Legal Defense Fund<br>Center for Constitutional Jurisprudence<br>Center for Security Policy<br>Committee for Justice<br>Committee to Protect America's Border<br>Conservative Legal Defense and Education Fund<br>Eagle Forum Education & Legal Defense Fund<br>English First<br>English First Foundation<br>Freedom Watch<br>Gun Owners of America, Inc.<br>Gun Owners Foundation<br>Individual Rights Foundation<br>Institute on the Constitution<br>Landmark Legal Foundation<br>Liberty Legal Foundation<br>Lincoln Institute for Research and Education<br>Minuteman Civil Defense Corps<br>Mountain States Legal Foundation<br>Policy Analysis Center<br>Secure States Initiative<br>State Legislators for Legal Immigration<br>Thomas More Law Center | <b><u>Former INS Commissioners</u></b><br>Doris Meissner (1993-2000)<br>James Ziglar (2001-2003)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b><u>Former Cabinet Officers</u></b><br>Madeleine K. Albright (Secretary of State, 1997-2001; U.N. Ambassador, 1993-1997)<br>John D. Negroponte (U.N. Ambassador 2001-2004)<br>William S. Cohen (Secretary of Defense, 1997-2001)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Outside Parties Supporting SB 1070                                                                                                                                                                                                  | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p>U.S. Border Control<br/>U.S. Border Control Foundation<br/>Washington Legal Foundation</p> <p><b><u>Other</u></b><br/>Lawrence J. Joyce<br/>Russell Pearce (former Arizona state senator and legislative sponsor of SB 1070)</p> | <p><b><u>Cities</u></b><br/>Austin, Texas<br/>Baltimore, Maryland<br/>Beaverton, Oregon<br/>Berkeley, California<br/>Boston, Massachusetts<br/>Bridgeport, Connecticut<br/>Carrboro, North Carolina<br/>Chapel Hill, North Carolina<br/>Charleston, South Carolina<br/>Cincinnati, Ohio<br/>Columbia, South Carolina<br/>Durham, North Carolina<br/>Flagstaff, Arizona<br/>Gainesville, Florida<br/>Hallandale Beach, Florida<br/>Laredo, Texas<br/>Los Angeles, California<br/>Madison, Wisconsin<br/>Miami Beach, Florida<br/>Minneapolis, Minnesota<br/>New Haven, Connecticut<br/>New York, New York<br/>Oakland, California<br/>Omaha, Nebraska<br/>Palo Alto, California<br/>Phoenix, Arizona (Mayor)<br/>Portland, Oregon<br/>Providence, Rhode Island<br/>Saint Paul, Minnesota<br/>Salt Lake City, Utah<br/>San Francisco, California<br/>San Jose, California<br/>San Leandro, California<br/>San Luis, Arizona<br/>Seattle, Washington<br/>Tualatin, Oregon<br/>Tucson, Arizona<br/>Washington, D.C.</p> <p><b><u>Counties</u></b><br/>Dallas, Texas<br/>Monterey, California<br/>Multnomah, Oregon<br/>San Francisco, California<br/>San Mateo, California<br/>Santa Clara, California</p> <p><b><u>Attorneys General (former)</u></b><br/>Grant Woods (R-Arizona)<br/>Terry Goddard (D-Arizona)<br/>Robert Abrams (New York)<br/>Bruce Babbitt (D-Arizona)</p> |

| Outside Parties Supporting SB 1070 | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                    | <p> William J. Baxley (D-Alabama)<br/> Richard H. Bryan (D-Nevada)<br/> Robert A. Butterworth (D-Florida)<br/> Bonnie Campbell (D-Iowa)<br/> Pamela Carter (D-Indiana)<br/> Steve Clark (D-Arkansas)<br/> J. Joseph Curran, Jr. (D-Maryland)<br/> Frankie Sue Del Papa (D-Nevada)<br/> Robert J. Del Tufo (D-New Jersey)<br/> James Doyle (D-Wisconsin)<br/> W. A. Drew Edmondson (D-Oklahoma)<br/> Lee Fisher (D-Ohio)<br/> David B. Frohnmayr (R-Oregon)<br/> Jan Graham (D-Utah)<br/> Jennifer Granholm (D-Michigan)<br/> Scott Harshbarger (D-Massachusetts)<br/> Peter Harvey (D-New Jersey)<br/> Andrew Ketterer (D-Maine)<br/> G. Oliver Koppell (D-New York)<br/> Peg Lautenschlager (D-Wisconsin)<br/> Patrick C. Lynch (D-Rhode Island)<br/> J.D. MacFarlane (D-Colorado)<br/> Patricia Madrid (D-New Mexico)<br/> Janet T. Mills (D-Maine)<br/> Jeffrey A. Modisett (D-Indiana)<br/> Mike Moore (D-Mississippi)<br/> Hardy Myers (D-Oregon)<br/> Edwin Pittman (D-Mississippi)<br/> Dennis J. Roberts II (D-Rhode Island)<br/> Steve Rowe (D-Maine)<br/> Steve Six (D-Kansas)<br/> Gregory H. Smith (New Hampshire)<br/> Robert Spagnoletti (D-District of Columbia)<br/> Robert Stephan (R-Kansas)<br/> Mary Sue Terry (D-Virginia)<br/> Anthony F. Troy (D-Virginia)<br/> James Tierney (D-Maine)<br/> R. Paul Van Dam (D-Utah)<br/> John Van de Kamp (D-California)<br/> Mark White (D-Texas) </p> <p> <b><u>Non-governmental Organizations</u></b><br/> 9to5, National Association of Working Women<br/> Adorers of the Blood of Christ, U.S. Region<br/> Adrian Dominican Sisters<br/> African American Ministers in Action<br/> Alabama Appleseed Center for Law &amp; Justice<br/> Alliance for a Just Society<br/> American Bar Association<br/> American Civil Liberties Union<br/> American Civil Liberties Union of Arizona<br/> American Federation of Labor and Congress of Industrial Organizations </p> |

| Outside Parties Supporting SB 1070 | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                    | <p> American GI Forum<br/> American Immigration Lawyers Association<br/> American Jewish Committee<br/> American Subcontractor's Association of Arizona<br/> Arizona Attorneys for Criminal Justice<br/> Arizona Employers for Immigration Reform<br/> Arizona Hispanic Chamber of Commerce<br/> Arizona South Asians For Safe Families<br/> Asian &amp; Pacific Islander American Health Forum<br/> Asian American Institute<br/> Asian American Justice Center<br/> Asian Chamber of Commerce of Arizona<br/> Asian Law Caucus<br/> Asian Pacific American Labor Alliance, AFL-CIO<br/> Asian Pacific American Legal Center<br/> Association of the Bar of the City of New York<br/> Bickel &amp; Brewer Latino Institute for Human Rights<br/> Border Action Network<br/> Center for Community Change<br/> Center for Gender &amp; Refugee Studies<br/> Centro Civico Mexicano<br/> Change to Win<br/> Church World Service<br/> Coalition for Humane Immigrant Rights of Los Angeles<br/> Coalition of Utah Progressives<br/> Congregation of Sisters of St. Agnes<br/> Congregation of St. Joseph<br/> Congregation of the Sisters of Charity of Saint Vincent de Paul of New York<br/> Constitutional Accountability Center<br/> Convent of the Sisters of Saint Joseph of Chestnut Hill, Philadelphia<br/> Daughters of Charity of St. Vincent de Paul, Province of St. Louise<br/> Daughters of Charity of St. Vincent de Paul, Province of the West<br/> Dēmos<br/> Derechos Humanos<br/> Dominican Sisters of Peace<br/> Dominican Sisters of St. Catherine de Ricci<br/> Dominican Sisters, Grand Rapids, MI<br/> Equal Justice Society<br/> Esperanza<br/> Evangelical Lutheran Church in America<br/> Fair Immigration Reform Movement<br/> Farmworker Justice<br/> Franciscan Action Network<br/> Georgia Latino Alliance for Human Rights<br/> Greater Houston Partnership<br/> Grey Nuns of the Sacred Heart<br/> Hebrew Immigrant Aid Society<br/> Hill &amp; Usher, L.L.C.<br/> Hispanic Interest Coalition of Alabama </p> |

| Outside Parties Supporting SB 1070 | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                    | <p> Hispanic National Bar Association<br/> Holy Cross Ministries<br/> Immigration Equality<br/> International Brotherhood of Teamsters<br/> Japanese American Citizens League<br/> Jewish Labor Committee<br/> Lambda Legal Defense and Education Fund<br/> Lamda Legal Defense and Education Fund<br/> Leadership Conference of Women Religious<br/> Leadership Conference on Civil and Human Rights<br/> League of United Latin American Citizens (LULAC)<br/> League of Women Voters of Utah<br/> Legal Momentum<br/> Los Abogados Hispanic Bar Association<br/> Lowcountry Immigration Coalition<br/> Lutheran Immigration &amp; Refugee Service<br/> Main Street Alliance<br/> Major Cities Chiefs Police Association<br/> Make the Road New York<br/> Mexican American Legal Defense and Educational Fund<br/> Muslim Public Affairs Council<br/> National Advocacy Center of the Sisters of the Good Shepherd<br/> National Asian Pacific American Bar Association<br/> National Association of Colored Women's Clubs<br/> National Association of Criminal Defense Lawyers<br/> National Association of Human Rights Workers<br/> National Association of Latino Elected and Appointed Officials<br/> National Coalition for Asian Pacific American Community Development<br/> National Congress of American Indians<br/> National Council of Jewish Women<br/> National Council of La Raza<br/> National Day Labor Organizing Network<br/> National Employment Law Project<br/> National Fair Housing Alliance<br/> National Immigration Justice Center<br/> National Immigration Law Center<br/> National Immigration Project of the National Lawyers Guild<br/> National Korean American Service &amp; Education Consortium<br/> National Latina Institute for Reproductive Health<br/> National Latino Evangelical Coalition<br/> National Latino Peace Officers Association<br/> National League of Cities<br/> National Organization for Women Foundation<br/> National Tongan-American Society<br/> NETWORK A Catholic Social Justice Lobby<br/> New York Immigration Coalition<br/> OCA </p> |

| Outside Parties Supporting SB 1070 | Outside Parties Opposing SB 1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                    | <p> Pineros y Campesinos Unidos del Noroeste<br/> Police Executive Research Forum<br/> Public Advocates<br/> Refugee &amp; Immigration Ministries, Disciples Home<br/> Missions, Christian Church (Disciples of Christ)<br/> Religious Sisters of Charity<br/> Rights Working Group<br/> Rutherford Institute<br/> School Sisters of Notre Dame, Central Pacific Province<br/> Service Employees International Union<br/> Sikh American Legal Defense and Education Fund<br/> Sinsinawa Dominican Sisters<br/> Sisters of Charity of Cincinnati<br/> Sisters of Charity of Leavenworth<br/> Sisters of Charity of Nazareth<br/> Sisters of Charity of Our Lady of Mercy<br/> Sisters of Charity of Saint Elizabeth<br/> Sisters of Charity of Seton Hill, Greensburg, PA<br/> Sisters of Charity of the Blessed Virgin Mary<br/> Sisters of Mercy of the Americas<br/> Sisters of Notre Dame de Namur, USA<br/> Sisters of St. Francis of Dubuque, Iowa<br/> Sisters of St. Francis of Penance and Charity<br/> Sisters of St. Joseph of Rochester, NY<br/> Sisters of St. Joseph of Springfield, MA<br/> Sisters of the Divine Compassion<br/> Sisters of the Holy Cross<br/> Sojourners<br/> Somos America<br/> South Asian Americans Leading Together<br/> South Carolina Appleseed Legal Justice Center<br/> Southeast Asia Resource Action Center<br/> Southern Center for Human Rights<br/> Southern Poverty Law Center<br/> Southside Presbyterian Church<br/> Southwest Conference of the United Church of Christ<br/> The Conference of Major Superiors of Men<br/> United Church of Christ, Justice and Witness Ministries<br/> United Farm Workers of America<br/> United Food and Commercial Workers International<br/> Union<br/> United States Conference of Catholic Bishops<br/> United States Conference of Mayors<br/> United States Hispanic Chamber of Commerce<br/> Utah Coalition of La Raza<br/> Valle del Sol </p> <p> <b><u>Other</u></b><br/> Plaintiffs in <i>Friendly House v. Whiting</i> </p> |