

**FOR IMMEDIATE RELEASE****July 14, 2010**

**EIGHTEEN MEMBERS OF CONGRESS
URGE COURT TO REJECT ACTIVISTS' EFFORT TO
ENJOIN ARIZONA IMMIGRATION LAW
(*Friendly House v. Whiting*)**

The Washington Legal Foundation (WLF) today urged the U.S. District Court for Arizona to reject an effort by the American Civil Liberties Union (ACLU), the National Immigration Law Center, and the Mexican American Legal Defense and Educational Fund (MALDEF) to prevent a recently passed Arizona immigration law from taking effect. The case involves a facial challenge to Arizona's "Support Our Law Enforcement and Safe Neighborhoods Act," or SB 1070, which plaintiffs claim conflicts with, and thus is impliedly preempted by, federal law. In a brief filed in *Friendly House v. Whiting*, WLF argued that, contrary to plaintiffs' claims, SB 1070 is designed merely to assist with implementation of the immigration policies already established by Congress. Accordingly, WLF argued that nothing in the Arizona law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.

WLF filed its brief on its own behalf and on behalf of several clients, including Arizona State Senator Russell Pearce; U.S. Representatives Dan Burton (IN), Trent Franks (AZ), Sam Graves (MO), Wally Herger (CA), Duncan Hunter (CA), Steve King (IA), Doug Lamborn (CO), Cynthia Lummis (WY), Tom McClintock (CA), Gary Miller (CA), Jerry Moran (KS), Sue Myrick (NC), Ted Poe (TX), Denny Rehberg (MT), Dana Rohrabacher (CA), Phil Roe (TN), Mike Simpson (ID), and Lamar Smith (TX); the Allied Educational Foundation; the National Border Patrol Council; the American Immigration Control Foundation; and Concerned Citizens and Friends of Illegal Immigration Law Enforcement.

"State and local governments have an important role to play in enforcing our Nation's immigration laws," said WLF Chief Counsel Richard Samp after filing WLF's brief. "Unless they are both permitted and encouraged to assist the federal government in enforcing those laws, it is unlikely that we will ever be able to stem the flood of illegal immigrants across our borders," Samp said.

In an effort to address ongoing social and economic problems created by the significant number of aliens entering into this country illegally, the elected representatives of Arizona enacted SB1070, which is scheduled to take effect on July 29, 2010. In short, the law empowers Arizona's state and local law enforcement officials to identify and detain suspected illegal immigrants for the purpose of verifying their immigration status and, if the suspect is determined by the federal government to be in the country illegally, to report and deliver that person to the appropriate federal immigration authority. Importantly, the Arizona law does not authorize state and local officials to decide whether a person is in the country illegally or to deport them. Rather, the law merely authorizes law enforcement to deliver a person to the federal immigration authority only *after* federal immigration officials have confirmed that a suspected person is an illegal immigrant.

In its brief opposing the plaintiff's motion for preliminary injunction, WLF argued that the plaintiffs' preemption claims were premature because they were based largely on speculation about conflicts that might arise between federal immigration law and SB 1070 after implementation of the Arizona statute. WLF also argued that, because the Arizona legislature provided that each provision of SB 1070 is severable, the plaintiffs' request for an injunction against the entire statute based on claims that only some of its provisions are preempted has no basis in law. Finally, WLF highlighted the fact that numerous federal statutes actively encourage state assistance with immigration enforcement, which belies the suggestion that Congress intended to preempt state and local laws that assist in identifying illegal aliens.

WLF is a public interest law and policy center with supporters in all 50 States, including many in Arizona. WLF has appeared in courts across the country to ensure that governments at all levels possess the legal resources necessary to combat illegal immigration.

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For further information, contact WLF Chief Counsel Richard Samp or WLF Senior Litigator Cory Andrews, (202) 588-0302. A copy of WLF's brief is available on its web site, www.wlf.org.