

Supreme Court Decision on Arizona’s SB 1070

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What did the Supreme Court decide?

The Supreme Court, on June 25, issued its decision in the *Arizona v. United States* case, which is the lawsuit filed by the federal government challenging Arizona’s racial profiling law SB 1070. The Supreme Court looked at four sections of SB 1070 and made the following decisions:

SECTION	DECISION
<p>Section 2(B) – racial profiling Requires police officers to ask everyone they stop about their immigration status if they think there is “reasonable suspicion” that the person is undocumented.</p>	<p>The Supreme Court allowed this section to go forward at this early stage of the litigation, but set limits. The Court said that state and local law enforcement officers DO have some authority to question people they stop about their immigration status. However, the Court also said that there would be constitutional concerns if the police prolong detention of a person just to verify their immigration status. The court also left the door open for future constitutional challenges based on racial profiling or other arguments that the Court did not look at in <i>Arizona v. United States</i>.</p>
<p>Section 3 Allows the police to charge you with a state crime for failing to carry “registration” papers if you do not have permission to be in the United States.</p>	<p>The Supreme Court blocked this section. It said that only Congress can regulate this area of law.</p>
<p>Section 5(C) Makes it a crime for undocumented workers to ask for work in a public place or to perform any work.</p>	<p>The Supreme Court blocked this section because it conflicts with federal law.</p>
<p>Section 6 Allows police officers to arrest a person without a warrant if they believe that person has committed a public offense in any state that makes them deportable.</p>	<p>The Supreme Court blocked this section because it conflicts with federal law.</p>

What parts of SB 1070 did the Supreme Court allow to take effect?

As described above, the Supreme Court said that section 2(B) could take effect.



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What parts of SB 1070 remain blocked?

As a result of the Supreme Court's decision, sections 3, 5, and 6 of SB 1070 will remain blocked.

Several organizations (including NILC, ACLU Immigrants' Rights Project, ACLU Foundation of Arizona, Mexican American Legal Defense and Educational Fund, National Day Laborer Organizing Network, Asian American Justice Center, and others) filed a separate civil rights lawsuit on behalf of various individuals and organizations in Arizona. This lawsuit, which was filed at about the same time and in the same federal district court as the case that became *Arizona v. U.S.*, is called *Friendly House, et al. v. Whiting*. In the *Friendly House* case, the court blocked two additional parts of SB 1070 regarding solicitation of work by day laborers. These parts will continue to be blocked:

- The section that makes it a crime for day laborers to be picked up for work on a sidewalk, street, or highway if the vehicle picking them up is impeding the flow of traffic.
- The section that makes it a crime to enter a motor vehicle in order to be hired for work if the vehicle is stopped on a street, roadway, or highway and is impeding traffic.

What's going to happen next?

Section 2(B) of SB 1070 will **not** go into effect immediately. It will be at least 25 days, and maybe much longer, until the court order blocking this provision is formally lifted. The *Friendly House* attorneys may also file new paperwork to stop this section from going into effect or challenge the unjust application of SB 1070.

Visit www.acluaz.org or www.nilc.org/sb1070friendlyhouse.html, or call the hotline for up-to-date information.

What should I do if law enforcement asks for my papers?

- If you are here legally, show your papers.
- If you are undocumented:
 - You have the right to remain silent and to speak to an attorney.
 - Any information that you give about where you were born, how long you have been in the U.S., or how you entered the U.S. can be used against you.
- **Know your rights!** Visit www.acluaz.org to get a copy of a know-your-rights card.
- Do not show any fake documents, and do not lie!
- Call the hotline at 1-855-RESPETO (737-7386) so that we can document what happened.

We are collecting stories about illegal actions related to SB 1070.

**Call the hotline at
1-855-RESPETO (737-7386)**

We can provide you with **information, referrals, and resources.**

🌀 We are particularly interested in hearing about your experiences if the police question you about your immigration status. 🌀