



The Judicial Watch Verdict™

Because no one is above the law!®

A News Publication from Judicial Watch

• January 2011

• Volume 17

• Issue 1

JW Defends E-Verify Law in U.S. Supreme Court Lawsuit

Files *Amicus Curiae* Brief in Support of Anti-Illegal Immigration Legislation on Behalf of Arizona State Senate President Russell Pearce

It remains uncertain how the new Congress will address the illegal immigration crisis, but this much is clear: The Obama administration will continue to enact its stealth illegal alien amnesty programs while the illegal immigration lobby will never stop undermining federal and state immigration law.

For this reason, Judicial Watch continues to battle in court, including the nation's highest court, to make sure the rule of law is respected and upheld.

For example, Judicial Watch recently filed an *amicus curiae* ("friend of the court") brief on behalf of Arizona State Senate President Russell Pearce in the U.S. Supreme Court supporting Arizona's "Legal Arizona Workers Act," which is a piece of legislation crafted by State Senator Pearce to penalize Arizona businesses that knowingly hire illegal aliens by suspending or revoking their state and local licenses.

The law requires employers to check the legal status of their job applicants by using a free online federal program called "E-Verify," which checks names and identifying documents to determine if these individuals are eligible to work in the United States.



Arizona State Senate President
Russell Pearce

The Arizona law, which was upheld by the U.S. Court of Appeals for the Ninth Circuit, has been challenged by the U.S. Chamber of Commerce and Hispanic groups, among others. These open borders groups claim the law is unconstitutional and that illegal immigration enforcement is the exclusive domain of the federal government. Senator Pearce is the author of, and driving force behind the "Legal Arizona Workers Act."

Judicial Watch filed its brief on October 28, 2010. The Supreme Court heard oral arguments on December 8, 2010.

Judicial Watch argues in Senator Pearce's *amicus curiae* brief that the "Legal Arizona Workers Act" is constitutional and should not be preempted by federal law:

- "Petitioners [illegal immigration lobby groups] assert that the 'Legal Arizona Workers Act' is preempted by federal law regulating the employment of aliens. Nearly thirty-five years ago, however, this Court unequivocally affirmed that States possess broad authority under their police powers to regulate employment even if such regulation touches on immigration."
- "Despite this well-established precedent, Petitioners assert that the State of Arizona lacks the authority to penalize employers for hiring unauthorized workers, allegedly because the legislation burdens employers. In other words, employers who put profits over patriotism by hiring unlawfully present aliens would be 'burdened' by losing the substantial benefit of paying sub-standard wages."
- "Senator Pearce authored legislation that is consistent with federal law. The 'Legal Arizona Workers Act' prohibits employers from knowingly or intentionally employing unauthorized workers. Additionally, all Arizona

employers must use the federal 'E-Verify' program to confirm the employment eligibility of new employees. The 'Legal Arizona Workers Act' falls well within the traditional police powers of the State. This Court therefore must reject Petitioners' attempt to protect scofflaw employers at the expense of legal Arizona workers by overturning well-established law."

"Business interests and left-wing groups are engaged in an unholy alliance to attack another common sense law that defends Arizona and America by confronting the illegal alien crisis. It is shameful that the U.S. Chamber of Commerce would put the profits of industries that exploit illegal alien labor above the interests of the American people and the rule of law," stated Judicial Watch President Tom Fitton.

This Supreme Court case could have an enormous impact on states across the country dealing with the scourge of rampant illegal immigra-

tion. At issue in this case is whether a state has the right to take actions to protect citizens from illegal immigration when such actions are consistent with federal law. Judicial Watch argues every state has this right.

"The Obama administration has decided to employ a dangerous and lawless approach to illegal immigration: fail to protect the borders, and then attack any state that attempts to enforce federal immigration law," continued Fitton. "No wonder the situation at the nation's southern border continues to deteriorate. We hope the Supreme Court upholds the appellate court ruling and finds that this Arizona law is constitutional."

As *Verdict* readers may recall, Judicial Watch represents State Senator Pearce in the Obama administration's separate lawsuit challenging Arizona's other get-tough illegal immigration law, SB1070. That lawsuit is also destined to reach the Supreme Court. And when it does, Judicial Watch will be there once again arguing on the side of the rule of law. **JW**



Judicial Watch
Because no one
is above the law!

Judicial Watch Board of Directors

Chris Farrell
Tom Fitton
Paul Orfanedes

Editorial Consultant

Brandon Millett

Circulation Director

John Albertella

Design Consultant

Jeanne Minnix Graphic Design, Inc.

Public Relations Director

Jill Farrell

Production Manager

Federico Lines

Telephone

(202) 646-5172 or 1 (888) 593-8442

Fax

(202) 646-5199

Email

info@judicialwatch.org

Internet Site

www.JudicialWatch.org

Send your comments

and questions to

Editor, *Verdict* c/o
Info@JudicialWatch.org.

Annual suggested donation is \$35.

Requests should be sent to:

Judicial Watch *Verdict*
Judicial Watch, Inc.
425 Third St., SW, Suite 800
Washington, DC 20024

The Judicial Watch *Verdict*™ is published monthly and distributed to its members, supporters and interested parties by Judicial Watch, Inc., a 501(c) 3 non-profit organization incorporated in 1994 in the District of Columbia. Copyright 2011 Judicial Watch, Inc. © All rights reserved. Editorial content may be duplicated with attribution and without permission.

January 2011 • Vol. 17 • Issue 1