

PRESS STATEMENT

MARICOPA COUNTY IMMIGRANT CRIMINAL CONSPIRACY POLICY SUBJECT TO FEDERAL COURT CHALLENGE

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Location: Senate Lawn, 1700 W. Washington Phoenix 85007

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A coalition of organizations in Maricopa County, joined by several State Representatives and other Arizona taxpayers, and a group of immigrants facing felony charges for “conspiring” to have themselves transported through Maricopa County, today announced the filing of a federal class action challenge to the controversial migrant conspiracy policy.

Plaintiffs in the lawsuit include We Are America/Somos America Coalition of Arizona, Arizona Hispanic Community Forum, League of United Latin American Citizens, Friendly House, Arizona State Representatives Kyrsten Sinema, Steve Gallardo, and Steve Lujan, Arizona State University Associate Professors Cecilia Menjivar and LaDawn Haglund, and six immigrants charged with felony conspiracy under the Maricopa County policy.

The lawsuit is brought as a class action on behalf of “all individuals stopped, detained, arrested, incarcerated, prosecuted, or penalized for conspiring to transport themselves” in Maricopa County.

Maricopa County is the only local government in the United States to initiate a program to charge all suspected undocumented migrants being transported through the county with felony crimes. To date, over 300 immigrants have been arrested, jailed, and charged under the policy. According to the lawsuit, most plead guilty in order to avoid lengthy stays in Maricopa’s notoriously harsh jails.

In March 2006 Maricopa County started to arrest large numbers of suspected undocumented immigrants and charging them with conspiracy to transport themselves with the aid of a smuggler. County officials base their policy on a State anti-coyote law passed in 2005 that makes it a crime to smuggle undocumented immigrants for gain in Arizona. However, legislators who proposed and supported the state law, have publicly criticized the Maricopa County policy saying they never intended it to be used against migrants being smuggled.

The Maricopa County policy is one of hundreds of local initiatives that have recently

been enacted in response to what local officials see as a failure of the Congress to adequately grapple with national immigration reform. Defenders of immigrant communities view the Maricopa County policy as the harshest and most discriminatory measure initiated in the country.

The plaintiffs are represented by a team of lawyers, including three firms based in Phoenix, the Center for Human Rights and Constitutional Law based in Los Angeles, California, and the LULAC National Legal Advisor based in El Paso, Texas.

Roberto Reveles, Executive Director of the We Are America Coalition of Arizona, issued the following statement: "The legality of the Maricopa County conspiracy policy should be ruled upon by the federal courts before more lives are destroyed, people needlessly jailed for months at a time, and tax-payers billed for a program that may be unconstitutional and has no measurable impact on the immigration crisis."

Rosa Rosales, National President of LULAC, issued the following statement: "As the oldest and largest Hispanic civil rights organization in the country, we are appalled at the short-term political gains certain Maricopa County officials have sought to make by charging immigrants with serious felonies. The vast majority of these immigrants come to the United States to satisfy the demand for labor here and to join their families. They are hard working and in no way a threat to national security. Treating them like serious criminals is not only irrational, it is shameful and disgraceful."

Peter Schey, President of the Center for Human Rights and Constitutional Law and counsel for the plaintiffs, issued the following statement on behalf of the plaintiffs: "Instead of participating in the on-going national debate over immigration reform, as many other counties are doing, Maricopa County has spoken with a voice of intolerance and divisiveness. It has all but shut itself out of the national debate. The Maricopa County policy is a far more serious violation of the law than anything the jailed migrants have engaged in. It appears to be a conspiracy to violate the federal constitution and laws, unwittingly underwritten by Arizona taxpayers. We have little doubt that in the end the policy will be declared illegal and enjoined from further implementation by the federal courts. If that is the outcome, the Arizona taxpayers may then face hundreds of lawsuits for false arrest and imprisonment. Maricopa County would be well advised to at least temporarily suspend its policy while the courts decide its legality. That would be the prudent course for the county to adopt in light of the serious claims raised in this litigation."

Marianna Gonko, Immigration Director of Friendly House, a Phoenix non-profit serving low-income families, issued the following statement: "The Maricopa County conspiracy policy not only has a devastating impact on the lives of immigrants, it also forces non-profit organizations to divert their limited resources to serving this jailed population. The migrants we have interviewed in jail wanted nothing more than to come to this country to engage in hard work, to support their families, and to be reunited with their families. Keeping them in jail for many months and charging them with serious felonies does absolutely nothing to address the underlying causes of undocumented migration."