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20 *Application For Admission *Pro Hac Vice* Pending
21 Attorneys For *Amicus Curiae*, The Center on the Administration of Criminal Law

22 **IN THE UNITED STATES DISTRICT COURT**
23 **FOR THE DISTRICT OF ARIZONA**

24 The United States of America,

25 *Plaintiff,*

26 v.

27 The State of Arizona; and Janice K. Brewer,
28 Governor of the State of Arizona, in her
Official Capacity,

Defendants.

No. 2:10-cv-1413-SRB

**MOTION FOR LEAVE TO FILE BRIEF
OF *AMICUS CURIAE* THE CENTER ON
THE ADMINISTRATION OF CRIMINAL
LAW**

1 Pursuant to Fed. R. Civ. P. 7 and Local Rule 7.2, the Center on the Administration
2 of Criminal Law (the “Center”) moves this Court for permission to participate in this matter for
3 the limited purpose of filing the concurrently-lodged brief as amicus curiae in support of
4 Plaintiff’s Motion for Preliminary Injunction (Docket. No. 6).

5 **STATEMENT OF INTEREST**

6 The Center, based at New York University School of Law, is dedicated to defining
7 and promoting good government practices in the criminal justice system through academic
8 research, litigation, and participation in the formulation of public policy. The Center’s litigation
9 practice aims to use the Center’s empirical research and experience to assist courts in important
10 criminal justice cases. As the Center’s name suggests, it is devoted to improving the quality of
11 the administration of criminal justice and advocating the adoption of best practices through its
12 scholarly, litigation, and public policy components.

13 The Center’s Executive Director, Anthony S. Barkow, was a federal prosecutor for
14 12 years and worked in two United States Attorney’s Offices—the United States Attorney’s
15 Office for the Southern District of New York, where he prosecuted terrorism cases, and the
16 United States Attorney’s Office for the District of Columbia—and in the United States
17 Department of Justice in Washington, D.C. The Center’s Senior Fellow, Anne Milgram, was the
18 Attorney General of the State of New Jersey from 2007 to 2010, where she spearheaded
19 investigations into gang violence, public corruption, and mortgage foreclosure and debt
20 reduction schemes. Before that, she was a prosecutor in the Manhattan District Attorney’s Office
21 and in the United States Department of Justice’s Civil Rights Division, Criminal Section, where
22 she prosecuted human trafficking crimes.
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ARGUMENT

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2 The central issue in this case is whether Arizona Senate Bill 1070, as amended by
3 Arizona House Bill 2162 (the “Arizona immigration law”) is preempted by federal law. Plaintiff,
4 United States of America, has recently moved for a preliminary injunction enjoining enforcement
5 of the law on preemption grounds. In its brief in support of its motion for a preliminary
6 injunction, the plaintiff also briefly raises the concern that the Arizona immigration law will
7 “endanger[] cooperative relationships with this community” and negatively impact the goodwill
8 of lawfully present aliens towards the United States. (Docket No. 6, at 56-57.) The Center
9 agrees with the arguments of the plaintiff and files an *amicus* brief to elaborate and expand upon
10 that concern by demonstrating that the Arizona immigration law is counterproductive to good
11 government practices in the criminal justice system and the law enforcement community overall.

12 In particular, the Center argues that the Arizona immigration law, by placing local
13 police officers in the position of acting as immigration officials, will drive a wedge between
14 police officers and the immigrant communities they serve. The Center’s brief demonstrates that
15 the principal mission of local law enforcement officers is to enforce State, County, and local
16 criminal laws and to protect the communities they serve. To that end, a critical component of
17 achieving success in that mission is having the cooperation and trust of the members of those
18 communities. Maintaining a strong, positive relationship between police officers and the
19 community promotes public safety because individuals feel more comfortable coming forward to
20 report suspicious activity and to cooperate with law enforcement working to solve or prosecute a
21 crime. As the Center’s brief makes clear, the Arizona immigration law threatens to undermine
22 those relationships with a large segment of the community—in particular, immigrant members—
23 by making them fearful that interacting with police officers will result in deportation for
24 themselves or someone they know. Public safety and national security will suffer as police
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1 officers lose valuable information that allows them to prevent and solve crime locally and to
2 prevent terrorist acts against our nation.

3 For these reasons, the Center respectfully requests that the Court grant this
4 Motion and accept its *amicus* brief.¹

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25 ¹ No party, party's counsel, or *amicus* has contributed money to the preparation of the Center's
26 *amicus* brief.

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Dated: New York, New York
July 8, 2010

Respectfully submitted,

/s/ Ricardo Solano Jr.

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