

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NATIONAL COUNCIL OF LA RAZA, NEW )  
YORK IMMIGRATION COALITION, )  
AMERICAN-ARAB ANTI-DISCRIMINA- )  
TION COMMITTEE, LATIN AMERICAN )  
WORKERS PROJECT, and UNITE, )

Plaintiffs, )

v. )

**No. 03-CV-6324 (ILG/ASC)**

JOHN ASHCROFT, Attorney General of the )  
United States, TOM RIDGE, Secretary of )  
Homeland Security, ROBERT MUELLER, )  
Director, Federal Bureau of Investigation, )  
MICHAEL GARCIA, Assistant Secretary of )  
Homeland Security in charge of the Bureau of )  
Immigration and Customs Enforcement, )  
UNITED STATES DEPARTMENT OF )  
JUSTICE, UNITED STATES DEPARTMENT )  
OF HOMELAND SECURITY, FEDERAL )  
BUREAU OF INVESTIGATION, and )  
BUREAU OF IMMIGRATION AND )  
CUSTOMS ENFORCEMENT, )

(Glasser, J.)  
(Chrein, M.J.)

Defendants. )

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**BRIEF OF AMICI CURIAE  
NATIONAL LATINO OFFICERS' ASSOCIATION AND  
NATIONAL BLACK POLICE ASSOCIATION  
IN SUPPORT OF PLAINTIFFS**

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## **STATEMENT OF FACTS**

Amici curiae adopt the statement of facts submitted by Plaintiffs.

### **STATEMENT OF INTEREST OF AMICI CURIAE**

Amicus curiae National Latino Officers Association (NLOA) is a fraternal and advocacy organization with a membership of 10,000 uniformed and civilian employees, predominantly within city and state law enforcement agencies. The mission of the NLOA is to create strong bonds between the Latino community and various law enforcement agencies, while promoting candid and productive communication. Over many years, the NLOA, composed primarily of Latino officers, has gained a great deal of respect and trust within the Latino immigrant community by advising residents of their rights, fighting discrimination, and facilitating a mutual dependence between the community and law enforcement. The NLOA has testified before Congress and regularly participates in city council meetings regarding issues of discrimination and enforcement. Also, the NLOA has long advocated that police officers be prohibited from asking crime victims or witnesses questions regarding immigration status, so as to not deter already anxious immigrants—illegal or legal—from cooperating with police on law enforcement matters.

Amicus curiae National Black Police Association (NBPA) is a nationwide organization of African-American police associations dedicated to fairness and effective law enforcement. With approximately 35,000 members in 140 chapters, the NBPA has helped develop a strategy for Community-Oriented Policing. The NBPA hopes this strategy will create a bond between minority officers and the communities they serve. The NBPA both trains current officers in establishing better relationships within their communities and provides scholarship programs for youth who are interested in becoming police officers. The NBPA believes that only a true, cooperative relationship between residents and police officers can lead to safer communities. The

NBPA also aims to improve the relationships between police departments and minority populations by evaluating the effect of policies on minority communities, recruiting minority police officers on a national scale, and teaching officers to act with professionalism and compassion in combating corruption, brutality, and racial discrimination.

Amici are deeply concerned about the practical, real world consequences the Defendants' NCIC policies will have for effective law enforcement. In particular, amici believe that authorizing or encouraging police officers to arrest persons listed in the NCIC database will substantially hamper efforts amici and other law enforcement associations and jurisdictions have made to gain the trust of immigrant communities that is so critical to community-based policing efforts and more general effective law enforcement and counter-terrorism efforts. Amici also believe that Defendants' NCIC policies demonstrate a deeply problematic misperception of the appropriate spheres of law enforcement authority that Congress has itself recognized. Police enforcement of federal immigration law, particularly by officers who have neither the resources nor training to undertake it, will in the end be counterproductive to protecting the communities they serve.

### **PRELIMINARY STATEMENT**

Amici curiae respectfully submit this brief in support of Plaintiffs National Council of La Raza, New York Immigration Coalition, American-Arab Anti-Discrimination Committee, Latin American Workers Project, and UNITE ("Plaintiffs") in their action to enjoin the federal agencies and officials named as Defendants ("Defendants") from entering civil immigration records into the National Crime Information Center ("NCIC") database, the principal criminal database of the Federal Bureau of Investigation, and from disseminating that information to state and local police in an effort to cause state and local police to make federal immigration arrests. Plaintiffs argue that Defendants have misused the NCIC database in violation of the NCIC

statute, 28 U.S.C. § 534. Plaintiffs also contend that state and local police have no legal authority to enforce immigration laws, except in narrow circumstances approved by Congress and not applicable to the immigration arrests at issue in this case.

Amici endorse the arguments raised by Plaintiffs in their Memorandum of Law in Opposition to Defendants' Motion to Dismiss ("Memorandum in Opposition"). In particular, based on their experience, amici believe that Plaintiffs' allegations regarding the chilling effect that Defendants' NCIC reporting policies will have on Plaintiff members' communication with law enforcement—members who are in immigrant communities that already tend to underreport crime—are compelling. In addition, amici believe that the Plaintiffs' arguments regarding Congress' limitations on the circumstances in which local police can enforce immigration violations also reflect sound law enforcement policy given the particular realities of policing in the 21<sup>st</sup> century, which depend on innovative community-based policing strategies and interaction and trust between immigrant communities and the police to prevent and solve crimes, including terrorist crimes.

Furthermore, amici advance several independent arguments against the state and local enforcement of federal immigration laws that Defendants' policies induce. First, local enforcement of immigration laws has a chilling effect on immigrant communities, making them less likely to seek the assistance of police or to assist police with criminal investigations. These fears are very real. Since the Defendants began adding immigration violations to the NCIC database in 2002, thousands of immigrants across the country, and hundreds in New York, have been arrested by local law enforcement authorities. Nina Bernstein, Crime Database Misused for Civil Issues, Suit Says, N.Y. Times, Dec. 17, 2003, at 34.



Second, local enforcement of immigration laws will hamper current effective anti-crime and anti-terrorism measures by diverting scarce police resources from these measures and by overloading the NCIC database with volumes of inaccurate and complicated immigration data. Third, because Defendants' policies are not accompanied by any of the necessary training provided to federal immigration agents that would allow them to understand the complex and constantly changing immigration laws, police officers are likely to make damaging mistakes. Amici also expect that local enforcement of immigration laws will cause police officers and departments to engage in discrimination against persons in Plaintiff organizations and make wrongful arrests.

Last, broadening the scope of local enforcement of immigration laws is unnecessary, because lawful, statutory mechanisms for finding and apprehending illegal immigrants are already in place. Congress has already enacted specific legislation that delegates authority to the United States Attorney General to enlist the voluntary participation of state and local entities. 8 U.S.C. § 1357(g). The design of this statute implicitly demonstrates the illegality of Defendants' policies—policies that would also render the congressional legislation superfluous.

### **ARGUMENT**

#### **THE COURT SHOULD DENY THE GOVERNMENT'S MOTION TO DISMISS THE COMPLAINT.**

Amici adhere to the arguments raised by the Plaintiffs in their Memorandum in Opposition regarding Plaintiff organizations' demonstration of standing, the absence of congressional authorization for the Defendants' entry and dissemination of civil immigration records via the NCIC database, and the Defendants' misuse of the NCIC database to cause local police unlawfully to enforce federal immigration law. Amici also wish to provide the court with additional information about the probable and dangerous consequences of the Defendants'

policies from the perspective of police officers on the ground in the context of the realities of modern policing strategies and counter-terrorism efforts.

As described below, amici and countless local jurisdictions and law enforcement organizations have worked exhaustively to implement innovative community-policing strategies that recognize the peculiar dynamics of individual communities. Those strategies depend on forging communication and trust between police officers and the communities they serve and have been effective in preventing and solving crimes in immigrant communities in particular. As Plaintiffs have alleged and as amici demonstrate below, if police officers continue to arrest persons for immigration violations, law enforcement—even counter-terrorism efforts—in already distrustful and anxious immigrant communities will become enormously difficult.

Indeed, amici are startled by the claim of the Attorney General and other federal officials that local police retain “inherent authority” to enforce immigration laws. See Compl. ¶50. Leaving aside the questionable authority for such a claim, amply addressed by the Plaintiffs, the assertion belies a troubling misperception by the federal government about the appropriate roles of local and federal law enforcement. As our arguments below explain, Congress’ division of authority is wise: local police understand how to prevent and solve crimes in their jurisdictions, but have neither the training nor the resources to undertake immigration law enforcement. Indeed, authorizing or inducing local police to enforce federal immigration law in the way that the assertion of “inherent” local police power suggests would do serious damage to the ability of officers on the street to protect the communities they serve.

Amici are not alone in their concern about Defendants’ NCIC policies. Almost 650 organizations and prominent individuals have publicly expressed opposition to local enforcement of immigration laws outside of the limited involvement currently authorized under the law.

National Immigration Law Forum, Organizations Opposed to Local Enforcement of Immigration Laws (2004), <http://www.immigrationforum.org/documents/TheDebate/EnforcementLocalPolice/OppositiontoSLenforcement.pdf>. This list includes 75 police departments and 15 law enforcement organizations. Also included are 62 state and local governmental bodies, 19 members of Congress, 21 editorial boards, 73 national interest groups, and 378 regional, state, and local interest groups. Id. (The complete list is attached to this brief as Exhibit A.)

**A. LOCAL ENFORCEMENT OF IMMIGRATION LAWS WOULD CAUSE A “CHILLING EFFECT” AMONG IMMIGRANTS AND NONIMMIGRANTS, THEREBY UNDERMINING EFFECTIVE POLICING EFFORTS.**

Amici have dedicated significant efforts and resources to fostering trusting relationships between immigrant communities and law enforcement. Similarly, law enforcement entities across the country increasingly are employing community-based policing models to provide adequate law enforcement services to immigrant and other communities. Matthew J. Hickman and Brian A. Reaves, Community Policing in Local Police Departments, 1997 and 1999, U.S. Dep’t of Justice, Bureau of Justice Statistics (Feb. 2001), <http://www.ojp.usdoj.gov/bjs/pub/pdf/cplpd99.pdf>.<sup>1</sup> “The community policing approach to law enforcement seeks to address the causes of crime and reduce the fear of crime and social disorder through problem-solving strategies and police-community partnerships. A fundamental shift from traditional reactive policing, community policing strives to prevent crime before it occurs.” Id.

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<sup>1</sup> According to the Department of Justice, “State and local law enforcement agencies had nearly 113,000 community policing officers or their equivalents during 1999, compared to about 21,000 in 1997. This included 91,000 local police officers in 1999, up from 16,000 in 1997. . . .64% of local police departments serving 86% of all residents had fulltime officers engaged in community policing activities during 1999, compared to 34% of departments serving 62% of residents in 1997.” Id.

As Plaintiffs have alleged, immigrants have tended to underreport crimes—either as victims or witnesses—because of fear that interaction with police officers may lead to negative immigration consequences. See Robert C. Davis et al., Access to Justice for Immigrants Who Are Victimized: The Perspectives of Police and Prosecutors, 12 Crim. Just. Pol’y Rev. 183, 187 (2001) (DOJ-sponsored study demonstrated that two thirds of district attorneys and chiefs of police from the 50 largest cities believed that recent immigrants underreport crimes.) Local law enforcement entities depend upon valuable information received from members of immigrant communities in order to prevent and solve crimes. At the same time, immigrants must be able to trust that they will not be deported if they approach the police with information about a crime. Recently, for example, when a Dearborn, Michigan police officer put the word out in the Arab immigrant community that he was looking for an Arab-American man wanted for murder, community members flooded him with tips regarding the suspect’s whereabouts. Niraj Warikoo, Police Could Get More Power, Detroit Free Press, June 1, 2004, at 1B.

Amici have spent years working towards the development of these types of trusting relationships, and are just beginning to feel that these necessary relationships are being forged. Recognizing the obvious benefits to community policing, police departments all over the country have similarly devoted resources to gaining the trust of their immigrant communities. See, e.g., Chicago Police Dep’t, 17<sup>th</sup> District Addresses Special Needs of Korean-American Community (1998) (describing how Chicago police have worked to reach out to Korean-American women, in an effort to make them feel comfortable reporting domestic violence), <http://www.ci.chi.il.us/cp/AboutCAPS/SuccessStories/Dist17.95.12.html>; Mark Schultz, Hispanic Police Officer Reaches Out to Chapel Hill Latinos, Chapel Hill Herald Sun, May 17, 2002, at 6 (describing efforts of North Carolina police to increase awareness about the role of law enforcement in the Latino

community, including need to inform the community that police are not part of “La Migra” (the federal immigration authorities)); Mai Tran, Seeking to Arrest Immigrants’ Fear of Police, Program Aims to Educate Vietnamese About U.S. Justice and Explain Ethnic Group’s Culture to Officers, L.A. Times, May 17, 2002 (stating that the Orange County, California district attorney’s office established the Vietnamese Education Services Program to breakdown stereotypes about law enforcement in Vietnamese community).

These types of programs are integral in forming mutually beneficial relationships between immigrant communities and law enforcement, and there is much evidence to suggest that community-based policing has successfully lowered crime rates in immigrant communities. Department of Justice statistics show that although the non-fatal violent crime rate dropped 44% between 1993 and 2000 for the general population, it dropped 56% for Latino populations. Callie Marie Rennison, Criminal Victimization 2000; Changes 1999-2000 with Trends 1993-2000, U.S. Department of Justice, Bureau of Justice Statistics (June 2001), <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv00.pdf>; Callie Marie Rennison, Violent Victimization and Race, 1993-98, U.S. Department of Justice, Bureau of Justice Statistics (Mar. 2001), <http://www.ojp.usdoj.gov/bjs/pub/pdf/vvr98.pdf>. This decrease is attributed, in part, to growing trust between Latino communities and law enforcement officials. See, e.g., Ricardo Alonso-Zaldivar, Crimes Against Latinos Decrease, L.A. Times, Apr. 8, 2002, at 11A. Local enforcement of immigration laws would undermine these significant efforts and would cause immigrant communities to once again refrain from communicating with police officers for fear of being deported. A May 2002 poll found that seventy-seven percent of new Hispanic citizens were opposed to local enforcement of immigration laws because this practice would alienate immigrant residents and make them less likely to report crimes. Bendixen and Assoc., National Hispanic Electorate (poll) (May 2002) (on

file with NLOA). Similarly, police officers, police departments, and others around the country have publicly expressed their fears that if local law enforcement become involved in enforcing immigration laws, their efforts to reach out to immigrant communities will be significantly derailed.<sup>2</sup>

Past experience confirms the fear that local enforcement of immigration laws would create a chilling effect among undocumented immigrants. One of the most poignant examples of this type of fear of local law enforcement among undocumented immigrants is the case of 58 deaf Mexican workers who were smuggled into the United States and were found living in virtual slavery in small, crowded apartments in New York City. The workers had been beaten, raped, and attacked with stun guns. They reported being afraid to go to the police for fear of being deported. Neighbors, who had witnessed the abuse, were afraid to report it to the police for similar reasons. Mirta Ojito, Neighbors Did Not Respond to Immigrants' Trouble, N.Y. Times, July 21, 1997.

Other jurisdictions report similar incidents. In Lewisville, Texas, an immigrant witnessed a murder but refrained from contacting the authorities for several months because of fear of immigration-related consequences. Lesley Téllez, Police Seek to Ease Crime Victims' Fear of

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<sup>2</sup> As stated by a spokesperson for the International Association of Police Chiefs, "If local police are seen as local immigration officials, there's a concern that immigrants won't report crimes, which will then lead to an increase in crime in communities." Lesley Tellez, Police Seek to Ease Crime Victims' Fear of Being Deported, Dallas Morning News, Dec. 11, 2003. These concerns have been echoed by law enforcement personnel across the country. See, e.g., Karen Brandon, U.S. Weighs Local Role on Immigration, Chicago Tribune, Apr. 14, 2002 (Chicago, IL.); Mia Taylor, Cobb Police Unit Combats Hispanic Gang Lure, Atlanta Journal-Constitution, Dec. 12, 2002 (Cobb County, Ga.); Tim Steller, Expansion of Foreigner Arrest Plan is Feared, Arizona Daily Star, July 12, 2002 (Tucson, Az.); Value, Legality Debated as Local Police Become Immigration Cops, Hispanic Link Weekly Report, June 9, 2003 (Los Angeles, Ca.); Eric Schmitt, Administration Split on Local Role in Terror Fight, N.Y. Times, Apr. 29, 2002 (Sacramento, Ca.); Louie Gilot, Immigration Proposal Puts Burden on Police, El Paso Times, Oct. 9, 2003 (El Paso, Tx.); Richard Abshire, Non-English Speakers May Face Questionable Business Dealings, Dallas Morning News, Aug. 27, 2003 (Garland, Tx.); Houston Police Stick to Hands-off Immigration Policy, Houston Chronicle, March, 3, 2003 (Houston, Tx.); Oscar Avila, Bill Imperils Immigrants' Fragile Trust in Police, Chicago Tribune, Mar. 31, 2004 (Chicago, IL.); Michael Easterbrook, Durham Resolution Galvanizes Advocates, Raleigh News & Observer, Oct. 22, 2003 (Durham, N.C.); Bill Novak, County May Stiff the Feds On Information About Immigrants, The Capital Times, Dec. 18, 2003 (Dane County, WI).

Being Deported, Dallas Morning News, Dec. 11, 2003. In Tampa, Florida, police have reported that community members that may have information concerning the murder of a Mexican woman and her son are afraid to come forward. Clearwater Police have tried to stem immigrant fears by publicly stating that the police have no interest in their immigration status. Natasha Gregoire, Police Appeal For Clues In Slaying Of Mom, Son, Tampa Tribune, July 22, 2003. In Portland, Maine, officials investigating a restaurant fire were unable to question the restaurant's employees, who were members of the Thai community, because the employees, fearing that they would be deported, had fled the scene of the fire. David Hench, Volatile Cleaner Started Fatal Fire, Portland Press Herald, March 3, 2001.

Police departments have devoted time and energy to stemming immigrant fears about local law enforcement by disassociating themselves from immigration enforcement. Local enforcement of immigration laws will significantly undermine these efforts, and immigrants will once again fear communicating with police officers. These fears are justified. Thousands of immigrants around the country have already been arrested by police officers as a result of Defendants' actions. Nina Bernstein, Crime Database Misused for Civil Issues, Suit Says, N.Y. Times, Dec. 17, 2003, at 34 (reporting independent estimates of over 5,000 nationwide police arrests of immigrants listed in NCIC database and over 300 in New York.)

Amici are further concerned that local enforcement of immigration laws would create a particularly strong chilling effect among victims of domestic violence. The American Bar Association Commission on Domestic Violence reports that battered immigrant women will be less likely to come forward if local police enforce immigration laws, not only for fear that they themselves would be deported, but also for fear that their abusers would be deported. "It is very likely that having the abuser deported would not be in the long-term best interests of the battered

immigrant. For example, she may be blamed by her home-country community for his deportation and ostracized for her actions.” Gail Pendleton & David Neal, Local Police Enforcement of Immigration Laws and its Effects on Victims of Domestic Violence, ABA Commission on Domestic Violence, <http://www.nationalimmigrationproject.org/GetInvolved/DVSA%20CLEAR%20Article.doc>.<sup>3</sup> For example, in 1998, a woman in New Jersey was found slain in her apartment building. Friends and relatives reported that the suspected murderer, the woman’s boyfriend, had threatened to report her to the INS, thereby preventing her from reporting his abuse. Richard Cowen, Slain Woman Was ‘Vulnerable,’ The Record, June 29, 1998, at A1. Battered immigrant women need to be able to access culturally sensitive law enforcement entities without fear that they or their abusers will be deported. Police departments have implemented programs in an attempt to reach out to battered immigrant women and children;<sup>4</sup> however, this progress will be reversed by local enforcement of immigration law. Craig E. Ferrell Jr., Immigration Enforcement: Is It a Local Issue?, The Police Chief, June 2004, [hereinafter “Ferrell, Immigration Enforcement”] [http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=224&issue\\_id=22004](http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=224&issue_id=22004).

Significantly, Defendants’ policies will create a chilling effect among legal immigrants as well. “Even U.S. Citizens and lawfully-present immigrants will cease to cooperate with police if they sense that the police are viewing them with suspicion because of their ethnicity or the language they speak.” Michele Waslin, Immigration Enforcement by Local Police: The Impact

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<sup>3</sup> In addition, immigrant women are particularly at risk of experiencing domestic violence because they are more prone to being isolated within the home and face language and cultural barriers not faced by non-immigrant women. New York’s Sanctuary Policy and the Effect of Such Policies on Public Safety, Law Enforcement and Immigration, Hearing Before the House Comm. on the Judiciary, Subcomm. on Immigration, Border Security and Claims, 108<sup>th</sup> Cong. (2003) (statement of Leslye Orloff, NOW Legal Defense and Education Fund), <http://www.house.gov/judiciary/orloff022703.htm>.

<sup>4</sup> In New York, for example, the Mayor’s Office to Combat Domestic Violence coordinates with the police department to address the unique barriers immigrant women face in reporting abuse. See [http://www.nyc.gov/html/ocdv/html/special\\_immigrants.html](http://www.nyc.gov/html/ocdv/html/special_immigrants.html); Paroma Basu, Digital Deterrence, Village Voice, Dec. 4-10, 2002, <http://www.villagevoice.com/issues/0249/basu.php>.



on the Civil Rights of Latinos, National Council of La Raza, Issue Brief No. 9, Feb. 2003, <http://www.nclr.org/content/publications/detail/1390/>. Additionally, “[b]ecause immigration law is complicated and subject to frequent changes, many legal immigrants still worry that they could be deported for reasons they may not have known about.” *Id.*<sup>5</sup>

**B. LOCAL ENFORCEMENT OF IMMIGRATION LAWS WOULD UNDERMINE CURRENT EFFECTIVE ANTI-CRIME AND ANTI-TERRORISM MEASURES.**

Local enforcement of immigration laws will undermine current effective anti-crime and anti-terrorism measures by diverting resources away from these measures, by making community members less likely to cooperate with local law enforcement officials, and by undermining the usefulness of the NCIC database.

The increased burden of local enforcement of immigration laws will drain already shallow law enforcement resources.<sup>6</sup> Defendants’ policies will increase police officers’ responsibilities, requiring additional financial and human resources. Because Defendants’

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<sup>5</sup> Likely recognizing the chilling effects of local enforcement of immigration laws, scores of jurisdictions recently have adopted policies prohibiting certain forms of communication regarding immigration status. These policies generally prohibit law enforcement and other state and local entities from inquiring into a person’s status; however, they would do nothing to prevent law enforcement officers from arresting or pursuing persons they know to be immigration violators as a result of their inclusion in the NCIC database. *See, e.g.*, City Human Relations Comm. Res. Calling on the Mayor & City Council to Support the Bill of Rights & Civil Liberties for San Diegans (San Diego, Ca., Aug. 18, 2003); Exec. Order 89-6 (Chicago, Il. 1989); Police Dep’t Gen. Order 91-01-02 (Cicero, Il. 1998); City Council Res. No. 27-R-03 (Evanston, Il. 2003); Exec. Order FY 04/05 Concerning Access to State Services by all Entitled Maine Residents (Me. April 9, 2004); Ordinance MCC 19.10-19.50 (Minneapolis, Minn. 2003); Res. No. 2003R-109 (Minneapolis, Minn. 2003); Exec. Order 41 (New York, N.Y. 2003), amending Exec. Order 34; Res. No. 9046 (Durham, N.C. 2003); Police Dep’t Memo. 01-06 (Philadelphia, Pa. 2001); Res. No. 020394 (Philadelphia, Pa. 2002); City Council Res. Against the USA PATRIOT ACT and Other Executive Orders for the City of Philadelphia, Pennsylvania (Philadelphia, Pa. 2003); City Solicitor Memo. to All City Commissioners and Dep’t Heads (Philadelphia, Pa. 2003); Res. No. 030807-37 (Austin, Tex., Sept. 25, 2003); Police Dep’t Memo. of Understanding (Katy, Tex. 1998); Ordinance No. 121063 (Seattle, Wash., Feb. 5, 2003), amending Municipal Code ch.4.18 (Jan. 2003).

<sup>6</sup> The lack of sufficient resources for local law enforcement is evidenced by, among other things, inadequate police staffing and emergency response times. *See, e.g.*, Anjeanette Damon, City Growth Outpaces Police Staffing, Reno Gazette-Journal, Jan. 1, 2002, <http://www.rgj.com/news/stories/html/2002/01/26/6790.php>; Robert Davis, Washington, D.C.: Slow Response, Lack of Cooperation Bring Deadly Delays, U.S.A. Today, Feb. 24, 2004, <http://www.usatoday.com/news/nation/ems-day1-dc.htm>; NewsNet5, Records Show Slow EMS Response Times, Firehouse.com, Nov. 2, 2003 at <http://cms.firehouse.com/content/article/article.jsp?id=21193&sectionId=17>.

policies provide no additional financial or administrative resources to states and localities, these additional burdens could only be met with resources currently used to solve and prevent crime. Police departments across the country have publicly expressed their concerns about the drain in resources that local enforcement of immigration laws would create.<sup>7</sup> In addition, some fear that local enforcement of immigration laws will lead to increased numbers of detainees, and that the increased costs of detaining these individuals will once again fall on states and localities.<sup>8</sup>

In addition, amici are concerned that Defendants' policies will damage the effectiveness of current law enforcement functions. The attention of police officers will be diverted from deterring and solving traditional crimes to tracking down immigration violations. This is particularly true in light of the fact that, as discussed in Section C, infra, police officers are untrained in immigration law. In addition, criminals may quickly recognize that undocumented immigrants will be afraid to report crimes to the police, causing an increase in crimes perpetrated against immigrants. As Lieutenant Armando Mayoya of San Joaquin County Sheriff's Office states, "[i]f police officers start reporting to the INS, more undocumented workers could wind up as victims. Criminals soon would realize that undocumented workers would be unlikely to call police for fear of being deported and target them for attacks." Michelle Mittelstadt, U.S. May Let

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<sup>7</sup> As stated by an official of the Dallas Police Association, "The strain on local police already is enormous, and to ask us to arrest and detain immigrants is something the federal government needs to address by funding the INS some more and hiring additional personnel." Michelle Mittelstadt, U.S. May Let State, Local Authorities Enforce Federal Immigration Laws, Dallas Morning News, April 3, 2002. This sentiment has been expressed by local law enforcement officials in several other jurisdictions. See, e.g., Sheila Burke, Midstate Auth. Balk at Possibly Enforcing Immigration Laws, The Tennessean, April 15, 2002, at B (Putnam County, Tenn.); Sixto Molina, editorial, Immigration Role Not for Local Police, Tucson Citizen, Oct. 15, 2003 (Tucson, Az.); Dina Bunis and Minerva Canto, Immigrants Worried, Coe Pleased, Orange County Register, Apr. 4, 2002 (Anaheim, Ca.); Thomas Ginsberg & Maria Panaritis, U.S. Agents Limit Scrutiny of Illegal Immigrant Arrests, The Philadelphia Inquirer, Sept. 9, 2003 (Bensalem, Pa.); Tony Coleman, Measure Targets Immigrants' Fears, St. Paul Pioneer Press, Dec. 27, 2003, at B1 (St. Paul, Minn).

<sup>8</sup> Lisa M. Seghetti, et al., Enforcing Immigration Law: The Role of State and Local Law Enforcement, Congressional Research Service Report for Congress, 24, Mar. 11, 2004, <http://fpc.state.gov/documents/organization/31349.pdf>.

State, Local Authorities Enforce Federal Immigration Laws, Dallas Morning News, Apr. 3, 2002, at 1A.

Effective anti-terrorism measures will also be undermined by the Defendants' policies because immigrant communities will be deterred from reporting suspicious activity within their communities if they feel they are at risk of being deported. See Robert C. Davis et al., Access to Justice for Immigrants Who Are Victimized: The Perspectives of Police and Prosecutors, 12 *Crim. Just. Pol'y Rev.* 183, 188 (2001) (DOJ-sponsored study reported that 35% of district attorneys and chiefs of police from the 50 largest cities believe that "underreporting of crimes by recent immigrants posed a serious problem" to the criminal justice system as a whole.) As stated above, police often rely on close relationships with immigrant communities to get information on criminal activity; in particular, police depend on these communities for information relating to terrorist attacks. Neil Lewis, Immigrants Offered Incentives To Give Evidence on Terrorists, N.Y. Times, Nov. 29, 2001, at 7B (reporting that U.S. Attorney General John Ashcroft believes that "immigrants [are] in an especially good position to learn of terrorist plots or witness unusual behavior among people in their community.")

Furthermore, adding immigration violators to the NCIC database would actually diminish the usefulness of the NCIC database itself as an anti-terrorism tool. "Even DOJ's supporters acknowledge that upwards of 99.99% of undocumented immigrants pose absolutely no terrorist threat. However, delegating immigration law enforcement to already overburdened police departments adds millions of undocumented immigrants to the pool of potential suspects—in effect, it adds more hay to the haystack. This makes it more difficult, not easier, to find real terrorists." Michele Waslin, Immigration Enforcement by Local Police: The Impact on the Civil Rights of Latinos, National Council of La Raza, Issue Brief No. 9, Feb. 2003, <http://www.nclr.org>.

org/content/publications/detail/1390/. “Filling the database with records of minor immigration violators could also distract or impede police officers from using the database to obtain information about violent criminals and terrorists.” James J. Carfano, No Need for the CLEAR Act: Building Capacity for Immigration Counterterrorism Investigations, Heritage Foundation, Executive Memo. No. 925, Apr. 21, 2004, <http://www.heritage.org/Research/HomelandDefense/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=62225>. Finally, as the Department of Justice and other government entities have documented, INS records are riddled with inaccuracies. See U.S. Dep’t of Justice, Office of the Inspector General, Evaluation and Inspections Div., The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders, Report No. I-2003-004 (Feb. 2003) (stating that “the INS continues to face significant data accuracy problems,” and citing “name, nationality, and case file number discrepancies, as well as cases missing from the electronic files.”)<sup>9</sup> The inaccuracies contained in INS records could lead to names of legal immigrants being placed on the NCIC database.<sup>10</sup> Police officers, who have no training to identify valid immigration documents, could wrongfully arrest such persons, under the false belief that they are illegal immigrants. Amici are concerned that entering

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<sup>9</sup> The inaccuracies are a natural product of pervasive technical and systemic design and integration failures of INS databases. See, e.g., U.S. General Accounting Office, Report to Congressional Requesters, Homeland Security: INS Cannot Locate Many Aliens Because It Lacks Reliable Address Information, GAO-03-188 (Nov. 21, 2002) (stating that “the INS lacks adequate processing procedures and controls to ensure that the alien address information it receives is recorded in all automated databases.”). See also, Glenn A. Fine, Inspector General, Top Management Challenges in the Immigration and Naturalization Service: 2002, Memorandum for the Deputy Attorney General (Nov. 8, 2002) (“Our review of the INS records management system found deficiencies in 12 of the 17 control areas tested.”); U.S. General Accounting Office, Report to Congressional Requesters, Immigrant Benefits: Several Factors Impede Timeliness of Application Processing, GAO-01-488 (May 4, 2001) (stating that the INS’ “available service-wide automated systems contain unreliable data....”); U.S. Dep’t of Justice, Office of the Inspector General, Inspections Div., Voluntary Departure: Ineffective Enforcement and Lack of Sufficient Controls Hamper the Process, Report No. I-99-09 (Mar. 1999) (reporting that “INS record-keeping for voluntary departures granted by INS district officers is seriously flawed. . . .” resulting in “an incomplete immigration history for each of those illegal aliens.”).

<sup>10</sup> See Glenn A. Fine, Inspector General, Follow-Up Report On INS Efforts To Improve The Control Of Nonimmigrant Overstays, Report No. I-2002-006, (Apr. 2002) (reporting that “some aliens appear to be overstays when they are legally in the United States.”). See also Immigration and Naturalization Service: Information on the Disposition of Naturalization Cases and on Courtesy as a Factor in Employee Performance Appraisals, GAO-00-132R (May 23, 2000) (reporting that over 44,000 naturalization cases were inadvertently dropped from the system).

inaccurate data for thousands of immigrants into the NCIC database would further reduce the efficacy of the database and overall efficiency of local law enforcement efforts.

**C. LOCAL LAW ENFORCEMENT IS NOT ADEQUATELY TRAINED TO ENFORCE IMMIGRATION LAWS.**

Federal immigration agents are required to attend a 17-week Immigration Agent Basic Training course, and agents in the field complete additional on-the-job training. Lynn Tramonte, Justice Department Seeks New Role for State and Local Police: Immigration Law Enforcement, *Refugee Reports* 23, No. 6 (Aug. 2002), at [http://www.refugees.org/world/articles/RR\\_August\\_2002\\_lead.cfm](http://www.refugees.org/world/articles/RR_August_2002_lead.cfm). The 17-week training program includes, among other things, “courses on immigration and nationality law, fraudulent document detection, INS statutory authorities, civil liberties and liabilities, and Spanish language.” *Id.* In addition, because the Department of Homeland Security (DHS) issues many different types of documents authorizing individuals to remain in the United States legally, immigration agents are trained to recognize these documents. Such intensive training is important in ensuring that immigration agents do not wrongfully detain a person who has a legal right to be in the United States.

Even with this intensive training, INS agents have been known to make costly and embarrassing mistakes. *See, e.g.,* Probe Sought Into INS Raid, *Jackson Hole News*, Aug. 28, 1996; FBI Probes Possible Civil Rights Violations, *Press Enterprise*, Feb. 25, 1998, at B1 (documenting detention of 153 immigrants suspected to be undocumented simply because of the color of their skin and noting that several “suspects” were eventually released because they were citizens or legal immigrants.) *See also* Editorial, Enforcement, Not Terror, *Miami Herald*, Apr. 25, 1998, at 24A (reporting that the INS unnecessarily apprehended and detained several Nicaraguan workers who were potential beneficiaries of the Nicaraguan Adjustment and Central

American Relief Act of 1997). In addition to errors such as these, there have been several reports of INS agents using tactics similar to racial profiling in order to arrest suspected undocumented immigrants.<sup>11</sup>

Amici are concerned that local law enforcement undergo no specialized immigration law training and are therefore more likely to make such mistakes if they are granted power to enforce immigration laws. Federal immigration laws are complex and constantly subject to change. As Craig E. Ferrell, Deputy Director and Administration General Counsel for the Houston Police Department states, “When local police have waded into immigration enforcement, it has often come with disastrous and expensive consequences.” Ferrell, Immigration Enforcement, *supra*.

Without proper training, local law enforcement would not be adequately equipped to enforce immigration laws; yet, as noted above, providing immigration training to state and local law enforcement officers would further drain already scarce state and local resources.

#### **D. LOCAL ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGES POLICE OFFICERS TO ENGAGE IN IMPROPER RACIAL PROFILING.**

Related to amici's concern regarding lack of training is the likelihood that, if given the responsibility of enforcing immigration laws, improperly trained police officers will engage in improper racial profiling by relying on characteristics such as skin color or accents in deciding whether to question a person about his/her immigration status. The Congressional Research Service echoes this sentiment, stating, “a high risk for civil rights violations may occur if state and local police do not obtain the requisite knowledge, training, and experience in dealing with the enforcement of immigration laws.” Lisa M. Seghetti, et al., Enforcing Immigration Law: The

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<sup>11</sup> Following a June 2004 immigration raid in Southern California, for example, a local reverend reported that “immigration officers were randomly stopping Latinos on the street in their neighborhoods in suburbs east and south of Los Angeles and demanding their immigration papers.” John M. Broder, Immigration Raids, Far From Border, Draw Criticism, N.Y. Times, June 15, 2004, at 17A. The officers’ actions were described as “sowing fear and anger among Latinos, who they say appear to be singled out because of the color of their skin.” Id.

Role of State and Local Law Enforcement, Congressional Research Service Report for Congress, 24, Mar. 11, 2004, <http://fpc.state.gov/documents/organization/31349.pdf>.<sup>12</sup> In New York City, where race relations in the past have been particularly strained due to the public's perception that the police engaged in racial profiling, see, e.g., Felicia Lee, *Coping: Where the Blues Are a Big Help*, N.Y. Times, January 14, 2001, at 1, this likelihood is especially troubling.

A recent lawsuit in Chandler, Arizona serves as an example of the potential negative consequences of involving local law enforcement entities in the enforcement of immigration laws. In that case, the local police department collaborated with the INS to conduct a roundup of suspected undocumented Mexican immigrants. Police officers, acting outside of their jurisdiction, stopped to question residents—many of whom were lawful residents or citizens—for no other reason than their skin color or “Mexican appearance.” Victims of this roundup filed a lawsuit against the city, which eventually settled for \$400,000. Castro v. City of Chandler, No. 97-1736 (D.Ariz., filed Aug. 18, 1997). Similarly, in Katy, Texas police officers conducted a raid that resulted in the improper detention of over 80 Hispanic citizens or legal foreign nationals. Ferrell, Immigration Enforcement, supra. The ensuing class action lawsuit was dropped only on the assurances that the city would end its racial profiling practices. See Verdicts and Settlements, Nat'l L.J., Nov. 10, 2003, at 16.

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<sup>12</sup> Police officers and others have expressed similar concerns. See Michelle Mittelstadt, U.S. May Let State, Local Authorities Enforce Federal Immigration Laws, Dallas Morning News, April 3, 2002 (quoting an officer in San Joaquin County Sheriff's Office as saying, “[r]acial profiling...could intensify if police are tasked with upholding immigration laws....”); Craig Ferrell Jr., The War on Terror's “Absconder Initiative”, Int'l Assoc. of Chiefs of Police, Chief Counsel's Archive, Oct. 1, 2002, [http://www.iacp.org/documents/index.cfm?fuseaction=document&document\\_type\\_id=1&document\\_id=359](http://www.iacp.org/documents/index.cfm?fuseaction=document&document_type_id=1&document_id=359) (stating, “many local agencies are usually not equipped or trained to enforce immigration laws without running afoul of their state and local statutes, such as those prohibiting racial profiling.”); Susan M. Akram & Kevin R. Johnson, Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Muslims and Arabs, 58 Ann. Surv. Am. L. 295 (2002) (describing race-based targeting of Arabs and Muslims in name of counterterrorism post-September 11). In addition, public awareness of racial profiling by immigration agents or local law enforcement is evidenced by the existence of terms such as “driving while Latino” and “flying while Arab.” William F. McDonald, The Emerging Paradigm for Policing Multiethnic Societies: Glimpses from the American Experience, Police & Society 7, 231 (June 2001), <http://www.ojp.usdoj.gov/nij/specialissue/10McDonald.pdf>.

Amici are concerned that the likelihood of increased racial profiling as a result of local enforcement of immigration law will significantly undermine trust of immigrant groups essential for the success of community-based policing efforts, as described in Part A, supra.

**E. THE EXISTENCE OF MECHANISMS CURRENTLY IN PLACE FOR FINDING AND APPREHENDING ILLEGAL IMMIGRANTS DEMONSTRATES THAT BROADENING THE SCOPE OF IMMIGRATION LAWS IS BOTH UNCONSTITUTIONAL AND UNNECESSARY**

Congress has given DHS the authority to apprehend and detain illegal immigrants, see Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), and can, of course, choose to provide the agency with as many resources it thinks necessary to effectively enforce federal immigration laws. In 1996, Congress also established by statute a specific program by which federal immigration officials can enlist the voluntary assistance of state and local law enforcement officers. See 8 U.S.C. § 1357(g). This program embodies several critical features absent in defendants’ policies—a clear congressional delegation of authority to a federal agency, federal supervision, and the training that Congress believed was minimally necessary to undertake the complex mission of collaborative immigration law enforcement.

Congress has provided that the Attorney General may delegate immigration enforcement authority to local officials by entering into negotiated agreements with them, frequently referred to as Memoranda of Understanding (MOU). 8 U.S.C. § 1357(g) (“the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States...may carry out such function....”) The express delegation of authority by Congress to the Attorney General to engage



local law enforcement agencies implicitly, but certainly, undermines the legitimacy of Defendants' actions in this case, as Plaintiffs have otherwise demonstrated in their Memorandum in Opposition. Indeed, if Defendants' position regarding the legality of their actions were somehow correct, the congressionally created MOU program (and its corresponding constitutional foundation) would be rendered utterly superfluous.<sup>13</sup>

In addition, the congressional statute requires, unlike Defendants' policies, that any officer enforcing federal immigration law pursuant to an MOU receive adequate immigration enforcement training and that such officer act under the supervision of the United States Attorney General. 8 U.S.C. § 1357(g)(2) (requiring a "written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.") In 2002, Florida became the first state to enter into an MOU with the DOJ, and since then Alabama has entered into a similar MOU. Lisa M. Seghetti, et al., Enforcing Immigration Law: The Role of State and Local Law Enforcement, Congressional Research Service Report for Congress, 24, Mar. 11, 2004, <http://fpc.state.gov/documents/organization/31349.pdf>. Significantly, in Florida, these specially trained officers are not engaged in general immigration enforcement efforts; their involvement is limited to counter-terrorism efforts. See Memorandum of Understanding between DOJ and State of Florida, 2002, [http://www.fdle.state.fl.us/Domestic\\_Security/DS\\_5/INS\\_FDLE\\_MOU.pdf](http://www.fdle.state.fl.us/Domestic_Security/DS_5/INS_FDLE_MOU.pdf).

Although the MOU program is constitutional, limited in enforcement scope, and provides important immigration training, the MOU does not resolve all of amici's concerns. In particular, the MOU program does not completely obviate amici's concerns about the chilling effect on law

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<sup>13</sup> The MOU program is, likewise, voluntary. 8 U.S.C. § 1357(g)(9). ("Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.") Consistent with constitutional limitations, the federal government could not force a state to enter into an MOU without its clear consent. See Printz v. United States, 521 U.S. 898 (1997) (prohibiting the federal government from commandeering local government officials to implement federal programs).

enforcement in immigrant communities that local enforcement of immigration laws will have. See Section A, supra. Additionally, MOU programs are carried out “at the expense of the [s]tate” or locality; therefore amici’s concerns about lack of resources remain. 8 U.S.C. § 1357(g)(1). Nevertheless, because participation in the MOU program requires express state or local governmental consent, amici, and likely the dozens of state and local entities that oppose local governmental enforcement of immigration laws, see Ex. A, would have an opportunity to prevent an MOU adoption through the full democratic process,<sup>14</sup> rather than being subject to the considerably worse consequences imposed by Defendants’ policy via, as Plaintiffs’ describe in their Brief in Opposition, unlawful federal agency action.

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<sup>14</sup>In advance of the 2002 Winter Olympics, for example, Salt Lake City became one of the first localities to consider entering into an MOU with the DOJ. After a rich public debate, however, in which the community concluded that deputizing local police as immigration agents would not advance public safety, the Salt Lake City council voted against entering into the agreement. Sean Foster, SLC Council Says No to Cross-Deputization; Members Vote 4-3 Against Agreement That Would Let 20 City Police Officers Enforce Immigration Law, Salt Lake Tribune, Sept. 2, 1998.

**CONCLUSION**

For the foregoing reasons, amici urge this Court to deny the government's motion to dismiss the complaint.

Dated: June 18, 2004

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**EXHIBIT A**

# Organizations Opposed to Local Enforcement of Immigration Laws

The following organizations have expressed opposition to the idea of having state and local police enforce federal immigration laws, outside of limited avenues already available under current law. Their positions may have been manifested in organizational policy directives, statements made to the press, local resolutions, executive orders, or other public forums.

For a list of organizations that are on record explicitly opposing the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act (H.R. 2671) and the Homeland Security Enhancement Act (S. 1906), visit <http://www.immigrationforum.org/currentissues/clear.htm>.

National Immigration Forum, April 2004

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## State and Local Law Enforcement Agencies

### *Arizona*

Chandler Police Department  
Pima County Sheriff's Department  
Santa Cruz County Sheriff's Office  
South Tucson Police Department  
Yuma County Sheriff's Office

### *California*

Anaheim Police Department  
Arroyo Grande Police Department  
Fresno Police Department  
Los Angeles County Sheriff's Department  
Los Angeles Police Commission  
Los Angeles Police Department  
Modoc County Sheriff's Office  
Newark Police Department  
Sacramento Police Department  
Salinas Police Department  
San Diego Police Department  
San Joaquin County Police Department  
Sonoma County Police Department  
Stockton Police Department  
Ventura County Sheriff's Department

### *Colorado*

Boulder Police Department  
Denver Police Department  
Glenwood Springs Police Department

*District of Columbia*

Washington, DC Metropolitan Police Department

*Florida*

Lake County Sheriff's Office

Miami Police Department

North Miami Beach Police Department

*Georgia*

Cobb County Police Department

*Illinois*

Chicago Police Department

Cicero Police Department

*Iowa*

Des Moines Police Department

*Kansas*

Kansas City Police Department

Lenexa Police Department

Overland Park Police Department

*Maine*

Cumberland County Office of the Sheriff

Portland Police Department

*Maryland*

Baltimore City Police Department

Montgomery County Police Department

*Massachusetts*

Boston Police Department

Lowell Police Department

*Minnesota*

Minneapolis Police Department

St. Paul Police Department

*New Jersey*

Fairview Police Department

Hackensack Police Department

Hillsdale Police Department

Palisades Park Police Department

*New York*

New York City Police Department

*North Carolina*

Cary Police Department  
High Point Police Department

*Oregon*

Eugene Police Department  
Hillsboro Police Department  
Multnomah County Sheriff's Office  
Portland Police Bureau

*Pennsylvania*

Bensalem Department of Public Safety  
Hammonton Police Department  
Philadelphia Police Department

*Rhode Island*

Pawtucket Police Department

*South Carolina*

North Charleston Police Department

*Tennessee*

Nashville Metropolitan Police Department  
Putnam County Police Department

*Texas*

Arlington Police Department  
Austin Police Department  
Bexar County Sheriff's Office  
Carrollton Police Department  
Dalton Police Department  
El Paso Sheriff's Department  
Garland Police Department  
Houston Police Department  
Katy Police Department  
Lewisville Police Department  
San Antonio Police Department  
Waco Police Department

*Washington*

Seattle Police Department  
Whatcom County Sheriff's Department

*Wisconsin*

Dane County Sheriff's Department

**Law Enforcement Associations**

**National**

Association of National Minority Law Enforcement Associations (ANMLEA)  
Federal Hispanic Law Enforcement Officers Association (FHLEA)  
Hispanic American Police Command Officers Association (HAPCOA)  
National Latino Peace Officers Association (NLPOA)  
Police Executive Research Forum (PERF)  
Police Foundation

### **State/Local**

California Police Chiefs' Association  
California State Sheriffs' Association  
Connecticut Police Chiefs' Association  
Dallas Police Association  
El Paso Municipal Police Officers' Association  
Houston Police Officers Union  
Miami-Dade Chiefs Association  
Police Benevolent Association (FL)  
Washington Association of Sheriffs and Police Chiefs

### **State and Local Governments**

#### **National Associations**

National Association of Counties  
National Conference of State Legislatures  
National League of Cities  
United States/Mexico Border Counties Coalition

### **State and Local Elected Bodies and Officials**

#### *Alaska*

State Legislature of Alaska  
Anchorage City Council  
Fairbanks City Council

#### *Arizona*

Governor Jane Hull (R)

#### *Arkansas*

City of Rogers

#### *California*

54 members of the California Legislature  
Los Angeles City Attorney Rocky Delgadillo  
Los Angeles City Council  
Los Angeles County Board of Supervisors  
National City Mayor Nick Inzunza  
National City City Council  
San Francisco City Council

#### *Connecticut*



Danbury Mayor Mark Boughton

*District of Columbia*

Mayor Anthony Williams (D)  
City Council Member Adrian Fenty (D)  
City Council Member Jim Graham (D)

*Florida*

Governor Jeb Bush (R)

*Illinois*

Evanston City Council  
City of Chicago Alderman George Cardenas, 12<sup>th</sup> Ward  
City of Chicago Alderman Tom Tunney, 44<sup>th</sup> Ward

*Kansas*

Unified Government of Wyandotte County

*Maine*

Portland City Council

*Maryland*

Baltimore Mayor Martin O'Malley  
Baltimore City Council  
Montgomery County Executive Doug Duncan  
Takoma Park City Council

*Massachusetts*

Cambridge City Council  
Orleans City Council

*Michigan*

Ann Arbor City Council  
Detroit City Council

*Minnesota*

Minneapolis City Council  
St. Paul City Council Member Pat Harris

*New Mexico*

Governor Bill Richardson  
Albuquerque City Council  
Aztec City Council  
Rio Arriba County Board of Commissioners  
Santa Fe City Council

*New York*

New York City Mayor Michael Bloomberg (R)  
Former New York City Mayor Rudy Giuliani (R)

Queens City Councilman Hiram Monserrate

*North Carolina*

Durham Mayor Bill Bell

Durham Assistant City Manager Ted Voorhees

*Ohio*

Lorain County Board of Commissioners

Former Attorney General Betty Montgomery

*Oregon*

Oregon Revised Statute 181.850

Attorney General Hardy Myers

Ashland City Council

Gaston City Council

Marion County City Council

Salem City Council

*Pennsylvania*

Philadelphia City Solicitor Nelson Diaz

*Texas*

Austin City Council

Houston Mayor Pro Tem Gordon Quan

San Antonio Assistant City Manager Rolando Bono

*Washington*

Seattle City Council

*Wisconsin*

Madison City Council

Dane County Board of Supervisors Member Scott McDonell

District Attorney Brian Blanchard

**Presidential Candidates (former)**

Joseph Lieberman

Wesley Clark

**Congress**

Congressional Hispanic Caucus

Representative Howard Berman (D-CA)

Representative Chris Cannon (R-UT)

Representative Lincoln Diaz-Balart (R-FL)

Representative Bob Filner (D-CA)

Representative Jeff Flake (R-AZ)

Representative Richard Gephardt (D-MO)

Representative Luis Gutierrez (D-IL)

Representative Sheila Jackson Lee (D-TX)

Representative Barbara Lee (D-CA)  
Representative Zoe Lofgren (D-CA)  
Representative Robert Menendez (D-NJ)  
Representative Silvestre Reyes (D-TX)  
Representative Ciro Rodriguez (D-TX)  
Representative Ileana Ros-Lehtinen (R-FL)  
Representative Linda Sanchez (D-CA)  
Representative José Serrano (D-NY)  
Representative Jan Schakowsky (D-IL)

## **Editorial Boards**

American City and County  
The American Prospect  
Arizona Daily Star  
Athens (GA) Banner-Herald  
Atlanta Journal-Constitution  
Boston Globe  
Chicago Tribune  
Des Moines Register  
El Paso Times  
Houston Chronicle  
Los Angeles Times  
The Miami Herald  
Orange County Register  
New York Sun  
The New York Times  
Newsday  
Palm Springs Desert Sun  
San Diego Union-Tribune  
San Francisco Chronicle  
Star Tribune (MN)  
Tucson Citizen

## **National Interest Groups**

ACORN  
American-Arab Anti-Discrimination Committee (ADC)  
American Civil Liberties Union  
American Conservative Union  
Americans for Tax Reform  
Anti-Defamation League  
American Conservative Union  
American Immigration Lawyers Association  
Amnesty International USA  
Arab American Institute  
Asian American Legal Defense and Education Fund  
Asian & Pacific Islander American Health Forum  
Catholic Alliance

Catholic Legal Immigration Network, Inc. (CLINIC)  
Church Women United  
Church World Service IRP  
The Committee for Inter-American Human Rights  
Council on American-Islamic Relations  
Detention Watch Network  
Doctors of the World-USA  
Episcopal Migration Ministries (EMM)  
Family Violence Prevention Fund  
Friends Committee on National Legislation (FCNL)  
Hebrew Immigrant Aid Society (HIAS)  
Hmong National Development  
Immigrant Legal Resource Center  
Immigrant Women Program of NOW Legal Defense and Education Fund  
Immigration and Refugee Services of America  
International Gay and Lesbian Human Rights Commission  
Jesuit Refugee Service/USA  
Labor Council for Latin American Advancement (LCLAA)  
Lawyers Committee for Human Rights  
Leadership Conference on Civil Rights (LCCR)  
Love Sees No Borders  
Lutheran Immigration and Refugee Service  
Mexican-American Legal Defense and Educational Fund  
Muslim Public Affairs Council  
National Alliance To End Sexual Violence  
National Alliance of Vietnamese American Service Agencies  
National Asian Pacific American Legal Consortium  
National Catholic Association of Diocesan Directors for Hispanic Ministry (NCADDHM)  
National Center on Domestic and Sexual Violence  
National Center on Poverty Law  
National Coalition Against Domestic Violence  
National Coalition for Asian Pacific American Community Development  
National Coalition for Haitian Rights  
National Council of La Raza  
National Employment Law Project  
National Immigration Forum  
National Immigration Law Center  
National Immigration Project of the National Lawyers Guild  
National Korean American Service and Education Consortium  
National Network for Immigrant and Refugee Rights  
National Organization of Sisters of Color Ending Sexual Assault (SCESA)  
National Organization for Women (NOW)  
Network in Solidarity with the People of Guatemala (NISGUA)  
Orange County (CA) Congregation Community Organization  
Organization of Chinese Americans  
People For the American Way  
The Puerto Rican Legal Defense and Education Fund  
Service Employees International Union (SEIU), AFL-CIO, CLC  
SHARE Foundation

Sikh Mediawatch and Resource Task Force (SMART)  
Social Welfare Action Alliance  
Southeast Asia Resource Action Center (SEARAC)  
South Asian Network  
Stop-Traffic  
Tahirih Justice Center  
UNITE!  
United Food and Commercial Workers International Union (UFCW)  
U.S. Civil Rights Commission  
United States Conference of Catholic Bishops  
World Relief

## **Regional, State, and Local Interest Groups (By State)**

### *Alabama*

ACLU of Alabama  
Hispanic Interest Coalition of Alabama

### *Arizona*

Addiction Services, P.C.  
Border Action Network  
Border Watch  
Florence Immigrant and Refugee Rights Project  
Tempe Hispanic Forum

### *California*

ACLU of Southern California  
American Arab Anti-Discrimination Committee, Los Angeles and Orange County Chapter  
Asian Law Alliance  
Asian Law Caucus (San Francisco)  
Asian Pacific American Legal Center of Southern California (Los Angeles)  
Asian & Pacific Islander Institute on Domestic Violence (San Francisco)  
Asian Pacific Islander Legal Outreach (San Francisco)  
Asian Pacific Policy and Planning Council  
Bay Area Immigrant Rights Coalition  
Catholic Charities of the Diocese of Santa Rosa  
Catholic Charities Refugee and Immigrant Services—San Diego  
Catholic Charities of San Jose  
Central American Resource Center (CARECEN)—Los Angeles  
Child Care Law Center (San Francisco)  
Coalition to Abolish Slavery and Trafficking (CAST) (Los Angeles)  
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)  
Community United Against Violence (San Francisco)  
El Concilio del Condado de Ventura  
Darin M. Camarena Health Centers, Inc.  
East Bay Asian Local Development Corporation  
East San Jose Community Law Center  
Filipino Civil Rights Advocates (Oakland)  
Filipinos for Affirmative Action (Oakland)

Immigration Law Project, La Raza Centro Legal, Inc. (San Francisco)  
International Institute of the East Bay  
International Institute of San Francisco  
Korean American Coalition to End Domestic Abuse (Oakland)  
Korean Resource Center of Los Angeles (KRC)  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
Los Angeles County Board of Supervisors  
Migration Policy and Resource Center/Occidental College, Los Angeles  
Riley Center: Services for Battered Women and their Children (San Francisco)  
Sexual Assault Crisis Agency (SACA)  
Shimtu: Korean Domestic Violence Program of the Korean Community Center of the  
East Bay  
South Asian Network

*Colorado*

9to5 Colorado  
Boulder County Safehouse  
Center for Justice, Peace and Environment  
Colorado Coalition Against Domestic Violence (Denver)  
El Centro Amistad  
Fuerza Latina (Fort Collins)  
Los Compañeros (San Juan Citizens Alliance)  
Rape Awareness and Assistance Program (Denver)  
Rights for All People/Derechos Para Todos  
Rocky Mountain Peace and Justice Center

*Connecticut*

Catholic Charities Migration and Refugee Services—Hartford

*District of Columbia*

AYUDA Inc.  
Break The Chain Campaign  
Capital Area Immigrants' Rights Coalition  
CARECEN-DC (Central American Resource Center)  
Washington Lawyers' Committee for Civil Rights and Urban Affairs  
Women Empowered Against Violence, Inc. (WEAVE)

*Florida*

Catholic Charities of Orlando, Inc.  
Coalition of Immokalee Workers (Immokalee)  
Diocese of Orlando, Respect Life Office  
The Farmworker Association of Florida, Inc.  
Florida Council Against Sexual Violence (Tallahassee)  
Florida Immigrant Advocacy Center (FIAC)  
GALATA, Inc. (Florida City)  
Latino Leadership, Inc.  
The Law Firm of M. Thomas Lobasz, P.A.  
Office for Farmworker Ministry

### *Georgia*

African Immigrant Communities Leadership Initiatives/US (Columbus)  
Immigration Services of Catholic Social Services—Atlanta  
Raksha Inc. (Atlanta)

### *Hawaii*

Catholic Charities Community and Immigrant Services  
Na Loio - Immigrant Rights & Public Interest Legal Center (Honolulu)

### *Illinois*

Alivio Medical Center  
Asian American Institute (Chicago)  
Dominican Literacy Center  
Heartland Alliance for Human Needs & Human Rights (Chicago)  
Illinois Coalition for Immigrant and Refugee Rights (Chicago)  
The Immigration Project (Granite City)  
Korean American Resource & Cultural Center (KRCC)  
Latinos Progresando (Chicago)  
Latino Youth, Inc.  
Metropolitan Family Services, Family Violence Intervention Program (Chicago)  
Midwest Immigrant & Human Rights Center (Chicago)  
Peregrinos por la Dignidad

### *Iowa*

Asian Coalition Against Domestic Violence and Sexual Assault (ACADVSA)  
Assault Care Center Extending Shelter (Ames)  
Catholic Charities, Domestic Violence/Sexual A.P. (Council Bluffs)  
Cedar Valley Friends of the Family (Waverly)  
Centers Against Abuse and Sexual Assault (Spencer)  
Clinton YWCA, Domestic Violence/Sexual A.R.C. (Clinton)  
Committee of the Immigrant Rights Network of Clarion, Iowa  
Committee of the Immigrant Rights Network of Des Moines, Iowa  
Committee of the Immigrant Rights Network of Dubuque, Iowa  
Committee of the Immigrant Rights Network of Ottumwa, Iowa  
Committee of the Immigrant Rights Network of Red Oak, Iowa  
Committee of the Immigrant Rights Network of Shenandoah, Iowa  
Committee of the Immigrant Rights Network of Sioux City, Iowa  
Council Against Domestic Abuse and Sexual Assault (Cherokee)  
Council on Sexual Assault and Domestic Violence (Sioux City)  
Crisis Center and Women's Shelter (Ottumwa)  
Crisis Intervention and Advocacy Program (Adel)  
Crisis Intervention Service (Mason City)  
Crisis Intervention Services of Mahaska County (Oskaloosa)  
Domestic Abuse Prevention Center (Carroll)  
The Domestic and Sexual Abuse Resource Center (Decorah)  
Domestic/Sexual Assault Outreach Center (Fort Dodge)  
Domestic Violence Advocacy Program (Davenport)  
Domestic Violence Alternatives/Sexual Assault C. (Marshalltown)  
Domestic Violence Education and Shelter (Shenandoah)

Domestic Violence Intervention Program (Iowa City)  
The Family Crisis Center of North Iowa (Algona)  
Family Crisis Centers of NW Iowa (Sioux Center)  
Family Crisis Support Network (Atlantic)  
Family Service League Crisis Services (Waterloo)  
The Family Violence Center (Des Moines)  
Iowa Coalition Against Domestic Violence  
Iowa Coalition Against Sexual Assault Rape and Sexual Assault Program Polk Co. V.S.  
(Des Moines)  
Rape Victim Advocacy Program (Iowa City)  
Riverview Center, Inc. (Dubuque)  
Rural Crisis Center: Domestic Violence & S.A.S. (Creston)  
Seeds of Hope (Grundy Center)  
Sexual Assault/Domestic Abuse Advocacy Program (Muscatine)  
Tri-State Coalition Against Domestic and Sexual Assault (Keokuk)  
Turning Point (Knoxville)  
Waypoint Services for Women, Children and Families (Cedar Rapids)  
YWCA Domestic Violence Program (Dubuque)  
YWCA Domestic Violence Shelter and Sexual A.P. (Burlington)

#### *Kansas*

El Centro, Inc.  
Kansas Coalition Against Sexual and Domestic Violence  
Law Offices of Sarah J. Schlicher (Overland Park)

#### *Kentucky*

Kentucky Domestic Violence Association

#### *Louisiana*

Catholic Charities Archdiocese of New Orleans  
Migration and Refugee Services/Catholic Diocese of Lafayette  
Office of Justice and Peace/Catholic Diocese of Lafayette

#### *Maine*

Family Crisis Services (Portland)  
Immigrant Legal Advocacy Project

#### *Maryland*

Immigration Outreach Service Center (IOSC)  
Migrant and Refugee Cultural Support, Inc. (MIRECS)

#### *Massachusetts*

Brazilian Immigrant Center  
Brazilian Resources and Services Network  
Brazilian Workers Center  
Greater Boston Legal Services, on behalf of its clients  
Irish Immigration Center  
Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition  
Massachusetts Law Reform Institute



Political Asylum/Immigration Representation Project (Boston)  
Refugee Immigration Ministry (Malden)  
UFCW Local 1445

*Michigan*

ACCESS (The Arab Community Center for Economic and Social Services)  
Domestic Violence Project, Inc./SAFE House (Ann Arbor)  
Hispanic American Council  
Michigan Coalition Against Domestic and Sexual Violence (Okemos)  
Michigan Organizing Project (MOP)  
Relief After Violent Encounter, Inc. (St. Johns)  
Turning Point (Mt. Clemens)  
YWCA of Grand Rapids

*Minnesota*

AFFIRM (The Alliance for Fair Federal Immigration Reform of Minnesota)  
AFSCME Council 14  
Al Taqwa Mosque  
Archdiocese of St. Paul & Minneapolis Hispanic Ministry Leadership Team  
C.N. Realty  
Centro de Derechos Laborales  
Comite Civico Ecuatoriano  
Community Stabilization Project (CSP)  
Confederation of Somali Community  
Council on Asian Pacific Minnesotans  
Council on Black Minnesotans  
HERE (Hotel Employees and Restaurant Employees International Union)  
Hmong 18 Council  
Hmong American Partnership  
ISALAH  
Jewish Community Action  
Jobs and Affordable Housing Campaign  
Lauj Youth Society of Minnesota  
MN Chapter of the American-Arab Anti-Discrimination Committee  
MN Chapter of the American Immigration Lawyers Association  
MN Chapter of the National Lawyers Guild  
MN State AFL-CIO  
Merriam Park Neighbors for Peace  
Minnesota Advocates for Human Rights (Minneapolis)  
Minnesota Alliance for Progressive Action (MAPA)  
Minnesota Literacy Council  
Minnesota Muslim American Society  
National Conference of Black Lawyers  
Our Lady of Guadalupe Congregation  
Progressive Minnesota  
Resource Center for the Americas  
SEIU Minnesota State Council  
Sacred Heart Congregation  
St. Paul Bill of Rights Defense Committee

St. Paul Branch of the NAACP  
St. Paul Trades and Labor Association  
Steelworkers of America  
Swede Hollow Democratic Club  
UFCW Local 789  
Waseca Area Neighborhood Service Centre  
Women of Africa Resource and Development Association (WARDA)

*Mississippi*

Catholic Charities of the Diocese of Jackson  
Catholic Diocese of Jackson  
Daughters of Charity  
Dominican Sisters  
Saint Anne Catholic Church

*Missouri*

Refugee & Immigration Services, Diocese of Jefferson City

*Nebraska*

Immigrant Rights Network of Iowa and Nebraska  
NE Mexican American Commission  
Nebraska Appleseed Center for Law in the Public Interest

*New Jersey*

American Friends Service Committee Immigrant Rights Program of Newark, NJ  
Catholic Community Services, Refugee Resettlement and Immigration Assistance Programs—Newark  
El Centro Hispanoamericano (Plainfield)  
Migration and Refugee Services/Diocese of Trenton  
New Jersey Coalition for Battered Women  
New Jersey Immigration Policy Network, Inc.  
Wind of the Spirit, Immigrant Resource Center

*New Mexico*

Catholic Charities of Albuquerque  
MANA de Albuquerque (Mexican American National Association of Women)

*New York*

Alianza Dominicana, Inc.  
Asian Americans For Equality, Inc.  
CUNY School of Law, Immigrant Initiatives  
Cabrini Immigrant Services  
Catholic Charities of Rockville Centre  
Central American Legal Assistance  
Central American Refugee Center  
Centro Salvadoreño  
Community Board 2 Manhattan  
Face to Face  
The Forest Hills Community House

Goddard Riverside Community Center  
Greater Upstate Law Project (Albany, Rochester and White Plains, NY)  
Hotel Employees & Restaurant Employees Union, Local 100  
Kids Meeting Kids  
Latin American Integration Center  
Lesbian and Gay Immigration Rights Task Force (New York)  
Lutheran Family and Community Services (New York)  
Marymount Manhattan College Institute for Immigrant Concerns  
New Immigrant Community Empowerment (NICE) – Jackson Heights  
New York Immigration Coalition  
New York State Defenders Association  
Rockland Immigration Coalition  
Safe Horizon (New York City)  
Sanctuary for Families (New York City)  
Sex Workers Project at the Urban Justice League (New York City)  
Young Korean American Service & Education Center (YKASEC)

#### *North Carolina*

Center for New North Carolinians  
Episcopal Farmworker Ministry  
FaithAction  
Latino Community Credit Union  
Latino Community Development Center  
North Carolina Justice and Community Development Center

#### *Ohio*

Community Refugee & Immigration Services  
En Camino, Migrant and Immigrant Outreach/Diocese of Toledo

#### *Oklahoma*

Asian American Community Service Association, Inc.  
Domestic Violence Intervention Services, Inc. (Tulsa)  
Leblang, Sobel & Ashbaugh, P.L.L.P.

#### *Oregon*

ACLU of Oregon  
AFSCME Council 75  
AILA Oregon Chapter  
Adelante Mujeres  
American Immigration Lawyers Association, Oregon Chapter  
Asian Pacific American Network of Oregon  
Basic Rights Oregon  
Benton County Bill of Rights Defense Committee  
Better People  
Bridge City Preparative Meeting of the Religious Society of Friends  
CAUSA  
Center for Environmental Equity  
Centro Cultural  
Centro LatinoAmericano

Commission on Hispanic Affairs  
Common Cause Oregon  
Community Alliance of Lane County  
Coos County Women's Crisis Service  
Domestic Violence Resource Center  
Ecumenical Ministries of Oregon  
Eugene Human Rights Commission  
Haven from Domestic Violence  
Human Dignity Coalition  
Illinois Valley Safe House Alliance  
Japanese American Citizen League, Portland Chapter  
Lane County Central Labor Council  
Lane County Bill of Rights Defense Committee  
Lane County Human Rights Advisory Committee  
Lane County Law & Advocacy Center  
Latino Network  
Latinos Unidos Siempre  
Mid-Valley Women's Crisis Service  
Network for Immigrant Justice  
Northwest Workers' Justice Project  
Oregon AFL-CIO  
Oregon CURE  
Oregon NOW  
Oregon Action  
Oregon Chapter National Association of Social Workers  
Oregon Child Development Coalition  
Oregon Coalition Against Domestic and Sexual Violence  
Oregon Criminal Defense Lawyers Association  
Oregon Law Center  
Oregon Pacific Green Party  
Peace & Justice Works/Portland Copwatch  
Pineros y Campesinos Unidos del Noroeste (PCUN)  
Portland Bill of Rights Defense Committee  
Portland Books to Prisoners  
Portland State University Faculty Association  
Q: A Queer Resource for Social Change  
Rural Organizing Project  
SEIU Local 49  
SEIU Local 503, OPEU  
SEIU Local 503, Latino Caucus  
Safe Harbors  
Salem/Keizer Coalition for Equality  
Sexual Assault Resource Center  
Sexual Assault Support Services  
Siuslaw Area Women's Center Board of Directors  
Southern Oregon Chapter of the ACLU of Oregon  
Springfield Alliance for Equality and Respect  
Survivors Advocating for An Effective System  
Tillamook County Citizens for Human Dignity

VOZ Workers' Rights Education Project  
Wasco County Citizens for Human Dignity  
Western Prison Project  
Western States Center  
Womenspace

*Pennsylvania*

CIRCLE - Coalition for Immigrants' Rights at the Community Level (York)  
Detention Resource Project (Philadelphia)  
Lutheran Settlement House (Philadelphia)  
Golden Vision Foundation (York)  
Pennsylvania Immigrant & Refugee Women's Network (Enola)  
Pennsylvania Immigration Resource Center (York)  
Pennsylvania Coalition Against Rape (Enola)  
PRIME – Ecumenical Commitment to Refugees (Clifton Heights)

*Rhode Island*

International Institute of Rhode Island, Inc.  
Rhode Island Jobs with Justice

*Tennessee*

Abused Women's Services of The YWCA of Greater Memphis  
Garcia Labor Company, Inc.  
Highlander Research and Education Center  
Iraqi House  
Tennessee Coalition Against Domestic and Sexual Violence (Nashville)  
Tennessee Immigrant and Refugee Rights Coalition (TIRRC)

*Texas*

ARCA (Association for Residency and Citizenship of America)  
Association for Immigrants' Equality and Freedom  
BARCA, Inc.  
Border Association for Refugees from Central America (Edinburg)  
Casa Guanajuato  
Catholic Charities of Dallas, Immigration Counseling Services  
Catholic Family Service, Inc.  
Citizens and Immigrants for Equal Justice (Mesquite)  
Concilio de Inmigración  
Equal Justice Center  
Hines & Leigh, P.C.  
School for All  
The Texas Civil Rights Project (Austin)  
Texas Council on Family Violence

*Utah*

YWCA of Salt Lake

*Vermont*

Vermont Network Against Domestic Violence & Sexual Assault (Montpelier)

Vermont Refugee Assistance (Montpelier)

*Virginia*

Boat People S.O.S. (Falls Church)  
The Hispanic Committee of Virginia  
Office of Justice and Peace, Catholic Diocese of Richmond  
Refugee and Immigration Services, Catholic Diocese of Richmond  
Refugee & Immigration Services - Roanoke Office  
Tenants' & Workers' Support Committee  
Virginia Hispanic Chamber of Commerce  
Virginia Justice Center for Farm and Immigrant Workers

*Washington*

Broadview Emergency Shelter and Transitional Housing Program (Seattle)  
Chinese Cultural Association  
Eastside Domestic Violence Program (Bellevue)  
El Centro de la Raza  
Hate Free Zone Campaign of Washington (Seattle)  
King County Coalition Against Domestic Violence (Seattle)  
Law Offices of Carol L. Edward & Associates, P.S. (Seattle)  
Northwest Immigrant Rights Project (Seattle)  
Washington Alliance for Immigrant and Refugee Justice  
Washington Defender Association's Immigration Project (Seattle)

*Wisconsin*

La Causa, Inc.  
UNIDOS Against Domestic Violence (Madison)  
Voces de la Frontera