

Food Workers Union Files Federal Lawsuit Challenging Arizona's Anti-Immigrant Law

Written by UFCW Press Release (2010-05-17)

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WASHINGTON - (Business Wire) The United Food and Commercial Workers International Union (UFCW) today joined in a lawsuit filed in federal court challenging the constitutionality of Arizona's recently passed immigration law, S.B. 1070.

In addition, the National Immigration Law Center (NILC), the National Association for the Advancement of Colored People (NAACP), the Mexican American Legal Defense and Education Fund (MALDEF), and the American Civil Liberties Union (ACLU) will join in providing legal counsel for the suit.

UFCW International President Joe Hansen released the following statement regarding the lawsuit:

"We believe S.B. 1070 is unconstitutional, un-American and that it undermines our nation's rich immigrant history. The law effectively legalizes racial profiling and sanctions harassment and discrimination. We are filing this suit to protect the rights of our members and all workers in the state of Arizona—and to uphold the values and ideals that make our nation strong.

"The UFCW has been at the forefront of the fight for immigration reform because we have seen firsthand the devastation caused by enforcement-only strategies – we've seen families torn apart, we've seen communities destroyed and we've seen workers rights' shredded. We need a comprehensive overhaul of our broken immigration system at the federal level, not regressive, racially motivated laws enacted on a state-by-state basis."

The Complaint will advance five major allegations:

First: Under the Supremacy Clause of the U.S. Constitution, federal law fully preempts state and local law in immigration matters because:

Immigration is an inherently federal concern;
The comprehensiveness of federal law fully occupies the field; and,
There is grave risk of conflict between federal and state law in this field.

Second: S.B. 1070 impermissibly encroaches upon the Right to Travel of the U.S. Constitution by subjecting racial and ethnic minorities traveling to Arizona to the risk of being stopped, interrogated, and detained as elements of its enforcement.

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Third: S.B. 1070 violates the First Amendment of the U.S. Constitution in chilling freedom of speech and assembly because it prohibits individuals from soliciting work in a public place. The law requires law enforcement to engage in content discrimination in determining whether the speech related to obtaining work is proscribed by the law, and even if the applicable provision is content neutral, it is overbroad and vague.

Fourth: S.B. 1070 violates the Fourth Amendment of the U.S. Constitution, requiring law enforcement to conduct investigatory stops of individuals without reasonable suspicion of criminal activity, as well as providing for warrantless seizures in the absence of probable cause that crimes have been committed.

Fifth: S.B. 1070 violates the equal protection clause of the Fourteenth Amendment of the U.S. Constitution, impermissibly singling out non-citizens on the basis of alienage and national origin as a primary means of enforcement.

The complaint seeks declaratory and injunctive relief.