

1 Ricardo Solano, Jr. (NY Bar #3040433) (admitted *pro hac vice*)  
 2 Jessica A. Murzyn (NY Bar #3007119)\*  
 3 Ellen London (NY Bar #4605671)\*  
 4 Friedman Kaplan Seiler & Adelman LLP  
 5 1633 Broadway  
 6 New York, New York 10019  
 7 (212) 833-1100  
 8 RSolano@fklaw.com  
 9 JMurzyn@fklaw.com  
 10 ELondon@fklaw.com

11 Anthony S. Barkow (NY Bar #4745220)\*  
 12 Anne Milgram (NY Bar #2841492)\*  
 13 Center on the Administration of Criminal Law  
 14 At NYU School of Law  
 15 139 MacDougal Street, Room 307  
 16 New York, New York 10012  
 17 (212) 998-6612  
 18 Anthony.Barkow@nyu.edu  
 19 Anne.Milgram@nyu.edu

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**

898991.1

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**

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

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

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.<sup>1</sup>

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<sup>1</sup> No party, party's counsel, or *amicus* has contributed money to the preparation of the Center's *amicus* brief.

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Dated: New York, New York  
July 8, 2010

Respectfully submitted,

**/s/ Ricardo Solano Jr.**

Ricardo Solano Jr. (admitted *pro hac vice*)  
Jessica A. Murzyn\*  
Ellen London\*  
Friedman Kaplan Seiler & Adelman LLP  
1633 Broadway  
New York, New York 10019  
(212) 833-1100  
RSolano@fklaw.com  
JMurzyn@fklaw.com  
ELondon@fklaw.com

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Anne Milgram\*  
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Anne.Milgram@nyu.edu

*Attorneys for The Center on the Administration  
of Criminal Law*