

## JUDGE BLOCKS ARIZONA LAW



U.S. District Judge Susan Bolton blocked police in Arizona from enforcing a section of the state's 2010 immigration enforcement law that prohibited people from obstructing traffic when they seek or offer day labor services on streets. Rejecting arguments by the state that the rules were necessary for traffic safety, the judge noted that the law, also known as SB1070, says its purpose is to make attrition through enforcement the immigration policy of state and local government agencies. "This purposes clause applies to all sections of SB1070, and nowhere does it state that a purpose of the statutes and statutory revisions is to enhance traffic safety," the judge wrote. In a 2010 decision by Bolton other, more controversial elements of the law were prevented from taking effect, including a requirement that police, while enforcing other laws, question people's immigration status if officers suspect they are in the country illegally. While the U.S. Supreme Court has agreed to hear Gov. Jan Brewer's appeal of Bolton's decision to put the most contentious elements of the law on hold, another appeals court has already upheld Bolton's July 2010 ruling. Of the seven challenges to the Arizona law, three remain active. No trial date has been scheduled in the three cases. Reportedly, none of Arizona's law enforcement agencies have made any arrests under the sections of the law that were allowed to take effect. In a statement, Brewer expressed disappointment with what she described as Bolton's "erroneous decision" which she said has further eroded the state's ability to regulate public safety. Dan Pochoda, legal director for the American Civil Liberties Union of Arizona, one of the group's representing people who filed the lawsuit, said, "There are clear laws now that allow any cop to unclog the streets well before they had this law". He said the judge realized the intention all along was to get at day laborers and saw through the government's hoax that the day labor rules had to do with traffic safety. The Mexican American Legal Defense and Educational Fund, as well as other opponents, argued that the free speech rights of people who want to express their need for work was restricted and had asked the judge for a preliminary injunction to block enforcement of the day labor rules. Opposing attempts to halt enforcement of the day labor restrictions, Brewer's lawyers claimed that day laborers are a road-side nuisance and that the restrictions are meant to tackle safety concerns and trespassing and damage to property. In her ruling on Wednesday, Bolton wrote "The adoption of a content-based ban on speech indicates that the Legislature did not draft these provisions after careful evaluation of the burden on free speech" and pointed out that the law appears to target particular speech rather than a broader traffic problem.

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