



THREE WAYS A SUPREME COURT APPOINTEE COULD THREATEN IMMIGRANTS' RIGHTS

- **Immigrant Rights on the Job:** Justices Scalia and Thomas have already joined in a 5-4 ruling that the National Labor Relations Board could not award back pay to a worker who had been unlawfully fired for participating in union organizing because the worker was an undocumented immigrant not authorized to work in this country. A Supreme Court with even one or two more justices like Scalia and Thomas would make the situation even worse.
- **Judicial Review for Immigrants Subject to Deportation:** In a 5-4 ruling, the Court rejected the government's argument that 1997's strict new federal immigration law permitted automatic deportation of lawfully admitted immigrants who had pled guilty to crimes before the law went into effect, rejecting the argument that these new rules could be applied retroactively. Justices Scalia and Thomas dissented. Just one additional vote with Scalia Thomas would make it much more difficult for immigrants to challenge in court other deportation policies adopted by the government.
- **Indefinite incarceration of immigrants:** Two more Scalia-Thomas justices could mean that an immigrant who is removable from this country could not even file a petition for habeas corpus to raise constitutional challenges to certain laws authorizing lengthy detentions. In a 5-4 ruling, the Court held that the government cannot keep an alien who is under final order of removal in jail indefinitely, even though no country will accept that person. Justices Scalia and Thomas issued a separate dissent, maintaining that an incarcerated alien subject to a final order of removal has no constitutional right to be released from custody under any circumstance, and that there are no situations in which a court could order that person's release from custody.

PROTECT IMMIGRANTS' RIGHTS

Hard-won progress for immigrants' rights is at risk. You can help protect immigrants' rights by helping to save the Supreme Court.

The nine-member Supreme Court interprets the Constitution and laws – and plays a powerful role in immigrants' rights in America. Right now, the Supreme Court is closely divided on key questions, so the people appointed to fill vacancies expected on the Court over the next few years will have a huge effect on the rights of immigrants for decades to come.

We face the very real prospect of as many as four vacancies on the Supreme Court in the next four years. And just one or two new right-wing justices like Antonin Scalia and Clarence Thomas – the justices President Bush has called his models for Supreme Court appointments – would undermine the rights of immigrants in America. For example:

WHAT YOU CAN DO

The struggle over the future of the Supreme Court is beginning now, even before there is a single vacancy. There is an effort by some allies of the White House to change Senate rules and make it harder to prevent anyone nominated by president from getting on the Supreme Court for life. If you don't want immigrant' rights to be weakened or eliminated by a far-right dominated Supreme Court, now is the time to take action.



For more information see: **savethecourt.org**

or to get involved call: **1-800-326-7329**