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Could Federal Government Challenge Arizona Immigration Law?

By *MAX FISHER* on *May 27, 2010 9:31am*

President Barack Obama and Attorney General Eric Holder have made it clear that they don't like Arizona's anti-immigration law, which some police chiefs warn [could actually increase crime](#). Now they might be doing something about it. Could the federal government succeed in knocking the law down? Here's the latest on a possible challenge from the Department of Justice.

- 'Drafting a Plan' for Challenge** The Arizona Daily Star's [John Bolton](#) says, "a Justice Department legal team is drafting a plan to challenge Arizona's new immigration law, SB 1070. All of the reports stress that a final decision to challenge the law has not been made and would face hurdles from other legal analysts within the Justice Department and in the White House. But the team is reported to be developing a challenge based on the idea that Arizona overstepped its authority."
- How They Would Challenge** The Chicago Tribune's [Richard Serrano and Kate Linthicum](#) say a challenge would "assert that Arizona's controversial immigration law is unconstitutional because it impinges on the federal government's authority to police the nation's borders." Additionally, "the [Justice] department's civil rights section is considering possible legal action against the law on the basis that it amounts to racial profiling of Latinos who are legally in Arizona but conceivably could be asked to provide documents proving their citizenship."
- Federal Challenge May Be 'Imminent'** The Los Angeles Times' [Kate Linthicum](#) reports, "During the hourlong meeting [with police chiefs], Holder told the officials that a federal challenge to Arizona's law may be imminent, according to participants. ... Justice officials have said that they may challenge the law on two grounds – for subjecting people to racial profiling and for usurping the federal government's power to enforce immigration law."
- Civil Rights Investigation Underway** The Associated Press' [Pete Yost](#) reports, "The Obama administration is weighing a possible court challenge to the Arizona law and 'the attorney general said he would be making decisions fairly quickly,' though he did not elaborate, said Harris, who is police chief in Sahuarita, Ariz." Yost adds, "Three weeks ago, the Justice Department's civil rights division head told some Arizona leaders that DOJ staff is analyzing the potential effects of the new state law."
- 'Partisan Attack'** National Review's [James Jay Carafano](#) scoffs, "It's perfectly clear that their recent doings on border security and immigration reform are driven purely by politics. ... It's not often you see the nation's chief law-enforcement officer stage a partisan attack on a state for trying to uphold federal immigration law."
- Law's Changes Protect From Challenge** Cato's [Ilya Shapiro](#) reads the amended law and notes the big changes. "All of these changes unquestionably improved the civil rights provisions of the law and should further protect it from successful legal challenge — again without saying anything about the law's policy wisdom."

The Debate

- [How They'd Challenge](#) *Richard A. Serrano and Kate Linthicum*, Chicago Tribune
- [Updated Law Anticipates Challenges](#) *Ilya Shapiro*, Cato
- [Partisan Attack](#) *James Jay Carafano*, National Review
- [Drafting a Plan](#) *John Bolton*, Arizona Daily Star
- [Could be Imminent](#) *Kate Linthicum*, LA Times

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