

Key Part of Arizona Immigration Law Cleared to Take Effect

By Tamara Audi

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A federal-court judge Wednesday refused to ban the part of Arizona's immigration law that allows law-enforcement officials to ask the immigration status of people stopped for other reasons, clearing the way for the most contested element of the law to take effect.

But in a split ruling that had both advocates and opponents of the law declaring defeat and victory, U.S. District Court Judge Susan Bolton barred a portion of the law that makes it a state crime to harbor or transport undocumented immigrants, saying that area is the purview of the federal government.

The ruling comes after the Supreme Court earlier this year struck down parts of the immigration law, SB1070, but upheld the section allowing law-enforcement officials to check immigration status of a person stopped for other reasons. The high court said the law couldn't be objected to before it took effect.

Judge Bolton, a Bill Clinton appointee, cited that decision in her ruling, saying she "will not ignore the clear direction" in the Supreme Court's opinion that the section "cannot be challenged further on its face before the law takes effect."

Arizona Gov. Jan Brewer, a Republican who championed the immigration law, said after the ruling, "Arizona is one big step closer to implementing the core provision of SB1070." She added that the law must be enforced "in harmony with the Constitution and civil rights."

Before the "show me your papers" element of the law, as it is known to critics, can be implemented, the judge has to lift an injunction on it in a separate case. That could come after 10 days, according to Arizona officials.

A spokesman for the governor said the judge's decision to throw out the part of the law making it illegal to harbor undocumented immigrants "is disappointing but not unexpected." Federal courts have recently overturned similar provisions in immigration laws in Alabama and Georgia.

"While state officials are authorized to make arrests for these violations of federal law," Judge Bolton wrote in her ruling overturning the harboring aspect of the law, "the federal government retains exclusive jurisdiction to prosecute."

Civil-rights advocates who pressed for the injunctions had mixed reaction at the rulings.

The American Civil Liberties Union Immigrants' Rights Project is weighing whether to appeal the "show me your papers" part of the ruling, and it is "prepared to fight for immigrants' rights in courts if that part of the law does take effect," said Cecillia Wang, director of the group.

If the section allowing immigration checks goes into effect, "we're really going to have a very serious situation on our hands," Ms. Wang said. Civil-rights advocates have warned that the law would result in

racial profiling and illegal detentions if people had to wait long hours for law-enforcement officials to establish immigration status.

Ms. Wang said the judge's decision to knock down the harboring statute "is a significant step forward."

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