

THE NEW YORK TIMES

July 6, 2010

# Justice Dept. Sues Arizona Over Its Immigration Law

By [JULIA PRESTON](#)

The Justice Department filed a [lawsuit](#) on Tuesday against Arizona to challenge a new [state law](#) intended to combat illegal [immigration](#), arguing that it would undermine the federal government's pursuit of terrorists, gang members and other criminal immigrants.

The suit, filed in federal court in Phoenix, [had been expected](#) since mid-June, when Obama administration officials first disclosed they would contest the Arizona law, adding to several other suits seeking to have courts strike it down.

The federal government added its weight to the core argument in those suits, which contend that the Arizona law usurps powers to control immigration reserved for federal authorities. The main suit was brought by the [American Civil Liberties Union](#), the Mexican American Legal Defense and Educational Fund and other civil rights groups.

The Justice Department argues the law would divert federal and local law enforcement officers by making them focus on people who may not have committed crimes, and by causing the "detention and harassment of authorized visitors, immigrants and citizens."

"Arizonans are understandably frustrated with illegal immigration," Attorney General [Eric H. Holder Jr.](#) said. "But diverting federal resources away from dangerous aliens such as terrorism suspects and aliens with criminal records will impact the entire country's safety."

The Justice Department suit is also aimed at stemming a tide of similar laws under consideration in other states. "The Constitution and the federal immigration laws do not permit the development of a patchwork of state and local immigration policies throughout the country," the suit says.

Justice Department officials are "sending an unmistakable cannon shot across the bow of any other state that might be tempted to follow Arizona's misguided approach," said Lucas Guttentag, director of the Immigrants' Rights Project for the A.C.L.U.

The Justice Department asked for a court injunction to prevent the Arizona law from taking effect as scheduled on July 29. Hearings in the other cases are scheduled for July 15 and 22. The law, signed by Gov. [Jan Brewer](#) on April 23, makes it a crime to be an illegal immigrant in the state and requires officers to determine the immigration status of people they stop for another offense based on a "reasonable suspicion" that they might be illegal immigrants.

Ms. Brewer assailed the federal lawsuit. “As a direct result of failed and inconsistent federal enforcement, Arizona is under attack from violent Mexican drug and immigrant smuggling cartels,” she said. “Now, Arizona is under attack in federal court from [President Obama](#) and his Department of Justice.”

White House officials said Mr. Obama was not involved in the Justice Department’s decision to sue. But the suit came after steps by Mr. Obama in an effort to frame the immigration debate in terms that will favor Democrats in advance of midterm elections in November, including a speech on Thursday when he restated his commitment to overhaul legislation that would give legal status to millions of illegal immigrants.

The suit deepened the controversy over the Arizona law. Representative [Darrell Issa](#), Republican of California, said the president was wasting resources that should be spent controlling the Southwest border.

“For President Obama to stand in the way of a state which has taken action to stand up for its citizens against the daily threat of violence and fear is disgraceful and a betrayal of his Constitutional obligation to protect our citizens,” said Mr. Issa, one of 19 Republicans signing a letter criticizing the suit.

[Kris Kobach](#), a lawyer and consultant to Ms. Brewer who is a co-author of the Arizona statute, said it was tailored to complement federal law. The Justice Department’s suit is “unnecessary,” he said, and “the suspicion is this is more about politics than law.”

In a background call with reporters, a senior department official said the decision to file the lawsuit — and to do so on the ground that it pre-empts federal authority, rather than on civil rights grounds like racial profiling — followed extensive deliberations with the Civil Rights Division and others inside the department, and a trip to Arizona to meet with state officials.

Should the department fail to persuade the courts to block Arizona’s law, the official said, it would closely watch for signs that people of Hispanic appearance were being singled out.

Charlie Savage contributed reporting.