



U.S. sues South Carolina over immigration law

By Terry Frieden, CNN Justice Producer

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(CNN) -- Justice Department officials pressed their campaign against an immigration law in South Carolina on Monday, saying the measure passed there this summer unconstitutionally pre-empted federal authority.

South Carolina's law also could lead to the harassment and detention of authorized visitors, immigrants and citizens, federal officials argue in court documents.

The law would "undermine federal law and invade federal authority by imposing punitive sanctions for conduct that falls outside of the state's police powers and that Congress affirmatively decided should not be subject to such sanctions. And it will interfere with and undermine the federal government's control over relations with foreign governments," officials argue, referring to the state trying to require the carrying of documents to prove residency.

The complaint filed in federal court in South Carolina follows similar lawsuits in Arizona and Alabama.

The Arizona law has been blocked and remains on appeal. Only parts of the Alabama law were blocked, and the case is before a federal appeals court.

In a written statement, Attorney General Eric Holder said Monday his department will not hesitate to challenge laws that interfere with the federal government's enforcement of immigration.

"It is understandable that communities remain frustrated with the broken immigration system, but a patchwork of state laws is not the solution and will only create problems," Holder said.

Justice Department officials argue that South Carolina, like Arizona and Alabama, places burdens on federal agencies, diverting resources away from high-priority targets such as those suspected of terrorism, drug smuggling and other criminal activity.

Justice Department executives told reporters late Monday they are currently discussing the issue with officials in three other states and their planned approaches to immigration enforcement. The officials said they continue to review the plans of Utah, Indiana and Georgia, which have also passed immigration-related laws.

Karen Tumlin, managing attorney of the National Immigration Law Center, praised the federal move in South Carolina, saying:

"The Department of Justice has rightly challenged South Carolina's draconian anti-immigrant law, just as they have in Alabama and Arizona. Their work should not end there: Indiana, Georgia, and Utah also have unconstitutional anti-immigrant laws on their books. We urge the Department to take a stand in those states as well."

The state's governor, Nikki Haley, defended South Carolina's law.

"As the daughter of immigrants of who came to this country legally, Governor Haley understands that no American value is more sacred than the rule of law," spokesman Rob Godfrey said on her behalf. "That's what this is about -- nothing more, nothing less. If the feds were doing their job, we wouldn't have had to address illegal immigration reform at the state level. But, until they do, we're going to keep fighting in South Carolina to be able to enforce our laws."

CNN's Gustavo Valdes contributed to this report.

<http://www.cnn.com/2011/10/31/politics/south-carolina-immigration-suit/>