



# Department of Justice

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## **CITING CONFLICT WITH FEDERAL LAW, DEPARTMENT OF JUSTICE CHALLENGES ARIZONA IMMIGRATION LAW**

WASHINGTON - The Department of Justice challenged the state of Arizona's recently passed immigration law, S.B. 1070, in federal court today.

In a brief filed in the District of Arizona, the Department said S.B. 1070 unconstitutionally interferes with the federal government's authority to set and enforce immigration policy, explaining that "the Constitution and federal law do not permit the development of a patchwork of state and local immigration policies throughout the country." A patchwork of state and local policies would seriously disrupt federal immigration enforcement. Having enacted its own immigration policy that conflicts with federal immigration law, Arizona "crossed a constitutional line."

The Department's brief said that S.B. 1070 will place significant burdens on federal agencies, diverting their resources away from high-priority targets, such as aliens implicated in terrorism, drug smuggling, and gang activity, and those with criminal records. The law's mandates on Arizona law enforcement will also result in the harassment and detention of foreign visitors and legal immigrants, as well as U.S. citizens, who cannot readily prove their lawful status.

In declarations filed with the brief, Arizona law enforcement officials, including the Chiefs of Police of Phoenix and Tucson, said that S.B. 1070 will hamper their ability to effectively police their communities. The chiefs said that victims of or witnesses to crimes would be less likely to contact or cooperate with law enforcement officials and that implementation of the law would require them to reassign officers from critical areas such as violent crimes, property crimes, and home invasions.

The Department filed the suit after extensive consultation with Arizona officials, law enforcement officers and groups, and civil rights advocates. The suit was filed on behalf of the Department of Justice, the Department of Homeland Security, and the Department of State, which share responsibilities in administering federal immigration law.

“Arizonans are understandably frustrated with illegal immigration, and the federal government has a responsibility to comprehensively address those concerns,” Attorney General Holder 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. Setting immigration policy and enforcing immigration laws is a national responsibility. Seeking to address the issue through a patchwork of state laws will only create more problems than it solves.”

“With the strong support of state and local law enforcement, I vetoed several similar pieces of legislation as Governor of Arizona because they would have diverted critical law enforcement resources from the most serious threats to public safety and undermined the vital trust between local jurisdictions and the communities they serve,” Department of Homeland Security Secretary Janet Napolitano said. “We are actively working with members of Congress from both parties to comprehensively reform our immigration system at the federal level because this challenge cannot be solved by a patchwork of inconsistent state laws, of which this is one. While this bipartisan effort to reform our immigration system progresses, the Department of Homeland Security will continue to enforce the laws on the books by enhancing border security and removing criminal aliens from this country.”

The Department has requested a preliminary injunction to enjoin enforcement of the law, arguing that the law’s operation will cause irreparable harm.

“Arizona impermissibly seeks to regulate immigration by creating an Arizona-specific immigration policy that is expressly designed to rival or supplant that of the federal government. As such, Arizona’s immigration policy exceeds a state’s role with respect to aliens, interferes with the federal government’s balanced administration of the immigration laws, and critically undermines U.S. foreign policy objectives. S.B. 1070 does not simply seek to provide legitimate support to the federal government’s immigration policy, but instead creates an unprecedented independent immigration scheme that exceeds constitutional boundaries,” the Department said in its brief.

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