



Written by [Raven Clabough](#) on July 12, 2010

Eric Holder: Possible Racial Profiling Lawsuit Against AZ

While the overall complaint of the White House against Arizona's immigration bill was its alleged potential for racial profiling, the lawsuit filed against Arizona last week by the federal government did not attempt to make the case that the law was discriminatory. Instead, the Department of Justice charged the state of Arizona with usurping federal powers. However, in an appearance on CBS's *Face the Nation*, Attorney General Eric Holder indicated the possibility of filing a second lawsuit against the state of Arizona on the grounds of racial profiling.



Since chief opponents to the Arizona law cited racial profiling as a complaint against SB 1070, Governor Brewer appeared confused at the Justice Department's decision to leave those concerns out of the current lawsuit. In an interview with the Associated Press, Brewer asked, "Why would they have to hesitate, after all the comments they made, and all the outrage that they made against the bill in regards to racial profiling, that it didn't show up?"

Holder virtually answered Brewer's question when he told *Face the Nation* that the federal government is utilizing its "strongest" argument against the Arizona law, that the state is infringing upon federal duties, but that the DOJ is not ruling out the possibility of pursuing a lawsuit regarding the law's potential towards racial profiling.

The second lawsuit would not be filed until after the law goes into effect, explains Holder.

"It doesn't mean that if the law for whatever reason happened to go into effect, that six months from now, a year from now, we might not look at the impact the law has had ... and see whether or not there has been that racial profiling impact. If that was the case, we would have the tools and we would bring suit on that basis."

Despite insistence from Arizona's governor Jan Brewer as well as Arizona's law enforcement officials that SB 1070 mirrors federal law by requiring immigrants to carry and present documentation that verifies legal status if engaged in a "lawful stop" with local law enforcement, President Obama and Eric Holder have staunchly criticized the legislation, even before having read the bill.

After months of consideration, the Department of Justice filed a lawsuit against the state of Arizona on July 6th claiming that SB 1070 attempts to usurp authority that is allegedly the exclusive jurisdiction of the federal government.

There have been a barrage of complaints from Americans, as well as Republican and border state lawmakers, against the DOJ's decision to file the lawsuit against the state of Arizona, but Holder and the Justice Department continue to assert that the legislation is "inconsistent" with federal policy.

Most national polls indicate that a majority of Americans are in favor of Arizona's immigration law. Likewise, a July 7th Gallup Poll shows that 50 percent of Americans stand in opposition to the federal



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lawsuit, while 17 percent remain undecided. Shockingly, even 44 percent of Democrats are opposed to or undecided about the lawsuit.

Governor Brewer views the government's hesitance to include racial profiling in the current lawsuit filed against Arizona as an indication that the federal government at least recognizes the potential for the law to be enforced without racial profiling.

"The bottom line is that people in the Southwest, particularly Arizona, we love our diversity. It's in our DNA. We are almost, I believe, colorblind. It's just not in us."

That the Department of Justice would even consider a second lawsuit against the state of Arizona after the backlash it received for the first has Americans wondering if the DOJ is a glutton aching for punishment. Nevertheless, Brewer is more than confident that the law can and will be enforced without racial profiling, and therefore does not appear concerned at the possibility of a second lawsuit.

Photo of Eric Holder: AP Images



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