



Written by [Joe Wolverton, II, J.D.](#) on July 23, 2010

Federal Funding of Anti-Arizona Lawsuit Rolls On

The Senate on July 21 blocked an attempt by a slate of Republicans to enervate the President's lawsuit against Arizona's new anti-illegal-immigration law by cutting off funds to the Justice Department that is prosecuting the suit.

The specific legislation was an amendment co-authored by Republican Senators Jim DeMint of South Carolina and David Vitter of Louisiana. The amendment was offered as an attachment to H.R. 4213, the bill extending the length of unemployment compensation.



The Senate rejected the amendment 55-43. Five Democrats crossed the aisle and voted with Republicans to thwart the Administration's lawsuit: Max Baucus and John Tester of Montana; Mark Pryor and Blanche Lincoln of Arkansas; and Ben Nelson of Nebraska. Two Republican members defected to the other side and voted to reject Senator DeMint's amendment, thereby effectively giving the President the green light to sue Arizona and impede the enforcement of S.B. 1070. Those defectors were Mike Johann of Nebraska and George Voinovich of Ohio.

As *The New American* has extensively reported, Attorney General Eric Holder filed suit on behalf of the Justice Department against the state of Arizona seeking to enjoin the enforcement of SB 1070, the anti-illegal immigration law signed on April 23 by Governor Jan Brewer and set to go into legal effect on July 29. The administration's complaint explicitly asserts federal supremacy over the states in all matters relating to immigration and insists that a "patchwork of state and local immigration policies throughout the country" would interfere with the federal government's authority "to set and enforce immigration policy."

At least seven other lawsuits have been filed against Arizona seeking prevention of the enforcement of the law. Among those groups aligning themselves against the Grand Canyon State's lawful attempts to staunch the nearly round-the-clock invasion across its southern border is the government of Mexico, whose brief in the case was accepted earlier this month by a federal judge.

In the wake of the federal judge's decision to accept Mexico's brief, seven other Latin American countries have filed similar documents expressing support for a lawsuit challenging Arizona's immigration enforcement law.

Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, Paraguay, and Peru filed separate but nearly identical motions to join Mexico's legal brief supporting the lawsuit filed by U.S. civil rights and other advocacy groups.

With regard to his now-defeated amendment, Senator DeMint made the following points:

- "States like Arizona shouldn't be prosecuted for protecting their citizens when the federal government fails to do so."



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- “The federal government is rewarding illegal behavior and encouraging many more to enter our nation illegally when they refuse to enforce our laws.”
- “States along the border are facing kidnappings, drug trafficking, human trafficking and gang violence and they have a duty to keep their residents safe. Instead of suing states for doing his job, the President should get serious and stop holding border security hostage to pass amnesty and score points with his liberal base.”

Senator Vitter expressed similar views on the matter: “The Obama administration should not use taxpayers’ money to pay for these lawsuits that the American people overwhelmingly oppose.”

This amendment is but the latest attempt by Senator DeMint, one of the Senate’s most outspoken advocates of the Arizona legislation, to attach an amendment of this sort to a larger legislative package. Previously, DeMint’s riders have proposed legislation to legally compel the national government to finish construction on the fence that runs along the southern border. None of the amendments ever made it into the final version of the larger bills.

The law that President Obama and his retinue of rubber-stampers find so offensive, Arizona’s S.B. 1070, empowers state and local law-enforcement officers to enforce federal immigration laws by requiring proof of legal presence in the state of any person stopped by them for some underlying lawful purpose.

This law neither creates new nor abridges established civil rights of anyone legally present in their state. In fact, the law merely “enforces federal immigration laws” already enacted by Congress. It would seem, then, that enforcement of existing law is per se lawful and not something liable to be abolished by the government of the United States that originally promulgated the underlying provisions. If there is any “profiling” in the law, it is the original federal immigration statutes that are suspect, not Arizona’s specific intent to carry them out within its own sovereign borders.

Photo: Senator Jim DeMint



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