



Written by [Joe Wolverton, II, J.D.](#) on July 20, 2010

## Nine States Ride to the Defense of Arizona

As the Obama administration continues prosecuting its lawsuit against Arizona, several sister states are coming to the aid of Arizona's sovereignty by filing briefs of support for the Grand Canyon State.

As reported by *The New American*, 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.



Several self-proclaimed protectors of civil rights have filed suit against Governor Brewer and the state of Arizona, but the suit brought by the President's own administration attracts the most attention because of the constitutional question at the core of the matter: Does a state have the right to protect itself from invasion by millions of illegal immigrants or is the solving of such a problem within the sole and exclusive jurisdiction of the federal government?

The Obama suit, as well as the various other challenges to SB 1070, have garnered a curious claque of supporters. On June 22, Mexico filed a "friend of the court" brief in support of one of the lawsuits currently pending in federal court challenging the constitutionality of SB 1070.

The brief pleads with the court to declare the law unconstitutional and asserts that the country has material legal standing as its own interests and rights are at stake if the law is permitted to go into effect as scheduled.

Specifically, the Mexican lawyers insist that the interest in having "consistent relations with the United States shouldn't be frustrated by one state." Furthermore, the brief warns that if the law is put into practice, then the rights of Mexican citizens will be violated as a result of "racial profiling" that will accompany the enforcement of the law.

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.



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A federal judge formally accepted Mexico's filing on July 1 but did not immediately rule on the latest motions, which were filed late last week.

Arizona is not without its allies in this battle, however. Michigan Attorney General Mike Cox has filed a legal brief on behalf of nine states supporting Arizona's immigration law.

Cox, who is running for Governor of Michigan, announced last week that Michigan is leading several other states into the legal fray on the side of Arizona. Alabama, Florida, Nebraska, Pennsylvania, South Carolina, South Dakota, Texas, and Virginia, have joined Michigan in the amicus brief filed with the federal District Court.

In a statement to the press, Attorney General Cox, one of five Republicans running for Governor in Michigan, says that the states are authorized to enforce immigration laws and protect their borders. He insisted that under the federal government's theory, "There is no cooperative effort on immigration but only a one-way street where states lose control over their borders and are left to guess at the reality of the law."

Arizona is preparing to defend herself against the many legal challenges to its law. Governor Brewer steadfastly defends the constitutionality of her state's approach to the problem of illegal immigration and is personally passing the hat, seeking financial support for what is sure to be an expensive defense of states' rights.

One of Governor Brewer's principal sources of funds to pay legal fees is the Border Security and Immigration Legal Defense Fund. To date, the fund has collected over \$1 million from supporters nationwide.

Despite the encouraging rate of donations, Brewer laments the need for such efforts. She has decried the Obama administration's lawsuit as a "massive waste of taxpayer funds" and rightly asserted that this money would be better allocated to fighting the "violent Mexican cartels than the people of Arizona."

The state's central defense against the federal complaint is that it is not usurping federal authority, rather it is reluctantly filling a void caused by years of federal disregard to the hordes of invaders (armed and unarmed) swarming across the desert and into the private land of Arizona's ranchers.

Arizona's attorneys assert that SB 1070 is not new law, per se, rather it is but a amalgamation of the slate of similar immigration laws enacted by Arizona and other states and local governments across the nation in recent years in response to the geometric expansion of illegal immigrants throughout the country.

This is not Arizona's first rodeo, so to speak. In 2007, Arizona passed a much-criticized law that heavily fined businesses found guilty of hiring illegal immigrants. The constitutionality of this law was also challenged in federal court and so far it has withstood the scrutiny. A federal District Court and the 9th U.S. Circuit Court of Appeals have upheld the 2007 law, and the U.S. Supreme Court plans to hear the challenge this year.

Regardless of the outcome of the federal government's suit against Arizona, the Justice Department lawyers will not rest any time soon because, according to the National Conference of State Legislatures, lawmakers in the 50 states have passed 353 immigration-related laws in 2009 and more than three times that amount have been filed this year.

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