

INTRODUCING . . . A SESSIONS BILL TO CURB DOJ POWER

By Sam Favate
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Those fights over several states' strict immigration laws that Law Blog has been telling you about are continuing in a new arena: The U.S. Senate.

Senator Jeff Sessions (R., Ala.) plans to co-sponsor legislation that would bar the Justice Department from taking part in lawsuits against states over immigration law, The Huntsville Times reports. Sen. Jim DeMint (R., S.C.) and Sen. David Vitter (R., La.) are also sponsors.

Sessions (pictured) said the federal government has failed to enforce federal immigration law, and that "the Justice Department needs to stop going after states that are taking steps in harmony with federal laws," according to the Huntsville Times.

The Justice Department has said the U.S. cannot have a patchwork of different immigration laws for each state, and sued Alabama, Arizona, and South Carolina to prevent their individual immigration laws from taking effect.

Last week, the Justice Department filed a lawsuit challenging South Carolina's immigration law, which was passed in June and which it contends "will cause the detention and harassment of authorized visitors, immigrants and citizens who do not have or carry identification documents specified by the statute, or who otherwise will be swept within Act No. 69's rigid approach of universal, undifferentiated enforcement," according to the lawsuit.

As LB noted last month, a federal appeals court has temporarily blocked parts of the Alabama law, but a final decision isn't expected for months.

Arizona's immigration law was challenged in July 2010, and the more controversial elements of it were halted by the U.S. District Court. As LB noted, it is one of the cases to watch in the 2011-12 Supreme Court term.

DeMint and Vitter proposed similar legislation in 2010 after the Justice Department's suit against Arizona, and had the support of five Democratic senators, according to The State Column.

Sessions' latest proposal seems aimed at limiting budget authority to pursue the court cases, according to Paul Horowitz, a constitutional law professor at University of Alabama School of Law. Horowitz told The Huntsville Times: "It's worth noting that Senators Sessions doesn't say in his press release that the Justice Department's position in the lawsuit is groundless. Senator Sessions and his colleagues are just saying they don't want to pay for the lawsuit to be pursued."