



## Current Events and the Constitution:

### Arizona Immigration Law Countersuit

**Constitutional Question:** Current federal law has provisions regarding documentation legal residents must carry with them. The federal government recently sued the state of Arizona, trying to strike down Arizona's law empowering state police, in the course of enforcing other laws, to verify the immigration status of persons they reasonably believe to be in the country illegally. Arizona has [countersued](#) the federal government. Does Arizona have solid constitutional grounds for its countersuit?

**Constitutional Principle:** Federalism

**Constitution Resources from the Bill of Rights Institute's Student Study Guide:**

- [Article I, Section 8 and Article IV, Section 4 of the Constitution](#)
- [The Fourth Amendment](#)
- [The Tenth Amendment](#)
- [Reserved and Concurrent Powers](#)
- [Federalism](#)

**News Resources:**

- [Summary of Counterclaim](#)—Office of the Arizona Attorney General
- [Arizona to countersue feds over immigration issues](#) – Tuscon Citizen
- [Arizona files countersuit tied to challenge of its immigration law](#) – Washington Post
- [Ariz. governor countersues federal government](#) – My News, My Way

**Questions to consider:**

1. Why did the federal government challenge Arizona's immigration law?
2. What five duties does Arizona's countersuit argue the federal government has failed to carry out?
3. The powers of the federal government and the state governments are defined in the Constitution. Name one power only granted to the federal government. Name one power strictly reserved for state governments. Are there powers that overlap? If so, which ones?

4. In Article I, Section 8, the Constitution says:

*“The Congress shall have power... to provide for the common defense and general welfare of the United States... To establish a uniform rule of naturalization... To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions”*

And in Article IV, Section 4, it states:

*“The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.”*

Which level of government do these Articles of the Constitution assert is responsible for protecting the states against “invasion”?

5. Arizona argues in its [counterclaim](#) that *“The United States Constitution, Article 4, Section 4, requires the United States to protect Arizona against invasion and domestic violence. The word ‘invasion’ does not necessarily mean invasion of one country by another, but can mean large numbers of illegal immigrants from various countries.”* How would you respond to this argument?

What do YOU think?

YES, Arizona has solid constitutional grounds for its countersuit.	NO, Arizona does NOT have solid constitutional grounds for its countersuit.