



# The Judicial Watch Verdict™

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## New Docs: Obama Justice Department Colluded with ACLU to Attack Arizona's SB 1070

Judicial Watch continues to challenge the Obama administration's legal assault on SB 1070, Arizona's get-tough immigration law by representing both the Arizona



Attorney General  
Eric Holder

State Legislature and Arizona State Senate President Russell Pearce, the author of S.B. 1070, in the Obama Justice Department's lawsuit. At the same time, JW

is also probing a connection between Justice and the ultra-radical leftist American Civil Liberties Union (ACLU), as we recently received documents from the Department of Justice that confirmed a disturbing truth: The Obama Department of Justice (DOJ) has been working hand-in-hand with the ACLU to mount their respective legal challenges to the law.

These documents, obtained through a June 17, 2010 Freedom of Information Act request, include email exchanges between DOJ officials and ACLU staff. For example, the following is an excerpt from a July 27, 2010 email exchange between Lucas Guttentag, leader of the

ACLU's Immigrants' Rights Project and the DOJ's Edwin Kneedler, Deputy Solicitor General:

- 2:15 pm: Ed I left a voicemail earlier today about checking in once the district court rules. Would you be available then? [Redacted statement] And from all of us, thank you again for your argument on behalf of the United States. Lucas
- 2:40 pm: Thanks Lucas. We should definitely check in once we hear. We'll be huddling here as soon as we can. What is your thinking at this point on if/how you will proceed in various possible scenarios? It was good to see you, even if only briefly, and to be on the same side for once! [Redacted statement] I have a feeling we might be seeing each other again on this case. Ed
- 6:14 pm: Thanks Ed. Yes, a real pleasure to be on the same side. I think we will be strongly inclined to seek an immediate emergency injunction from the 9th Circuit... Can you share your current thinking with regard to the various scenarios? Best Lucas

"After reading these documents, it is difficult to see where the Justice Department ends and the ACLU begins," said Judicial Watch President Tom Fitton. "Judicial Watch and its supporters share a concern about the nation's highest law enforcement agency's being 'on the same side' as the ACLU."

The documents also include email exchanges between ACLU staff and Joshua Wilkenfeld, the Assistant U.S. Attorney who signed the government's pleadings in the lawsuit. According to these documents, both sides exchanged hearing transcripts and established opportunities to discuss the case. For example, the documents included this July 16, 2010, email from Guttentag to Wilkenfeld:

Josh...Yes, look forward to talking. I'm getting a fuller briefing on yesterday's hearing later this morning (Calif. time) and then I am tied up for a short while. Would it work for you to talk at about 4.00 or 4.30p Eastern? If it's okay with you, I'd like to include two colleagues. By the way, we tried to order a transcript yesterday but understand the US Attorney's office already did. Can we get a

copy directly from you when it's available? All best, Lucas

Wilkenfeld sent the transcript later that day.

Although it was not certain that the Obama Justice Department and the ACLU were in cahoots over this legal assault until Judicial Watch obtained these documents, there was reason for suspicion. A draft of the lawsuit filed by the DOJ on July 6, 2010 against SB 1070 was described by Congressman Peter King (R-NY) as a "cut and paste" version of a class action lawsuit filed by the ACLU weeks earlier on May 17, 2010.

But while it is one thing to share the ACLU's disrespect for the rule of law it is quite another to collude with the organization on a litigation strategy against the State of Arizona.

"The Obama Justice Department is supposed to be an independent, nonpartisan law enforcement agency. And I'm sure many Americans will be disturbed, though maybe not surprised, to find that Eric Holder's Justice Department is colluding with one of the most leftist organizations in the nation. We know whose 'side' this Justice Department is on when it comes to the enforcement of our immigration laws," continued Fitton. **JW**

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**Verdict** readers will recall that Judicial Watch represents Arizona State Senator (and now State Senate President) Russell Pearce in the Obama administration's lawsuit challenging the Arizona law. State Senator Pearce was also Judicial Watch's guest for an educational panel on illegal immigration that we held at the National Press Club on December 8, 2010. A transcript of the panel is available at [www.judicialwatch.org/watchandlisten](http://www.judicialwatch.org/watchandlisten).

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★



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