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Well, nothing's an inevitability, of course, but those who dreamed up the Arizona immigration law must have figured that the ACLU would not be too far behind with a challenge in federal court.

And indeed, that's what's happened. On Monday, the ACLU sued in federal court in Phoenix, claiming the law allows unconstitutional racial profiling by police and that it infringes the free-speech rights of day laborers in the state. Click [here](#) for the Bloomberg story; [here](#) for the complaint.

The Arizona law requires local police, after having a law-enforcement reason for contact, to determine the immigration status of anyone they suspect lacks proper documentation.

"Arizona's law is quintessentially un-American: we are not a 'show me your papers' country, nor one that believes in subjecting people to harassment, investigation and arrest simply because others may perceive them as foreign," Omar Jadwat, an attorney with the ACLU Immigrants' Rights Project, said in a statement.

But there's another development on the Arizona law to report on Thursday: The federal government, if it chooses to sue over the law as well, might first have to do a little housekeeping.

Earlier this month, U.S. Attorney General Eric Holder [affirmed](#) that the federal government was thinking of suing to challenge the law.

But the WaPo [reports on Tuesday](#) that a Bush-era legal opinion could complicate Holder's plans.

The memo, authored by Jay Bybee in 2002, concluded that state police officers have "inherent power" to arrest undocumented immigrants for violating federal law.

According to the WaPo, the Obama administration has not withdrawn the memo, and some backers of the Arizona law said Monday that because it remains in place, a Justice Department lawsuit against Arizona would be awkward at best.

Nevertheless, Holder is still contemplating a suit. "The Civil Rights Division has been working around the clock," said one outside lawyer who has spoken to Justice Department officials to the WaPo. "They have a lot of attorneys on it, and they're taking a really hard look at filing their own lawsuit or intervening."