

Arizona's Immigration Law and Mandatory Life Terms

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Byline: ANDREW ROSENTHAL

Highlight: Here's what happened at the Supreme Court today.

Body

Still no ruling on health care, but the Supreme Court did hand down two important decisions this morning. The justices struck down most of [Arizona's immigration law](#), with the backing of Chief Justice John Roberts Jr., and [prohibited mandatory life terms](#) without parole for juvenile offenders.

Starting with the parole case: The ruling said that such mandatory sentencing schemes violate the 8th Amendment because they do not allow for consideration of "an offender's age and the wealth of characteristics and circumstances attendant to it." Those, it said, include "immaturity, impetuosity, and failure to appreciate risks and consequences," as well as the juvenile's "family and home environment." It is unconstitutional to prohibit a court from considering the individual circumstances of a case.

This logic seems unassailable to me-but it was a [five-four decision](#). Justice Samuel Alito was so incensed that he read his dissent from the bench.

The Arizona ruling was more muddled. The justices struck down three provisions: That it's a state crime to be in the country without proper authorization, a state crime for an undocumented worker to apply for a job or to work in Arizona, and that state law enforcement officials can arrest a person who is in the United States legally, but who the police believe may have committed a deportable offense -without a warrant.

In each of those cases, the majority said those powers rest with the federal government, not with Arizona lawmakers.

But it refused to overturn the most controversial section of the Arizona law, which requires the police to check the immigration status of people they detain before releasing them. The Supreme Court said a lower court had erred in blocking this law, because there is no evidence yet that its enforcement would pre-empt federal law.

Arguing the pre-emption case against that part of the Arizona statute was always a weak approach. The real problem with the "papers please" law is the risk of racial profiling, which would be a violation of the civil rights of those detained - and could lead to lawful residents being harassed and even jailed by the authorities. Given Arizona's history on these matters (Joe Arpaio) I have little doubt that will happen. But at least today's ruling left open the possibility that the one surviving part of the Arizona law could be brought back to court if it is enforced unconstitutionally.

Among all the quick reactions to the Arizona ruling, I found Mitt Romney's most disappointing. He blamed President Obama, saying that the ruling was somehow a result of his lack of "leadership on immigration." That's just silly. The stalemate on immigration is as much, if not more, the fault of hard line Republicans than that of Mr. Obama.

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Remember, just a few weeks ago, during the G.O.P. primaries, Mr. Romney was one of those hard line Republicans.

- [U.S. v. Arpaio](#)
- [The Arizona Show](#)
- [Opinion Report: Supreme Health](#)
- [Yes, Racial Profiling Is Illegal](#)
- [Whatever Happens, I Will Have Reacted Already](#)

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