

Oakland Tribune editorial: High Court made correct decision on Arizona's law

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Body

Two things were made abundantly clear by Monday's U.S. Supreme Court decision regarding Arizona's immigration law. First, it is time for Congress and the president to get serious about long-term immigration policy. Second, the responsibility for doing so is firmly in their hands.

The high court's rejection of much of the Arizona law is based on what we believe is the correct notion that immigration policy must be a function of the federal government, not individual states.

The court ruled that even if the federal government has done a poor job of enacting and enforcing immigration policy -- and, in our view, it certainly has -- it still has sole jurisdiction in that arena.

While the ruling may offer temporary comfort to those in the federal government who opposed the Arizona law, that comfort may be short-lived. The court's decision clearly places responsibility for sane immigration policy in the federal domain. To us, the notion of a patchwork immigration policy was silly and unworkable. It simply must be a national policy.

However, that means that Congress and the president must now set about to establish reasonable and rational policy. Yes, we realize that there is an election in November and that it is unlikely that anything productive will be done before then, but this decision should set up a serious immigration showdown soon after the election regardless of who is elected president and which party controls Congress.

The part of the law that the Supreme Court upheld was, indeed, the most controversial. It allows police officers to demand immigration papers from anyone they've detained for other reasons and suspect is undocumented.

This was the hot button for most activists who opposed the law, arguing that allowing police this much latitude would almost certainly lead to racial profiling. It is a reasonable fear. But the court's upholding of that provision was more on procedural grounds than on constitutional merit.

The high court reasoned that since the law has yet to be applied, there is no evidence that it has been misapplied. The court said it planned to monitor use of the law to ensure that there was no racial profiling or other constitutional violations in its application.

In fact, in crafting the majority opinion, Justice Anthony Kennedy fired a warning salvo to those who would use the law for such purposes.

"This opinion does not foreclose other pre-emption and constitutional challenges to the law as interpreted and applied after it goes into effect," Kennedy wrote.

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In other words, the **court** would be willing to reconsider its ruling on this element if it is provided widespread evidence of nefarious enforcement and manipulation of the **law**.

We find it difficult to disagree with the **court's** ruling in this case. There is little argument on either side of this thorny issue that the immigration policy we have today is a jumbled mess and that there is a pressing need to address it head-on. But at least with this **decision**, the nation's **highest court** has clearly established who is to blame for the mess and who is responsible for fixing it.

Graphic

Laurent Taillefer, right, and Andrea Begay, second from right, both of Phoenix, wave at cars as they honk their horns driving by as the two join immigration rights protesters as they gather after the United States Supreme **Court decision** regarding **Arizona's** controversial immigration **law**, SB1070, at the local U.S. Immigration and Customs Enforcement offices Monday, June 25, 2012, in Phoenix. The Supreme **Court** struck down key provisions of **Arizona's** crackdown on immigrants Monday but said a much-debated portion on checking suspects status could go forward. (AP Photo/Ross D. Franklin)

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