

When illegal migrants flood a city

A judge tells one city to let the feds handle immigration. But where are the feds when you need them?

Opinion
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A telling irony shines through last week's ruling by a federal judge that found only Congress can set immigration law. The judge knew full well that half the plaintiffs in the case were in the US illegally. But he let them challenge a city ordinance on immigration anyway – and anonymously.

And so it's been in America for too long: Turn a blind eye to the massive lawbreaking of an estimated 12 million illegal immigrants.

Imagine if a scofflaw wanted by the FBI had sued a city for enacting a criminal law tougher than a federal law. Would that person also be given a day in court?

No way. The difference, of course, is that FBI agents are vigilant in catching suspects. But federal immigration agents? Well, they do their best whenever Congress or the White House gives them a clear green light and enough resources. After all, for politicians, those millions of illegal immigrants are potential voters for whichever party gets the credit in winning them amnesty someday.

But back to the court decision itself: Should state and local governments be allowed to enact laws that penalize landlords or companies that do business with illegal immigrants and fail to check their US residency status?

In a 1986 law, Congress clearly said no, despite a long precedent in the 19th century of states regulating immigrants coming into the US. The Pennsylvania city of Hazelton, however, passed such a law and then lost the first round in the courtroom of US District Judge James Munley. The judge even postulated that perhaps the federal government does not seek "the removal of all aliens who lack legal status."

The city plans to appeal. The case, or one like it, will make an interesting Supreme Court decision in a year or so. Last April, for instance, the high court did allow states to exceed federal rules on greenhouse gases.

For now, this lower-court ruling does not apply in most of the country. That's just as well because as many as 100 other cities and towns have similar measures cracking down on illegal migrants – all because the federal government is falling down on the job.

Hazelton, for instance, has seen its population balloon with immigrants since 2001, straining schools and other resources. By some estimates, a quarter of the 30,000 residents are now illegal. The city, like many in the US, suddenly became a magnet for migrants drawn to cheap housing and low-wage jobs.

Strangely, Hazelton officials didn't get to face their accusers in court during this trial because they were allowed to remain nameless – nor did federal immigration agents show up to arrest the plaintiffs.

Another critical court case may be the legal challenge to an Arizona law, due to take effect Jan. 1, that sanctions employers who hire illegal aliens. Courts tend to give states more leeway than cities or towns to one-up federal law.

In the meantime, many cities are taking another route: training police to alert federal agents whenever they detain suspects for a local crime who can't prove their legal status.

All this shows the urgency for Congress to beef up immigration enforcement. The Hazeltons of the US can't wait.