

Texas immigration law looks more irrelevant after ruling

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By Patricia Kilday Hart

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Will cooler heads prevail when the [Texas Legislature](#) meets in January?

Monday's U.S. Supreme Court decision all but gutting the Arizona illegal immigration law should prompt Texas lawmakers to question their quixotic and time-consuming legislative campaign to end "sanctuary cities" here.

After all, the court ruled Monday that immigration enforcement is strictly the purview of the federal government. Wouldn't it be reasonable to assume that states would now get out of the immigration business?

"That would be logical," said Houston attorney [Charles Foster](#), a renowned immigration expert. He paused a beat, remembering that we were trying to predict the Texas Legislature: "But who knows."

Logic, after all, never was much of a factor in the Legislature's foray into immigration enforcement. "It was always a political ploy," Foster said.

Problem doesn't exist

To Foster, the proposed Texas law - which permitted law enforcement officials to question a detainee's immigration status - was always a solution in search of a problem. Already, when detainees are booked in either the Harris County Jail or Houston city jails, their fingerprints and immigration status are shared with ICE (Immigrations and Customs Enforcement).

"If a person is charged with a crime, his immigration status is vetted," Foster said.

For that reason, Foster and other critics believe the Texas proposal was designed to assure conservative voters that the Legislature was doing something about the immigration problem - however irrelevant. "It was red meat," said Sen. [Juan Hinojosa](#), D-McAllen. "They were trying to make a statement."

To be sure, Arizona's law went a great deal further than any Texas proposal. It created a state crime to be in the U.S. illegally, and for noncitizens to seek employment. Monday, the Supreme Court invalidated those parts of Arizona's law, but untouched the part requiring police officers to demand proof of citizenship.

But Foster believes that the ruling means Arizona police officers will have no motivation to ask for papers. After all, if illegal immigrants aren't violating a state law, why would the officer bother asking?

Imagine a Houston police officer encountering an illegal immigrant during a traffic stop on the Katy Freeway. Are federal law enforcement officials going to drop everything and rush to the scene? Foster suggested they have their hands full with higher priority, higher-payoff enforcement actions.

Texas' "sanctuary city" ban became a political cause after Gov. [Rick Perry](#)'s re-election campaign against former Houston Mayor [Bill White](#). Perry claimed White had made Houston a "sanctuary city," though the police followed a policy that nearly mirrored the [Texas Department of Public Safety](#)'s immigration rules: Police officers can cooperate with federal officials, but not instigate action on their own.

Blow to states' righters

Writing for the majority in Monday's ruling, [Justice Anthony Kennedy](#) expressed sympathy with states dissatisfied with the federal government's ability to control the border and protect them from the problems associated with illegal immigration. But, he said, that doesn't mean states can pass laws that undermine federal authority.

Rep. [Garnet Coleman](#), D-Houston, called the ruling "a blow to the states' righters. They lost. As simple as that." Still, he predicted that someone would "file a bill" to get the issue back before the Supreme Court.

The statement proved prescient: Shortly after my interview with Coleman, Perry, claiming the court's decision blessed state anti-immigrant enforcement, pledged to pass a "sanctuary city" ban when the Legislature convenes in January.

patricia.hart@chron.com

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