



Top court's decision on Arizona will affect other states, too

By Tom Watkins , CNN
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(CNN) -- The Supreme Court's decision on Arizona's attempt to legislate immigration is likely to have far-reaching effects on other states' efforts to enact similar legislation and underscores the need for federal action, experts said Monday.

The decision is "a resounding defeat for the legislators of Arizona and other parts of the United States who think that immigration can be regulated at the state level," said Charles H. Kuck, managing partner at Kuck Immigration Partners in Atlanta.

He predicted Monday's decision will affect Alabama, South Carolina, Indiana, Utah as well as Arizona. The court's message to each state is the same, he said: "This is a federal issue."

Supreme Court mostly rejects Arizona immigration law

The big question now, he said, is what Congress will do to fix the immigration problem. But he doesn't expect any immediate movement. "I would guess they won't touch this with a 10-foot pole until after they come back after the election."

In a written statement, President Barack Obama vowed to work with "anyone in Congress who's willing to make progress on comprehensive immigration reform that addresses our economic needs and security needs, and upholds our tradition as a nation of laws and a nation of immigrants."

The attorney general of Alabama, Luther Strange, issued a statement expressing the hope that the decision will "spur the federal government to enforce the rule of law in the immigration arena."

Georgia's attorney general, Sam Olens, noting Arizona's law was partially upheld, said he is looking forward to the 11th Circuit U.S. Court of Appeals' proceedings "regarding Georgia's immigration reform law in the light of this decision."

Monday's ruling means states have to "really almost go back to square one and really rethink their approach and how much time and money they want to put into these types of statutes," said Dan Kowalski, editor-in-chief of Bender's Immigration Bulletin and an immigration lawyer at the Fowler Law Firm in Austin, Texas.

"Number one: They're going to have to spend a lot of money on lawyers to try to craft something that they think can withstand Supreme Court scrutiny; Number two: they're going to have to budget money for further litigation because, no matter what they propose on a state level, it's going to be challenged. That costs a lot of money. So they're going to have to figure out if it's worth it."

That gets to a fundamental question of what the purpose is behind such an immigration law, he said. "Does it make economic sense for the states to try to clamp down on immigration or is it merely an expression of some sort of cultural distress or worry about change in demographics? So that's going to have to be on the minds of legislators at every state level."

Sen. Charles E. Schumer, D-New York, chairman of the Senate Subcommittee on Immigration, applauded the majority opinion.

"This decision tells us that states cannot take the law into their own hands and makes it clear that the only real solution to immigration reform is a comprehensive federal law," he said in a written statement. "The decision should importune Republicans and Democrats to work together on this issue in a bipartisan way."

Dan Stein, president of the Federation for American Immigration Reform, disagreed with the decision but agreed that it is now up to Congress to act. "The majority opinion scrupulously ignores 200 years of jurisprudence in history that says Congress can delegate to the states specific authority," Stein told CNN.

"Everything that the majority opinion said was wrong with the Arizona law could be remedied by Congress stepping up to the plate."

This year, five states introduced bills similar to Arizona's, and none has been enacted, according to the National Conference of State Legislatures. Bills in Mississippi, Missouri and West Virginia failed. Kansas ended its legislative session without passage and Rhode Island's legislative session is scheduled to end July 2.

Alabama amended its 2011 law, eliminating a provision that allowed a citizen to bring legal action to enforce immigration law and amending other parts.

And the number of bills and resolutions related to immigrants and refugees dropped 44% in the first quarter of 2012, from 1,538 bills the year before to 865, the conference said. A number of factors were involved, the conference said in a statement, "But most significantly, legislators cited the pending ruling from the Supreme Court on the extent of states' authority in immigration enforcement as a reason to postpone state action."

"In terms of future legislation, I think all states will be looking at the Supreme Court case to determine where they might have room to be engaged in immigrant policy-making and where they're prohibited from doing so," said Sheri Steisel, who directs the conference's task force on immigrant policy and the states.

States have been acting on their own "because of a lack of federal immigration reform," she said. "We certainly hope that the federal government will be able to find a way to develop bipartisan policy in this area. Since they have not, it has left a real policy vacuum for the states to deal with."

House Judiciary Committee Chairman Lamar Smith, R-Texas, expressed disappointment over the decision.

"Unfortunately, under this administration, today's ruling essentially puts an end to immigration enforcement since the states no longer can step in and fill the void created by the Obama administration," he said in a statement. "This is especially bad news for border states since they have to deal with border violence, drug trafficking and illegal immigration."

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