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# The Other Case At The Supreme Court

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## The Other Case At The Supreme Court

***By Jo Ann Emerson***

All the attention at the Supreme Court this spring has been focused on the challenge to the 2010 health care reform law, but there is another important case before the highest court in the nation with considerable consequences for immigration policy.

The federal government is suing the State of Arizona over a law that allows the state to enforce a policy against illegal immigration, requiring aliens to supply proof of their legal presence in the country. In the absence of adequate federal efforts to keep illegal immigrants from entering Arizona, the state took matters into its own hands, citing the enormous cost of supporting illegal aliens through public programs. And the costs are significant; by one estimate, illegal immigration cost Arizona \$2.7 billion in 2009.

It is also true that federal efforts to control the U.S. border need serious help. The task of patrolling our 1,969-mile southern border falls to some 17,000 agents who need far better support from technology and even local law enforcement. In 2011, agents totaled a 40-year low in the number of arrests of illegal border crossings. Border enforcement is necessary, too, because in addition to illegal entrants to the country, the border is illegally crossed by drug traffickers, gangs, weapons smugglers and kidnappers in both directions.

The Supreme Court will decide whether Arizona has a right to protect its territory and its taxpayers from illegal immigration, and the result of the case will send a key signal to other states contemplating similar laws. In the meantime, written and unwritten federal policies like “catch-and-release” soften the stance against illegal immigration. Even in Southern Missouri, we have had experiences with federal agents simply instructing local sheriffs to let illegal immigrants go.

Lax enforcement of uncertain federal immigration policies both encourages illegal aliens to break the law in coming to America and undermines the legal system of immigration for those who follow the rules. Arizona should not have to enact a law simply because the federal government will not enforce the laws on the books.

Repairing the system starts with better enforcement, clearer laws, more cooperation between federal and local authorities, and a secure border. Without those things, more states will be inclined to take matters into their own hands, like Arizona has.

Immigrants who choose the legal path to their presence in the U.S. are participating in an historic tradition of starting a new life in America. On May 1, I proudly attended the naturalization of 17 new U.S. citizens at the federal courthouse in Cape Girardeau. These Americans worked hard to comply with the laws of the land they hoped to make their own. They didn't choose the easy, illegal path.

When it comes to making the tough decisions about our response to illegal immigration in the U.S., we should not choose the easy path, either. Arizona's law should be upheld by the Supreme Court, but that decision will only prove how much more work we have to do at the federal level to secure our borders.

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