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GUEST COMMENTARY: States must enforce U.S. immigration laws

BY MIKE DELPH | Posted: Thursday, May 13, 2010 12:00 am

Immigration reform at the national level is long overdue. But immigration enforcement is longer. We seem to play this shell game when elected officials come up with proposals with teeth that they are somehow picking on people.

The dirty little secret is that illegal immigration and the resulting human exploitation is a cash cow. Smugglers make money. Drug dealers make money. Immigration attorneys make money. And employers who go into the black market for cheap labor make money.

Taxpayers pay more. We pay more in education, especially in the area of English as a second language. We pay more in the area of health care, either through direct payment or cost shifts to citizens. Anyone who presents to an emergency room is treated, regardless of ability to pay or citizenship. We pay in the area of incarceration. But there is a greater cost borne by our nation. Call it the nation cost, the cost from our lost national sovereignty.

As we learn more about the problems American citizens in Arizona face, we have learned of military-style drug operations that have taken the lives and property of citizens. We have learned that many unlawfully in the country feel an entitlement to be here. We have learned that ignorance of existing federal law, some of which has been on the books for a quarter of a century, is persuasive support for impugning the integrity of law enforcement as they try to do their job, keep us safe.

A Stanford constitutional law professor in a recent interview said the Arizona law is constitutional as it mirrors to a large extent existing federal law. When asked about racial profiling, Professor Tom Campbell said that would be an illegal application of a constitutionally permissible statute. Racial profiling has no place in law enforcement, but neither does pervasive ethnic entitlement. No one is entitled to be here against the law. And if found, should be returned to his or her country of origin and asked to re-enter by legal means. Only a wide belief in strict enforcement will break the cycle.

For three years I have introduced illegal immigration reform in Indiana. We have sought to go after employers who hire the undocumented. We have tried to encourage the use of E-Verify, a national identification tool that can verify lawful status. We have tried to deny government contracts to anyone caught trafficking. Our first obstacle was the business community, then the Black Caucus, and now the Catholic Church. The latter two have a concern from racial discrimination and abuse, which brings us back to Arizona and existing federal law.

All visitors to our country are required to carry documentation that establishes their lawful presence. If an individual can't speak English and does not have legal documentation on their person, then there ought to be a strong presumption that the individual is illegally in the country. To most, this is nothing short of common sense. But to some this violates notions of fairness.

Sovereign nations under law have a right to require visitors to comply with its laws. As such there is a necessary consequence to lawbreaking. If we are to support the rule of law, one of our democratic foundational pillars, then we have no choice but to punish severely those that chose to break the law.

Keep in mind, our country is generous with many provisions for those seeking legitimate political asylum. But we cannot afford a systematic breakdown and abuse from our southern border. We must stand for American citizens and fight this breakdown.

If we learned anything from Hurricane Katrina in a post-9/11 world, state and local governments can and should have a positive role to play in support of federal law enforcement. The anger should not be placed on law enforcement, but rather on administrations, both Republican and Democratic, that have refused to enforce our immigration laws, and a Congress that has refused to support our national sovereignty by politically pandering to various ethnic groups.

Until we have an administration and a Congress willing to take control of this situation, it will be up to the states to exercise the rights granted to them in federal law as Arizona has done.

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