NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

9th Circuit Win for Immigrants (& for the rest of us too!)

Michael Sean Winters | Apr. 12, 2011 Distinctly Catholic

The Ninth Circuit Court of Appeals yesterday [1]upheld a lower court ruling that declared most of Arizona?s punitive and racist anti-immigration law unconstitutional. The law, you will recall, requires policemen to ask for immigration documents from anyone they ?suspect? of being here illegally, a more or less open invitation to racial profiling. The fact that the Court of Appeals has now backed the District Court in finding the law unconstitutional is a little bit of good news in the fight over immigration.

The decision of the court, written by Judge Richard Paez, could not have been more blunt: ?Arizona has attempted to hijack a discretionary role that Congress designated to the Executive.? Arizona, and other states which are contemplating similar statutes, cannot do an end-run around the federal government and try to enforce immigration laws that state makes up. Immigration is, obviously, a federal issue. And, the idea of states doing end-runs around the federal government died on a field at Appomattox.

Catholics can take special pride in the fact that Judge John T. Noonan, a Laetare medalist in his own right who also stepped in to give the Laetare lecture in 2009 after Mary Ann Glendon withdrew, concurred in the opinion, a lecture that was one of the finest I have ever heard in my life. In his concurring opinion yesterday, Noonan noted that, ?The Arizona statute before us has become a symbol. For those sympathetic to immigrants to the United States, it is a challenge and a chilling foretaste of what other states might attempt.? The adjective ?chilling? perfectly captures what many of us feel when we see these legislative proposals that attack immigrants. It is also worth noting that Noonan was appointed by a Republican, President Ronald Reagan in 1985, so his position on the issue cannot be dismissed as politics. Indeed, Noonan?s intellectual stature is such that he is one of the few intellectuals in public life whose stances on issues are immune from the criticism that those stances have been reached irrespective of partisan affiliation.

The National Council of La Raza, the largest Latino advocacy group in the nation, hailed the Ninth District Court?s ruling. ?Today?s ruling is a victory for all Americans,? said Janet Murgu'a, NCLR President and CEO in a press release. ?Laws such as SB 1070 are costly, unconstitutional, and ineffective and they leave us nowhere near a solution to our broken immigration system.?

It is curious to note that the one dissenting vote on the Ninth Circuit panel came from Carlos T. Bea, who is himself an immigrant from Cuba. Bea was appointed by President George W. Bush. There is a word for people like Bea: ingrate!

Like the attacks on unions, the attacks on immigrants warrant the full attention and opposition of the Catholic Church. Our teachings on the dignity of migrants is as clear as day, and it takes more than a little bit of obfuscation to claim otherwise. A couple of weeks ago, Scott Appleby, the Executive Director of the USCCB Committee on Migration, made an appearance on EWTN?s ?The World Over? and the host Raymond Arroyo said the switchboard for calls lit up as Appleby explained the Church?s teaching on the subject. Those calls were, sadly, not coming from those defending immigrants. The Church needs to teach its own on this subject.

I continue to wonder why conservatives and Republicans keep waving the anti-immigrant banner. Politically,

the issue is a loser over the long haul given the demographic changes that show explosive growth in the Hispanic community in the United States. But, I suppose beating up on immigrants still works well in a GOP primary. Few and far between are those politicians with the courage to stand up to their base.

But, one of the central rhetorical arguments put forward by the GOP is that America is an exceptional nation. So it is. But, one of the principal marks of that exceptionality is that in America, your rights are not dependent on having the correct grandparents. You cannot look at American history and fail to recognize the invaluable contributions immigrants have made to our nation and its culture. Immigration is how America renews itself. It has always been thus. Just this morning, while making my morning walk, I ran into a young man originally from El Salvador who was dropping his children off at the local school. He used to work with me when I managed a restaurant and his reliability and his work ethic quickly earned him a management position as the restaurant?s opening manager. Every day, at 7 a.m., he was there to get the ball rolling. He could have come from Peoria, of course, but he happened to come from El Salvador, it didn?t matter to our customers. They just wanted to know the restaurant would be open, the coffee would be brewed and their omelets were on the way. That job has allowed him to become a homeowner, a stakeholder in our society. That is how immigration is supposed to work.

We whose forebears hail from Ireland or Poland or Italy turn our backs on our own history when we denigrate the rights of immigrants today. They deserve better than Arizona?s legislature gave them. The memory of our immigrant forebears demands better. It is not only the dignity of today?s immigrants that hangs in the balance as our nation debates how to amend our broken immigration system. At issue is America?s sense of its own exceptionalism, and whether we will be true to our own best traditions of welcoming immigrants and looking to them to renew the face of the United States.

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