



Written by [Thomas R. Eddlem](#) on July 8, 2010

ACLU: Right and Wrong on Immigrants

The ACLU has begun using Arizona's S.B. 1070 immigration law as a fundraising tool.

And the ACLU began its most recent fundraising e-mail with a rarely voiced truth:

True or False: The Constitution guarantees the fundamental rights and civil liberties of every person in this country.

The answer is True. As the nation grapples with the issue of immigration, we must remember this: The fundamental constitutional protections of due process and equal protection embodied in our Constitution and Bill of Rights apply to everyone within our borders, regardless of citizenship status or how someone looks or sounds.



No American worthy of the name would argue with that. Only a few former Bush administration lawyers (and now, Obama administration lawyers) do argue with that statement. The Constitution makes no exceptions for guaranteeing rights. Since rights come from God, government does not grant them. Even the U.S. Constitution does not grant them; the Constitution simply protects those God-given inalienable rights. Therefore, they are not granted only to citizens, and they do not stop at borders. In order for rights to be truly inalienable, they must apply to all people in all places.

So far, so good. The fundraiser continues: "That's the American way. It's what the Constitution says. And it's what the ACLU does: defend basic rights—every day, all across the country."

Yeah, sometimes. And that's where the truth in the fundraising e-mail ends: "The ACLU is pulling out all the stops to prevent the dangerous Arizona 'show me your papers' law from taking effect. Support the ACLU's challenge to this un-American law, and stand up for the Constitution."

One must oppose Arizona's S.B. 1070 in order to stand up for the U.S. Constitution? According to the ACLU, yes. Forget for a moment that the new law does not require anyone to have or show "papers" that are not already required to do so by the states' other laws (such as drivers procuring a license or immigrants carrying a green card) and that all S.B. 1070 does is allow Arizona state and local police to enforce U.S. immigration laws already on the books. What is the ACLU's constitutional beef with this?

When we start carving out exceptions that exclude people from basic constitutional protections, we undermine the Constitution itself. That's exactly what Arizona's "show me your papers" law does. It virtually compels police officers to single out and detain individuals based upon racial stereotypes.

Actually, it doesn't do any of that. It doesn't carve out any exceptions to rights, unless one thinks that it



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is an inalienable right to immigrate to the United States. The law specifically prohibits discrimination upon race where it [states](#): "This act shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens."

Nor do local officials in Arizona plan to start pulling over "brown-looking" suspects. "In Mesa, Arizona, you will not see police officers driving down the street, pulling over brown people and checking immigration status just to do it," Mesa, Arizona Mayor Scott Smith [told](#) the *Arizona Republic* for July 6.

Although the overwhelming majority of illegal immigrants are hard-working people who simply want to be able to legally immigrate and deserve sympathy, even the federal government under the Obama administration has warned local residents with posters about dangers of a criminal class who have also crossed the border illegally. "Think about what those signs represent," Mesa Mayor Scott Smith [said](#). "We have basically stated that we, as a country, do not control part of our country. To me that's unreal.... Our government is telling us we can't ensure your safety over thousands of square miles of our country because basically it's been taken over by criminals, foreign criminals."

But this doesn't stop the ACLU from driving home the patented falsehood that the law is a "racial profiling" law in its fundraiser:

That's un-American. And the ACLU is pulling out all the stops to prevent this dangerous law from taking effect.... Just yesterday, the Obama administration filed a vitally important lawsuit challenging Arizona's racial profiling law. By taking this extraordinary action, the federal government has made clear that it will not tolerate laws that invite racial stereotyping and profiling. We're pleased to have the administration fighting for justice alongside the ACLU on this critical issue.

Of course, the Obama administration suing the State of Arizona on the issue of S.B. 1070 is just one more indication that the administration has no intention of enforcing existing federal immigration law. It's just another example that the Obama administration plans to leave Arizona at the mercy of the drug cartels. S.B. 1070 does differ from most laws enacted in Washington. The [text of the bill](#) is mercifully short. It's only 17 pages long. And brevity has been one mark of the relatively few numbers of good bills.

And perhaps it's not unexpected that the ACLU has decided to attack Arizona on nationalist, anti-states' rights principles, that Arizona is somehow engaging in "usurpation" of federal authority. Lucas Guttentag, Director of the ACLU Immigrants' Rights Project, [said](#):

We commend the Obama administration for taking this critical step to negate Arizona's unconstitutional usurpation of federal authority and its invitation to racial profiling. The administration's lawsuit is a cannon shot across the bow of other states that may be tempted to follow Arizona's misguided approach.

Of course, if the State of Arizona has a virtual invasion of illegal immigrants, a significant minority of whom have caused such criminal behavior that even the Obama administration has had to put up warning signs across the state, then it is incumbent upon the state to restore law and order.

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