

COMMENTARY

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Editorial

Supreme Court has lost faith in U.S. judges

The Supreme Court's April 29 decision that says legal immigrants may be held without bail during deportation proceedings should be setting off alarm bells with Americans, although perhaps not for the obvious reason.

In a 5-4 ruling, the court found that a 1996 federal immigration law — which made it mandatory for immigration officials to incarcerate immigrants convicted of deportable crimes while awaiting deportation proceedings — was constitutional because the government had a legitimate interest in trying to deport criminal immigrants.

There's no reason to argue that point; the government obviously has such an interest (although it could be argued, if all it takes to subvert due process is an interest in reducing crime, why have any due process for anyone in America?). And our concern doesn't stem from a bleeding heart for immigrants who have committed crimes. The real problem with this ruling is the scope of the law.

Judges are meant to judge. Increasingly in recent years, however, laws have been taking that most important function away from the nation's judges. This law falls in that pattern, and the Supreme Court should have overturned it.

Let's say a legal permanent resident is convicted of petty theft and could be subject to a deportation hearing. Under this law, the immigrant would have to be put in jail until her case was resolved, even if she isn't a flight risk and she poses no threat to the community. Let's also say she has a family, a house and a job. Add in that the petty theft case was a non-malicious mistake. She's likely not to be deported, given that she has a stellar employment record and her skills are an asset to this country.

Americans commit low-level crimes all the time, and no one suggests booting them from the country. People make mistakes, and often they deserve a second chance.

Sometimes they don't, however. Let's say a different immigrant is convicted of murder and has no family in the United States. He's held no skilled job since becoming a resident. He very likely will be deported, and he's likely a risk.

Under the 1996 law, neither immigrant will get a hearing to determine if he or she actually is a flight risk or a danger. Essentially, immigration officials are assuming the outcome of the deportation hearing (kick them both out!) without a trial, and no one gets to argue about it.

More importantly, no one gets to judge whether incarceration is the right decision in each of these cases. That's what judges do, and the Supreme Court should have had more faith in America's judges to do their job.

Editorial policy

This editorial represents the opinion of the Emerald editorial board. Responses can be sent to letters@dailymerald.com. Letters to the editor and guest commentaries are encouraged. Letters are limited to 250 words and guest commentaries to 550 words. Authors are limited to one submission per calendar month. Submission must include phone number and address for verification. The Emerald reserves the right to edit for space, grammar and style.

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Steve Baggs Emerald

'Choice' activists ignore abortion problems

Guest commentary

I'm amused with people's reactions to the anti-abortion protesters that came to our campus on April 30. Rachel Pilliod's apologies to students for having to view "gruesome photos" and how "Students should try to ward (students) off so they don't have to see these things." Why? Are we afraid that people might have to think about abortion as something more than a "choice?" Is the pro-choice movement afraid that some one might question the liberal orthodoxy of "abortion rights?"

I know people don't like to face harsh truths and think about the controversial issues of our society in terms that go beyond ideological dogma, what television

told them and other forms of intellectual laziness. Unfortunately for us, abortion, like war, capital punishment, CIA operations and other matters of life and death, is a messy thing and is not a pleasant issue to talk about. It requires thinking, philosophizing and other things the masses (myself included) are unaccustomed to.

It took some "gruesome" pictures to make people think about abortion, and while I'm not "pro-life" myself, I think this society could use a wake-up call to the reality of abortion and stop swallowing everything the pro-choice media and propagandists tell us.

I'm reminded of an ad looking for submissions to a publication about abortion, and only asking for "positive" abortion experiences. Do we want to

pretend that negative abortion experiences don't happen, that sometimes women regret having them and sometimes they experience psychological trauma (despite what the pro-choice medical industry says)?

Hopefully, we're better than that. On a side note, I'm wondering if people had adverse reactions because it was pro-abortion activists that were holding up huge photos.

I'm wondering what people would say if I held up giant pictures of the rotting corpses of El Salvador death squad victims, Vietnamese peasants burnt by napalm or children torn apart by cluster bombs. Would Pilliod try to ward students away from those?

Lucas Szabo is a junior political science major.

Letter to the editor

'Religious right,' not Christians, are problem

Lucas Szabo describes my recent letter defending the principle of academic freedom as "a hate-filled and intolerant rant" against Christian fundamentalists ("Stop hating Christian fundamentalists," ODE, April 15). In doing so, he commits a basic logical fallacy: the setting up of a straw man, which he can then demolish, by evading my argument and misrepresenting my position.

As a Christian grade school, high

school and university graduate, and a former teacher at a Christian College prep school, I certainly agree with Szabo that many Christians, like his "conservative aunt," are "very thoughtful, kind and intelligent." Nowhere in my letter did I say or imply otherwise.

My reference was to the highly politicized "religious right" leaders and their followers who wish to impose their peculiar brand of monotheism as the official state religion. For decades, they have undermined public education, demanded prayer in public schools, and, supplementing their tax-exempt privileges, subsidized religious schools and missions with public tax dollars.

Their extremist intolerance has led to abortion clinic bombings and sniper killings of doctors, to the denial of Planned Parenthood information to desperately poor people worldwide, to vile public statements by Reverends Falwell, Robertson and Graham, and to complex international disputes about sovereignty and resources reduced to "good vs. evil" by their crusading imperial president who believes that God has chosen him to "rid the world of evil."

To describe such political/religious extremism accurately might upset Szabo, but it's not "hate speech."

Jerome Barger
Eugene