

Day Laborers' Rights

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You cannot abuse people through selective enforcement of the law. You cannot single people out for special punishment without cause. You cannot instruct the police to harass people for being Latino and poor. Cities and towns across the country have overlooked these basics in their eagerness to punish those they presume to have violated federal immigration laws. But thankfully for all of us, the Constitution still has the final say.

On Monday, a federal judge ruled that Mamaroneck, a village in suburban Westchester County, N.Y., had waged a discriminatory campaign of ticketing and harassment to drive Latino day laborers out of town.

In Freehold, N.J., last week, advocates for immigrants hailed the settlement of a three-year-old lawsuit sparked by similar mistreatment. Day laborers there will no longer be ticketed for soliciting work in public places, and building inspectors and police officers will stop entering homes without residents' consent in what the advocates said was a selective crackdown on Latinos in rental housing.

That followed a heartening ruling issued last May, when a federal judge ordered the city of Redondo Beach, Calif., to stop arresting day laborers for violating a local ordinance against soliciting work in public.

Together these victories send an important message about basic rights and promise to help stem a tide of local vigilantism. The underlying problem, however, remains. The righteous ardor of the Mamaronecks and Freeholds of this world has risen in direct proportion to the federal paralysis on immigration. It underscores the urgent need for Congress and the president to step up to the perennially difficult task of determining who may cross our borders and how, and of creating a fair and viable path out of the shadows for deserving immigrants who are living and working here illegally.

And while the courts have upheld the basic rights of an abused minority, they have not made day laborers any more welcome in their communities or helped local governments find ways to treat them with dignity while upholding residents' desires for a reasonable amount of order. The judge who assailed Mamaroneck, saying it was beyond doubt "that the village acted with malicious or bad-faith intent to injure the day laborers," added that she had also found no law that would compel it to create a hiring site for them.

That would be the practical and decent approach, the one most respectful of civic order and common sense. But you can't impose common sense from the bench.