

Jackley: Immigration ruling won't affect existing S.D. law

Attorney General Marty J. Jackley announced today that the United States Supreme Court's ruling striking provisions of the Arizona immigration law does not affect existing South Dakota law or enforcement efforts.

"While a state should be able to extend its enforcement efforts when federal authorities fail to respond, the Supreme Court has fortunately rejected the federal government's dangerous position 'that the power to regulate immigration is vested exclusively in the federal government,'" Jackley said. "South Dakota presently enjoys and will strive to continue our tradition of cooperative immigration enforcement with our local federal partners, which is supported by the language and directive of today's Arizona

decision."

In July 2010, the federal government filed suit challenging Arizona's new law governing state immigration enforcement. At this time, South Dakota joined several states in a capacity as amicus curiae, or friend of the Court. South Dakota joined the amicus curiae state attorneys generals primarily to protect existing South Dakota cooperative law enforcement efforts to ensure public safety, and also to support a state extending its enforcement efforts when federal authorities fail to appropriately respond.

Significantly, throughout the litigation, the federal courts have rejected the federal government's argument "that the power to regulate immigration is vested exclusively in the federal government."

It has been and continues to be recognized even after this Supreme Court decision that federal immigration law also envisions certain areas of cooperation in immigration enforcement among the federal government and state and local governments.

In the Arizona decision, the United States Supreme Court recognized that the Supremacy Clause gives Congress the power to preempt state law, and that state law must give way to federal law in at least two other circumstances.

First, states are precluded from regulating conduct in a field that Congress has determined must be regulated by its exclusive governance.

Second, state laws are preempted when they conflict with federal law, including when

they stand "as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress."

Although the Arizona decision sets forth that federal law specifies limited circumstances in which state officers may perform an immigration officer's functions, it clearly recognized that federal law permits state officers to "cooperate with the attorney general in the identification, apprehension, detention or removal of aliens not lawfully present in the United States."

The Arizona decision went on to recognize that consultation between federal and state officials is an important feature of the immigration system, and that Congress has encouraged the sharing of information about

possible immigration violations between state and federal authorities.

With respect to potential future South Dakota legislative action, the Arizona decision directed that if a state law only requires state officers to conduct a status check during the course of an authorized, lawful detention or after a detainee has been released, the provision would likely survive federal preemption.

At least absent some showing that it has other consequences that are adverse to federal law and its objectives.

However, the Supreme Court warned that this opinion does not foreclose other preemption and constitutional challenges to state law as interpreted and applied after it goes into effect.

SESQUICENTENNIAL HIGHLIGHTS

By Cleo Erickson

Excerpts from the Plain Talk

1976

Home Trust Savings & Loan is going all out to celebrate the Bicentennial. Their celebration will begin on January 1st.

Sheriff Arnie Nelson said that Clay County residents need to be aware that thieves are working on the area. They are taking everything from farm animals to colored TV's. In Vermillion, thieves have broken into Melstad Jewelry and removed \$4181.00 worth of Black Hills jewelry.

The new South Dakota Bicentennial license plates are being distributed this year. Instead of the standard numbers representing counties, the new plates will have abbreviations of the county name. For example, all plates starting with the "19" represented Clay County, under the new system, "CL" will be in its place. The plates

will be good for five years but the fee still must be paid each year.

Dr. C. R. Herbrandson will close the doors to his office on March 1st after ten years of practice in Vermillion. He and his family will be moving to Graybull, Montana.

The installation of the new roof at the Austin Whittemore House has been completed and other plans are in the process of being completed for further upgrading of the house. Phase II is for the mechanical and electrical work and Phase III is for refinishing of the first floor will be next.

CB's are fast growing means of a speedy communication. Handle, sling, nugatory, ears, ten-four and these are all words that are familiar to a CB operator.

Seven hundred twenty five people have signed up for rural water and paid their hookup fees on the first three days of the Clay Rural Water signup last

week.

Delmar Lynch and Marvin Staum were elected new members to the Board of Directors of Clay Union Electric Corporation.

Mrs. Delmar Lynch of Burbank will serve as Chairman of the 1976 Heart Fund Campaign in Fairview Township. Other committee members are Mrs. Joe Millette and Mrs. Richard Sorensen.

Guy and Raina, the popular husband and wife singing team with the Lawrence Welk Show, has joined the list of celebrities who will be in Sioux Falls this week.

Lickity Split Ice Cream Store will open this weekend. Check out the 22 flavors at the new location, 125 E. Main, (corner of Main and Dakota).

High winds damaged three hangers at the Harold Davidson Airport on Friday. Sixteen local residences and businesses were also affected by the high winds. Gibson's Discount Store had to close as they were afraid their

two front windows would shatter, but they didn't. Wind velocity varied from 25 to 50 miles an hour with gusts up to 85 miles an hour.

Gov. Richard F. Kneip will be in Meckling on June 22 to be a contestant in the "Bicentennial Beard Contest". The contest is open to the public. Entry fee is \$1.00.

Town Square Apartments in Vermillion is one of two of the first low-income housing units funded by the Department of Housing and Urban Development through the Section 8 Housing and Assistance Payment Program in the State of South Dakota and will be completed by July 1.

There are 36 single bedroom units and 4 two bedroom units. The other unit is being built in Elk Point.

One hundred fifty five residents from Vermillion and surrounding area have tried out for parts in the upcoming Community Theatre presentation, "The Wizard of

Oz". The production will be held on June 25-27th.

The Vermillion Area Arts Council and the Chamber of Commerce Retail Committee will sponsor a Bicentennial Display competition for all Vermillion businesses. Displays should feature the Bicentennial theme and historical items. Prizes will be awarded the top three businesses.

Golf league starts this week for about 140 men and many women who enjoy the game.

Groundbreaking for the Dakota Dome is set for Saturday, June 12. It will be held during the Golden Years Alumni Reunion. Construction of \$7.2 million Dakota Dome building will begin this summer.

The W. H. Over Museum will celebrate a 110th birthday this June.

A new eating place is opening at Vermillion on June 21st. Long John Silver's Seafood Shoppe stresses fast, quality service on an excellent

menu in the pleasant atmosphere.

The Senior Citizens are spearheading a Charter Life Membership Drive. The drive will end June 30, the end of the first year in operation at 320 W. Main. A life membership is \$100.00. If desired, the membership may be paid over a 12 month period. The goal is 50 members by the end of the fiscal year.

Dakota Hospital has announced a \$150,000.00 remodeling program. The needed improvements include a new elevator and additional storage space. There will be a new standby generator added and a new front door with new steps and a wheel chair ramp making it easier for visitors. The new parking lot east of the hospital will be completed in two weeks.

The Nook and Cranny received first place in the Bicentennial Display competition. Second place went to Sletwold Flower Shop and third place to Four Seasons.

The Senior Citizens Center sponsored a Bicentennial Fashion Preview and a quilt display for one of the many Bicentennial programs. Mrs. I. D. Weeks dressed as Martha Washington and Albert Ramsell in his black dress suit and silk hat were the highlights of the show.

A caravan of 75 Air Stream Trailers stopped in Vermillion on the evening of July 14. They are following the route taken by Lewis & Clark that will take 37 days to complete. They don't all travel on the highway at once and if they did the caravan would be five miles long.

A group of interested Vermillion area men met last week to organize a "Bridge Building Committee" with the purpose of building a bridge across the Missouri River at Vermillion.

Happy New Year from the City Council: Your electric rates are going up. If a customer uses 325 KWH of electricity, the rate will increase 35 cents. A commercial customer in the downtown district using 1400 KWH will have an increase of \$9.23. The rate increase was necessary to meet the seven per cent rate increase enacted by the Bureau of Reclamation and becomes effective Jan 1, 1977.

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