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WHY THE ADMINISTRATION SHOULDN'T SUE ARIZONA

(Washington, June 21) – The Obama administration is considering suing Arizona to block implementation of its new immigration enforcement measure, SB 1070. The Justice Department doesn't have much time – the law will go into effect on July 29 – and a decision, to sue or not to sue, is expected any day.

In an op-ed piece in today's Los Angeles Times, ImmigrationWorks president Tamar Jacoby urges the administration to pull back:

SB 1070 is an abomination, no doubt about it, and the White House is under intense pressure to act. But a Justice Department lawsuit would be a horrendous mistake – one that could end all hope of passing comprehensive immigration reform as long as Barack Obama is president.

Find the full text of the article [here](#).

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ImmigrationWorks USA is a national federation of small business owners advocating immigration reform. The organization links 25 state-based, pro-immigration business coalitions: employers and trade associations from Florida to Oregon and from every sector of the economy that relies on immigrant workers. IW assists these groups with strategic coordination, messaging and grassroots recruitment as they fight for better immigration law in their states and Washington. The organization works closely with the U.S. Chamber of Commerce, the National Restaurant Association, the National Association of Home Builders, the U.S. Travel Association, the American Farm Bureau Federation and other leading trade groups. Its board of directors includes former U.S. Commerce Secretary Carlos Gutierrez, former AZ Rep. Jim Kolbe and Bill Marriott, chairman and CEO of Marriott International, among others.

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Los Angeles Times

Arizona's immigration law: Washington should stay out of it

A federal lawsuit would only inflame things in Arizona

By Tamar Jacoby

June 21, 2010

The Obama administration is considering suing Arizona to block implementation of its harsh new immigration enforcement measure, SB 1070. The Justice Department doesn't have much time – barring a judicial stay, the law goes into effect July 29 – and a decision, to sue or not to sue, is expected any day.

SB 1070 is an abomination, no doubt about it, and the White House is under intense pressure to act. But a Justice Department lawsuit would be a horrendous mistake – one that could end all hope of passing comprehensive immigration reform as long as Barack Obama is president.

In a radical departure from settled law, the legislation makes illegal immigration a state crime in Arizona – until now, it has been a federal matter. Even more controversially, the measure authorizes and in some cases requires local police to probe the immigration status of people they have stopped for other legal reasons, including violations of municipal ordinances. A devilishly ingenious, and disingenuous, piece of lawyering, the bill is designed to appear reasonable and pass the test of constitutionality, but it gives police far-reaching power to harass unlawful immigrants with the goal of driving them out of the U.S. – a strategy the law's framers call “attrition through enforcement.”

All of that is bad enough, but the most devastating effect of SB 1070 may be political – the way it is poisoning the American immigration debate.

President Obama, President Felipe Calderon of Mexico, the Los Angeles Times, the Roman Catholic Church, the AFL-CIO and a Who's Who of Latino pop stars have denounced the legislation. More than 15 U.S. cities, including L.A., have passed measures forbidding their employees to travel to Arizona on work-related business. Dozens of conferences and conventions scheduled to take place there have been canceled. And tens of thousands of people across the country have participated in demonstrations pillorying the measure as a racially motivated assault on immigrants and an invitation to ethnic profiling.

Meanwhile, on the other side of the divide, polls show that some 60% of Americans support SB 1070. The polling hasn't probed deeply, so it's hard to say exactly why they endorse the law. Some supporters talk about stemming border violence and controlling crime – particularly the mob-style crimes committed by international smuggling cartels. Others, judging by talk radio and blog chatter, seem more bothered by the simple illegality of illegal immigration. Few surveys, now or in the past, show voters to be particularly angry at unlawful immigrants or eager to punish them. But many are very angry at the dysfunctional immigration system – and at a political class that doesn't seem bothered by millions of people making a mockery of the law.

What percentage of those who tell pollsters they support SB 1070 grasp that it will encourage profiling or the harassment of otherwise law-abiding illegal immigrants? Is that what they are endorsing? Or is their support merely a cry for government – any level of government – to get

control of who is entering the country? According to the Rasmussen Report, a polling operation, roughly half of those who endorse the Arizona law are at least "somewhat concerned" about potential "civil rights violations." But nuanced or not, the measure's backers too have attracted some strident spokespeople. Just listen to Sarah Palin, who defends SB 1070 as "noble and just" and urges followers to defy the "boycott crowd."

For weeks, proponents and opponents have played off one another, passion fueling passion, charges sparking countercharges and rage, to the point that there's almost no point in talking anymore – people on both sides are that entrenched. Where one side sees law enforcement and personal security, the other sees racism. The very term "enforcement" has become a dirty word to many immigrants-rights activists. And to the nearly two-thirds of Americans who back the measure, reform advocates look increasingly suspect – unwilling to admit an obvious truth (that illegal immigrants have broken the law) and far too ready to play the race card against those with legitimate concerns. For both sides, immigration is becoming an issue of good versus evil. And in that kind of moralistic standoff, there is no middle ground – no room for politics or compromise.

It's a disastrous course – and one all too familiar in American politics. How long before the immigration debate is as stalemated as the standoff on abortion? Each side sees the other as morally reprehensible. Each is sure it's right. We as a nation can't resolve the problem, but we can't let go of it, either – and it soon poisons other issues, making it hard to do even basic things, like confirm judges.

An administration lawsuit against SB 1070 would only push immigration further in this direction. It would enrage the 60%. It would inject immigration into midterm campaigns from coast to coast. Worst of all, it would alienate key lawmakers, from Arizona and elsewhere, without whose help the administration will have no hope of advancing comprehensive reform.

How exactly does Obama imagine influential Republican Sen. Jon Kyl of Arizona, or Sen. John McCain, would react to a federal lawsuit against their state? Without help or at least acquiescence from Kyl and McCain, where does the president expect to find Republican support for a reform bill? And how does the administration think proud, state-minded elected officials – not to mention "tea party" voters – would feel about a federal effort not just to check, but override a state legislature?

If the White House sues, it will do so under a flag of high moral righteousness. But many will see the suit as something far more cynical. Arizona acted only because the feds hadn't, moving, albeit misguidedly, to handle a problem Washington had left to fester for years. Yet now, instead of stepping up to do its job, Washington is trying to cover its flank by punishing those who filled the vacuum?

Only the federal government can fix what's wrong with immigration – but not with a lawsuit. What's needed is comprehensive immigration reform – a balanced, bipartisan bill supported by a broad national consensus. That's what the administration should be focused on – developing consensus on immigration, not exacerbating a widening divide and closing off all possibility of compromise.

Tamar Jacoby is president of ImmigrationWorks USA, a national federation of small-business owners advocating immigration reform.