



**STATEMENT**  
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## **ATTRITION THROUGH ENFORCEMENT – NOT THE LAW OF THE LAND**

*The U.S. Supreme Court heard oral argument today on Arizona's controversial 2010 policing law, SB 1070. ImmigrationWorks USA president Tamar Jacoby made the following statement.*

Stripped of technicalities and legal terms, the issue before the Supreme Court is straightforward: does Arizona immigration law conflict with federal law?

And while the back and forth in the courtroom today suggested that the final ruling may cut both ways, with the justices upholding some provisions of SB 1070 and nixing others, one thing is crystal clear: the spirit behind the Arizona statute is not the spirit that drives federal policy – or most Americans' views on immigration.

SB 1070 and statutes like it are based on a theory known as "attrition through enforcement." Legislators acting on this doctrine aim to use any and all tools at their disposal – the withholding of state benefits, laws regulating landlords, limiting hiring, requiring local police and even public school teachers to inquire about people's immigration status – to make life so miserable for unauthorized immigrants that they voluntarily pack up and leave the state.

This is an ugly, mean-spirited approach to a problem caused by decades of American hypocrisy – years when we turned a blind eye to immigrants coming to do jobs we needed done, yet gave them no workable way to enter the country legally.

The policy has also been a practical disaster in the three states that have tried it. Tens of thousands of immigrants, legal and illegal, have fled from Arizona, Alabama and Georgia – with devastating consequences for the economy in all three states. Worse still, the stain on these states' reputations is deterring investors, in the U.S. and abroad, who are unwilling to back businesses in places known to be inhospitable to foreigners.

ImmigrationWorks supports immigration enforcement to restore the rule of law. We are sympathetic to the frustration many states feel at Congress' failure to fix the immigration system. We believe the states have a role to play in assisting with federal immigration enforcement. And if the justices decide to encourage immigration lawmaking in the states, we hope they will encourage it evenhandedly, opening the way to state initiatives that go beyond enforcement to provide the legal workforce necessary to sustain future prosperity.

But as the justices consider the fine points of the Arizona law, we hope they will remember the larger issues at stake. Attrition through enforcement is not good law, and it is not – and must never be – the immigration policy of the United States.

**IW USA president Tamar Jacoby can be reached for comment at 202 506-4541.**

*ImmigrationWorks USA is a national federation of employers working to advance better immigration law. The network links major corporations, national trade associations and 25 state-based coalitions of small to medium-sized business owners concerned that the broken immigration system is holding back the growth of the U.S. economy. Their shared aim: legislation that brings America's annual legal intake of foreign workers more realistically into line with the country's labor needs.*