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Appraising Arizona

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DANIEL GRISWOLD

The Arizona law is a divisive waste of resources. It is demagoguery to blame illegal-immigrant workers for a crime wave or high unemployment. Arizona's crime rate in 2008 was the lowest it has been in 40 years. Violent crime fell 23 percent in the past decade, a time when the number of illegal immigrants was rising rapidly. The unemployment rate was below 4 percent in 2007, when there were about 100,000 more illegal immigrants in the state than there are today.

The only cost-effective way to curb illegal immigration is to offer a legal alternative. That means creating a robust temporary-worker program that will allow low-skilled immigrants to enter the United States legally through regular ports of entry, rather than tempting them to sneak across the desert. When we increased visas under the Bracero program in the 1950s, apprehensions at the border dropped 95 percent.

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This harsh law and the harsher rhetoric of its supporters will only accelerate the migration of Hispanic voters to the Democratic party. Whipping up fears about immigration did not help GOP candidates in recent election cycles, and it won't help this time around, either.

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— *Daniel Griswold is director of the Center for Trade Policy Studies at the Cato Institute.*

KRIS KOBACH

The Arizona immigration bill is a big step in the right direction. As someone who helped Senator Pearce draft it, I am admittedly biased. But I can say with certainty that it was drafted to withstand legal challenge. We fully expected the ACLU and their fellow travelers to bring suit, and the law is crafted accordingly.

Arizona has led the way in enacting laws that discourage illegal immigration at the state level. In 2005 the Arizona legislature enacted the Arizona Human Smuggling Act. I assisted Maricopa County in successfully defending it in state court in 2006, and now it is being used by Sheriff Joe Arpaio to make a huge dent in the human smuggling that affects all 50 states. Indeed, it is accurate to say that the law-enforcement efforts of Maricopa County alone have accomplished more than the efforts of a dozen ICE district offices combined. In 2007, Arizona became the first state to require all employers to use E-Verify when hiring workers. I assisted the Arizona attorney general's office in successfully defending that law in the Ninth Circuit, and now Mississippi and South Carolina have followed suit. Arizona's most recent law will likely see the same success in court and in the country.

Contrary to misstatements by the critics of Arizona's law, it is a measured and reasonable law that simply makes a state violation out of what has been a federal crime for 70 years — the failure of an alien to carry required registration documents. It does not conflict with federal law in any way. For that reason, it will withstand a preemption challenge. Charges of racial profiling are also off base. In fact, the law expressly prohibits racial profiling in its enforcement. And the Fourth Amendment standards of what constitutes reasonable suspicion remain firmly in place. But don't expect the law's critics to concede those points — that would involve actually reading the text of the statute.

It should also be noted that the liberal critics who are declaring that this law is unconstitutional said the same thing about Arizona's E-Verify law in 2007. Arizona's record is 2–0 in court, and I don't expect a loss this time around .

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