

Peter Skerry and Devin Fernandes, "Citizen Pain: Fixing the Immigration Debate," *The New Republic*, May 8, 2006.

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"If I were in their shoes, I'd be doing the same thing--coming across that border and trying to better things for myself and my family." These are the words volunteered--almost verbatim, sooner or later--by just about every Border Patrol agent we have interviewed over the past decade. It's not a sentiment you would hear from other law enforcement officers: Just imagine your neighborhood cop saying, "If I were in that guy's situation, I'd be dealing drugs, too." Border Patrol agents detain illegals wherever and whenever they find them, but an awareness of the moral ambiguity of the "crime" they are fighting pervades their efforts.

Such nuance is at odds with the sharp categories drawn in the current immigration debate. To those leading the charge to seal our borders, illegal immigrants are law-breakers who should be prosecuted and sent home. These restrictionists see no ambiguity in the situation, even though our economy depends upon the labor of illegals, and the millions of Americans who hire them are complicit in their offense. Advocates for the undocumented are often equally outraged, because they consider illegals victims who are exploited by employers and pushed to the margins of society. They hope to help undocumented immigrants by somehow legalizing them.

What virtually all parties to this debate share is the notion that illegal immigrants are denizens of some subterranean world. From *The New York Times* to George W. Bush, defenders of immigrants depict illegals surviving in the "shadows." So do border vigilantes like the Minutemen, who fear that those shadows conceal terrorists and malingeringers sponging off social programs. Even savvy hardliners like Representative James Sensenbrenner, the sponsor of legislation criminalizing illegal aliens as well as those who aid them, rely on the same imagery. "Unless we get a handle on illegal immigration," Sensenbrenner told Fox News, "we're going to turn illegal immigrants who can't get papers or Social Security cards into a permanent underclass."

Of course, as recent protests across the nation demonstrate, illegals are hardly reluctant to come out into the daylight. Yet the universally held--but virtually unquestioned--assumption is that illegal immigrants make up a discrete and problematic group, whereas legal immigrants are a benign or even beneficial presence. But this sharp dichotomy is fundamentally misleading. Were illegals granted amnesty, they would undeniably be relieved of a burden. But the benefits for both them and the Americans currently bothered by their presence would be far less significant than widely assumed. At the same time, the measures intended to give political ballast to amnesty--beefed-up border enforcement and increased visas for legal entry--would either inadequately address or actually exacerbate public anxieties about immigration. That's because the problems facing us do not stem exclusively from illegal immigration, but from immigration itself.

The debate over immigration has not always been starkly couched in terms of legal versus illegal. Today's controversy has its origins in the 1980 Mariel boatlift, when Fidel Castro created a crisis for the hapless Carter administration by allowing several thousand criminals and other undesirables to flee Cuba for the Florida coast. For many Americans, "refugee" began to take on a less positive connotation. Meanwhile, Mexicans without documentation streamed freely across our Southern border in increasing numbers. In 1986, Congress finally passed the Immigration Reform and Control Act, which tried to end the influx by penalizing employers who hired illegals and, in one stroke, granted amnesty to millions already here.

The turning point in the immigration debate was Proposition 187, an initiative approved in 1994 by three-fifths of California voters (including about one-fourth of Latinos). This was a draconian measure that--had the courts let it stand--would have denied most public services, such as education and health care, to undocumented immigrants. Before Proposition 187, immigrant advocates had benefited from a deep-seated aversion on the part of virtually all political elites to acknowledging that any problems stemmed from immigration--because doing so was to risk being tarred as racist. That political environment afforded advocates considerable space to aggressively challenge the very category "illegal immigrant" and to insist on more neutral or positive terms, such as "undocumented worker."

It took a politician as shrewd, tough, and desperate as California Governor Pete Wilson to seize on Proposition 187. With it, Wilson salvaged his doomed reelection bid, flooding the airwaves with a controversial ad showing shadowy figures scampering across the Mexican border and thereby putting illegal immigration on the state and national agenda.

The price Republicans paid for Wilson's boldness is now political legend. Proposition 187 spurred such a backlash against the GOP that, in California, it has been reduced to minority party status--Arnold Schwarzenegger's election notwithstanding. Yet Proposition 187 also chastened immigrant advocates, who abandoned their efforts to blur the line between legal and illegal and came to accept as a fallback position the newly emergent consensus that legal immigration was a blessing, illegal immigration a problem. For their part, immigration restrictionists learned to reduce their array of objections to immigration generally to the problem of illegals specifically--a tactic that also enabled them to avoid the charge of racism. The legal-illegal dichotomy thus became a relatively safe framework within which to debate a complicated and volatile issue--and it has stayed that way until today.

Concerns about illegal immigration are hardly unfounded. The Pew Hispanic Center estimates that there are as many as twelve million "unauthorized migrants" in the United States, with 850,000 new ones arriving each year--not only in California, but also in states like North Carolina, Georgia, and Tennessee. What was once a regional concern has increasingly become a national one. Certain aspects of this influx are undeniably troubling from a policy standpoint. For example, 59 percent of adult illegals lack health insurance, compared with 25 percent of adult legal immigrants and 14 percent of natives.

Nevertheless, the legal-illegal dichotomy makes more political sense for harried officials than policy sense for the rest of us. Indeed, the public's concerns about immigration are both broader and deeper than the debate acknowledges. When Americans denounce illegal immigrants, they complain about lost jobs, overcrowded schools and emergency rooms, and noisy, dirty neighborhoods where nobody speaks English. In an April Fox News poll, two-thirds of respondents were concerned that illegal immigrants "take jobs away from U.S. citizens," while 87 percent worried that illegals "overburden government programs and services." In a January Time survey, 63 percent expressed concern that illegals "take jobs away from Americans," and 60 percent feared that "there are already too many people in the United States."

Yet, whatever their specific merits, not one of these complaints pertains uniquely to illegal immigrants. If Congress were to grant a general amnesty or augment legal immigration tomorrow, the same concerns would be voiced by Americans. This suggests that something else is bothering the public: the transience and disorder that inevitably accompany mass migration.

Americans want to believe that immigrants come here to stay. It is part of the national mythology that the United States is a beacon, attracting foreigners who long to become part of our noble experiment. That's what President Bush is getting at when he says, "It says something about our country that people around the world are willing to leave their homes and leave their families and risk everything to come to America."

But this is, at best, a half-truth that ignores the fact that immigrants do not typically arrive here intending to settle down. As MIT economist Michael Piore has noted, even a century ago, approximately one-third of those arriving from Southern and Eastern Europe actually returned to their native countries. Migrants today, especially those who do not need to cross an ocean, move between the United States and their homeland with greater frequency. Most come here to work hard, save money, and then go home and invest their savings in a tractor, some land, or a house. Princeton sociologist Douglas Massey and his colleagues at the Mexican Migration Project conclude, "Left to their own devices, most Mexican immigrants would work in the United States only sporadically and for limited periods of time." Massey emphasizes that even those with legal documents don't necessarily intend to stay.

University of California-Irvine anthropologist Leo Chavez reports that such sojourners are "target earners," focused singlemindedly on maximizing earnings and minimizing expenditures. So they put up with overcrowded living quarters, sharing beds, and sleeping in shifts. And they work more than one job, often enduring substandard or dangerous working conditions. Many employers exploit such workers. But the well-kept secret about immigrants is that they are also willing to exploit themselves.

Such hard work and determination are admirable. But the narrow, short-term goals of target earners contribute directly to the instability of immigrant neighborhoods. Even when such immigrants bring their families, this instability persists--just ask any school

administrator in California about empty classrooms when Mexican families go home for prolonged visits, especially at holidays. By the same token, sojourners focused on returning home tend not to make good neighbors. Often, they are oblivious to others' expectations about noise, litter, or attendance at PTA meetings. As a police lieutenant in Santa Ana, a Southern California city with a predominantly Latino population, once put it to one of us: "How do you do community policing when there is no community?"

For many Americans, this transience--and its accompanying disorder--is personified by day laborers loitering near a Home Depot, waiting for a few hours' work. To some, these men are exemplars of ambition and an admirable work ethic. But, to many, they are annoying, even threatening--unkempt men leering at passing women, running out into traffic to negotiate with potential employers, drinking and urinating in public, and perhaps dealing drugs.

Not all such complaints should be taken at face value. But the National Day Labor Study at ucla indicates that a majority of day laborers are unattached men--a classically problematic population. In extremis, such individuals are fodder for civil disturbances that have broken out among immigrants in cities like Miami, Washington, New York, and, of course, Los Angeles. Noting that 51 percent of those arrested during the 1992 Los Angeles riots were Latinos, and demographers Peter Morrison and Ira Lowry point to "the availability of a large pool of idle young men who had little stake in civil order" as one reason why, in multiethnic states like California, "we ought to expect more riots."

What is bothering Americans most about immigration, legal or illegal, is that it frays--and threatens to rip--the social fabric; it makes them feel that things are out of control. To be sure, such sentiments are often inchoate and are seldom expressed clearly--in no small measure because ordinary Americans don't get much help. As with old debates over crime, liberal elites condescendingly dismiss such concerns as racist or foolishly reduce them to economic fears. Even sympathetic conservatives are not very responsive, in great part because they, too, have bought into the prevailing legal-illegal dichotomy. Without such elite support, mass discontent remains submerged until it erupts in an angry and inarticulate populist outburst, which of course sends the politicians scurrying for the safety of the entrenched legal-illegal framework.

Yet, if politicians were to step outside that framework, it would be possible to address the anxieties of many Americans. After all, over time the opportunistic strategies of immigrants do change. Whatever their original intentions, many develop social ties on this side of the border. They start families, and their children born here are American citizens. They buy houses. A Pew Hispanic Center survey indicates that hundreds of thousands of illegals are homeowners. They join unions. The recent pro-immigrant demonstrations were supported by several unions whose ranks include significant numbers of illegal workers. As ucla sociologist Ruth Milkman has observed, undocumented Latinos "have been at the core of the L.A. labor movement's revival."

These changes point to America's dynamism and openness and suggest that the best way of coping with immigration would be to encourage newcomers to settle down. Yet

adjusting the formal legal status of immigrants won't go very far toward meeting this goal. Indeed, the various guest-worker proposals now being debated would actually institutionalize immigrant transience by facilitating constant movement back and forth across the border. Instead, we must address the behavior of immigrants and encourage them to become responsible members of our political community--whether by learning English, observing local noise and occupancy ordinances, or ensuring their children's regular attendance at school. At the same time, we should avoid sending confusing signals to immigrants--with permissive policies on dual citizenship, for example.

One promising model comes from a church-based community development program in southwest Chicago's heavily Latino parishes. The Resurrection Project provides good-quality rental and owner-occupied housing at reasonable prices to parishioners prepared to agree to specific community obligations. These include attending courses on personal finance and home maintenance as well as pledging zero tolerance for vandalism and abuse of property. More comprehensive is the Golden State Residency Program, an array of proposals put forward by the state of California's bipartisan Little Hoover Commission. These would offer access to driver's licenses, in-state tuition, health care, job training, and housing to immigrants who stay out of the criminal justice system, pay taxes, learn English, make sure their children attend school regularly, participate in local civic efforts, and demonstrate a willingness to become citizens.

Such programs would undoubtedly benefit illegal as well as legal immigrants. But at least they would foster a more formal and enduring bond than the precarious existing relationship between immigrants who are unsure they want to be here and Americans who are unhappy that they are. But, to address the concerns of so many Americans, these efforts would need to be backed up with meaningful immigration enforcement--both at the border and in the interior, especially on employers hiring illegal immigrants.

Changing behavior and reknitting the social fabric is a much more difficult project than revising formal rules. The latter is what Congress is now contemplating--either to provide relief to illegal immigrants or to penalize, even criminalize, them. It would be foolish and callous to maintain that such legislative initiatives won't affect many immigrants. Yet it would be equally foolish to believe that the proposals being debated will have much impact on the problems confronting us. No matter what this Congress does, the practical wisdom of those empathetic Border Patrol agents will go unheeded. So will the concerns of many Americans.