

Americans that their concerns and complaints about illegal immigrants have for too long been ignored by elites.

We are also critical of our academic colleagues for being insufficiently attentive to the building public outrage over what increasingly looks to be the largest influx of immigrants in our nation's history. More to the point, the American public's anxieties about immigration are not⁹

The high-decibel, popular debate over illegal immigration has proceeded simultaneously with a more muted elite discussion over the meaning of citizenship in contemporary America. Some have expressed concern that immigrants are not naturalizing as quickly or as eagerly as they might. Others are suspicious of the motives of those becoming citizens, in part because of the increased visibility of dual citizenship. Overall, many Americans are convinced that immigrants are “gaming the system” and naturalizing not out of commitment to our values and ideals but for crass, instrumental reasons.

These are different issues, but each reflects widespread anxiety that immigrants are taking advantage of the system, that things are out of control, and that American national identity is being challenged. The parallel debates over illegal immigration and citizenship also both hinge on similar formalistic dichotomies – legal immigrants versus illegal immigrants, citizens versus noncitizens. Now, these categories are hardly incorrect. Indeed, they have intuitive appeal and legal grounding that policymakers ignore at their peril. However, in the contemporary context they get used as legalistic short-hand that obscures the true dilemmas facing us. In our view, rigid adherence to these simple dichotomies has gotten in the way of creative policy responses to the complexities of today’s immigration predicament.

In this essay, we will elaborate on the limitations of the legal–illegal and citizen–noncitizen dichotomies; examine why these have nevertheless become so entrenched in the current debate; and offer an alternative way of thinking about these issues that supplements the prevailing preoccupation with the formal, vertical ties between individuals and state institutions with a focus on informal, horizontal relationships. While the current debate asks whether immigrants can be good citizens, we argue that to many Americans the more immediately pressing question is whether immigrants can be good neighbors. To be sure, many communitarians do emphasize this horizontal dimension of civic membership, but they typically neglect the vertical dimension. We argue that both dimensions are critical and that only by paying attention to both can policymakers hope to make rational and fair public policy in this extremely contentious area.

illegal immigration: numbers and categories

The public’s anxiety over illegal immigration is hardly unfounded. The Pew Hispanic Center reports that of the 12 million “unauthorized migrants” estimated to be in the U.S. today, 40 percent arrived since 2000. During the first half of the 1990s, about 450,000 illegals arrived here every year. Since 2000, that annual figure has jumped to 850,000.⁹

Over the same period, illegal immigrants have dispersed across the land. In 1990 California had the largest share of the nation’s illegals: 45 percent. By 2004

like North Carolina, Georgia, Tennessee, and other non-traditional destinations more than tripled. As a result, a regional concern has become a national one.¹⁰

Long before the current furor, it was evident to those who would look that Americans were particularly vexed by illegal immigration. In the early 1990s a Gallup poll found that Americans greatly exaggerated the proportion of all immigrants who were in fact illegal.¹¹ In 1994, California's Proposition 187, which would have banned most public services to illegal immigrants, was passed with support from almost three-fifths of the state's voters, including about one-fifth of Hispanic voters and even greater proportions of Asians.¹²

In 1998, Alan Wolfe reported in *The American Mind* that ordinary Americans otherwise uncomfortable with strong moral judgments were not at all reluctant to express moral outrage toward illegal immigrants. Indeed, based on his in-depth interviews across the U.S., Wolfe concluded that the divide between legal and illegal immigrants "is one of the most tenaciously held distinctions in middle-class America; the people with whom we spoke overwhelmingly support legal immigration and express disgust with the illegal variety."¹³

But the watershed event here was Proposition 187. The federal courts eventually gutted this draconian measure. Nevertheless, this was a political earthquake that continues to define the terrain – such that legal immigration is generally regarded as benign, while illegal immigration is seen as the source of most problems.

Before Proposition 9.9626295.48261484.7813m()F

drug dealers or even petty thieves, and opining that “if I was in that guy’s situation, I’d be pushing cocaine, too!”

This ambiguity lies at the heart of our immigration policy dilemmas. How, for example, can one ask Border Patrol agents to risk their lives apprehending illegal immigrants if in an elemental, gut-level sense they and their superiors do not consider the violation in question to be a crime? The answer of course is that one cannot – which is why the Border Patrol long ago abandoned its policy of engaging immigrant smugglers in high-speed pursuits on U.S. highways. Too many serious accidents and fatalities clarified the calculus that the costs far outweighed the perceived benefits from successful pursuits and apprehensions. As a Border Patrol supervisor at a highway checkpoint north of San Diego explained: “The life of one of my agents or of one American citizen is not worth the apprehension of a whole truckload of illegals or of their smuggler.”³³

Border Patrol agents don’t need the Catholic bishops or the to tell them that illegal immigrants are not typically criminals.³⁴ Still, they do their job and detain illegals when they find them.³⁵ Nevertheless, the trade-offs and moral ambiguities of immigration control pervade all that the Border Patrol does. They clearly contribute to high turnover and low morale at the agency.³⁶ They also help explain why, for example, agents in the field are so readily drawn into pursuing drug smugglers who operate along our borders – about whose status as “bad guys” there is little or no ambiguity.³⁷

If the line between legal and illegal immigration is much fuzzier than it appears, what is bothering Americans? Is it possible that their concerns are both broader and deeper than anyone has bothered to notice? In this connection, it is certainly noteworthy that in one breath Americans denounce illegal immigrants. In the next, they complain about job competition, overcrowded schools, chaotic hospital emergency rooms, and noisy neighborhoods where nobody speaks English – all problems that have more to do with mass migration per se than with its strictly legal component.

Take, for example, the views of independent congressional candidate Jim Gilchrist. Running in a special run-off election in Orange County in December 2005, Gilchrist won 25 percent of the votes in a protest campaign focused exclusively against illegal immigration. But when asked by the to elaborate, Gilchrist immediately cited concerns about Spanish-speaking newcomers not assimilating, multiculturalism, and overpopulation.³⁸ Pollsters report similar complaints. Two-thirds of respondents in an April 2005 Fox News poll agreed that illegal immigrants “take jobs away from U.S. citizens,” while 87 percent claimed that illegals “overburden government programs and services.”³⁹ In a January 2006 magazine survey, 63 percent expressed concern that illegals “take jobs away from Americans,” and 60 percent agreed that “there are already too many people in the United States.”⁴⁰

Whatever their specific merits, none of these or similar problems are unique to illegal immigrants. Indeed, these concerns are explained by readily identifiable

confirmed by findings from the National Day Labor Study at UCLA.⁴⁶ That research also indicates that while most day laborers are illegals, one-fourth are legal immigrants.⁴⁷

Yet the UCLA study also confi

Both concerns also reflect the top-down, administrative rationality that the contemporary bureaucratic state inevitably imposes on dense, informal social relations.⁵⁴ Thus, when fi

are in personal relationships. Many are bound into the larger society only by primary group identifications.”⁶²

Immigration is the central theme of these enduring issues. The formalism and legalism of today’s complaints about illegal immigrants and citizenship certainly echo those articulated by Progressives in the period leading up to World War I, when the number of immigrants (as a percentage of the population) reached its highest point in our history. Then as now, Americans were alarmed that newcomers were too preoccupied with their own private concerns and were insufficiently attentive to broader community and national goals. Barriers to naturalization were even lower than today, and the process was prone to abuse and corruption. Not unlike today, there were anxieties that citizenship was being devalued and that immigrants were becoming Americans out of the crassest motives. Looming over all such concerns for most Americans was the specter of powerful urban political machines that drew immigrants into the voting booth by catering to their private needs.

Progressive outrage at such abuses led to reforms inspired by a high-minded, dualistic notion of the private and the public. From this perspective, the goal was to reinforce the boundary between the two realms. Requirements for

Accordingly, Addams got embroiled in “

immigrants –

But endeavors like the Golden State Residency Program would be even more helpful to non-immigrants. If Americans want immigrants to join our political community, then we need to show them how to do that. Yet this is precisely the area where we have the most cause for self-reproach. Contrary to the usual complaints, Americans are not particularly guilty of racial or ethnic prejudice toward immigrants. But we are guilty of a certain smug complacency. All too often, we unthinkingly assume that because immigrants have gained an opportunity for which there is clearly an oversupply of takers, they should be content just to be here, and that we have fulfilled our end of the bargain. Initiatives like the Golden State Residency Program require us to turn vague assumptions into conscious choices, and to negotiate an explicit, realistic bargain that asks something of both sides.

In this essay, we have been concerned to highlight the importance of informal, horizontal relations in the current debate over illegal immigration. Ultimately, though, the bargain described here speaks to the political community, whose formal, vertical ties of membership benefit from explicit articulation and choice. It would behoove America's newcomers to express clearly both their desire to become members of the American political community and their commitment to its terms. But that cannot happen unless those who already belong to that community do a better job of defining just what those terms are.

notes

1. Jeffrey S. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey," *Report* (Washington, DC: Pew Hispanic Center, 7 March 2006), p. 5.
2. *Immigration and the American Dream* (Chicago: Chicago Council on Foreign Relations, 2004), pp. 12–13, 47–48.
3. John Higham, *American Nativism: 1860–1925* (New York: Atheneum, 1975).
4. John Higham, "Another Look at Nativism," in John Higham, *Immigration and the American Mind* (New York: Atheneum, 1975), p. 103.
5. John Higham, "Instead of a Sequel, or, How I Lost My Subject," in *The American Nativist*, eds. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999), pp. 383–389.
6. Higham, "Another Look at Nativism," pp. 106–108; see also Higham, "Ethnic Pluralism in Modern American Thought

8. This point gets elaborated upon in Peter Skerry and Devin Fernandes, "Citizen Pain: Fixing the Immigration Debate," *RealClearPolitics*, May 8, 2006, 14–16.
9. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the US," pp. 2–3.
10. Jeffrey S. Passel, "Unauthorized Immigrants: A New Reality" (Washington, DC: Pew Hispanic Center, 14 June 2005), pp. 11–13.
11. Seth Mydans, "Poll Finds Tide of Immigration Brings Hostility," *New York Times*, June 27, 1993, A1, A16.
12. "Demographic Profile of the Electorate: November 8, 1994," *U.S. Census Bureau*, 1994.
13. Alan Wolfe, *The Rise and Fall of the American Dream* (New York: Viking, 1998), p. 147.
14. Ronald Brownstein, "Bush Needs to Imitate Clinton to Solve Immigration," *Washington Post*, July 23, 2001, A10.
15. Linda Chavez, "Legalizing Immigrants Just Makes Sense," *Washington Post*, July 18, 2001, 47.
16. Cardinal Roger Mahony, "Immigrant Workers Deserve Legal Status and Respect," *Los Angeles Times*, June 8, 2006.

30. Massey and Malone, "Pathways to Legal Immigration," 477–479, 484–486.
31. David A. Martin, "Twilight Statuses: A Closer Examination of the Unauthorized Population," *Migration Information Source* (Washington, DC: Migration Policy Institute, June 2005).
32. Martin, "Twilight Statuses," p. 6.
33. Peter Skerry, field interview notes with the U.S. Border Patrol; February 13–27, 1998.

