

NATIONAL AFFAIRS

Comprehensive Immigration Confusion

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ONE OF THE MORE CHALLENGING ASPECTS OF teaching undergraduates about immigration is getting them to consider that the biggest winners in the story are the immigrants themselves. Even when presented with the evidence, my students are extremely reluctant to view immigrants as risk-takers making rational choices. They prefer to see them as victims of global forces beyond their control.

More challenging still is getting undergraduates from affluent backgrounds to consider that the other big winners are people like themselves — upper-middle-class Americans for whom a huge influx of unskilled immigration has been a boon. Instead, immigrants become the focus of sincere sentiments of compassion and demands for "social justice." Yet for their fellow citizens who complain about or even denounce immigrants, my students

have virtually no compassion. They readily dismiss them as racists and bigots.

To be sure, this admixture of limited information, self-interest, and moralism is hardly unique in politics. And in the context of immigration policy, it has a conservative variant. I have endured many frustrating discussions with undergraduates convinced that illegal immigrants are simply criminals who must be sternly punished, though they are untroubled by employers who routinely break the law by hiring workers they have good reason to believe are undocumented. But such views are clearly in the minority at selective institutions, as well as among political and intellectual elites more generally.

Republican elites have not been shy about employing lofty rhetoric about the national purposes served by immigration. Yet their policies have been firmly rooted in mundane clientelist politics, leaving party leaders in thrall to well-organized business interests addicted to low-skilled immigrant labor. Meanwhile, working- and lower-middle-class whites have grown increasingly restive. Slow to be aroused and now difficult to appease, such constituencies are long past the point of being soothed by rhetoric about the Statue of Liberty.

Instead, these Americans are drawn to bombast about "building a wall" — even though many undocumented immigrants arrive with valid papers, and then either overstay their visas or get tripped up by complex rules

administered by a notoriously incompetent bureaucracy. Impatient with such policy details, fed-up Americans are drawn not only to simplistic rhetoric but also to the apparent clarity of legalistic bright lines and drastic remedies, including challenges to the constitutional basis of birthright citizenship.

Yet we must not gainsay the concerns expressed by so many Americans, who have long felt ignored and condescended to by the very elites who overwhelmingly benefit from mass immigration. The specific claims and complaints articulated by ordinary citizens typically miss their mark and may get expressed in off-putting and downright offensive ways. But this is because they have not had the benefit of tribunes with the temperament and skills to articulate popular anxieties in more reasonable, policy-relevant terms.

Democrats have had an easier time of it. They have been better positioned to wield the rhetoric and symbols of our immigrant history to sustain support for high levels of unskilled immigration. Unlike Republicans, liberals have been able to maintain a relatively cost-free entente with business interests. And their position has been bolstered by free-market enthusiasts led by the *Wall Street Journal*, and by the dispassionate if bloodless analyses of most economists. Finally, the liberal position has been supported by Americans like the parents of my students: affluent suburbanites and professionals whose high-minded convictions are implicitly undergirded by their self-interest

as consumers of the goods and services provided by cheap immigrant labor.

All of this comes together to make the politics of immigration in America deeply dysfunctional, with grave results for our political culture. Overcoming that dysfunction would require three things above all: First, we need a much better grasp of the actual motivations of immigrants — illegal as well as legal — and how these shape both immigration and assimilation in America. Second, we need to see how some of our most intensely held — and intensely debated — notions about immigration are a function of the politics of civil rights and race in our country, and how this distorts our immigration debates in some strange and poorly appreciated ways. And third, we need to understand that the policy nostrums to which we have been wedded — the bright line between legal and illegal immigrants, the obsession with border control, and the mirage of guest-worker programs — obscure more than they reveal about the challenges and the promise of immigration in America. Seeing these dynamics more clearly can help us dispel the fog that envelops immigration politics, and point away from so-called "comprehensive immigration reform" toward incremental steps in the direction of constructive immigration policy.

REFUGEES OR IMMIGRANTS?

At the Jesuit university where I teach, the dominant pro-immigrant ethos is reinforced by the teachings of the

Catholic bishops. Unfortunately, the Church's pronouncements on this topic serve mostly to exacerbate the confusion that my students share with other Americans. For example, in his remarks at the Mass celebrated along the U.S.-Mexican border last February, Pope Francis failed to draw any distinctions as he criticized the United States for denying entry both to Mexican migrants seeking to work or join relatives here and to Central American women and children fleeing gang violence and civil disorder — a crisis for which the United States arguably bears considerable responsibility.

Such rhetoric overlooks the critical distinction in law between immigrants and refugees. Yet the Pope and his bishops have hardly had a monopoly on sowing such confusion. Recall these lines from the Emma Lazarus sonnet, "The New Colossus," now affixed to the pedestal of the Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me...."

Lazarus, the assimilated daughter of a well-established New York Jewish family, wrote these out of concern over the plight of her co-religionists fleeing pogroms in Tsarist Russia. These were the "huddled masses" to whom the "Mother of Exiles" lifted her "lamp beside the golden door!"

So, too, after World War II did Liberty greet — however belatedly and begrudgingly — Jews and other "displaced persons" fleeing a ravaged Europe. She was gradually more welcoming of those fleeing communist oppression after successive popular uprisings in Hungary, Czechoslovakia, and Poland. Then of course she reached out to Soviet Jews during the closing years of the Cold War. If she had been standing in the 1840s, Lady Liberty would no doubt have welcomed those fleeing famine in Ireland.

But again, none of these were, strictly speaking, immigrants. Instead, they were what we now refer to as "refugees": individuals who, according to the United Nations Refugee Convention, have been forced to flee their country because of persecution, war, or other violence. To be sure, in practice the line between immigrants and refugees can be difficult to draw. And, according to today's legal framework, the Irish fleeing famine were not in fact refugees. But, like the words of Pope Francis at the Mexican border, Lazarus's well-known poem only blurs the line further. Similarly, in October 1965, at the base of the Statue of Liberty, President Johnson signed the Hart-Celler Act, repealing the reviled national-origins quotas that had been the basis of U.S. immigration policy since the 1920s. At that same ceremony, Johnson announced a program to receive refugees fleeing Fidel Castro's Cuba. As historian John Higham has noted, "Emma Lazarus would have approved."

So would refugee advocates, who routinely blur the

distinction between refugees motivated, again in the language of the Refugee Convention, by a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion," and immigrants motivated by a desire to reunite with family, to work hard and earn money, or simply to seek their destiny. For while refugees have stronger moral claims, immigrants have greater political clout.

Indeed, it is remarkable how few Americans display curiosity about what leads individuals to incur the considerable inconvenience and risk of moving here, especially illegally. As economic historians remind us, only a tiny fraction of the world's population has ever left home in search of substantial economic gains. This remains true even today, when the rewards are high and the costs relatively low.

Unlike refugees, immigrants do not face a stark binary choice: leave home or stay and face persecution — or worse. On the contrary, the decision to emigrate is often marked by hesitation, ambivalence, and profound misgivings. Indeed, historians report that many of those who arrived here from Europe in the late 19th and early 20th centuries did not stay. Particularly during the years before World War I, when steamship travel made the journey shorter, safer, and cheaper, many so-called "birds of passage," mostly men, came intending to work, save money, and then resume their lives back in the old country. It is estimated that half of the Italian migrants during that

period eventually returned home.

Today, the motivations of Irish, Mexican, and many Central-American migrants are not dissimilar. Focusing specifically on the undocumented from Mexico, anthropologist Leo Chavez refers to "target earners." As Chavez and others have shown, the intention to return home shapes the behavior of migrants, such that they could not unfairly be said to "exploit themselves." They put up with unpleasant, even dangerous working conditions. They skimp on expenses and crowd into substandard living quarters to maximize their savings. And, while it is true that many end up remaining here, the process has often been difficult and drawn out, with frequent journeys back and forth across the border — at least until recently.

A frequent consequence of such motives is concentrations of unattached males living in urban settings, and the social ramifications can be problematic, occasionally even explosive. In *There Goes the Neighborhood*, a study of transitional Chicago neighborhoods during the 1990s, sociologists William Julius Wilson and Richard Taub comment on how "litter and graffiti...mar the formerly pristine streets" of a neighborhood once dominated by "European Americans" but now home to Mexican immigrants whose "perceptions of the neighborhood as a temporary haven meant that many residents did not invest in their homes."

In East Los Angeles during the late 1980s, I heard similar

complaints from Catholic priests and community organizers trying to build up parish life in the face of what they bemoaned as "transience," not just of single men but also of entire families. And demographers Ira Lowry and Peter Morrison make a similar point about the 1992 Los Angeles riot, which resulted in more than 60 deaths. Unlike the 1965 Watts riot, which also occurred in Los Angeles but involved only blacks, the 1992 disturbances resulted in the arrests of about equal numbers of blacks and Hispanic immigrants, overwhelmingly young men.

During this same period, political scientists Wesley Skogan and Susan Hartnett report that Chicago police had a difficult time involving Hispanics in community-policing efforts. After all, as a police lieutenant in the predominantly Mexican-American city of Santa Ana, California, once put it to me, "How do you do community policing when there is no community?" This aspect of immigrant neighborhoods is well understood by social-service providers, though they rarely talk about it for fear of stigmatizing immigrants or being denounced as racist.

More than actual violations of the law, it is typically the behavior associated with such transience that arouses the anxiety and anger of ordinary Americans. But this is often masked by the distinction we make between legal and illegal immigration — a distinction that makes it easier for many Americans to express their anxieties about immigration, but that does not actually correspond to the sources of those anxieties.

ARE UNDOCUMENTED IMMIGRANTS CRIMINALS?

When Americans link immigrants with "crime," what they have in mind is the social disorder that even sympathetic liberals associate with immigrant communities. Consider, for example, Robert Putnam's reluctant finding that "in the short run...immigration and ethnic diversity tend to reduce social solidarity and social capital." And this association is certainly consistent with James Q. Wilson's "broken windows" theory.

Consider also the complaints routinely lodged against undocumented immigrants. Apart from breaking immigration laws, these include not learning English, not paying taxes, depriving American workers of jobs, and imposing fiscal burdens on schools, hospitals, and other social services. Not all of these charges withstand scrutiny, although several do. But however well-grounded they turn out to be, these complaints pertain to immigrants in general, not just the undocumented. This is because legal and illegal immigrants do not constitute discrete populations.

As immigrant advocates continually remind us, illegal and legal immigrants (many of whom become U.S. citizens) live in the same communities, often in the same households. So the social disorder that concerns many Americans is not unfairly associated with large numbers of economically marginal newcomers, regardless of their legal status.

Further, it should be noted that while the number of lawful permanent residents (so-called green-card holders) admitted annually now hovers around one million, the number of non-immigrants admitted on visas to live and work (as students, exchange visitors, intra-company transferees, diplomats, temporary workers, and their family members) has recently topped 7 million. And this does not include the 67.5 million tourist- and business-visa holders admitted in 2014 alone.

These numbers might seem to dilute or dwarf the impact of 11 million undocumented immigrants. Yet to disgruntled Americans feeling ignored and denigrated by elites, they might plausibly have the opposite effect: sensitizing them to the scale and dynamism of contemporary migration and casting it negatively. Perhaps this is why, when asked by pollsters, Americans greatly exaggerate the undocumented as a proportion of all immigrants.

In sum, the legal status of the undocumented has become a highly visible but imperfect surrogate for broader concerns that run very deep. Reviewing the spate of local ordinances prohibiting landlords from renting to illegals and denying city contracts to companies that hire them, Cristina Rodriguez of Yale Law School points out that many such ordinances have included declarations affirming English to be America's "official language," which would also pertain of course to legal immigrants. As she concludes, the "concern is not exclusively over immigration of the illegal variety." Such ordinances "arguably represent part of a

larger struggle to adapt to and resist immigration more generally."

This is not a conclusion gratifying to our elites. Liberals often respond with statistics showing lower crime rates among immigrants than among non-immigrants, and so ignore their fellow citizens' underlying, if poorly articulated, concerns. Conservatives respond with legalisms, blaming the undocumented for "breaking the law," but ignore that many employers do the same. And while the affluent continue to employ legal and illegal immigrants as gardeners, house painters, au pairs, house cleaners, waiters, and factory laborers, most Americans can neither afford such help nor easily insulate their neighborhoods from the transience and disorder generated by mass immigration. In the end, whatever their ideology, elites get their way. And many Americans feel dismissed, either as chumps or as bigots — or sometimes as both.

And so to pro-immigration forces on both the right and the left, it has proved politically useful to draw a sharp line between legal and illegal immigrants and to focus on the latter as the source of all problems. The shrewd and insightful analysis of Kenneth Lee, author of *Huddled Masses, Muddled Laws*, highlights how this tactic was perfected during the 1994 debate over California's Proposition 187. As he writes, attacking illegal immigration "insulated proimmigration legislators from potential public backlash for their votes against legal immigration reform, because they could at least point to the harsh measures

against illegal immigration as a symbol of their determination to 'get tough.'" Twenty years later, this tactic may well be played out. Indeed, as Professor Rodriguez observes, illegal immigration now dominates the agenda to such an extent that it risks turning large segments of the American public against immigration altogether.

THE ORDEAL OF ASSIMILATION

"Why aren't they assimilating?" This frequently heard question also reflects anxieties about immigrants in general, not just the undocumented. And while assimilation is debated more passionately than immigrant motivation, it is just as poorly understood. However earnestly Americans call for assimilation, very few realize that it leads to new social and political challenges. After all, assimilated immigrants, and especially their children, can be our most strident and demanding coworkers, neighbors, and fellow citizens. Norman Podhoretz understood this once. It's not clear Paul Ryan does.

One reason for the widespread perception that immigrants aren't assimilating can be traced to the multiculturalist critique of the concept. The orthodoxy among immigrant activists, advocates, and their allies is that America has required immigrants and their offspring to reject all ties to the cultures of their homelands. In response, social-service providers and policymakers have advanced "integration" as a concept more compatible with multiculturalism. But it, too, has been criticized.

In any event, this is truly a distinction without a difference, rooted in the multiculturalists' misreading of history. With some exceptions, such as the treatment of ethnic Germans during World War I, American practices and policies have been remarkably accommodating of immigrant cultures — certainly more so than the systematically coercive policies of contemporary France, for example. In any event, as Nathan Glazer has written about assimilation, "The word may be dead, the concept may be disreputable, but the reality continues to flourish." American society is still remarkably open and absorptive, allowing newcomers from around the world to pursue their goals while retaining much, though hardly all, of their home cultures. And over time, most adapt to and embrace the values critical to our way of life.

If immigrants are in fact assimilating, at least in most important respects, why do Americans insist they are not? Well, we seem not to understand some key points about assimilation. First and foremost, we fail to appreciate that it can be a contentious process. When immigrants get involved in politics, for example, the result is inevitably competition, even conflict with other groups. And when first-generation youth get mobilized politically, they tend to do so as native-born citizens who assert their rights far more strenuously than their parents ever could or would. Note how even undocumented youth, the so-called Dreamers, have made bold claims on America's conscience that their parents, who brought them here illegally, have not dared to make.

Assimilation is also a process that unfolds in various dimensions: social, economic, cultural, and political. Each proceeds at its own rate and rather independently of the others. For example, historian John Higham describes how 19th-century Jewish immigrants to America, especially those from Germany, assimilated economically but not socially. For as they succeeded in business and the professions, these immigrants encountered barriers raised by Gentile elites, especially at private clubs and organizations. Similarly today, Muslims may be highly assimilated into business and the professions, but are less so culturally.

Then, too, not all assimilation is benign. Some immigrant children "assimilate down" to gang or other disaffected subcultures. And as sociologist Christopher Jencks reminds us, many immigrant youth assimilating to America's "laissez-faire culture" become caught up in dysfunctional behaviors resulting in teen pregnancy, drug addiction, or obesity.

These distinctions get ignored when Americans expect immigrants to "assimilate" *tout court*. What is expected is that immigrants "speak English" (or perhaps avoid speaking their mother tongue, especially in situations where monolingual English-speakers feel ignored or excluded) and "fit in" (without causing any commotion or making any demands on the rest of us). In this regard, the multiculturalists have a point: Today's popular understanding of assimilation relies on a standard that is

ahistorical, unrealistic, and unfair.

Nevertheless, Americans are hardly misguided when they express concerns about immigrants changing and even disrupting their communities. Yet they do fail to understand that such challenges typically arise precisely because immigrants and their children *are* assimilating. And when immigrant advocates and their allies reject "assimilation" in favor of a provocative and equally ill-informed multiculturalism, they fail utterly to speak to the legitimate concerns of their fellow citizens.

THE RACIALIZATION OF IMMIGRATION

Multiculturalism reflects a deeper and little-noted shift in how Americans have been induced to think about immigrants, and this points to profound changes in our politics wrought by the civil-rights movement and its progeny. To be sure, these changes are widely, if not universally, recognized as critically important to African Americans. And over time their applicability to immigrants, especially Hispanics and to a lesser extent Asians, has come to be taken for granted. Seldom asked, however, is whether immigrants merit the same benefits and protections that have been afforded, however begrudgingly or controversially, to the descendants of slaves and the victims of Jim Crow.

Hispanic leaders and their allies routinely claim the mantle of the black civil-rights movement. To cite one striking

example, in 2003, a coalition of foundations, churches, labor unions, and civil-rights organizations sponsored the Immigrant Workers Freedom Ride, described by political scientists Daniel Tichenor and Janice Fine as "a national mobilization meant to evoke the 1961 freedom rides of the Civil Rights movement." Other rides have followed, including the "UndocuBus," which traveled from Arizona to the 2012 Democratic National Convention in Charlotte, North Carolina. On the 50th anniversary of the original Freedom Rides, Congressman John Lewis, a veteran of that historic undertaking, denounced efforts "to demonize the Latino population" and called for "a real movement to resist this attempt to say that people who come from another land are not one of us."

When a civil-rights icon like Lewis takes such a stand, it merits scrutiny. He is articulating the basis of a surprisingly effective "black-brown coalition" predicated on overcoming, even denying, the virtually unavoidable competition between African Americans and Hispanic immigrants for jobs, social services, and visibility. This is straightforwardly depicted by Wilson and Taub in their study of Latinos and blacks in Chicago: "The flow of immigrants...to American urban neighborhoods not only exacerbates tensions between Latinos and whites, but also between Latinos and blacks."

Yet this reality is seldom acknowledged, much less articulated, by minority leaders and their allies. To be fair, this reflects an effort to avoid enflaming tensions between

these groups. But such avoidance has long since ossified into denial, and we are now at the point where any possible implications for immigration policy are never even considered.

Here, too, we find a misreading of history. Whatever mistreatment, humiliation, and unfair dealings Mexicans have experienced at the hands of Anglo Americans, these never included anything remotely resembling the institutionalized cruelty of slavery or the systematic humiliation of *de jure* segregation. For example, the 1848 Treaty of Guadalupe Hidalgo (ratifying America's conquest of half of Mexico's territory) designated Mexican-origin individuals as eligible for U.S. citizenship at a time when this status was restricted in custom and in law to whites. Indeed, Mexicans were eligible for citizenship at a time when blacks were not. This may help to explain why, though a substantial minority of Mexican-origin individuals self-identify on the U.S. census as "other race," for decades a majority has consistently identified as "white."

Similarly, in the continuing controversy around the Black Lives Matter movement, it is rarely noted that Hispanics have different criminal histories and less fraught relations with the police than do African Americans. Reflecting on this point, as well as on Hispanics' generally superior standing on most social indicators, syndicated columnist Esther Cepeda is a lone voice when she refers to "the mirage of the rainbow coalition." Indeed, Black Lives Matter can be seen as an effort by African Americans to

recapture their prominence on the agenda after 15 years of national preoccupation with issues — terrorism and immigration — that have focused attention on Muslims and Hispanics.

This template, classifying blacks and Hispanics as similarly situated racial minorities, has powerfully shaped the prevailing interpretation of America's immigrant history. In this view, our "nation of immigrants" has experienced many episodes of anti-immigrant hysteria: the Alien and Sedition Acts in the 1790s, mob violence against Irish Catholics in Boston in the 1830s and 1840s, anti-Chinese movements in California in the post-Civil War era, anti-German sentiment during World War I, anti-Japanese sentiment during WWII, and the Red Scare of the immediate postwar years. From this perspective, what we are experiencing today is just the latest chapter in a long and ugly story.

That we have had such bouts of racism, nativism, and xenophobia and that these have led to restrictionist policies is undeniable. But it is too easy to regard such episodes as raw ignorance and hatred and in no way as rational responses to actual — or reasonably perceived — competition, challenges, or threats. To be sure, such distinctions can be difficult to delineate. But our political and intellectual elites have long since stopped trying. Instead, they have grown accustomed to treating all negative reactions to immigrants, in the present as well as the past, as racist, nativist, and xenophobic.

Here it is worth noting that John Higham published the definitive treatment of American nativism, *Strangers in the Land: Patterns of American Nativism, 1860-1925*, in 1955 — and then spent the remainder of his distinguished career recanting it. As early as 1957 he called for a halt to "the bad habit of labeling as nativist any kind of unfriendliness toward immigrants," and urged his fellow historians to focus less on the irrational ideas, prejudices, and "frenzies of the mob," and more on "basic structural realities." Admonishing his colleagues "to recognize that our divergent and unequal backgrounds are causes — not just results — of our difficulties," he noted ruefully that "it is more comforting to think that everyone is pretty much alike and that our differences are foisted upon us by myths and stereotypes."

At no point did Higham deny that irrational forces have played a role in our immigration history. He merely argued for a more balanced account. As he wrote in 1999, commenting on the notoriously restrictive legislation of the 1920s: "In the passage of the 'national origins' law of 1924 an intensely racialized nativism was an important factor *but not the only one*. The new law, for all its extravagant unfairness, was an essential building block in the slow construction of a welfare state" (emphasis added).

Perhaps Higham, however renowned, was idiosyncratic. It is all the more important, therefore, to consider briefly the work of economic historians Timothy Hatton and Jeffrey Williamson, particularly their compendious *Global*

Migration and the World Economy: Two Centuries of Policy and Performance. Building on findings by Harvard economist Claudia Goldin, Hatton and Williamson focus on the determinants of immigration restriction in the post-World War I era. Arguing that global economic forces were at work well before the onset of war, they emphasize the declining literacy and occupational status of immigrants arriving in increasing numbers from Southern and Eastern Europe.

In a strikingly balanced account reminiscent of Higham, Hatton and Williamson assert that "perhaps the Immigration Commission [the much-criticized Dillingham Commission, chartered by Congress from 1907 to 1911] was right in suggesting that those who arrived most recently were in some respects 'inferior' to previous immigrants." While acknowledging the racial basis of the late-19th-century exclusion of Asians, the authors stipulate that, in the prewar period, "there is no compelling evidence that xenophobia or racism was driving immigration policy." Instead, they emphasize labor-market fundamentals and conclude, "New World governments acted to defend the economic position of unskilled labor...by restricting immigration."

The policy implications here are subtle but important. If resistance to immigrants is rooted in fundamentally irrational prejudice, it cannot and should not be pandered to. But if it's grounded in more rational sources, then it cannot be so easily ignored. In the context of today's post-civil-rights regime, there are powerful incentives to "fight

prejudice" and not yield to restrictionist sentiment. Those incentives are all the more potent if the principled forces fighting ignorance and racism also happen to benefit from immigration.

PUBLIC-INTEREST POLITICS

Religious zeal and moral certainty have frequently plagued American politics. To be sure, such fervor helped sustain the civil-rights movement itself in its darkest hours. But since the 1960s, these tendencies, and the rigidity and inflexibility associated with them, have become pervasive and institutionalized. And in our decades-long debate over immigration, these political dynamics have encouraged immigration advocates to not take their opponents seriously, indeed to cavalierly dismiss them.

A key factor here has been the emergence of public-interest organizations. According to John Gardner, the founder of Common Cause, the public-interest movement was originally about "civic balancing" — making sure all voices are heard. But today, our civic and political life is out of balance, and these organizations are often part of the problem. Certainly, they have exacerbated the already-challenging task of formulating immigration policy in the national interest.

Of major concern is the heavy reliance of these organizations on controversy and contention to generate the publicity they need to demonstrate to donors (individual as

well as institutional) that their contributions are making a difference, particularly in public-policy domains where success is seldom easy to measure. A related challenge is what James Q. Wilson described as "vicarious representation." Public-interest entrepreneurs may seek to fill the political vacuums left by unorganized, unarticulated interests. But inevitably, they risk being more accountable to third-party funders than to the people they claim to represent.

Consequently, public-interest entrepreneurs tend to engage not so much in the negotiation and compromise that lead to immediate, concrete outcomes of the sort dues-paying members capable of voting with their feet demand, but rather in the hard-bargaining and posturing that tend to result in stalemate acceptable to or even sought by third-party contributors focused on long-term programmatic or ideological agendas. This dynamic has certainly been evident in immigration politics, where the interests being represented include those of individuals who are not citizens, not here legally, and perhaps not even here physically.

An excellent example involves the Mexican American Legal Defense and Education Fund, a public-interest law firm established by, and heavily dependent on, the Ford Foundation. MALDEF's policy analysts and lawyers have played a prominent role in immigration policymaking over the last few decades. They were particularly visible in the debate culminating in the Immigration Reform and Control

Act of 1986, which simultaneously instituted sanctions on employers hiring undocumented workers and offered amnesty to millions of illegal immigrants.

But MALDEF's role in this debate was not very constructive. As political scientist Christine Marie Sierra has chronicled, Latino and allied organizations in Washington during the 1980s faulted MALDEF for its "purist politics" and "no compromise" posturing. They complained that, because MALDEF "did not represent a mass-based constituency" and was "answerable only to a board of directors, the organization could afford to pursue uncompromising stands." Sierra reports, not surprisingly, that MALDEF eventually lost credibility with Congress. Today, its visibility and clout are greatly diminished. Yet the dilemmas raised by the inevitable demands to represent immigrants who are either poorly situated or simply unable to speak for themselves continue to confront all of us.

More recently, Philip Schrag, a professor of public-interest law at Georgetown who has advocated before Congress on behalf of refugees, published a revealing and compelling account of these challenges. Commenting on the difficulties encountered by his coalition of immigrant and refugee organizations, Schrag notes that "public interest advocates are often concerned about legitimacy." He then relates this concern directly to their resistance to compromise:

For the advocates, the most difficult moments of the legislative battle involved the development, timing, and exposure of fallback positions. Part of the problem is the sense of stewardship that public interest advocates feel for the interests or constituents they represent, most of whom did not choose their representatives.... Public interest advocates perpetually doubt their right to take less than an absolutist position, even when it is clear that advocating an absolutist position will result in worse legislation than seeking a compromise.

WHAT CAN BE DONE?

To be clear, I am not proposing a renewed debate about affirmative action, or even about public-interest politics. In the current environment, the first would be too rancorous and explosive, and it is doubtful that Republicans could wage it effectively. The second is too entrenched, and too little understood, to be tackled right now. Yet for those concerned about the sorry state of our immigration policy and debate, there are initiatives that could lead us toward a genuinely comprehensive approach. This is not going to happen overnight, but it is worth making a start.

The beginning of wisdom here is to stop exaggerating the importance of the line between legal and illegal immigration. If Americans now obsess about illegal immigrants, it is because they have been conditioned to do so by our political elites, liberal and conservative alike, who

have discovered that harping on this distinction is a useful way to simplify a tricky issue. The public's anxieties and outrage should be taken seriously, but it must also be acknowledged that as Americans we are complicit in the dilemmas presented by the 11 million undocumented in our midst.

We should also stop chasing the illusory remedy of guest-worker programs. America has a long history with guest workers, including a few small, targeted programs currently in place: an underutilized program for agricultural laborers (H-2A) and an oversubscribed program for skilled workers (H-1B). But these are like band-aids on a festering wound: They help a bit, but the problems are getting worse.

Historically, our largest such initiative was the Bracero Program, which from 1942 to 1964 brought approximately 4.6 million guest workers from Mexico. To their credit, such programs acknowledge and actually try to work with the transience of low-skill migrants, especially from nearby countries. But decades of experience, both here and in Europe, have shown that most such "guests" end up staying and bringing in their friends and families. Among migration experts there is virtual unanimity that the Bracero Program established the migratory patterns that eventually resulted in the torrent of illegal immigration across our southern border.

Acknowledging these realities, policymakers are now proposing to offer guest workers — after a specified period

of residency — the possibility of permanent legal residency and eventual citizenship. Yet it strains credulity for legislators and advocates to refer to such initiatives, though they certainly do, as "guest-worker programs." If the challenge of mass immigration involves the strains associated with increasing numbers of newcomers settling here, then guest-worker programs are not an answer — or at least not an honest one. If the waters are to be calmed and any progress in addressing our immigration dilemmas is to be made, we will need to refrain from this kind of double-talk.

Finally, we must stop obsessing over border security. Donald Trump has supercharged this trope, but he hardly pioneered it. Once again, our political and policy elites have found this a useful simplification. During the 1980s and '90s, when the border with Mexico really was out of control, our responses were halting at best. For example, the original border fence was easy to climb over — not because of any design flaws, but because, among other things, the Border Patrol did not want to be burdened with migrants falling and injuring themselves. "Controlling the border" will always mean on-going efforts to man and monitor whatever physical barriers and electronic devices are in place. But for some years now, "border security" has been little more than distracting political rhetoric.

In recent years Republicans in particular have obsessed over border security. Yet once again, avoiding the more challenging or controversial aspects of immigration

enforcement has been the name of the game. One such aspect involves monitoring not just the millions of individuals who arrive here yearly (which is now done rather effectively), but also the millions who depart (which we do not attempt at all, because it would be daunting, expensive, and perhaps ill-advised).

Obsessing over border security also allows Republicans (and many Democrats) to avoid imposing burdens on employers. For almost 30 years, it has been clear that America's immigration laws are virtually unenforceable in the workplace, primarily because the documents required to prove legal status are easily forged. As a result, employers cannot fairly be held legally responsible for judging the validity of documents presented to them by employees.

The underlying issue, which we have not really begun to address, is the sustainability of high levels of unskilled immigration. This is not the venue to address it, except to note that economists calculate that prevailing policy, taking into account illegal as well as legal immigrants, contributes at most a few tenths of one percent of GDP annually to native-born Americans (the overwhelming share goes of course to immigrants themselves). Because such analyses do not take into account the burdens placed on local and state social-service providers, we will at some point have to grapple with the realization that what's good for the landscaping contractors of America (and their customers) may not be good for America. Or, in the wry observation of agricultural economist Philip Martin, "there is nothing more

expensive than cheap food."

Yet if we should stop doing these things, then what should we start doing instead? Short of a genuinely comprehensive approach to immigration reform, which looks to remain politically elusive, there are a few incremental measures that follow from these reflections.

A good first step would be a general implementation of meaningful employment verification. For many years, efforts to enforce the law in the workplace were stymied by privacy concerns and the specter of a "national identity card." But immigration officials persisted through various pilot programs and developed a reliable internet-based system that allows employers to rely on Social Security numbers. E-Verify is not without problems, including false positives (causing legal residents, even citizens, to be mistakenly identified as illegal). And of course the program inevitably imposes burdens on employers. Yet such concerns have been minimized to the point where, after years of opposition, the U.S. Chamber of Commerce now endorses E-Verify's wider implementation.

To be sure, many small businessmen will still object, and immigrant advocates will continue to raise concerns about false positives. Others will ask how such an effort would be coordinated with any future program offering relief to America's 11 million undocumented without encouraging abuse and more illegal immigration. These are serious concerns, but they are manageable, and it is time to make

the reliable verification of immigration status a standard practice.

Another initiative to be undertaken sooner rather than later involves helping immigrants to assimilate. America is an open and absorptive society, but it is also a large and pluralistic one that gives many divergent and confusing cues to newcomers. And there are some aspects of our society that immigrants — and especially their children — would do well to avoid. If many of us need to recognize America's continuing assimilative capacities, others among us must not take them for granted, or treat them like a free good. Instead, we should assume a more active stance in guiding assimilation.

This doesn't necessarily mean a renewed emphasis on citizenship instruction or even naturalization classes. Though important components of civic and political assimilation, for now these are too fraught with disagreements over content and goals, and too easily burdened with various political agendas. Instead, we should begin by pursuing a serious, sustained, coordinated effort to teach immigrants to speak English. This would reassure Americans that a critical component of their cultural heritage is not being threatened by mass immigration — and is being supported by elites. At the same time, encouraging immigrants to learn to speak English would not only benefit them directly but also provide a clear signal about how they need to adapt to their new home. If such an undertaking demonstrated initial success, it could

be expanded to include English literacy.

Some may say we do this already, but our current efforts are meager and ineffective. English as a Second Language (ESL) classes have long been notoriously underfunded and oversubscribed. And in recent years, though the need has hardly abated, both funding and enrollments have been declining. The latest available data indicate total enrollment of about 733,000 individuals in adult ESL courses supported by the federal government's principal program.

Besides our overall ineptness at teaching languages, certainly by European standards, ESL programs are frequently orphans, typically offered at community colleges where the needs of non-traditional, immigrant students compete with those of more acclimated and younger American students. Wherever offered, ESL classes are predominantly no- or low-fee, non-credit courses with "open-entry/open-exit" and are taught by underpaid, part-time instructors. Not surprisingly, adult immigrants with work and family responsibilities have a difficult time attending regularly. Most students start with no or very little English, and soon drop out. Those who stick with it make, according to the available evidence, minimal progress speaking English.

Whether in a crowded rec room in a Brighton Beach apartment building for elderly Russian Jews or a classroom in a Polish-American center in Chicago, classes I have observed are inspiring but disappointing. At a time when

language learning has been revolutionized by digital technology, ESL programs seem caught in a time warp. Apart from the occasional inspired instructor, such programs do not convey to immigrants that America places a high priority on or feels much pride in their learning (or our teaching) English.

If we are to invest more in such programs, they will need to be more focused and demanding than the current efforts. Forrest Chisman of the now-defunct Council for Advancement of Adult Literacy has argued for increased funding for ESL programs — but not "unless they more clearly define what their goals should be." Indeed, Chisman's research highlights the nettle of inappropriate, competing, and confused objectives of ESL administrators and students alike. The former need to clarify not only what level of English proficiency is the target, but also in what context — family, work, public schools, or civic life — English-language skills are deemed critical. But, as Chisman also emphasizes, any such endeavor points directly to the confused, unrealistic, and generally low expectations of immigrant students, who nevertheless grossly underestimate the commitment required of them to make meaningful progress in learning English. As Chisman concludes, ESL "programs should make much greater efforts to help students expand their personal goals...[and] nurture a culture of success that expects faculty and students to strive for the largest possible learning gains, even though all will not achieve this goal." Toward this end, Chisman suggests that ESL programs examine the

possibility of charging students modest fees to "increase persistence in noncredit classes." More generally, Chisman's analysis suggests that adult ESL is a program in urgent need of the energy, direction, and focus that only a highly visible, national campaign could give it.

The perennial, if at times exaggerated, complaint that immigrants are not learning English reflects a real and enduring concern that they are not being encouraged to participate in the mainstream of our national life.

Meanwhile, bilingual ballots and bilingual education, however necessary or helpful in specific instances, have only deepened these concerns; so, too, has the rhetoric of immigrant advocates and multiculturalists.

If a new, national ESL initiative were undertaken, how would we pay for it? One possibility would be a tax on employers who hire substantial numbers of immigrants, or perhaps a tax incorporated into the visa fees that businesses already pay to gain access to various categories of temporary workers. Fees on visas for high-skilled and professional employees might make particular sense. No doubt there would be resistance and pushback from employers. But if they reap the benefits of immigrant labor, then it is not unreasonable to ask them to share the burdens.

At the same time, there is considerable room here for private initiative. Foundations and wealthy entrepreneurs might well underwrite the cost of new digital curricula for native speakers of diverse languages that could be pursued

by individuals at home and supplemented by course meetings. Indeed, community-based programs afford enormous opportunities for volunteer instructors. With his fellow immigrants in mind, Andrew Carnegie jump-started the free public library. Why couldn't a philanthropist today support a contemporary version of that vision? Should this idea arouse opposition from multiculturalists claiming that it would diminish diversity by marginalizing the languages and cultures of immigrants, that would be a debate worth having — and it could be won.

TAKING IMMIGRATION SERIOUSLY

In a May 2001 op-ed piece in the *New York Times*, sociologist Orlando Patterson voiced a concern about the media hype surrounding the release of 2000 census data suggesting that America was turning into a "majority minority nation" in which whites were fast becoming the new minority. "In this volatile transitional situation, where the best and worst are equally possible in our racial relations and attitudes," he wrote, "the very worst thing that journalists, analysts, and commentators can do is to misinform the white majority that it is losing its majority status." Patterson noted that among the Hispanics driving the numbers, about half have consistently identified racially as white and indeed that "second-generation Hispanic whites are intermarrying and assimilating mainstream language and cultural patterns at a faster rate than second generation European migrants of the late 19th and early 20th centuries."

Fifteen years on, the problem he pointed to has hardly improved. In the aftermath of 9/11, the Great Recession, and a rancorous debate over immigration, large numbers of Americans — whites but also many non-whites — have lost ground economically and feel that America is in decline. Contributing to this narrative is the dysfunction of our political institutions, which has been nowhere more apparent than in our doomed efforts at "comprehensive immigration reform."

Patterson's point, like mine, is that it need not be this way. Much that we have been struggling with concerning immigration is a function of our perverse post-civil-rights political dynamics and is not a serious reflection of reality. Understanding this won't resolve the genuine dilemmas posed by immigration policy, but it does underscore the futility of what we have been trying.

Instead, incremental steps are the order of the day. And focusing on English-language acquisition is a feasible and constructive place to begin.

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