

Immigrants are not “Illegals”

One of the most frequently heard arguments against unauthorized immigrants is that they are lawbreakers and therefore deserve no sympathy. The word “illegal” used to describe such immigrants sets the stage for the inevitable conclusion: don’t reward these lawbreakers by giving them legal status—punish them.

This argument is based on the premise that breaking a law is an immoral act that always deserves punishment. But this principle is wrong, as almost anyone who stops to reflect on it will agree. For almost everyone would agree that there are unjust laws, such as the racist laws of Nazi Germany, South Africa during the days of apartheid, and segregation laws in the United States South. Moreover, there are laws that are so selectively enforced that their enforcement becomes an act of injustice. If there are exceptions, there can be no general principle. And without the general principle, the simple-minded case against immigrant “lawbreakers” fails. Instead, those wishing to punish these immigrants will have to show that the immigration law is a just law that is equitably enforced. And that is a far harder case to make.

In particular, it is obvious that the immigration laws are enforced very differently with respect to employers and immigrants. Why do the overwhelming majority of immigrants come to the United States? To obtain employment. And who is offering them employment? Americans and American companies. Are these companies violating the immigration law? Obviously. They know, in almost every case, that the unauthorized immigrants did not enter the United States legally. And yet they hire them because they know that there is almost no chance that they will get caught and even less chance that they will be punished. I have yet to read letters to the editor denouncing “illegal employers.” And one wonders how many of the indignant letter writers employ cleaning persons or gardeners they know to be “illegal,” pay these persons in cash without withholding taxes (obviously illegal) or, at least, have repeatedly patronized businesses they know employ “illegals.” At best, we are seeing stupidity or hypocrisy; at worst, racism.

Fair-minded persons will have compassion and sympathy for the plight of unauthorized immigrants. They are lured here by American wages, wages that enable them to improve the lives of their families. Their employers welcome them and accept documents from them that they know to be false. The actions of the federal government and the words of leading economists demonstrate support for immigration of low-cost labor and tolerance of violations of the law. Yet to appease a strong current of xenophobia, a show of enforcement is made by harassing the lowly immigrant—in the deserts of Arizona and in the streets of Santa Barbara. The latter occurs through the seizure of automobiles from drivers who have been denied drivers’ licenses as a result of the same xenophobia. (Of course, this also amounts to the worst kind of regressive tax in which the poorest and most vulnerable are used to raise over \$1 million per year for the City.)

There are legitimate arguments to be made on both sides of the immigration debate. But the formulaic argument from “illegal” to moral indignation is not one of them. Those who advance it only convict themselves of lack of intelligence or worse.