

Debating Immigration Restriction: The Case for Low and Slow

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ABSTRACT

This article critiques our current politics of immigration, which is dominated by moralized and sentimental rhetoric. It argues for a more honest and balanced discussion of the merits of the status quo. A more mature debate would take into account many factors that now receive insufficient attention from politicians, academics, and the mainstream media, including the interests of voters and citizens as well as newcomers, legitimate nationalistic concerns both economic and cultural, the need for unity, stability, and cohesion through assimilation to a common culture, the primacy of American sovereignty through the maintenance of secure borders, and the integrity of the rule of law, which mandates the consistent enforcement of democratically enacted immigration laws. It should be incumbent on all sides to generate concrete reform proposals that give weight to all these concerns.

No issue more starkly exemplifies our current political divide than immigration. Questions surrounding this issue were critical to the outcome of our last Presidential election. They continue to engender passion and controversy.

How should we think about immigration? Specifically, how should we approach reform proposals, popular with voters for our present President, for reducing levels of legal immigration and stepping up enforcement of immigration laws against those illegally present in the United States?

Of course, a consensus already exists across the “respectable” political spectrum that immigration raises ethical concerns—but those concerns are focused on the interests of immigrants and would be immigrants themselves. I argue here that the dominant perspective in the mainstream media and academia is too one-sided and needs more balance. Academics and journalists too often neglect vital aspects of the debate surrounding immigration to our country and to Europe—primarily from the Third World to the Western or First World. These aspects deserve more serious and sustained attention.

I begin with a few anecdotes that illustrate, to my mind, how we should *not* think about these issues. I then offer some observations about how a well-functioning democracy—which ours presently is not—should go about

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considering them. Specifically, what arguments for and against immigration reform should be part of our national debate, and how should we balance the relevant factors.

In a conversation prior to the last presidential election, a former friend of mine, a highly regarded and Ivy-credentialed young social scientist, expressed disdain and disgust at Trump's proposal to build a wall at the Mexican border. The reason? Not that it wouldn't work, or would be too expensive, or simply that the law that governs control of our borders should be changed. My friend did not argue that we should admit more, or most, or all people who attempt to enter our country through our Southern border, or that we should accept the presence of those already here. Rather, her argument was that the wall is "disgusting," because "well, because it isn't NICE." Despite my efforts to engage in what I regarded as reasoned discourse—to elicit a more principled rationale, grounded in the type of generalized considerations that political decision-making on national policy conventionally requires—no further argument was offered. My colleague defiantly insisted that she need say no more. Indeed, she proudly declared her ignorance of the history and the letter of our immigration laws. All irrelevant, she declared. She repeated "The wall just isn't nice; it's mean." She made clear that even suggesting that there might be a case for the wall was morally unacceptable—proof positive that a "not nice" person was making it. That was the last lunch I ever had with my friend.

A second incident comes from a colloquy between political commentators Chris Matthews and Rachel Maddow during MSNBC's coverage of election night 2016.¹ "I never heard [Hillary Clinton] really come out for a comprehensive immigration program which included enforcement on illegal hiring," Matthews observed.² "Sure, she went out and got Latino votes, but did she ever come out for a sound, workable, progressive, enforceable immigration policy? No... . She thought she could get all the Hispanic vote without paying a price."³ He then asked Maddow a series of questions to illustrate the Democratic presidential nominee's lack of a positive immigration policy: Where was she on enforcement? Did she ever campaign for it? When did she talk about E-Verify? Did she ever say stop illegal hiring in this country? Stop illegal immigration in this country? The reaction was striking: While still insisting that Clinton campaigned for a comprehensive immigration plan, Maddow sputtered and had no specific answers to any of these questions.⁴ Matthews was incredulous.

1. Bill Hansen, *2016 Presidential Election Melt Down*, YOUTUBE (Nov. 11, 2016), <https://www.youtube.com/watch?v=ShKIGsex4XI> (originally broadcasted on MSNBC).

2. *Id.*

3. *Id.*

4. *See id.*

The third example concerns an op-ed published shortly after Trump's election in the *New York Times* by Linda Greenhouse, a Yale law professor and former *New York Times* Supreme Court reporter.⁵ Greenhouse was harshly critical of Trump's initial ban on travel from six Muslim countries and his announced plan to step up deportations of illegals.⁶ Although denying (without further elaboration) that she was advocating for "open borders" or "amnesty," she highlighted a previous *New York Times* profile of a poor, Venezuelan illegal alien mother threatened with deportation.⁷ She then detailed many readers' less than sympathetic responses to that story, as reflected in the comments the story received. The sum total of her analysis and commentary on the readers' responses was: "[r]ight. We're better than that."⁸ The obvious lesson: we at the *New York Times*, and our ilk, are better than the people who wrote in to point out that the profiled Venezuelan woman broke our laws by coming to the U.S. illegally, and, being illegally present, should return to her home country.

Finally, a month after Trump's inauguration, Kamala Harris, a Senator from California who is frequently mentioned as a possible Democratic Presidential candidate in 2020, tweeted the following: "[i]t's outrageous the [Trump] administration is saying anyone who might have committed a crime qualifies for deportation."⁹ Harris, a lawyer, never explains what is "outrageous" about deporting illegals who commit crimes. She offers no argument for why illegals who break our laws should be permitted to stay in the US. She just asserts that the policy is "outrageous."

What marks out these anecdotes, which are not atypical, are conclusory assertions, simplistic appeals to sentiment, high moral dudgeon, and disdain for anyone who rejects the favored point of view or even dares to offer any resistance. These anecdotes are emblematic of the dominant approach to immigration today, especially on the left, and the deterioration in the caliber of our political discourse on immigration more generally. It is no secret that the mainstream media and academia are dominated by left-leaning progressives. Among left-leaning elites, including journalists, "experts," and political pundits, the politics of immigration is reactive, highly emotional, and one-sided, and any detailed and even-handed discussion of the reality of the immigration status quo (including the particulars of the law and the presence of illegals) is assiduously avoided. There is little perceived need to honor the conventions surrounding how policy proposals on these important public issues are discussed—that is, by considering the ramifications and consequences, the pros and cons, comprehensively and systematically.

5. See Linda Greenhouse, *Who Will Watch the Agents Watching our Borders*, N.Y. TIMES, Feb. 16, 2017, at A27, <https://www.nytimes.com/2017/02/16/opinion/who-will-watch-the-agents-watching-our-borders.html> [<https://perma.cc/F4V9-FM5Q>].

6. See *id.*

7. *Id.*

8. *Id.*

9. Kamala Harris (@KamalaHarris), TWITTER (Feb. 23, 2017, 2:00 PM EST), <https://twitter.com/KamalaHarris/status/834825260147040256> [<https://perma.cc/3YWP-9GGT>].

Dispassionate analysis, facts, reasons, evidence, and, above all, the details of the law are not prominently featured. Proposals for enforcement, restriction, or reductions in levels of immigration are immediately labeled harsh, xenophobic, anti-immigrant, white supremacist, and a danger to human rights. Feel-good bromides abound: we are a nation of immigrants; foreigners just want to make things better for their families; they work hard and pay taxes; they are good for our country, full stop. Certainly, commentators offer no comprehensive framework for dealing with immigration—an evasion that, in itself, shows a disturbing contempt for democratically enacted laws, and, indeed, for the rule of law itself. Instead, the focus tends to be on the interests of immigrants and would be immigrants, with far less attention and solicitude to natives whose lives are affected profoundly by our current immigration regime.

This is not surprising given the overwhelming importance assigned to compassion towards those regarded as victims and underdogs—a category to which Third World foreigners, which most immigrants are, belong. Because virtuous feelings and attitudes towards victims admit of no refutation and counterargument, overt opposition to current levels of immigration is derided as ignorant “Trump talk” outside the Overton Window of polite or acceptable political discourse. That derision is enforced by labelling individuals and organizations who complain about illegals, or the presence of large numbers of immigrants of any kind, as “extremist,” evil, or mentally deranged (as the word “xenophobic” implies). The dismissiveness is policed and enforced by entities like the Southern Poverty Law Center, which maintains a large registry of “extremist” and “anti-immigrant” groups.¹⁰ Accordingly, it is not surprising that voters who want immigration curtailed, whether for economic or cultural reasons, feel powerless relative to the elites in control, and react by rebelling against the establishment, sometimes in reckless ways. The evasiveness of politicians and pundits thus has had strong political consequences, in the form of a populist revolt against the status quo here and abroad.

The dismissive tactics deployed by elite opinion leaders are convenient because they allow immigration advocates to sidestep the most vexing and important questions with which responsible political actors must engage. The left can avoid articulating defined limits and specific rules about who can come to the U.S. and who can stay. Although the status quo is relentlessly criticized, specific proposals for comprehensive immigration reform are rarely if ever put forward.

Among politicians, the quality of the debate is no better. Indeed, apart from praising and “supporting” any and all immigrants, the topic of immigration is avoided whenever possible. Here the Democratic Party compares unfavorably even to the fractured Republicans. As observed by journalist Oliver Wiseman in

10. See Hate Map, SOUTHERN POVERTY L. CENTER (last visited Apr. 13, 2018), <https://www.splcenter.org/hate-map> [<https://perma.cc/42B3-JJSF>]; *Extremist Files*, SOUTHERN POVERTY L. CENTER (last visited Apr. 13, 2018), <https://www.splcenter.org/fighting-hate/extremist-files> [<https://perma.cc/TTB8-WR27>].

his review of Mark Lilla's controversial book, *The Once and Future Liberal: After Identity Politics*, nothing demonstrates this asymmetry more clearly than a comparison of the two major parties' websites.¹¹ The Republican Party's site contains a page entitled "Principles for American Renewal" which declares that "We need an immigration system that secures our borders, upholds the law, and boosts our economy."¹² Although, as Wiseman points out, "the offline GOP could hardly be said to live up to this online clarity . . . at least the intent is there."¹³ But at democrats.org, "no equivalent document is immediately available."¹⁴ Indeed, no substantive proposals on immigration law, policy, or enforcement are to be found at all among the Democratic Party's official statements.¹⁵ Instead, as Lilla details, the website stands as an icon of multicultural identity politics.¹⁶ It grants primacy to group affiliations by highlighting a list of links entitled "People," that are "tailored to appeal to a distinct group and identity."¹⁷ There are seventeen such groups, with each link containing a message carefully pitched to the individual group's perceived interests with no effort to articulate common themes.¹⁸ As Wiseman observes, "you might think that, by some mistake, you have landed on the website of the Lebanese government – not that of a party with a vision of America's future."¹⁹

The Democratic Party website illustrates a disconcerting development: one of our two major parties has failed to formulate, defend, or commit itself to a defined set of laws and policies on immigration. Rather, it has substituted identity politics for policy. The stubborn refusal to take an official position on immigration is confirmed by a *New York Times* article last fall on initiatives by Democratic candidates around the country to re-position themselves politically in the wake of Republican victories.²⁰ If the article is to be believed, the candidates are at pains to avoid the topic of immigration and its effects on ordinary Americans.²¹ Immigration is only glancingly mentioned, and illegal immigration not at all.²²

To be sure, pro-immigration Republicans such as Marco Rubio and George W. Bush tend to resort to sentimental anecdotes and bromides in order to avoid committing to policy or legal particulars. But many right-leaning policy intellectuals and journalists are at least willing to grapple with specifics of law and policy and

11. Oliver Wiseman, *Liberalism's Identity Crisis*, STANDPOINT MAGAZINE ONLINE (October 2017), <http://standpointmag.co.uk/node/6954/full> [<https://perma.cc/4YDJ-HLCY>].

12. *Id.*

13. *Id.*

14. *Id.*

15. *See id.*

16. *See id.*

17. *See id.*

18. *Id.*

19. *Id.*

20. *See* Michael Tackett, *Six Democrats from Outside Washington Have a Message for Their Party*, N.Y. TIMES (Nov. 24, 2017), <https://www.nytimes.com/2017/11/24/us/politics/democratic-party.html> [<https://perma.cc/VJL8-LPW9>].

21. *See id.*

22. *See id.*

their consequences. For example, the Cato Institute, a libertarian think tank, regularly publishes papers and analyses on the issue.²³ *The Claremont Review*, a leading outlet for right-leaning ideas, features thoughtful pieces on immigration, and specific proposals for its reform, on a regular basis.²⁴ On the political side, Senators Tom Cotton and David Perdue have put forward a legislative proposal, the RAISE Act,²⁵ discussed in more detail below, that would significantly overhaul the current immigration regime.

The lack of maturity on immigration also bedevils academia. Within elite universities, the rhetoric surrounding immigration is monolithic, partisan, and often starkly Manichean. My own University of Pennsylvania has issued numerous fervent statements in support of immigrants legal and illegal in the wake of the Trump election, and has uniformly opposed Trump policies, including travel bans and the discontinuation of various amnesty-type initiatives such as the Deferred Action for Childhood Arrival or DACA program, which grant residence and work permits to immigrants brought to the country illegally.²⁶ Moreover, it is

23. See, e.g., Ethan Lewis, *How Immigration Affects Workers: Two Wrong Models and a Right One*, 37 CATO J. 461 (2017); Michelangelo Landgrave & Alex Nowrasteh, *Criminal Immigrants: Their Numbers, Demographics, and Countries of Origin*, CATO INSTITUTE (Mar. 15, 2017) <https://www.cato.org/publications/immigration-reform-bulletin/criminal-immigrants-their-numbers-demographics-countries> [<https://perma.cc/X663-4HHS>].

24. See Christopher Caldwell, *The Hidden Costs Of Immigration*, CLAREMONT REV. BOOKS, Fall 2016, at 47, <http://www.claremont.org/crb/article/the-hidden-costs-of-immigration/> [<https://perma.cc/3LKP-KNQJ>]; John O’Sullivan, *The Dream and the Nightmare*, CLAREMONT REV. BOOKS, Fall 2017, at 10–16, https://www.claremont.org/download_pdf.php?file_name=81160Sullivan.pdf [<https://perma.cc/23VL-T43M>].

25. Reforming American Immigration for Strong Employment Act, S. 354, 115th Cong. (2017); see also RAISE Act, S. 354, 115th Cong. (2017); RAISE Act, S. 1720, 115th Cong. (2017) (as subsequently revised).

26. See Amy Gutmann, *Letter Supporting DACA*, PENNNEWS (Nov. 16, 2016), <https://news.upenn.edu/president-gutmann-letter-supporting-daca> [<https://perma.cc/7X3Q-QPVP>]; Amy Gutmann, Vincent Price & Craig R. Carnaroli, *A Message to the Penn Community Concerning Our DACA and Undocumented Community Members*, U. OF PA. ALMANAC (Dec. 6, 2016), <https://almanac.upenn.edu/volume-63-number-16#message-to-the-penn-community-concerning-our-daca-and-undocumented-members> [<https://perma.cc/EY9X-AKXV>]; Letter from Vincent Price, Provost, Univ. of Pa., to All Staff, Univ. of Pa., (Jan. 29, 2017) (on file with author) (“Message about Executive Order on Immigration”); Letter from Amy Gutmann, President, Univ. of Pa., to All Staff, Univ. of Pa. (Jan. 29, 2017) (on file with author) (“Immigrant Restrictions From Amy Gutmann”); Letter from Amy Gutmann, President, Univ. of Pa., to All Staff, Univ. of Pa. (Jan. 30, 2017) (on file with author) (“A Message to the Penn Community Regarding Immigration”); Amy Gutmann, *From the President: Immigration Restrictions*, U. OF PA. ALMANAC (Jan. 31, 2017), <https://almanac.upenn.edu/articles/from-the-president-immigration-restrictions> [<https://perma.cc/P8ZV-PDT6>]; Amy Gutmann, *From the President: Penn Will Not Bend*, U. OF PA. ALMANAC (Feb. 7, 2017), <https://almanac.upenn.edu/volume-63-number-22#from-the-president-penn-will-not-bend> [<https://perma.cc/H8TM-EH4L>]; *Penn Joins Amicus Brief Opposing Trump Administration’s Executive Order on Immigration*, U. OF PA. ALMANAC (Feb. 21, 2017), <https://almanac.upenn.edu/volume-63-number-24#penn-joins-amicus-brief-opposing-trump-administrations-executive-order-on-immigration> [<https://perma.cc/Y4UT-Q7HT>]; Amy Gutmann, *Message About New Executive Order on Immigration*, U. OF PA. ALMANAC (Mar. 14, 2017), <https://almanac.upenn.edu/volume-63-number-26#message-about-new-executive-order-on-immigration> [<https://perma.cc/E4AB-238S>]; Amy Gutmann et al., *A Message to the Penn Community Concerning DACA*, VPUL (Sept. 6, 2017), <https://www.vpul.upenn.edu/undocumented.php> [<https://perma.cc/WH76-B6UT>]; Amy Gutmann, *Statement From Penn President Amy Gutmann on the Repeal of*

striking that the presentations, panels, and statements on the topic that I have attended at the law school and elsewhere in the university, although infused with moralistic fervor, are rarely devoted to the law. There is little attention paid to exploring and understanding the intricate regulatory rules and restrictions that govern immigration, or to offering advice on how to meet existing requirements. Rather, when mentioned at all, the laws are attacked as unethical and unjust, warranting circumvention rather than compliance. Students attending such events soon learn that urging attention to enacted distinctions (as in “what about illegal don’t you understand?”) is regarded as rudely impertinent or as revealing dark, xenophobic, “extremist” impulses.

Ignoring the law permits discussions of immigration in the academy to proceed in ritualistic *Animal Farm* fashion, with polarized positions starkly stated: globalism is good, nationalism is bad; free movement of third world peoples is good, restrictions, walls, and fences are bad; “letting them stay” is good, deporting them (pretty much any of them) is bad.²⁷ The virtues of porous borders and the mass movement of peoples are taken for granted. The amalgamation of diverse ethnicities and cultures is depicted as either inevitable, like a force of nature, or an unalloyed boon with all upside and no downside. The difficulties presented by cultural differences are papered over or ignored. Facts and evidence that undermine the case for mass immigration are routinely disregarded. The need for assimilation is rarely discussed, and advocating for nationalism in any form is considered suspect at best, and xenophobic and racist at worst. The concerns of humble and ordinary folks who harbor doubts about the prevailing wisdom—so called “Trump voters” or deplorables—are rarely if ever engaged on the merits but rather dismissed as frightening evidence of bigotry, political extremism, and the rise of a dangerous populism.

In sum, the level and content of our immigration discourse, even among the best and the brightest—and mostly, although not exclusively among the political left—are primitive at best. Media presentations and academic discussions too often start from assumptions that are far from even-handed. Reason and analysis take a back seat to emotional appeals that showcase heart-tugging anecdotes meant to elicit compassion and sympathy. Pragmatic considerations—the stuff of ordinary politics—get drowned out by moral posturing, unprincipled sentiment, and the imperative to avoid meanness and “be nice.” Little attention is paid to the details of how the immigration system should actually be structured, and there is no attempt to put forward any comprehensive proposal for immigration law or reform.

DACA, U. OF PA. ALMANAC (Sept. 12, 2017), <https://almanac.upenn.edu/articles/statement-from-penn-president-amy-gutmann-on-the-repeal-of-daca> [<https://perma.cc/LA7C-DZEP>].

27. For a summary of attitudes to immigration prevailing in academic social science, see, for example, George J. Borjas, *Lessons from Immigration Economics*, 22 INDEP. REV. 329, 330 (2018) (quoting Paul Collier’s remark that “social scientists have strained every muscle to show that migration is good for everyone”).

At least one high-profile, left-leaning commentator, Peter Beinert,²⁸ has publicly bemoaned this state of affairs. But the most trenchant description of the current situation comes, not surprisingly, from the right. In an unsparing piece in *National Review*, Michael Brendan Dougherty asserts that the left's dominant obsession with "discrimination" and "equality" has created a political dilemma on immigration.²⁹ He states that "[o]ver time the Left has backed itself into a position where nearly all immigration laws are impossible to endorse."³⁰ He explains that

[Immigration enforcement] has a disparate impact, by its very nature [that is a disparate impact on people of different races and nationalities]. And because any immigration policy necessarily must discriminate when it comes to choosing who comes in and who doesn't, the Left now feels obliged to object to any standards that promote 'cohesion,' such as requiring language and work skills. These constitute an illegitimate defense of white supremacy or expression of racial animus.³¹

The logic of Dougherty's observations is that the taboo against "discrimination" obliges Democrats to attack virtually any type or level of *enforcement* of whatever immigration laws are in place. After all, any enforcement of existing laws necessarily involves excluding people who are here but should not be.³² Thus, enforcement necessarily "discriminates" between categories of people based on their status under the law, which frequently depends on nationality or correlates with ethnicity. And such discrimination is regarded as presumptively illegitimate.

There is no reason to doubt that the position described by Dougherty accurately represents where the democratic left stands today. The results of recent elections reveal, however, that many Americans do not embrace that position. Significant political differences on immigration exist. How should a mature democratic society, comprised of grown-up citizen participants who vary significantly in their views, think about and make decisions on a matter—immigration—so central our national well-being and future? How can our present grid-lock on the issue be broken?

My argument here is that we owe ourselves a more balanced, and indeed more mature, approach to immigration—one that is less polarized between extremes of moralized good and evil, and that recognizes that posturing must be translated

28. Peter Beinert, *The Democrats' Immigration Mistake*, THE ATLANTIC (July/Aug. 2017), <https://www.theatlantic.com/magazine/archive/2017/07/the-democrats-immigration-mistake/528678/> [https://perma.cc/4G3W-SBZY].

29. Michael Dougherty, *Finding the Way Back on Immigration Isn't Going to Be Easy for Democrats*, NATIONAL REV. ONLINE (June 22, 2017), <http://www.nationalreview.com/article/448870/democrats-immigration-they-cant-find-sane-stance> [https://perma.cc/2795-SCX6].

30. *Id.*

31. *Id.*

32. *Id.*

into concrete laws and pragmatic policies. To summarize: we should acknowledge the need to maintain national sovereignty by effectively and vigilantly regulating our borders. Relatedly, we should give due weight to the importance of maintaining the rule of law through the consistent and evenhanded application of immigration laws. Third, we should assign some weight to nationalistic concerns, both economic and cultural. All these factors deserve more serious consideration by political actors, academics, and the mainstream media.

Reconciling differences on immigration will require first and foremost acknowledging the importance and centrality of national sovereignty as an aspect of global governance with longstanding pedigree and worldwide acceptance. The United States is a sovereign nation entitled to control its borders through the exercise of broad legislative and executive authority in setting the terms of entry, and in deciding who is eligible to work, who may remain here and for how long, and who may eventually acquire citizenship. These are subject to constitutional limits that are currently being hotly debated (for example, in judicial challenges to Trump's bans on travel from selected Muslim countries).³³ But any debate must acknowledge that Congress and the President have historically enjoyed an exceptionally wide ambit for action in this area and that the rules that determine who crosses our borders have been, and should be, almost entirely hashed out through the democratic process. As such, our laws welcome foreigners by grace, not by right. For that reason, as David Miller notes, it is fundamentally misleading to speak of the "right" of immigrants to come to the United States, or to take an expansive view of the "rights" of non-citizens on our soil. Historically and legally, those rights have been regarded as minimal.³⁴

With respect to rule of law values, political actors and opinion leaders should more openly acknowledge that our current approach to immigration, especially on the left, has fallen short in key respects. First, immigration should be governed by generalizable rules that are coherent, consistent, and predictable, and that minimize arbitrary or perverse features and exceptions. Relatedly, political actors and commentators should articulate a comprehensive plan for immigration, rather than just focusing on particular interest groups or constituencies. Finally, emotions and values like compassion should not be the exclusive, or even the paramount, considerations in structuring policy. Basic principles of fairness dictate that, if feelings are part of the picture (as they inevitably will be in most political decisions), players on both sides of the aisle, including those harmed as well as helped by immigration, should have their reactions weighed in the balance.

33. For a summary of the travel ban as of January 2017, see Sarah Pierce & Doris Messner, *Trump Executive Order on Refugees and Travel Ban: A Brief Review*, Migration Policy Institute (Feb. 2017), <https://www.migrationpolicy.org/research/trump-executive-order-refugees-and-travel-ban-brief-review> [<https://perma.cc/YG5P-23CL>]. For an analysis of the ban as an exercise of executive power, see Shawn Fields, *The Unreviewable Executive? National Security and the Limits of Plenary Power*, 84 TENN. L. REV. 731 (2017). For the Supreme Court's resolution of the most recent iteration of the Trump Administration's ban on travel from selected countries, see *Trump v. Hawaii*, 138 S. Ct. 2392 (2018).

34. See DAVID MILLER, *STRANGERS IN OUR MIDST* (2016).

One of the more egregious defects of our current immigration landscape, which is pertinent to rule of law considerations, is an erratic and confused approach to people in the United States illegally, whose numbers have risen dramatically in recent years.³⁵ For many on the right, including many Trump voters, our repeated failure to take action to deport illegals or to encourage their self-deportation is unpopular and, for some, outrageous. Laws are the product of the democratic process and the enactment of the people's will. Amnesty for illegals flouts those laws, thereby defying that will. This undermines respect for the democratic process and democracy itself.

In the apt words of political theorist William Kristol, “The rule of law is crucial to a civilized society.”³⁶ A high level of respect for the rule of law by our rulers and citizens is central to our peace, order, safety, and prosperity. Those virtues are fundamental to the attractiveness of our nation to people worldwide. Therefore, “we should go out of our way to uphold and strengthen [the rule of law] to the extent possible.”³⁷ Amnesty and forgiveness for people who have broken our laws not only weaken our commitment to the rule of law, but also create an incentive for more illegals to cross our borders in the hopes of receiving future favors.

Amnesty for illegals is also viewed by many citizens as deeply unfair. It violates notions of “fair play” to allow those who have ignored our sovereignty and borders in defiance of our duly enacted laws to remain in the country and perhaps gain citizenship when other individuals who honor the rules wait patiently in their home countries for the privilege of admission. Scofflaws are, in effect, allowed to jump the queue. Such policies encourage destructive attitudes. Those who come to the United States from lawless, corrupt countries might already feel a weak commitment to rectitude, given that respect for law is sorely lacking in their place of origin. Rewarding lawbreaking in the immigration sphere not only reinforces (or at least does not counter) those tendencies, but also fails to convey the critical message that respect for legal requirements is central to the integrity and success of our way of life – the very way of life which immigrants claim to admire and seek to join. Given our country's strength and what it stands for, it is particularly corrosive and demoralizing for us to tolerate a lawless immigration regime.

Part and parcel of fealty to our country's core commitments and attributes is the understanding that, except in extreme circumstances, simply flouting the law, or supporting its repeated disregard, is not acceptable. Those who object to laws

35. See Jens Manuel Krogstad et al., *5 Facts About Illegal Immigration in the U.S.*, PEW RESEARCH CENTER (Apr. 27, 2017), www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/ [https://perma.cc/J9K7-6K8C]; see also Jie Zong, Jeanne Batalova & Jeffrey Hallock, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POLICY INSTITUTE (Feb. 8, 2018), <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states> [https://perma.cc/3WXd-2UJZ] (detailing latest statistics on immigration legal and illegal to the United States).

36. William Kristol, *Simple Truths*, WKLY. STANDARD (Dec. 1, 2017), <http://www.weeklystandard.com/simple-truths/article/2010666> [https://perma.cc/VT5W-56B9].

37. *Id.*

as undesirable, outmoded, or unjust should work to change them. And the appropriate method for changing laws is through established and ordinary democratic means, however arduous and slow. That requires engaging fellow citizens through the political process. Pro-immigration forces should acknowledge the costs of forgiving law-breaking, refrain from hurling moralistic insults at individuals who favor enforcing the laws as written or changing them through accepted channels, and cease talking about immigration as a matter of rights rather than of democratically enacted legislation that balances the pros and cons on all sides.

Enforcement does not just depend on legislation, of course but also on administrative policy. One aspect of laxity towards illegals concerns the scope of presidential authority to decline to enforce the immigration laws as written. There is now a lively debate in the courts and among scholars about how much presidential discretion in the area of immigration can be reconciled with the Constitutional duty of the President to take care that the laws be “faithfully executed.”³⁸ It can be argued that tolerating the presence of more than 11 million illegals, with rare deportations for egregious or criminal conduct, comes perilously close to a wholesale negation of enacted laws that strains discretionary executive powers to the breaking point. A similar critique can be leveled against the categorical exercise of Presidential authority to permit illegal immigrants who were brought here as children to live and work in the United States under the Deferred Action for Childhood Arrival (DACA) program.³⁹

Although many on the left would doubtlessly endorse lenient treatment of illegal aliens generally, and certainly some categories of them such as the DACA population, that goal is at odds with existing formal requirements. Democratic values would be best vindicated by changing the law rather than by pressing to disregard it or to abdicate its enforcement wholesale. Yet there has been little or no formal effort recently to enact new terms for illegal aliens, as opposed to selectively ignoring the law as written. Doubtless that is because amnesty for large numbers of illegals is unpopular with a significant segment of the population.

Any mature debate on immigration must also acknowledge that nationalist priorities will necessarily be an important component of any immigration policy. Nationalism is a term that broadly encompasses the interests, both cultural and economic, of our country as a sovereign entity and of the people who inhabit it at present, especially those who are its citizens. Unfortunately, efforts to integrate such concerns run up against hostile resistance from elites, who attach negative connotations to the term. Nationalism is routinely associated in the media and on the left with an unruly stew of illiberalism, racism, white supremacy, xenophobia, totalitarianism, and a history of evil regimes. In the wake of President Trump’s

38. See, e.g., Peter Margulies, *The Boundaries of Executive Discretion: Deferred Action, Unlawful Presence, and Immigration Law*, 64 AM. U. L. REV. 1183 (2014); Shoba Wahdia, *The Role of Prosecutorial Discretion in Immigration Law*, 9 CONN. PUB. INT. L.J. 243 (2010).

39. See Audrey Singer & Nicole Svajlenka, *Immigration Facts: Deferred Action for Childhood Arrivals (DACA)*, BROOKINGS INST. (Aug. 14, 2013), <https://www.brookings.edu/research/immigration-facts-deferred-action-for-childhood-arrivals-daca/> [<https://perma.cc/8264-7FKK>].

election, many American intellectuals tar nationalism as an ideology of right-wing extremism associated with a hated President who rode to power on the strength of the motto “America First.” Members of the Republican establishment, including pundits, think tank operatives, and politicians, are aware of these associations, and thus tread lightly. Although many may favor a moderate form of nationalism, they appear wary of incurring the wrath of left-leaning elites by relying on nationalistic concerns to justify reduced levels of immigration and stronger enforcement of existing restrictions. This is one reason—although not the only one—that the Republican political establishment has not led the charge on either reductions or enforcement.

Nonetheless, the nationalistic case for immigration restriction has received serious and thoughtful consideration from some right-leaning scholars and public intellectuals. Restrictionist arguments have moved in two main directions. The first focuses on the negative economic consequences of immigration for American citizens. The second stresses the more intangible aspects of immigration and its potential effects on the nation’s culture, morale, cohesion, and institutions.

On the economic side, Harvard economist George Borjas points out that whether immigrants take jobs from Americans and whether their presence helps or hurts the economy overall are complex and controversial questions.⁴⁰ But even if our economy experiences a net gain from current levels of immigration—which, given the balance of costs and benefits, is far from clear, and, even if true, could well be smaller than is widely assumed—there is a growing consensus even among pro-immigration economists that immigration levels generate losers as well as winners, with unevenly distributed consequences. The well-educated, well-heeled, cosmopolitan elites—the people those on the right have dubbed the “Davos class”—are the winners. Their lives are improved by a plentiful supply of cheap unskilled labor to provide the products and services they enjoy. The losers are the less educated, unskilled Americans who, as Borjas notes, compete with foreign workers in the low-skill labor market.⁴¹ Proponents of restrictionist policies argue that unfettered immigration leads to lower wages and fewer jobs for this class of Americans.⁴² Indeed, a growing contingent of scholars now recognizes that curtailing at least some types of immigration might be good for particular parts of the population, including less-educated Americans and some mid-level technical employees who are vulnerable to competition from holders of temporary H-1 and H-2 visas working for American companies.⁴³

Concerns about economic effects as well as the unpopularity of the status quo with some voters have produced recent initiatives for reform and restriction. The

40. See GEORGE J. BORJAS, *WE WANTED WORKERS: UNRAVELING THE IMMIGRATION NARRATIVE* (2016).

41. See *id.*

42. See *id.*

43. See *id.* (including discussion of labor market effects on American workers of the influx of temporary visa holders).

Reforming American Immigration for Strong Employment (RAISE) Act, proposed by Senators Tom Cotton and David Perdue, is designed to reduce absolute levels of immigration as well as to provide newcomers with more education and skills by adopting a point-based system similar to those in place in Canada and Australia.⁴⁴ The RAISE proposal also cuts back on family reunification (also known as chain migration), adopts a stricter approach to public benefits for non-citizens, and eliminates the diversity lottery.⁴⁵ Finally, the Act strengthens enforcement against illegal immigration by providing funding for an E-Verify system, used to identify employers of illegal immigrants, and for more efficient, aggressive methods for monitoring visa overstays, which are a major source of illegal immigrants in the United States.⁴⁶

Commentators and policy experts on the right have offered support for these and similar restrictions. Reihan Salam, a writer for *National Review*, has been a proponent of reducing the level of unskilled immigration to the United States.⁴⁷ Kay Hymowitz has recently pointed out that the economy has changed drastically since the great waves of immigration in the 19th and 20th centuries, and can no longer promise a middle class life and upward mobility to large numbers of unskilled workers.⁴⁸ Organizations such as the Center for Immigration Studies, headed by Mark Krikorian, have gathered data to support the benefits of reducing the number of immigrants admitted to the United States and of more stringently enforcing the law against those illegally present. George Borjas has helped build the case that low skill Americans are harmed by importing large numbers of less educated foreign workers. He has also demonstrated that, because households containing less educated immigrants make heavy use of expensive government benefits and services despite legal bars on receiving some entitlements, the mass migration of low skill labor from Third World countries imposes significant fiscal costs, which are paid by American taxpayers.⁴⁹ These expenditures greatly reduce, or even offset, the economic benefits derived from immigration.

One important aspect of the economic debate is the question of whether immigrants take jobs away from native workers. Pertinent to this question is an important labor market trend, which has received growing attention from demographers and policy analysts such as Nick Eberstadt,⁵⁰ Eli Lehrer and

44. Reforming American Immigration for Strong Employment Act, S. 1720, 115th Cong. (2017).

45. *Id.*

46. *Id.* For a description of the RAISE Act proposal, see Lyman Stone, *Everything You Need to Know About the RAISE Act Without Reading It*, THE FEDERALIST (Aug. 3, 2017), <http://thefederalist.com/2017/08/03/everything-need-know-raise-act-without-reading/> [<https://perma.cc/6FR5-Z6KF>].

47. See, e.g., Reihan Salam, *An Immigration Marriage Made in Hell*, SLATE (Feb. 24, 2017), http://www.slate.com/articles/news_and_politics/politics/2017/02/libertarians_pro_immigration_agenda_is_bad_for_america_and_horrible_for.html [<https://perma.cc/3BVJ-MCGR>].

48. Kay Hymowitz, *The Politics Behind the Storm on Immigration*, CITY J. (Jan. 16, 2018), <https://www.city-journal.org/html/truth-behind-trump-storm-15676.html> [<https://perma.cc/B2RP-W7ST>].

49. See BORJAS, *supra* note 40.

50. NICK EBERSTADT, *MEN WITHOUT WORK* (2016).

Catherine Moyer,⁵¹ Alan Krueger,⁵² and Jason Furman.⁵³ All point to evidence that native workforce participation, especially for men and the less educated, has dropped to its lowest levels since the Great Depression, with idleness especially severe for our black population.

This worrisome phenomenon is rarely discussed in the context of immigration, but it should be. Although it is hard to prove systematic displacement of native low wage workers by unskilled immigrants, the data indicate that growing numbers of natives, especially prime working-age men, have been leaving the job market altogether while immigrant employment rates remain high. In an article in *American Affairs*, Jason Richwine and I add to the case for restriction by arguing that low-skill immigration has fueled a dysfunctional decline in native workforce participation and facilitated a reduction, noted by many business managers and supervisors, in native workforce discipline and quality.⁵⁴ Drawing on legal, demographic, and ethnographic materials, we show that employers prefer to hire new unskilled immigrants, especially Hispanics and Asians, because managers regard them as better workers than comparably-educated, native-born Americans. Employers claim that immigrants perform “jobs Americans won’t do,” and many native workers do seem to avoid the kinds of agricultural, construction, and service work that immigrants perform. The situation is not helped by the elite propensity to denigrate “dead end jobs” and the general reluctance to talk about uneducated Americans’ deteriorating work ethic and deficient skills. Other factors such as rampant drug use, lax entitlement standards (including for food stamps, Medicaid, and disability benefits), workers’ expectations for “good jobs” despite insufficient qualifications, and the dubious notion advanced by some economists that low skill immigrants push Americans up the ladder into better jobs (despite less educated Americans’ severe lack of skills), contribute to the dysfunction. But the arrival of waves of tractable low-wage workers from abroad papers over this complex situation and reduces the incentive to grapple with it. We argue that drastically reducing low-skill immigration is essential to addressing these dysfunctions.

The second tack of restrictionists is to focus on more elusive cultural factors. The idea is that a shared American identity is essential to maintaining a common

51. Eli Lehrer & Catherine Moyer, *Putting Men Back to Work*, NAT’L AFF., Fall 2017, <https://www.nationalaffairs.com/publications/detail/putting-men-back-to-work> [<https://perma.cc/VV4D-PB6S>].

52. See Amy L. Wax & Jason Richwine, *Low-Skill Immigration: A Case for Restriction*, AM. AFF., Winter 2017, <https://americanaffairsjournal.org/2017/11/low-skill-immigration-case-restriction/> [<https://perma.cc/9S7B-VBCV>]; Preeti Varathan & Gwynn Guilford, *Nearly Half of Working-Age American Men Who are Out of the Labor Force are Using Painkillers Daily*, QZ.COM (Sept. 7, 2017), <https://qz.com/1070206/nearly-half-of-working-age-american-men-who-are-out-of-the-labor-force-are-using-painkillers-daily/> [<https://perma.cc/TU22-XLAL>].

53. See, e.g., Jason Furman, Opinion, *How to Get American Men Back into the Workforce*, WALL ST. J. (Dec. 17, 2017), <https://www.wsj.com/articles/how-to-get-american-men-back-into-the-workforce-1513538496> [<https://perma.cc/788C-WBWS>].

54. Wax & Richwine, *supra* note 52; see also Amy L. Wax & Jason Richwine, *Why the U.S. Should End Low-Skill Immigration*, PHILLY.COM (Dec. 16, 2017), <http://www.philly.com/philly/opinion/commentary/immigration-workforce-jobs-ethnographic-research-blacks-hispanics-20171218.html> [<https://perma.cc/EYS9-NQRT>].

sense of purpose, trust, and community. A large influx of immigrants, especially from nations that do not share our cultural values and understandings, will undermine citizen morale, unity, and solidarity as well as the integrity of our institutions. As George Borjas has pointed out, cultural differences can be reflected in individual behavior and attitudes that, if imported on a large scale, could pose a threat to the practices of advanced economies and the habits of functioning democracies.⁵⁵ More specifically, for such a threat to be avoided, “billions of people must be able to move to the industrialized economies without importing the institutions, the dysfunctional social models, the political preferences, and the culture and norms that led to poor economic conditions in the sending countries in the first place.”⁵⁶ Borjas finds such a scenario highly unrealistic.

Cautionary arguments like this, propounded by scholars such as Samuel Huntington of Harvard⁵⁷ and Larry Auster,⁵⁸ have gradually been pushed out of the media and scholarly mainstream, but continue to be advanced by right-of-center authors and bloggers, such as John Derbyshire, Victor David Hansen, Wes Hunter, Lyman Stone, Jared Taylor, and Steven Sailer. Cultural arguments for restriction are especially popular among European intellectuals such as Roger Scruton,⁵⁹ Daniel Hannan, David Goodhart,⁶⁰ Douglas Murray,⁶¹ David Pryce-Jones, and Pierre Manent,⁶² who are alarmed by the effects of mass Muslim and non-Western migration to Great Britain and the Continent. Their concerns are not irrelevant to the debate about immigration in the context of the United States, which has also received a large influx from non-Western, Third World nations, especially Mexico and Middle and South America.

The cultural case for immigration restriction has developed two distinct threads. Creedal nationalists believe that American identity and culture are mainly comprised of abstract political ideals and beliefs, such as equality before the law, fundamental human and Constitutional rights, a commitment to democratic governance and institutions, the curtailment of arbitrary authority and corruption, and personal autonomy. A recent article by Ramon Lopez is emblematic

55. Borjas, *supra* note 27, at 43.

56. *Id.*

57. See SAMUEL P. HUNTINGTON, *WHO ARE WE?: THE CHALLENGES TO AMERICA'S NATIONAL IDENTITY* (2005).

58. LAWRENCE AUSTER, *THE PATH TO NATIONAL SUICIDE: AN ESSAY ON IMMIGRATION AND MULTICULTURALISM* (1991). See Lawrence Auster, *Why the Islam Threat Will Lead to the Breakdown of Liberalism, VIEW FROM THE RIGHT* (July 15, 2007), <http://www.amnation.com/vfr/archives/008326.html> [<https://perma.cc/R53L-VMPZ>].

59. See, e.g., Roger Scruton, *Representation and the People*, *NEW CRITERION*, Mar. 2017, at 4 available at <https://www.newcriterion.com/issues/2017/3/populism-vii-representation-the-people> [<https://perma.cc/HG2E-C9YY>].

60. See DAVID GOODHART, *THE ROAD TO SOMEWHERE: THE POPULIST REVOLT AND THE FUTURE OF POLITICS* (2017).

61. See DOUGLAS MURRAY, *THE STRANGE DEATH OF EUROPE* (2017).

62. PIERRE MANENT, *BEYOND RADICAL SECULARISM: HOW FRANCE AND THE CHRISTIAN WEST SHOULD RESPOND TO THE ISLAMIC CHALLENGE* (2016).

of this brand of nationalism.⁶³ Lopez argues that joining our creedal culture is a path available to everyone worldwide who is willing to accept the ideas and political commitments that are quintessentially American. Although America's central ideals and fundamental character are the legacy of a particular group (Europeans or Anglo-Protestants), it is open to anyone, at least in principle, to honor and exemplify that character and pledge fealty to these precepts. Thus, everyone is presumably capable of becoming fully American, regardless of background.⁶⁴ Although creedal nationalists may argue for a "low and slow" pace of immigration to enable newcomers to adopt and assimilate to American ideals and practices, they see no reason to favor immigrants from some countries, backgrounds, or cultures over others. For this ilk of nationalist, there is no obstacle to America's core ideas being successfully adopted and embraced, and equally so, by people regardless of ethnicity and national origin.

Cultural distance nationalists, in contrast, draw a sharp distinction among potential newcomers based on culture of origin and national background. For cultural nationalists, as with the creedal variety, our European roots—and especially our Anglo-protestant heritage—are the historical source of the understandings on which our country was founded and the structures and political practices that have evolved on our soil. These historically developed structures and ideas account for our continued success. But cultural nationalists part company with the creedal variety by doubting that people from every background are equally equipped or likely to assimilate to, nurture, and maintain American ways and practices. That is because our culture cannot be reduced to a set of propositions. The key elements, which are passed down through generations via instruments of cultural transmission such as family, custom, traditions, and institutions, are not just a matter of overt prescription or belief. Rather, they comprise an outlook, a manner of seeing and reacting to the world that cannot always be precisely articulated or formulated.

Cultural commitments and mindsets are imbibed over generations, cultivated and habituated over time, and transmitted through mysterious mechanisms of family and social influence. They have their roots in long historic practice and are embodied in particular political and civic institutions. Wariness towards arbitrary power, a penchant for self-governance, respect for human rights, and the habits necessary to the restrained and constructive uses of individual liberty—including most essentially in the economic sphere of democratic capitalism, free markets and cooperative wealth creation—are key elements of the culture that is ours. Also important are the enlightenment traditions of science, reason, logic, and empirical investigation, which promote innovation, rational analysis and problem solving, and scientific progress. In all these respects, cultural nationalists draw a

63. Ramon Lopez, *Answering the Alt-Right*, NAT'L AFF., Fall 2017, <https://www.nationalaffairs.com/publications/detail/answering-the-alt-right> [<https://perma.cc/AZG9-FNEY>].

64. In this regard, the United States is distinct from countries such as Poland, Hungary, and Japan, which are united by common ethnicity and distinct cultural practices, and which have embraced a nationalism that regards immigrants from other cultural backgrounds as a threat to their national identity.

stark distinction between “The West,” or the First World, where these practices are indigenous and have flourished over a long period, and the Third World, where they have been largely imported from the West, haltingly and imperfectly adopted, and in some cases actively resisted.

An assumption that appears to operate among cultural distance nationalists is that the character of a country is determined mainly by the outlook and behavior of its people. For them, the failure of many non-Western countries to advance politically and economically, and their persistent poverty, disorder, dysfunction, corruption, and lawlessness, would seem to be rooted in the attitudes, understandings, and customs of the people, rather than in larger, external or historical forces to which left-leaning historians ascribe the current backwardness of much of the non-Western world. Improving outward conditions will have limited effects as long as the mind-set of much of the Third World remains mired in outmoded, pre-enlightenment thinking. A corollary of this conception, as elaborated more fully below, is that Third World peoples moving from non-Western cultures to the West will often fail to fully adopt and accept Western ways.

The assumptions behind cultural distance nationalism lead to a selective approach to immigration. Because countries and cultures differ in their degree of familiarity, acceptance of, and hospitality to the American way of life, people’s ability and willingness to fit in, make their way, and preserve and uphold key elements of our system may therefore vary by ethnicity, background, and country of origin.

Some cultural distance nationalists go further: they fear that those who are unschooled in Western and enlightenment attitudes and unaccustomed to our institutions may bring bad habits and corrosive beliefs with them to their new country. This will tend to weaken and dilute our distinctly Western strengths. Thus, protecting our country from influence or dominance by “un-American” understandings is important to maintaining our national character and institutions. Indeed, many cultural-distance restrictionists endorse the notion of maintaining a majority “legacy” (European and Anglo-protestant) population. Immigration from non-Western countries should thus be kept at a minimum so as not to compromise the dominance of groups that are closer to our cultural heritage and more effective at transmitting it. In other words, if we want to preserve our country’s culture and signal strengths, it follows that we should favor newcomers who are “more like us.”

One nationalist who championed such a position was Enoch Powell, the 20th Century post-war British Tory politician. Powell acknowledged that Britain, as a former imperial power, would inevitably contain people from a variety of backgrounds, and was staunchly committed to equality before the law. He believed that it was nonetheless vital to the integrity of the country and the continuity of its institutions to maintain the numerical dominance of the native British population and thus to place strict limits on immigration.⁶⁵ Although his recommendation

65. See ENOCH POWELL, *NO EASY ANSWERS* (1974) (recounting a key 1964 BBC Interview).

was not directly based on race, the picking and choosing Powell advocated inevitably correlated somewhat with race, because Europe is mostly white and the non-European world mostly not. This result was the source of much of the scathing criticism that Powell received.

In addition to wanting to limit the influx of non-Western peoples, cultural distance nationalists tend to be skeptical about the power of assimilation to bridge the cultural divide. They reject what the restrictionist John Derbyshire calls “magic dirt”: the optimistic notion that the mere presence of people on our soil, either immediately or over a few generations, will smooth out cultural differences and result in assimilation to a more or less uniform “American” culture.⁶⁶ Coming to the United States will make all people, regardless of background, “just like us.” In rejecting this, cultural distance restrictionists recognize that the values, habits, and understandings that mark different cultures are “sticky” and cannot be easily erased or modified. This is especially so for groups that arrive in large numbers, who tend to form exclusive enclaves and resist integration. Moreover, the wariness of cultural nationalists is currently reinforced by a resistance in some influential quarters to an ethos of assimilation, and the rise of an egalitarian and aggressively anti-Western multiculturalism.⁶⁷ Finally, cultural restrictionists tend to stress the benefits from stable populations with similar values as an important predicate to solidarity, trust and constructive social cooperation. From a cultural point of view, “diversity” is thus not a strength, but potentially a corrosive force. In this respect, cultural distance restrictionists draw on the work of thinkers such as Robert Putnam who find evidence that multicultural societies are marked by lower levels of trust and cooperation.⁶⁸

Cultural distance nationalists are not well-represented in the mainstream media or at universities, where their ideas are unpopular or even verboten. Indeed, thoughtful discussion of these positions is effectively banished from public fora and relegated to obscure corners of the internet on independent blogs or at online sites such as *VDARE*, *The Journal of American Greatness*, *Taki’s Magazine*, and *Jacobite*. The British magazine *Standpoint* and the *American New Criterion* also serve as outlets for a range of culturally-motivated restrictionist arguments. Discussion on these sites, in internet blogs from the dissident right, and in the comments section that accompany stories on immigration, reveal that there are some intellectuals as well as significant numbers of ordinary people who are deeply concerned about the practical, political, and institutional implications of cultural and religious distinctions, and are especially wary of Muslims and of migrants from poor non-Western countries.

66. John Derbyshire, *Radio Derby – Transcript*, JOHNDERBYSHIRE.COM (Oct. 30, 2015), <http://www.johnderbyshire.com/Opinions/RadioDerb/2015-10-30.html#07> [<https://perma.cc/NH9U-K6XK>].

67. For more on multiculturalism, see *infra* pp. 855–58.

68. See, e.g., Philippe Lemoine, *When You Can’t Win a Debate, There Is Always Smear*, NEC PLURIBUS IMPAR (Nov. 16, 2017), <https://necpluribusimpar.net/cant-win-debate-always-smear> [<https://perma.cc/U2N7-8XM8>]; Shikha Dalmia, *The Alt-Right’s Favorite Academic*, THEWEEK.COM (Nov. 8, 2017), <http://theweek.com/articles/732634/altright-favorite-academic> [<https://perma.cc/FW88-D9BM>].

Despite this unease and the stark evidence that individual and group attitudes do differ dramatically around the globe, cultural distance nationalism is a tough sell at the current political moment. The existence of important cultural differences and skepticism about overcoming them are hard to “prove” systematically with rigorous, quantitative evidence, especially when researchers in academia are uninterested in such investigations. Rather, left-leaning academics tend to favor more fashionable explanations for Third World distress and backwardness that look to external and historical factors such as imperialism, colonialism, and Western exploitation.

For their part, global-oriented elites cling to the ideology that everyone is equally well-equipped to adopt Western ways. They point to the ability of select individuals from different groups to succeed in advanced societies and to help keep those societies functioning at a high level as evidence that those capacities necessarily “scale up” to the group as a whole. In addition, many Americans would regard an immigration policy that is sensitive to race or national origin as, at best, unsavory and, at worst, anathema, and some non-“legacy” Americans might find such distinctions insulting or threatening.⁶⁹ These predilections inhibit public discussion of variations in the ability or willingness to Americanize that may correlate with nationality or race.

This swirl of sentiments is not new: when Enoch Powell made his famous “Rivers of Blood” speech in 1968⁷⁰ opposing mass Third World migration to Britain and predicting dire consequences from welcoming large numbers of migrants from all over the Commonwealth, he was denounced and ostracized by many on the right and left.⁷¹ Cultural distance restrictionists have fared little better in the court of public opinion in the United States, despite President Trump’s recent victory. Thus, although not a few voters harbor doubts about the effects on our country’s institutions and future trajectory of the rising number of non-European immigrants, these worries are rarely expressed, or at least not openly, within broader political debates.

Finally, it is important to consider the effect of the rise of an ideology of multiculturalism on attitudes to immigration—a factor that warrants more

69. The firestorm that has greeted President Trump’s alleged disparaging remarks about Haiti and Africa, as compared, for example, to Norway, is emblematic of this discomfort. See, e.g., Amber Phillips, *The Three Strategies Republicans are Using to Defend (or Dodge) Trump’s ‘Shithole Countries’ Comment*, WASH. POST (Jan. 16, 2018), https://www.washingtonpost.com/news/the-fix/wp/2018/01/16/the-3-strategies-republicans-are-using-to-defend-or-dodge-trumps-shithole-countries-comment/?utm_term=.1e0e00f1e76c [<https://perma.cc/DD6Q-2YKS>].

70. Enoch Powell, Address at Conservative Association meeting, Birmingham, U.K. (Apr. 20, 1968), in *Enoch Powell’s ‘Rivers of Blood’ Speech*, TELEGRAPH (Nov. 6, 2007), <https://www.telegraph.co.uk/comment/3643823/Enoch-Powells-Rivers-of-Blood-speech.html> [<https://perma.cc/Q3WA-ACYR>].

71. For an account of contemporaneous responses, including criticism from politicians, see, for example, Adam Taylor, *In 1968, a British Politician Warned Immigration Would Lead to Violence. Now Some Say He Was Right*, WASH. POST (Nov. 24, 2015), https://wapo.st/1Od9v9k?tid=ss_mail&utm_term=.2ddb04ccbba3 [<https://perma.cc/7YEM-T4W2>].

overt recognition and candid discussion than it now receives.⁷²

The ideology of multiculturalism is subject to many alternative definitions. In their article “Paradoxes of Diversity,” two social scientists offer this: “Considered normatively, multiculturalism is a political philosophy providing reasoned grounds for group-based claims.” Accordingly, “room must be made in a modern plural society for a range of cultural and social practices that lend a particular group its peculiar dignity.”⁷³ A corollary of this approach is that the priority of one cultural or ethnic identity in a diverse society, in the form of an imperative to assimilate to that culture, should be resisted. To be sure, the concept of assimilation in the context of the United States today is ambiguous, because our country increasingly consists of distinct factions separated by geography, class, and background, with their own beliefs and norms. If some immigrants embrace the cosmopolitan ideas and mores that prevail among the educated, progressive class, then “assimilation” to that class might entail the rejection of traditional “American” values such as self-reliance, free market capitalism, decentralization, individualism, and small government. This type of assimilation would do nothing to mitigate our accelerating polarization and would alarm some traditionalists, who are the ones most likely to embrace the assimilation imperative. For traditionalist proponents of old-fashioned assimilation, an overt embrace of a multicultural ideology breeds division and antagonism and subverts positive features of our culture that they would seek to preserve.

Indeed, my own criticism of multiculturalism would go further: the resistance to assimilation by immigrants, when coupled with a strong commitment to multicultural concepts, can be exploitative of our own institutions and citizens, and thus arguably unethical. Multiculturalists tend to defend immigrant prerogatives to transplant as much of their own culture as they wish rather than to blend into and embrace distinctly American attitudes and “Western” institutional practices. Moreover, multiculturalism often goes along with group grievances against the dominant mainstream culture. Some Multiculturalists not only reject the obligation to integrate into the American “legacy” culture, but actively cultivate a stance of resentment towards European traditions, institutions, and achievements, which includes tarring the West as rapacious and destructive.

Such “antagonistic” multiculturalism can be affirmatively subversive: not only does it sew division and group conflict, but it works actively to undermine the features and conditions responsible for the very advantages that people come to our country to enjoy. Indeed, antagonistic multiculturalism raises the question of why immigrants become immigrants. After all, if immigrants’ native cultures are equally worthy or even better than ours, and if our European traditions are chiefly destructive and exploitative, one might ask why immigrants ever leave the places where their own cultures hold sway to take up residence in our own. Why do they

72. See, e.g., Peter Baehr & Daniel Gordon, *Paradoxes of Diversity*, 1 SAGE HANDBOOK OF POLITICAL SOCIOLOGY 977 (2017) (surveying the rise of multiculturalism as an ideological force).

73. *Id.*

come here? What is it they are seeking and striving towards? What is it they want? Those questions cry out for answers.

One possibility is that they come to our country (or to the West generally) to take advantage of our wealth, our generosity and our stability. Then their choice would seem exploitative, a form of free riding on our attributes, with presumably no intent to contribute to or actively support and maintain them. Such a stance is ethically suspect and in bad faith. It is exploitative but also ungrateful to denigrate and disdain our institutions, stress the evils of our traditions, ignore our strengths and virtues, and yet insist on the “right” to mine the benefits our country offers.

Along these lines, there have recently crossed my desk three essays by young Asian immigrants, all from elite families, exemplifying at best ambivalence and at worst resentment and antagonism towards their new country—our country, the United States. All are hostile to any conventional notion of assimilation, in the form of actively blending into and embracing a unified, predominantly American culture. Two of these appeared in the *Yale Daily news*. The first, by a Chinese American student, contains the following statement:

There is no such thing as a single American culture. As people who understand that American culture has historically meant assimilation and denial of self, it’s our duty to reject that idea of American culture, relabeling it as American cultures. I will always be Chinese-American. However, I am Chinese before I am ever American.⁷⁴

The second piece, by an Indian immigrant says this:

I may be in the minority, but I don’t want opportunity: I want power. Students of color, even when we find ourselves in white dominated spaces, find ourselves on the peripheries. We find ourselves undermined by peers, faculty, and administrators, typically white, who tell us we can’t complain because we have a “seat at the table,” a euphemistic shorthand for the illusion of being a stakeholder and powerbroker. That is not enough—we deserve to be seated at the head of the table not only because we have a surfeit of the skills to lead, but also because we must dictate our own terms of engagement with white power structures, not from within white power structures.”⁷⁵

Finally, in his essay, “This Land is Their Land,” Indian immigrant Suketu Mehta admits that some Third Worlders who move to prosperous Western countries, although appreciative of the haven and opportunities provided, may

74. Katherine Hu, Opinion, *Oh, Chinese Tourists!*, YALE NEWS ONLINE (Nov. 8, 2017), <https://yaledailynews.com/blog/2017/11/08/ku-oh-chinese-tourists/> [<https://perma.cc/4DJS-5KZ7>].

75. Sohum Pal, Opinion, *White Students, Step Back*, YALE NEWS ONLINE (Nov. 10, 2017), <https://yaledailynews.com/blog/2017/11/10/pal-white-students-step-back/> [<https://perma.cc/2EBU-SXVY>].

feel ambivalence and even resentment towards their new home.⁷⁶

All these pieces express to varying degrees the multicultural and anti-Western stance of grievance that is popular today in educated circles. It is easy to see how concerns about the spread of these attitudes would lead some voters to want to reduce the flow of immigrants to the United States. Even if our country potentially contains the “magic dirt” that automatically imparts our values to newcomers and makes them “just like us,” new immigrants will resist becoming “like us” if taught to adopt an ethos of suspiciousness and hostility towards assimilation to a common way of life.

In light of all these conflicting currents, is it possible to conduct a mature and balanced debate on immigration? Can we hope to engage in a reasoned and civil discourse that is informed by a sober dose of reality, but also by respect for different points of view?

First, it is important to recognize that, although nationalist sentiments are not infrequently disdained by mainstream opinion leaders, they live in the hearts of many ordinary people. One powerful factor in their thinking is an attachment to the familiar and a dislike of rapid change. They do not embrace what Roger Scruton calls “oikophobia,” which he defines as an aversion to the near and familiar.⁷⁷ Unlike the well-traveled Davos class, many Americans do not necessarily feel stimulated by the mix of exotic cultural influences that increasingly mark their lives and neighborhoods. Rather, the less educated are often disoriented and demoralized by a rapid influx of foreigners. Rooted in traditional and often dying communities where solidarity, continuity, familiarity and stability are highly prized, these Americans know firsthand that a polyglot infusion of peoples from diverse backgrounds, which is celebrated by elite cosmopolitans, can undermine social cohesion and trust. Although not averse to change, they want change to be measured and gradual, rather than drastic and rapid. Further, they are put off by the refusal of some immigrants to assimilate to the dominant host culture, including their failure to learn the English language. Above all, they are angered by the accusations of xenophobia and racism that greet their efforts to slow down the pace of change. So they express those concerns *sotto voce*, at the ballot box.

More broadly, the proponents of high levels of immigration must recognize that the multicultural ideology and globalist perspectives prevailing among educated elites in universities and coastal cities are not shared by all. This lack of common ground can encompass matters great and small. Many ordinary people expect a degree of deference from outsiders to their community norms of behavior and deportment. That deference is not always forthcoming from those not brought up to those norms. As Adam Garfinkle has observed, attitudes towards

76. Suketu Mehta, *This Land is Their Land*, FOREIGN POL’Y ONLINE (Sept. 18, 2017), <http://foreignpolicy.com/2017/09/12/this-land-is-their-land-america-europe-fear-of-migrants-trump/> [<https://perma.cc/B6SP-26BT>].

77. See Peter Augustine Lawler, *Against Oikophobia and Xenophobia*, NAT’L REV. (Feb. 5, 2017), <http://www.nationalreview.com/corner/444627/scruton-nation> [<https://perma.cc/Z9CN-6BQQ>].

seemingly mundane matters like noise, litter, and the uses of public space can differ across cultures. These differences can create tensions and resentments towards outsiders and newcomers.⁷⁸ In addition, many natives, including distinctly unprivileged people, are alienated and angered by any expressions of open hostility to the West, including talk of white privilege and white supremacy. Yet such talk is heard regularly from journalists, academics, activists, and the leaders of immigrant groups.

Likewise, many ordinary people reject the idea that all cultures are as worthy—or perhaps even more worthy—than our own advanced, liberal, secular, enlightened, democratic Western way of life, especially when the idea of equivalence is propounded by people who, somewhat inconsistently, take full advantage of that way of life. Relatedly, they are chary of reassurances that all peoples from every society and corner of the world are not only entitled to join our society, but are equally willing and able to adapt, assimilate, and contribute constructively to it. Some regard that ideology as rooted in a feel-good, utopian fantasy that flies in the face of observed realities, including the yawning disparities that persist between “The West” and “the Rest.” And many reject the notion, popular in some academic circles, that the troubles of the Third World are the fault of the First—that they are the product of what “we” have done to “them” through the depredations of colonialism, imperialism, and capitalism, rather than of the internecine exploitation, indifference, lethargy, and strife that bedevil the less developed world.

If there is to be a realistic compromise on immigration, the leadership class must recognize that these unspoken reactions hold sway over many Americans and must refrain from the glib and dismissive bromides that make light of their concerns. The often-repeated statement that our nation is a nation of immigrants is just a slogan, not a policy. Our nation has in fact welcomed newcomers intermittently, depending on economic circumstances, national conditions, and the prevailing ideological stance towards the obligations of non-citizens. Assimilation to the dominant and founding culture has until recently been the expectation. Assimilation takes time and requires a willingness to make what Norman Podhoretz calls the “brutal bargain.”⁷⁹ To maintain social peace, newcomers should be expected to shed or at least subordinate some of their native customs, attitudes and commitments in exchange for the privilege of being an American. They should at least be loyal, both in word and deed, to basic conventions of democracy, the rule of law, reasoned public discourse, democratic capitalism, and basic equal rights.

The immigration debate should also be informed by the reality that the successful integration of newcomers is, and always has been, a function of numbers. Both George Borjas and Samuel Huntington have made the point that the rapid

78. Adam Garfinkle, *No, It Wasn't About Race*, AMERICAN INTEREST (Nov. 15, 2016), <https://www.the-american-interest.com/2016/11/15/no-it-wasnt-about-race/> [<https://perma.cc/5A6C-V3AK>].

79. Norman Podhoretz, *Brutal Bargain*, in MAKING IT (1967).

influx of a large mass of immigrants from one group encourages the formation of insular enclaves and slows the acquisition of English, which many regard as a gateway to successful assimilation.⁸⁰ Assimilation is impeded when the system is overwhelmed, which happens when people from one location arrive too quickly. Thus, immigration proponents must realize that even though some immigration might be good, more is *not* necessarily better, especially when so many have arrived so recently. Under the economic and social conditions prevailing today, “low and slow” is the way to go. That would mean letting in fewer people and being more selective about who is admitted – a change that is consonant with the proposed RAISE Act described above.

Finally, a mature politics of immigration avoids myopia and adopts a wide lens. It looks at the whole picture, not just at the Americans in positions of influence (primarily the knowledge elite), or the particular immigrants we know (who are probably elite like us, or who work for us), or those who command our immediate attention and sympathy (such as illegals about to be deported or the DREAMer population). Our view should encompass not just short-term needs but also what is good for our nation as a whole in light of present realities, class interests, and the well-being of future generations.

We need to take seriously the possibility that dogmatic globalism, unregulated migration, and militant multiculturalism are threats to our hard-won achievements. Because the practices that undergird our liberty, democracy, and prosperity do not maintain themselves, we need to preserve, protect, and defend what is desirable about the West. More broadly, we must ensure that bad habits from the Third World—lack of respect for law, rampant corruption and kleptocracy, despotism, weak markets, insecure property rights, lassitude, lack of enterprise, tribalism, superstition, distrust, rampant violence, misogyny, and unreason—are not allowed to infect and undermine the First. Some immigrants come here because they are attracted to and enthusiastically believe in American ways and precepts. They are self-selected to assimilate proudly and defend the fundamental values of our way of life. As some of the examples above suggest, however, other immigrants, even among the privileged, may fail to exemplify these virtues. Immigrants choose to come here for a variety of reasons, including prospects for economic gain, generous public benefits, or to escape the worst of the chaotic countries they leave behind. But not all are necessarily enamored with, or even strongly committed to, democratic values, the rule of law, or responsible freedoms.

Finally, we must recognize that immigration reform faces powerful practical obstacles. The status quo serves interests on the right and left, including businesses, wealthy consumers, big government proponents, Multiculturalists, and globalist elites. The powers-that-be across the political spectrum have long been complicit in allowing the presence of illegal aliens to get out of hand. They have

80. See BORJAS, *supra* note 40; See HUNTINGTON, *supra* note 57.

also encouraged the influx of low and middle skill foreign workers and their families through temporary visa worker programs, as noted above. But many ordinary working people—those the sociologist William Graham Sumner has dubbed the “forgotten man”⁸¹—are far less enthusiastic. They feel that their interests have been slighted and have taken a back seat to those who benefit from generous immigration policies, including foreigners and more affluent citizens. The phrase “America First,” is a call to think seriously about how policies like those governing immigration affect every American and not just the favored few. That phrase suggests that our first responsibility is to our fellow citizens, including the lowest skilled and least educated workers whom all agree take the hardest hit from the current immigration regime.

Above all, maturity will mean rejecting absolutes. As noted, systematic evasion of the law’s requirements is corrosive of our democratic values and undermines support for them. But there are also considerable costs to stronger enforcement of our immigration laws, especially after years of laxity.

Lawyers like to say that hard cases make bad law. Although many people have knowingly broken our laws and should be held responsible, some innocents have been the casualties, such as the native-born children of illegals and the aforementioned DREAMers currently protected by the Deferred Action for Childhood Arrivals (DACA) dispensation. In light of these realities, difficult choices will have to be made. Some families will be broken up, even as others are kept together. Some people will be allowed to stay, but others will have to go. Not everyone can be held entirely harmless. The sins of the parents will sometimes be visited on the children, as is unavoidable in many aspects of social and political life. Both sides will have to hold their noses and compromise. Although amnesty of any kind goes down hard with many conservatives, any dispensation for some illegals to stay and earn a path to citizenship will inevitably involve a significant compromise on the part of pro-immigrant groups, including a commitment to reduced numbers of newcomers, more selective admission rules, and more stringent future enforcement.

Such a commitment does not necessarily require a massive increase in forcible deportations. Discussions of the costs of deporting large numbers of illegals⁸² exaggerate the difficulties of immigration enforcement by ignoring self-deportation, which is much less costly and cumbersome than officially orchestrated deportation. As Steve Bannon has noted in an interview with Charlie Rose on 60 minutes,⁸³ the government could take steps that would lead illegals to self-deport, including refusing to provide a path to legalization, withdrawing subsidies and

81. WILLIAM GRAHAM SUMNER, *THE FORGOTTEN MAN AND OTHER ESSAYS* (Albert Galloway Keller ed., 1918).

82. See, e.g., PETER H. SCHUCK, *ONE NATION UNDECIDED: CLEAR THINKING ABOUT FIVE HARD ISSUES THAT DIVIDE US* 115–91 (2017).

83. See Charlie Rose, *Breitbart’s Bannon Declares War on the GOP*, CBSNEWS.COM (Sept. 10, 2017), <https://www.cbsnews.com/news/60-minutes-breitbart-steve-bannon-declares-war-on-the-gop/> [<https://perma.cc/G2BE-CSZE>].

benefits, implementing an effective E-Verify system that penalizes employers and illegal workers, and creating more consistent, vigilant methods for tracking visa overstays and apprehending visa scofflaws.

Although self-deportation does involve upheaval for some, there are distinct upsides that are routinely overlooked. The philosopher David Miller, in addressing the argument that Western countries have a duty to rescue the downtrodden inhabitants of the Third World by admitting as many immigrants as possible, argues that this rescue fantasy does not withstand scrutiny as an ethical imperative because we cannot possibly take in more than a tiny fraction of the world's denizens, at least not without destroying much of what makes our country attractive, prosperous, stable, and capable of improving people's lives.⁸⁴ More importantly, however, he points out that allowing large numbers of energetic and enterprising people to come to the West from poorer countries retards those countries' modernization. This problem of "brain drain" is especially acute for more educated immigrants, who often receive their schooling in their original countries at public expense. Although Miller takes note of this effect primarily to argue for limits on legal immigration, a parallel point can be made about the repatriation of illegals, many of whom have received the benefits of being educated in the United States. Bringing their talents and human capital back to their countries of origin could help improve and Westernize those countries, which is the most enduring way to assist large numbers of the world's poor.

In resolving all these issues, however, one thing is virtually certain: the future will have to be different from the past. No progress is really possible unless we stop winking and nodding and looking the other way. Immigration enforcement must tighten up dramatically, and we must get serious about consistently enforcing the law. And then there is the matter of reforming that law. The main immigration statute now in effect, the Hart-Celler Act of 1965, has been patched and jiggered but not substantially revised since its enactment. That law, and the sprawling system it has spawned, is dauntingly complex and fails to serve our current needs. The proposed RAISE Act, described above, is a good start. Any legal changes should also be accompanied by renewed funding for enforcement, and especially for upgrading ICE (the Immigration and Customs Enforcement Agency) and the USCIS (the United States Citizen and Immigration Service), which need radical improvement, streamlining, and more consistency and integrity in their operations.

Nonetheless, the political difficulties of dealing with the problem of illegals and immigration reform more generally should not be underestimated. As Peter Schuck points out in his recent book *One Nation Undecided*,⁸⁵ our immigration regime has long been marred by poor administration, lack of resources, and lax and erratic enforcement. These shortcomings have contributed mightily to the presence of illegals. In the face of these past sins, it is hard for Americans to agree

84. See MILLER, *supra* note 34, at 94–129.

85. SCHUCK, *supra* note 82.

on what to do about the problem. Many voters regard reducing the number of illegals as highly desirable, but even some of those hesitate upon realizing that any means to that end inflicts real harms on real people. A particularly sympathetic case can be made for granting a variance to children protected under the DACA program or for illegals who have lived and worked here for a lengthy period (including some parents of DACA-protected illegals). For these populations, deportation or even setting up the conditions for self-deportation will produce turmoil and hardship. Some businesses that rely on illegals will suffer, and the relatives and families of illegals—and especially Hispanics, who comprise most illegals—will have their lives disrupted as well.

These realities are tailor made for political grid-lock. Because no immigration compromise can ignore the problem of illegals and future enforcement against them, reform will necessarily require stark tradeoffs between incommensurables. How do we balance the interests of illegals already here against the downsides of keeping them and the arguments for fewer immigrants overall? What weight should be assigned to the future well-being of American workers, concerns about national unity and cultural integrity, and a desire to uphold the rule of democratically enacted laws as opposed to the hardships that will be inflicted by stricter enforcement? How to structure these tradeoffs is a question that elicits sharp divisions and strong political ambivalence.

For some—and most notably the progressive left—compassion and “niceness” towards individuals on our soil, however they got here, appear to be paramount considerations that eclipse all others. Often that “niceness” marches under the banner of basic human rights—a concept that is carelessly invoked in the immigration context.

It should also not be forgotten that the left’s lax and evasive attitude towards immigration serves their political interests. Immigrants tend to favor big government, identify with minorities, and embrace a grievance “victim” politics. Recent immigrants now overwhelmingly vote for Democrats.⁸⁶ Although the Republican Party would not appear to benefit politically from high levels of immigration—a fact to which many establishment Republicans seem oblivious—pro-business factions, which are an important source of Republican financial support, are eager to continue the flow of cheap labor into the country to perform jobs that Americans (allegedly) “won’t do.”

All these factors as well as the powerful interests arrayed on various sides of the immigration question impede fruitful debate and political compromise. Although political maturity on the issue is in short supply, it is not non-existent. A recent article by Bill Galston, a Democrat, admonishes his fellow party members that

86. A number of recent surveys bear this out. See, e.g., Byron York, Opinion, *Study Finds More Immigrants Equals More Democrats — and More Losses for GOP*, WASH. EXAMINER (Apr. 15, 2014), <http://www.washingtonexaminer.com/study-finds-more-immigrants-equals-more-democrats-and-more-losses-for-gop/article/2547220> [https://perma.cc/7HLT-S8PT].

“economics alone won’t save them.”⁸⁷ Rather, the Democrats must confront working class and middle-American discontent with rapidly rising numbers of poorly assimilated foreign nationals, the lawlessness of illegal immigration, and the disruptions and drastic cultural shifts imposed by a steady stream of foreign newcomers.⁸⁸ Galston’s willingness to acknowledge that many people of good will are still strongly nationalistic and don’t necessarily share a globalist perspective is refreshing. He also endorses some of the features incorporated into the RAISE Act, including the curtailment of family-reunification visas “in favor of an emphasis on individuals with higher education or advanced technical skills,” the creation of a “mandatory state-of-the-art electronic workplace verification system,” and the adoption of more aggressive approaches to assimilation, including “accelerat[ing] immigrants’ acquisition of English fluency as well as their civic integration.”⁸⁹ In addition to reiterating and expanding on these points in subsequent articles, Galston has admonished his fellow Democrats to engage with those across the aisle in a spirit of compromise. Whether that will happen is anyone’s guess, but it would definitely represent progress.

87. See Bill Galston, Opinion, *Economics Alone Won't Save Democrats*, WALL ST. J. (May 23, 2017), <https://www.wsj.com/articles/economics-alone-wont-save-democrats-1495580482> [<https://perma.cc/CCM5-CFD6>].

88. *Id.*

89. *Id.*