

EXECUTIVE SUMMARY

ONUS OR OPPORTUNITY? CONSERVATISM AND ILLEGAL IMMIGRATION IN UTAH

THIS ESSAY ELUCIDATES
THE SUTHERLAND INSTI-
TUTE POSITION ON ILLEGAL
IMMIGRATION IN UTAH

Of the many issues that the Sutherland Institute has considered in its thirteen years of operations, few have compared with illegal immigration in complexity and intensity. The year-long debate inside our own organization has been varied, thorough and energetic.

This essay is the product of that debate and expresses the Institute's official position on illegal immigration in Utah. It may feel controversial for some people, maybe even surprising. But our purpose is not controversy or surprise, our purpose is to construct an authentic conservative position by carefully applying and balancing principles of conservative thought and action.

THE DEBATE

The argument over illegal immigration has tested authentic conservative thought. Nationally, self-identified conservatives are often at war over this issue. Here in Utah, the reddest of red states, where elected officials (and the people who elect a vast majority of them) wear their brands of conservatism as an unquestioned free-pass for all sorts of political and legislative business, we see the same battle lines. Why?

First, the intellectual forefathers of conservatism addressed this topic in parts, seldom assembling the kind of unified argument that they built for other important issues. We see a framework, not a finished structure. Second, there are several principles of conservatism that bear on this issue, and they must be carefully balanced.

Utah's recent legislative efforts reflect the nation in microcosm. "Enforcement-first" advocates rallied to SB 81, the rules-first solution: no incentives, no benefits, no reason to be here, problem solved. Comprehensive-reform advocates gathered behind SB 97, the "measure twice, cut once" effort. While several self-identified conservatives gravitated to the first approach, reflecting one sincere concern of their constituents, Sutherland strongly supported, and continues to support, the latter, more comprehensive approach.

CONVENTIONAL WISDOM DECONSTRUCTED

The Sutherland Institute trustees, staff, and colleagues believe that a reasonable authentic conservative position can be constructed. But to do so rigorously we must first deconstruct the conventional wisdom about Utah's current "conservative" approach to the matter.

The first step in deconstructing the “enforcement-first” approach, on the road to revealing an authentic conservative immigration policy, is to understand that American immigration laws were not designed, in spirit or letter, to prevent people from coming to the United States. Restrictions on open entry were in place to qualify people of good will and the only way to know if someone was a person of good will was to give them the opportunity of proving it by living side-by-side with citizens.

Authentic conservatives should examine what they are “conserving.” Consistent with the historic purpose or intent of naturalization, authentic conservatives are clearly pointed in the direction of conserving the principle of open immigration. This policy is inarguably the spirit and letter of our nation’s founding.

The second step in deconstructing the “enforcement-first” approach, especially in Utah, is to clarify what we mean by “the rule of law.” An authentic conservative approach to illegal immigration not only respects the rule of law, it understands that any effective rule of law must insinuate the human experience. It must be humane (absent of ideology) and, at least in America where people are allowed great latitude to “work out their salvation,” it must err on the side of freedom, not punishment.

Authentic conservatives cherish the rule of law, but we also eschew a police state. We punish when we must, not because we like to or because we can or because it’s easier than being charitable. While a free society requires that *specific* laws be exact, this same free society requires that our general rule of law be characterized by a spirit of patience and process – it must be characterized by a sense of assimilation where all people are permitted to *become* free, not simply stamped “LEGAL.”

The third step in deconstructing the “enforcement-first” approach is to challenge the sweeping claim that immigra-

tion is inherently counter-cultural and, hence, destructive to our American way of life. This argument is both morally and empirically fallacious.

For authentic conservatives, not only must we discern the sort of culture worth conserving, we must not discriminate among those who violate our cultural norms. If being an illegal immigrant on welfare is detrimental to society, so too must it be for any citizen. If committing a crime is a serious character flaw for an illegal immigrant, so too must it be for any citizen. If having babies out-of-wedlock is a sign of moral turpitude for an illegal immigrant, so too must it be for any citizen. In other words, being an illegal immigrant in and of itself does not violate any cultural norm.

AUTHENTIC CONSERVATISM APPLIED

An authentic conservative view of illegal immigration for Utah transcends nativism, and looks to the institutions of civil society to solve community problems and reclaim crumbling lives. It engages free markets within a social framework, and accepts a realistic perspective of human nature, its universal value, and its ultimate redemption. This broadly integrated and practical view is what can eventually put this pressing issue quietly and happily behind us in Utah.

An authentic conservative approach to illegal immigration would celebrate a person’s humanity and anything good that they bring to our community. It also would mitigate anything bad that people bring to our community. It would turn onus into opportunity.

How would this approach look in practice? We suggest the following policies as a package of possibilities:

1. Request a federal waiver permitting Utahns to explicitly address the impact of illegal immigration in a way that preserves families, builds our communities and develops productive citizens.

2. Create an in-state work permit.
3. Focus public education on our most needy students.
4. Establish a broad network of authentic charity care clinics.
5. Coordinate private outreach to strengthen faith and family relationships.
6. Coordinate public and private efforts to teach the full scope of citizenship.
7. Lobby our state's congressional delegation to support more humane *legal* immigration policies.

These authentic conservative proposals will uplift struggling neighbors and make good people better. They will spawn solutions that promote civil society and private initiative. They will prevent further expansion of needless government intrusions into all of our lives. The problem of illegal immigration is an opportunity for Utahns to return to our roots where strangers among us are welcomed and encouraged to become a constructive part of our society.

CONCLUSION

We conclude that there is nothing extraordinary about illegal immigrants, who are otherwise law-abiding members of our communities. They are as real as every other Utahn in their daily lives and aspirations for their families. While we look forward to more cost-benefit analyses of the economic impact of this population in our state (to further

help, not hinder, their progress), we confidently recommend that Utahns and our public policy should seek to fully assimilate otherwise law-abiding illegal immigrants already residing here.

The heavy-handed "enforcement-first" approach is in intellectual retreat. Its only answer is to further marginalize a community of people who will not go away. It doesn't even consider what we might gain if we help them stay.

For much too long this issue has been co-opted by "enforcement-first" advocates who claim to represent authentic conservative thought, or who get upset when their politics are questioned. There is nothing conservative about the "enforcement-first" approach to immigrants already living here illegally. It is time for authentic conservatives to step forward and accept responsibility to address this issue in principled terms, as opportunity not onus.



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