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# The Declaration of Independence and Immigration in the United States of America

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## The Declaration of Independence and Immigration in the United States of America

KENNETH MICHAEL WHITE\*

### ABSTRACT

The United States has always been a nation of immigrants, and immigration policy has always been controversial. The history of immigration in the United States is contrasted in this article with a normative standard of naturalization (immigration policy) based on the Declaration of Independence. The current immigration debate fits within a historical pattern that pits an unrestricted right of immigration (the left) against exclusive, provincial politics (the right). Both sides are simultaneously correct and incorrect. A moderate policy on immigration is possible if the debate in the United States gets an infusion of what Thomas Paine called "common sense."

**Key words:** immigration, political philosophy, Declaration of Independence, American founding, American government

### RESUMEN

Estados Unidos ha sido siempre una nación de inmigrantes, y su política respecto de la inmigración siempre ha sido controversial. En este artículo se compara la historia de la inmigración con la normativa estándar de naturalización (política de inmigración), basada en la Declaración de Independencia. El debate actual al respecto entra en un patrón histórico que contrapone el derecho irrestricto a la inmigración (la izquierda) con una política provincial excluyente (la derecha). Ambas posturas son a la vez correctas e incorrectas. Una política moderada de inmigración es posible si el debate en Estados Unidos adquiere lo que Thomas Paine llamaba "sentido común".

**Palabras clave:** inmigración, filosofía política, Declaración de Independencia, fundación de América, gobierno estadounidense

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## INTRODUCTION: THE PHILOSOPHICAL BEGINNING

The United States of America is an idea. As the Declaration of Independence puts it, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights...Life, Liberty and the pursuit of Happiness” (2000: 6). Truths are held or understood in the minds of people, and, in this sense, the notion of equality (the foundation of the country) is an idea. To be an American, then, is to think a certain way about the rights of all human beings, regardless of their culture or country of origin. This notion that the fundamental basis of the United States of America is an idea or an argument makes the country philosophical, i.e., universal, because any human being on the planet has the potential to recognize the idea of natural equality and, thus, be an American. As John Locke puts it, “The state of Nature has a law of Nature to govern it...Reason...is that law...[which] teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions” (2003: 271).

But, the Declaration of Independence also begins with the anti-philosophical assertion that Americans are “one people.” That is a clear political assertion. To say that Americans are one people, who need to be free from the “political bands” that connected them with Great Britain is to create a political paradigm of us vs. them. In this sense, not everyone is a welcomed member of the United States of America. The British certainly were not considered American during the Revolution. And there have been many other examples of American exclusion throughout history (including in The Declaration’s identification of Native Americans as “savages”). Thus, it is possible to think like an American, to understand the notion of Natural Right or unalienable right; however, it is not automatically guaranteed that everyone will be considered an insider or a citizen of the country even if they think the correct way. A citizen, as Aristotle defined it in Book Three, Chapter One of *The Politics*, “is entitled to participate in an office involving deliberation or decision” (1984). Aristotle uses this definition to distinguish between the insider, the citizen, and the outsider (those who are not part of the government) who are fit only to be slaves. It is the citizen who has worth as a human, as an end in and of him/herself; it is the slave who has worth only as an animal (a thing to be used or discarded).

Herein then, are the two polar forces that have always vexed the study of society and government, i.e., the particular (us vs. them) paradigm of politics, which creates a class structure of master (human) and slave (beast or thing), against the cosmopolitan and universal paradigm of philosophy (where everyone is human), which destroys class or group distinctions among human beings, recognizing only

a world of individuals living the self-examined life (not in different countries, but rather in one world). The beginning of the realization of this conflict is found in ancient Athens between Socrates (the first philosopher) and the city. Socrates dared to think for himself and to question the rules of the city; this made him a danger to it. In Plato's *Meno*, Socrates is seen showing that a slave can be just as intelligent as a full fledged citizen of the city through the process of the dialectic: "Do you see, Meno [the master of the slave], that I am not teaching him [the slave] anything, but all I do is ask questions...the knowledge [of a lesson in geometry] he now has...[and] he will do these same things with...all the other subjects of learning" (2004: 82E-85E). In the *Meno*, this idea that a slave can be taught as well as a full-fledged Greek citizen angers an onlooker named Anytus so much (2004: 100B-100C), that it eventually forms the basis of the charges against Socrates, found in Plato's *Defense*, for corrupting the youth, for making up new gods, and –importantly– for making the weaker argument appear stronger, in other words, for making philosophy more important than politics.

Prior to the United States of America the idea that Natural Right (universal equality and unalienable rights) could actually become political right was unprecedented. But it does appear to have been the purpose of the Founding Fathers. As Jaffa points out in *A New Birth of Freedom*, "We may be confident that James Madison had the Socratic tradition in mind when he wrote that, 'A government deriving its energy from the will of society, and operating, by the reason of its measures, on the understanding and interest of the society...is the government for which philosophy has been searching and humanity been fighting from the most remote ages'" (2000: 121). This idea is confirmed by Leo Strauss and Joseph Cropsey when they observe in *History of Political Philosophy*, "The authors of the *Federalist Papers* were still under a compulsion to prove that it is possible for a large society to be republican or free...[they] signed themselves 'Publius': republicanism points back to classical antiquity and therefore also to classical political philosophy" (1987: 6). In sum, the Founding Fathers "considered themselves to be republicans, part of a venerable tradition that stretched back to the classical ages of Greece" (Greenberg and Page, 2007: 6).

To be philosophical or republican in this sense is to be paradoxical. For example, Plato's Socrates in the *Republic* argues that philosophy is a search for truth and what is good (1991: 505a), but he also admits that telling lies –"noble" ones– can be good. Socrates lived his life attempting to discover what virtue is as a means of serving his city, yet his city condemned him and killed him. In the United States, on the one hand, all human beings are said to be equal in the Declaration of Independence; on the other hand, this idea was not applied to white males without property,

to non-white males, or to females at the time. The Declaration sets forth a paradigm of universal Natural Right for all human beings (in Article I, section 8, the Constitution sets forth a process of “naturalization” whereby immigrants can come into the fold and have those Natural rights become established political right). However, The Declaration also sets forth a political paradigm where Americans are “one people,” which creates the anti-philosophic distinction of us vs. them. How can a country be both philosophic (universal) and political (particular) at the same time? How can a forest (the universal) also be a tree (the particular)?

### **A BRIEF HISTORY OF IMMIGRATION IN THE UNITED STATES OF AMERICA**

The paradox of The Declaration’s appeal to both politics and philosophy is illuminated via the issue of immigration. The United States of America is a nation of immigrants, primarily those who “left Europe for political, religious, and economic reasons” (Greenblatt, 2008: 201). In most of the world, “citizenship is indeed defined by race or ethnicity....By contrast, an American may belong to any ethnic group” (Fiorina, 2006: 67). But even in the best light, the early U.S. immigration policy favored those who came from Western Europe to the exclusion of other groups: “there was a concern that immigrants might come in numbers too large, or from countries too despotic, to assimilate to the American way of life...[they] would not possess, or be in a position to acquire soon, the principles and habits necessary for democratic citizenship...Naturalization was therefore limited primarily to those who had been formed by Western civilization” (West, 1997: xiv).

In the beginning of the country (the first 100 years) there was an “open-door immigration policy” on immigration (for those who qualified under property, ethnic, or gender classifications) (Greenblatt, 2008: 201). But, in reality, the policy on immigration in the United States has never truly been open; “for both legal and illegal immigrants, America’s actions have been inconsistent and often racist” (Greenblatt, 2008: 201). Perhaps the ugliest immigration chapter in the history of the United States came at the expense of Asians with the Chinese Exclusion Act of 1882 and in 1917 with legislation that created “barred zones” for Asian immigrants; laws in 1921 and 1924 created a quota system for immigration that capped immigration and “effectively exclud[ed] Asians and Southern and Eastern Europeans, such as Greeks, Poles, and Russians” (Greenblatt, 2008: 201). Interestingly, this late 1800s and early 1900s period saw the creation of the nation’s first drug laws, which were aimed at controlling undesirable ethnic groups. Some of the Chinese workers who built the rail-

roads also built opium dens, which became a “visible symbol of the Chinese presence on the West Coast and as such became the target of anti-Chinese sentiment” (quoted in White, 2004: 21-22). Consider this editorial from the *Tombstone Epitaph* at the time on the animus towards the Chinese:

The Chinese are the least desired immigrants who have ever sought the United States...the almond-eyed Mongolian with his pigtail, his heathenism, his filthy habits, his thrift, and careful accumulation of savings to be sent back to the flowery kingdom. The most we can do is to insist that he is a heathen, a devourer of soup made from the flagrant juice of the rat, filthy, disagreeable, and undesirable generally, an encumbrance that we have determined not increase in this part of the world (quoted in White, 2004: 22).

Hispanics were also targeted with anti-immigration legislation in the early 1900s, primarily Mexican Hispanics in the Southwest. In 1924, the United States Border Patrol was created to block illegal immigration coming from Mexico (Greenblatt, 2008: 201). In 1937, in another anti-immigrant, anti-drug measure, the Marihuana Tax Act was passed on the basis of racial and cultural animus directed toward Hispanics and Mexicans. The legislative history of the Tax Act reveals an overt attitude of bigotry, which would not be outlawed until some 17 years later with the ruling in *Brown v. Board of Education* (1954). But before *Brown* was decided, the laws of the land, particularly immigration-themed laws, were based in whole or in part on now unlawful bias or prejudice. Consider this testimony to Congress on the “need” to outlaw cannabis in 1937:

The people and the officials here want to know why something can't be done about marihuana....The sheriff, district attorney, and city police are making every effort to destroy this menace....I wish I could show you what a small marihuana cigarette can do to one of our degenerate Spanish-speaking residents. That's why our problem is so great; the greatest percentage of our population is composed of Spanish-speaking persons, most of whom are low mentally, because of social and racial conditions (quoted in White, 2004: 22).

Congress was also told, without any supporting empirical evidence, that Mexicans were targeting the youth with marihuana:

The Mexican population cultivates on average two to three tons of the weed annually. This the Mexicans make into cigarettes, which they sell at two for twenty-five cents, mostly to white school students. We must remind friend skeptic that the great majority of indulgers are ignorant and inexperienced youngsters and members of the lowest strata

of humanity. When you think this fact over there should be no room for argument (quoted in White, 2004: 23).

Such testimony led to little debate and swift passage of the prohibition of marijuana at the federal level in 1937. Something worth noting here is how this history of anti-immigration sentiment and drug legislation has created a form of institutional bias such that members of non-white ethnic groups are significantly more likely to find themselves in the criminal justice system for drug offenses than their white counterparts, even though whites, as a whole, are more likely to use drugs than non-whites. This creates an enormous burden on the resources available to the government and also contributes to the narrative that the United States has failed to live up to its original goal of equality under the law (ACLU, 2003: 1).

The effort to control immigration from Asia and Eastern and Southern Europe in the early 1900s did not work as planned; the unintended consequence (despite the creation of the Border Patrol and the passage of the Marihuana Tax Act) was that illegal immigration through Mexico increased. In 1942, a guest-worker program was created that allowed Mexicans to work on U.S. farms, and in 1952 the Immigration and Nationality Act attempted to unify the previous patch-work legislation on immigration by retaining the quota system favoring Northern Europeans, but still permitting Mexican farm workers in Texas (Greenblatt, 2008: 200). By 1954, the Border Patrol launched "Operation Wetback" and transferred some 500 immigration officers from Canada to join the 250 agents already patrolling the Mexican border. As a result, there were "more than 1 million undocumented Mexican migrants...deported" (Greenblatt, 2008: 201).

The first immigration reform effort in the United States with a more philosophical purpose came in 1965 when President Johnson attempted to repair "a deep and painful flaw in the fabric of American justice" by giving priority to family reunification petitions by immigrants (Greenblatt, 2008: 201). This also marked a trend where European immigration began to wane and immigration from South America and developing nations began to increase. The 1965 effort at immigration reform did not end the practice or problem of illegal immigration.

By 1986 the apprehension of a record 1.7 million undocumented immigrants spurred Congress into passing more legislation (the Immigration Reform and Control Act) aimed at reforming the system. The law effectively gave amnesty to illegal immigrants then in the country, but, for the first time in the country's history, also imposed sanctions on employers who hired undocumented workers (Greenblatt, 2008: 200). In support of the reform effort, President Reagan declared, "The simple truth is that we've lost control of our own borders and no nation can do that and survive" (quoted in Greenblatt, 2008: 202).

The next national effort to address immigration came in 1996, after it became clear that the 1986 Immigration Reform and Control Act had not solved the issue of illegal immigration. The 1996 law increased –doubled– the size of the Border Patrol and created 600 new Immigration Naturalization Services investigative agents. The law also focused on using technology (motion sensors) to patrol the border with Mexico, and set strict controls on the process of applying for political asylum. It also made it easier to deport persons without proper paperwork (or false paperwork), and limited the due process available to non-citizens seeking to challenge a deportation order in court (Greenblatt, 2008: 206).

Though the 1996 law was the last attempt by Congress to specifically address the issue of immigration reform, there have been a number of efforts by states to deal with illegal immigration. In 1994, Californians passed Proposition 187, which denied illegal immigrants public education or non-emergency public health services. The courts struck down most of the provisions of this law as being against the guarantee of due process, but it signaled the electoral popularity of anti-immigrant policies among certain segments of the voting population.

Recently, other states have attempted to deal with the issue of illegal immigration in the wake of the failed 2005 attempt by Congress and President Bush to pass comprehensive immigration reform. In 2006, Colorado passed a law requiring anyone over 18 to prove their legal status in order to enjoy public benefits; and employers must verify the legal status of their workers (Greenblatt, 2008: 202). In Georgia, the stance against illegal immigration is strict: “state and local government agencies have to verify the legal residency of benefit recipients....Employers will have to do the same whenever they make a hiring decision” (Greenblatt, 2008: 202).

The politics of immigration hit a tipping point here in Georgia at Kennesaw State University (KSU) when an undocumented student was pulled over for violating a motor vehicle ordinance on campus. Jessica Colotl was arrested in March 2010, for breaking a minor traffic law on campus, and she was discovered to be in the country illegally. Her parents had brought her to the United States when she was 10 years old without proper paperwork. She was turned over to immigration authorities upon her arrest, which sparked a national firestorm over immigration and education. KSU President Papp supported Colotl’s attempt to get an education at KSU –she is, by seemingly all accounts, a diligent student. While the KSU administration supported Colotl’s attempts to remain a student, it also made it clear they wanted to avoid the larger issue of immigration reform itself. A press release by the university states clearly, “The immigration debate is volatile and center stage in our nation....However, KSU’s administration will not become embroiled in that debate....Our focus has been...on ensuring that we are in full compliance with all Board of Regents’ policies

that address...undocumented students" (quoted in Moore, 2010: 1). The Board of Regents later clarified its position on undocumented students, i.e., they have "effectively ban[ned] undocumented students from attending 5 of the 61 universities and Technical College Systems of Georgia starting in the fall of 2011 through a series of admissions provisions" (Packer, 2010: 1). For her part, Colotl has been granted a one-year deferment to finish school.

But it is Arizona's law that has gotten the most attention in terms of state efforts to address the federal issue of immigration. The law, SB1070, allows local police to check a person's immigration status and criminalizes people who fail to carry registration papers. A lawsuit filed by the Obama administration challenging the constitutionality of the Arizona law on the basis that it preempts federal prerogative is working its way through the legal system, with a judge having issued a temporary injunction against the law's most controversial provisions (Martinez, 2010: 1). Critics of the Arizona law claim that it will lead to racial profiling because a person's immigration status is not determinable by sight, but proponents argue that the law does not condone racial profiling. On July 8, 2010, Jon Stewart of *The Daily Show with Jon Stewart* lampooned the Arizona law by ridiculing a training video produced by the State of Arizona designed to teach law enforcement officers how to enact the law: "So, they can't arrest you for not carrying your immigration papers. But, if you don't have your papers, you can be detained. I guess that's what's known in Arizona as a Catch-Veinte-Dos." Stewart concluded his bit on the Arizona law, after watching a clip of an Arizona official stumbling through the definition of reasonable suspicion, by concluding, "Mexicans are f\*#ked."

## THE TWO SIDES OF IMMIGRATION REFORM TODAY

The two political parties have staked out competing visions of immigration reform today. The Republicans have taken a very hard line. For example, recently a group of Republican senators wrote to the Immigration and Customs Enforcement (ICE) to protest what they see as a lenient policy of only pursuing deportation of illegal immigrants in cases involving criminal misconduct. Senator John Cornyn and six other Republican colleagues insist that all illegal aliens should be deported. If resources are needed to achieve this mass deportation, then these senators encourage ICE to simply make the funding request to Congress for that purpose (McCarter, 2010: 1). An ICE policy directive from its Assistant Secretary John Morton advises ICE attorneys to seek dismissal of cases against illegal aliens where the defendant does not have a prior felony or more than two misdemeanors on record (McCarter, 2010: 1).

The Republican senators disagree with this kind of exercise of discretion, and call on ICE to strictly enforce the immigration laws against all offenders, regardless of prior history. The policy preference of these Republicans, then, is that all acts of illegal immigration are equal, and all undocumented immigrants ought to be deported without an opportunity to become naturalized.

The leader of the Senate, Democrat Harry Reid, is pushing for a slightly more moderate immigration policy. Senator Reid has proposed a path to immigration reform that attempts to assuage some Republican concerns by creating clear benchmarks for securing the border with Mexico, e.g., increasing the number of Border Patrol officers and ICE officials, and increasing the use of technology to assist in securing the border between the United States and Mexico. In contrast to the hard line taken by Republicans, however, Senator Reid has also proposed to create a path for illegal immigrants to gain legal status. Under the proposal, they would be required to “come forward to register, be screened, and, if eligible, complete other requirements to earn legal status, including paying taxes” (quoted in Bash and Barrett, 2010: 1).

In sum, the positions of the two parties can be summarized as follows. Republicans want to keep “them” (immigrants) out of the country by securing the border with Mexico and deport undocumented immigrants currently in the country to their country of origin. Democrats, meanwhile, also want to secure the border with Mexico, but they differ with their partisan counterparts by favoring a guest-worker or path-to-residency status for illegal immigrants, which under the Reid plan would occur “eight years after current visa backlogs have cleared” (Bash and Barrett, 2010: 1). Anyone familiar with the backlog should understand that this does not mean eight years from today, but more likely eight years in the very, very distant future.

Put differently, the proposals by both political parties on immigration are wholly political in nature; there is no philosophic understanding of America’s tradition of a liberal immigration policy where all are welcome and where willing employers are able to match up with willing employees in a capitalistic system free from unduly burdensome government interference. The Republicans want “them” out altogether; while the Democrats are willing to let “them” work here (but not enjoy equal status under the law). Thus, both parties are political; they either see immigrants as a fearful “other” to be kept away (Republican) or as a means to an end (a “guest-worker” who is welcome only so far as they provide labor, but not in the sense that they are ends in and of themselves). It is arguably the case that “day-laborers” is a term demeaning to people who work day-to-day for different employers each day, because this term only sees worth in these people to the extent they provide “labor.” They are not seen as human beings, but only as de-humanized workers. Is there another alternative to the two parties that is in keeping with the promise of The Declaration’s

balance between the political and philosophical paradigms? The answer is “yes,” but it requires a return to the Founding Fathers’ focus on classical political philosophy or what Thomas Paine called “common sense.”

### A COMMON SENSE SOLUTION TO IMMIGRATION

According to Thomas Paine in *Common Sense*, “The cause of America is in a great measure the cause of all mankind” (1776/1997: 2). According to the Declaration of Independence, the cause of America is respect for unalienable rights and self-government. John Locke has described the notion of unalienable rights, or Natural Right, as including a notion of property. Conservative constitutional scholar Bernard H. Siegan, from whom the author learned constitutional law in law school, spent his career arguing for “economic liberties,” where individuals could be free to labor and work without undue interference from government. According to Siegan, “For a great many in our society, the opportunity to engage freely in a business, trade, occupation, or profession is the most important liberty society has to offer” (1980: 4). For Paine, “Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one” (1776/1997: 3). Putting these ideas together, then, leads one to conclude that it is un-American to interfere or prevent an employer from hiring an employee for something as unrelated to job performance as immigration paperwork. This, of course, is a liberal interpretation of the freedom to work, which finds support in The Declaration’s philosophical claim that all mankind is equal and free; in this case, free to work without government interference.

The conservative response to this liberal interpretation of The Declaration would be the political argument that the United States is a nation of laws—see John Adams—and no one should be allowed to profit from a wrong. This maxim stems from the common law rule articulated in the case of *Bradley v. Fox*, 129 N.E.2d 699, 699 (1955), where the Illinois courts refused to allow a man who murdered the other half of a joint-tenancy to inherit the rest of the property in full. The court recognized the principle that “no man shall profit by his own wrong” (1955: 699). The relevance here is that illegal immigrants who have broken the nation’s immigration laws should not be allowed to profit from such illegal conduct by gaining legal status as documented immigrants or citizens. This is unfair to those immigrants who do follow the law, and it violates the common law maxim that no one should profit from a wrong. Note the focus here is on John Adams’s claim that Americans, as “one people,” are distinct from other countries because we are a “nation of laws, not of men [or women]” and,

as such, the country has a right to establish rules whereby “they” –immigrants– may not break the laws created and established by “us.” This is a conservative position on immigration formed via the political perspective contained in the Declaration of Independence.

To summarize, the Declaration of Independence has room for both a liberal and a conservative position on immigration. A liberal, focusing on the more philosophical aspect, would argue that it is a Natural Right to work, and, as such, it is unfair or wrong for the government to interfere with the liberty of an employee and an employer to contract together and trade labor for wages. Alternatively, a conservative, focusing on the more political aspect, would argue that it is a political right of Americans as “one people” to restrict “them” –immigrants– from interfering with the immigration laws created by “us” via the deliberative process of government. A liberal focuses on the freedom to work, while a conservative focuses on the law controlling the process of naturalization under the Constitution.

This creates an impasse, which is not unprecedented. In a sense, this is the struggle faced by Socrates in ancient Athens. The political regime did not recognize the validity of any non-Athenian or universal ideals; however, one of their own, Socrates, was questioning Athens’ ideals and, thus, threatening the regime. Athens allowed Socrates to live for 70 years (an amazing act of tolerance in those days), but eventually the pure politics of the ancient world could no longer tolerate his philosophical questioning. To question is to deny, e.g., anyone who questions whether  $1+1=2$  is basically denying that it does. For Socrates to question what virtue was when Athens had already staked out a position on what it was constituted the denial of Athenian virtue; to the extent that Socrates had followers, this created the charge that he corrupted youth by teaching them to question the government.

Aristotle, the student of Socrates’s student, Plato, resolved the struggle between the political and the philosophical by appealing to what he called the mean, i.e., moderation. For Aristotle, according to Joe Sachs, moral virtue is “always in its own nature a mean condition” (2002: xvii). For instance, the virtue of courage is a mean between cowardice and rashness. If politics is one extreme and philosophy the other, then the Declaration arguably strikes a moderate balance between the two by making room for both. In ancient Athens, there was only room for one; either Socrates would live or he had to die; there was no room for a moderate middle ground. Arguably, the great genius of the Declaration of Independence is that it attempts to strike a balance between the conservative, political side and the philosophical, liberal side of human nature.

On immigration, a moderate solution to the problem requires respect for both the conservative and liberal perspectives on the issue. Both sides have to bend a little.

The conservative deserves to have his/her respect for the rule of law vindicated. Those who knowingly violate the nation's immigration laws should not be allowed to profit from that illegal conduct. However, conservatives must also bend in the sense that they need to recognize that not all illegal immigrants are responsible for their illegal status. Children, for example, who are brought here by their parents without proper paperwork, cannot reasonably be held responsible for the actions of their parents. How could they? Children do not control their parents' conduct. Thus, it is wrong to support a policy of blanket deportation for all undocumented immigrants, because some of them, e.g., children or others who are victims of a broken bureaucracy that loses their paperwork, were not to blame for their illegal status. In short, conservatives need to recognize a path not just to legal resident status for illegal aliens, but to full citizenship status –because immigrants are ends, not means.

Liberals, by contrast, need to recognize that the rule of law is important and countries have a duty to police their borders. Every country, like every house, has to have locks on its doors. Just because someone wants to come into your house does not mean they have a right to do so. The owner of the house has the right to set forth reasonable restrictions on just who can be a visitor, permanent resident, and full citizen of that house. The idea that anyone who wants to become a citizen of the United States can, simply by virtue of wanting to become one, is irrational. Americans are “one people,” and, as such, they have a right to demand that “they” (immigrants) comply with the laws enacted by “us.”

This proposed call for moderation between the extreme views on the left and right in this country regarding immigration requires an end to the political polarization that debilitates current policy debate in the United States. The so-called “culture wars” (Nivola and Brady, 2008; Fiorina, 2006) where those on the left and those on the right hijack public debate, have to arrive at a truce. The current situation is that each side of the political spectrum rallies its base and yells at its opponents. The sacrifice is that deliberative policy, what the Founding Fathers called the “cool and deliberate sense of the community,” is seemingly entirely lost (Madison, 1787/1999; Bessette, 1994).

It is possible to find common ground between liberals and conservatives on the issue of immigration. The example of the Founding Fathers shows it is possible. The Declaration of Independence struck a balance between the political and philosophic drives of human nature. Indeed, it is important to note here that the Declaration of Independence was created with a consensus: a “unanimous” call for revolution. Consensus is important, because, as Leo Strauss observes, this is the standard of truth: when all agree on it, it is true (2001: 187). The history of the United States shows that keeping this consensus is not easy; but this does not mean it is impossible.

There is seemingly a desire or hunger within the American populace that longs for sensible compromise between the ideological perspectives. President Obama captured this hunger in his July 27, 2004 speech at the Democratic Convention where he referred to the consensus in the Declaration of Independence: “Well, I say to them tonight, there’s not a liberal America and a conservative America; there’s the United States of America...There’s not a black America and white America and Latino America and Asian America; there’s the United States of America”.

Jon Stewart held a rally on October 30, 2010, called the Rally to Restore Sanity, where he called for common ground and common sense in opposition to the current polarization of political discourse. The description of the rally was –not surprisingly– a humorous attempt to make a serious point about the need for political reconciliation between the two parties on behalf of the moderate middle of America:

“I’m mad as hell, and I’m not going to take it anymore!”

Who among us has not wanted to open their window and shout that at the top of their lungs?

Seriously, who?

Because we’re looking for those people. We’re looking for the people who think shouting is annoying, counterproductive, and terrible for your throat; who feel that the loudest voices shouldn’t be the only ones that get heard; and who believe that the only time it’s appropriate to draw a Hitler mustache on someone is when that person is actually Hitler. Or Charlie Chaplin in certain roles.

Are you one of those people? Excellent. Then we’d like you to join us in Washington, DC on October 30 –a date of no significance whatsoever– at the Daily Show’s “Rally to Restore Sanity.”

Ours is a rally for the people who’ve been too busy to go to rallies, who actually have lives and families and jobs (or are looking for jobs) –not so much the Silent Majority as the Busy Majority. If we had to sum up the political view of our participants in a single sentence...we couldn’t. That’s sort of the point.

Think of our event as Woodstock, but with the nudity and drugs replaced by respectful disagreement; the Million Man March, only a lot smaller, and a bit less of a sausage fest; or the Gathering of the Juggalos, but instead of throwing our feces at Tila Tequila, we’ll be actively *not* throwing our feces at Tila Tequila. Join us in the shadow of the Washington Monument. And bring your indoor voice. Or don’t. If you’d rather stay home, go to work, or drive your kids to soccer practice...Actually, please come anyway. Ask the sitter if she can stay a few extra hours, just this once. We’ll make it worth your while. (Stewart, 2010)

The rally has had no immediate impact on polarized political discourse in the United States. It remains to be seen whether a comedian like Jon Stewart can actually impact policy debate in the country to make it more rational, less ideological. The idea that a silly man could engage in serious policy debate may seem laughable; however, it is important to remember that Socrates himself was considered laughable in his day. As Plato's Socrates observed in the *Republic* regarding the allegory of the cave, when the philosopher experiences the blinding truth of the natural light of the sun and then returns to the cave and the artificial light of the political regime, he is mocked and ridiculed (because he has been blinded by wisdom): "if he had to compete with those perpetual prisoners in forming judgments about those shadows while his vision was still dim... wouldn't he be the source of laughter...?" (1991: 517a). The point being: it is not without precedent for a humorist to be a serious political force.

## CONCLUSION

From the beginning of the United States of America, as evidenced by the Declaration of Independence, two powerful and conflicting paradigms are at work in the country. On the one hand, Americans are "one people" and, as such, they are distinct from other countries. This is an ancient paradigm of politics; of us vs. them. On the other hand, what it means to be an American is a belief that is self-evident, like  $1+1=2$ : that all human beings, regardless of their country of origin, gender, or ethnicity (or any other involuntary trait), are equal and are entitled to unalienable rights, which includes the right to work. This is the philosophic paradigm where there is no distinction between groups; there are only individuals. Thus, America is a group of individuals. But it is also a place where both politics and philosophy are respected; the Declaration requires a balance between the two paradigms of politics and philosophy, not the conquest of one by the other.

In ancient times, everything was political; philosophy was a dirty word. Consider the death of Socrates as an example of how pure politics views philosophy. In modern America, there is a liberal tendency to be too philosophic, to refute any and all things political or provincial. Likewise, there is a conservative tendency to revert back to the ancient paradigm and ignore the philosophical perspective that finds worth in all human beings, even non-co-nationals. The key is to find a moderate balance between the two extreme views of a strict us vs. them paradigm or a strict one-world paradigm. Neither extreme viewpoint is consistent with the balance struck by the Declaration of Independence.

On immigration, this means that conservatives are right to worry about an immigration policy that would reward people for knowingly violating the nation's immigration laws, because, as John Adams observes, America is a nation of laws, and those laws deserve respect. No one should profit from a wrong; violating the law is wrong. Alternatively, however, liberals are also right to want to protect the right of all people, regardless of their immigration status, to enjoy their economic liberties (including employment). It is un-American to deny the capitalistic principle of allowing a willing employer to hire a willing employee. When the moderate middle of America rejects 1) the extreme conservative notion that all undocumented immigrants must be deported and denied access to citizenship, and 2) the extreme liberal notion that anyone who wants to come to the United States should be allowed to do so, simply because they want to, then the country will be vindicating the promise of the Declaration to strike a balance between the two fundamental drives of humanity: our political and philosophical vantages. In short, people need to stop shouting about immigration and start deliberating based on the principles enshrined in America's founding documents that date back to Socrates in ancient Athens. That is a common sense proposal for immigration reform.

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