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EDITORIAL OBSERVER

What Part of ‘Illegal’ Don’t You Understand?

By LAWRENCE DOWNES

I am a human pileup of illegality. I am an illegal driver and an illegal parker and even an illegal walker, having at various times stretched or broken various laws and regulations that govern those parts of life. The offenses were trivial, and I feel sure I could endure the punishments — penalties and fines — and get on with my life. Nobody would deny me the chance to rehabilitate myself. Look at Martha Stewart, illegal stock trader, and George Steinbrenner, illegal campaign donor, to name two illegals whose crimes exceeded mine.

Good thing I am not an illegal immigrant. There is no way out of that trap. It’s the crime you can’t make amends for. Nothing short of deportation will free you from it, such is the mood of the country today. And that is a problem.

America has a big problem with illegal immigration, but a big part of it stems from the word “illegal.” It pollutes the debate. It blocks solutions. Used dispassionately and technically, there is nothing wrong with it. Used as an irreducible modifier for a large and largely decent group of people, it is badly damaging. And as a code word for racial and ethnic hatred, it is detestable.

“Illegal” is accurate insofar as it describes a person’s immigration status. About 60 percent of the people it applies to entered the country unlawfully. The rest are those who entered legally but did not leave when they were supposed to. The statutory penalties associated with their misdeeds are not insignificant, but neither are they criminal. You get caught, you get sent home.

Since the word modifies not the crime but the whole person, it goes too far. It spreads, like a stain that cannot wash out. It leaves its target diminished as a human, a lifetime member of a presumptive criminal class. People are often surprised to learn that illegal immigrants have rights. Really? Constitutional rights? But aren’t they illegal? Of course they have rights: they have the presumption of innocence and the civil liberties that the Constitution wisely bestows on all people, not just citizens.

Many people object to the alternate word “undocumented” as a politically correct euphemism, and they have a point. Someone who sneaked over the border and faked a Social Security number has little right to say: “Oops, I’m undocumented. I’m sure I have my papers here somewhere.”

But at least “undocumented” — and an even better word, “unauthorized” — contain the possibility of reparation and atonement, and allow for a sensible reaction proportional to the offense. The paralysis in Congress and the country over fixing our immigration laws stems from our inability to get our heads around the wrenching change involved in making an illegal person legal. Think of doing that with a crime, like cocaine dealing or arson. Unthinkable!

So people who want to enact sensible immigration policies to help everybody — to make the roads safer, as Gov. Eliot Spitzer would with his driver’s license plan, or to allow immigrants’ children to go to college or serve in the military — face the inevitable incredulity and outrage. How dare you! They’re illegal.

Meanwhile, out on the edges of the debate — edges that are coming closer to the mainstream every day — bigots pour all their loathing of Spanish-speaking people into the word. Rant about “illegals” — call them congenital criminals, lepers, thieves, unclean — and people will nod and applaud. They will send money to your Web site and heed your calls to deluge lawmakers with phone calls and faxes. Your TV ratings will go way up.

This is not only ugly, it is counterproductive, paralyzing any effort toward immigration reform. Comprehensive legislation in Congress and sensible policies at the state and local level have all been stymied and will be forever, as long as anything positive can be branded as “amnesty for illegals.”

We are stuck with a bogus, deceptive strategy — a 700-mile fence on a 2,000-mile border to stop a fraction of border crossers who are only 60 percent of the problem anyway, and scattershot raids to capture a few thousand members of a group of 12 million.

None of those enforcement policies have a trace of honesty or realism. At least they don’t reward illegals, and that, for now, is all this country wants.