

Immigration and the Rule of Law

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To paraphrase a recent Fred Thompson (former Republican Senator, now actor) line from the TV Series *Law and Order*, I'm pro-immigration, but even more pro-law. Indeed, I'm very grateful to be a first generation, legal immigrant.

Make no mistake about it we need immigrants for everything from lower food prices, to high tech competitiveness. At least in the hard sciences, engineering, and business (and probably beyond) it would be very difficult to staff an adequate academic department without immigrants. And since we seem unable to phase out the Ponzi Scheme called Social Security, we need immigrants to swell the number of taxpayers per retiree and thus avoid the huge tax hikes that would otherwise be needed to fund the promised benefits. For all those reasons and more we desperately need them all to be legal. That means that we need to decide how much immigration we want to allow, and then make it very difficult to arrive and stay here except through legal channels.

Respect for the law is an important principle in its own right, and it's a critical security issue in the post-911 world. And as an economist, I can assure you that the 'Rule of Law' is a cornerstone of economic freedom and prosperity. Symbolic laws and selectively enforced laws are on a slippery slope short-cut to poverty, and sometimes tyranny. Mexico, despite its recent big improvements in the law enforcement and lawmaking process, owes much of its continuing relative poverty, and thus the pressure to come here illegally to 'rule of law' problems (see the Fraser Institute's Economic Freedom of the World Annual Report). Uncertainty about law enforcement severely depresses economic activity. Lax enforcement of prominent, far-reaching laws (like immigration) is especially corrosive of the critical, easy-to-lose trust in the rule of law.

The major problems stemming from illegal immigration result from its perpetrators being outside the law. It's why they pay only indirect taxes, and live in the shadows, including behavior against many other laws. They earn less because the risk of hiring them reduces what employers are willing to pay them. The risk isn't just a matter of employer legal sanctions, if any. There is the greater risk that the employees may leave on short notice. It puts some honest businesses at a cost disadvantage against businesses that hire cheaper undocumented immigrants. And illegal employees are at greater risk of 'exploitation' because they cannot use the courts to collect damages. That leads to extra-legal enforcement actions like vandalism and organized crime syndicates.

For their own protection, and to enjoy access to services and jobs off-limits to illegal residents, they need to be 'legal', and we need them in large numbers with legal, taxpaying, insurance-paying, debt-paying status.