Collective (Mis)Representation of U.S. Immigration Laws

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Abstract

This paper examines historic federal immigration policies that demonstrate how the United States has rendered entire groups of people living inside and outside of its territory as outsiders. Collective representations like the Statue of Liberty suggest that the U.S. is a nation that welcomes all immigrants, when in reality, the U.S. has historically functioned as a "gatekeeper" that excludes specific groups of people at different times. The concurrent existence of disparate beliefs within a society's collective consciousness influences the public's views toward citizenship and results in policy outcomes that contrast sharply from the ideal values that many collective representations signify. As restrictive immigration controls are refined, insight into how immigrant exclusion via federal policy has evolved is necessary to minimize future legislative consequences that have the potential to ostracize current and future Americans.

Keywords: *Citizenship; exclusion; immigrant; representation; restriction*

Introduction

The United States immigration system is a defining aspect of the nation's character and history. National symbols like the Statue of Liberty convey the idea that the country has consistently been a "nation of immigrants," but I argue that the U.S. also has a long history of alienating groups of people both inside and outside of the country. In this paper, I examine specific immigration policies that show a lack of acceptance of immigrants and minorities. Coming migrants are not the only ones affected by immigration and citizenship policies— even those considered citizens face challenges to obtaining equal rights and basic freedoms. Contrary to the ideal values that the nation pronounces, many U.S. immigration policies have excluded entire groups of people from entering the country and from societal participation.

The first part of this paper outlines Emile Durkheim's notion of collective representation. The second part provides an overview of historic federal immigration policies that have shaped the current federal immigration system into a structure marked by restriction. In the third part, I consider how the strength of our collective representations continue to make major segments of the population believe political arguments related to how U.S. citizens have always welcomed immigrants with open arms, and how the simultaneous existence of counter-representations (i.e. anti-immigrant beliefs) generate support for the ratification of restrictive immigration policies and practices.

In legal discourse, the term *alien* is used interchangeably with non-citizen and undocumented immigrant. Alien is defined by the Department of Homeland Security (2018) as "any person not a citizen or national of the United States." Citizenship is a powerful social construction that grants certain individuals' political rights and protections, thus it is useful to know the way foreign nationals are legally categorized. Designating non-citizens as aliens, regardless of

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whether they entered the country lawfully, sets the stage for how immigrants are viewed under the law.

Collective Representations

One of the central themes in Émile Durkheim's sociological theories of functionalism, the division of labor, and anomie is the priority of the social over the individual (Ritzer & Stepnisky, 2017). Owing to the individualistic nature of U.S. society, many tend to attribute the successes and failures of a person—or even broad social issues—to a single individual. While in some cases this may be true, Durkheim underscored the power of the social undercurrents that influenced the way people acted. When people live together as part of a community, similar sentiments and patterns of behavior emerge, which Durkheim referred to as non-material social facts. Through individual-level interaction, society develops a pervasive, albeit invisible structure—a "collective consciousness"—composed of norms and shared understandings that guide human behavior and give people a sense of identity. Without this social structure, navigating social situations is a major undertaking.

Owing to the imperceptibility of this structure, social scientists have looked toward the "collective representations" that societies have developed in order to study the ideas prevalent within them (Gupta, 2005; Ritzer & Stepnisky, 2017). Collective representations are the physical embodiments of cultural norms and values. They are material artifacts that exemplify core aspects of a society's shared identity. The U.S. flag, for example, symbolizes justice, purity, and valor. The bald eagle represents American freedom—a fundamental notion deeply embedded in U.S. history and everyday discourse. It is one that we have even invoked to mobilize support for war (Foner, 2013). The Statue of Liberty characterizes independence, openness, and friendship between nations; her significance grew as she welcomed millions of immigrants sailing to the U.S. for the first time (Ellis Island Foundation, 2013). The final section of Emma Lazarus' famous 1883 sonnet, *The New Colossus*, mounted on a bronze plaque inside of the Statue of Liberty reaffirms all that the figure stands for. The segment reads:

> "Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore,
> Send these, the homeless, tempest-tost to me,
> I lift my lamp beside the golden door!"

Yet, despite what this collective representation denotes about U.S. views toward struggling immigrants, a look at our restrictive immigration policies on both the federal and state level throughout the centuries shows the bleak reality of how the federal government has historically treated foreigners—from the Page Act of 1875 that prohibited the migration of many Chinese laborers and women suspected of being prostitutes to Arizona's Support Our Law Enforcement and Safe Neighborhoods Act (Arizona SB 1070) that permits local authorities to verify the immigration statuses of persons they suspect of being in the country illegally.

Durkheim stressed the dynamism of society with his conception of shifting solidarity (from mechanical to organic) due to the division of labor (Gupta, 2005; Harms, 1981; Ritzer & Stepnisky, 2017). I express this dynamism by focusing on the concurrent existence of conflicting collective beliefs that have the capacity to influence groups of people that

essentially share the same space—in this case, the United States. The simultaneous presence of these widespread beliefs not only influence public perceptions of what it means to be a U.S. citizen, but also result in disparate policy outcomes in various parts of the country, which can, in turn, affect the lives of millions of immigrants currently residing in the United States.

U.S. History of Federal Immigrant Exclusion

Immigration is an omnipresent subject within U.S. politics. Saliency of issues, especially political ones, increase and decrease depending on what is considered relevant at the time. With elevated dialogue related to the construction of a wall on the Southern border and claims of terrorists and gang members hiding amongst groups of asylum-seekers, it would seem as though immigration has only now re-emerged as a political concern since the September 11 terrorist attacks. However, debates over immigration—particularly the rights to citizenship, settlement, and the barring of certain nationalities or groups of people from the U.S.—date back to the 1700s. Although the focus of immigration discourse changes depending on the era, it continues to be a primary subject of concern within the U.S. political sphere.

UCLA Professor Amada Armenta (2017) stated that, "Nations define themselves through their immigration policies." The U.S. has an indisputably striking record of absorbing immigrants. According to the Yearbook of Immigration Statistics published annually by the Department of Homeland Security (DHS), the U.S. has admitted over 100,000 immigrants to legal permanent resident (LPR) status since the mid-1940s. That number increased to at least 500,000 in the 1980s under President Ronald Reagan. More recent data shows that for the last decade, the U.S. has admitted almost 1 million foreign nationals per year. These upward trends have made America the world's chief immigrant-receiving country for the last half-century.

Many U.S. immigration and citizenship laws are worth praising. However, other aspects of the immigration system reveal how the U.S. has always been a nation with robust nativist customs. According to Eric Foner (2013), the U.S. was founded on the premise of liberty being "an entitlement to all mankind… [but] from the outset, [the U.S.] blatantly deprived many of its own people of freedom." The U.S. has never welcomed all potential immigrants from entering the country, nor has it granted those already inside easy access to citizenship. This is due, in part, to how the majority of U.S. citizens favor the promotion of citizen rights over rights for all persons. Lawmakers also often argue that the nation's first responsibility is to its citizens. Such views are reflective in historic federal policies that have made it difficult for immigrants to receive legal citizenship status. Prior naturalization laws limited citizenship to white males. Today, exclusion has become more indirect. Pathways to citizenship are bogged down by lengthy admission processes, nationality and visa program quotas, and expansions in border enforcement agencies that obstruct entrance for migrants that do not have the means to utilize a more formal channel. This has implications for issues beyond systemic exclusion, such as community trust in law enforcement, racial bias against minorities, anti-human trafficking agendas, and the strategies that police officers and immigration agents employ in cases involving minorities.

Exclusionary immigration laws evolved at the same time as images of what the general populace considered to be a "desirable immigrant"—from strong slave laborers to educated professionals (Parker, 2015). Likewise, state ordinances have also transformed from blatantly barring specific groups of people to deterring their settlement through restrictions on their fundamental rights to equal treatment and the kinds of benefits they can receive. The most

common exclusionary laws on the state level are those that affect an undocumented immigrant's ability to find employment by requiring background checks through systems like E-Verify (Steil & Vasi, 2014). This shows how exclusionary legislation affects individuals residing both outside and inside of the country. Although I do not delve into specific state policies here—owing to their variance and the array of social factors that impact their formation in different parts of the country—it is worth noting that state laws that target specific minorities can also affect citizens that share the same ethnicity, causing legal immigrants to respond in similar ways as an unauthorized immigrant (Karoly & Perez-Arce, 2016; Marquez & Schraufnagel, 2013). This can fuel general beliefs about immigrants as a whole and cause them to either leave or flock to a specific state, which ultimately affects the severity of future bills enacted, as well as the experiences and identities of the people living within those communities.

In the following paragraphs, I recount several federal immigration policies and tools to provide evidence for how Americans have ostracized specific groups over the centuries. I focus on federal statutes because, although states independently regulated immigration in the beginning, a string of Supreme Court cases—*Passenger Cases* (1849), *Crandall v. Nevada* (1867), *Henderson v. Mayor of the City of New York* (1875), *Chy Lung v. Freeman* (1875)—transferred authority to the federal government (Armenta, 2017; Parker, 2015). While immigration enforcement authority has gradually devolved back to the states due to numerous state ordinances passed within the last fifty years, local officials do not have the capacity to change federal immigration laws; they can only affect their efficacy through the enactment of supplementary legislation. This lack of uniformity implies that the U.S. has a sundry of opposing values operating within its collective consciousness, which inevitably produces disparate policy outcomes and patterns of enforcement among states, cities, and even counties.

The first U.S. immigration law—the Naturalization Act—was codified in 1790. This law was, at once, generous and restrictive. It set the criteria for naturalization, limiting applicants to free white persons with good moral character. A person's race was, therefore, enough grounds to make an individual ineligible for citizenship. This stark divide between white and non-white shaped immigration policies for centuries; racial restrictions to citizenship were not officially removed until 1952 with the passage of the Immigration and Nationality Act, otherwise known as the McCarran-Walter Act (Lee, 1999). The 1790 Naturalization Act also inevitably tied immigration with security because of the rights that come with the granting of citizenship, particularly who is and who is not protected under the law or recognized by local authorities. Limited avenues of citizenship marked all of those that did not fit the traits recognized by the law as unequal.

The Alien Friends Act (1798) gave the Executive branch the authority to deport non-citizens deemed dangerous. Deportation and denaturalization are some of the country's most effective immigration tools. They have the power to spread fear in immigrant-heavy communities. Many legal residents have suffered from reckless use of these two tools (Valdez, 2016). Beginning in 1907, Congress expanded deportation to cover what non-citizens did after arriving in the U.S. (Motomura, 2006). The government would frequently rescind the legal statuses of immigrants that expressed unpopular views, before deporting them (Parker, 2015). The McCarran-Walter Act (1952) expanded the powers of the Border Patrol Agency and gave immigration officials the authority to detain non-citizens whose deportation statuses were

pending (Wong, 2016). Forty years later, the Illegal Immigration Reform and Responsibility Act (IIRIRA) of 1996 further extended those powers by creating omnibus statutes that continue to guide immigration enforcement practices to this day.

Immigration is a multifaceted policy area that can affect several sectors of society simultaneously, therefore viewing it from a national security perspective is necessary. The unquestioned connection of most of our immigration laws to security agencies suggests two things—how the vast majority of the population view coming migrants (this includes apathy toward them) and how inadequate actions to curb illegal immigration and terrorism have resulted in a tremendous shift in power to agencies like the U.S. Immigration and Customs Enforcement (ICE) and the U.S. Customs and Border Protection (CBP). According to the DHS, the U.S. has deported 200,000 to 400,000 immigrants annually since 2003. The U.S. has also returned over 8 million and arrested over 10 million over the last two decades, yet the number of unauthorized immigrants continues to rise. Currently, there are an estimated 12 million unauthorized immigrants currently residing in the U.S. (Baker, 2018). Most illegal immigrants do not come from unlawfully crossing the border; they arrive via legitimate pathways, then are designated illegal after overstaying their visas (Warren, 2019; Warren & Kerwin, 2018). This suggests that typical congressional responses of allocating more resources to border enforcement, as opposed to reforming segments of the current system, exacerbate issues.

In 1882, President Chester Arthur signed the Chinese Exclusion Act, which banned Chinese workers from immigrating for ten years. The Act was built upon by subsequent statutes like the Scott Act (1888) that prevented Chinese laborers that went abroad from returning. It was also extended by the 1892 Geary Act (an additional ten years) and the 1904 Chinese Exclusion Extension Act (an indefinite extension) after the initial decade outlined during the bill's passage was up (Lee, 2002). While Chinese migrants that had resided in the U.S. prior to 1880 could remain, they were denied from naturalizing. This limited avenues of integration and marked the legal population as "separate and unequal" (Immigration Policy Center, 2013). The ban was eventually lifted by the Magnuson Act (1943), but an annual cap on the number of Chinese immigrants able to come to the U.S. was established. The Chinese Exclusion Act paved the way for the enactment of policies that barred immigrants from most Asian countries in the 1900s. The continuity of the Chinese Exclusion Act shows how anti-immigrant sentiment toward a specific group can extend decades, affecting policies and general attitudes toward all minorities that share similar characteristics.

At the time of the ban, there were suggestions that the entire Chinese community was involved in criminal activities (Pegler-Gordon, 2006). Interestingly, this echoes beliefs about immigrants still prevalent today. Many individuals are quick to believe stories about the villainous natures of illegal immigrants even when the bulk of those deported have no criminal convictions (TRAC Immigration, n.d.). In some states, they are actually less likely than native-born Americans to be involved in criminal activities or to be incarcerated (Public Policy Institute of California, 2008). Since President Donald Trump took office, the number of ICE detainees with no criminal records has risen sharply (TRAC Immigration, 2019). Part of this may be attributed to the reinstatement of the Secure Communities Program (SCP) in 2017. This program relies on cooperation between federal and state enforcement agencies to identify and remove deportable immigrants in local jails.

Some federal laws served more as deterrents, rather than outright bans. The Immigration Act of 1882, for instance, imposed a tax on non-citizens and prevented the mentally ill and the disabled from migrating. Others, like the Anarchist Exclusion Act (1903), banned immigrants based on their ideological beliefs, as opposed to their country of origin. The Anarchist Exclusion Act (1903) was the first law of its kind to regulate immigrants because of their political leanings. This law defines anarchists as, "persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all governments or all forms of law, or the assassination of public officials" (Fifty-Seventh Congress, 1903). It was passed in the name of preventing public disturbance following a slew of assassinations and attempted assassinations by anarchists across the U.S. and Europe (Kraut, 2012). For example, the assassination of U.S. President William McKinley in 1901 by American anarchist Leon Czolgosz. While most anarchists at the time were philosophical anarchists, some took it a step further by employing violence to advance their ideology. This minority caused the general public to lump all anarchists into a single category of dangerous persons that committed "spectacular acts of violence" (Fine, 1955). Americans labelled anarchism a foreign ideology brought to the U.S. by European immigrants, thus deportation was seen as the only viable solution to preventing similar notions from spreading (Kraut, 2012). The Anarchist Exclusion Act (1903) ultimately set the stage for the exclusion of alleged communists in the 1950s. While U.S. immigration laws today do not mention anarchists outright, they are still technically banned from becoming citizens.

More examples of exclusionary immigration policies include the Asiatic Barred Zone Act (1917), which prohibited the migration of foreigners from most Asian countries, and the Per Centum Law (1921) and the Johnson-Reed Act (1924), which established nationality quotas and provided funding to immigration law enforcement. These three laws were enacted to stunt immigrant laborers from entering the country because of growing opposition among American workers. This shows that economic conditions heavily influence the way dominant groups depict different minorities depending on the time period (Delgado & Stefancic, 2006). Mexican agricultural workers, for instance, may be welcomed for their cheap labor during an economic boom or depicted as job thieves when the country is suffering from a recession. Another notable example of exclusion is the internment of Japanese-Americans in 1942, which revealed widespread beliefs among the general populace that immigrants pose a potential security risk during times of war. Race came to be viewed as the most significant determinant of country loyalty by politicians that had initially argued for the importance of nationality (Camp, 2016; Johnson, 2003; Stanley, 1992). The disregard for their formal citizenship status resulted in the eventual marginalization and confinement of Japanese-Americans until the end of World War II.

Deportation programs implemented during the twenty-first century show how immigration focuses and strategies of restriction have shifted. In 2008, the comprehensive deportation program Secure Communities (SCP) was expanded under the Obama administration. This resulted in 300,000 to 400,000 unauthorized immigrants to be deported annually during President Barack Obama's presidency (Cox & Miles, 2013; Department of Homeland Security, 1996-2018; Waslin, 2011). While SCP was suspended in 2014 in favor of the Priority Enforcement Program (PEP)—which focused resources on only the most dangerous criminals and most recent illicit border crossers—SCP was restarted by President Trump by Executive Order 13768: Enhancing Public Safety in the Interior of the United States in 2017.

These enforcement programs not only instill fear in large immigrant communities, but also keep groups from adequately integrating into society.

Even more recent examples of exclusion are the executive orders and presidential proclamations signed by President Trump. The 2017 Executive Order 13769: Protecting the Nation from Foreign Terrorist Entry into the U.S. (also known as the Muslim travel ban) suspended entry into the U.S. for 90 days for individuals from many predominantly Muslim countries. Executive Order 13767 directed the construction—or rather the extension—of a wall along the southern border; the Secure Fence Act of 2006 already built about 700 miles of fencing along the border. Presidential Proclamations 9645 and 9822 banned tourist visas from several Middle Eastern nations and prevented migrants that entered the country illegally from claiming asylum.

Restrictive laws are not unique to the field of immigration. Other policy areas such as housing policy—municipal zoning regulations in particular—also have exclusionary functions. Zoning laws divide land into functional categories by regulating what gets built and where. While there are many reasons for the passage of zoning laws like concerns over public health, economic factors, and racism, all of these laws typically have the same basic function; that is, to "protect" desirable areas from undesirable uses and people (Hirt, 2014). Access to basic necessities, as well as services like social security, education, and healthcare are also shaped by public policy. Sabeel Rahman (2018) identifies three strategies of exclusionary governance—bureaucratic exclusion, privatization, and fragmentation—that drives systemic inequality. Bureaucratic exclusion involves policymakers that deliberately make it more difficult for certain groups to access public services. Privatization concerns the transfer of control of public goods to private companies or investors. Fragmentation restricts equal access to vital services through decentralization and the creation of jurisdictional boundaries. Rahman (2018) argues that these strategies are a way of "conditioning citizenship" in that they restrict who may access the full range of services available to other citizens. Barriers to access are complex and constructed by a variety of actors. Neither lawful admission into the country, nor citizenship can guarantee equal access to all of the opportunities available to certain subsets of the population.

Over the last three decades, growing polarization in both Congress and the electorate has resulted in increased gridlock. This frequently translates into less national legislation and more executive orders or presidential proclamations. Both the historic policies and recent presidential actions outlined above suggest that rather than being a nation open to all immigrants, the U.S. has consistently functioned more as a "gatekeeper" that excludes explicit groups of people—if not from entering the country, than from economic and political participation once they are inside.

Ideal and Reality

There is a startling gap between the cultural values and norms that collective representations like the Statue of Liberty symbolize and the harsh reality of how the U.S. has historically treated immigrants. Since the passage of the first naturalization law in 1790, federal U.S. immigration laws had exclusionary aspects to them. Until 1952, the U.S. emphasized the importance of race when it came to matters related to citizenship and assimilation, which ultimately played a hand in shaping the social identities of communities across America today.

The subjection of immigrants is based on the false political rhetoric that foreigners come from a far-off land (Parker, 2015). By equating being a male and being white with citizenship, Americans ostracized every other individual that did not meet those two requirements—even those already within their borders, such as African-Americans, Native-Americans, Asian-Americans, and women—from society. This was reflected in laws and court cases long after the ratification of the Naturalization Act (1790). For example, in the landmark Supreme Court case *Dred Scott v. Sandford* (1857)*,* the Court ruled that African-Americans were property, and therefore, could not be considered citizens. Another instance was the Expatriation Act (1907) that stripped American women of their citizenship if they married non-citizen men, regardless of their rights under the Fourteenth Amendment (Fifty-Ninth Congress, 1907). The Expatriation Act and similar gender-based statutes have their roots in old *baron* and *femme* laws, whereby a woman's legal rights and identity were tied to her husband upon marriage (Johnson, 2003; Parker, 2015; Reeve, et al., 1862). Prior exclusionary practices were often more blatant than they are today due, in part, to growing sensitivity toward topics pertaining to gender and race. Eduardo Bonilla-Silva (2015) argues that systemic racism has not disappeared, it has simply taken on a subtler shade. Following the Civil Rights Movement in the 1960s, the structure of racism shifted from outright discrimination to elusive strategies embedded in everyday life. For instance, the way African-Americans are discriminated against by local authorities or how women of color routinely receive subpar medical assistance.

These past and present examples further suggest that the values accentuated by a society's collective representations may not always be exemplified in reality. Even so, these representations still embody the cultural ideals of a society. The frequent reference to the Statue of Liberty by politicians is a prime example of how the concept of equality for all and openness to immigrants are still part of the American political discourse. This is true for Democrats specifically. According to a 2018 national survey by the Pew Research Center, 85% of Democrats and Democrat-leaning independents stated that America's openness was "essential to who we are as a nation," while Republicans and Republican-leaning independents were divided—only 47% agreed with Democrats (Hartig, 2018).

A person's readiness to believe that the U.S. should operate, or has always operated, a certain way because of arguments that appeal to the model values in our collective consciousness alludes to the strength of these invisible structures on individual perceptions. It also points toward other social currents operating within society such as how immigrants are represented in the media and changing attitudes toward immigrants following the September 11 attacks or, more recently, the coronavirus outbreak. In December 2019, when information about COVID-19 began to spread more rapidly, Chinese restaurants and businesses across the U.S. reported a sharp decline in sales (Carman & Heil, 2020). Asian communities and individuals of Asian descent have also been discriminated against, from being called racial slurs and told to return to their "home country" to being physically assaulted (Cai, et al., 2021; Gostanian, et al., 2020; Kambhampaty, 2020). The extent of these attacks against Asian minorities in general (Pillai, et al., 2021) eludes toward the likelihood that racial attitudes among the public may not be sufficiently developed enough to draw distinctions between minority groups that share similar characteristics. Furthermore, the blatant discrimination experienced by many Asian minorities has caused an upsurge in anxiety about what others might think about their health if they wore face masks (Ruiz, et al., 2020) and general fears about being physically or verbally assaulted (Ruiz, et al., 2021). Unfortunately, this is not the first time a disease has accentuated xenophobia toward specific minorities (Keil & Ali, 2006).

The mass media plays a significant role in how Americans learn about and understand both domestic and international news. Stephanie Fryberg and co-authors (2011) state that, "While the media should ideally report events as they actually occur and provide a balanced account of all the issues… [they instead provide] a particular framing of reality and thus a partial or biased account." The mass media typically frames immigrants in a negative way that is consistent with a public safety or economic threat narrative by focusing on illegal border crossings and the immigrant detention system (Farris & Mohamed, 2018; Fryber, et al., 2011), which directly affects the broader public. Decades of public opinion polling data show how during years of economic deprivation, there is a push for more restrictive border controls to safeguard the jobs of native workers (Blendon et al., 2005; Burns & Gimpel, 2000; Harwood, 1986; Muste, 2013; Segovia & Defever, 2010). It is unclear how economic disgruntlement comes to be aimed at immigrants. However, large minority groups have been historically used as scapegoats during recessions to garner support for restrictive immigration proposals (Citrin et al., 1997; Johnson, 2003; Monogan, 2013). Because oppositional attitudes toward immigration and the enactment of immigration policies are dependent on factors such as the state of the economy, demographic changes, criminal stereotypes, political ideology, and racial threat, proponents of generous immigration policies cannot expect restrictionist sentiment to disappear during times of economic affluence (Berg, 2009; Burns & Gimpel, 2000; Citrin, et al., 1997; Druckman, et al., 2013; Espenshade & Calhoun, 1993; Hawley, 2011; Wells, 2004).

Most undocumented immigrants in America today arrived via legitimate means. Contrary to how immigrants are framed as public safety threats in the news, much of the literature shows that communities with more foreign-born residents tend to have lower crime rates and that immigrants are less likely than native-born Americans to commit crimes due to reasons like potential deportation and strong familial ties (Butcher & Piehl, 1998, 2007; Orrenius & Zavodny, 2019; Ousey & Kubrin, 2009; Rumbaut & Ewing, 2007; Sampson et al., 2004; Stansfield et al., 2013). The immigration detention system grew from existing correctional facilities in 1996 following the creation of the 287(g) program under the IIRIRA, which augmented federal-state immigration enforcement cooperation. Due to this, apprehended immigrants are typically detained in the same facilities as convicted criminals even though most of them are only kept there to guarantee their presence for immigration proceedings (Venters, et al., 2009). Threat narratives spun by media outlets can foster fear in local communities, contribute to more hostile attitudes toward pro-immigration practices, and heighten support for punitive policies (Burns & Gimpel, 2000; Farris & Mohamed, 2018). This may partially explain why restrictive immigration policies have emerged when so many of America's collective representations point toward the generation of pro-immigration statutes. This issue is exacerbated by the inability of non-citizens to take part in the political process. They rely on the voices of those that are not often negatively impacted by stringent immigration directives.

Returning to Durkheim's notion, when people interact with one another, their experiences contribute to the formation of a collective consciousness that is able to meaningfully frame their diverse experiences (Harms, 1981). The collective consciousness provides a framework for individuals to operate in a way that is considered typical in a given situation. The simultaneous existence of contradicting beliefs within the collective consciousness—and other social issues like whether one group has more political influence than another—affects how people view groups and situations during specific times. Several political ideologies compete for dominance in the U.S.—the most obvious examples are political party

identifications. Others include stances related to relevant social issues like climate change, abortion, and healthcare. Various elements impact the construction of ideologies and the individuals that align themselves with them, but the group identity that emerges from their formation is used as the basis for collective action.

In this way, Durkheim's notion may be likened to the liberal-pluralist view of how political systems operate within democratic societies. This view posits that a sundry of perspectives and philosophies exist simultaneously, which offers the general public a wider range of choices—the most popular of which will be reflected in public policy (Mullen & Klaehn, 2010). The liberal-pluralist view does not take into consideration the possible apathy of a large segment of society or the relatively high degree of activism of a small interest group that can get their legislative agenda passed. However, it does underscore the existence of disparate perspectives, which is necessary for understanding the complex ways policies are shaped. Should any one of these views propagate throughout society, competing interest groups with united economic, political, and even moral aims may be formed. With enough traction, these groups can then go on to affect policy outcomes. Hence, restrictive immigration laws may be the result of the desire for a certain kind of immigrant—the characteristics of the immigrant changes depending on the era and the persons asked.

Conclusion

Since the U.S. was founded, citizens have excluded different groups of people based on the color of their skin, their gender, and even their political leanings. Immigration policies concurrently underscore the uniqueness of immigrants and split immigrants from the rest of their community, inevitably constraining them to a particular identity. This results in certain immigrants being portrayed as more or less "foreign" by society's insiders at different time periods (Johnson, 2003; Parker, 2015). The U.S. has actively barred immigrants that share common characteristics with disfavored groups. The general treatment of immigrants and minorities has led to several efforts by marginalized citizens to obtain equal rights and protection under the law with varying degrees of success.

Society is not a static entity. Likewise, an individual's relationship with society is dynamic. In spite of the idyllic values that America's collective representations symbolize, individuals are constantly bombarded with multiple, often opposing notions that influence how they behave. In theory, separating one value from another—what is good and what is bad—is easy. But in practice, the process is akin to separating blood from water in a thin line. Shared understandings of the moment shape both a person's social identity and the subsequent actions that they will take. The diverse set of sentiments that operate within a society at any given time can have a profound impact on existing institutions and the broader political process, especially if the majority of the population (or even just the elites that command the most political clout) believe in only a single set of parallel notions as they did during the ratification of the 1790 Naturalization Act, as well as the many restrictive federal statutes that followed.

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