



Historical Background and Legal Implications of the Term “illegal”

The i-word is part of a long-term political strategy to criminalize immigrants.

The i-word is not neutral. It is racially charged and has been promoted by restrictionist advocacy organizations like Numbers USA¹ and the Federation for American Immigration Reform (FAIR),² founded by eugenicist John Tanton³. Frank Luntz, a Republican Party strategist, recommended operatives promote use of the term “illegal immigrants” in a 2005 memo⁴, explaining that it would encourage an understanding of immigrants as criminals and create politically useful division among voters. With clear direction to use “illegal immigrant,” the shorthand slur has become just as common among media pundits and political campaigns.

While the i-word was originally used and championed by restrictionists, it’s also now used by Republicans and Democrats alike, as well as by some advocates of comprehensive immigration reform.

Pollsters⁵ like Stan Greenberg, Celinda Lake and Guy Molyneaux, engaged by liberal advocacy groups, have recommended that Democrats also adopt tougher language on immigration in order to engage more voters on the topic of immigration reform.

Political consultant Drew Westen has also recommended that Democrats use the i-word to be more effective. Whatever political strategists on either side of the immigration debate believe, it is not the role of journalists to embrace their

talking points. The term remains inaccurate, politically loaded and dehumanizing to the people it describes.

The i-word is legally inaccurate.⁶

“Illegal alien” and “illegal immigrant” are incoherent terms from the standpoint of immigration law.

Immigration judges and ICE attorneys don’t use the terms because they are meaningless in the context of immigration proceedings. The Board of Immigration Appeals (BIA), the highest administrative body for interpreting and applying immigration laws, does not use them either.

Use of the i-word denies due process.

- Ethical journalism includes respect for due process. It’s accepted practice to use the words “accused,” “purported,” or “alleged” before a case is resolved legally.

In covering immigration we respect due process and a person’s constitutional rights. The San Antonio Express News⁷ and the Miami Herald⁸ have cited this fact as one reason they don’t use the i-word.

1 <http://www.numbersusa.com/content/>

2 <http://www.fairus.org/site/PageServer>

3 Center for New Community: The John Tanton Network and the Anti-Immigrant Movement in America <http://www.newcomm.org/content/view/2131/108/>

4 Luntz, Maslansky Strategic Research. “Respect for the Law and Economic Fairness: Illegal Immigration Prevention.” October, 2005. <http://bit.ly/CH62eg>

5 Carrie Budoff Brown. Politico.com. Dems’ tough new immigration pitch. 6/10/10 <http://politi.co/bxEaxR>

6 Dave Bennion. “‘Illegal Immigrant’ Is the Real Euphemism.” July 02, 2009. <http://bit.ly/eJpxNR>

7 The San Antonio Express News² 2 Bob Richter. Express-News. “A policy change on illegal immigration terminology.” July 4, 2010 <http://bit.ly/jUEy2B>

8 LatinaLista. The Associated Press’ continued sanction of offensive term to Latinos underscores disconnect with Hispanic readers. November 2010. <http://bit.ly/aKdx64>