Republicans: Fenced In By Immigration

*19 Pro-Reform Candidates Beat Hard-Liners in 21 Battleground
House and Senate Races*

In 2005 a new wedge issue—immigration—was born. That year, the Republican-led House of Representatives approved a sweeping bill that would have turned all undocumented immigrants into felons. In 2006, the Senate passed a version of the McCain-Kennedy bill that would have turned all undocumented immigrants into taxpayers. House Republicans renamed the Senate bill the "Reid-Kennedy Amnesty," thus solidifying illegal immigration as the latest "wedge" issue in American politics. House Republicans took the issue and ran hard with it in the 2006 elections. That summer they launched a series of "field hearings" promoting their crackdown on illegal immigration, and deriding the Senate's more practical approach. These hearings became thinly-veiled campaign commercials for Republicans, held at taxpayer expense in the districts of the Party's most vulnerable Members.

Despite the Republican Party's best efforts to distract voters from the issues that beset the party at the time—such as corruption and two unpopular wars—the illegal immigration wedge issue <u>failed</u> to protect incumbent Republicans in 2006. The Democrats took control of the House and Senate for the first time since 1994. Restrictionist candidates like Rep. John Hostettler (R-IN/8), Rep. J.D. Hayworth (R-AZ/5), Randy Graf (candidate for R-AZ/8) and Sen. Rick Santorum (R-PA) lost. And candidates favoring comprehensive immigration reform like Rep. Gabrielle Giffords (D-AZ/8), Rep. Ed Perlmutter (D-CO/7), Sen. Robert Casey (D-PA), and Governor Bill Ritter (D-CO) won against opponents who advocated hard-line immigration policies.

Rather than learn their lesson, the GOP reprised this failed strategy in time for the 2008 elections. Candidates and the Party spent millions of dollars and ran hundreds of ads in scores of races across the nation, charging Democrats with supporting amnesty and opposing immigration enforcement. Once again, the GOP immigration strategy went down in flames, and the Party was handed another major setback at the ballot box, from Congress to the Presidency.

PRACTICAL SOLUTIONS BEAT POLITICAL PANDERING IN BATTLEGROUND RACES

America's Voice (AV) examined how the issue of immigration played out in 2008 House and Senate "battleground" races—districts and states that both the Democrats and the Republicans were working hard to win. AV wanted to test whether the Republican theory was correct, and whether enforcement-only hardliners in these areas could exploit the issue to pull ahead of a candidate supporting a more comprehensive approach to immigration reform.

The result was clear: the Republican strategy simply did not work. Through public opinion research and analysis of the races, AV found that Americans in the so-called "battleground" districts and states are tired of slogans and polarization that do nothing to solve our nation's problems, and are rejecting candidates who espouse them. Voters in overwhelming numbers support candidates that call for a smart, fair, and practical approach to immigration reform, one that will bring the system under control by registering undocumented workers so they can get on the tax rolls and a path to citizenship; ensuring stronger enforcement against employers who exploit workers; and allowing a limited number of immigrants whose work is needed long-term to come to the U.S. legally rather than illegally.

Following are snapshots of competitive House and Senate races in 2008 where the Republican candidate tried to use illegal immigration as a wedge issue against a Democratic challenger. The AV analysis focused on the "swing districts" that the Cook Political Report considered in play as of October 2, a month before the elections. Based on our review, 19 of 21 winners advocated immigration policies beyond enforcement-only. This includes 5 of 5 Senate races and 14 of 16 House races listed in the "toss-up," "leans Republican," or "leans Democratic" categories of the Cook Political Report. Clearly, the Republican illegal immigration wedge strategy has proved a spectacular failure in these competitive districts and states.

14 Pro-Reform Candidates Beat Hard-Liners in 16 Battleground House Races

AZ-1 (Open Seat): Republican Sydney Hay challenged Democrat Ann Kirkpatrick for Rep. Renzi's seat in Arizona's 1st District. Hay frequently accused her opponent of being weak on border enforcement and misrepresenting her record in the state legislature. At a campaign forum, the candidates were asked how the U.S. should reduce illegal immigration. Hay said, "Amnesty failed twice already and we don't need it," while Kirkpatrick responded, "The federal government needs a comprehensive plan." Kirkpatrick beat Hay 56%-40%, helped along by Latino voters representing 16% of the electorate in the District. [The Arizona Capital Times, 9/26/08; The Daily Courier, 10/2/08; Human Events Online, 9/22/08; National Journal's House Race Hotline, 2/20/08; Almanac of American Politics 2008, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 AZ-01 Race Profile, accessed 11/11/08]

AZ-5 (Re-Election): First-term incumbent Rep. Harry Mitchell (D) defeated Maricopa County treasurer David Schweikert (R) 53%-44%. Like Rep. J.D. Hayworth before him, Schweikert tried to paint Mitchell as weak on immigration control, citing Mitchell's strong support for

comprehensive immigration reform. Schweikert advocated a deportation-only approach to immigration and even featured a ticker on his campaign website showing the "costs" of undocumented immigration. But Mitchell won over this district's voters yet again, and even increased his winning percentage from 2006 to 2008. Thirteen percent of the District is Latino. [The Arizona Capital Times, 9/19/08; National Journal-2006 New Member Profiles-Harry Mitchell; Mitchell press release, 6/28/07; David Schweikert for Congress, accessed 9/22/08; Ahwatukee Foothills News, 10/13/08; East Valley Tribune, 10/11/08; Human Events Online, 10/7/08; Almanac of American Politics 2008, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 AZ-05 Race Profile, accessed 11/11/08]

AZ-8 (Re-Election): In 2006, Rep. Gabrielle Giffords (D) was elected to Congress in one of the most telling match-ups between a comprehensive reformer and enforcement-only hawk (Randy Graf). This district along the Arizona-Mexico border is considered "ground zero" in the immigration debate, where illegal immigration is a top-of-mind issue and voters are eager for the problem to be solved. Giffords' 2008 challenger, Republican Tim Bee, had a slightly more moderate stance on immigration than Graf. Bee supports a guest worker program in addition to stronger enforcement, but he would require undocumented immigrants to leave the country before pursuing U.S. citizenship. Bee released an ad attacking Giffords on immigration, stating that he "opposed amnesty" in stark contrast to the Congresswoman. A strong advocate for common sense immigration reform in Congress and in Arizona, Giffords won re-election 55%-43%. The District is 18% Latino. [Almanac of American Politics 2008, accessed 9/2/08; Arizona Daily Star, 8/11/08; Arizona Daily Star, 8/11/08; AP, 11/5/08; AP, 10/25/08; CMAG, 10/14/08; CNN Race Results, accessed 11/11/08; Immigration '08 AZ-08 Race Profile, accessed 11/11/08]

CA-11 (Re-Election): While Rep. Jerry McNerney has talked about the need for a "balanced approach" to immigration and called for a "comprehensive, common-sense approach that addresses the full range of issues under consideration," he also co-sponsored major enforcement legislation. Republican challenger Dean Andal attacked McNerney for being "soft" on immigration, accusing him of voting against barring undocumented immigrants from receiving certain federal benefits. The California Republican Party also hit McNerney on the issue, stating that he failed to "tackle the problem of illegal immigration and [allegedly broke] House rules to deliver taxpayer-funded benefits to illegal immigrants." Despite the Republican Party's attacks, McNerney pulled off another win in the 11th District in California, beating Andal 55%-45%. Latino voters represent 16% of the electorate in the 11th District. [Politico.com, 7/21/08; California Republican Party, 11/1/07; Jerry McNerney for Congress, accessed 8/12/08; The San Francisco Chronicle, 10/18/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 CA-11 Race Profile, accessed 11/11/08]

CO-4 (Re-Election): First-time candidate and longtime public servant Betsy Markey (D) beat second-term incumbent Rep. Marilyn Musgrave (R) 56%-44% in this district that includes much of western Colorado. While Markey advocated a position short of comprehensive immigration reform, she reflected a far more pragmatic approach than Musgrave, a vocal member of the House restrictionist caucus led by Reps. Tom Tancredo (R-CO) and Brian Bilbray (R-CA). Markey also accused the incumbent of failing to fix the broken system while in Congress. [Markey for

Congress, accessed 8/21/08; Congresswoman Marilyn Musgrave's website, accessed 8/21/08; Rocky Mountain News, 10/14/08; NDN website, accessed 11/6/08; CNN Race Results, accessed 11/11/08; Immigration '08 CO-04 Race Profile, accessed 11/11/08]

CT-4 (Re-Election): After nearly losing his seat in 2006, Rep. Chris Shays (R) had to re-invent himself in time for the 2008 campaign. During the contest, he touted his idea of a "blue card" that would allow undocumented immigrants to work in the U.S. legally but not apply for citizenship, while challenger Jim Himes (D) was a clear advocate for comprehensive immigration reform. Himes said: "We must document the undocumented, we must secure our borders, and we must require our employers to only hire workers who are eligible to work in this country." He also said, "Our dysfunctional immigration policy is shameful, and Congress must act quickly to pursue comprehensive immigration reform."   In the end, Shays lost the election to Greenwich Town Committee Chairman Himes in a close race, 51%-48%. The Latino population in the 4th District is 13%. [Christopher Shays for Congress, accessed 5/15/08; Roll Call, accessed 5/15/08; Connecticut Post Online, 8/2/08; Jim Himes for Congress, accessed 5/15/08; The Economist, 11/1/08; The Almanac of American Politics 2008, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 CT-04 Race Profile, accessed 11/11/08]

ID-01: (Re-Election): Rep. Bill Sali (R) defeated his Democratic opponent by five points in 2006, but this year, his challenger, Walt Minnick (D), squeaked out a 51%-49% victory. Sali advocated a deportation-only approach, both in Congress and on the campaign trail. On his campaign website, Sali said illegal immigration "steals jobs from hard-working Americans, adds extra burdens to our already overstretched entitlement programs and presents unacceptable security threats to our country." While Minnick expressed strong support for immigration enforcement, he also pledged to force undocumented immigrants already here to pay a penalty and get legal. Minnick said Sali's plan would "overwhelm the courts and cripple Idaho's agricultural economy, which relies on migrant labor," while Sali argued that Minnick promoted amnesty. The first district of Idaho is 7% Latino. [Website of Congressman Sali, accessed 11/10/08; AP, 9/20/08; Bill Sali for Congress, accessed 11/10/08; Walt Minnick for Congress, accessed 11/10/08; The Almanac of American Politics 2008, accessed 11/11/08; CNN Race Results, accessed 11/11/08]

IL-11 (Open Seat): Rep. Jerry Weller (R-IL/11) decided to retire from Congress after some questionable land deals came to light. The 11th District in Illinois leaned slightly Republican in the past, but political analysts knew it could become competitive in an open race. Democratic candidate Debbie Halvorson quickly cleared the Democratic field and raised money at a steady clip. As state Senate Majority Leader, Halvorson was praised by immigrant advocates in the state for her strong support for comprehensive immigration reform. At a Kankakee County Farm Bureau candidate's forum in August, Halvorson declared her support for "earned citizenship" for undocumented workers.   Ozinga took a more restrictive approach on immigration, stating on his campaign web site that: "America's borders must be secured at once. Legal immigration has always been a source of great strength for this country, but illegal immigration flaunts the rule of law, compromises our national security and costs Illinois taxpayers over $3 billion each year." Ozinga's site goes on to state that he "will take the lead in Washington to secure the border; oppose amnesty and taxpayer benefits for illegal immigrants;

work with state and local agencies to enforce the law; establish a workable employer verification system; and streamline the legal immigration process to ensure the American economy has the workforce it needs to remain globally competitive." Just 5% of the District's voting population is Latino, but community groups in state launched a major immigrant voter registration drive in 2008, and clearly had an impact on the race's results. Halvorson won with an impressive 58% to Ozinga's 35%. [Kankakee Daily Journal, 8/23/08; Marty Ozinga for Congress, accessed 5/15/08; Immigration '08 IL-11 Race Profile, accessed 11/11/08; CNN Race Results, accessed 11/11/08]

IL-14 (Re-Election): Rep. Bill Foster (D), who favors a comprehensive approach to immigration reform, successfully fought off yet another challenge by Jim Oberweis (R) in 2008. Oberweis has made cracking down on illegal immigration the centerpiece of his campaign over the last two competitions. This year, Foster won 57% of the vote to Oberweis' 43%. [Atlanta Journal-Constitution, 3/30/08; Chicago Public Radio debate, 10/17/08; Jim Oberweis for Congress, accessed 3/19/08; Chicago Tribune, 2/23/08; CNN Race Results, accessed 11/11/08; Immigration '08 IL-14 Race Profile, accessed 11/11/08]

NM-2 (Open Seat): Rep. Steve Pearce (R) vacated his seat representing the 2nd District of New Mexico to run for the U.S. Senate, leaving Harry Teague (D) and Ed Tinsley (R) to battle it out. During the campaign, Harry Teague (D) focused on the economy and stuck to his guns on comprehensive immigration reform, while Ed Tinsley (R) worked hard to make immigration a prominent issue in the campaign. Teague continued to call for "a path to citizenship" for undocumented immigrants, while Tinsley said "no way." Comprehensive immigration prevailed in the District, which features 180 miles of international border with Mexico and contains the largest Latino population in the state. Latinos make up 35% of the electorate in New Mexico's 2nd District, contributing to the Democratic takeover of the Congressional seat by a vote of 56% to 44%. [AP, 6/5/08; National Journal Almanac, 3/21/08; AP, 4/15/08; Harry Teague for Congress, 8/18/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 NM-02 Race Profile, accessed 11/11/08]

NV-3 (Re-Election): Democrat Dina Titus beat two-term U.S. Rep. Jon Porter (R) 48% to 42% in this southern Nevada district. In 2005, Porter voted for a bill that would make living in the United States illegally a felony, but he has also supported a temporary guest worker program. During the 2006 race for governor, Titus said immigrants should be allowed to become citizens after paying fines and back taxes, and she has supported the DREAM Act, which would help children of undocumented workers attend college. Nevada was a "Latino swing state" in the 2008 presidential election, where 76% of the booming Latino population voted for Sen. Barack Obama. About 12% of the electorate in the 3rd District is Latino, and this group is partially responsible for Titus' win. [Las Vegas Review-Journal, 7/17/06; Las Vegas Review Journal, 10/1/06; NDN website, accessed 11/6/08; CNN Exit Polls, accessed 11/7/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 NV-03 Race Profile, accessed 11/11/08]

NY-29 (Re-Election): Eric Massa (D) defeated incumbent Rep. Randy Kuhl in New York's 29th District 51% to 49%. As outlined on his web site, Massa's immigration position reflects support for stronger enforcement, including a crackdown on unscrupulous employers who exploit immigrant workers. He also says that "Security has to come hand-in-hand with a sane approach to the complex political and economic problems of the economic demand for immigrant labor, and the understandable desire of immigrants for the opportunity for a better life." Massa advocates additional visa and trade reforms, including a guest worker program and a "path to citizenship" for needed workers, as a way of addressing this complex issue. During the campaign, Massa was hit by an ad sponsored by the National Republican Congressional Committee that suggested he wants to give "free healthcare to illegal immigrants." He hit back with an ad that said, "All Kuhl wants to talk about is giving immigrants free healthcare. That's not Eric Massa's plan. And Kuhl knows it." For his part, Kuhl offered very little in the way of real immigration reforms during the campaign, but simply blamed lack of immigration action on a "failed, do-nothing Democratically-led Congress." [Rochester Democrat and Chronicle, 8/26/08; Eric Massa for Congress, accessed 11/10/08; Kuhl for Congress, accessed 11/10/08; CNN Race Results, accessed 11/11/08]

OH-16 (Open Seat): Democrat John Boccieri battled Republican Kirk Schuring to represent Ohio's 16th Congressional District after long-time Rep. Ralph Regula (R) announced his retirement. Schuring's campaign web site says that he "understands that America is a nation of immigrants. But he also knows that the problem of illegal immigration threatens this American tradition and has become a serious a national security threat. In Congress, Kirk will fight to pass immigration laws that will secure our borders. He will oppose any plan to offer amnesty for illegal immigrants, while fully supporting ways to make legal immigration open and expedient for all those who want to become Americans by properly following the laws making it possible for them to do so." Boccieri, on the other hand, expressed support for common sense immigration reform and requiring undocumented immigrants to come out of the shadows and get right with the law. He advocated sending undocumented workers to the "back of the line" for U.S. citizenship and placing more emphasis on enforcing the law against employers who "harbor and hire" undocumented immigrants. Boccieri beat Schuring in this long-time Republican District 54% to 46%. Less than 1% of the population in Ohio's 16th District is Latino, proving that support for reform-minded candidates is strong across ethnic lines. [Kurt Schuring for Congress, accessed 10/31/08; Wooster Daily Record, 10/16/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08]

VA-11 (Open): Rep. Tom Davis (R) retired after eight terms, creating an open seat in the 11th District of Virginia. Democratic candidate Gerry Connolly (D) beat businessman Keith Fimian (R) 55%-43%. Connolly was chairman of the Fairfax County Board of Supervisors in 2007 when several Northern Virginia counties passed resolutions cracking down on illegal immigration. At the time, Connolly "resisted calls from Prince William and Loudoun officials to pass a similar measure." Furthermore, "Connolly has said that immigration remains a federal responsibility and that he wants the county to focus on illegal behavior, not immigration status." In contrast, Fimian's campaign website prominently features his enforcement-only immigration position. He wrote, "In order to preserve our standard of living and our security, we need to regain

control of our borders, and we need to know who is entering our country." Virginia's 11th District has a Latino voting population of 9%, a voting bloc that affected the outcome of the race. [Almanac of American Politics, accessed 11/7/08; Washington Post, 11/27/07; Roll Call, 7/31/08; Washington Post, 4/28/08; Keith Fimian for Congress, accessed 8/1/08; News Channel 8, DC, 10/7/08; The Fairfax Times, 11/5/08; CNN Race Results, accessed 11/11/08; Immigration '08 VA-11 Race Profile, accessed 11/11/08]

2 Hard-Liners in 16 House Battleground Races Win

Two match-ups between immigration hard-liners and immigration reformers in battleground races did see the restrictionist candidate winning. IL-10 and WA-8 are not the only match-ups against reform candidates and hard-liners that sent the restrictionist back to Congress, but they are the two losses in competitive races identified by Cook Political Report a month before the election.

IL-10 (Re-Election): The race between incumbent Republican Mark Kirk and Democrat Dan Seals was one of the tightest in Illinois. Kirk touted his hard-line position on immigration, which included his strong support for increased security and building a fence along the Mexican border. During the campaign, Kirk commended local law enforcement officials who conducted raids, resulting in the arrest of 49 illegal immigrants. Seal advocated for a more balanced approach of enforcing immigration laws and supporting increased U.S. border security, but taking a "practical approach" to addressing the 12 million undocumented workers residing in the U.S., including providing a way for them to get on a path to U.S. citizenship. Despite Kirk's hard-line stance on immigration and the district's 6% Latino voting population, Kirk beat Seals by a 54% to 46% margin. Kirk outspent Seals by $1.3 million in his bid to retain his seat. [AP, 10/23/08; Chicago Tribune, 10/8/08; Chicago Tribune, 10/30/08; States News Service, 7/31/08; Mark Kirk for Congress, 10/14/08; Dan Seals for Congress, accessed 11/10/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08]

WA-8 (Re-Election): WA-8 was one of the most closely contested Congressional races of the 2008 election. Two-term Republican Rep. Dave Reichert held off a tough challenge by Democrat Darcy Burner 52%-48% in this district that is rapidly becoming more diverse. Currently, Latinos make up 4% of the total population in the district. While immigration was not the top issue in the race, the candidates outlined divergent views throughout the campaign. Reichert supported an enforcement position in which he said stronger borders are needed, but he did mention that immigration is necessary for economic growth. In Congress, he has supported a border fence, additional Border Patrol agents and the 2005 "Sensenbrenner bill," H.R. 4437, which would have made all undocumented immigrants felons. Burner's position was far more comprehensive. She supported a path to citizenship for undocumented workers while also "cracking down on employers who hire undocumented workers." Burner said she opposes guest-worker programs because foreign workers should have "the full protection of employment laws and a clear path to citizenship." Burner was unable to pull off an upset in the 8th District, where Reichert was able to portray himself as a moderate. [Roll Call, 10/28/08; Reichert for Congress, accessed 3/19/08, 7/22/08, and 8/6/08; THOMAS, accessed 11/10/08;

Darcy Burner for Congress, accessed 7/22/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 WA-08 Race Profile, accessed 11/11/08]

Vocal House Anti-Immigration Champions Struggle

Not only are most anti-immigrant candidates failing to gain traction in battleground House races, but the ranks of the hard liners in Congress are losing some of their most vocal champions. Rep. Tom Tancredo (R-CO) is retiring and reportedly mulling a bid for the Governor's mansion. A number of members of the House anti-immigrant caucus—including Reps. Thelma Drake (R-VA/2), Tom Feeney (R-FL/24), Ric Keller (R-FL/8), and Robin Hayes (R-NC/8)—lost their seats in 2008. Finally, Hazelton (PA) Mayor Lou Barletta also lost his bid to upset Rep. Paul Kanjorski (D-PA/11) in Pennsylvania's 11th District, despite becoming the darling of Lou Dobbs and cause célèbre of anti-immigrant groups nationwide.

While CA-50 and VA-5 were not considered competitive races during most of the election season, they bear special mention in this report. These are races in Republican strongholds where a high-profile, anti-immigration candidate nearly lost to a Democrat with a more moderate position (in VA-5's case, the winner is still undecided). In the case of CA-50, Rep. Brian Bilbray's race got competitive near the end, when polls began to show his Democratic challenger, Nick Leibham, closing in. While Leibham was not a clear champion for comprehensive immigration reform, he had criticized Bilbray for his deportation-only approach and called him a "one-trick pony." Bilbray, a former lobbyist for the Federation for American Immigration Reform (FAIR) and current leader of the House anti-immigrant caucus, was able to pull off a win 50% to 45%, but not without sweating a few bullets. [San Diego Union Tribune, 10/11/08; Almanac of American Politics, accessed 10/21/08; Roll Call, 10/17/08; North County Times, 3/13/08; Calitics blog, accessed 10/21/08; Roll Call, 10/17/08; San Diego Union-Tribune, 10/11/08; The Washington Times, 8/15/08; CNN Race Results, accessed 11/11/08; Immigration '08 CA-50 Race Profile, accessed 11/11/08]

In VA-5, Rep. Virgil Goode famously advocated a Constitutional amendment to ban citizenship for children born in the United States to undocumented immigrants. Goode is one of the leading members of the Bilbray/Tancredo immigration caucus. His Democratic opponent, Tom Perriello, criticized Goode's fixation on so-called "anchor babies" and said this was just an example of how Goode "wastes a ton of time on something that's never going to happen and is just a distraction from his terrible record." Despite being considered a "Likely Republican" seat by Cook in October, at press time the VA-5 race was still undecided, with Perriello holding a narrow lead as votes continue to be counted. [Charlottesville Daily Progress, 9/4/08]

5 Senate Reform Candidates Beat Hard-Liners in 5 Battleground Races

CO-Senate (Open Seat): Latino voters are being credited with helping U.S. Rep. Mark Udall (D) defeat Republican Bob Schaffer to represent Colorado in the United States Senate. Udall won the seat, vacated by Republican Senator Wayne Allard, by a vote of 53%-42%. Udall has spoken

in favor of a "rational guest worker program" and a path to citizenship for undocumented workers, while Schaffer railed against "sanctuary cities," taxpayer-subsidized benefits, and "chain migration," and accused his opponent of being weak on the issue. [The Denver Post, 9/29/08; AP, 9/10/08; The Denver Post, 11/19/06; Bob Schaffer for Senate, accessed 11/6/08; NDN website, accessed 11/6/08; CNN Race Results, accessed 11/11/08; Immigration '08 US Senate-CO Race Profile, accessed 11/11/08]

NC-Senate (Re-Election): When Republican Senator Elizabeth Dole's re-election chances began to waver, she reached for the illegal immigration wedge issue to attack Democratic challenger Kay Hagan. In May 2008, Dole released a TV ad touting her role in "helping N.C. sheriffs crack down on illegal immigrants." While Hagan has embraced some of the same enforcement policies as Dole, she also supports a "practical solution that is fair to taxpayers and addresses the problem at its roots: by strengthening the borders, enforcing and upgrading laws that crack down on employers who knowingly hire illegal workers, and eliminating the shadow economy that drives down wages and working conditions. If North Carolina's farmers and seasonal businesses are having trouble finding the help they need, Kay would support the reform of guest-worker programs to ensure farmers and businesses are able to meet their needs legally and stay competitive while protecting American workers' jobs." Dole ran other attack ads against Hagan on the immigration issue but it couldn't save her seat, and Hagan won 53%-44%. While Latinos make up 7% of the North Carolina population, they are only 2% of the electorate, proving that practical politicians are supported not just by Latino voters, but other Americans as well. [Dole campaign press release, 5/27/08; Kay Hagan for Senate, accessed 5/30/08; Dole "Coy on Immigration" ad, accessed 11/6/08; Charlotte Observer, 5/29/08; Charlotte Observer, 8/12/08; Politico.com, accessed 11/06/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 US Senate-NC Race Profile, accessed 11/11/08]

NH-Senate (Re-Election): Democrat Jeanne Shaheen defeated first-term Sen. John Sununu 52%-45%. Immigration was not a major issue in the race, but Shaheen is an immigration moderate while Sununu voted against common sense immigration reform in the Senate. According to Sununu's campaign web site: "In 2007, John opposed the Comprehensive Immigration Reform bill because it would have rewarded those who broke the law by giving them an advantage over those who play by the rules and are on the legal path to citizenship." During an August Farm Bureau and Timberland Owners Association picnic, Shaheen said the debate over immigration reform has become too politicized, and the needs of farmers must be taken into account. While New Hampshire is only 2.3% Latino, Latinos represent 2.2% of the electorate. [John Sununu for Senate, accessed 9/22/08; Jeanne Shaheen for Senate, accessed 9/22/08; Concord Monitor, 8/13/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 US Senate-NH Race Profile, accessed 11/11/08]

NM-Senate (Open Seat): In the race to fill Pete Domenici's Senate seat, U.S. Reps. Tom Udall and Steve Pearce had divergent views on immigration, with Udall supporting comprehensive reform and Pearce advocating a crackdown on undocumented workers. Pearce used immigration in a TV ad that said, "Raising taxes on middle-class families to pay for benefits for undocumented workers is just plain wrong. How did you vote, Tom?" The ad was referencing

Udall's vote on H.R. 3963, which Pearce claimed enacted a $71 billion tax increase and let undocumented immigrants receive health care. Udall denounced the ad as "an attempt from the Pearce campaign to mislead New Mexicans." Pearce's "enforcement first" immigration views gained him little favor with New Mexican voters, and Udall won the race 61%-39%. [The Hotline, 9/10/08; Roll Call, 9/10/08; Steve Pearce for Senate, accessed 11/6/08; Tom Udall for Senate, accessed 11/6/08; CNN Race Results, accessed 11/11/08; Immigration '08 US Senate-NM Race Profile, accessed 11/11/08]

OR-Senate (Re-Election): Democrat Jeff Merkley won a closely fought battle against incumbent Sen. Gordon Smith (R) 49%-46%. According to the Oregonian, Merkley accused Smith of being soft on illegal immigration for possibly employing undocumented workers in his food-processing plant. Smith had opposed comprehensive reform while in the Senate. The Democratic Senatorial Campaign Committee sensed an opening and attacked Smith, calling him a hypocrite for "saying one thing and doing another," according to spokesman Matthew Miller. During the Democratic primary battle, Merkley outlined his immigration position as prioritizing enforcement and then working to "match labor supply to labor demand and consider appropriate legislation that requires citizenship with strict accountability." While it would be a mistake to suggest that Merkley's campaign rhetoric means he embraces comprehensive reform with no reservations, he has pushed the discussion beyond the need for secure borders to practical solutions such as a path to citizenship and visa reforms. [The Oregonian, 10/18/08; "Frozen Peas" ad, 10/17/08; AP, 10/18/08; The Sunday Oregonian, 10/5/08; The Hotline, 9/11/08; NoSlaves.com, 5/6/08; CNN Race Results, accessed 11/11/08]

In addition to these wins, Virginia picked up a new Senator, Democrat Mark Warner, who supports comprehensive immigration reform. Warner beat Republican Jim Gilmore 65% to 34% in this key battleground state. The National Republican Senatorial Committee tried to make immigration a problem for Warner during the campaign. The NRSC said that Warner talked tough on immigration but then "amended legislation to give in-state tuition to illegal immigrants." Meanwhile, Gilmore said stronger enforcement is what's needed and that "illegal immigration … is threatening our nation's future." The voters didn't buy the scare tactics, however, and gave the seat to Warner. A growing population of Latino voters in Virginia helped him come out on top, but the Virginia electorate is still only 3% Latino, proving yet again that non-Latino voters also support real reform candidates. This race did not make our "wins/loss" list because it was considered Likely Democrat for most if not all of 2008, despite early speculation that it would be a competitive contest. [National Journal, 9/17/08; NRSC press release, 1/11/08; Jim Gilmore for Senate, accessed 8/19/08; The Washington Post, 10/4/08; VCS Latino Vote, accessed 11/11/08; CNN Race Results, accessed 11/11/08; Immigration '08 US Senate-VA Race Profile, accessed 11/11/08]

It is also important to note that two Republican supporters of comprehensive immigration reform—Susan Collins of Maine and Lindsay Graham of South Carolina—retained their seats, Graham despite battling a primary challenger who attacked him for his position on the issue. There were no Senate races deemed competitive by Cook a month before the election where a hard-line candidate beat a comprehensive reformer. But on the other side, Saxby Chambliss (R-

GA) is facing a December run-off against Democrat Jim Martin, a supporter of comprehensive immigration reform, after failing to secure 50.1% of the vote. The Georgia Senate race was considered "Solid Republican" by Cook a month before the election.

In each of the House and Senate races where real reformers beat real hard-liners, the Democrats' support for broader immigration reforms was not a liability with voters and helped them curry favor with independents, Latinos, and other Americans demanding practical solutions to the broken immigration system. It remains to be seen what impact these new House and Senate Members will have on the consideration of comprehensive immigration reform legislation in the 111th Congress, but it is clear that real reformers are on the rise.

CHALLENGING CONVENTIONAL WISDOM: VOTERS SUPPORT SOLUTIONS, NOT RHETORIC

Until now, the conventional wisdom has been that illegal immigration is a wedge issue that works to mobilize "the base" in the Republican Party, win over swing voters frustrated with the problem, and hurt Democrats who support comprehensive immigration reform. Conventional wisdom has also held that the number of Latino voters who could hold anti-immigrant politicians accountable for their rhetoric is too small to make a difference outside of Democratic strongholds.

This election stands that conventional wisdom on its head. Swing voters chose Democrats overwhelmingly, including many candidates that stood up for a more comprehensive approach to immigration reform than their hard-line opponents. Latino voters turned out in record numbers and fled the anti-immigrant rhetoric of the Republican Party in droves. Their participation in the 2008 elections contributed to Senator Obama's wins in key battleground states like Colorado, New Mexico, Nevada, and Florida, and also helped Democrats win contested House and Senate races in these states and more. Meanwhile, the anti-immigrant forces that have all but hijacked the Republican Party proved to be inconsequential at best, except for their role in potentially driving the GOP into the political wilderness.

What a difference an election makes.