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PERSPECTIVES ON IMMIGRATION

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Less Rhetoric and More Substance on Immigration: The Midterm Elections and Prospects for Comprehensive Reform

By Benjamin Johnson*

Anyone who has been keeping close tabs on the immigration debate in Washington over the last five years can attest to the fact that it has all of the ingredients for the perfect political storm. For starters, U.S. immigration laws are so arcane that only a handful of legislators truly understand them. As a result, many policy makers search for simple, sound-bite driven solutions to problems that are far too complex for quick fixes. The complexity of the issue is made even more difficult by the fact that the immigration issue is not easily defined by party labels. Supporters and opponents of various immigration proposals come from both parties and span the political spectrum. This makes it difficult for party leaders to determine where, when, and how to discuss the issue. Finally, and perhaps most destructively, the topic of immigration evokes intense emotions that are easily stirred by politicians and pundits who play to the fears and insecurities of the electorate rather than deal with the issue honestly and pragmatically. It is the emotional nature of the debate that really has whipped the political winds into a fury over the last five years.

The failure of anti-immigration politicians to ride their emotional storm to victory in the midterm elections could set the stage for the new Congress to find a workable solution to the immigration troubles we face. Public relations gimmicks such as fences and walls along the border are likely to emerge again; but we also are more likely to see serious proposals to provide better and more efficient channels of legal immigration that fit with the economic realities of our times. We may also see the emergence of a long overdue debate about the steady erosion of due process protections for non-citizens and the complete absence of any national policy to facilitate the integration process for these new members of our communities. With any luck, the new composition of Congress may also set the stage for serious debate on a myriad of social and economic issues that, in the past, have falsely been linked to immigration. Blaming immigration for the nation's shrinking middle class, stagnant wages, rising health care costs and dysfunctional schools has been a diversionary tactic that enabled last year's Congress to avoid its responsibility for solving these problems. The early agenda announced by the incoming House Democratic leadership suggests that next year Congress may be more willing to face these problems for what they are: social and economic issues independent of immigration. Successfully separating these issues from the immigration debate raises the prospects for truly confronting these issues and for moving forward on comprehensive immigration reform.

Letting Some Hot Air Out of the Political Storm

The biggest gain for the immigration debate from the recent midterm elections may be the release of some of the congressional hot air that has kept the political debate over the subject long on rhetoric

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and short on substance. If nothing else, some of the most strident anti-immigration voices simply won't be in Congress next year. Among the incumbents who lost their re-election bids were highly vocal anti-immigration firebrands like Rep. J.D. Hayworth (R-5th/AZ), Rep. John Hostettler (R-8th/IN), and Sen. Rick Santorum (R-PA). Moreover, the anti-immigration camp has not been replenished thanks to the defeat of vitriolic candidates such as Randy Graff of Arizona, Katherine Harris of Florida, or Rick O'Donnell in Colorado. Of course, some strident opponents of immigration remain in Congress, such as Rep. Thomas Tancredo (R-6th/CO) and the now diminished ranks of his self-styled "Immigration Reform Caucus." But the losses suffered by anti-immigration candidates will, hopefully, provide a much-needed respite from the demagoguery that has dominated the immigration debate for years.

Beyond the losses experienced by particular candidates, the political lessons of the election may have an overall moderating effect on the language used to frame the immigration debate. This year's election put the anti-immigration spin machine to the test, and it largely failed. In many races, significant time and money was spent trying to use immigration as a wedge issue and pollsters on both sides of the aisle have acknowledged that there was almost no return on that investment. Exit polls indicate that even among voters who viewed immigration as a high priority issue, only a bare majority voted Republican. The polls also reveal strong support for a "comprehensive approach" to immigration reform, as opposed to the "enforcement only" approach of immigration opponents. The lesson in all of this may be that the public wants more than just tough talk or a 700-mile fence to nowhere.

Attempting to use immigration as a wedge issue not only failed as a short-term electoral strategy, but also could carry with it serious long-term political consequences. Early polling numbers suggest that only 30 percent of Latino voters—who represent a large and growing share of the electorate—chose Republican candidates. This is a sharp decline from the 40 percent who voted for President Bush in 2004. The hard-line immigration stance taken by the Republican leadership in the House of Representatives was clearly a significant factor in this loss of support. This doesn't imply that Latino voters are a monolithic voting bloc. Simply talking nice about immigration doesn't win Latino votes any more than does memorizing a couple of phrases in Spanish for a campaign advertisement. However, Latino voters have consistently been more sensitive to the immigration issue than other voters. The massive demonstrations around the country in response to a proposal in the House of Representatives that would have turned undocumented immigrants into felons was clear evidence of a backlash against extremist immigration proposals. Politicians who are interested in appealing to Latinos will certainly have to think twice about using inflammatory immigration rhetoric as a means of winning votes.

Setting the Record Straight

Even with an improved tone to the debate, immigration reform will remain a difficult issue. Some Democrats are as uneasy about "guest worker" programs as Republicans are about providing a path to legal status for the estimated 12 million undocumented immigrants now living and working in the United States. Many of the attitudes and opinions about immigration now prevalent both on and off Capitol Hill, however, have been shaped by the congressional record on the issue created over the last 12 years. Particularly in the House of Representatives, Congressional hearings on immigration have been used more for political theater than for any real attempt to provide meaningful information to members or the public. The House Judiciary Committee and its Subcommittee on

Immigration and Claims have showcased a parade of anti-immigration stalwarts over the years who consistently paint immigrants as criminals who do little more than drain public coffers, refuse to learn English, and take jobs from Americans. Over the past summer, the titles of some of the hearings on the House bill included “How Does Illegal Immigration Impact American Taxpayers and Will the Reid-Kennedy Amnesty Worsen the Blow?,” “The Reid-Kennedy Bill’s Amnesty: Impacts on Taxpayers, Fundamental Fairness and the Rule of Law,” and “Should We Embrace the Senate’s Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?”

The new House leadership ushered in by the last election offers some hope that new ideas and perspectives will be brought to bear on the immigration debate. Representatives John Conyers (D-14th/MI), the presumptive chair of the House Judiciary Committee, and Sheila Jackson-Lee (D-18th/TX), last year’s ranking Democratic member in the House Subcommittee on Immigration, have been strong supporter of immigration-reform proposals far more comprehensive than the enforcement-only measures favored by their Republican counterparts. Representative Zoe Lofgren (D-16th/CA), who is in contention for Chair of the House Immigration Subcommittee, has also been an articulate voice for a sensible, workable immigration policy. This new leadership also is much more likely to take a second look at the due-process protections that Congress stripped from immigrants in 1996. For more than a decade, even legal immigrants have been subject to detention and deportation for offenses such as shoplifting and other minor offenses that the law defines as “aggravated felonies” for lawful permanent residents but not for U.S. citizens. Moreover, this law has been applied retroactively to crimes committed before it was even passed. The erosions of due process protections and the inhumane treatment of detained immigrants has been a stain on our judicial system that has been largely ignored by the Republican controlled Congress.

Confronting Rather than Confounding Major Social Issues

The rhetoric of anti-immigration politicians has resonated with some Americans because it offers an easy, though fundamentally flawed, explanation for the difficulties that many middle class American workers face. Immigration has been blamed for the shrinking middle class, stagnant wages, rising health care costs, dysfunctional schools and a host of other pressing social problems that weigh heavily upon most working families in the United States. But immigration has very little to do with these issues. The simple fact is that if you could wave a magic wand and make all undocumented immigrants in the U.S. disappear, and then wave the wand again to create enough native-born workers to replace them, those replacement workers would face the same challenges that immigrant workers face. Regardless of whether they are native or foreign born, these workers toil in jobs that offer no health insurance coverage. They live in neighborhoods that struggle to provide an adequate education to the children who live there. And they face growing wage inequalities in an economy that puts a premium on education and training. Immigrants are not immune to the problems that all workers face in the United States, but they did not create those problems.

By using immigrants as scapegoats for the nation’s various economic and social ills, anti-immigration extremists have deflected attention from remedies that might actually alleviate those ills, such as raising the minimum wage and expanding health care coverage for the uninsured. The new Congress appears to have the political will to tackle these issues head on rather than avoiding them by casting the blame on immigrants in the same way that the outgoing Congress has done.

A Difficult Road with Rich Rewards

The bottom line is that although the outcomes of the November 7 election were dramatic, the results are not likely to score an immediate victory for immigration reform legislation. The new Democratic controlled Congress, however, is in a much better position to be able to navigate this complex and politically divisive issue. If they are able to rise to the challenge, the rewards for the American public, and the U.S. economy, could be huge. The debate has opened some ugly wounds in communities around the country that desperately need to heal. Most Americans, though frustrated and angry about Congressional inaction on this issue, are proud of our tradition as a nation of immigrants. The clear message from the election is for Congress to stop the political rhetoric and get to work on creating a secure, reliable, and legal framework that will allow us to continue that noble tradition.

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