

November 9, 2007

TO: Interested Parties
FROM: Jim Kessler, Vice President for Policy
RE: Reclaiming the Offensive on Immigration

Over the past seven years, 5 million new illegal immigrants successfully entered the United States. Over the same time period, the number of illegal immigrants detained at the border declined by one-fourth. Arrests and deportations in the interior declined by 30%. **Enforcement of immigration laws against employers are now enforced so rarely that in 2004, a person was about as likely to die from an alligator attack than to be fined for knowingly hiring illegal immigrant labor.*** And in 2006, the GAO estimated that federal agents failed to apprehend 20,000 non-Americans with overseas drugs and criminal weapons records because of staffing shortfalls at our airports and seaports.

Yet despite this staggering record of failure, neglect, and ineptitude, anti-reform conservatives have successfully reclaimed the immigration issue and have put progressives on the defensive.

This memo offers updated guidance for pro-reform progressives about how to reclaim the offensive and win the immigration debate.

Reclaiming the Immigration Debate – 4 Steps

1. Realize that silence is not working

Since the collapse of immigration reform legislation, progressives have mostly been silent while anti-reform conservatives have moved aggressively to define the debate.

Pro-reform progressives must re-enter the debate and realize that by going dark, they ceded the playing field to the opposition on one of the most high-profile issues of the moment. Our research shows that when progressives don't talk about immigration, Americans reflexively ascribe the most liberal position to them. Thus, silence on immigration is not golden, it is surrender.

* According to *The Washington Post*, the United States initiated fines against 417 companies in 1999 for hiring undocumented labor, compared to 3 such fines in 2004. Fines collected from companies declined from \$3.6 million to \$212,000 over the same period. (Spencer Hsu and Kari Lydersen, "June 19, 2006.) The number of alligator fatalities in the United States was 2 in 2004. (Ricky Langy, "Alligator Attacks on humans in the United States," North Carolina Department of Health.)

2. Make conservatives responsible for the immigration crisis

The Bush Administration's record on immigration is one of neglect, failure, and incompetence. Whether they turned their back on the border because they didn't think border security was important, or because they are in the pockets of employers who want to hire undocumented labor, or because they are simply not competent managers, progressives must remind Americans that the reason we have an immigration crisis is because of conservatives.

- Julie Myers, the Director of Immigration and Customs Enforcement, is a patronage hire who had no prior direct experience on immigration issues.
- In the first six years of the Bush Administration, the number of illegal immigrants apprehended in the United States is down by 25.6% compared to the last six years of the Clinton Administration.¹
- More than five million illegal immigrants arrived in the United States during the Bush Administration.²
- According to the General Accounting Office, 20,000 criminals successfully entered the United States in 2006 because of staffing shortages at airports and other border entry points.³
- In 1999, 417 employers received fines for employing illegal aliens. It dropped to 3 in 2004.⁴
- In 1999, 182 employers were prosecuted for unlawfully employing undocumented labor. It dropped to 4 in 2003.⁵

3. Make conservatives the defenders and purveyors of the status quo

It isn't simply that conservative neglect helped create the illegal immigration problem in America; their solution is a continuation of the failed policies that brought us here. Progressives must communicate that every solution offered by anti-reform conservatives is more of the same – a preservation of the status quo.

Under the Bush enforcement rates it would take 91 years to deport all of the illegal immigrants currently in the country.⁶

4. Define progressive reform proposals as tough, fair and practical

Progressives must return to the message discipline that worked in 2006 and in early 2007. Americans are willing to support reform (and just as importantly, they are open to rejecting the conservative demagoguery), but they need to be assured and reminded that reform efforts will put their interests first.

- "Tough" means tough on the border.
- "Fair" means fair to taxpayers.
- "Practical" means restoring the rule of law and solving the problem, rather than playing politics with the issue.

Thus, our solutions would turn illegal immigrants into taxpayers, make businesses pay the taxes that they've been avoiding, and eliminate the shadow economy that operates outside of the rule of law. Their solution is more of the same.

Conclusion: Re-Engage

Last week, New York Governor Eliot Spitzer announced a plan to allow illegal immigrants to obtain drivers' licenses. Not surprisingly, conservatives jumped all over this proposal and knocked progressives back on their heels.

Putting aside whether one agrees or disagrees with the Spitzer plan, anti-reform conservatives must pay a steep price for exploiting this issue. Imagine, for example, if every time conservatives sought to demagogue the issue, they heard something like this:

First, let's be clear that the Bush Administration has the weakest record on illegal immigration in our nation's history. Under Bush, 5 million illegal immigrants successfully entered this country. Under Bush, enforcement of immigration laws has fallen by 25%. Under Bush, our ports of entry are so understaffed that last year alone, 20,000 drug dealers and violent criminals came into our country because no one was able to simply check their background. And under Bush, businesses that knowingly hire illegal immigrants are given a free pass.

So now that we have this crisis on our hands, what are we going to do about it? The conservatives are basically saying let's do nothing. Let's just keep doing the same exact thing that led us to this mess.

We need to do something different. We need to get tough on the border after 7 years of neglect. We need a practical solution for the 12 million illegal immigrants who are already here, because mass deportation is impractical, expensive, and a fool's errand. And we need a solution that is ultimately fair to taxpayers – one that turns illegal immigrants into taxpayers and forces business to play by the rules.

Now, you asked me about Governor Spitzer. He's dealing with a crisis not of his making. In my state, we'd do something different. But I don't think the people who are the cause of the problem should be pointing fingers at those who are trying to deal with it.

¹ Department of Homeland Security, *Yearbook of Immigration Statistics, 2006*, Table 34.

² Jeffrey Passell, The Pew Hispanic Center, "The Size and Characteristics of the Unauthorized Migrant Population in the United States," March 2006.

³ Spencer Hsu, "Border Security Falls Short in Audit," *The Washington Post*, November 6, 2007.

⁴ Spencer Hsu and Kari Lydersen, "Illegal Hiring is Rarely Punished," *The Washington Post*, June 19, 2006.

⁵ Ibid.

⁶ This is a very conservative estimate based on statistics from the Pew Hispanic Center and the DHS *Yearbook of Immigration, Statistics*.