

July 31, 2006

TO: Interested Parties
FROM: Jim Kessler, Vice President for Policy
SUBJECT: Winning the Immigration Debate

Much of the advice in this memo is derived from an in-depth poll conducted by Benenson Strategy Group. In this poll, we dared to ask the tough questions that tested our own values and beliefs in order to find the best way to win the immigration argument and pass meaningful reform. We also want to state clearly that this is an issue in which progressives can win—both on the politics and the substance.

The Message:

The winning message is *tough, fair, and practical*. When asked what goals they had for immigration reform, voters ranked their top three as:

- Tough on the border and enforcement.
- Fair to *taxpayers*
- Practical in terms of solving the problem and restoring the rule of law

We believe it is not only possible, but accurate to define the progressive solution (as exemplified by the bipartisan Senate bill) as tough, fair, and practical. We also suggest defining it as an “enforcement-plus” approach since McCain-Kennedy toughens our borders right away while the path to citizenship takes years. Further, you should define punitive conservative measures as *impractical, expensive, and ineffective*. When asked why they opposed a proposal based on the House-passed bill, nearly half said it was “impractical.” We would also define this approach as “enforcement-only.”

The Strategy:

There are three arguments that progressives must win to control the immigration issue.

Argument 1: Fairness to taxpayers.

Compassion and justice for illegal immigrants ends when taxpayer interests begin. Every argument must make clear that our solution will be fair to taxpayers, turn illegal immigrants into taxpayers, and make businesses pay their fair share in costs and taxes instead of taxpayers.

Our solution:

- Requires illegal immigrants to pay back taxes,
- Turns illegal immigrants into taxpayers going forward,
- Makes businesses that hire illegal immigrants pay the wage taxes that they routinely avoid.
- Restores the rule of law by eliminating the shadow economy that allows people to be paid under the table and avoid taxes.

Their solution is bad for taxpayers because:

- It fails to effectively deal with the 12 million illegal immigrants already here.
- It calls for the impractical and expensive deportation of the 12 million illegal immigrants in our country.
- It does not eliminate the shadow economy that feeds off of illegal immigrant labor.
- It does not provide real incentives for illegal immigrants to pay back and future taxes.

Argument 2: Jobs vs. Benefits.

Conservatives will argue that illegal immigrants are here to get benefits they don't deserve—from health care to Social Security. This is a “death-by-a-thousand-cuts” strategy meant to drive a wedge between progressives and taxpayers. We must remind voters that they are here to get jobs. This drives a wedge between taxpayers and conservatives. If voters believe they are here to get jobs—we win. If they believe they are here to get benefits—conservatives win. We must quickly dismiss their argument as naïve, foolish and ineffective and make the far more compelling case that they are here to get jobs.

Our plan puts the taxpayer first by:

- Going after businesses that hire illegal labor.
- Creating an earned path to citizenship that will turn illegal immigrants into taxpayers.
- Having a practical plan that restores the rule of law on the border and at home.

Their plan is ineffective and bad for taxpayers because:

- Illegal immigrants aren't here to qualify for emergency health care but because they can get jobs.
- It will not cause one illegal immigrant to leave our state or discourage one from coming to our state since it does nothing to end the practice of illegal hiring that lures millions across the border.
- Any plan that doesn't go after unscrupulous businesses that attract illegal labor will fail and is a waste of taxpayer dollars.

Argument 3: Accountability and Responsibility.

Under Bush, the illegal immigration population doubled, enforcement at the border declined 31%, enforcement in the interior declined 36%, and employer sanctions declined 99%. The Bush and GOP record of failure, neglect, and corruption must become the first thing voters think about when they are confronted with the immigration issue.

- There is a conspiracy of failure and neglect between Bush, the Republican Congress and unscrupulous businesses that make billions of dollars by hiring illegal labor.
- Under George Bush, a person is more likely to be eaten by an alligator than to be prosecuted for hiring illegal labor.
- Our enforcement-plus bill is tough at the border, fair to taxpayers, and restores the rule of law by providing a practical plan for people to earn their citizenship. Their enforcement-only plan is a sham because they ignored the existing laws for six years.
- The numbers don't lie, Bush has been weak on the border and we have 12 million illegal immigrants here to prove it.
- Their enforcement-only proposal contradicts their enforcement-never actions.

As for the concern that it will lead to an enforcement-only legislative play, *we must define the McCain-Kennedy approach as enforcement-plus and the Sensenbrenner-Tancredo bill as enforcement-only*. After all, McCain-Kennedy toughens our border right away and doesn't provide for citizenship for ten years.

Key Lessons in the Immigration Debate:

As you think about this issue, we recommend that you keep these lessons in mind.

1. Don't confuse support with popularity:

By 83–15%, voters support the bipartisan Senate compromise, including an earned path to citizenship. At the same time, 60% of voters (including 51% of Hispanics) believe it would be a good goal to deport all 12 million illegal immigrants back to their home countries—though most say such a solution is impractical. Do not fall into the trap of believing that support means popularity. Our solution is popular only because it is practical.

2. Fairness to taxpayers trumps justice and compassion:

Most voters believe that illegal immigrants are mostly good, hardworking people who seek to build a better life in America. But their warm feelings end when their taxpayer interests begin. Voters ranked “don't pay their fair share in taxes” as their second highest complaint about illegal immigration (behind national security concerns from lax borders). They ranked “fairness to taxpayers” as their top goal for immigration reform. All of our messaging must squarely connect with the taxpayer.

3. Party labels matter:

Voters believe that Democrats put illegal immigrant interests ahead of taxpayers, don't think illegal immigration is a serious problem, and could care less whether immigration laws are followed or ignored. Republicans are seen as defenders of the border, respectful of the rule of law, and on the side of taxpayers. This gives Republicans an important advantage that must be addressed. Democrats must be tough on the border, fair to taxpayers, and practical in solving the problem and restoring the rule of law. Republicans must be defined as weak on the border, disrespectful of the rule of law, and against taxpayer interests.

4. Align voter goals with progressive messaging:

Voters' top four goals for reform are all met by the bipartisan McCain-Kennedy bill, but they aren't the central messaging points of the bill. That must change.

Voters want toughness at the border, fairness to taxpayers, finding a practical solution, and restoring the rule of law. We suggest the messaging of *tough, fair and practical*, with toughness meaning border enforcement, fairness referring to taxpayers, and practicality centering on a comprehensive solution that restores the rule of law. We suggest describing conservative proposals as *impractical, expensive, and ineffective*. Progressives should resist the impulse of describing conservative proposals as mean-spirited, punitive, and anti-Hispanic. While this may help galvanize some base voters, this message falls flat with the majority of Americans.

5. Highlight Washington failures:

With very little prodding, voters are willing to accept that Bush and the Republican Congress has failed America on immigration. The illegal immigration population has doubled on their watch, no reform bill has passed because of deep divisions within the Republican Party, and enforcement is lax and half-hearted. Republicans have a fatal vulnerability on the enforcement issue and progressives must not be afraid to use it.

6. Hispanic strategy :

Be aware that many Hispanics are ambivalent about illegal immigration. 51% of Hispanic voters say that deporting all 12 million illegal immigrants to their home country would be a "good goal." Hispanic goals for reform are nearly identical to all other voters. And importantly, if progressive efforts are seen as an attempt to curry favor with one community—it will repel other communities. When we talk about a tough, fair and practical solutions that offer a way for immigrants to earn citizenship and contrast this with the Republican enforcement-only strategy, progressives both make sense to the general public and attract Hispanics who are angry at Republicans for what many see as mean-spirited attacks on immigrants.