

May 2007

TO: Senate Offices
FROM: Jim Kessler, Vice President for Policy
RE: The Kennedy-Kyl Bill and Winning the Immigration Debate

With the Kennedy-Kyl bill on the floor, we wanted to issue updated guidance. In the coming days, we will issue guidance on how to rhetorically beat back hurtful amendments, like those involving Social Security. Much of this advice is derived from an in-depth poll of 1,200 likely voters that Third Way conducted through the Benenson Strategy Group.

In this poll, we found clearly that the American public has strong – though complex – views on immigration, and that a substantial majority supports the kind of meaningful reform embodied in the Kennedy-Kyl bill. ***The bottom line is that our findings show that progressives should support comprehensive reform legislation, not only because it is right substantively, but also because – when messaged correctly - it is consistent with the wishes of their constituents.***

Here is how we recommend winning the immigration debate:

The Message

There is a message on immigration that works with the vast majority of Americans, including an overwhelming number of Whites and a strong majority of Hispanics. That message is ***tough, fair, and practical***, and that is how the bipartisan, comprehensive Kennedy-Kyl reform bill *must* be described.

- *Tough* means tough on the border and tough enforcement.
- *Fair* means a solution that is fair to taxpayers.
- *Practical* means restoring the rule of law and solving the problem.

Moreover, conservatives have a near-fatal vulnerability that is based on two irrefutable facts: much of the current immigration crisis occurred on their watch, and under President Bush, enforcement of immigration laws is down by 30%. Indeed, under George Bush a person is more likely to be eaten by an alligator than to be prosecuted for hiring illegal labor.

These vulnerabilities lead to an effective message to parry destructive enforcement-only legislative proposals. That message is ***impractical, ineffective, and expensive***:

- *Impractical* means that it will do nothing to restore the rule of law.
- *Ineffective* means that they are relying on the same ineffective plan that caused this problem in the first place.
- *Expensive* means that their plan is unfair to taxpayers and wastes money.

Arguments to Win

As you make public statements or speak to constituents about comprehensive reform, be aware of the arguments you must win to control the immigration issue:

- **Fairness to taxpayers.** 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.

Thus, the Kennedy-Kyl bill is fair to taxpayers because it:

- » Requires illegal immigrants to pay back taxes;
- » Turns illegal immigrants into taxpayers;
- » Makes businesses that hire illegal immigrants pay the wage taxes that they routinely avoid; and
- » Eliminates the shadow economy that allows people to be paid under the table and avoid taxes.

And their solution is ineffective and unfair to taxpayers because it:

- » Doesn't effectively deal with the 12 million illegal immigrants already here;
- » Does nothing to eliminate the shadow economy that feeds off of illegal immigrant labor; and
- » Does not provide real incentives for illegal immigrants to pay back and future taxes.

- **Jobs vs. Benefits.** Conservatives want to argue that illegal immigrants are here to get benefits they don't deserve – from health care to Social Security. You should remind voters that immigrants are here to get jobs.

Thus, the Kennedy-Kyl bill is practical and puts the taxpayer first because it:

- » Goes after businesses that hire illegal labor;
- » Restores the rule of law on the border; and
- » Creates an orderly system at home.

And their plan is impractical and bad for taxpayers because it:

- » Does nothing to address the hiring of illegal labor – the real reason that millions have crossed our border;
- » Fails to go after unscrupulous businesses that attract illegal labor; and
- » Calls for the impractical and expensive deportation of the 12 million illegal immigrants in our country.

- **Who is Responsible?** Because progressives express compassion toward illegal immigrants and their families, conservatives will try to turn the tables and blame them for our current illegal immigration crisis. In fact, much of this crisis occurred on their watch.

Thus, the Kennedy-Kyl bill is tough on the border because it:

- » Strengthens border enforcement right away before any current illegal immigrant can apply for legal status; and

- » Eliminates the incentives that draw people across the border.

And their plan is an expensive sham, because for five years:

- » Enforcement of our immigration laws has been an afterthought and has declined by 30% from Clinton levels; and
- » There has been a conspiracy of failure and neglect between President Bush, who turned a blind eye to the border, and unscrupulous businesses that make billions of dollars by hiring illegal labor.

Additional Insights

- **Americans are internally conflicted on this issue:** Our polling showed that by 83-15%, voters supported the bipartisan Senate compromise last year, which included an earned path to citizenship. At the same time, 60% of voters (including 51% of Hispanics) believed 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. This is not a contradiction; rather the public finds this issue complicated.
- **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 toward illegal immigrants 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.
- **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. Stressing the bipartisan nature of this bill is important because voters believe each side checks the other side’s impulses.
- **Voter top goals for reform align with the Kennedy-Kyl reform legislation:**
 - » Fair to taxpayers (94% all, 92% Hispanic)
 - » Uphold respect for the rule of law (91% all, 89% Hispanic)
 - » Practical solution to the problem (89% all, 88% Hispanic)
 - » Tough and secure border (87% all, 74% Hispanic)
- **Hispanics are not monolithic:** Many Hispanics are ambivalent about illegal immigration, and Hispanic goals for reform are nearly identical to all other voters. Moreover, if progressive efforts are seen as an attempt to curry favor with one community, it will repel others.
- **The loudest voices are not representative:** The part of the electorate that is loudly opposed to reform is nearly all very conservative. There is a real danger to listening to these voices and to not failing to pass a comprehensive law now. Americans blame those formerly in power for the problem; in the future they will blame those currently in power for failing to solve it.