

Immigration Reform Faces New Obstacles As Fractures On Right Open Up

By: Jason Linkins – May 7, 2013

Chances are, if House Democrats have the opportunity to vote "yes" on a comprehensive immigration reform bill, they are going to do so. And unless I am badly misreading President Barack Obama's intentions, he is going to sign it. But the overall efforts being made by the Gang Of Eight (and the group's lead vocalist, Marco Rubio), still could get waylaid, as conservatives all over the map fracture into factions.

And, wow, there are a lot of fractures opening up at this stage, actually. Warring think-tanks, and pundits and more. On tonight's edition of "All In With Chris Hayes," Hayes will discuss how all these battles on the right are creating new hurdles for the millions of people whose fate rests entirely on what Congress ends up doing on immigration.

Last week, I noted that the National Review was coming after Rubio, in a cover story penned by nativist pundit Mark Krikorian. Krikorian's made his point of view pretty clear: He disagrees with the notion that the GOP needs to mend fences with the Hispanic community as a matter of electoral survival. He also believes that "comprehensive immigration reform" is de facto amnesty, and -- after gamely hoping that Rubio would sort of come to his senses and not expend political capital on a reform effort -- finally came to the conclusion that he was "trying to fool voters, not persuade them."

Krikorian's cover story neatly synthesizes all of these concepts. He dismisses the contention that the proper lesson from 2012 is that Romney's "moderately hawkish stance on immigration had been a major cause of his defeat." (This is probably true, by the way.) From there, he introduces Rubio as the "new element" in an immigration reform effort that he already believes to be folly. He goes on to enumerate what he sees as the bill's flaws, finally concluding:

Opposition to the bill should be the obvious position for conservatives who care about immigration enforcement and don't want to open the spigots even wider to low-skilled immigration. Whatever the discrepancies between Rubio's assurances and the reality of the bill, though, he has now lashed himself to it. His convoluted justifications for various provisions suggest that he's decided to do what he must to sell it. He's made the laughable argument that the bill doesn't give anything new to illegal immigrants because they can already return home and apply to come here legally. (This sounds a lot like what Mitt Romney called "self-deportation.") He's claimed that amnesty must precede enforcement because the enforcement measures would throw millions of illegals out of work, creating a humanitarian crisis. In fact, the three security triggers, if enacted on their own, would have only a gradual impact on the existing illegal population.

In the months leading up to the introduction of S.744, conservatives looked hopefully to Rubio as their representative on the Gang of Eight, someone who would make sure its plan didn't turn out to be a call for de facto open borders. Early on, Rubio may well have seen that as his role. But he is now much less the conservative ambassador to the Gang of Eight than the Gang's ambassador to conservatives.

It's not particularly surprising, then, that the tea partiers who once considered Rubio a "darling" of their movement are now coming out to protest Rubio's efforts. As Alex Pareene noted, the Krikorian piece was an ideal way of giving "waffling opponents of comprehensive reform all the excuses they need to vote against any bill" as well as giving "more ammunition to [the] people opposed to it to begin with." The Heritage Foundation is similarly hampering Rubio's efforts. As Elise Foley reported yesterday:

To the chagrin of Republican senators who are pushing for immigration reform, the conservative Heritage Foundation unveiled a much-disputed study on Monday putting the cost of legalizing undocumented immigrants at \$6.3 trillion over the next 50 years.

The Heritage report, authored by Robert Rector and Jason Richwine, drew fire well before it was released, and criticism of its conclusions only expanded on Monday. The report's cost figure is based on an estimate that legalizing all undocumented immigrants currently in the United States would cost the government \$9.4 trillion, while bringing in \$3.1 trillion in new taxes.

Republican reform supporters were quick to denounce Heritage's findings. Former Mississippi Gov. Haley Barbour, perhaps ironically decrying a political tactic that he might otherwise deploy himself, argued that, "this study is designed to try to scare conservative Republicans into thinking the cost here is going to be so gigantic that you can't possibly be for it."

Gang of 8 member Sen. Jeff Flake (R-Ariz.), on Twitter, complained that Heritage omitted mention of any economic benefit to reform, and specifically lamented the lack of "dynamic scoring." Rep. Paul Ryan (R-Wis.) has taken Flake's side. The Cato Institute's Alex Nowrasteh, on May 4, warned Heritage before it published the study that Cato wouldn't look kindly to an analysis that omitted "dynamic scoring":

The key flaw in Heritage's 2007 study is its use of static fiscal scoring, rather than dynamic fiscal scoring, to evaluate that year's immigration reform bill. "Scoring" a bill means predicting its impact on the U.S. budget in the future by estimating how it will affect future spending and tax revenue. A statically scored prediction assumes the bill will not affect the rest of the economy – which is highly unrealistic.

A dynamically scored prediction, on the other hand, assumes that the bill will affect the rest of the economy, also changing tax revenue and government spending. Since increased immigration will increase the size of the economy, it will also increase tax revenue and some government spending. It's important to factor those increases into any scoring model. Heritage's 2007 study did not.

Nowrasteh, unsurprisingly, took a dim view of Heritage's update, telling Roll Call:

“So far, this Heritage study is as flawed and error-prone as the 2007 version. Their net-fiscal cost accounting is non-dynamic and does not take account of changes in the economy that would result from immigration, including an increase in GDP, native worker productivity, and in wages for the majority of American workers that all result in higher tax revenue.

"Still reading through it though," Nowrasteh said, "so I might be pleasantly surprised." I wouldn't bet on it. As Foley reported, former Heritage economist Tim Kane, "who co-wrote the Heritage Foundation's 2006 report on immigration reform," criticized the new study thusly: "A new Special Report from the Heritage Foundation has come to my attention, and I am disappointed in its poor quality."

Rubio has already had to respond to the Heritage study. Per CNN:

Rubio pushed back against DeMint's argument Tuesday, saying bringing undocumented immigrants into legal status would help strengthen the United States.

"If they are legalized, they will be able to work and pay taxes, they'll be able to open businesses and in due time improve their financial situation and contribute to the country's wellbeing and not hurt the country," Rubio said. "So that's why I strongly disagree with that report."

Ever the diplomat, Rubio offered, "I don't believe their report is really legitimate. I have a lot of respect for Heritage, but I don't believe their report is a legitimate one."

It may not be a legitimate report, but it's now a legitimate obstacle to Rubio's ambitions.