



Published on *Americas Quarterly* (<http://www.americasquarterly.org>)

[Home](#) > [Blogs](#) > [Daniel Altschuler's blog](#) > [Legislative Prospects for Immigration Reform: An Interview with Marshall Fitz](#)

Legislative Prospects for Immigration Reform: An Interview with Marshall Fitz

By *Daniel Altschuler*

Created 08/19/2010 - 16:56

Introduction: Despite political pronouncements from President Obama and key legislators early this year, immigration reform now seems to have slipped off of the Congressional agenda. As part of an ongoing series of interviews on the prospects for comprehensive immigration reform (CIR), I spoke with Marshall Fitz to explore the current context in the Beltway. Mr Fitz is the [Director of Immigration Policy at the Center for American Progress](#) ^[1] and has been a key legislative strategist for the current [Reform Immigration for America](#) ^[2] (RIFA) campaign. We discussed issues ranging from the congressional politics on immigration in 2007 and 2010, the communications challenges facing RIFA, and the significance of Latino voting patterns for the prospects of immigration reform.

Altschuler: What have groups pressing for CIR learned from the last failed effort for immigration reform in 2007?

Fitz: There was a very honest and earnest assessment of why the last go-around failed. One of the central critiques from that assessment was: we weren't strong enough politically. We had a lot of support in public opinion polling, but the support was broad and not deep, and we had a hard time contending with the very deep, intense, but narrow band of opposition to comprehensive reform. That was a challenge that we've tried to address in a number of ways.

On the communications front, we've done a lot of additional public opinion polling. We've found the language that connects, language that meets the public where they are. Even when you set up the questions in the worst context, making the toughest arguments, you still get overwhelming support for a comprehensive solution, even by conservative voters. And that is a function of the American public's appetite for solving the problem, for making sure that people aren't getting an undue benefit, but also putting everyone on an even playing field. And doing it in a way that restores the rule of law, as opposed to continuing to perpetuate the dysfunction. Those are central components to immigration reform, and they have been in the past, but we haven't necessarily talked about them in the right way. So that's a communications challenge we have addressed.

Altschuler: And how about on the legislative side?

Fitz: Another critique of the 2007 failure was that trying to build a centrist legislative reform

package meant that you needed a really strong, robust center that could be driven far enough forward that it would drag along the necessary votes. But constructing the bill to hold the center meant that a lot of the groups on the Left were alienated because they thought that too much had been given up. Frankly, it was a bill that no one loved—that was kind of the idea—but the core wasn't strong enough in that center.

In part, that was because John McCain had walked away from his collaboration with Senator Kennedy because of his presidential run. Jon Kyl and the Bush White House stepped in the breach, and the bill moved strongly and sharply to the Right. And yet, our strategy was built around this bi-partisan center, so we had to shift along with that move to the Right or walk away from the possibility of legalizing millions of people living in the shadows. Our willingness to bend and slide to the Right was premised on a promise that, if we did that, we would get 23 to 25 Republicans supporting the bill as we had in 2006. And at the end of the day we only got 12, and the rest is history.

So our central insight was that the groups driving the 2007 process from the Left were not strong enough to prevent that rightward tilt. And the folks on the Right obviously weren't delivering—they promised 25 votes and produced half that. So there was a concerted effort to get stronger on the Left and ensure that labor was unified in their approach this go around. In 2007, SEIU and UNITE HERE had been very strong and willing to keep moving the legislative process forward, but the AFL thought the bill was unsalvageable and opposed. That rift, where the unions could be played off against each other in various Senate offices, really hurt our efforts to hold the center. So one important take-away from this analysis was that a central goal of the next campaign had to be developing and maintaining [labor unity](#) [3] and alignment with the campaign.

Altschuler: Is there any chance now of progress on this issue before November or the end of the year?

Fitz: The short answer is that we can take steps that lay the groundwork for comprehensive immigration reform soon. A lot of people want to write CIR's obituary, and I am not among them. It's way too premature. Now if the question they are asking is, "Is CIR going to pass in 2010?", then I agree the answer is no. But is there an opportunity to do something in September—maybe the [DREAM Act](#) [4] or something that can generate more momentum, things that we can do non-legislatively that can continue to build the energy and momentum for a play in early 2011 or some additional pieces in a lame-duck session? I don't write off any of those possibilities. And, as a [campaign](#) [5], we are strongly supportive of DREAM and AgJobs moving—they would help set the stage for comprehensive immigration reform in early 2011. The goal of the campaign remains to solve the current immigration crisis, and the solution is only going to be realized through a broad, comprehensive legislative overhaul.

Altschuler: How important are get-out-the-vote efforts in Latino communities in 2010? Can they push legislators to move faster on CIR?

Fitz: I think there are a couple possibilities. One is strong Latino voter turnout in 2010 that shows that 2008 wasn't a flash in the pan, but rather that there's a building crescendo of Latino electoral clout. In races where immigration gets teed up as an important issue,

looking at Latino voting patterns in those races will be very interesting and important. Because one thing is clear: the Latino electorate is absolutely incensed with the way that this debate has been carried out. Immigration has never been their top issue. They're like the rest of Americans; their top issues are the economy and jobs and health care and education. But it has become a litmus test issue because of the demonization. It doesn't mean that they're going to vote for someone who's against them on every other issue just because of immigration, but I think the Republican brand is on the verge of being irreparably tarnished.

This could be where the Republicans were in 1962, when they were still very much vying for the black vote. Their retrenchment and opposition to the civil rights movement effectively lost them the black vote ever since. They're flirting dangerously close to that dynamic. And, if that were to happen, given what's happened with the minority vote and given the demographic trajectory of the Latino electorate, there will be no way for the Republicans to win the White House again. So I think that's made them enormously concerned. I know that a number of the possible GOP presidential contenders, like Mitt Romney and others, would be extraordinarily happy to have this issue off the table. That's a reason that the dynamics could change in the first few months [of 2011]. And that desire will be strengthened if there is another strong expression of Latino voting power in November.

On the other hand, the Latinos are justifiably frustrated that there hasn't been any progress on this issue—an issue that they see as having been promised by the President as one that would be taken up during this first session. Latino disappointment with the lack of positive movement on this issue could translate into ambivalence in November. That, in turn, could diminish the sense of urgency some Republicans might have to get this issue off the table and could make it harder to get bipartisan movement early in 2011.

Altschuler: Last time, the push for CIR began in the Senate. Would this still be true for this next round?

Fitz: Here's what happened. In 2005, we anticipated that the Senate was going to move first. Then, there were two Supreme Court vacancies that consumed the Judiciary Committee and postponed all consideration of everything else.

During that pause in Senate action, Representatives Sensenbrenner and King put together a piece of legislation, HR 4437, that they passed in December—that was enforcement only, that was vicious, made felons out of everyone, and so on. So the House actually acted first. And the Senate responded with a historic immigration mark-up that passed under Chairman Specter's direction. It got a bi-partisan vote out of the Judiciary Committee, went to the Floor, and the vote on the floor ended up being 62-37, I think. So, you had an extreme House measure passed out of the Republican-controlled House, and then you had a very solid bi-partisan compromise comprehensive bill pass out of the Senate. And, of course, they couldn't conference them, and frankly no one wanted to.

Then both chambers flipped in 2006. The question was: were we going to go back to the House, where they'd produced this horrendous, heinous bill, albeit under the auspices of

the deposed Republican leadership? Or the Senate, where newly installed Senate Majority Leader Reid was totally committed to going forward on it and made it one of the first ten bills that were going to be introduced. In the Senate, it was like, “We just did this nine months ago. With Ted Kennedy and John McCain leading the charge, we can do it again.” And it obviously imploded.

This time, we would’ve been happy to go House first. But the House felt like it had already taken so many hard votes, and the Senate hadn’t proved that it could pass the legislation that the House had passed—the Energy Bill being a case in point. Speaker Pelosi was very clear that she was waiting on Harry Reid to send them a bill.

So the question in the next Congress will be: what does the make-up of the two chambers look like? I think everyone believes that there will be significant losses in the House, which could possibly flip—and, if it doesn’t, the margins could be pretty thin. That may militate in favor of the Senate going first once again, but we’ll have to see what the composition of the Senate looks like, too.

Altschuler: Most voters in the upcoming elections will be primarily concerned with economic issues. Can RIFA win the economic argument around immigration on Capitol Hill?

Fitz: I think we’ve done a fairly good job. We have had very strong economic messages, like the report that CAP put out with the [Immigration Policy Center](#) [6] on the economic benefits of comprehensive reform versus trying to remove 11 or 12 million people. It’s a \$4 trillion dollar swing in cumulative GDP over 10 years. And that report has gotten enormous citation, and it’s widely credited with bringing home the point that had been made in other studies—that immigration is a net benefit to the country.

The most fundamental and emotional question in the national debate is what to do with the 11 million undocumented immigrants already in the country. To me, there’s no economic argument there. Legalizing that population is an unequivocal benefit to the economy and to similarly situated economic workers. And they’re already here and working. So, it’s not that you’re talking about new people coming in and taking jobs. The question becomes one of alternatives: are you really going to try to remove all those workers, or do you want to make them legal taxpayers and help the economy get growing again and create jobs? I haven’t felt like we’ve been losing the argument. In fact, I think that there are good arguments for why this is a better economic climate for a lot of politicians who might not want to engage this debate to carry it out now. Because there are less people coming in. We’d been talking five years ago about 400,000 to 600,000 new temporary workers coming in every year, and we’re not having that conversation now.

Altschuler: A lot of people have made this economic argument, including groups like the Chamber of Commerce and other pro-CIR business groups. Are there any prospects for collaboration between the groups that you’re working with and the more Conservative groups on this?

Fitz: The interesting thing is that, when we did that report with the [Immigration Policy Center](#) [7], the Cato Institute had previously come out with a report that reached very similar conclusions and numbers. So we had Cato economists on our panels talking

about this issue with CAP's economists. They went up to the Hill and did briefings, we had a very successful roll-out here, they've done some things elsewhere around the country. So, we really are trying to pair up with some conservative economists and think tanks given the common story we have to tell. The Chamber has been a group that we've long collaborated with, and we've continued to develop our relations with the Chamber. They've just been so deeply immersed in these other fights that getting them to pay attention has been challenging, especially when their members are not struggling to get new workers.

Altschuler: A recent piece in The American Prospect ^[8] criticized progressive CIR advocates for compromising too much to a conservative security and "rule of law" agenda to get comprehensive immigration reform passed. How do you respond to this critique?

Fitz: I think it was very misguided and frustrating. What it misses is where the debate actually is and where it has gone. A lot of the focus has been on the language, rather than the substance. And the substance hasn't shifted with the language—the focus of the current efforts that were underway with Graham and Schumer and where we were headed was towards a broader, more robust, and unprecedented legalization. One that was more generous than the McCain-Kennedy language, even. And that was because of a recognition that you've really got to clear the decks and have as broad a legalization as possible if you're going to correct the system. If you're just going to do half, then you've cut into the problem, but you haven't solved it.

But the language—that's what I was talking about at the beginning of our discussion, about learning how to talk about this issue and communicate in a way that connects with the American public where they are. For example, the American public may not be put off by the phrase 'illegal immigrant' at all—that's just the colloquial term they understand. And when they see you talking about 'undocumented immigrants'—and I still do, because I think it's more accurate—that's kind of like a cue word for, "Oh, he just wants amnesty." Because that's the way that the other side has painted it. But, in fact, if you just talk about it in a way that meets them where they are, but also talk about what a real, practical solution is, then you actually get to a better policy place. You haven't moved to the right in terms of enforcement policy and support for the rule of law.

And frankly, was the Left ever against the rule of law? The whole point of this exercise is to end illegal immigration as we know it and to restore the rule of law. And certainly enforcement is a part of that. The problem is when you continue to enforce the law on top of a broken system that doesn't match current economic and social realities, you end up with a whole lot of hardship. But, do we really not expect to be enforcing the law? We certainly support enforcement, but we also support a rational system.

Altschuler: Given the push for enforcement in the last few months, there's been a lot of civil disobedience. Is the RIFA campaign united on this? Are there differences of opinion between groups in the coalition about taking a confrontational, grassroots approach to the administration?

Fitz: Yes, I think there are. It's more about where the individual institutions are, I think. And where individuals are. I think that people experience different realities, and, because

they experience a different reality, they're going to have a different response to it. A lot of the people who are service providers in the field and deal with these populations and deal with the stories of ten more people being put into proceedings, another family torn apart—all they see is the administration tearing their communities apart. They might understand intellectually that there's more going on—that the process is painfully complex and slow—but what they know is that families continue to be torn apart. And so their response is calibrated to that reality.

But, as policy folks working in DC, we understand how difficult it is to get anything passed on the Hill and how, if the Obama administration stopped enforcing the law, there would be zero prospect of ever getting immigration reform that constructively deals with the undocumented population during his tenure as president. So we weigh those things against each other. But it doesn't mean that we're not equally impacted by the continuing enforcement. We don't see it as just par for the course. So we've been really pressing them (Obama and DHS) to change their focus and change their priorities.

And I think they've actually done a pretty good job of trying to do that. It's a slow process, but I think we are actually seeing the fruits of that effort. They're deporting more people, but they are also deporting far more people who've had criminal convictions than under the prior administration. So they're really zeroing in on not just busboys who are trying to work, but on people who have committed crimes, and really prioritizing people who've committed serious crimes. Right now, they're at about fifty-fifty, and that reflects a very substantial shift.

On the other hand, there's still the other 50 percent—and that's another 125,000 or 150,000 people or so this year—and they've got families, and they're part of communities and part of companies. And it's enormously painful—not to mention de-stabilizing. So we really get it. And that's the really sad part of this effort; that's what keeps us going to work every day, despite the challenging conditions.

**Daniel Altschuler is a contributing blogger to www.AmericasQuarterly.org [9] and a doctoral candidate in Politics and Rhodes Scholar at the University of Oxford. His research focuses on civic and political participation in Honduras and Guatemala.*

FIND A RETAILER NEAR YOU

Enter zip code

Submit

SUBSCRIBE

Source URL: <http://www.americasquarterly.org/node/1789>

Links:

- [1] <http://www.americanprogress.org/experts/FitzMarshall.html>
- [2] <http://reformimmigrationforamerica.org/>
- [3] <http://newsjunkiepost.com/2010/03/19/house-of-labor-marches-with-immigrants/>
- [4] (<http://dreamact.info/>)
- [5] http://www.nytimes.com/2009/05/16/opinion/16sat2.html?_r=4&ref=opinion
- [6] (<http://www.americanprogress.org/pressroom/releases/2010/01/immigrationecon.html>)
- [7] http://www.cato.org/pub_display.php?pub_id=10438
- [8] http://www.prospect.org/cs/articles?article=the_immigration_enforcement_trap
- [9] <http://www.AmericasQuarterly.org>