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Immigration and the 2006 Elections

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Illegal immigration is a recurring and familiar policy issue, but it took an especially high-profile turn on the national stage this election year. An unprecedented policy battle developed as millions of migrants—mainly Mexican and largely undocumented—marched in the spring to protest a strong “enforcement-only” bill passed by the House of Representatives in late 2005. President Bush weighed in with a nationally televised address in support of “comprehensive immigration reform,” making this his top domestic priority. After extensive debate and negotiations, the Senate responded in May with a bipartisan legislative package that

included provisions for guest workers and “earned legalization” for undocumented migrants. Refusing to concede to reconcile the two bills, however, House Republicans countered by reaffirming their “no amnesty” stance in several summer field hearings, and in the final stretch of the fall campaign pushed through an unfunded measure to reinforce the Mexican border with 700 miles of triple fencing. Finally, the November 7 elections ended a dozen years of Republican ascendancy on Capitol Hill—passing the initiative on immigration policy to the new Congressional leadership and a lame-duck White House.

IMMIGRATION POLICY BATTLE 05–06

December 05	House passes “Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005”—H.R. 4437
March–May 06	Millions protest H.R. 4437 in marches across USA ¹
May 15	President Bush addresses nation on immigration reform
May 25	Senate passes “Comprehensive Immigration Reform Act of 2006”—S. 2611
June 6	Rep. Brian Bilbray (R-CA) wins special election to replace Randall (Duke) Cunningham in House
August	House immigration field hearings in 13 states
Sept.–Oct.	Congress focuses on national security legislation before election
October 26	President Bush signs “Secure Fence Act of 2006”—H.R. 6061
November 7	Elections end Republican control of Congress

1. For estimated aggregate totals and a breakdown of the twenty largest marches, see Xóchitl Bada, Jonathan Fox, and Andrew Selee, eds. 2006. *Invisible No More: Mexican Migrant Civic Participation in the United States*. Mexico Institute, Woodrow Wilson International Center for Scholars., Table 8.1, p. 36.



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The 2006 midterm elections were widely seen as a debacle for those members of Congress who campaigned against illegal immigration aiming to win the national debate on this issue and preserve Republican majorities on Capitol Hill. Instead, prospects for the sort of immigration reform favored by the President and a bipartisan coalition in the Senate are believed to have notably improved, as the leadership of both houses and all legislative committees changes hands for the 110th Congress. Mixed messages sent by candidates and leaders in both parties, however, call into

question any notion that the election produced a mandate for a particular immigration policy solution.

What conclusions are supported by the available data regarding where the elections left the issue of immigration? Did illegal immigration in fact fail to rally voters as Republican leaders and activists sought? Was it merely insufficient to overcome voter sentiment on other issues, or did this strategy actually backfire? Were conditions created for significant movement in a new policy direction? And given the experience of 2006, has the country passed a politi-

A Tale of Two Contests

A critical point to keep in mind is the high degree of variation in local political realities, and the difficulty party leaders have in reconciling them with each other and higher-level goals. Some pivotal cases stand out. Republican House leaders were influenced in the course they took, for example, by events in a particular congressional district in Southern California. The 50th District seat representing northern San Diego County was suddenly vacated in December 2005 by the resignation and conviction of Randall “Duke” Cunningham, in a spectacular case of bribery and corruption involving defense contracts.

Republicans were able to retain control of this district at a critical moment in the national debate, however, when former congressman **Brian Bilbray** was able to ride the single issue of illegal immigration to a special run-off election victory in June. Bilbray, a lobbyist for the Federation for American Immigration Reform (FAIR), was able to immediately take office and returned to Washington touting the immigration issue as a counter to voter concerns about corruption and unease over the war in Iraq—just as House leaders were deciding how to respond to the Senate’s comprehensive, bipartisan immigration reform bill.

Bilbray, now as the incumbent, maintained his emphasis on illegal immigration through the November election, where he faced the same Democratic opponent as in the June run-off—and won again by an even wider margin. In declaring victory on election night, Rep. Bilbray pledged to continue to fight against amnesty for undocumented immigrants, albeit from the minority. In the next state over, however, a very different dynamic unfolded.

In Arizona’s 8th Congressional District—on the reputed “ground zero” of the Mexican border for its high volume of illegal crossings—Republican leaders tried to distance their party from the most extreme candidate on the issue. Former state legislator and self-proclaimed border “Minuteman” **Randy Graf** won the primary election to succeed retiring Republican Jim Kolbe—over the opposition of the incumbent and the National Republican Congressional Committee, both of whom favored a more moderate candidate out of fear of losing the seat to a Democrat in November. This was the only race in the country in which the NRCC intervened in the primary. After Graf won the Republican nomination, the NRCC canceled its planned TV ad buy for the fall campaign in Tucson, effectively surrendering the border district seat to **Gabrielle Giffords**, a former Democratic state legislator who supports comprehensive immigration reform.

Not only Graf lost in Arizona. Further north, in suburban Phoenix’s 5th Congressional District, the state’s six-term incumbent most dedicated to fighting illegal immigration also went down. **J.D. Hayworth**’s campaign book this year (available on Amazon.com) is titled *Whatever It Takes: Illegal Immigration, Border Security and the War on Terror*. Hayworth lost to **Harry Mitchell**, another Democratic state legislator who like Giffords supports comprehensive immigration reform.

cal tipping point, neutralizing immigration as a wedge issue in national politics for the open 2008 presidential contest?

Exit polls conducted by the National Election Pool indicated that a 62% majority of voters considered illegal immigration to be either extremely or very important, but that this issue was outweighed by the economy, Iraq, terrorism and corruption. Immigration reform was not among the Congressional Democrats' campaign themes titled "Six for '06," which were unveiled in July, nor was immigration listed among incoming House Speaker Nancy Pelosi's legislative priorities for her first 100 hours at the head of the 110th Congress. On the Republican side, those House candidates emphasizing illegal immigration found themselves campaigning against policies supported by their own president and their party's leaders in the Senate—led on the campaign trail by Sen. John McCain.

Majorities of voters nationally, in every region of the country, and in each state in which the question was asked said they favored offering illegal immigrants "a chance to apply for legal status," when given a

choice between that and deportation. Nationally, 57% of voters expressed support for legalization over deportation. These findings suggest that the field hearings conducted by House committees across the country during the summer, and the congressional Republican campaign strategy emphasizing security in the fall (which included the late passage and signing of the border reinforcement bill), failed to produce a majority of voters at the polls in November that clearly opposed any form of "amnesty."

Proponents of the House bill and measures like it, however, argue that this question posits a false choice between amnesty and deportation, while what they propose is a strategy of "attrition" of the undocumented population that would be achieved by pressuring it to abandon the country with stricter immigration enforcement laws.

A key variable that emerges in the political calculus is the growing weight of the Latino vote, which swung significantly away from Republican candidates. Nationally, the exit polls placed the Latino share of the vote at a record high of 8% of the

MOST ILLEGAL IMMIGRANTS SHOULD BE...

	National	West	East	Midwest	South
Offered Legal Status	57%	62%	60%	52%	56%
Deported	38%	31%	36%	43%	39%

Source: The National Election Pool, a consortium formed by NBC, ABC, CBS, CNN, Fox and the AP —as reported on MSNBC.com and CNN.com from the exit poll on Dec. 7, 2006.

VOTERS BY RACE/ETHNICITY

	National	West	East	Midwest	South
White	79%	74%	81%	85%	75%
African-American	10%	4%	10%	8%	15%
Latino	8%	16%	6%	4%	7%
Asian	2%	4%	2%	1%	1%
Other	2%	3%	1%	1%	1%

Source: The National Election Pool (from CNN.com)

SHOULD MOST ILLEGAL IMMIGRANTS WORKING IN THE UNITED STATES BE:

	Offered a chance to apply for legal status (% of total)	Deported to the country they came from (% of total)	Voters who are Hispanic (% of total)
California	63	29	19
New Mexico	63	31	31
Texas	59	34	15
National	57	38	8
Virginia	56	39	2
Arizona	55	36	11
Georgia	53	43	4
Nebraska	51	46	2

Source: The National Election Pool (from CNN.com)

VOTERS BY RACE

Total	Democrat	Republican
White (79%)	47%	51%
African-American (10%)	89%	10%
Latino (8%)	69%	30%
Asian (2%)	62%	37%

Source: The National Election Pool (from CNN.com)

total—69% of which was reported to have voted for Democratic House candidates, as opposed to 30% for Republicans.

Notably, both regional and state level polls indicate a general tendency of greater overall support for the legalization of undocumented immigrant workers where Hispanics constitute a larger proportion of the electorate. The polls in the three southwestern states in which support for legalization exceeded the

national figure also measured 2–4 times as many Hispanic voters as the nation as a whole. With the exception of Arizona, the states in which support for legalization fell below the national level also measured much smaller proportions of Hispanic voters.

The high Latino turnout, the lopsided Latino vote in favor of Democratic congressional candidates, and the relatively higher levels of support for legalization in states with more Hispanic voters taken together

are suggestive of a backlash among these voters against the House Republicans' strategy on illegal immigration. The positive cross-sectional correlation between the presence of Latino voters and overall support for legalization of illegal immigrant workers provides confirmation for the view that the growing Hispanic vote is an obstacle to the use of illegal immigration as a campaign issue.

Ultimately, the key questions deriving from the results of the 2006 elections and their implications for the issue of immigration are whether public opinion favors legislative action in this controversial area by the 110th Congress, and whether the issue can still play a significant role in the emerging 2008 presidential campaign. The exit polls suggest that the latter question may hinge significantly on the former.

The polls revealed a high degree of dissatisfaction among voters with the Congress in general and its GOP leadership in particular. Sixty-one percent indicated their disapproval of how Congress was handling its job, and altogether 55% stated they were either dissatisfied or angry with Congressional Republican leadership. Furthermore, voters indicat-

ed that national issues mattered more than local issues in their congressional vote by 60% to 34%.

The stance taken by *The Arizona Republic* in deciding to endorse against Rep. J.D. Hayworth for the first time since 1994 is illustrative of this mood. The influential conservative newspaper noted that immigration was the top concern of Arizona voters in this election, but it sharply criticized Hayworth for helping to block comprehensive and "realistic" immigration reform. "The 5th Congressional District needs a bridge-builder, not a bomb-thrower," the *Republic* concluded in its endorsement of Harry Mitchell, who went on to win.²

The 2006 elections clearly produced no mandate in favor of a crackdown on illegal immigration, as some candidates and activists sought. Neither did it yield a clear mandate in favor of comprehensive immigration reform. Nevertheless, in combination with the longstanding interest demonstrated by President George W. Bush in favor of such reform, and the continuing growth of the Latino vote, the power shift in the Congress may have laid the basis for bipartisan legislative action that could have the effect of resolving this issue in the near term.

2. "Mitchell over the bully." *The Arizona Republic* (Oct. 27, 2006) www.azcentral.com/arizonarepublic/opinions/articles/1027fii1-27.html

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