



WHAT'S NEXT FOR IMMIGRATION REFORM?

By Andrés Martínez and Tamar Jacoby
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Andrés Martínez: As House Republicans ponder what to do on immigration in the aftermath of the Senate passing a comprehensive reform, I checked in with Tamar Jacoby, the president of ImmigrationWorks USA and New America Schwartz Fellow, to assess what comes next.

Have you fully digested the House Republican group therapy session on immigration that took place earlier this month? Do we know where the dust settled? My only clear takeaway at the time was that Lyndon Johnson must have been rolling in his grave at the spectacle of a congressional leader assembling his troops to tell them an issue is very important to him but then providing an open mic for his caucus members to vent their conflicting feelings, as John Boehner did. But what it all means in terms of whether the House will act on immigration reform this year – that tantalizing bipartisan Senate bill is gathering dust on Boehner's doorstep, conspicuously neglected – I have no idea. The signals didn't seem good, but then maybe this is all part of a brilliant legislative strategy that I (and LBJ!) are not aware of. As they say down south, *que pasa?*

Tamar Jacoby: LBJ – haha! You're not the only person watching Congress with nostalgia for LBJ. But this isn't the 1950s. Once upon a time, leadership could call in rank-and-file party members and tell them in no uncertain terms: "Here's this year's agenda. We need your vote. And if you play ball, we'll make sure you get what you need – the committee assignment you asked for, the chairmanship, that bridge in your district." But it's not like that anymore. Politics is no different from the private sector: management is much more horizontal.

I believe House Republican leadership is eager to move forward with immigration reform. They understand the stakes for the party, and they're supportive on many important particulars – including visas for high-skilled workers, the DREAM Act and several other critical pieces of the puzzle. But they can't get too far out ahead of the rank-and-file – they can't ask members to take votes that members believe will cost them their jobs. That's why leadership has been doing as much listening as talking at conference meetings – they need to find out what the political marketplace can bear.

That said, I'm not as pessimistic as you seem to be about what's likely to happen in the House. I never thought the House would take up the Senate bill. I never thought it would pass a comprehensive package. House members, pro- and anti-immigration, have been making that clear for months now. John Boehner himself has said so half a dozen times. The House likes to do things its own way. It's not going to take marching orders from a Democrat-controlled Senate. And in the wake of Obamacare, it's not likely to pass any massive omnibus legislation. But that doesn't mean it won't act.

I don't understand why people are so surprised. The House isn't backtracking or being obstructionist – it's just doing what it said it would do all along and getting ready to move ahead in its own way.

AM: I think some of us who don't follow the process as closely as you do are a bit surprised because we saw so many Republican luminaries embrace the need for reform in the aftermath of last November's elections. And we saw prominent GOP senators like Marco Rubio and John McCain negotiate a bipartisan bill that has far more draconian enforcement measures than Democrats initially wanted. And yet, the House simply shrugs it all off as if the measure were a White House fantasy. And I wonder about the long-term wisdom of the House Speaker not allowing votes unless a majority of his caucus is onboard – the old Hastert Rule. But we are where we are, and I am glad you seem to think this isn't a terminal impasse.

Legalizing the roughly 11 million undocumented immigrants in the country was the cornerstone of the Senate legislation, though it obviously included plenty other elements. Is that cornerstone now in jeopardy as the House considers taking a more piecemeal approach to immigration, perhaps just cherry-picking from the other elements, like the DREAM Act or high-skilled visas?

TJ: Democrats aren't monolithic, and neither are Republicans. John McCain isn't going to face a tea party primary challenge any time soon. Neither is Jeb Bush or Rupert Murdoch or Michael Bloomberg or most of the other name-brand Republicans who've been speaking out about immigration since the 2012 election. Even if they face a challenge, Senators and presidential candidates work on very different margins than House members – a few diehard opponents can do real damage in a House primary. And like it or not, a House member worried about the future of his seat doesn't always have the luxury of worrying about the future of the party.

Don't get me wrong: I'm not saying Republicans should shrug off immigration reform.

But I don't think the House is going to shrug it off.

What I think the House will do: pass a series of targeted, bite-sized measures – a border bill, a local policing bill, E-Verify, visas for high-skilled workers, visas for farmhands and other less-skilled workers. Then leadership will rope these pieces together and send them back to the Senate. Bottom line: the House can't and won't pass comprehensive immigration reform, but it could still come up with a package that can be reconciled with the Senate bill.

The 11 million? Let's face it: this won't be easy in the House. All but a handful of GOP House members are dead set against creating what they call a "special" or direct path to citizenship that puts people who broke the law ahead of people who played by the rules. But House Republican leadership is working to craft a DREAM Act, granting citizenship to young people brought the country illegally as children. And many House Rs are considering the possibility of a path to legal status for adults: the ability to work and travel and remain in the U.S. legally, with citizenship perhaps available down the road through some other, already established visa program.

The zillion-dollar question: what will Democrats do then? Can the White House and other Ds intent on reform accept a compromise on the 11 million?

AM: I hear you on the different constituencies conservative House members and party leaders at the national level must worry about. But on the key question of the 11 million and their status, it sounds like you are saying the House will go along, however much grumbling is involved, with some form of legalization, if not a clear pathway to citizenship. Is that correct? And would you agree that doing anything on immigration that leaves millions of people living in the shadows would be pointless?

TJ: I agree that any immigration reform that leaves millions of people living on the margins of society and outside the rule of law is inadequate. That's not the only or necessarily most important piece of the puzzle: fixing the legal immigration system to deliver the immigrants America wants and needs and prevent illegal immigration in the future is at least as important. But there can be no doubt: we need a fair and workable answer for the 11 million.

About the House, no, I am not saying that the House will "go along." I think that's exactly the wrong way to think about it – and it's part of what's making some House Republicans so grumpy. The Senate, the White House, the media, the "right-thinking" public: everyone is treating the House GOP like they're a bunch of difficult children who have to be scolded – or threatened – to "go along" with what smarter, wiser people know is good for the country and the party.

In my experience, that's not a good way to get anyone to do anything – and certainly not Republican House members. Truth is, many of them are rethinking the issue in a sincere way – grappling with the facts, reexamining old assumptions, looking for solutions they can support. And what they come up with is certain to look very different from what's in the Senate bill. That's when the real debate will begin – the real negotiation.

Can Democrats – in the House, the Senate, the White House, beyond the beltway – accept a Republican answer that creates a path to citizenship for Dreamers and a path to legal status, with no bars to citizenship, for most of the nine or 10 million unauthorized adults in the country? It's the classic political conundrum: is half a loaf better than no loaf at all? And I imagine it will divide the Democrat reform establishment right up the middle, with some saying, "Yes, let's seize the deal – with both hands" and others dismissing it as too little too late. And make no mistake: many Democrats will be more than happy to dismiss a Republican offer – immigration has, after all, proven a very potent issue at election time.

AM: I love it when we disagree, since it doesn't happen that often. But I think it's totally legitimate to posit this as whether the House will "go along," because what the Senate did is pass legislation that reflects a bipartisan compromise on the broad range of immigration issues that urgently require action. It's revisionism to suddenly pretend that the House is now confronted with a purely Democratic measure – or an approach that was hastily adopted – simply because it was passed by a Democratic-controlled Senate. That legislation would look very different, especially on the draconian enforcement side, if it were a Democratic immigration wish list. What we're seeing here is a hijacking of the process by a few anti-immigration diehards who are being coddled by timid House leadership. In a more functional version of Washington that treated this as the urgent matter that it is, the House would tinker with the Senate bill and put it to a vote, and it would pass comfortably with overwhelming Democratic support and a fair amount of Republican votes. Fringe anti-immigrant congressmen could still vote against it, without being empowered to veto it. It's appalling that the nation's interest is put on the back burner to appease the likes of Rep. Steve King, whose recent comments about young immigrants being illegal drug traffickers speak volumes about the true nature of the opposition to dealing with immigration in a

manner that is beneficial to our economy, national security, the rule of law and people's basic rights.

OK, deep breath. Let me step off my soap box for a minute to say I admire your perseverance in trying to bring parties together to get something done, and you are right that there is a danger here that Democrats could be tempted to walk away from the process to keep the issue alive. But I think they left a lot of their principled positions out of the Senate bill precisely because they decided it was time to get something done. I suspect you agree with me in your heart of hearts, but can't acknowledge so in public given that you are in the middle of negotiations to keep reform alive. Just blink twice now if you agree with me, and we'll know.... ah, there you go... one blink... two... and we're in agreement

TJ: Sorry, Andrés - I do not agree at all.

What's happening in the House is not about Steve King and a handful of "fringe opponents." Speaker Boehner has denounced King's comments. And it's not a "hijacking of the process." If anything, it's a much more authentic deliberation than what happened in the Senate. That was an impressive top-down exercise: politics - to go back to the theme we started with - on the old model. What's happening in the House is bottom-up and very real: America in microcosm grappling with the reality of immigration.

It's not the debate you and I would have on a desert island. Members who I know are troubled by Steve King's tone are struggling with issues - like "rewarding law-breaking" - you and I made our peace with long ago.

But come on, you and I are not exactly typical American voters. Have you seen the latest polling? Many surveys over many years show the public generally in favor of immigration reform. But according to Wednesday's Washington Post, 62 percent of Republicans oppose the Senate bill - 47 percent of them "strongly." Do you really expect the Republican-controlled House to just "go along"?

Yes, the country needs this fix - we need it badly. And I believe House Republicans will get there. What the polling shows: it can't be the Senate way. That doesn't mean that it won't happen.

AM: Well, I suspect those polls would look very different if House leaders hadn't spent the last couple of months treating the Senate bill like a smelly Democrat fish delivered to their doorstep. If Boehner had congratulated Senators McCain and Rubio for achieving a sound compromise with Democrats and allowed his members to vote their conscience, I bet those numbers would be reversed, with at least a slight majority of Republicans favoring the bill. Right now they're simply reacting to the optics of "their" chamber supposedly being asked to rubber-stamp a Democratic measure. You more than anyone has taught me that when people look at the types of elements contained in the Senate bill, they are quite popular once the focus shifts to their substance, away from the shrill politics of immigration. Alas, it seems the House GOP wants to linger in that realm of shrill politics.

But I hope you are right that there is still a decent chance we will get to meaningful reform before all is said and done. I do know the chances of that are improved by your continued engagement in the effort!