Newt Gingrich’s Twisted Take on Immigration Reform

The Republican Presidential Candidate Is Stuck between a Primary Rock and a General Election Hard Place

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Introduction

Republican presidential hopefuls are not shy about how to stop undocumented immigration into our country. Nearly every immigration-related answer by the candidates involves some permutation of these phrases: “We cannot give amnesty,” “We are going to secure the border first,” “Let’s build a fence first,” and “Enforce the laws that are there.” But until very recently, the candidates by and large avoided the question of what exactly they would do about the 11.2 million undocumented immigrants now living in the United States.

They ducked this fundamental policy question based on conventional wisdom that you can’t square the anti-immigration stance of Republican primary voters with the more pragmatic immigration positions embraced by most voters in the general election. While it is true that the only answer acceptable to some far right primary voters is some form of mass deportation, they are a minority of Republican voters, and an even smaller fraction of the general electorate. In fact, a National Journal poll released today highlights that a plurality of Republicans favor tough enforcement plus legal status.

Still, rather than risk the ire of hard-line primary voters (who tend to be more vocal and vote at higher rates), until recently the candidates bobbed and weaved around the question. This group evasion strategy collapsed, however, after the former Speaker of the House, Newt Gingrich, broke ranks and answered the question directly, honestly declaring that we aren’t going to deport every undocumented worker in the country. Instead, he proposed the (extremely) modest idea of granting guest worker status to some undocumented workers who have been here for decades.
The rest of the pack of presidential contenders smelled blood and tried to bludgeon Gingrich with the "pro-amnesty" tag. But in doing so, they too were forced to answer the question about what they would do with the millions of undocumented people working and living in the United States. What ensued was a typical frenzy of hard-linerism.

Rep. Michelle Bachmann (R-MN) doubled down and clarified that she supports mass deportation. Texas Gov. Rick Perry hit the campaign trail with the infamous, anti-immigrant Sherriff Joe Arpaio and declared that his policy "will be to detain and deport every illegal alien that we apprehend." Former Massachusetts Gov. Mitt Romney, perhaps sensing he was being led down the garden path, tried to continue evasive maneuvers. But when his hand was forced, he and his advisors articulated a position known in anti-immigrant circles as "attrition through enforcement"—a less crazy way to say "mass deportation."

That left Gingrich as the only top-tier candidate standing to express support for anything short of massively expensive and economically self-defeating enforcement policy. He has characterized his approach as humane, compassionate, and realistic. But is it really a kinder, gentler, approach that could actually win Latino support in the general election if he wins the nomination? In a word, no. In fact, Gingrich twists himself up like a pretzel trying to be all things to all voters.

In this issue brief, we take a closer look at Gingrich's proposal and strategy, concluding it is doomed to fail for three reasons. First, the substance of his proposal does not begin to solve the problem and could actually make the situation worse. Second, the other harsh enforcement policies he embraces would undermine any good will he might have garnered with Latinos. And finally, he won't be able to escape the deeply tarnished Republican brand on this issue given the fundamentally modest step he is proposing in the first place.

A weak and ineffective proposal

First and foremost, the former speaker of the House’s proposal falls far short of the rhetoric he used to promote it. The universe of people who might qualify is exceedingly small and the benefits they would receive are tenuous.

Gingrich envisions the creation of "citizens review" committees that would make decisions about who does and does not deserve legal status. Without providing explicit eligibility criteria, he suggests that favorable dispensation by these local committees would be available only to people who have been here for decades—he has floated 25 years of residence as the key qualifier—and can demonstrate deep ties and contributions to their communities.

Some exaggerated estimates are now circulating about how many people this proposal might benefit. Extrapolating from a recent Pew report written by Jeff Passel, one of the leading experts in estimating the number of undocumented immigrants in the United States...
States, some speculate that 3.5 million immigrants might be eligible for legal status. But Passel indicated that the data is insufficiently robust to estimate how many people have been here for more than 20 or 25 years.

More pointedly, Passel also suggests that 3.5 million is an unreasonably high starting point. “A lot of the people who came in as undocumented immigrants 25 years ago are already legalized,” he notes. This is because the last major legalization program was enacted 25 years ago and there have been other (albeit limited) opportunities since then for undocumented immigrants with strong family or employment ties and long-time presence in the United States to regularize their status.

Even assuming there are a substantial number of people—say 1 million—who meet this length-of-time criteria, what percentage of them are likely to make it through the citizens’ review? If they’ve been here for 25 years, many or most would have developed ties and relationships needed to pursue legal status. And for those who haven’t, why would we expect them to be eligible to obtain legal status now?

Gingrich claims that his proposal is just common sense. He argues that the draft boards of an earlier generation could serve as a model. But it is hard to envision many people who have been here for 25 years (and who did not previously qualify for legal status) coming out of the shadows to have their fate determined by a community review board. This sounds an awful lot like that reality TV show “Survivor,” where the contestants get voted off the island by their peers.

What’s more, those few who could presumably pass this immigrant fitness test would be barred from ever pursuing U.S. citizenship or receiving any federal benefits. To gain legal status they would have to demonstrate employment income sufficient to pay for private health insurance and pay a $5,000 fine. That alone would disqualify many Americans.

But those able to demonstrate that income threshold would still be in a highly precarious position. If they lose their qualifying job, they lose their legal status. So the number of people who might qualify appears to be exceedingly small. And those who did would only earn a status marginally more secure than having none at all.

In short, Gingrich’s “humane,” “compassionate” proposal is really a high-risk, low-reward program that will provide little comfort to Latino voters who want the issue solved.

A proposal offset by harsh enforcement policies

Significantly, at the same time Gingrich was defending his citizens review proposal, he doubled down on his commitment to harsh enforcement. He first made it clear that anyone not falling into that small universe of citizens able to pass muster with a citizen’s
review board would be subject to harsh expedited deportation procedures. Then in South Carolina he praised the state’s harsh immigration law and called on all states to replicate the disastrous Arizona/Alabama experiment. And he followed that assertion with a trip to Iowa where he signed a pledge committing to build double layer fencing across the entire U.S.-Mexico border.

Even assuming that this narrow, partial legalization program would generate some goodwill with Latino voters, couching his support for it in a context of promoting harsh enforcement negates whatever gains he might have hoped to make with Latino voters. Make no mistake, Latinos have strong opinions and a sophisticated perspective on immigration and border policy. Spanish-language media covers these issues with laser-like focus on a daily basis and is extremely influential in shaping Latino public opinion.

And a proposal that, charitably speaking, might benefit 1 million people but which would simultaneously crack down hard on another 8 million to 10 million people will not be viewed as either humane or compassionate by the average Latino voter. The reality is that although Gingrich has distinguished himself from the other candidates by opposing a universal deportation program, he has nonetheless endorsed a strategy of mass deportation. That will not inspire Latino voters.

The same is true for his border fence pledge and state law pronouncements. Latinos see the “Great Mexican Wall” as an insult. Of course, Latinos, like all Americans, want a secure, safe border, but the construction of a 2,000-mile barrier is an offensive symbol. Sixty-one percent of Latinos oppose building any more fences.

Worse still is Gingrich’s full-throated embrace of Alabama-style immigration laws. Those laws swiftly created a profoundly hostile environment for immigrant communities in the states. They’re an invitation to unlawful profiling and abuse. Unsurprisingly, Latino opposition to these state measures is broad and deep, with 79 percent opposing such laws.

Gingrich obviously has internalized the advice of some misguided strategists who suggest that Republicans’ “Latino problem” is one of tone, not substance. But beating undocumented immigrants with a heavy stick while talking sweet about some small set of undocumented workers won’t cut it with Latino voters.

The proposal fails to fix the tarnished Republican brand

The final reason Gingrich is unlikely to gain traction with the Latino electorate is guilt by association. The Republican brand is so strongly anti-Latino that even an actual former champion such as Sen. John McCain (R-AZ) received only 31 percent of the Latino vote when he ran for president in 2008.
In the last three years since Sen. McCain’s defeat, Republicans have only lost ground with these voters. Latinos are frustrated with the Obama administration’s enforcement policies, but they are also keenly aware that Republicans have unified in opposition to Democratic legislation that would deal constructively and humanely with undocumented immigrants often living side-by-side with Latino voters.

The fact that Gingrich’s smallish proposal caused such a stir among political pundits is a telling commentary on just how far Republican politicians have tilted toward an anti-immigrant platform. And that is a problem for Republican candidates given how important this issue is to the Latino community—even during this economic crisis 42 percent of Latinos think immigration reform and the DREAM Act, which would grant legal status to people who were brought here at a young age and who complete high school and some college or military service, are the most important issues facing their community. Since this is the initial lens through which they view politicians, it will be difficult for Gingrich or any other candidate to make inroads with these voters while waving the Republican flag.

Conclusion

If Gingrich wants to reach out in earnest and contend for these voters, he is going to need to start by proposing a more realistic and more generous reform proposal. He is also going to have to aggressively walk back his embrace of due-process free deportations, harsh state initiatives, and building fences. Lastly, if he expects to make a play for these voters, he is going to have to lead his party in an about face on this issue. Sounds a bit like scaling Mt. Everest without oxygen, theoretically possible but . . .

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