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2013: Immigration Reform

Michael Sean Winters | Jan. 9, 2013 Distinctly Catholic

Will this be the year? For those of us who have been advocating for comprehensive immigration reform, that question changed on election night. Before the election, we were hoping for some kind of incremental changes, perhaps passing the DREAM Act, and laying the groundwork for more comprehensive efforts down the road. But, after President Obama took a stunning 71% of the Latino vote, a margin that makes it almost impossible for a Republican to win the White House, the possibility of enacting comprehensive reform became thinkable.

The Latino vote proved decisive in several key swing states, including Colorado, Nevada and New Mexico in the West, and Virginia and Florida in the South. It is obviously impossible for the GOP to win a presidential race without most of those states, especially the last two. And, the Latino vote is the fastest growing demographic within the electorate so those numbers will only become more daunting in the years ahead. To be sure, Gov. Romney had the unique ability to add a dose of disrespect to his already hardline anti-immigrant position: He referred to human beings as ?illegals? and Mrs. Romney, speaking to a roomful of Latino citizens, whose legal status is not in doubt, nonetheless referred to the group as ?you people.?

The bottom line for the national GOP is that they have to shift their stance on immigration or risk never winning the White House for a generation. Immediately after the election, several prominent Republicans said as much. But, as we learned during the fiscal cliff battle, congressional Republicans are more focused on their own prospects, specifically the fear of a primary challenger from the right. In their newly gerrymandered districts, a primary challenge is virtually the only way they can lose. You can?t gerrymander a presidential contest, or a Senate one, alas.

So, how does the GOP resolve this tension. At the conclusion of the fiscal cliff negotiations, Speaker of the House John Boehner brought the bill passed overwhelmingly in the Senate to the floor for a vote, even though it did not command a majority of his own caucus. I doubt he could do that again on a fiscal issue. But, I do imagine that Boehner could tell his caucus: Look, we know you need to vote against this immigration reform because of your own circumstances, but we have to get the albatross of less than 30% of the Latino vote nationwide off the neck of our party?s future national candidates. There are surely some thirty Republican House members from heavily Latino states who could, combined with a nearly united Democratic caucus, pass the bill. If ever there was a case for a free vote on the floor, immigration reform is the issue.

I foresee two problems on the horizon, apart from the general dysfunctionality of Washington. The first is that gay rights groups are going to try and use the immigration reform effort to secure back-door federal recognition of same-sex marriage. The Supreme Court may take that issue off the table when it rules on two same-sex marriage cases later this year, but suppose the Court?s ruling is not clear, or does not reach the issue of whether or not a same-sex couple, married in one of the states that permit same-sex marriage, but who have different legal statuses in terms of immigration, can apply for citizenship via the rules that apply to other married couples. It is a thorny issue which is why marriage law is such a contentious issue. As one very smart friend explained to me once, marriage law runs through the entire federal code.

I worry very much that if a provision that favors gay rights is included in the immigration bill, the USCCB would walk away from their traditional support, and I am not sure that reform can pass without the support of the bishops. Incidentally, I think the USCCB would be wrong to walk away ? this is not even remote material cooperation with evil. But, that said, one of the things people hate about Washington is the way that special interests use a bill dealing with one issue to become a vehicle for unrelated issues. Think of all the last-minute pork that got attached to the fiscal cliff law! It is vital that the Congressional Hispanic Caucus, which is overwhelmingly Democratic, reach out to gay rights groups now and explain that most of them support front-door recognition of same-sex marriage, but that they cannot permit that side issue to frustrate the central concern of immigration reform. The Congressional Hispanic Caucus has a unique moral authority in this matter. They can point to the fact that they wanted undocumented workers included in the Affordable Care Act but, at the end of the day, such an inclusion would have killed the ACA?s prospects of passing. So, to advance the greater good, they allowed the coverage of undocumented workers to be stripped from the bill and still supported it. They are asking the same thing of gay rights groups now. This is how coalition politics works, you get what you can and live to fight another day.

My other worry is different and bipartisan. I worry that in the debate on immigration reform, too much emphasis will be put on the need to get green cards to highly skilled workers as if low-skilled workers were less deserving of American citizenship. I find repellent any legal proposals that treat people differently because of their skills or talents. And, this strikes an especially deep chord with me because of my own experiences with immigration applicants. As regular readers know, for many years I ran a restaurant here in DC. We helped many people get their papers. It was time-consuming. It was expensive. None of the people we were helping had advanced degrees, but they were saving their pennies from washing dishes or bussing tables so that their kids could go to college. We had one family the patriarch of whom has worked at the restaurant for many years, and all of his children worked at the restaurant, and not a few cousins. He could not read or write in English, but he was a great American and you never had to worry about someone calling in sick because their brother or cousin would show up to work the shift for them. That kind of personal, familial commitment is something that all Latinos, not just the highly educated, bring to this land. It would be wrong to value that less than an advanced degree.

I remain shocked by the news report I linked to yesterday about the amount of money this country spends on immigration enforcement. I understand that such enforcement has become more of a national security priority since the attacks of September 11, 2001. But, still, the idea that we spend more on immigration enforcement than we do on the combined budgets of the FBI, the Drug Enforcement Administration, the Secret Service, the U.S. Marshals Service and the Bureau of Alcohol, Tobacco, Firearms and Explosives is a stunning fact, and one that should catch the attention of fiscal hawks. Surely, one of the reasons to reform immigration is because there has to be a cheaper way to do this!

The USCCB has launched a postcard campaign on immigration reform, but the real question is whether the bishops are going to push the issue. I read about the postcard campaign, but not in my church bulletin on Sunday. I wonder if the Bishop of Peoria will order a letter supporting immigration reform to be read from all the pulpits of the churches in his diocese as he did with a letter immediately before the election? Will the leaders

of the USCCB, and especially Cardinal Dolan, give interviews to the press, and lobby members of Congress, and be seen to be doing so? Every Latino Catholic I know, from a member of Congress to the waitress at my local Mexican restaurant wants to know if the bishops will fight for them as urgently and forcefully as they have been fighting against the contraception mandate.

Will this be the year? There are hurdles to be sure, but it is not inconceivable that our nation could take a giant step towards achieving a more humane immigration policy, a more effective and less costly immigration policy as well, one that would be aligned with our own best national traditions and with the clear teachings of our Church. We can hope, and we can do more than hope. We can call our Congressmen and Congresswomen, our Senators, and the White House and urge them: Get this done now.

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