

Is Immigration Political Suicide for the GOP?

An Analysis of All House Losses

BY MARCUS EPSTEIN

Study Highlights

- Of the 26 House of Representatives seats lost by the Republicans, only one race featured a Republican who supported tough border security and a Democrat who supported amnesty.
- Some victorious Democrats successfully campaigned to the right of their Republican opponents on illegal immigration.
- Candidates from both parties who expressed support for amnesty in the past, avoided and downplayed their record.
- Immigration control could be the issue to bring the GOP back into the majority.

Did “Immigrant Bashing” Fail?

One of the most common logical fallacies is *cum hoc, ergo propter hoc*, or literally “with this therefore because of this.” Arguing that because many Republicans who opposed amnesty lost the election, therefore opposing amnesty cost Republicans elections would be a perfect example. In an election when

14 of 19 defeated incumbents and all 12 open seats lost were Republicans, proponents of any issue that Republicans tend to support are more likely to lose an election, but correlation does not imply causality.

Propter hoc fallacies are misinterpretations of facts, but they still rely on facts. The rhetoric used by open borders advocates following the 2008 Republican losses is based not only on faulty logic, but pure fiction. Their “logic” is, “with that, therefore because of this.”

No sooner had the ballots been counted than the spin began. The left-wing Center for Community Change gloated, “The tired politics of immigrant bashing once again failed.”

The *Wall Street Journal* editorialized, “Republicans who thought that channeling Lou Dobbs would save their seats will soon be ex-Members.” One pro-immigration group, America’s Voice, published a study, “Republicans: Fenced In By Immigration,” which claimed that in 14 of 16 competitive races, “pro-reform” candidates defeated “hard-liners,” and concluded,

Swing voters chose Democrats overwhelmingly, including many candidates that stood up for a more comprehensive approach to immigration reform than their hard-line opponents. Latino voters turned out in record numbers and fled the anti-immigrant rhetoric of the Republican Party in droves. Their participation in the 2008 elections contributed to Senator Obama’s wins in key battleground states like Colorado, New Mexico, Nevada, and Florida, and also helped Democrats win contested House and Senate races in these states and more.

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Echoing the study, Linda Chavez wrote, Some conservative Republicans, on the other hand, are either in denial or think they can control the problem by limiting the growth in the Hispanic immigrant population. (Just ask the 14 out of 16 hard-line, anti-immigration Republicans who lost their seats this time around to pro-comprehensive reform Democrats how well this worked at the polls.)

If these facts were true, the obvious electoral strategy for the Republicans would be to abandon border security and instead pander to pro-amnesty Hispanic “swing voters.”

But reality paints a very different picture than the artists at the *Wall Street Journal*. Even if some Republicans were unsuccessful at “channeling Lou Dobbs,” Democrats managed to do so quite well. In fact, *Slate*’s Jacob Weissberg came up with a new buzzword when asserting it was “the Lou Dobbs Democrats who won the [2006] election.”

One of these “comprehensive reform Democrats” touted by the amnesty lobby is Larry Kissel, whose campaign sent an e-mail stating,

As for immigration Larry’s position is more conservative the [sic] Congressman Hayes. Mr. Hayes supports the President’s amnesty plan and protec-

tion of businesses that employ illegals. Larry...believes that we have to secure our borders, deport illegal’s... that illegal aliens are just that—illegal and to offer amnesty is to penalize the law abiding people waiting patiently and following the rules.

What about the Republicans? Is it true, as Chavez asserts, that it is only in the wake of the 2008 elections that “Republicans are finally worried that their failure to attract Hispanic voters in this year’s election spells trouble”?

This is the same party that distributed “Estamos Unidos Con McCain” signs at the Republican Convention but wouldn’t let attendees hold ones that said “Build the Fence.” It is the same party that made Mel

Martinez chairman of the Republican National Committee following their rout in 2006 and then gave his first press conference in Spanish. This is the party led for the last eight years by George Bush, who appointed the first Hispanic Attorney General, attempted to force amnesty through Congress on numerous occasions, and whose political strategist Karl Rove explicitly rebuked the successful “Southern Strategy” for the “Hispanic Strategy.” The same Republican Party whose presidential candidate John McCain spoke before every single Hispanic ethnic lobby group to promise “comprehensive immigration reform” and then ran ads on Spanish-language TV blaming the Democrats for “no camino a ciudadanía.” [path to citizenship].

Who are these Republican “hardliners” who lost? According to America’s Voice, Christopher Shays and Randy Kuhl, who had F- scores on amnesty from immigration reduction group Numbers USA, qualify.

“**The claim that voters rejected anti-immigration “hardliner” Republicans in favor of comprehensive immigration-reform Democrats is simply untrue.**”

Purported Positions of the Candidates

Both Candidates Supported Enforcement	11
Both Candidates Supported Amnesty	7
One or Both Candidates Successfully Avoided Issue	6
Democrat Supported Amnesty, Republican Supported Enforcement	1
Democrat Supported Enforcement, Republican Supported Amnesty	1

The scope of the report is modest. It does not analyze how every issue affected the election or how various demographic groups voted. Instead it merely reports what the candidates themselves said about the issue of immigration. This is not rocket science, and the findings are clear: *The claim that voters rejected anti-immigration “hardliner” Republicans in favor of comprehensive immigration-reform Democrats is simply untrue.*

The 2008 Republican House Losses: An Analysis

A note about methodology

When it is stated that a candidate avoided immigration, in most cases this means that immigration was not mentioned on the candidates’ platform, and that a reasonably thorough scan of the campaign news showed little or no mention of anything substantial on immigration. This does not mean, of course, that the candidate never mentioned immigration, but if information is that scantily available, it is a fair assumption that it was a very marginal issue in the campaign.

First, in some of these cases where information was only found on one candidate, it was the Republican who supported amnesty, or the Democrat who supported enforcement. Second, to state that both candidates supported amnesty or opposed it is not to state that they have identical positions. In cases where there are nuances between the two candidates, as much detail as possible is given to those differences.

Finally, as the main purpose of this report is to challenge the conventional wisdom that in losing races the Republican was a hardliner and the Democrat supported comprehensive immigration reform, more details are given to Republicans who supported amnesty and Democrats who supported enforcement. The reason for this is not to procrusteanly ignore inconvenient facts, but to concede them. In a study of 27 races, there need to be some abbreviation and generalizations. While this report may be imperfect, it is still far more thorough—and for that matter forthright about—its shortcomings than the America’s Voice’ report and other writings of amnesty advocates.

Races Where Both Candidates Supported Enforcement

Alabama 2: Jay Love (R) vs. Bobby Bright (D)

In the fight for Terry Everett’s seat, Montgomery mayor Bobby Bright edged out State Senator Jay Love by 4 percent. In this race, both candidates claimed to support tough stances.

Colorado 4: Betsey Markey (D) vs. Marilyn Musgrave (R)

Three-term incumbent Marilyn Musgrave was unseated by senior Ken Salazar Staffer Betsey Markey by a healthy 12-point margin. Despite a tough voting record on immigration, Musgrave did not mention it in her platform or on her website. Markey did not call for any legalization of illegal immigrants, and her platform stated, “I do not support amnesty...I support increased funding for border security efforts.”

Idaho 1: Bill Sali (R) vs. Walt Minnick (D)

First-term incumbent Sali was upset by businessman Walt Minnick by a thin margin. Minnick focused on Sali’s personal financial scandals and position on Veterans’ issues. Sali was a member of the Immigration Reform Caucus and had a reasonably strong record against amnesty and made this tough stance on immigration part of his platform.

Minnick attempted to avoid immigration and did not put it on his platform. When Minnick was accused of being soft on illegal immigration, his spokesman responded “Walt’s position on immigration has been consistent from the beginning, and it’s that we need to secure the borders, send troops to the borders if necessary. Everyone who’s failed a background check needs to be deported immediately, the remainder needs to pay a fine and move to the back of the line for legal immigration.”

Maryland 1: Andy Harris (R) vs. Frank Kratovil (D)

After physician Andy Harris defeated Wayne Gilchrest in the Republican Primary, he was edged out by State Attorney Frank Kratovil by less than 1 percent. Kratovil was emphatic in his opposition to

amnesty and increased enforcement, stating “any discussion of illegal immigration needs to begin with an unwavering commitment to enforce the laws we have on the books and not reward illegal behavior.”

**Michigan 7: Tim Walberg (R)
vs. Mark Schauer (D)**

First-term incumbent Tim Walberg was narrowly defeated by Michigan State Representative Mark Schauer. Walberg has an average voting record on immigration with a B- from Numbers USA, but tried to make immigration an issue in the campaign by accusing Schauer of giving driver’s licenses to illegal aliens and not making English the official language.

Schauer tried to avoid immigration as an issue and did not put it on his website. However, following Walberg’s attack, he hit back with a press release “WALBERG KEEPS UP LIES ABOUT SCHAUER IN NEW AD: Schauer voted against driver’s licenses for illegal immigrants and sponsored bills to stop companies from hiring undocumented workers.”

**Michigan 9: Gary Peters (D) vs.
Joe Knollenberg (R)**

Democratic State Senator Gary Peters defeated nine-term incumbent Joe Knollenberg by a 9-point margin. Most observers attributed the defeat in this Detroit suburb to high liberal and black turnout due to Barack Obama, who carried the district by 15 points.

Knollenberg had a liberal voting record on immigration with a C- rating from Numbers USA and a D for amnesty. He did not include immigration in his platform. As Peters’ victory seemed inevitable, Knollenberg ran ads accusing Peters of supporting a bill that would give health care to illegals. Peters responded by stating that he never supported it.

**New Jersey 1: Chris Myers (R)
vs. John Adler (D)**

State Senator John Adler beat Medford Mayor Chris Myers by 3 percent. Myers did not make immigration an issue in his campaign, but stated that he supported increased technology on the border

rather than a “Wall.”

**North Carolina 8: Robin Hayes (R)
vs. Larry Kissel (D)**

In a rematch of the 2006 race, five-term incumbent Robin Hayes lost to social studies teacher Larry Kissel. Hayes had one of the strongest anti-immigration positions in Congress, though he did not make immigration a huge issue on the campaign. Kissel responded to Numbers USA’s questionnaire with a restrictionist answer to all but one question. Kissel’s campaign manager was even stronger.

**Ohio 16: Kirk Schuring (R)
vs. John Boccieri (D)**

In the race to replace Ralph Regula, State Senator John Boccieri beat fellow State Senator Kirk Schuring by 11 points. Boccieri did not have immigration listed on his platform, but he introduced an amendment to a state-level immigration bill that would crack down on employers.

**Virginia 5: Virgil Goode (R)
vs. Tom Perriello (D)**

After several recounts, social activist Tom Perriello was given a 727-vote margin over six-term incumbent Virgil Goode. Goode was one of the most vocal and consistent opponents of illegal immigration in Congress and made it a campaign issue. Perriello generally tried to avoid the issue and did not include it in his platform. According to the *Norfolk Virginian-Pilot*, “Both candidates opposed amnesty for people in the country illegally, calling it unfair to people who follow the rules.”

Races Where Both Candidates Supported Amnesty

**AZ 1: Sidney Hay (R)
vs. Ann Kirkpatrick (D)**

In the battle for departing Congressman Rick Renzi’s seat, Democratic State Representative Ann Kirkpatrick beat Republican businesswoman Sidney Hay by 16 percent. Both candidates said they supported building a fence. Hay, however, said that the reason for the fence was that it is the only way that “our fellow Americans will support the development of a new worker permit system.”

**Connecticut 4: Jim Himes (D)
vs. Christopher Shays (R)**

Eleven-term liberal Republican Christopher Shays was edged out 51-49 percent by businessman Jim Himes. Shays has an F lifetime voting record from Numbers USA. His loss was almost universally attributed to ideological-demographic changes where Northeastern liberal Republicans who once controlled the GOP are coming to extinction. Shays blamed GOP losses on the “far right,” who “hijacked the party.”

Shays did not shy away from his pro-legalization stance. He told the *New York Times* that the only reason he no longer endorsed a full “pathway to citizenship” was public opinion: “there is not enough support from American people for that.” He immediately qualified this by claiming that deportations “would create chaos” and “divide the country.”

**Nevada 3: Jon Porter (R)
vs. Dana Titus (D)**

State Senator Dana Titus defeated three-term incumbent Jon Porter by a 5-point margin. Porter did not put immigration on his platform, though he included an interview he gave with *In Business Las Vegas* where he said, “We need to secure the borders, but I support a temporary guest workers’ program.” In 2006, Porter had said “I support looking at options at some point for the 12 million people living in the shadows.” Similarly, Titus had been vocally in favor of amnesty in 2006, but since remained silent.

**New Mexico 1: Darren White (R)
vs. Heather Wilson (D)**

In a seat vacated by Heather Wilson when she chose to run for Senate, former Albuquerque city council president Martin Heinrich defeated Bernalillo County Sheriff Darren White by 11 points. According to the *New Mexico Business Journal*, “White decried what he called mean-spirited rhetoric that has accompanied the immigration debate and said the majority of undocumented immigrants are coming here to feed their families. He supports a guest worker program after the border has been secured.”

**New Mexico 2: Ed Tinsley (R)
vs. Harry Teague (D)**

Republicans: With a three million dollar fundraising edge, County Commissioner Harry Teague defeated Restaurant Owner Ed Tinsley by 12 points. Teague favored a liberal immigration policy. His platform called for a “pathway to citizenship” for illegal immigrants who “learn English, pay back taxes, pass background checks, and pay a fine.” Tinsley’s platform stated he supported “comprehensive immigration reform.”

**New York 25: Dale Sweetland (R)
vs. Dan Maffei (D)**

Former Congressional Staffer Dan Maffei beat dairy farmer Dale Sweetland by 13 points. This seat was considered one of the Democrats’ easiest takeovers, and Maffei almost ran unopposed in the general election. Neither candidate had an immigration section on their platform, but Maffei issued a press release against then-Governor Eliot Spitzer’s decision to issue driver’s licenses to illegal immigrants, calling it “a matter of national security.”

**New York 29: Randy Kuhl (R)
vs. Eric Massa (D)**

Former Naval Officer Eric Massa beat two term incumbent Randy Kuhl by a narrow margin. Kuhl had a liberal voting record on immigration with a F- Amnesty voting record from Numbers USA. Kuhl did not include immigration in his platform.

Massa had an elaborate immigration plank on his platform that focused on indirect issues such as trade laws with Latin America. It called for increasing border security and prosecuting employers, though it also called for a “pathway to citizenship” instead of “Rush Limbaugh fear-mongering”

*Races Where Immigration Was Not an Issue
for One or Both Candidates*

**Florida 8: Alan Grayson (D)
vs. Ric Keller (R)**

Lawyer and political novice Alan Grayson defeated four-term incumbent Ric Keller by a 4-point margin. Keller had a moderately tough immigration record. He was a member of the Immigration Reform Caucus and usually voted against amnesty, though he had a soft record on foreign workers. Most observers put two factors behind Keller's defeat: his violation of his term limits pledge and his difficult primary challenger Todd Long, who attacked Keller for being too soft on immigration.

**Florida 11: Tom Feeney (R)
vs. Suzanne Kosmas (D)**

In the largest defeat of a Republican incumbent, former State Representative Suzanne Kosmas beat scandal-ridden Tom Feeney by 16 points. Feeney made immigration control part of his campaign, and his platform touted his opposition to amnesty and co-sponsorship of the SAVE Act.

Kosmas managed to avoid the issue by focusing on Feeney's ethics problems. Her platform made no mention of immigration, and organizations that looked for her immigration stance found nothing.

**Illinois 11: Marty Orzinga (R)
vs. Deborah Halverson (D)**

Illinois State House of Representatives Speaker Deborah Halverson beat businessman Marty Orzinga in a 25 percent landslide for Jerry Weller's seat. The initial Republican candidate Tim Balderman dropped out abruptly, making it nearly impossible for the GOP to win the seat. The candidates either did not mention immigration or made few statements on the issue.

**New York 13: Steve Harrison (R)
vs. Mike McMahon (D)**

This race was never competitive because incumbent Vince Fossella dropped out of the race shortly before the election following a drunken driving arrest and revelations that he had fathered an illegitimate child.

That said, Mike McMahon did not include immigration on his website or platform. Steve Harrison called for a path to citizenship.

**Ohio 15: Steve Stiver (R)
vs. Mary Jo Kilroy (D)**

After a number of recounts County Commissioner Mary Jo Kilroy edged out State Senator Steve Stiver by 2,311 votes. Neither candidate had mentioned immigration on his or her platform, and there is scant mention of it in any article. However, when asked about the issue in 2006, Kilroy rejected amnesty and said, "We need to start by enforcing the laws we already have on the books, which have been neglected under the Bush administration. The goals of real immigration reform must include enforcing laws on the books against employers, in addition to securing our borders."

**Virginia 11: Keith Fimian (R)
vs. Gerry Connolly (D)**

In the race to replace Tom Davis, Gerry Connolly defeated businessman Keith Fimian. As the head of the Fairfax Board of Supervisors, Connolly had denounced the actions made against illegal immigration in neighboring Loudoun and Prince William counties. However, he ran away from this position during the campaign. His platform made no mention on immigration. On immigration, Connolly said that securing our borders and stopping the flow of illegal immigrants must be a top priority of the next Congress; however, enforcement is only part of the solution. Fimian supported increased border security and deporting illegal immigrant criminals, but did not stress opposition to amnesty and supported an increase in temporary visas.

Race Where the Democrat Supported Amnesty and the Republican Supported Enforcement:

**Ohio 1: Steve Chabot (R)
vs. Steven Dreihaus (D)**

Ohio House Minority Whip Steven Driehaus edged out seven-term Republican incumbent Steve Chabot. In addition to the other hurdles Republicans faced in this election, a major factor in this race was high African-American turnout in the 27 percent black district driven by Barack Obama. Chabot had a moderately restrictive immigration voting record. In this race, Chabot attempted to

play up his anti-amnesty stance, while Driehaus gave a qualified defense of comprehensive immigration reform.

Race Where the Democrat Supported Enforcement and the Republican Supported Amnesty

Pennsylvania 3: Phil English (R) vs. Kathy Dahlkemper (D)

Three-term incumbent Phil English was defeated by businesswomen Kathy Dahlkemper. English had a liberal voting record on immigration with an F- from Numbers USA on amnesty. Dahlkemper's platform stated, "We must not provide Amnesty to those who are living illegally within our borders and reward their initial wrongdoing.... We must make it a priority to administer and enforce strict fines on companies that hire illegal immigrants." She went on to criticize English for voting against a bill to increase fines on employers of illegals.

A Way Out of the Wilderness

In this election, fighting illegal immigration was not always the "silver bullet" that could overcome the litany of problems for the GOP, such as the economy, the war in Iraq, corruption, and hatred of President Bush. Yet even in a tough electoral climate, immigration control could have been more successful for the GOP had John McCain, the leadership of the Republican Party, and the conservative movement been behind it. It is hard enough to campaign against the positions of the sitting president in your Party. It is even more difficult to campaign against the position of the candidate you are endorsing for president.

Leadership of key conservative groups such as the Club for Growth and Americans for Tax Return, who have great influence over the movement's electoral priorities, support amnesty. If any of these conditions change, immigration could be the GOP's ticket to victory in 2010.

This study stuck to lost Republican seats, so it did not include one "competitive" race that many amnesty advocates commonly point to as proof that immigration control failed: Lou Barletta's cam-

paigned against eleven-term Democratic incumbent Paul Kanjorski in Pennsylvania's 11th district.

Barletta is mayor of Hazleton, PA, where he gained national exposure by instituting a tough local ordinance against illegal immigration. He became so popular that he won both the Republican Party primary with 94 percent and the Democratic primary as a write-in with over 63 percent of the vote. Kanjorski squeaked by Barletta with a 3-percent victory, and the race was seen as proof that immigrant bashing cost the Republicans yet another competitive race.

Yet the only reason why this race was competitive to begin with was because of the power of the illegal immigration issue when taken up by a man with a true record of leadership. Both John Kerry and Al Gore won the district by healthy margins; this district was given a Cook Partisan Voting Index of Democrats +5. Kanjorski faced no challenger in 2004 and won with 72.5 percent of the vote in 2006. Kanjorski only escaped with his neck by claiming he supported border security.

His platform stated, "Paul believes that we need secure borders.... He opposes amnesty for illegal immigrants, and is a cosponsor of the Secure America through Verification and Enforcement (SAVE) Act. This bill would combat illegal immigration through stronger worksite enforcement, increased border security, and improved interior enforcement."

Despite a past record of supporting amnesty, both his campaign and the local media, who ran headlines like "Kanjorski, Barletta see immigration similarly," tried to eliminate Barletta's claim as the only anti-amnesty candidate.

That a small-town mayor with 23,000 constituents came close to unseating an 11-term incumbent who normally faced no Republican opposition in this year's electoral climate shows how much potential immigration still has to win elections for the Republican Party.

Will they take up this opportunity? ■