

## JUNCTURE AND DEBATE

# THE 2012 U.S. ELECTIONS. THE WEIGHT OF THE LATINO VOTE, AND IMMIGRATION REFORM PROSPECTS

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The U.S. election campaign ended on November 6: Barack Obama was re-elected for a second four-year term starting next January. As is generally known, the presidential election in the United States is not decided via direct votes but through the Electoral College System. The total number of college votes equals the sum of the nation's congressional districts (438), plus the total number of federal Senate seats (100). Therefore, in order to win the presidential election, a candidate must win at least 270 Electoral College votes.

President Obama secured his re-election with 332 Electoral College votes, while Republican candidate, Mitt Romney, had only 206. Obama obtained a total of 62,611,250 votes versus the 59,134,475 votes obtained by Romney, a difference of approximately 3.5 million. Despite the relatively small disparity in the popular vote, the substantial gap in the number of Electoral College votes is attributable to a "winner takes all" logic, which applies to the way in which the Electoral College votes are awarded. On some previous occasions, the electoral winner has not been the winner of the popular vote, and this has been due to the way in which the Electoral College system operates.

Regarding the popular vote, we must note that, this year, there was a decrease in voter turnout. According to preliminary data, is comprised 57.5% of the voting population vis-à-vis 62.3% in 2008 and 60.4% in 2004. According to the Pew Hispanic Center, the voting eligible population is comprised of some 215 million people, including 23.7 million Latinos. According to the November 10 edition of *The Economist*, President Obama had 50.4% of the popular vote compared to the 48% obtained by Romney. According to this report, 1.6% of the popular vote went to third party candidates.

In addition to the presidential elections, there were federal legislative elections for each of the members of the House of Representatives and approximately a third of the 100 members of the Senate. In general terms, these electoral results did not produce a substantive change in the previous numerical composition or political orientation of each of the federal legislative chambers. However, while the numerical correlation of votes between Republicans and Democrats in both legislative houses will remain virtually the same in the next Congress, the political initiative will be in the hands of the Democrats, especially since the Republican leadership in both houses stated, at the beginning of the first Obama administration, that their main priority would be to ensure that he did not get reelected.

The Democratic Party will have 53 senators starting next January; in addition, an independent candidate was elected for the state of Maine, bringing the number of independent senators to 2 starting January. These two senators will probably join the Democratic vote, which will provide the latter with a tacit advantage of 55. The Republican Party will have 45 senators, and Republican senators known for their bipartisan tendencies, like Olympia Snow of Maine, Scott Brown of Massachusetts, and Richard Lugar of Indiana will no longer be in the Senate starting next year. This suggests that bipartisanship will be unlikely in 2013.

The Republican Party was able to retain its majority in the House of Representatives (or lower house); they will have 234 members versus the Democratic Party's 201. The political orientation of both blocks will be very similar to the current one, as in the case of the Senate.

Regardless of the balance of forces between each of the federal legislative benches, President Obama and the Democratic Party will arrive at the next legislative session with a political advantage. If the President wanted to leave a substantial strategic legacy to the nation, his electoral victory now gives him the possibility of responding in a more acute and genuinely novel manner to the great national challenges. Since the Reagan administration, the Republicans have exercised a political and ideological hegemony that continues until today. Obama has the chance of providing a new direction that allows the United States to positively solve, from a much more inclusive and sustainable long-term approach, transcendental issues such as economic, fiscal, and foreign policy; the role

of the State as a regulator and guarantor of social welfare; conservation and immigration policy; infrastructure maintenance and development; public education policy; universal health policy, etc. If the political attitude that has characterized the Democratic Party since the end of the 1970s (i.e., subjection to Republican hegemony) prevails, another favorable historic opportunity for far-reaching changes will be lost.

### THE ROLE OF LATINO VOTERS IN THIS ELECTION

Although the current data are still preliminary, it is estimated that between 11 and 12.5 million people of Latin American origin voted in these elections. This means that the Latino vote increased by 2.7 million new voters compared with data from 2008. According to preliminary data, 71% of Latino voters supported Obama's re-election; following the general electoral pattern, Latina women were his main support within this group with 77% of their votes; Latino men awarded him 65%. This degree of electoral preference surpassed the support received by Obama in the 2008 elections, when he won 67% of the Latino vote. This was particularly beneficial for his re-election in key states that ensured the majority of the Electoral College votes, such as Ohio, Virginia, Wisconsin, Iowa, Colorado and Nevada. In the case of Florida, Latino votes were also of great importance, although on this occasion the presidential election was defined before the Florida vote count had been completed.

According to the November 12 edition of *Business Week* magazine, Latino support for Obama was consistent with that provided by other minority groups in the U.S. electorate. African Americans gave him 93% of their vote, while people of Asian origin awarded him 73% of theirs. Obama's weakness where whites: only 56% of his votes came from them. In contrast, 89% of Romney's votes came from this group.

The degree of Latino support received by Obama and the Democratic House and Senate candidates should be further scrutinized. However, this overwhelming preference can be probably reduced to the clear perception that the Republican option would translate into a worsening of conditions for this group.

In fact, Latinos have experienced a significant decline in socio-economic standards over the past years, particularly due to the foreclosure epidemic worsened by the recent U.S. economic recession. According to a study published by the Pew Research Center in July 2011 and compared to other ethnic and cultural groups, Latinos experienced the most substantial wealth loss (66%) between 2005 and 2009. As far as employment is concerned, Latino workers have suffered considerably since 2007 due to layoffs in their traditional employment areas, particularly the construction industry, which usually pays higher wages than the services industry.

Generally speaking, Latinos have recovered from the acute unemployment levels of 2008 and 2009. Nevertheless, they have been disproportionately affected by the general trend towards more expensive employment and, by extension, more expensive living conditions. This trend is expressed in very low wage rates, lack of access to employment benefits (e.g., health care and holidays), and systematic replacement of jobs that used to be full time and have now become part-time, often obtained through temporary employment agencies. This trend has been one of the features in the recent “recovery” of the U.S. economy and the job market in particular.

As far as immigration policy is concerned, the past four years have been very hard for the Mexican, Central American and, generally speaking, Latin American immigrant community. The Obama administration has the dubious distinction of having undertaken the most deportations in history: about a million and a half foreign nationals have been deported since Obama became president. The human cost has been enormous: millions of people have been forcibly separated from their families, including hundreds of thousands of U.S. citizens. The situation for permanent residents has not been pleasant either. The costs of permanent residence and naturalization applications have continued to increase, and waiting periods are still extremely long.

In addition, the Obama administration has systematically promoted a program called Secure Communities, or “S-Comm,” which requires the cooperation of local political bodies with the federal immigration police (U.S. Immigration and Customs Enforcement, or ICE). Initially, the presidency said the cooperation of local police forces would be voluntary. But after moral and political questions by the governors of states such as

New York, Illinois and Massachusetts, who expressed their wish to end their participation in the S-Comm program, the Obama administration responded that cooperation was compulsory. S-Comm has been the primary mechanism for the arrest and eventual deportation of hundreds of thousands of undocumented foreigners who reside in United States, and the vast majority of them have not committed any crime.

In addition to the above, the federal administration also refused, until the summer of 2011, to use presidential or executive authority to grant immigration relief to sectors of the undocumented population. The president repeatedly said he had no authority to grant immigration relief, but both Republican and Democratic presidents have done this before. After much political pressure from immigrant rights organizations and, in particular, a wave of protests made in front of his re-election campaign offices, the White House announced the first of several undocumented immigrant relief programs in August 2011. Unfortunately, these administrative programs were ultimately ineffective or very slow in their implementation, and have resulted in sub-par performances.

An example was the announcement that nearly 300,000 people facing deportation would receive immigration relief. The administration announced only those with criminal records would be prosecuted, suggesting that most of the people would be released. A year later, the New York Times revealed that the total number of beneficiaries had not even reached the 10,000 mark.

The immigration relief program for young undocumented people, announced on June 15 of this year, during the electoral campaign and at a time where there was much skepticism in the Latino community regarding Obama's re-election, did not get started until August 15 and initial approval rates were very low. Although a number of up to 1.7 million beneficiaries was contemplated, the amount of received and approved applications is still very far from that figure.

All of the above shows that the overwhelming Latino support for Obama and the Democratic Party had much more to do with fear that things would get worse under a Republican administration than with any actual satisfaction or enthusiasm regarding Obama's performance in areas of direct interest.

Regardless of the reasons that led Latinos to support the Democratic Party and Obama, the fact is that this election marked the beginning of an irreversible process: the diversification of the American electorate. Current data are overwhelming in this regard. Despite the amount of attention given to the Latino vote in this election, white voters accounted for 72% of total cast votes. However, the future will be marked by a continuous increase in ethnic and racial minority voters headed by Latinos, and a systematic decrease in the proportion of white voters. This election has evidenced that, given its current economic, social and political agenda, the Republican Party is destined to become an increasingly insignificant political force unless it fundamentally shifts direction.

### THE IMPACT OF THE LATINO VOTE REGARDING IMMIGRATION REFORM POLICY

Since the night of November 6, the Republican Party's inability to significantly attract voters from ethnic-cultural minorities, mainly Latinos, has been constantly in the news. Although the challenge for the Republican Party is much more complex, the press and most political analysts have identified the lack of Republican appeal among Latinos as having to do with the party's stance on immigrant rights and immigration policy.

English-speaking media, from the conservative Fox to more liberal sources such as the New York Times, have insistently and most conspicuously commented that the Republican Party must urgently reassess its position on immigration. This has led to the resurgence of a public debate on the need for U.S. immigration policy reform. The public debate has mostly focused on the Republican Party, as if the issue was not equally relevant to the Democrats.

Pinpointing the Republicans as the political entity in the dock over immigration policy overlooks the fact that the Obama administration and the Democrats as a whole have inflicted huge social costs on immigrant families over the past two decades. Beyond the current administration's deportation record, we must remember that the most punitive Immigration Act in contemporary history was adopted in 1996, during the Clinton administration.

If the national public debate on the election and immigration policy was more rigorous, it would then reconsider the U.S. stance on this topic since at least the early 1990s regardless of the party in executive and/or legislative charge. Unfortunately, the investigative rigor of the U.S. press leaves much to be desired; as a result, the public debate on these issues tends to stay on a superficial and simplistic plane that tends to reduce the problem to a possible change in Republican attitudes.

Regardless of the recent lack of rigor in the aforementioned debate, there is no doubt that these issues will figure importantly in the political and legislative agenda of the upcoming years; Obama has promised he will continue to address them during his second term, and the statements made by leaders of the more pragmatic Republican faction seem to confirm this will indeed be the case.

In order to try to take maximum advantage of the renewed interest in immigration policy and immigrant rights, the immigrant political agenda must be urgently redefined, especially where migrant communities themselves are concerned.

The National Alliance of Latin American and Caribbean Communities (NALACC) is of the opinion that we must urgently push beyond the framework of legislative reform that has prevailed since approximately 2002. I am talking about the political and legislative approach known as comprehensive immigration reform (CIR). This emerged early last decade as a pragmatic response that tacitly accepted the punitive conditions established by the Immigration Act of 1996, and sought to situate the concept of reform within this framework.

Latino migrant leaderships believe that, in order to speak of a genuine immigration reform capable of equipping the country with a functional immigration policy, one that is humane and long lasting, it is imperative we transcend the CIR approach. We also think that, while we must start with a comprehensive and long-term vision, we must also learn from the lessons of the past ten years and be very open to the idea that moving toward an entirely different immigration law will not be achieved instantaneously; gradual changes will be needed to reach the ideal conditions. We also believe that, while Congress takes effective action in the field of legislative reform, the executive branch

of the government should further use its power to provide effective immigration relief to migrant populations in particularly meritorious conditions. An issue that demands all our joint efforts is the urgent need to stop the current pace of deportations. The Obama administration should be forced to change its course on this matter.

### WHAT CAN WE EXPECT FROM THE OBAMA ADMINISTRATION AND CONGRESS?

Regardless of how organized migrant communities and our supporters define the agenda of immigration reform, we should be aware that, from a Republican standpoint, as little as possible will be done while trying to get the maximum promotional benefit. We should also be clear on the fact that the immigration issue on which the Democratic leadership and the more pragmatic Republican wing most strongly converge is the legalization of access to work. This means that the type of reform that can be anticipated in the case of a bipartisan collaboration, and which would become a cornerstone of immigration reform, would be a temporary employment program for foreign workers without any real options of attaining permanent residence, let alone citizenship.

Reform proposals over the past five years considered the creation of employment mechanisms via visas or temporary work permits for foreign workers. Access to permanent residence, a prerequisite for citizenship via naturalization, has not been at fundamental issue. Likewise, most proposals during recent years have emphasized the preservation of the control and punishment regime established by the Immigration Act of 1996. This emphasis is not exclusive to a single party but, rather, entails bipartisan convergence.

The risk of an immigration reform that maintains and even strengthens mechanisms of migrant control, exclusion, restriction and punishment while, at the same time, providing temporary employment visas, implies that millions of foreigners would live in conditions of extreme labor exploitation in addition to being subjected to a highly punitive regime that would also make them very vulnerable to continuous detentions and deportations. In the best of cases, this is an



option that would create a large mass of people living as second class members of society, without access to the economic, social and political rights available to U.S. citizens; in other words, this group would suffer economic and social apartheid.

However, from the perspective of the millions of undocumented foreigners living in the country under constant fear of being detained, arrested and deported, the idea of having a work permit is attractive enough because it is seen as an improvement on their current conditions of absolute vulnerability. This situation makes it difficult to reconcile what immigrant communities want, and even what they deserve, with that which may be available in the immediate term.

In addition, it is expected that the Republicans will attempt to lead the legislative resolution regarding young undocumented migrants residing in the United States. Republican Senators Hutchinson, from Texas, McCain and Kyl, from Arizona, presented a legislative proposal before the House related to this topic. In essence, they propose the granting of temporary visas without guarantee of eventual access to permanent residency or citizenship.

Similarly, on November 30, the Republicans at the House of Representatives approved a reform proposal regarding highly skilled immigrants. The proposal asks for the elimination of 55 thousand annual visas currently available as part of the visas for diversity program (popularly known as “the visa lottery”) and their transfer to the visa category for highly skilled workers. The proposal, passed with the almost exclusive support of Republican lawmakers, would provide a degree of relief for family members of permanent residents and U.S. citizens kept from re-entering the country due to the three- to ten-year reentry restrictions stipulated in the 1996 law.

On the Democratic side, Senator Chuck Schumer, from New York, has already expressed the Democratic desire for a renewal of immigration policy reform proposals presented over these past years that are consistent with those of the Republicans. Unfortunately, the Democratic Party has not been able to produce a new narrative or a new political/legislative paradigm on how to solve, in the most functional, humane, fair and visionary way, the dilemma posed by

immigrants already residing in the country. It has also failed to reorient immigration policy toward the future.

One of the biggest obstacles in the Republican management of immigration is the nature of the Republican leadership in Congress, both in the House of Representatives and the Senate. The House of Representatives is still dominated by the more conservative wing of the Republican Party and influenced by the “Tea Party.” There are also a number of Democrats from congressional districts with strong republican influence, so it is very unlikely that the House will move toward a wide and generous immigration reform.

In the Senate, Republican members committed to the “Tea Party” have gained strength. This means that the support of at least less five reform-minded Republican senators is unlikely to go beyond the above mentioned parameters. Republican Florida Senator Marco Rubio has already taken a stance on the immigration issue, emphasizing temporary visas or work permit mechanisms and excluding access to permanent residence. Lindsey Graham, another Republican Senator from South Carolina, is an interesting case given he has been part of the pragmatic Republican wing where immigration is concerned. However, he will probably be challenged in the Republican primaries of 2014 by the most conservative sector of the party, and this could neutralize his leadership.

In conclusion, it is obvious that despite the electoral results of November 6 and the post-electoral resurgence of the issue of immigration policy reform, political and local electoral dynamics will considerably impact the ways in which this issue will be addressed. Our only chance of channeling the subject of immigration reform in a positive direction will require hard work in the areas of public education and advocacy to clearly and accurately illustrate its dehumanizing and outdated nature. Organization across migrant communities will play a crucial role in maintaining a long-term focus in this area of public policy. Regardless of what can be achieved in the short term, we will have to maintain clarity and discipline regarding long-term goals.