

## Tips for Talking **Due Process & Immigration**

**Core Message:** *Due process is a human right central to the American justice system. American values of justice and fairness only stand strong when we uphold the right to due process.*

Most audiences believe that due process in the legal system is a basic right, central to preserving and upholding American values of security, fair treatment, and freedom from government persecution. However, while audiences hold the concept dear, they do not easily accept that violations occur. This is in part because the idea is so central to their notion of what America stands for that they have trouble believing we would deny it to anyone here. This embrace of due process as integral to our nation's identity is an opportunity to tell a story of American values in peril, and to make the case for how to protect and restore them through a commonsense approach to our immigration policies.<sup>1</sup>

- ▶ **Lead with Values.** Fairness, equality, America's founding principles. Assert that the United States should protect due process in order to stand up for American values.
- ▶ **It's About All of Us.** Research shows that arguments focusing on the goal of protecting our core values resonate better than a focus on protecting the specific rights of undocumented immigrants. Emphasize that due process is central to the credibility of our justice system, and that once we start denying rights for one individual or type of people, it puts all individuals' rights at risk.
- ▶ **Define the Term.** While audiences are committed to the concept of due process, not all immediately understand the term itself. Describing due process as giving someone a fair trial, or access to courts and lawyers, or a set of standardized rules and procedures to protect individuals from being unfairly treated or imprisoned helps to make the term more accessible.
- ▶ **Include positive solutions.** This is an opportunity to talk about what does work, not just attack policies that don't. Research shows that conversations about immigration that lack

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<sup>1</sup> This advice is based, in part, on national research on Americans' perceptions of human rights, which included focus groups specifically on due process, as well as focus groups held in the South around a range of immigration issues. Belden Russonello & Stewart, 2009 and First Research, 2010.

positive solutions can result in increased support for enforcement measures among some persuadables. We should always describe what needs to happen in order to restore and protect due process, and what all Americans can do to support positive and effective changes to our immigration laws.

- ▶ **Include key information about how the current system denies due process rights to immigrants.** Participants are not aware of how laws can violate due process and have a hard time believing that this could be happening. Therefore, it is important to keep the language simple and straightforward. If the rhetoric strays from a simple description, the message's credibility could be put into question.
- ▶ **Find the Right Spokespeople.** Because audiences don't necessarily believe that undocumented immigrants are being denied due process, messenger credibility is important. Law enforcement, judges and faith leaders will likely be more trusted than immigration advocates or immigrants themselves.
- ▶ **Include the Right Pieces of the Story.** Elements of due process that audiences valued the most include timeliness in granting due process, being allowed to call a loved one and a lawyer, and fair treatment.

## Sample Language

- ▶ *Due process – access to courts and lawyers and a basic set of rules for how we're all treated in the justice system – is a human right and central to our country's values. We should reject any policies that deny due process, for undocumented immigrants or anyone else. Our American values of justice and fairness only stand strong when we have one system of justice for everyone. If one group can be denied due process, none of us will be safe to enjoy the rights that America stands for.*
- ▶ *The United States was founded on the belief that everyone has the right to life, liberty, and the pursuit of happiness and on basic notions of fairness and justice. Denying due process to any group violates these core values [of fairness and justice] and hurts us all.*
- ▶ *When it comes to our outdated immigration laws, we need real solutions that embrace fairness, equal treatment, and due process. Current laws are badly broken, but disregarding our values is not the answer to fixing them. Tell Congress it's possible--and*



*imperative--to both modernize our immigration laws and protect our core values at the same time.*