



Navigating Public Thinking about Democracy

July 2025 Briefing: Immigration and the Rule of Law

Key Takeaways

Navigating Public Thinking about Democracy is a monthly briefing series from the FrameWorks Institute's [Culture Change Project](#).

Each month, we share insights from our latest research into how Americans are thinking about democracy, our political system, and the Constitution—and what that means for those of us working to counter authoritarian threats and strengthen our democracy.

To register for future briefings, click [here](#).

On July 16, 2025, we shared findings from research on people's understandings of the rule of law, immigration, and due process. These findings drew on focus groups conducted in June 2025, tracking survey data from April 2024–June 2025, and deep-dive mindset interviews conducted in 2023. Key findings, implications, and framing strategies are presented below:

“The law” + “immigration” is making headlines.

The rule of law, due process, court review... “The law” is making headlines across media platforms. This is particularly true of coverage of immigration. At the moment, “the law” and “immigration” are tightly bound together in the news and public conversations. Much of the contest between people [justifying the administration's actions](#) and activists [rallying against them](#) is happening on the terrain of “the law” + “immigration.” How are people likely to make sense of this conversation?

First, it's important to note that concepts like the rule of law and due process are not familiar for many people. But people do have established understandings of and

associations with “the law” and “immigration,” and when these are brought together, it consistently channels thinking in particular directions.

“The law” is a frame—and one that can be problematic when talking about immigrant justice.

“The law” is a topic – something to communicate *about*—but it is also a frame. Framing something as being “about the law” is a choice, and one with implications for how people understand our communications.

So what does a “law” frame look like?

A message may be employing a “law” frame if it...

- Appeals to the importance of the rule of law
- Foregrounds words associated with the legal system (e.g. “court order,” “administrative stay,” “due process,” “innocent,” “trial”)
- Highlights specific court cases (e.g. Trump v. CASA, DHS v. D.V.D.)
- Uses messengers associated with the legal system (e.g. attorneys, judges, law professors)

When we use a law frame, we activate people’s understandings of law:

- The **Law is for Lawyers** mindset. People often assume that law is a technical issue that only experts can weigh in on. It leads people to defer to the authority of lawyers and courts, rather than feel like they can or should take a stand on the issue. As result, it can distance people from the issue and prevent engagement.
- The **Law = Criminal Law** mindset. When people think about the law, they often implicitly think only of criminal law. This focuses thinking on discipline and punishment. It limits thinking about how law sets up systems (e.g. how immigration law sets up the immigration system) and orients people towards thinking about how the law protects us from bad individuals, not how the law can protect us from the state.

These ways of thinking about the law interact with some of the ways people think about immigration:

- The **Immigrants as “Them”** mindset. This mindset leads people to think of immigrants as a dangerous “other” who threatens “us.”
- The **Lawbreakers** mindset. This association of undocumented immigrants and illegality cues thinking about crime.

These aren’t the only available ways of thinking about immigrants. The idea of a *nation of immigrants*, for example, prompts a more inclusive and welcoming orientation. But when we use a law frame to talk about immigration, we inadvertently cue these othering mindsets: “The law” focuses attention on protection from crime, which activates the association of immigrants with criminals.

The result is that when we use a law frame to talk about immigration, the language we’re using to highlight protections *for* immigrants can inadvertently lead people to think about the need to protect “us” *from* immigrants.

Quick-start guide:

Instead of using a law frame, appeal to core principles:

- **Instead of appealing to “the law” and legality, talk about the Constitution and constitutional rights.**
What this looks like: Presidents shouldn’t get to decide which people have constitutional rights and which people don’t.
- **Demand an immigration system that respects our shared humanity.**
What this looks like: Right now, our immigration laws are anything but moral or humane.
- **Instead of appealing to “the rule of law,” use examples to appeal to the idea of being equal under the law.**
What this looks like: We believe everyone should be equal under the law.

The big framing shift: From appealing to “the law” to appealing to core principles.

We can avoid the problems with “the law” frame by focusing instead on the core principles that we want to live up to. Research suggests three ways to do this:

1. Instead of appealing to “the law,” talk about the Constitution.

The **Law = Criminal Law** mindset makes it easy to inadvertently cue thinking about crime when we use language about law:

Researcher: When someone mentions ‘the law,’ what kinds of things come to mind?

*Participant 1: **Police.***

*Participant 2: I would say it’s all about, you know, **punishing** citizens.*

Participant 3: Lawyers.

Similarly, the **Lawbreakers** mindset—which characterizes people without documentation as criminals—makes it easy to inadvertently cue thinking about crime when we talk about immigration. Together, the two mindsets can make talking about “immigration law” difficult, because it immediately puts people in a headspace of crime and punishment.

To navigate around these mindsets, we can appeal to the Constitution rather than the law. The Constitution—specifically the Bill of Rights—is understood as an embodiment of our core principles and values. Concepts like “constitutional rights” and “popular government” are held dear, and appealing to them is likely to resonate. Appealing to constitutional principles lets us make an argument about the immigration system that engages rather than distances people and that orients people toward the rights *of* immigrants rather than toward protections *from* immigrants.

Compare the following messages about birthright citizenship. The first uses a law frame, relying heavily on legalese, citing specific court cases, and appealing to the rule of law. The second appeals to constitutional principles:

<p><i>Old message (appealing to the rule of law):</i></p> <p>Our legal system is grounded in the principle of the rule of law. That means respecting longstanding precedents.</p> <p>The Supreme Court’s 1898 decision in <i>United States v. Wong Kim Ark</i> established the precedent that anyone born within the United States, regardless of their parents’ immigration status, is a U.S. citizen.</p>	<p><i>New message (appealing to constitutional principles):</i></p> <p>Presidents shouldn’t get to choose which people have constitutional rights and which people don’t. But recently, the Supreme Court made it much easier for the president to decide that some people don’t get the same rights that others do, despite what our Constitution says.</p> <p>The Constitution is clear: All persons born in the United States are citizens of the United States.</p>
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Here’s another example of how to move from a “law” frame that foregrounds “legal norms and practice” to a message that centers constitutional rights:

<p><i>Old message (appealing to legal norms):</i></p> <p>Usurpation of state authority over the National Guard violates longstanding legal norms and practice. The statute is supposed to be used only in limited cases, such as a “rebellion against the authority of the Government of the United States.” DHS’ deployment of the National Guard was blatantly illegal and constitutes a significant threat to the rule of law.</p>	<p><i>New message: (appealing to constitutional principles):</i></p> <p>Sending in the military to shut down protest is a threat to our constitutional rights. In a democracy, military force should never be used to shut down the voices of people speaking up for what they believe. Our goal should be making it safer—not more dangerous—for people to speak up.</p>
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Appealing to the principles of ‘rights’ and ‘popular government’ alongside an appeal to the Constitution is a powerful way of tapping into productive understandings of government and society (while avoiding cueing harmful ones). Language like this can help:

- *We believe that power lies with the people.*
- *What happens in society is up to us.*
- *We shouldn't have to live according to the whims of powerful people.*
- *This is a threat to our constitutional rights.*

2. Don't get off track by arguing over enforcement—demand an immigration system that respects our shared humanity.

The **Law = Criminal Law** mindset and the **Lawbreakers** mindset of immigrants create a toxic combo, leading people to focus on three things during discussions of immigration law: enforcement, detainment, and detention.

*“Well, if it's illegal to enter the country and not be documented then **by default, you're a criminal**. Now, does that put you on the same level as a criminal that is murdering people? No, but it's still essentially a crime... So yes, by default, **you are a criminal** if you enter a country against their laws.”*

Research participant, June 2025

The administration is doing everything it can to strengthen these mindsets and make people think that ICE is just “enforcing the law.” To counter their framing, we may be tempted to get into an argument about which laws should be enforced and whether methods of enforcement are legal. But when the debate stays at the level of whether and how to enforce the law, we're on losing ground. In the context of conversations about enforcing the law, it can seem to people like simple common sense that we need to enforce the law—are we really suggesting that we *not* enforce it?

The good news is that people do think that the actions the administration is taking around immigration are inhumane:

*“**There's just gotta be a better way to do it** than secret police that are doing these massive raids like this.”*

Research participant, June 2025

*“I would question whether or not they're receiving whatever 'due process' is. And if illegal immigrants... what are their rights, legally, in this? Because **they're still humans, they still have rights.**”*

—Research participant, June 2025

This line of thinking is an opening—a way for us to make *our* case rather than getting stuck refuting frames and language we don't want to reinforce. We can root our messages in a principle that most Americans hold dear: We have a moral obligation to create a humane immigration system that treats everyone with dignity and respect.

Our research suggests that to strategically counter the “just enforcing the law” trap, we should:

1. **Back up and talk about how the system is designed.** When we bring the failures of our system into view, we get out of the false choice between enforcing vs. not enforcing the law.
2. **Foreground the value of shared humanity, dignity, and respect.** This highlights what people are already seeing—that current actions are not humane. And combined with step one, it orients people toward a way forward, both in the short and long term.

Here's what this might look like:

If we want to live in a society that lives up to our principles, we need to ensure that we're treating everybody with dignity and respecting every person's humanity. The systems that we put in place should reflect our values.

But right now, **our immigration system is anything but moral or humane.** ICE is indiscriminately grabbing people off the street and holding them in detention centers, where they can't see their children or access legal aid.

Americans want an immigration system that treats everybody with dignity and respect. There is widespread support for changes that would bring the system in line with our ideals. But those changes aren't happening because our political system makes it hard to pass popular laws. Our government doesn't listen to us, and immigrant families and communities are paying the price.

We need to demand changes to our immigration system. And in the meantime, we can't allow the **immoral, inhumane treatment** of our neighbors to continue.

Depending on your communications context, you may want to focus more on what humane treatment of our neighbors requires in this moment, or on what a humane

system could look like. The example above is doing a bit of both, but you can vary your message to emphasize one or the other.

3. Instead of appealing to “the rule of law,” use examples to illustrate the idea of being equal under the law.

Our research into how people think about ‘the rule of law’ more broadly has shown that the **Law is for Lawyers** mindset leads people to assume that “the law” is a technical issue that they don’t know how to weigh in on. This mindset is cued by legalese and terms like “the rule of law:”

Researcher: I’m going to ask you about a phrase. If you don’t know what it means, that’s fine. The phrase ‘the rule of law’—when you hear that phrase, what comes to mind for you?

*Participant 1: Wow! **I don’t understand it.***

*Participant 2: I’ve heard it. **I don’t know what it means, either.** The rule of law... I’ve heard it, but no, I’ve never had a definition for it.*

Participant 3: I can assume it means that every subject, every constituent, is subject to the same law...

*Participant 1: **I don’t know what it means**, because if that’s what it means, it ain’t happening.*

(Focus group, June 2025)

While the phrase “rule of law” makes it hard to engage with the issue, another phrase—“equal under the law”—is highly resonant. Participants in our focus groups often appealed to the ideal of equality under the law to get at the *concept* of the rule of law without using the *term* “the rule of law.” They also frequently paired it with a particular example of how we are currently not equal under the law: presidential pardon power.

*“I think **the presidential pardon stuff has gotten way out of control.** It just seems like it’s being used now in a way that it was never intended... Now they’re just doled out left and right. I mean, **talk about being above the law.** Apparently, if you make a big enough donation to the president, or you’re a friend of the president, you get pardoned.”*

Research participant, June 2025

Combining the resonant example of pardon power with an appeal to the principle of equality under the law can do more than effectively communicate about the rule of law. It can help people see how authoritarian leaders can use legal channels to undermine the rule of law.

Compare the following two messages. The first appeals to “the rule of law” and incorporates many elements of a law frame (legalese, references to specific court cases). The second appeals to the principle of equality under the law and uses the easily grasped, resonant example of presidential pardons.

<i>Old message (appeal to “the rule of law”):</i>	<i>New message (appeal to being “equal under the law”):</i>
The rule of law is essential to a fully functioning democracy. While presidents have certain legal privileges the rest of us don’t, we should be able to reasonably assume that our presidents will not misuse those privileges. Exploitation of those privileges constitutes an attack on the rule of law, as does the ever-expanding interpretation of those privileges by the Supreme Court, as in the case of Trump v. United States. For our democracy to function, we must protect it against these kinds of threats to the rule of law.	We believe that everyone should be equal under the law. But sometimes our leaders misuse their power to help other powerful people avoid following the law. For example, presidents are given the power to pardon whoever they want. If the president uses that power to let their supporters off the hook, that puts some people above the law. If we care about equality under the law, we can’t let presidents abuse their power.

Here are some do’s and don’ts for talking about the rule of law and misuse of legal authority:

- **DO** start with pardon power and analogize other misuses of legal authority (e.g. presidential immunity).
- **DO** highlight the moral principles at stake.
- **DO** talk about equality under the law.
- **DON’T** treat the law like a technical matter.
- **DON’T** rely on legalese like the “rule of law.”

Additional resources:

- [Talking About Immigration Now: Moving Beyond the 'Worthiness Trap'](#)
- [From *Them* to *Ours*: Framing Strategies for Talking About Immigrant Youth](#)
- [How Metaphors Catalyze and Crystallize Anti-Immigrant Sentiment and Policy](#)
- [By and For the People? Cultural Mindsets of Democracy and the US Political System](#)