



Judicial Watch[®]
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AMNESTY UPDATE PANEL

MODERATOR:

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PANELISTS:

**CONGRESSMAN STEVE KING (IA-04), U.S. HOUSE OF
REPRESENTATIVES;**

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CENTER FOR IMMIGRATION STUDIES;**

**ROSEMARY JENKS, DIRECTOR OF GOVERNMENT
RELATIONS, NUMBERS U.S.A.**

TOM FITTON: OK. If everyone could turn their cell phones down or to vibrate, I'd appreciate it. I'm Tom Fitton. I'm president of Judicial Watch. And welcome. Thank you for those of you here today who came out in the weather, which everyone watching on the Internet is supposedly a snow storm but the city is just wet so not much accumulation here.

But we're here today to talk about the important issue of illegal immigration and efforts to address the issue, and, obviously, the establishment's efforts to address the issue through large-scale amnesty.

I'm Tom Fitton, president of Judicial Watch. And Judicial Watch is a conservative, non-partisan educational foundation dedicated to promoting transparency, accountability and integrity in government politics and the law. Through our educational endeavors, we advocate high standards of ethics and morality in our nation's public life and seek to ensure that political and judicial officials obey the law and do not abuse the powers entrusted to them by the American people. As I said, our panel this morning will take a look at the ongoing battles over our nation's immigration laws.

Because of massive resistance by local, state and federal politicians, the rule of law on immigration matters has been severely undermined. Our border is not secure. Our president won't enforce the law and is unilaterally rewriting it. State and local officials openly flout state and federal immigration laws. And politicians of both political parties would reward law-breaking illegal aliens – every last one, not just the hard cases – with legal status and citizenship.

And whether or not establishment Washington wants to recognize it, President Obama has caused a constitutional crisis by his granting of what is, in effect, amnesty to entire categories of illegal aliens.

For instance, after Congress repeatedly and expressly rejected the DREAM Act, President Obama, acting as a one-man Congress, simply rewrote the immigration laws and granted amnesty to the so-called DREAM-ers, those who would have been covered by the DREAM Act. And, more broadly, the Obama administration, despite all the noise you hear to the contrary, has stopped deporting illegal aliens who supposedly haven't committed any serious crimes. Now, I guarantee you that your definition of serious is different than the Obama administration's of serious. So there are folks who have committed crimes beyond violations of illegal immigration laws that are being allowed to remain in the country as a result of Obama's refusal to enforce the law and deport them.

So rather than, of course, address this lawlessness, Congress is doubling down on it by considering a massive immigration amnesty. Our friends here today will give you

the dirty details, but suffice it to say that comprehensive immigration reform is to immigration as “Obamacare” is to health care.

And let me talk a little bit also about what is going on at the federal and state level. You know, we have litigation in California and in Illinois, for instance, where those localities and Cook County, specifically, in Illinois, are simply refusing to comply with ICE-demands for information about aliens that they have arrested so ICE can figure out whether or not they committed a serious crime and ought to be deported. You have that massive resistance going on, again, in Cook County, Illinois. And, of course, California is the home to many sanctuary cities.

And I don't know what you all think but I can't imagine that there's going to be any immigration reform, any border security that is going to be worth one whit if when you have a stop sign at the border but welcome signs in our major cities to illegal alien law breakers. That to me is another crisis, a rule of law crisis that's not being addressed by certainly the state or local level. We're trying to address it through litigation.

But it's remarkable that the Justice Department, that would sue those, like in Arizona and Alabama, would try to support and enforce and further federal objectives in this – objectives, obviously, their local citizens of having the rule of law and laws against legal immigration enforced, the Justice Department would sue them but allow states like California, localities like Obama's hometown, and Cook County flout immigration law and they ignore it, they ignore that law breaking. Obviously, it's partisanship, and, obviously it further reveals this administration's naked abuse of power when it comes to enforcing the rule of law without regard to the political consequences or the effect it has on the political and demographic segments it wants to encourage the vote for its political allies.

So, that all being said, there's a lot to discuss. And we have got three of the nation's leading experts on immigration law enforcement and the politics of it here today.

Congressman Steve King was elected to Congress in 2002 and represents Iowa's 4th congressional district. Now, you know, you're very controversial on immigration matters, but I have a feeling you're going to become less controversial in two years, when the presidential campaigns heat up. King is a member of the House Judiciary Committee, where he sits on the Constitution and Civil Justice Subcommittee and the Immigration and Border Subcommittee. He believes the constitution means what it says and it should be read with the intent of our founding fathers in mind. You know, it's easy for us activists to come in and talk about illegal immigration, but, you know, for a politician to take the lead, as Congressman King has, and the personal attacks he suffers as a result, I know we're all grateful here. And I know I speak for Mark and Rosemary and all the supporters of Judicial Watch for your leadership on these issues.

Mark Krikorian, at the far end of the table, last but almost – not last. Mark Krikorian has served as a director of the Center for Immigration Studies since 1995. The center, an independent non-partisan research organization in Washington, D.C., examines

and critiques the impact of immigration on the United States. CIS is a pro-immigrant, low-immigration vision which seeks further immigrants but a warmer welcome for those – seeks fewer immigrants but a warmer welcome for those admitted. It was established in 1985 to respond to the need for reliable, fact-based research in the immigration area. And, again, Mark has, through his work at CIS and the good people that he works there with, really affected the conversation on immigration in a tremendous way, and though his perch, “National Review Online,” that sensible approach to immigration matters, really has kind of made it easier to promote these because of his steady and good sense on this issue.

And, Rosemary Jenks, last but not least, is director of government relations for Numbers USA, a non-profit, non-partisan organization. Ms. Jenks has worked on immigration issues since 1990. Prior to her work with Numbers USA, she spent two years as an independent immigration consultant, providing research and legislative analysis to immigration reform organizations across the country. A recovering lawyer, I guess, Mr. Jenks received her J.D. with honors from Harvard Law School and a B.A. in political science from the Colorado College, and she’s a member of the Virginia State Bar. And Rosemary and Numbers USA are some of the most important organizations you never heard of in Washington, D.C., and I say that with all due respect here, hundreds of thousands of supporters, some of whom are probably watching us now, but they are the grassroots army that has done so much to stop amnesty, Republican amnesty in frankly this case and the previous case in 2007. And so an unsung hero in the battle to maintain the rule of law and represent the voice of the majority in Washington, which is given short thrift by the establishments of both political parties here, in Washington, D.C.

So that being said, I’ll turn it over to Congressman King and our other panelists. They’ll be giving some remarks and then we’ll have a discussion amongst ourselves, and hopefully include you as well.

So, Congressman King, thank you.

REPRESENTATIVE STEVE KING (R-IA): Well, thank you, Tom. I appreciate you and Judicial Watch pulling this together today. It’s a good day to have this discussion here in Washington where some people have decided there should be a government shutdown because of some snowflakes. Not enough to be an impediment to people who believe in the rule of law and the constitution and the future, greener destiny of the United States of America.

When I listened to your opening remarks, I took some notes here. And the first words that I wrote down were “constitutional crisis.” And then I wrote a whole series of things in between that. And then, the last word I wrote down was “constitutional crisis,” not by design but because how it’s triggered my thought process.

And then – but I would take this back to 1986. I was and remain a great admirer of Ronald Reagan. He let me down only two times in eight years, but in 1986, when I saw the debate on amnesty coming through the Congress, I’m thinking, well, we can’t

stop it in the House; we can't stop it in the Senate, but Ronald Reagan will surely veto this amnesty because it rewards lawbreakers and it erodes the rule of law. And if he ever should sign it, we will be very busy for a long time restoring the rule of law, at least with regard to immigration.

And when the news came that Ronald Reagan had decided to sign the Amnesty Act, I give him credit – at least he was honest enough to call it Amnesty. He knew what it was that he was doing. And the bargain was, that started out to be 700,000 or 800,000 people, maybe a million people that became over three million people that received amnesty under the act because of accelerated border crossings and document fraud and those kind of things that we know go on today under immigration – excuse me – Reagan was honest about it. He said, we're going to close the border and we're going to force immigration law all across this land.

And I remember the I-9 forms. I was a contractor at the time for a lot of years. And we had these little I-9 forms. When an applicant came in, we copied the information that they had and we've made them fill out the I-9 form. We stapled that information together and put it in a file. And I lived with respect and even slight – I might even say some fear that an INS agent would show up and I would have a file that was out of order, that I hadn't properly documented all the applications. That's the respect that I had for the rule of law.

I grew up in a law enforcement family. That helped a lot. I was steeped in the constitution and the rule of law. And my father was a manager at Stapley's radio stations, and he would open up the law and read it to me and tell me how that's anchored, and why it was valid or why we might wonder about the constitutionality of it.

But that's '86, and I lived through those years. Those files are still somewhere in the King Construction Archives. Of course, no one ever showed up to look through those files. And there are a lot of files out around the country the same way. But that was my respect for the rule of law. I followed it. And I knew that rewarding people for breaking the law would mean that we would have more lawbreakers.

Since then, I've interviewed people who were the beneficiaries of the '86 Amnesty Act, and they will say almost universally, we should also pass amnesty because it was good for – they'll say, good for me. It was good for my family. I was a beneficiary of it, therefore, it should be good for America if they're the beneficiary. Of course, I never bought that story.

And we moved forward into this era where we've had these intense immigration debates in the mid-'90s, and the first decade of this millennia, and now emerging again. And at the heart of it is this: the rule of law. And if you reward lawbreakers, you end up with more lawbreakers. And the equation becomes this: why is it that Democrats are almost universally for amnesty, because, first of all, for a lot of years, Republican leadership has tried to discourage, continue to try to discourage, active, especially elected Republicans from explaining the political beneficiaries are Democrats. The polling out

there shows someplace between two to one and even as many as five to one of the people who are pressing for amnesty. Those who are unlawfully present in the United States if given citizenship will vote for a more liberal agenda. That erodes the rule of law further and you wonder why people who would be benefited by breaking the law would do anything except accelerate more lawbreaking if it benefited them. That's a big equation of this. That's why you don't get support on the Democrat side. They're the electoral beneficiaries.

Republicans, somehow, some of them stick their fingers in their ears or the head in the sand and they disregard that because they don't want to talk about that reality. I think we should talk about all realities, but to me, it is – the core of this is the rule of law. And so when people break the law to come here and we reward them with breaking them law, then they think that's all right to break another law and another law. It breeds disrespect for the law. We cannot be a great nation if we are going to willfully destroy the rule of law, especially for political purposes. It's not for economic purposes. That's – that equation is so far off the scale that I can't hardly take it seriously.

But I think Robert Rector, the Heritage Foundation put out a really good study and you know it's a good study when they didn't attack the study. They just attacked Robert Rector. And he has been unassailable for decades here in this city with the careful work that he has done.

We should – we saw what the president did with the DREAM Act. That brings about a constitutional crisis. But we should think about what amnesty is. And I've defined it a number of years ago. To grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime. And whatever they broke the law for – we don't know what that motive is. Maybe it was citizenship. Maybe it was a job. Maybe it was to live in the shadows or maybe it was to live here in the United States encumbered. Maybe it was so that they could send money back to their home country. Maybe it was to be with their family. But whatever it was, whatever their objective is, the advocates of amnesty are seeking to grant them their objective.

And it isn't just as if amnesty for someone whom, say, might go in and rob a bank, because granting them amnesty would be – when they get out on the street with the loot, you would say to them, I'm going to give you amnesty; now you're not going to be able to rob the bank anymore. But this is giving them the loot too. You get to rob the bank and keep the money. That's what amnesty really is. It's pardon them for the crime and reward them with the objective of it. And it breaks down our culture and our civilization.

We should also think that – some will say well, the objective of their crime maybe technically isn't right because 40 percent overstayed their visas and that's civil rather than criminal, but if they're working in the United States, they're most likely guilty of document fraud – that's criminal. So if they came here to work and overstayed their visa and they're actually working, chances are they've also committed the criminal act of

document fraud, which, if that's ever happened to you, you'll take it very personally when that takes place.

The Gang of Eight's decision over in the Senate is – it is a vast overreach of what we should be doing. And I will take this back to the politics of all of this. As I looked into this upcoming session of Congress that we're in – we're a year into it now – and people came to me, and said, sign onto this bill or that bill; we can get a border security bill; we can get an internal enforcement bill; we can get some kind of a guest worker bill that doesn't grant amnesty – none of those bills should move anywhere in this Congress because, in each case, it's a piece of legislation that no one who advocates for it, from our side of this perspective, can paint the picture how a border security bill or a guest worker bill that doesn't grant amnesty could be – could get to the president's desk for a signature without also having amnesty as part of it. It would become a vehicle for the Senate to slap their language on it and then push it back to the House in a conference report that all Democrats would vote for and a dozen or two Republicans would vote it. It would go to the president's desk.

We cannot accomplish anything constructive from a rule of law perspective or restoring the pillars of American exceptionalism, of which the rule of law is an important one, if we send anything to this president's desk. You cannot trust this president. He has proven to us over and over again. Even the leftists, the left of the leftists cannot look you in the eye and say, the president told you the truth. That doesn't exist any longer in the understanding of this president. He's always been unreliable. I mean, he hasn't kept his word many times over, especially with regard to immigration, but “Obamacare” seals the deal on that.

But I would add that in March 28th, 2011, the president, not very far from here, gave a speech at a high school in Washington, D.C., and he said, you want me to establish the DREAM Act by executive order. And I know that you're good students and you've been studying the constitution and you know that there are three branches of government, the executive, the legislative – he should say, the legislative, executive and judicial branch, in the order that they appear in the constitution – and he said it's the Article One executive – legislative branch that writes the laws. I don't have the authority to do that as president. My job is to enforce the judicial branch's job than is to just to define what the law means.

He made that pledge, that oath, March 28th, 2011. Not much later, he signed the DACA language that tears the constitution asunder, and usurps the legislative authority of Congress, and sets up the DREAM Act by establishing entire classes of people, and then declaring, well, no; it's prosecutorial discretion. And if you read the memos, Janet Napolitano has it in there multiple times. In one of those memos, I believe it's seven references to “on an individual basis only,” on an individual basis only, which is a pretty good key to it really isn't on an individual basis only. It is establishing a class of people which makes it unconstitutional to declare prosecutorial discretion on that kind of language. Then you see it now replete through many other aspects of government. It isn't only immigration anymore. We're at a constitutional crisis.

And I'm interested to hear what my friend and colleagues have to say. And I appreciate all of your leadership on the topic.

MR. FITTON: Thank you, Congressman. Rosemary Jenks.

ROSEMARY JENKS: I actually learned a couple of interesting statistics recently. The first is that of all of the women in jail and prison in the United States, about two-thirds of them have children under the age of 18. About 55 percent of all the men in prison, in jail in the United States have children under the age of 18.

So my question is: when is the last time anyone here saw a protest because our prisons and jails are separating American parents from their children when their American parents go to jail? Anyone? Has anyone ever seen such a protest? I certainly haven't. And yet, every day, the newspapers, the media, the mainstream media bombards us with stories about how mean and vicious we are because we separate immigrant parents who have broken the law from their children.

Why is there a different standard? America was based – was built on equality under the law, equal protection of the law. So why is it different for Americans and legal immigrants versus illegal immigrants? How does that make sense? Why are we supposed to be more compassionate, more forgiving, more blind to illegal immigrant parents than to legal immigrants or citizens? I don't understand that. And I think we need to ask ourselves that.

So I think Congressman King explained pretty clearly and rightly why it is that we are, again, dealing with amnesty, the question of amnesty in the United States right now. I think we can expect that, you know, the Democrat Party will always be supportive of amnesty. After they get the next amnesty, they will start pushing for another one because they have no intention of actually stopping illegal immigration because it needs more voters. It's a very simple equation.

But, for Republicans, I am sure that there are some Republicans in Congress who are foolish enough to still believe that, by passing amnesty, they can appear more compassionate; they can appear to out pander Democrats, which, of course, we all know that Republicans will never out pander Democrats. At least we hope not because they then won't be Republicans anymore. But I don't think that explains the Republican push for amnesty. I think what explains the Republican push for amnesty and I think what explains Speaker Boehner hiring Rebecca Tallent to do immigration policy for him is a draw to big business, to money. It's about the money. You know, in Washington, it's a cliché –

MR. FITTON: Who's Rebecca Tallent?

MS. JENKS: Sorry. Rebecca Tallent is a former Jim Colby, then John McCain staffer. She helped write the McCain-Kennedy amnesty bill in 2007. Then she went to

the Bipartisan Policy Center, where she worked with Haley Barbour and others on an immigration working group. And, of course, they came out with recommendations that were pretty much exactly in line with the Senate amnesty bill. Big surprise.

So John Boehner has just hired her not to do judiciary committee work, which, you know, the speaker has someone to do judiciary committee work. He hired her specifically for immigration policy. So that's a pretty clear sign. Now, her ties are directly to the business community. This is about money. It's about cheap labor. It's about bigger profits for big business.

And I think that is – you know, you've got folks like Mark Zuckerberg going around to Republican members of Congress and telling them, I will come into your district and spend money getting you reelected if you give us this bill. You know, I always kind of thought that was kind of a, you know, quid pro quo kind of thing, but, apparently, I'm wrong. Harvard didn't teach me a lot. (Laughs.)

So the problem is, of course, that the American people who have an interest in the rule of law, who have an interest in jobs in America, who have an interest in tax cuts instead of tax increases, who have an interest in reducing entitlement spending instead of increasing it, who have an interest in adequate health care – which they're not going to get anytime soon – they don't have huge money like Mark Zuckerberg, and Bill Gates, and the Chamber of Commerce, so they're left to fend for themselves, except for Numbers USA. And, by the way, Tom, I just have to brag a little bit. We just went over two million activists at Numbers USA.

MR. FITTON: That's fantastic.

MS. JENKS: So, go America. But, you know, we are vastly outgunned, out moneyed by the big business crowd, organized religion, and so on. But this comes down to basic principles of America, of American exceptionalism.

Is it the first duty of the United States government, of our representatives, who we elected, to look out for our interests or is it OK to say, no, you know what? You go ahead and look out for the interests of people who have either broken the law to come here or people who are not even here yet, because the Senate bill would not just grant amnesty to all of the illegal aliens who are here. It would also double legal immigration, double the number of guest workers coming in to take American jobs. We have, right now, the lowest labor force participation rate that we have had since women started entering the labor force in the 1970s. We have unemployment of 7 point something percent, 7.2 percent. We do not have a labor shortage in this country. We have a job shortage. We need to insist that our representatives in Congress address the issues that affect us because we have a right to insist that.

The other thing I want to say is that a group – after the DACA memo was announced by Secretary Napolitano, then Secretary Napolitano, a group of ICE agents filed a lawsuit in federal court, in Texas. The judge has just recently dismissed that suit

on a technicality. Basically, he found that because of labor law, that he doesn't have jurisdiction to hear. However, he said in one of his rulings that the Department of Homeland Security does not have the authority to violate the law as they are doing under DACA. DHS is directly violating the law under DACA. They are ordering ICE agents to break the law that Congress wrote. And yet, that's been completely ignored by this administration, and in – later, a couple of steps just recently, now we know that families of military folks serving in the military and veterans who are here illegally will be allowed to stay. They will actually be given permanent residence after a year of parole. And the other category is basically all family members of visa overstay – or visa overstayers who have family members who are citizens or lawful permanent residents.

And let's think about that. So it's better, it's under the law, apparently, it's more OK if you lied when you came here on a tourist visa and just overstayed than if you broke the law entering the country illegally across the border? How does that work? Anyway. This is an administration that is blatantly violating the law, violating the constitution.

And I'll tell you, the president of the Immigration and Customs Enforcement Union, Chris Crane, told me last week that, basically, the only people that ICE is actually able to deport now are violent convicted criminals – rapists, murders – otherwise – and that's only if they are notified by the locality that someone like that is in prison or jail. They're not going after anyone. They're not tracking down anyone. They're not looking for anyone. They're simply being notified about people in prisons. Those are the people who are being deported, the people who are reflected in these, you know, 1,100 deportations every day, oh, my gosh, we're so horrible. Yeah. They're criminals.

Anyway, I'll leave it there.

MR. FITTON: Thank you, Rosemary. Mark Krikorian.

MARK KRIKORIAN: Thank you, Tom, and thank you, Congressman, Rosemary, for your comments. I just wanted to take the opportunity to get somebody to take me up on a bet that I've been trying to publicize. All year I've been telling every report I talk to, I said, I will buy you lunch if the president has a bill on his desk by the end of 2013 that he signs. People say, well, I don't know. I don't know. It looks like it's going to be by Labor Day. There's going to be an amnesty pass. Nobody took me up on it. So it's not the end of the year yet but it's – I think we all can agree it's not going to happen by the end of this year.

So I'm starting early. I'm trying to take bets now that the president is not going to have a bill on his desk to sign by the end of 2014. Already one of the pro-amnesty advocates took me up on it and said, if he won, he'd bring 11 million people with him for lunch. But I said, no, I'm not buying them lunch. But it's OK because I'm not going to have to –

MR. FITTON: You can pay at the office.

MR. KRIKORIAN: I'm not going to have to pay at that one anyway. So the – and I think the reason this is the case, the reason this is not going to succeed, despite the unbelievable amounts of money that have been spent – since the failure of the last amnesty, \$1.5 billion has been spent on lobbying for the next amnesty, \$1.5 billion in the last six years. But it's still not going to work.

And the reason is this: it's not that there is, you know, broad and intense and implacable opposition in the public to any form of amnesty. Frankly, a lot of the public opinion polling on this is, you know – I mean, it's often rigged, the language is massaged, but it does tell you something I think, that much of the public would be willing to go along with some kind of amnesty if they thought it was the last amnesty. That's the key issue. Honestly – I mean, I'm the limp-wristed panty waste here. I could even go along with amnesty if it were the last amnesty. It's wrong in a lot of ways for the reasons the congressman spelled out. It's hugely expensive. It's just – it's a very unpalatable thing. But as a way of kind of clearing the decks and starting fresh, which was the rationale of the '86 amnesty, you can make at least a theoretical case for it.

The problem is nobody believes that tomorrow's immigration laws will be enforced any better than yesterday's work. That's the key issue, it's the trust gap. Nineteen eighty-six was the first time we'd done that. And so – I mean, I was – I don't even know where I was then. I don't think I was even in the United States when the bill was signed. I was abroad after graduate school. But if I had been here, you know, I might have said, OK, well, it might be worth a try.

But we realized that it doesn't work that way. As the old saying goes – Chekov on “Star Trek” I think was the one who said this saying, fool me once, shame on you, but fool me twice, shame on me. And that basic trust gap is the problem. And that trust gap would exist pretty much regardless, whoever was the president. It existed when Bush was the president and tried this. But this president has taken that trust gap and turned it into the trust Grand Canyon.

There's this idea in the White House that if the key issue in press release is about how many people they deport, that that somehow will cover the trust gap, that will demonstrate this administration's commitment to enforcing the law. So, you know, in a sense, all of the squealing by the advocacy groups about, wow, there's too many deportations, and they're nearing the two million mark and all kinds of stuff like this, you know, if I didn't know better, I think the White House scripted all of this stuff and they had a meeting with Cecilia Munoz, and she said, OK, now you say this Tuesday about how bad we are, and then Wednesday, you'll say about how bad we are, and that will show those troglodyte, bitter-clinging Republicans that we really are tough in immigration.

But, you know, there's a whole bunch of reasons that's phony. First of all, the numbers are cooked. I mean, they are deporting a significant number of people. I mean, it's not like none of this is happening, but the numbers are massaged in all kinds of dishonest way. We just had an extensive report on this by my colleague, Jessica

Vaughan – it's on our website at CIS.org – where people who are inclined can donate to the center if they'd like to, but you don't have to read the report. And she explains in all kinds of detail basically how the administration is fudging these numbers, cooking the books to make it look like they're deporting more people than they are. And, in fact, you know, basically what it amounts to is the White House Press Office said, look, this is the press release we're releasing. You guys make sure that the numbers somehow match up, what we're releasing and it's going out tomorrow. I mean, this is a – they cooked these books in such a way to make the numbers look bigger. That's number one.

But number two is deportation is only one piece of immigration enforcement. You know, work side enforcement, if anything, is at least as important, if not more important, making sure that it's hard for illegals to get a job and kind of live a functional, normal life in the United States. Well, this administration has all but stopped work side enforcement.

They have been doing some audits where they go into an office, and they say, show me your personal records, and then they check the personnel information of people who are employed there and see if there's any illegals or not. But they make sure they never arrest anybody. And, you know, that's a useful tool but it's only one small tool.

Another thing, this is a key issue that actually Senator Rubio brought up a lot, was this issue of visa overstays. Rosemary mentioned. Close – something, 40 percent, maybe even more of the illegal population came in legally. They told the visa officer, yes, sir, I definitely will go back when I'm done visiting Disneyland. And they didn't. They just lied straight out to our visa officials and just didn't leave. We still don't have any good way of knowing, you know, in a comprehensive way whether somebody has left or not. Heck, we don't even send a postcard to people who have overstayed by, say, two weeks or a month, and there's no record of their having left. You know, a postcard that just says, hey, you know, if you haven't left, you know, you're overdue; you want to get the heck out before something happens to you. It would have enormous effect even just that, just the evidence that somebody is watching and paying attention.

We don't even do that, let alone something that's been required now for 17 years, which is an electronic exit tracking system. So when foreign visitors come in, we actually do a better job than we used to of making sure we kind of know who's coming in, which is nice. But we still don't really have a proper system to match up departures. We have something. It's not very good; it's not comprehensive; and it's not biometric. It's not based on facial recognition scans or fingerprints or anything to make sure that it's the same person leaving as coming in.

How can we even consider the idea of amnesty until something like that is already in place, and yet, Napolitano, when she was secretary said, well, any kind of biometric exit tracking, it's a dubious use; there's other things we can do.

Again, reinforcing this trust gap – nobody believes these guys have any commitment to enforcing the law after an amnesty. And so we're just going to end up

back here with another 11 million, 12 million illegal aliens. And these same guys, who probably will keep their jobs, will say, well, you know, we have to legalize these people because we don't want to split families, blah, blah, blah. So it seems to me that trust gap is a key weakness of the other side.

The other point I wanted to make is Rosemary talked about this briefly is that this bill really has two parts: one is the amnesty, legalizing all the illegal aliens who are here, but the other is huge increases in future immigration, doubling immigration, doubling guest workers. There's no necessary reason those have to be connected. There are two reasons they're connected, neither one of which, frankly, strikes me as particularly defensible, which is why these people down in the mall, you know, fasting where they skip lunch, and then, you know, fasting for families or whatever it is, they don't talk about fasting in order to double immigration. They're talking about fasting just for the amnesty.

These are two very different agenda items, and the rationale for connecting them, there are two of them: one is – and neither one of them is good. One, the principled rationale, is the way you make sure we don't have illegal immigration in the future is to let in everybody who wants to come in. And so, by definition, there's no illegal immigration because anybody wants to come here, who's not a terrorist or a rapist, gets to come in; presto, there's no illegal immigration. So that's the rationale, sort of the principled rationale, something that the lobbyists who – business people who push this seldom make explicit because the reaction will be laughter on the part of most people.

But the other political rationale for their connection is that it's the only way to keep this coalition together, that business really is, as Rosemary said, what's driving this thing. I mean, all the histrionic, you know, kids singing Christmas carols to Speaker Boehner and all that stuff, that's all window dressing. It has no – there's no juice in legislative sort of force to any of that stuff. It's giant bags of money from business lobbyists that make this happen. And the business groups couldn't give a rat's patootie about the amnesty part. What they want is doubling immigration. And only by keeping those two disparate pieces of this bill together can they basically keep business in line.

And so it seems to me that's the other big weakness of legislative sense is that making clear that all of these sob stories relating to amnesty don't have anything to do with arguably the most important part of the bill, which is the huge increases in legal immigration. In other words, they're using these little kids in order not to pass amnesty really but in order to massively increase the number of low-skilled workers to keep wages down.

So because of those – I mean, for those reasons, those two main weaknesses, it seems to me, this is not going anywhere. So please, anybody who wants to make up on my lunch bet, CIS.org is our website. You can't contact me there, and give me your name and address, and we'll – I'll have you buy me lunch next December when this basically doesn't go anywhere, ultimately doesn't end up on the president's desk. Thanks.

MR. FITTON: Thank you, Mark. You know, the concern is, so folks out there have context, is that the Republicans in the House won't initially pass a comprehensive immigration bill but pass something short of that, a more modest piece of legislation. And then it's kicked into conference with the Senate, we're through another vehicle, and it comes back under the comprehensive rubric, and the House was asked to vote on that. And a minority of Republicans with the Democratic majority then passes immigration reform or amnesty.

Where do we stand on that? You know, you read stories now and again, well, every other day, amnesty is alive; amnesty is dead; amnesty is alive, amnesty is dead. Is this still something we need to be concerned about? You know, we heard Mark's point of view. I'd like the congressman's and Rosemary's too. Rosemary, how many offices you visit a day – I can't even imagine – on the Hill so you both probably have a good feel about where it's going or maybe not; you're just nervous.

MS. JENKS: Well, I would say that, unfortunately, most of my visits aren't like visits with this man. But, actually, I don't visit him anymore because I don't really need to.

You know, here's the problem. Reid – I'm sorry – Reid, Boehner, Reid, Boehner – on this issue really, Boehner says he's not going to go to conference with the Senate amnesty bill. Great. Perfect. You know, we asked him to do that.

So let's say the Republicans decide to go through with their piecemeal approach. So if the goal is to pander to Hispanics for votes, which I think is actually Boehner's and Cantor's goal, unfortunately, then what do they start out with? What bill? They can't start with any of the five bills that have come out of committee because there's three enforcement bills, an (agriculture ?) bill and a high-skilled bill. Those aren't really pandering bills.

So what they would have to start with is Cantor's KIDS Act or some version of that. If they start with that – that's amnesty. That's the Republican version of the DREAM Act, supposedly, that nobody has seen.

But – so that's starting out with amnesty. So they send that over to the Senate. You know, I think Reid would take it. I think he passes it in the Senate. Why not? Then Obama gets his amnesty. Then they just use that to expand. It's not like, you know, President Obama is constricted by the law.

But, otherwise, if they start with any of the bills in the House that have already come out of committee, they send it over to Harry Reid. Harry Reid cannot bring up any of those bills. He can't, for example, bring up a high-skill bill for a separate vote because that pulls the tech companies out of the debate on the amnesty. It breaks up the coalition. So you can't do that. So, basically, any other option for House Republicans is dead in the

water. So, you know, why do it? I mean, there's no path right now to a good immigration bill.

REP. KING: I would say that, at the beginning of this Congress, I was encouraged to support some of this legislation by some of the top people in our leadership. And I just posed the question, paint for me how this legislation gets to the president's desk for a signature. Take me down through that. You're asking me to support it. If you thought this through, this idea of a step-by-step approach coupled with the border security piece, which originated with the Gang of Eight's bill, by the way, all of those pieces that are there, I said, take me down through this path and show me how this thing ends and tell me what your strategy is. If your strategy isn't to just stand up and crush the Gang of Eight's bill, which is what House Republicans should have done, that should have been our standard for the Republican conference was the Gang of Eight's bill is massive amnesty. It's not just massive amnesty. It is immediate perpetual and retroactive amnesty. Think about what that means.

And what I said is – reasoned out from having read the bill, and it says, anybody that came to America and got here before December 31st, 2011, and didn't commit a felony or those three mysterious misdemeanors, gets to stay. Other than that, those people that scare the administration for political reasons, not for physical reasons, because he has his Secret Service, they get to stay. Anybody that was deported for any of those reasons that would be exempt under the Gang of Eight's bill gets an invitation to come back to the United States, we really didn't mean it. That's that clause. And it's silent on anybody that comes to America after December 31st, 2011.

Well, we've got the implied amnesty that hangs over our head from 1986. So the implied amnesty that would hang over our head after a Gang of Eight's bill is not just silent. It's huge decibels of, come to America; America will never enforce a law against you unless you commit a felony or scare them in some other way. That's what we're dealing with.

Now, it's not hard to be against the Gang of Eight's bill the way I've described it, accurately, illegitimately, and I can defend all of this with the language in the bill. Instead of the Republican conference stepping up, and saying, this is our stand, you have tried to tear immigration law asunder in the Senate and we will oppose it with every fiber of our political being. That's what we should have heard from the speaker, from the leader, from the whip, from the committee chairs right on down the line. But what instead we got was, here is a step-by-step approach that's well thought out and well reasoned, and we're smart enough to configure this thing in a way that we're going to end up with a good result.

Well, I'll say this: there may be one other person in the United States Congress that sat in on more immigration hearings, read more testimony, read more reports and analyzed this more. There may be one, but I don't think there are two. But none of those people that were configuring this step-by-step approach came to me for anything except my vote after they had decided they were going to try to move this legislation through the

Judiciary Committee. Now, that's not a – that's not the kind of approach you want if you want my end.

So here's – I don't know what we end up with but the hiring of Becky Tallent is an ominous signal. It's not just a random hiring of somebody that knows something about immigration. That tells you that the things that they've been staging and the words that have been carefully parsed, such as by the speaker, I won't – let's see – I won't conference on the Gang of Eight's bill. Well, that doesn't really get you very far. That's nice. But it doesn't get you very far.

Any kind of conference, any kind of bill that comes out of the House of Representatives turns into a confereceable (ph) vehicle and the confereceable vehicle could come back to us with, and would, with parts of the Gang of Eight's bill, probably not all of the Gang of Eight's bill but if the speaker makes a decision to drop that on us and vote, he hasn't held to the Hastert rule several times in this last year. So this little promise, carefully listen to the words, write them down, go back to your legal dictionary, go to your other dictionary, find a way. There must be a loophole.

So I don't have confidence that they're going to do anything except set the stage to run things on us. And if they go with this, yet to be released, Eric Cantor DREAM Act for kids bill – isn't it curious that they haven't filed a bill yet? They want to be – that wants to be – they're designing that to be an ambush bill too.

So I don't trust this agenda. I think the agenda comes at us sometimes – let's see. Today is the – this is the 9th of December. This is a day that the primary challengers, the primary candidates in the Texas primary for Congress have to qualify for the ballot. Whatever is that first Tuesday in March, the 3rd or the 4th is the primary date in Texas. Texas is a large Republican delegation. I think they're waiting to more their immigration amnesty agenda after the primary in Texas, so I think something comes at us, Mark, March, late March, April, but probably not – if we can get our way through March, April, and May, I see to the 4th of July, then I don't think you have to worry about buying dinner. But I'm not betting because I'm working on your side.

MR. KRIKORIAN: OK. Good. I actually – Tom, I had a couple of – just a thought on this. I think it's definitely useful to remain paranoid at all times. And you'll never be disappointed.

But I would actually – you know, Rosemary made the point that if the House did pass this high-tech visa bill, which I think is a lousy bill, but be that as it may, the Senate – we couldn't vote on it because then, you know, the tech company is – they've gotten what they wanted so they leave. You know, they don't have to put their shoulder to the wheel and pony up the money to pass the rest of the bill.

But I actually think that applies even to something like the KIDS Act, which is the DREAM sort of, DREAM-ish (sp) Act, amnestying – they're not kids. They're amnestying adults but who came here as kids supposedly. Because if – because I don't

see how Harry Reid can even bring that up for a vote at this point because that would – from his perspective, would let Republicans off the hook. Republicans will be able to say, well, look, you know, we took care of the most sympathetic group of illegal immigrants, and this isn't about getting, you know, immigrant votes. This is about, you know, soccer moms, as it were, you know, show the Republicans are OK, and they're not nasty, and they don't hate foreigners. And Reid bringing up some version of the DREAM Act for a vote would be, in my opinion, a kind of gift to Republicans as whatever – regardless of the value of the policy itself.

So I don't even see that happening. I don't see any bill that the Senate – that Harry Reid could bring up for a vote, unless he actually conspired with Speaker Boehner to present and move over there an actual package, which was basically just the Gang of Eight bill, and then they'd vote on the pieces and send it back. That's what the president says he's OK with.

I don't know. I don't see it happening. I mean, this is why I'm – you know, I'm reiterating my lunch bet. It's not dinner. Lunch is cheaper. But my lunch bet that at the end of next year, there may be something happening. The House may pass something, who knows what? But there's nothing going to be on the president's desk for him to sign.

MR. FITTON: You know, in a constitutional republic, at least our constitutional republic, we have a way of figuring out what the consensus is of the American people. It's called the federal code, the U.S. Code. So we have a consensus on immigration. It's called the U.S. Code and the laws against illegally remaining here. But the president has torn that up with the acquiescence of Congress.

To me, the big threat – you know, legislation is just legislation. You know, at least it's the law. But it's the lawlessness associated with the enforcement of it that is of chief concern. And the left is laying the groundwork for a massive de facto amnesty; the president is doing it in effect now but in putting an official stamp of approval on it, if Congress doesn't do anything. Congress finally had a hearing last week that talked about, among other things, the president's lawlessness on amnesty.

To me, the crisis is the failure of the executive. And it started not with Obama but with previous presidents, including President Bush, to enforce the rule of law on immigration. So, as we point out, we could pass amnesty. And our concern about the rule of law in immigration is still going to remain because what do you do about the immigrant who crosses the border illegally the day after amnesty is granted? Obviously, there's not going to be political will to enforce the constitutional rule of law there.

How is it we begin to kind of change the conversation because that to me is what we need to be talking about. Obviously, you know, your job is to make sure bad things don't pass, Rosemary. But, Congressman – we've got to vindicate the constitutional system here. We're losing – we're losing our constitutional right to govern ourselves by

allowing this president and previous presidents to unilaterally rewrite the law without sanction.

REP. KING: I think, Tom, I think that started in the hearing last week in the Judiciary Committee in a rather significant way when we had three good lawyers and at least two good – I'll say three constitutional scholars at the table that their testimony was excellent. And I had been accumulating a list of these constitutional violations by the president along the way. And we picked up another six or eight more violations in that testimony. We were pouring that all together in the process of drafting a resolution to identify, I'll call them constitutional transgressions.

But because – if the president can find his constitutional violations to immigration and then the sympathy of that, of the people that have this broad agenda that Mark's talked about, from big business on down to the political agenda of Democrats, for example, we might lose that debate in this country because of the sympathy factor that's also added to by a lot of Christian groups who misread the scripture. And I'm happy to take on that debate with anyone of those folks, including Richard Land.

But, you know, aside from that, we've seen instead that they've crossed into multiple different areas with their unconstitutional activity. "Obamacare" has been unconstitutionally amended multiple times. The president suspended No Child Left Behind, not an agenda that I particularly care for but he suspended it unconstitutionally. And also the welfare to work component, TANF, temporary assistance to needy families – the only component of the 80 different means tested welfare programs that requires work – and it was written carefully to prevent the president from being able to suspend the work component of it; he suspended it anyway. So you can go on and on and on with this president.

The broader the (skits ?), the more focus we bring from the Judiciary Committee, the more we bring in the public dialogue, the more people are going to understand that this is a president who has set himself up to be one man rule, and, at some point, that realization sets in. Probably when you sign up for "Obamacare," it will settle in. And, at that point, the revulsion should spill out in us the same way it exists within the people at this table today.

MR. FITTON: Rosemary and Mark, doesn't that really – this issue we're talking about, make it, in the end, politically impossible for Republicans to honestly sign on to any immigration law change with this presidency?

MS. JENKS: It certainly should. It absolutely should. I mean, wouldn't it be an amazing thing to see the Republican – a unified Republican conference – and I think you should take this to your next meeting – stand up, and say, you know what? President Obama, you want immigration reform, enforce the law. You enforce current laws, all of them, and we'll start talking about immigration reform, but we want to see the laws enforced.

I mean, it would be just an amazing thing, and it would be a perfectly justifiable, rational thing for Republicans to do, to say, you know what? We have sympathy too, but guess what? We're not giving you more laws until you show us that you actually know what a law is and what your responsibility is.

MR. FITTON: Mark.

MR. KRIKORIAN: Yeah. I agree. And I think it's just as the congressman said, it's a problem beyond just immigration. I think that's the case – I mean, I think it's a problem, a broader problem within Congress. Congress seems content with abdicating its responsibilities in its Article One role in the constitution. I mean, it's – you know, the congressman's resolution opposing DACA, the DACA thing, it took one year after the beginning of DACA to be passed. That should have been passed the day the president announced his illegal amnesty. And it shouldn't have been based on the substance of his decision. In other words, it should have been clear that even if you thought the DREAM Act was a good idea, that you were opposed to this illegal means of implementing it.

And the fact that it took a year for Congress to act, and, even worse, the fact that Democrats in Congress seem to be OK with a kind of – you know – I mean, to put it frankly, a kind of Chavez style government, where you have, you know, an elected, legitimately elected president who then rules by decree until his term is up. That's not constitutional government.

And I think – I mean, the Democrats are going to be chagrined if there's ever a Republican president, because my fear is that this is going to set precedents, and that you're going to have a future Republican president, and he's going to have his staff that want to get there, agendas implemented, as they should, and they're going to say, look, we can't have this unilateral disarmament. Look at what Obama did. We need to use that as a precedent.

And, I mean, I think this is way beyond immigration. I mean, this really does – I don't want to sound apocalyptic here, but, I mean, we're moving into the later chapters of Edward Gibbon's book with this kind of behavior where the Roman Senate, he wrote at one point – I forget the exact quote, I've used it in blog posts – but the Roman Senate became, you know, a beautiful artifact that none paid any attention to on Capitol Hill. Well, I mean, that's kind of what Congress seems to be content with. As long as they keep the jobs, and they keep getting reelected, and they have their gym, it's OK for the president to do whatever the heck he wants. This is fundamental regime change that's happening kind of without anybody noticing.

MR. FITTON: I remember during the Bush administration, they had some raids. I think in Iowa workforce – workplace enforcement, very controversial and public at the time. And meeting – I had a meeting at ICE, and a law enforcement official said the pushback we got wasn't from anyone of significance other than the White House. That was during the Bush administration. So you can imagine what the attitude towards enforcement is during this administration. And it shows you where, at least from the

point of view of those on the Republican side, who want immigration amnesty with supposed enforcement attached, where their hearts really are.

I thought we would have time for questions but we really don't. But I appreciate your coming here, and visiting with us, and the excellent presentations here. These folks really know what they're talking about so I really appreciate their time. Thank you. (Applause.)

Congressman King, you're available on the Internet at House.gov/king, I guess?

REP. KING: That, or SteveKing.com, depending.

MR. FITTON: Even better. And, Rosemary Jenks, NumbersUSA.com. And CIS.org for Mark Krikorian. And you can read Mark on the "National Review Online" website as well. And, obviously, Judicial Watch will have this video and all of our myriad of materials on illegal immigration or litigation related to enforcement of legal immigration. It's always available on our Internet site at judicialwatch.org.

Thank you again for coming this afternoon or this morning. Thank you. (Applause.)

(END)