



**Judicial Watch**<sup>®</sup>  
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**JUDICIAL WATCH ANNOUNCES  
CPAC HOT ISSUES PANEL**

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TOM FITTON: We're happy to be able to sponsor this panel to talk about some hot issues that have been talked about elsewhere at CPAC, but we thought we'd put our special spin on it. And these are leaders in the issues we're going to talk about that I think will serve the audience well in terms of educating them about what's going on here in Washington and some issues that we need to be thinking about and in a way that we typically don't hear from the mainstream mass – mass – the mainstream press or from other alleged leaders in the establishment here in Washington, D.C., of either party.

I'm joined here by experts in experts in the rule of law, experts in immigration, experts in voter integrity, experts in new media, experts in public corruption. And these, to me, are cutting-edge issues that provide a way forward for conservatives to communicate more effectively and more persuasively with the American people.

So I'm happy to announce – and what we're going to do is everyone one will – all our guests will come up and talk for a little bit, then we'll talk amongst ourselves, and then we'll open up the floor to questions.

Joining us, on the far left, is Joel Pollak, who is the editor-in-chief – I didn't realize you're editor-in-chief, Joel. You talked to me too much to be editor-in-chief – of Breitbart.com. And Breitbart.com is one of the cutting-edge new media properties out there that is providing so much new information to the American people that the media traditionally isn't providing them.

Also joining us is Mark Krikorian. Mark is the executive director of the Center for Immigration Studies and one of the city's leading experts on the issue of immigration law and policy.

We're also honored to be joined by J. Christian Adams, who's founder of the Election Law Center, former attorney with U.S. Department of Justice, who is, again, one of the warriors and leaders on the issue of election integrity and activities by the Department of Justice.

And we're also lucky to have here Ilya Shapiro, who is a senior fellow in constitutional studies at the Cato Institute. And if you want to know how to approach big government, you should be talking to the Cato Institute. And when you're concerned about the imperial presidency and limited and constitutional government, Ilya is the go to person on that issue.

And with that, we will begin with Ilya Shapiro of the Cato Institute. (Applause.)

ILYA SHAPIRO: Well, thanks, Tom. Thanks to Judicial Watch for inviting me to join this august panel. You know, I might be too simplistic in my thinking on these things. You know, unlike all of you, I went to school in Canada, and you know, when I

read the Constitution for the first time and, you know, on my own, because I was a little weird in that way, I thought that it actually meant what it said. And I don't mean about the finer points of the Commerce Clause or things like this, but just basic separation of powers and checks and balances, and federalism, be very, very basic roadmap, guideline for government that our founding document set out. And yet, here we have the president of the United States saying things like, well, if Congress won't let me do this, then I'll do it on my own, as if the president can just assume all of the powers for himself. And you have legislators saying, well, I don't care about whether this particular bill is constitutional or not. We'll let the court sort that out, as if they don't swear an oath to uphold the Constitution.

I mean, one of the few things that I wholeheartedly agree with, erstwhile Delaware Senate candidate Christine O'Donnell won, is that definitely congressmen and senators need to think about the constitutional aspects of what they're voting on before they vote on it. That's a very important thing. You read the congressional record, in the 19<sup>th</sup> century, anytime before the New Deal really, and it's devoted almost exclusively to discussions of whether a particular proposal is constitutional or not.

Grover Cleveland vetoed the appropriation of \$10,000 of seeds to farmers, in 1889, in Texas, suffering from a terrible drought, saying I see no warrant in the Constitution for such a provision.

Can you imagine something like that happening now? You know, I spent a lot of my time following the Supreme Court and looking at the administration's machinations from the Department of Justice. Just last year alone, last term alone, you had at least three cases that the Supreme Court decided unanimously against the position of the Department of Justice, even – and that's even before we talk about the Arizona immigration law or the ObamaCare rulings, which are more complex, but also had interesting messages for some of the unprecedented arguments that the administration was taking in areas of law ranging from religious liberty to criminal procedure, to property rights, I mean, all over the board. We're not talking about some sort of libertarian pet issue.

The administration suffered huge defeats, took positions that not even its own nominees would validate, ranging from a position in the Hosanna-Tabor case or their definition of someone who gets an exemption, a ministerial exemption from labor laws. Effectively the pope would not qualify for that exemption because he spends a lot of his time on management and administration of the church of the Vatican, not just preaching. To a case where – you know, the GPS surveillance case, you know, you get your civil liberties implicated there and the court split on differing theories of how the federal law enforcement agencies aired there, but clearly they were violating people's individual rights, not to be – live in some sort of a police state, where police can act without warrants and do whatever they want. And in the property rights case, where the federal government argued that homeowners don't even get a day in court to challenge out of control EPA determinations regarding what they can build on their property, not even the

merits of the matter, whether their property is a wetland or not, but don't even get their day in court. And again, unanimously, the court ruled against that.

In that Arizona immigration case, you know, most of – you know – Mark and I can debate this. I disagree with most of SB 1070 and other state-based enforcement actions on the merits, but they're almost exclusively constitutional. Indeed, most of SB 1070 has been in effect since – for almost three years. And only four provisions even made it to the Supreme Court, three of them that court ultimately enjoined. And the most controversial one survived. That's the show me your papers please provision.

And the administration's argument was that, well, if local and state law enforcement keeps sending us these requests for verifying whether these people are in the country legally, that is a burden on our enforcement priorities and shifts our budgetary resources in a way that we don't want. Well, that's nice, but that's an argument for what lawyers would call preemption by executive whim. Tomorrow you could have a different policy or a different DHS secretary, a different president, and all of a sudden, that state law is no longer preempted because the policy priorities are different. That is not the way you make law. And again, that argument lost, I believe, it was seven to two at the Supreme Court.

And it's not just the Supreme Court. You know, all of us are focused on our smokes tax and what we do daily, but whether you're talking about labor law and appointing people to the NLRB, when there aren't actually recesses, you know, that the D.C. Circuit had – they went farther than they even needed to, to decide that case and showing how presidents for a long time have been abusing the recess appointment power. And the Supreme Court will take this up, I'm sure, but this affects hundreds upon hundreds of rulings of the NLRB, as well – the National Labor Relations Board, as well as important agencies that are themselves problematic constitutionally that were created by the Dodd-Frank financial reform. And the administration, essentially, says well, that's just one case, doesn't affect anything else, which jeopardizes years and years of work by this board. If it's important to put certain types of labor policies and decisions into the public discourse, then it's important to have them be legal, rather than overturned by the Supreme Court several years hence. But this sort of contempt for the rule of law is – it's mindboggling and I say contempt, not just in the kind lay term or trying to be hyperbolic. A district court actually found the federal government in contempt of court for imposing moratoria on drilling in the wake of – in the Gulf Coast, in the wake of the Deepwater Horizon accident. Again, not because they weren't justified doing it, but simply because they would not go through any sorts of procedures, what is fault – what is set out in the law about how regulatory agencies and cabinet departments are supposed to act when they want to do something.

And here again and again, the Interior Department came into court and said and did things that were, well – you know, it's a high bar for a court to find especially a government in contempt, but that's what happened.

I mean, I can go on and on. From the highest profile ObamaCare health care waivers and, you know, giving waivers to Nancy Pelosi's district, but not, you know, the State of Indiana, or businesses that are politically connected, versus ones that aren't, to the bailout of Chrysler, you know taking the unconstitutional actions of the George Bush Treasury Department to bailout auto industries and squiring them effectively, subverting bankruptcy law and private property rights of secured creditors altogether to the point where the Supreme Court was left to vacate the lower court judgments, so there's no luckily – unfortunately, no precedent on the books, but it was too far along to reverse at that point.

You name an area of policy and I guarantee you, I have interacted with my colleagues that work on that because there are serious constitutional defects in how this administration, you know, not to exempt previous administrations at all, but the focus of our talk here is on this administration and how they go about, whether it's how they treat legislation and write legislation to executive actions that are taken, it's – as I said, it's mindboggling. And it really, you know – especially with the president – there was a constitutional law professor at my alma mater, the University of Chicago. He knows better. I mean, this is not about not knowing. It's a matter of not caring.

You know, Nancy Pelosi's statements of are you serious about your constitutional qualms with the health care reform, as if constitutional arguments are the last refuge of the scoundrel that doesn't have any good policy arguments to make or political pressure to bear.

This is the attitude that you get from, as I said, across a whole swath of policy areas and even in things that I might agree with, at the end of the day, on the merits, where it promulgated properly, pursuant to the standard rulemaking procedures of the Administrative Procedure Act, or you know, how a bill becomes a law with Schoolhouse Rock, right, it goes through the house of Congress and signed by the president, all of those sorts of things. Those are important.

As Justice Kennedy – I'll conclude with this – as Justice Kennedy wrote for a unanimous court in another case, two years ago, these structural provisions of the Constitution, federalism and otherwise, aren't there as a dry exercise in applied political theory to show how smart – how much James Madison learned at my other alma mater, Princeton. These are ultimately there to protect and secure our rights, to protect our liberties. And if we flaunt them, if we show contempt for them, then all bets are off. And you just have the rule of man rather than the rule of law. Thanks.

MR. FITTON: I'm just a bill, a lonely old bill. You know, the president's advisors anonymously told to *Washington Post* recently the follow on referencing these executive actions and these I can't – “we can't wait” campaign, which was a way for Congress to pass law while we're going to use the powers of the executive, however controversial and unconstitutional, in my view, to affect policy change. And the advisor told the *Washington Post*, shortly after the election, this will be the new normal. This is going to be the new normal.

So as Ilya said, it's – the issues are myriad in terms of the – what the administration is into in terms of its imperial presidency and proceedings, but I don't think it's going to stop. I think it's going to increase, certainly given the divisions in Washington today.

We had – we're very lucky to have our next guest, Christian Adams here. There was a major development this week that really calls into question, as if it needed any further questioning, the stewardship of Eric Holder and his – over at his Justice Department or our Justice Department, and specifically that of Mr. Tom Perez, who leads the Civil Rights Division at the Justice Department, is being bandied about as the potential nominee for the Labor Department. But this is about as serious an issue for the rule of law and out-of-control government bureaucracy, as we'll see, and not only has it touched on the operations of government, but it touches on our elections, it touches on our civil rights, and it touches on the U.S. Constitution. And Christian has been a leader in highlighting these issues for Americans and for the media and for the public – (audio break) – have him here today. J. Christian Adams of the Election Law Center. (Applause.)

J. CHRISTIAN ADAMS: Thank you very much, Tom. I will endeavor to throw out some red meat for all of you left-leaning reporters who showed up, so you have some copy to write.

Most of you are familiar with areas of erosion in the Constitution: health care, First Amendment, political speech, but I'm going to talk today about an area of erosion that I think is even more significant than the ones that you're familiar with and an area that you may have never heard of before. And I'm a little biased because it's my specialty, it involves elections, but I would submit that this is an area that affects all the others. If the electoral process skews in an unconstitutional direction and that is done deliberately, by the way, it's not an accident, if it skews in that direction, all of the other things you care about also skew in time.

So if labor is your issue or if environment is your issue or if health care or liberty is your issue, election should be your issue. And this isn't just me saying this. This is what the Left says themselves.

There was a meeting convened in January. You can read about it at *Mother Jones*, yesterday still published. And at this meeting, they recognized the control of the electoral process, the things I'm going to talk about today, is one of the three most important agenda items for the Left. And what is the Republican, the GOP, the conservative response? Ignorance. They are not aware that this is even happening. And it's extremely dangerous for liberty.

Let me start with a basic constitutional premise. State control over elections is an important safeguard to liberty. State control over the running and administration of elections was a deliberate decision in 1787 to diffuse power. The founders knew that

centralized control usually leads to bad things and elections were no different. So the founders decided to diffuse power in the 50 states to determine how people are elected, what the rules of the game are, do you need voter ID, when are the office hours open, all of these things were given to the states for the purpose of preserving liberty.

But bad things are happening. One of the agenda items of the Left, expressly, if you listen to them, is to erode this diffusion of power in the states and push the power over elections to Washington, D.C. And that has been the empirical outcome of this agenda over the last 40 years and it has genuine ramifications for all of the other policy issues that you care about.

So the Left is busy eroding the Constitution in ways we see all the time, but no one's paying attention to what they're doing with elections. And I would submit that that eventually shows up in policy ramifications. Al Franken is a good example. Hans Von Spakovsky and John Fund wrote a book about the electoral process in the Minnesota Senate race. And I won't bore you with all the legal details and the battle between the Left and the Right over ballots and military ballots, all parliamentarian crazy, boring stuff, but in the end, election process issues gave Al Franken that Senate seat and the 60<sup>th</sup> vote for ObamaCare.

So don't tell me that these election administration issues don't show up in policy issues.

The troubling thing is the Republicans, if they're even aware this is happening – if they're even aware this is happening, they don't want to engage the fight because the Left has a tactic of branding most of these changes, these erosions to state control as civil rights, OK?

Now, civil rights are very important. I brought lots of cases to protect racial minorities around the country. Redistricting cases under Section 2 of the Voting Rights Act is one example. But the Left is using civil rights as a way, in the best case scenario for us, to scare off opposition, and in the worst case scenario is to bring Republicans to their side.

The reauthorization of the Voting Rights Act, in 2006, is a great example of this, where Section 5 of the Voting Rights Act, which moves control over state elections to Washington in 16 states, was passed with unanimous Republican leadership support, in particular, the chairman of the Judiciary Committee, and the marching orders from the chairman were to give the NAACP whatever they want. And yesterday, this former chairman told Salon that he will make sure that if the Supreme Court strikes down the Voting Rights Act in *Shelby v. Holder* that he will make sure –he will make Republicans reauthorize it in Congress.

So – so the point is that civil rights is used as a way to push this agenda. Now, Ilya, I always love – I always love, Ilya, hearing folks from Cato, I love your events. I agree with almost everything, but it's always pleasant to hear because I wish that we

faced such optimistic prospects because I would submit that we are entering a time where we're no longer debating whether something is constitutional, but we're debating whether certain provisions of the Constitution are completely obsolete. And I, in my book – and by the way, Mark Levin calls it post-constitutional age. This is not Christian Adams's idea. In my book *Injustice*, there's a great example of this, a picture – so I won't read you, I will try to sort of show you or at least describe it.

Two weeks ago, Joe Biden went to Soma, Alabama. And he marched in what's called Jubilee Weekend. It's a recreation of the crossing of the Edmund Pettus Bridge. It's a touchstone event in the civil rights movement and it was a great and honorable event in 1965, when those civil rights protesters were attacked by the Alabama Highway Patrol. And John Lewis was there, I believe, and Martin Luther King eventually came to Selma. And so it's a watershed moment in civil rights history. And there at the foot of the Edmund Pettus Bridge is the National Voting Rights Museum that President Obama visited before he became president, that Vice President Biden went to, two weeks ago, in Selma. And inside that museum, there's a photograph. And I have a picture of it in my book *Injustice*. You won't be able to see this, but I bet you'll remember what I'm talking about. It's a John Trumbull painting of the signing of the Declaration of Independence that I guarantee every single one of you have seen, where they're all standing around and they're signing the Declaration. And at the premier voting rights museum in the United States, this photo hangs with a caption that I'm going to read to you: "1776, the Declaration of Independence signed by wealthy white men."

Now, I will submit to you that this caption is a symptom of this post-constitutional view of the Constitution, that it is becoming obsolete for the progressive Left. They don't like the fact that states have control over elections. And so we're entering a dangerous time, where the basic guarantees of the Constitution are not in vogue among the young Left, particularly the young Left media. It's obsolete.

When you talk – as Ilya said – talking about the Constitution is a quaint little obsession.

Tom Perez, let me – let me shift gears for a moment because he sort of embodies this. Tom Perez is currently the assistant attorney general civil rights. He presided over Justice Department as the assistant attorney general for civil rights. In the voting section where I used to work, where attorneys hang photos and posters of President Obama. This is photos from inside the voting section at the Justice Department from my book. Perez waged war against states like South Carolina for voter ID, even though his attorneys in the voting section said it should be approved, Perez overruled them and objected to South Carolina voter ID, under Section 5 of the voting Rights Act, blocking it.

He did the same thing in Texas. He attacked the Arizona immigration. He stopped Georgia – his Justice Department stopped Georgia from verifying citizenship verification to register to vote. He attacked Florida under the Voting Rights Act, when they attempted to remove non-citizens from the rolls. So you have an assistant attorney general who represents the flexing of muscle of the federal government over state



elections in a way that no assistant attorney general ever has. And more importantly, perhaps, the Inspector General's report came out this week. I could talk for days about what's in this report, but I know that there's other speakers.

But I'll leave you with this. There is a level of rancid racialism documented in this report, which you can get at PJ Media, which you can get all over the place and actually read it, not like the *Huffington Post* and *Slate* and Mother Jones and the *American Prospect* have done, which is talk about small little portions, but actually read the evidence in the report, and you will see blatant, open, notorious hostility toward race neutral enforcement of the law.

You will see racial slurs used by Justice Department voting section employees, the same ones who blocked Texas voter ID, I might add, calling southerners "bigots," Republicans "idiots," all of these racial terms using words I won't even repeat here because it will be taken out of context, that the left wing liberal lawyers and staff in the Justice Department are using routinely. They're attacking people who want to enforce the law equally, like in the Black Panther case.

It's so absurd that a group of seven Justice Department top political officials for the Obama administration, in April of 2009, were meeting with the Attorney General of the United States Eric Holder in his office, discussing how to get rid of this lowly civil servant, Christopher Coates, who was the voting section chief. And what was the reason for this grand meeting of the top Justice Department talent? It was because Christopher Coates was willing to use civil rights laws to protect all Americans, like in a new Black Panther case. It's astounding stuff.

So it confirms everything we testified about, about this hostility toward race neutral enforcement. If you do nothing else, please find time to scan some of this. I've written about it at PJ Media. You can read some excerpts from it. But as some of you know that are here, we keep finding stuff every day that we haven't seen in the report. There's amazing stuff about how elections are being managed by the federal government.

So, with that, thank you very much for your time and attention. (Applause.)

MR. FITTON: The headline – or as you said, there's lots of headlines, but Eric Holder testified to Congress to this effect. Mr. Perez also testified to the United States Commission on Civil Rights that there were no political appointees involved in the decision of drop this Black Panthers case.

And for those you who need context, this was a case where members of the New Black Panther Party, sent there by their national organization were outside of Philadelphia polling place. One of them had a baton or a trouncing weapon, and were intimidating voters in the most, obviously, outrageous way, and it was on YouTube and everywhere for everyone to see. And the Justice Department under the Obama administration shut down legal proceedings in large measure against the defendants in that civil matter.

And this OIG report confirms that both – for the first time, Christian, correct me if I’m wrong, that Eric Holder personally was involved in this decision making to shut this case down. We would not have known that but for this OIG report. He was involved in the meetings. He understood and approved of the decision. And not only that – he understood it was going to be controversial. And we’ve been told a big lie by the Justice Department that Eric Holder had nothing to do with it.

And, also, Mr. Perez told the commission that there were no political appointees involved and the OIG concludes otherwise. So it seems to me there are at least two officials at the Department of Justice that no longer should be at the Department of Justice if there was any sense of justice and rule of law in this town.

Our next topic is immigration. Talk about the imperial presidency. This administration has told us that they were going to implement amnesty, practically speaking, for people who, quote, “haven’t committed serious crimes,” unquote.

But we’ve known at Judicial Watch that’s a lie. We saw that in use when they were releasing people with serious crimes on their record. But now, everyone in the country knows it’s a lie, because the very people they said were serious enough in terms of being threats to the public safety and requiring their deportation that were being detained currently by the Immigration Customs Enforcement agencies, were released in large numbers earlier this month or last month, over 2,000. These are the people he said – he was promising to deport and they’re not going to be deported. There’s been a massive jail break, so to speak, initiated by this administration, not only to make a point about sequester but also to put pressure on Congress to pass comprehensive immigration reform.

And I recall Senator Jon Kyl, who really hasn’t been disputed to any great effect – I may be paraphrasing. I’m going on memory here, but President Obama told Jon Kyl, I’m not going to secure the border until we get comprehensive immigration reform. That’s his check.

And I can’t think of a more dangerous and cynical approach to the rule of law and his oath of office than the president’s advocacy for dangerous illegal aliens and allowing them to remain here and the failure to secure the borders. And, you know, I think we can all disagree as to what we need to do with the tens of millions of illegal aliens currently here.

But, you know, following the law in the meantime is – I don’t think ought to be a controversial statement. And we can always debate the future. But the current crisis is one that I think, if you believe in comprehensive immigration reform or amnesty, or if you’re an immigration restrictionist and rule of law person, you want to be able to point to the law, and say, this is being enforced either way. And it seems to me, it honestly requires everyone to promote that and that’s not being done in this town. And the lack of

Republican outrage to the president's soft amnesty over the last two years tells you that maybe they support it as well and they need to be similarly held to account.

So before I take away all of Mark Krikorian's thunder – you know, Mark is – Mark is one of those individuals, when you're talking about immigration reform, ought to be at the table. And Mark and his folks at the Center for Immigration Studies provide tremendous data on the immigration issue; know more about the law than I guarantee anyone rewriting it right now over in the Senate.

And we need to listen to what the Center for Immigration Studies has to say not because of their point of view, but because they know what they're talking about. They know the facts. They know what the law is. They know where the problems are. And there is a way forward on the immigration debate, but it's only if you have folks like Mark at the table. And as long as folks like Mark are ignored, it's going to go nowhere, in my view, and rightly so.

So with that, you know, introduction, I'm proud to have on our panel here, to present to you, Mark Krikorian, the Center for Immigration Studies.

MARK KRIKORIAN: And I appreciate Judicial Watch offering this opportunity to have a minor, little dissent from yesterday's infomercial in the big ballroom for amnesty.

The thing I wanted to talk about today is not the substance of immigration policy. That's an important decision. That's what they purported to talk about yesterday. Rather the question here is: do we even really have an immigration statute? Do we have an immigration law or not? And what we're seeing with this administration is, as Ilya said, essentially lawlessness on immigration, a government by executive fiat. Now, there's other areas outside of immigration where this is happening, as Ilya mentioned. That's not my bailiwick, but it's very clear in immigration.

And the problem I would submit is not so much that the administration is violating the Constitution, with a capital C. That's obviously bad. The problem here is that there's a 100-year-old progressive point of view that constitutionalism is what they reject, the very concept of written law, starting with America's worst president, Woodrow Wilson has been a problem for the left, has been essentially fundamentally rejected by the left. And this is why you see this constant sort of fighting against the constraints of written law, whatever the nature of that law happens to be.

Just along those lines, I read the – I think yesterday that the president has a food taster. I had no idea, but he has a food taster. And I was wondering what other attributes of, you know, imperial government, other than, you know, rule by decree and a food taster the president has, maybe a chamberlain or a cup holder. I know there's not eunuchs, because they're running the House Republican Party. (Laughter.)

But like Ilya said, this isn't about the substance of policy, although I can talk about forever. In fact, I have a whole book on that, which is at Amazon in the digital remainder bin. It's called *The New Case against Immigration: Both Legal and Illegal*. But I'm not going to make that point because, like I said, you can buy the book at discount on Amazon.

What I want to talk about is the track record of this administration in simply – in working to ignore the constraints of law with regard to immigration. And I'm really kind of disappointed that even the Democrats in Congress have not been objecting. Well, heck, the Republicans haven't been objecting very much so why should I expect the Democrats to object. But, I mean, this is the kind of thing that, quite frankly, you know, an equal branch of government should zealously be defending its prerogatives. And they're just apparently not that interested. For the Democrats, it's because the end justifies the means. In other words, however they get what they want, it's OK if the law is flouted. And for the Republicans, they're just basically cowed because this is an issue that relates to racial and ethnic issues, and they're just – they're afraid to talk about it. Let me give you some examples.

The shorthand for a policy is called DACA. It's Deferred Action for Childhood Arrivals. This is the administrative version of the DREAM Act. It's kind of a de facto DREAM Act. What that means is legalizing illegal immigrants who came here as kids.

Now, I've actually written for years that some version of something like that is a good idea as policy, but Congress hasn't passed it yet. The president was pressed early last year, I think even late the year before by these DREAM Act activists about to unilaterally legalize them or at least defer their deportation, give them a kind of pass.

The president said repeatedly, look, this is a government of laws, not men. I don't have those kind of rules. Well, like most things the president said, it came with an expiration date. And what happened was that the White House political staff looked – the middle of last year, earlier than that, and saw that the level of Hispanic voter registration actually was lower than it was before the previous election. There were actually fewer Hispanic registered voters early last year than there were before the previous election and they panicked. And they said, look, law shmaw, we need to win this election.

And so what the president did is issue a decree, a (U case ?) they called in tsarist Russia, that the people who would have qualified for the DREAM Act, if it actually existed, were going to be given what's called deferred action. And this was – they stressed this isn't really legalization. It's just a temporary deferral and that sort of thing. Complete hokum. They get a work card. They get a Social Security account. Almost everywhere they're going to get drivers' licenses. They're legalized permanently. Everybody knows it. It's never going to be taken away. This is the president on his own amnestied people that Congress didn't amnesty. That's what it amounts to.

So far, I forget what the latest numbers are, but the last ones I'd seen were more than 400,000 illegal immigrants had applied, 200,000 plus had been approved, and zero

had been rejected. Not one person had been actually turned down. Some applications had been sent back because the check or wasn't there or we didn't fill out the right boxes, but no one yet had gotten a letter saying, you know, sorry. No. You don't qualify.

An earlier example along the same lines – there were a number of memos from the Homeland Security Department. They're called prosecutorial discretion memos. And prosecutorial discretion is just sort of a fancy way of saying that what cops and DAs every day – in fact, any of you every day of your life have to decide to prioritize things. You use your discretion. OK. Am I going to have a bagel or am I going to have a banana today? You know, these kind – this is just common sense.

If a cop stops you because you're speeding, and you're only going a few miles an hour over the speed limit and you're harried and the kid's crying in the back, it's his discretion. He's going to write you a ticket or he's going to say, you know, slow down, man, next time. I'll let you go this time. That's prosecutorial discretion.

What the administration has done is set up essentially a program under the pretext of prosecutorial discretion saying that no one who fits these various descriptions is going to be deported. Basically, you – they are – again, they're de facto amnestying these people. It's not quite the same quality amnesty as these DACA amnesty because you don't get a work card for it, but you – the government, you know, can have you in custody and let you go, because even though you're an illegal alien, we're not going to bother with you.

And, again, not on an individual basis – that happens all the time and it's appropriate. I know a retired ICE agent or INS agent at that point, and he was called in to NYPD office in New York, obviously. They had an illegal immigrant witness who had seen something or knew something about some high-up bad guy. And the cop said, look. You've got to give us this name or we're going to call INS here and hand you over to them. And the guy – and so, yeah, yeah, sure you are. And then so the INS agent came, and he said, here he is. You know, the clock is ticking. And so he said, OK, OK, I'll tell you the name. And they said, well, he gave – you know, he gave up his guy so, you know, we don't need you anymore. He left. That's prosecutorial discretion.

When memos come from headquarters say entire categories of people are to be exempt from immigration enforcement, that's not prosecutorial discretion. That is lawlessness and that's what this administration has been doing.

And that even just is – was a follow-on from something very early in this administration. There was a memo that was leaked by a political appointee, immigration lawyer, who said, look, if Congress doesn't give us an amnesty, here's a whole menu of things we can do with executive action to come up with our own amnesty. And so this is the mindset they came into office with.

And Ilya had mentioned the Arizona case. I won't go into that. But, again, regardless of the merits, the administration's contention was not that Congress has

prohibited states from doing these specific things. In immigration, Congress can prohibit the states from doing anything it wants. Preemption it's called. And that's an area Congress can do anything it wants. Congress has not preempted states from acting on immigration. In some areas it has, some it hasn't. But Congress explicitly has provided means for states to participate and assist in the enforcement of immigration law.

What the administration said is, our priorities are such that our priorities preempt states from doing things we don't want to. Again, this is a kind of combining the legislative and executive function in the person of the president in a way that's far more reminiscent of the Byzantine Empire than our own constitution.

And the – sort of the most far-reaching example of this usurpation of immigration law is the – all of these things put together suggest the administration's goal of turning – of violations of immigration law into what is called a secondary offense.

In most states, if you're not wearing your seatbelt, you can't be pulled over for that. Some states I think you can, but most places is what's called a secondary offense so that the cop, the trooper can pull you over if you're speeding, you don't have – your left light is burned out, whatever it is, and then seeing you don't have a seatbelt, he can then write you a ticket for that. But he can't say, look, that guy has no seatbelt. I'm going to pull him over, because seatbelt laws are secondary offenses in most places.

This administration is, without the statute actually saying as much, turning immigration law into a – immigration violations into a secondary offense so that no one who violates immigration law, just immigration law will be punished for it, only those who violate a real law, and then, if immigration law is a convenient way to address – you know, to sort of deport them or a convenient way to add to their sentences, then they might use it, otherwise no.

And just let me finish by saying that if, as I expect, the Schumer/Rubio amnesty push fails in Congress and there's no bill on the president's desk by the end of this year, you're going to see a level of unilateral executive immigration law making, essentially amnesty by U case that's going to dwarf what we see now. I mean, honestly, by the way this administration has behaved, there is no reason, there is no way you could say that they can't just amnesty all, the entire illegal population and give them all work permits and give them all Social Security accounts. There's no logical way you can say they won't do that. And if they fail this time, you're going to see at least at an incremental level more and more categories of illegal immigrants getting this kind of unilateral de facto amnesty. Thanks. (Applause.)

MR. FITTON: Our next guest is Joel Pollak of Breitbart.com. Joel is the editor in chief of this new – exciting new site that has quickly become one of the most popular news sites on the Internet.

And in terms of the way forward, I think Breitbart and the new media outlets out there show that one of the – journalism used to be investigative journalism. Everyone

used to think only left wingers do investigative journalism that, you know, the way journalism it taught by journalism schools it's taught from the progressive perspective, you know, we're here to speak truth of the power and alert people to social injustice and effect change through our work.

Well, you know, you can also take the conservative perspective and say investigative journalists should just report the facts, be skeptical of government, don't become a PR agency for the government agency that you're covering, be skeptical of what goes on here in Washington, D.C., and find a new audience.

And their report, in my view, is non-partisan, factual and worthy of attention, and compares favorably with anything you will see in the legacy media, as I call it. And Joel has assembled a cadre of aggressive, excellent investigative reporters, some young, some not so young, who are really making a mark in coverage of issues here in Washington, D.C., and especially of this Obama administration.

So I'm pleased to be joined by Joel from Breitbart.com. Joel, come on up.  
(Applause.)

JOEL POLLAK: Thank you all very much for being here. Let's talk about something that happened downstairs today. I was at a press conference by Donald Trump. And very small room in the Chesapeake Wing, crowded, lots of people there. And about two-thirds of the reporters were political bloggers or conservative journalists who were quite open about their political sympathies. And the other third were mainstream journalists who were there to cover the news that Trump is at CPAC.

And the conservative reporters mostly asked fan questions, you know, what do you have to say to Chris Matthews, when are you going to get your money from Bill Maher, stuff like that. Kind of fun, and he enjoyed that fencing against his usual rivals. And the mainstream questions were really not much different. They were focused on side issues. It really had very little to do with Trump, lots of questions about gay marriage, about Chris Christie.

Finally, I put up my hand. I had not actually been planning to ask a question at all. I put up my hand and I asked him a question about the debt ceiling and what would he advocate, as he once did, that Republicans play the default card? And, suddenly, the mainstream reporters starting following my question and saying, oh, yeah, let's ask about that.

And it's a typical example of how the mainstream media frames the debates we have about what conservatives do and among conservatives. It's certainly interesting to talk about gay marriage and some of these other issues, but I was telling a reporter the other day that, you guys have focused on personalities. You focused on social issues that are hot button in a way that they actually weren't a couple of years ago.

I think that two or three years ago, when Andrew was here and with us, a lot of the issues about GOProud were really active and were flaring up. And this year, really it wasn't something that was pushed internally here, certainly not by GOProud and some of the other organizations. It was an entire creation of the mainstream media. There is some news about this, Rob Portman's announcement that he accepts gay marriage and so forth, but what does Trump really know about that, you know?

So here I was watching the spectacle. And I didn't chide the mainstream media reporters directly, but I sort of put my hand up, and said, this is – you know, this is an important question, not whether – you know, the Miss America pageant. I mean, I didn't ask about that, but that was the level of questions. I mean, it was basically like – they could have been asking him on Celebrity Apprentice, what he thought about the world.

And this is the problem and this is the reason that Andrew started Breitbart News was to break through that. And I said to a reporter, you guys are missing the story, the actual story. I do think there is a crisis in the conservative movement. And the crisis is a crisis of leadership.

It's a crisis when you have governors who were elected with tea party support, like Chris Christie, and Bob McDonnell, John Kasich, Rick Scott – it's a crisis when they renege on promises not to accept funding from Obamacare for Medicaid expansion. You could argue about the pluses or minuses of that policy. Is it a conservative policy or is it not a conservative policy? But the bottom line is July last year, all of them were saying they weren't going to do it and all of them were elected in 2009, 2010 on opposition to Obamacare. So it's not that they're right or wrong. The problem is it has created a crisis of confidence among conservatives, tea party folks about what it means to be involved in elections.

One of the big stories in 2012, in November, was how many voters stayed home, that the Romney campaign couldn't bring to the polls. That's a big part of what the conservative movement has to face and the Republican Party has to face going into 2014. Has that energy been revived? That's a real question. These other things are not questions.

So, anyway, that's just – it's something I feel particularly passionate about after that morning panel, where Trump actually came to talk about issues, and all the media, the professional media folks, as they like to call themselves, were focused on – were sort of, you know, the gossip page essentially.

I want to very briefly touch on three things that I think are important in that vein. I've already said a little bit about the media and conservative new media.

What we're seeing increasingly in the country is that mainstream media is becoming more and more identified simply as left. People understand it's left. Opinion polls during the elections, people overwhelmingly thought that journalists picked a side –



including Democrats felt this way – and they understood that that side was Obama’s side. Only I think 16 percent of people thought that journalists were unbiased and balanced.

We’re starting to see the emergence of that kind of openly – although they won’t acknowledge it themselves, but openly biased media. And conservatives have to have confidence in conservative media, not just Fox News, but really everything in general. And conservative politicians like to give hits on Fox and like to be mentioned by Rush and so forth, but it really irks me when conservatives have something important to say and they say it in the *New York Times* or they go to Politico or they go to the *Huffington Post*.

And somebody contacted me the other days and said we’d really like you to cover X and they linked to something that they had put out in the *Huffington Post*, and I wrote back and said, why didn’t you do it with us? I’m not saying we’re not going to cover it, but, you know, you’re not entering a conversation where you’re going to be heard if you’re going to the people who are determined to drown you out.

And the same applies to presidential debates. We keep returning over and over again to these media organizations, and we get the same result, which is that we don’t have a debate about whether Obama did anything about Benghazi, but it’s a question about whether he used the term “acts of terror” and whether that meant terrorism or – I mean, it’s – we get lost and there’s no opportunity to make our point.

So conservatives I think have to be confident in our media. And we can really do a lot. Conservative new media were the driving force behind Susan Rice withdrawing, were the driving force behind the questions being asked during the Hagel nomination. Couldn’t quite knock that one off when John McCain said he was not going to go through with the filibuster, but the conservative media also really gave Rand Paul a boost when he did his filibuster, and then left media started jumping on, less enthusiastically.

But when you have John Cusack writing in the *Huffington Post* where are all the Democrats who opposed drones on the floor of the Senate, why is it a Republican who’s saying what I believe, then you know that’s a new media victory for conservatives that we’ve achieved through Twitter and so forth, because Rand Paul very easily could have faded out had he not had the response of hundreds of thousands of people around the country and new media, whether through Twitter or Facebook or through conservative websites. So we have to have the confidence in our media.

Likewise, we have to have confidence in politics. And one of the amazing things about looking at other Democratic political systems in comparison to our own is how our own system is driven by states, districts, what they call constituency-based concerns. There really is no formal opposition in the United States in the way that there is in the Houses of Parliament.

You know, Sunday night, when I got to D.C., I was exhausted, but I stayed late watching Question Time on C-SPAN and it was just absolutely brilliant. And there’s this

opposition tradition that there's one side and another side. There are third parties and fourth parties, which I don't really care for very much, but you know, there's this idea that opposition is a part of doing business.

I think the framers, when they were writing the constitution, assumed that the states would be that opposition. It was clearly foremost in their mind that their opposition in terms of what they were trying to do was going to come from state governments. And I think they envisioned that as the driving opposition force in American society that faded particularly after the 17<sup>th</sup> Amendment, but we really don't have that entrenched institutionalized opposition. I'm not saying we need it, but we don't have the opposition leadership and we don't have enough investment in organizations – you know, we have wonderful things like CPAC and the American Conservative Union, the Heritage Foundation.

But when you look at what the Democrats on the left are doing, they have a plethora of these organizations and they have umbrella groups that fund them. They have the Democracy Alliance. They have what John Podesta is doing. They have MediaMatters, which is a joke, but which creates an echo chamber that they can use to rev up their candidates in their media. It's all about reinforcing a broad opposition that Obama is now able to use to command total control of his party.

And it's amazing that a politician who's so poorly regarded actually by members of his own party – a lot of people don't take him seriously. I don't think this Democratic budget is going to pass, but it's certainly going to do better than the one Obama proposed last year, which failed I think 99 to zero. People don't really have confidence in his governance, but because he's been able to take advantage of this enormous opposition network that was created during the Bush years to fight Bush, it's now the governing reality.

And so Obama gets zero dissent on matters of critical importance when they come to the Senate or the House. It's amazing that no Democrats broke rank on the Chuck Hagel nomination and no Democrats are breaking rank on the committee that voted the assault weapons ban. And no Democrats are going to break rank on the budget – at least didn't yesterday – in the committee. It's just amazing. And that's not because he governs well. It's because he has this enormous opposition force which is now a governing force. It's – you know, we've never seen it before, the White House directing shock troops essentially to go town hall meetings and harass people or to call Congress when Obama doesn't want to call them himself.

We need to invest in that. I'm not saying we need to, you know, run around harassing people the way they sometimes do, but, you know, it couldn't hurt once in a while. We really need to invest in that kind of opposition infrastructure and coherence of ideas. And CPAC is really one of the few places you see that. That's why people love CPAC and come back year after year, but it can't be a three-day thing. It's got to be a 365-day thing.

Finally, culture. And Andrew Breitbart, who I worked with and next to every day, believed that culture was the determinant of everything, that culture was upstream from politics or politics was downstream from culture. Our political choices are shaped by our culture. And we talk about it every year. We talk about it at CPAC. We talk about it at other places. And we mock Hollywood for the silly things they say and for Baldwin, and Bill Maher, and Ashley Judd.

I mean, we mock it, and we say – you know, we try to highlight conservative artists and there's some great ones out there. But we don't really have a solution for culture. We're not creating something that is able to rival Hollywood in its projection of conservative culture. The best we do is we get quiet conservatives in Hollywood to produce quietly conservative films.

So my wife's college roommate was very excited about the movie "Grand Torino" when it came out, Clint Eastwood, and she said, you've got to see this. It's about racial reconciliation, wonderful movie about race in America. And my wife and I went to see the movie and we walked out thinking this has nothing to do with race. I mean, race is the conceit, but the actual message of the movie it's about justice. This is about justice, not race. And it's a brilliantly conservative film. That's about as good as we get though. We don't do a good job of being overtly conservative and cultural at the same time. And when we are, we kind of play into stereotypes and so forth.

I'm not worried about those stereotypes actually. I think there's a very interesting article by David Brooks last week. I don't say that often, but there's a very interesting article by David Brooks, and he writes about a whole foods type store in Brooklyn called Pomegranate, which, you know, myself being an orthodox Jew I know very well, even though I don't live anywhere near New York.

Pomegranate is – Brooks writes it's the center of this religious revival among young, modern Jewish people, where a lot of people, even though a lot of people are losing faith and non-observant and whatever, a lot of people, minority, a significant minority though, are coming back and they're supporting neighborhood stores like this. It's a gourmet kosher food store where you can get Thai rice noodles that are kosher, I mean, things you don't find in normal supermarkets. And it's very chichi, and yuppie, and everything.

But the people driving up in their SUVs and piling their five kids into the car and after they buy five items and spend their \$600. They're a counterculture, he said. They're a counterculture. They're against the mainstream. They're all in their early 20s. They're married. They have children. And they don't care that they're different. They don't seem to think they need to explain that.

Everybody else, their peers, whether Jewish or general are delaying marriage or having kids out of wedlock, and whatever, not that that's – you know, not that they're judging their peers, but they're just making lifestyle choices that our parents and

grandparents made, and they're not thinking of themselves as old-fashioned. They think themselves as new and trendy. It's a counterculture.

And conservatives I think need to stop trying to imitate Hollywood culture and the liberal pop culture and embrace our counterculture. You know, one of my thoughts – you know, one of my many disregarded ideas was during the campaign was that Mitt Romney should start acting like one of the guys on “Father Knows Best.” He should have played out that sort of square image instead of kind of shying away from the cultural conversation altogether.

Marco Rubio's water bottle incident was kind of a production disaster, but what he did very brilliantly afterwards was he rolled with the joke. And we don't do that. We don't roll with the joke enough. We actually are a counterculture. We're a counterculture here at CPAC. We have the ability to laugh at ourselves and yet, when it comes to culture, we think we have to somehow change who we are, change what we like, change our tastes. I think the opposite. We have to play it out. We have roll with it. We're a counterculture and we shouldn't be ashamed of it. And we have to invest in that conservative counterculture. And, you know, once you do that, they sit up and take notice.

And the evidence for that is the tea party. And, of course, they call the tea party racist, and so on, and so forth, but there was a great article before the election by Frank Rich, of all people, who said, no matter which way this election goes, the tea party is here to stay and his basic premise was a cultural one. The tea party is the American conservative culture. They don't go away. They're fundamental to this country. And liberals like me better get used to it because it's a miserable state of affairs it's basically what he was saying.

He gets it. The tea party was that cultural manifestation. It was people, you know, dressing up in patriot costumes and waving (garrison ?) flags and things like that. For some reason, we think that doesn't work. It absolutely works. It absolutely has political consequences.

And so in all three of these areas – politics, media and culture – we need to invest in our conservative alternatives. It's not that you can't go into mainstream forums and win. I prefer personally being on CNN and MSNBC to being on Fox. I love an argument. I want to convince the people who disagree with me. But we've got to invest in the foundation for even presenting that argument, which is having conversations with likeminded people, getting great research from Judicial Watch, and great arguments from Ilya and Cato, and – you know, people at CPAC sharing ideas and context. It's the kind of thing we shouldn't do three days a year.

And I know Andrew believes that. I know everyone in this room believes that, and I'm grateful that you're here when there are so many attractions and celebrities downstairs, because this really is where the fight is. It's getting the facts and the arguments and the ideas and the activities that everyone up here is involved with out

there into the political realm, the cultural realm, and the media realm. Thank you.  
(Applause.)

MR. FITTON: Those were some excellent presentations. And what I enjoyed especially about these presentations is we didn't spend a lot of time, if any time talking about the fortunes of the Republican Party, or woe is Republicans, or woe are the Democrats, or who are the Democrats going to nominate. You know, that's irrelevant, in my view, to increasing numbers of conservatives, and independent-minded libertarians, and those who believe in government.

What we're talking about are principles that aren't involved really or reflected by either political party or by political elites. There's a great word, and I'm probably going to mangle it: disestablishmentarianism.

And I think, you know, one of the hidden news stories of the last several years and reflected somewhat in the tea party story is how the conservative movement rightly, in my view, is abandoning the Republican Party. They don't expect leadership out of it. And their votes can no longer be taken for granted. And, you know, we don't look for – at Judicial Watch, we don't look for leadership from Republicans or Democrats on any issues related to corruption. You know, they're part of the problem.

But, you know, that to me is the story. Despite all the Republican politicians at CPAC, you know, they have a high burden to meet in order to get people who are concerned about the issues we care about here to respect and vote for them. But it also presents an opportunity for honest Democrats and honest Republicans to gain new voters and to reach out to people who are really alienated from the way Washington works.

You know, I don't think it's any mistake that – I don't think it's – I think it's notable that in 1994, Republicans took control of Congress due in large measure to the perception that Democrats were corrupt. And lo and behold, Democrats took back control of Congress in 2006 due to the perception that Republicans were corrupt. I don't think both perceptions, by the way, were correct.

But it goes to show that once in a while, corruption does matter. And the politicians forget that from time to time. And I think it's the job of activists to remind them that this is a very important issue for Americans.

And, you know, following the rules, getting in line, making sure the president stays within his constitutional prerogatives, making sure that Congress stays within its constitutional prerogatives, making sure that the people we trust to uphold the law, actually uphold the law and don't politicize it, making sure that the institutions that mediate between our government and the citizens, such as the media, are honest and get the truth out as we expect them to, these are all issues that are relevant to party politics. And we need more discussions like this not only at CPAC, but, as Joel was suggesting, throughout the year.

So with that, I will – unless anyone wants to add anything to – or respond anything that was said elsewhere in the panel among our panelists, I will open up the floor to any questions, or comments, or concerns. I think this microphone up here is working. So if you could pop up and ask. Sir, yes.

Q: Hi. My name is David. You talked about corruption. I'll make a truth claim. You can't corrupt a person with their own money. When I have my own money to educate my kids, to buy my health care, I don't need to vote for a congressman. They have no power to corrupt me. What suggestions do you have to put the money that's currently in Congress back into the hands of the individual so that there is no more corruption in politics?

MR. FITTON: Well, you don't need to convince me that big government means big corruption. You know, that's – I know there are leftists who believe in honest government, but I don't think they understand that you can't have honest government as long as it's big as it is. And when you have a government spending \$4 billion, there's no way you can track that in a way that, A, that you can track it so that it's accountable. But the opportunities – trillion, \$4 trillion – the corruption will flow to that like light into a black hole.

Q: So my key question is how do we get the money out of Congress and back into the hands of individuals?

MR. FITTON: Well, we need I think new – we need new leadership both on the inside and the outside that talk about it in the terms you suggest. But I don't know if anyone else has a response. Ilya, or Joel, or –

MR. POLLAK: I like what you're saying. It's a different way of putting something that – again, I'll quote a sort of – I'll quote George Will again. I don't always agree with George Will, but he was exactly right when he said corruption is not a bug in Obama's policies. It's a feature because when you're expanding the power and the size and the cost of government, you're creating incentives for corruption. You're creating opportunities for corruption. And it's inherent in the very model he uses.

And I think what Will is referring is the Obamacare waiver system, where the system can't exist without these waivers, therefore people are going to seek them, and to seek them, you're going to have to lobby for them, and pay people who lobby for them, and how do you get access to the people you talk to and so on. It's a story we all know.

And I think that I – you know, this is – the crony capitalism is something that Romney tried to play up here. I don't know if he was the best messenger for it. I'm not suggesting he was a crony of someone, but he was certainly a capitalist of some note. And I think we can look forward to hopefully seeing more and more conservatives coming up from the state level, where they have – actually have challenged some of these things and undone the policies that create the opportunities for corruption as well. And I

think what you're talking about returning taxpayers' money, cutting taxes, and so forth, I think that's one part of it. And it's also just part of a bigger policy picture as well.

Q: If I offered you \$1,000 tax deduction for every \$1,000 you put into your own health care, whether it's in health insurance, health savings account, would that be a way to fight the corruption and pull the money out of the government and back into the hands of the individual?

MR. SHAPIRO: Well, look, anytime there's a smaller pie, you're going to have less economic distortion and rent seeking and things like that. I mean, we have lots of negative signals kind of going through the system, piggybacking on Joel's crony capitalism comments, like, for example, when Google and Facebook, who didn't want anything to do with the Eastern establishment, finally buckled and opened up huge lobbying Washington offices and hired lots of lobbyists, that's a bad thing. It means that, you know, they think that they can prosper more as a business by, you know, seeking certain favors from government than by just growing their business.

I mean, yeah – but the solution to get whether it's economic dynamism, whether it's, you know, individual choice to live your life as you want, whatever your ultimate goal is, the solution is to shrink the size of the pie, as you're suggesting, that Congress controls. And that will – you know, whether you're talking about legal corruption, you know, moral corruption, corruption of – you know, crowding out of private sector activity or non-profit activity by the government, all of these things go away as the incentives to waddle up to the government – (inaudible) – decline.

MR. FITTON: Next question or comment. Sir.

MR. POLLAK: Sorry. Can I make one comment?

MR. FITTON: I'm sorry. Go ahead.

MR. POLLAK: You have triggered something for me about the gay marriage debate actually. And the gay marriage debate is a losing one for conservatives not because we can't argue for traditional marriage if that's what you want to argue or not because we can't argue for gay marriage if we take a libertarian or alternative point of you. It's a losing debate because the premise of the debate – this is how it started – was that people deserve equal access to government benefits. That's the premise of the debate as it began. It's unfair to deny benefits.

Marriage has become a mechanism for the transfer of social welfare benefits. And whether you think the state should be involved in marriage at all is another issue but the fact is we've expanded the size and role of government in people's lives so much that we now think this is an important political question and we're – you know, the conservatives are trapped because we don't challenge the premise of the question. The premise is faulty. Why should we be using government in this way? And I think that's

why it's a losing issue, not because we can't defend traditional values, but because we haven't faced up to what the actual premise of the question is.

MR. FITTON: Yes, sir.

Q: My question is for Joel. When you talked about – I thought it was really interesting how you phrased the tea party as a cultural manifestation. But if you look at the kinds of issues they talked about, there was a lot of control from the top to make sure they only talked about fiscal issues, and limiting debt, and things like that.

And, Mark, with the – what you called the amnesty infomercial yesterday – great phrase – one thing that wasn't mentioned a lot was “citizenship.” It was very clear that it was about obtaining, you know, cheap labor, and this was purely seen as an economic thing.

My question then is, if you see this sort of cultural manifestation and this populist spirit, and it only gets funneled behind rather abstract things like we need to limit the debt, aren't we sort of shortchanging our own people, because the left is talking about, you know, gut level, visceral things and we're talking about balancing the budget. How can we win on that?

MR. POLLAK: I think that's a really keen insight. I had a conversation with some very prominent senators the other day. And they're struggling with the same problem. They decided on a message. Now it's going to be about the debt but they don't know how to make that relevant to people.

I would say that for some – for many tea party members, the debt really was a personal and concrete thing. My favorite tea party sign was the guy holding up, honk if I'm paying your mortgage. That was my favorite. So that's how you – that's how you – I think it was visceral for those who got involved for that reason.

But, I think in general, you're correct. I think that shoving some of these issues under the rug is a really – is a really dangerous way to go. And, in fact, I think there were a lot of people who were motivated by some of these other things who came to tea party rallies, but I'm not so sure there was a degree of top down control. I think the tea party was an organization – it was – let me just put it this way, a heterogeneous organization. And there was an agreement on a message I think very broadly as the least common denominator. But I don't think it was control as much as it was just kind of not as effective in transmitting that message to a broader audience.

MR. ADAMS: Let me be a little more pessimistic in some ways to the last two questions. Joel said something I think it's spot on. Politics is downstream of culture and the culture isn't good. And to sit there and talk about debt being a problem when the majority of American households are swimming in it and are perfectly content with that state of affairs is not going to be a winning issue. We're losing badly because most people just don't care. It's the producers that care about debt, but when you have the



level of debt, consumer debt, that's not a winning issue. It's a good issue and it's correct, but I'm just saying the ground is moving underneath us.

MR. FITTON: But, you know, I think that your analysis of the origins of the tea party are – I don't believe you're misleading us on purpose, but I would take an alternative analysis that it isn't about fiscal issues. It's not about debt. It's about corruption. It's about what government does.

Conservatives don't talk about what government does. All they talk about is what the numbers are. And when we address Americans' concerns about what government does, then people rise up. And with the tea party, the concern was, I'm paying my mortgage, and now there's this program out there that allows people who didn't pay their mortgage or made poor decisions to benefit from those decisions. And I still have to pay my mortgage. Or how is it these banks are being bailed out while I'm paying my debt? And why is the government subsidizing these financial mavens for poor decision making? I didn't even think it was subsidies. I think it was a takeover, practically speaking.

But this was – this is moral outrage. This was not a concern about the debt. If it was a concern about debt, the tea party would be even larger than it was in the beginning. It was what's – who's the CNBC host? Rick Santelli. He was not talking about that. He was talking about the racket and exposing the racket. And, again, an issue that I think ought to unite conservatives, libertarians, Occupy Wall Streeters (sp). People are skeptical of the operations of government and the public policy debates. They see it as a mask for fundamental corruption.

And those senators you're talking to, if they're confused about that issue, they will be perpetual outsiders because – in terms of appealing to the American people because they're not addressing the fundamental concerns of the American people. It is not debt. It's what government does.

And, Ilya, I'm sure, as a libertarian, you understand that more than – I mean, to hear people talk about balancing \$4 trillion government it's to me obscene. We should be talking about what that government is doing and the amount of money it's spending as opposed to, quote, the budget being balanced. Debt is a reasonable thing to have for certain circumstances. So that's my two cents. Yes.

Q: I'll make it quick. I'm Gayle Smith (sp) and I am Spanish language media. And I think I'm probably the only conservative Spanish language media that exists in the U.S. But, anyway. The question is this – or the comment.

We all know unity creates strength and part of what I see be a huge problem with the Republican Party is the fragmentation of positions. And, obviously, from a general public concern – you know, there's all these messages. You've got the tea party. You've got the moderates. You've got all sorts of positions, you know, from – if we look at the

center from center right to extreme right. So how do we come together with messaging that is consistent and – you know, we can create the strength that we need?

MR. ADAMS: Can I address that? Because this is one of the things I mentioned.

MR. SHAPIRO: (Foreign phrase.)

MR. ADAMS: I don't know. Two words, at least a short-term solution. Tom Perez who I alluded to and Tom alluded to, the labor nominee, unites every single wing of the conservative and libertarian movement, the pro-life groups that he attacked in Florida, the constitutionalists, the business interests. I mean, there is a short-term fix, a fun experience to oppose Tom Perez because he represents opposition to everything all conservatives believe in.

The longer term fix, I don't have an answer for you. Andrew Breitbart gave a great solution. I loved how Andrew dealt with this. He loved everybody. And he would never say a bad word about another conservative, but, unfortunately, I don't think there's as many people – there are no other people like him. So I don't have an answer.

MR. FITTON: My view – you know, the Republican fights, they're nothing new. There's always been a battle between, you know, your country – (inaudible) – Republicans versus either internal or external activists who took a more skeptical approach to the enterprise of big government since World War II.

You know, they want to hear – they don't want to hear from Breitbart, the Republican leadership. They don't want to hear from Cato. They don't want to hear from Christian. And they don't want to hear from Mark. They just don't want to hear from us. They want our votes. They want our money, and I say that proverbially in terms of people who would support their oppositions, but in terms of practice, they don't want to hear from us. Am I exaggerating it? I'm sure we all talk to Republicans on the Hill, but –

MR. KRIKORIAN: No, not at all.

MR. FITTON: From a distance, I presume.

MR. KRIKORIAN: I mean, I don't have any money, like you said, but – no, absolutely.

MR. FITTON: Right.

MR. KRIKORIAN: I mean, in fact, you see that the dynamic you're talking about sort of a elite public split within Republicans a lot, and actually that kind of explains I think a lot of the dysfunction of our immigration policy, because what you end up with is at election time, you have politicians – not just Republicans, Democrats sometimes too saying, well, you know, we're going to do this. We're going to crack

down tough. We're going to have, you know, electrified fences, blah, blah, blah. But then, the immediate issue passes, and the people who then come to visit their offices and say, well, you know, congressman, I really need, you know, these indentured servants to slave away cheap on my farm, and they get their way.

So the law looks tough but then ends up being gutted. It looks tough to sort of – it's (blue ?) bait for us basically and then isn't followed through on because that's not – because they don't want to do that because the people who make money or benefit from policy are all on the other side, certainly from the immigration issue. And, I mean, probably other issues too.

MR. SHAPIRO: I found encouraging the list of Republicans that joined Rand Paul's filibuster. I mean, you had all the different wings represented. You had, you know, Ted Cruz and Mike Lee from the tea party constitutionalist wing. You eventually had the leadership, the establishment, Mitch McConnell joining in. You had social conservatives, Jerry Moran and some others.

So I think there is something tectonic going on within the party, within the movement broadly speaking and kind of – we're living it. But I am hopeful that there is a jostling that will, you know, move something forward, and that, you know, we have to reinvent the liberty movement that can't just repeat stuff that was going on in the '80s under Reagan.

MR. KRIKORIAN: But the reason, you see, Rand Paul's thing worked is because it was very much like the partial birth abortion issue. You pick so outlandish that no logical person is going to be for it and then your opponents walk right into the trap.

If Eric Holder had not been an idiot and said, well, obviously, we can't assassinate Native Americans on American soil, that would have been the end of it. It wouldn't have worked. What Rand Paul did was pick something that was – that everybody agreed on but was very narrow. I mean, I agree with Ilya that it was – I mean, I was Tweeting stand with Rand too, but there was a lot of different – a lot of the people who supported him are more than OK with using drones to kill foreigners abroad. You know what I mean? So that's where you end up with a variety of positions.

MR. FITTON: Well, I think that's a good way to end. I want to give everyone an opportunity to promote themselves and their websites so people know how to reach them because we're going to put this on the Internet and it will be widely available. Joel, we'll start with you. How do people reach you and where do they learn more about you?

MR. POLLAK: I'm very poor at self-promotion, but I'll just say if you come to Breitbart.com, you'll find a lot there and a lot of fun. We've got Breitbart.tv, which is our video site. We just started a new site called The Conversation, which is our blog site. Added Breitbart Sports. All of that is part of expanding the vision that Andrew had for the company, Breitbart.com.

MR. FITTON: Now, that's the panel we should have had.

GROUP: Breitbart Sports.

MR. FITTON: Talking about a uniter, right? Thank you, Joel.

MR. SHAPIRO: A textualist interpretation of the – (inaudible) – viral.

MR. KRIKORIAN: Yeah. I'm afraid we don't have any sports at our website at CIS.org. And I tweet @MarkSKrikorian, and the blog at *The Corner National Review*.

MR. FITTON: Christian.

MR. ADAMS: Of course, I always promote my book, which is called *Injustice*, *New York Times* best seller. And I'm a legal editor of PJ Media and I also have my own blog called Election Law Center that is really all about election law.

MR. SHAPIRO: Well, I'm at Cato, Cato.org and you can have my bio site there which has all my media and writings and things like that. And I also edit the *Cato Supreme Court Review* which I think it's available on Amazon as a book. It's also available I think the developing – the Kindle stuff and that comes out once a year about the leading articles from the top scholars and practitioners about the last term of the court.

MR. FITTON: Well, Judicial Watch is –

MR. SHAPIRO: Oh, and my Twitter handle is @ishapiro.

MR. FITTON: And Judicial Watch is on the Internet at JudicialWatch.org. We have a great book out as well, *The Corruption Chronicles*. And coming soon to a cable network near you, our movie, "The District of Corruption," which really is cutting-edge in terms of holding all the parties in Washington to account in a dramatic way that you traditionally don't see out of conservative groups – to put it mildly – here in Washington. So it's – I think it's going to cause a stir as it get wider promotion.

So I appreciate everyone taking time from the regular CPAC meeting to come to our little side meeting, our dissenters here. Thank you very much. And we'll see you on the Internet. And feel free to follow up with us during the rest of the meeting as well. Thank you very much. (Applause.)

(END)