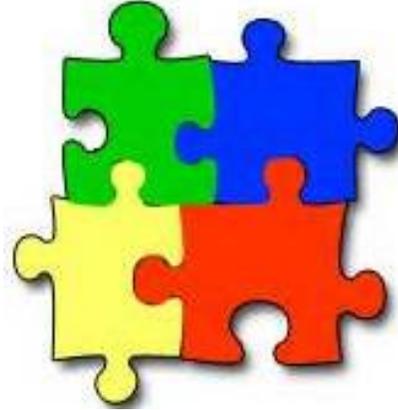


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 **THE PUZZLE THAT
IS IMMIGRATION
REFORM:
Hard choices,
immense emotion,
growing differences,
and staunch ideology!**



Stephen L. Bakke  July 2, 2013

I have seldom been more torn and confused about an issue than I have been with the immigration debate in the United States Congress. If there was ever an important issue that I thought would eventually reach bipartisan cooperation, immigration reform would have been my prediction. Considering where we are in the legislative process, and the reality of what can be accomplished, I have come to a conclusion on the issue. I think my interpretations and conclusion are “directionally correct” and helpful, even if somewhat simplified and brief.

Immigration reform is important because it's just common sense!

The reasons why immigration reform is important: national defense, economic security, humanitarian concerns, unintended cost consequences related to programs like ObamaCare, and **common sense, common sense, common sense!**

Agreement on the border would bring a conclusion!

The Senate came up with a compromise amendment to its proposed bill, with two Republicans sponsoring and introducing it. The focus and intent of this amendment was to assure physical border security. The final legislation did throw more money at the border police and provide all sorts of “triggers” which allegedly would accomplish the Republican’s desire for border security. It was also intended to provide only eventual and contingent citizenship for illegal immigrants.

We are now faced with a Senate bill that passed with some bipartisan support but not with enough conservative base support to pass muster with the conservative voter base, and more importantly, not with the more conservative Republican controlled House of Representatives.

While there are many partisan differences, when you remove the rhetoric I believe the only issue remaining in the way of a bipartisan agreement is that of border security. Some say there’s more to it than that, and there are many more disagreements than just that one – but **my firm contention is that if all else were set aside, agreement on border security would bring a conclusion.**

What about the charges of amnesty?

For opponents of the Senate bill, the proposed improved status for illegal immigrants would be the same as amnesty. For supporters, that apparently has nothing to do with it.

Many conservatives contend that the Senate bill creates amnesty for illegal immigrants. That's true, in a way, because most of these immigrants are given a status that is no longer "illegal" per se. But the conservative claims are somewhat disingenuous because they are intended to create an impression of the Senate bill "granting citizenship," when such is not the case. **An illegal's status is upgraded but no citizenship is granted, nor expressly guaranteed.**

So who's right? It really doesn't matter because they will not agree with one another under any foreseeable circumstances. But let's continue to search for a way to take a step toward resolution.

The Senate bill has no plans, designs, specifications, nor time limits or accountability!

The conservative position is that border security is preeminent in any immigration reform. Their goal is, within realistic physical and technological limitations, a system that provides actual physical control over what passes the border. **It's a barrier, enhanced with technological monitoring and other security assistance – and human border patrols are part of that border system.**

The Democrat's concept, as demonstrated in the recently passed Senate bill is to throw in a lot of rhetoric about border control and security, but there **simply are no absolute plans, no designs, no specifications, no predetermined time limits nor accountability for achieving the goals.** There is a lot of leeway for "the Secretary shall determine" how or how much, etc. In other words, goals and intentions dominate, and we hear about lots of "triggers," but without any apparent framework, structure, or guarantees.

What it comes down to is that the Senate bill is less specific in terms of physical border security than most conservatives insist on. The House of Representatives will now deal with the issue and they expressly will not simply vote on the Senate version. Instead, they will craft their own legislation and we can be sure that their version will be very specific in its insistence on completing the previously authorized barrier fence. I think the way this is going, **the differences in approach will continue to grow, unless**



Republican skepticism comes from examining the Senate bill in the "bright light" of history.

The bill includes a portion of its Section 5 that is full of provisions which give the administration discretion over what type of barrier will be built and where. It doesn't provide definitions, specifications, and time limits for completing the barrier. It doesn't stipulate any accountability for actually getting it done – i.e. if it is not built, then what? There are no penalties if the goals are not accomplished. There is nothing that compels this to be built – ever. **They don't have to actually complete a secure border. The administration can declare the border secure and that could be the end of it. Porous borders could continue.**

The bill is only a promise, of sorts. Still, I got awfully close to trusting the Senate bill as amended, but then I went back to 1986 (Reagan's amnesty compromise) and 2006 (border fence law) and recalled the empty attempts at legislating immigration reform and border security.

There were promises then, but because of no specifics or accountability, **the border security fence measures still haven't been completed.** The dollars were appropriated but never spent. Here I blame both republican and democrat Presidents from that time until the present.

Conservatives and Republicans can't be blamed for not trusting this administration to be diligent in doing something that previous administrations refused to do without suffering consequences. And this Administration does not have a good reputation on carrying through on policy promises, and it has demonstrated its willingness to consider laws as being very flexible.

Personally, after much uncertainty and equivocation, I have decided that under the Senate bill, a fully secure barrier fence will never be built on our southern border.

I contend that all the House needs to do is legislatively compel a physically secure border!

Given where we are today, and also the need to accomplish reform which includes sound border security, **there is a way to reach a very acceptable bi-partisan agreement.** My confidence is conditioned on a few simple assumptions: most politicians want to put this issue behind them; most politicians are willing to accept specific specifications for an effective physical barrier at the border; and most want accountability for getting it done.



I suggest that the House of Representatives, in a “bi-partisan spirit,” accept the entire Senate bill **EXCEPT** for the parts of Section 5 that provide latitude to the administration in building the border fence and enforcing the border security. The House version should **absolutely require immediate construction of a barrier fence.** It should require specific standards and specifications for building it and must be precise about where it should be built. Congress should be given absolute oversight authority with specific consequences and remedies in case the nature and timing of the law is violated. **The revised Section 5 must COMPEL a MANDATORY physically secure border. In other words, simply COMPEL what has been promised in the Senate bill! That shouldn't be so hard for the Democrats to swallow!**

If this very logical and popular approach to the physical barrier is voted on, I really believe many Democrats in the House would support it and all Republicans in the Senate could support this as a compromise bill. **Is it perfect legislation? Does it eliminate all the undesirable aspects of other sections in the law? Does it have a chance to pass? NO! NO! and YES! Why not give it a shot?!**

THIS JUST IN! I think Senator Rand Paul agrees with me! He was giving reference to the upcoming deliberations in the House of Representatives when he emphasized the need to pass legislation to quickly build an effective barrier border fence, and he said he could agree with issuing “green cards” to qualified currently illegal immigrants – elevating their status from “simply illegal.” Isn't that essentially what I have said – border security and elevated status for qualified immigrants. How about that! You heard it here first!

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