Fellow conservative patriots,

Once again, immigration and guns will consume the agenda, as the Senate will take center stage on the Hill. The House will focus on some smaller issues, such as a cyber-security bill and some bills enforcing laws against federal workers who are tax delinquent. We must be prepared to form a backstop in the House against any bad bill that passes the Senate with bipartisan support.

For Liberty.

The Honorable Jim Ryun

Chairman of The Madison Project

**Guns** – Last Thursday, [16 Republicans joined](#) all but two Democrats in breaking the filibuster against Harry Reid’s gun control bill – S.649. We have all the details on the bill in [last week’s column](#). The Reid bill is unlikely to pass, but it was used as a trojan horse to begin debate on limiting the Second Amendment in the hopes of passing a compromise. Pat Toomey (PA) gave Democrats that cover when he joined with Joe Manchin (WV) to support a compromise proposal that was written by Chuck Schumer’s staff. *Reid has already filled the amendment tree, blocking all amendments except those he supports*. He will offer the [Toomey-Manchin proposal](#) as the first amendment this week. Many Republicans have already expressed support for this proposal, which would expand background checks to gun shows and online sales (most private gun sales are advertised online, and would be affected by this).

**Conservative concerns:**

- Terminates HIPAA privacy: Section 117 of the bill would allow mental health professionals to violate HIPAA and unilaterally add a person’s name to the NICS background check system without due process.
- Collection of Data: Section 112 of the bill is written very vaguely, granting the Attorney General broad authority to demand as much new data be added into the NICS as he so
pleases. Although this bill won’t directly establish a national gun registry, the only way to truly enforce the background checks on private sales is by moving in that direction.

- **Raises Gun Fees:** One provision of the bill would require those who buy firearms from private sellers at gun shows to pay a fee in order to get a background check. This is a clear violation of the Second Amendment. There’s one thing for the government to run background checks. However, government certainly does not have the power to charge for that “service.”

- **Misuse of National Instant Criminal Background Check System (NICS):** This bill would allow firearms dealers to use the NICS, which is designed for exclusive use on gun purchasers, to check the background of potential employees. The idea that private companies could use a non-public federal database system like this is very disconcerting.

- **Entrapment:** This bill grants the Attorney General so much latitude in enforcing the law that it is not hard to conceive how the ATF will infiltrate gun shows an attempt to entrap gun buyers into violating laws that are unfamiliar with. With this overzealous administration, there is real potential that such laws will lead to more tragedies like Waco and Ruby Ridge.

- **National Commission on Mass Violence:** Section 122 of this bill creates...you guessed it..another commission to study violence. Aside for the inanity of the entire premise for such a commission, at least half the members will be liberals who will use this platform to continue agitating for more gun control.

**Punchline:**

*Harry Reid is controlling the entire amendment process.* He will allow some Republican amendments in order to give cover to vulnerable Democrats by permitting them to vote for those amendments, knowing that they will never pass. Conversely, he will also bring up Dianne Feinstein’s assault weapons ban and Frank Lautenberg’s ban on high-capacity magazines. He knows that red-state Democrats will also oppose these amendments in order to burnish their pro-gun credentials. However, his ultimate goal is to get these Democrats and a handful of Republicans to sign onto the Toomey-Manchin compromise. Assuming he loses Mark Pryor (AR) and Mark Begich (AK), but retains all the other Democrats, he will only need to peel off 7 Republicans for cloture on the final bill, presumably, something similar to the Toomey amendment. With John McCain and Susan Collins (ME) already expressing support for the amendment, he is very close to winning. Conservatives must work relentlessly to warn the 16 Republicans who voted for cloture last week that they will be vulnerable to a primary challenge if they are responsible for passing the first gun control bill in 20 years. The most important senators to call right now are Corker, Graham, Chambliss, Heller, Wicker, Ayotte, and Flake.

**Immigration** – On Tuesday, the Gang of 8 pro-amnesty senators will finally unveil their draft proposal for legalizing the 12 million illegal immigrants. *Amazingly, the Senate Judiciary Committee plans to hold just one hearing on this 1500-page bill.* Originally, that hearing was
supposed to take place on Wednesday, less than 24 hours after senators will get the initial briefing on this massive piece of legislation. They now changed the date to Friday. Most of the basic details of the plan have already been leaked to various media sources. The most comprehensive outline can be found at National Review.

The most important detail is that almost every illegal alien will be eligible for amnesty long before any of the tepid enforcement measures prescribed in the bill are implemented. Deportations would be suspended immediately and they would be allowed to work and live here freely. The illegal aliens will have to come forward and pay a fine and pass a background check. However, it’s not even clear if a vice such as belonging to a gang would disqualify them from the amnesty. They would also have to prove they were in the country before January, 2012, an unrealistic condition for people who don’t carry documents. DHS would be required to come up with a “plan” to secure the border within 6 months of passage and then issue a notice that they are implementing that plan (try not to laugh). If after 5 years, DHS is not meeting the contrived benchmarks of their own plan, then we will….form a commission to deal with the border! Talk about the fox guarding the henhouse. There is no clear timeline to implement a biometric entry-exit system – if ever.

With regards to legal immigration, the bill does grant more visas to high skilled workers, purportedly doubling the annual H1-b visa cap to 120,000. However, it calls for up to 200,000 more low-skilled guest workers every year, with the possibility of that number growing over time. Again, with flaccid enforcement measures in place or never implemented, all those “temporary” low-skilled workers will overstay their visas and turn into permanent charges to our fiscal solvency. The LA Times is reporting that this bill might increase the level of legal immigration by 50%. Remember that we are already admitting more than 1.1 million new immigrants every year and have the highest percentage of foreign-born people in the country since 1920 – the end of the great wave of immigration.

Many more details will emerge, but there are three overarching problems with all of these proposals:

1) The day this bill would go into effect, almost every illegal alien would become legal. Period. So before any enforcement is put into place – before the fence is built, the biometric visa tracking system is put into place, E-Verify is implemented, and all the magnets such as refundable tax credits and birthright citizenship are eliminated (not that this bill will ever do those things) – they will all become legal. There is a reason they are unwilling to implement enforcement first. They want to continue the circuitous cycle of amnesty.

2) There is no way to stop the legalization train once it takes effect. Legal status will never be revoked; it can and will only be expanded with every inevitable subsequent act of Congress. Both for political and legal reasons, there is no way they will stay in temporary legal status for years once they are granted that status. The same political pressure that people like Rubio are
feeling now to grant amnesty will be demonstrably stronger over the coming months and years to
grant green cards and citizenship after they are recognized as legal and legitimate. We will never
have a legally-sanctioned underclass for the 10-year period Rubio suggests.

Incidentally, Rubio is now jettisoning the mention of ‘citizenship’ from his charm offensive,
opting instead for a dialogue over green cards. But the reality is that all green card holders are
eligible for the myriad of welfare programs (even current illegals and temporary legals are
eligible for refundable tax credits.) The only thing they won’t be able to do is vote. However,
there is no way we would be able to withstand the relentless pressure to grant them full rights.
This proposal would give the open-borders hustlers 1st and goal position at our one-yard-line,
with unlimited opportunities to score. We would have to successfully block every last attempt to
adjust the status of the amnestied illegals forever, whereas our opponents would merely have to
succeed just once in expediting citizenship, the wait-time for green cards, or access to welfare.

3) The same rationale that is motivating them to grant amnesty to A, B, and C in situations A,
B, and C, will motivate them to grant further amnesty to all illegals in all situations. Instead of
demanding that we enforce all the laws now and employ attrition through enforcement (which
has worked on a state level), the open-borders crowd advances the straw man argument that “we
can’t possibly go house-to-house and deport everyone.” To that end, they are demanding
legalization and a path to citizenship for those already here. So we are supposed to believe that
this rationale suddenly won’t apply to those who came here recently; those who don’t pay the
fine; those who don’t learn English; those who constitute a public charge? What are you going
to do with all those who don’t qualify? Deport them?

Even if this bill won’t inevitably lead to full citizenship for everyone (it will), the problem will
persist. We will hear from the same malevolent fools a few years down the road about the need
to grant green cards to those who didn’t qualify the first time and for the new illegals who will
invariably overstayed their visas in the coming months in order to take advantage of the new
liberalization. The fundamental arguments are the same. Far from solving this as a political
issue, it will keep this issue alive for years to come, continually providing Democrats with a new
way to outbid Republicans in further legalization or expediting the process. They will view this
proposal as a mere downpayment. And again, once they are all legal, it will be even harder to
stop further legitimizing their status than it is today. In fact, it would be better to truly
implement border and interior enforcement first and then grant a blanket amnesty, than to grant a
muddled, yet inevitable, amnesty now with no definitive guarantee of enforcement ever.

**Bonus Legislation**

[Every week, we will try to spotlight some positive legislation that is worthy of conservative
support.]

- **Stockman-Broun Gun Control Letter**: It’s appropriate this week that we
highlight a letter being circulated on the Hill by Reps. Steve Stockman (R-TX) and Paul Broun (R-GA) with regards to the impending gun legislation. Stockman and Broun have sent a letter to Speaker John Boehner requesting that no gun control bill be brought to the House floor without the support of the majority of the GOP conference. This concept is known as the “Hastert Rule,” and is quite appropriate to be applied to something as important as the Second Amendment. With the Senate likely to pass some sort of compromise gun control bill, it is vital for us to establish a firewall in the House. Enforcing the Hastert Rule is the best way to do that. Please find out if your Republican member has signed the letter yet.

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