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## DREAM Act Amnesty Fails Final Hurdle in Lame Duck Congress

As the lame duck session of the 111<sup>th</sup> Congress limped to the finish line, Senate Majority Leader Harry Reid (D-Nev.) and outgoing Speaker of the House Nancy Pelosi (D-Calif.) made a last ditch effort to enact a sweeping illegal alien amnesty, known as the DREAM Act. Happily for our movement, the brazen effort came up a handful of votes short and failed in a Senate procedural vote on Dec 18.

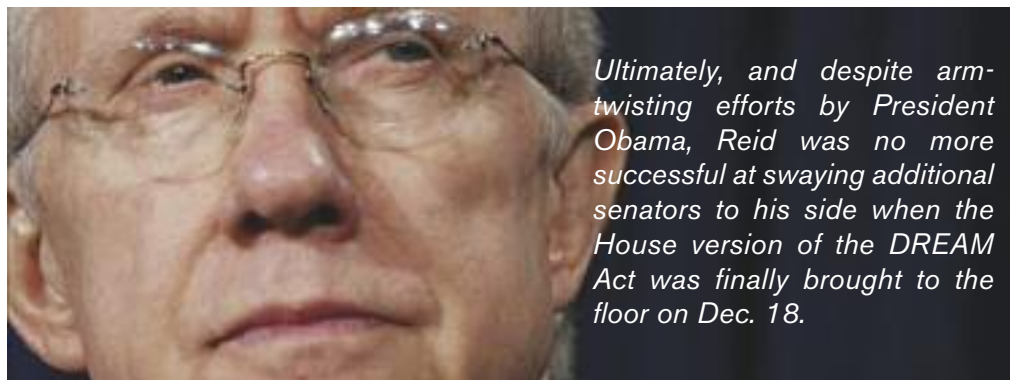
As Congress reconvened after the midterm elections to fulfill the constitutional budgetary responsibilities that it had previously neglected, and address critical issues like extension of tax cuts, Reid made it clear he would attempt to

use the lame duck session to reward illegal aliens and fulfill campaign promises he made in his tough 2010 re-election bid. Pelosi, who had steadfastly protected vulnerable Democrats from having to vote on unpopular amnesty bills before the elections, rushed the DREAM Act to the floor of the House for a vote before she was forced to surrender the Speaker's gavel.

### POLITICAL BRINKSMANSHIP

The path that ultimately led to a dead end for the DREAM Act in the Senate was a long and arduous one filled with many twists and turns and much politi-

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*Ultimately, and despite arm-twisting efforts by President Obama, Reid was no more successful at swaying additional senators to his side when the House version of the DREAM Act was finally brought to the floor on Dec. 18.*

Senate Majority Leader, Harry Reid

## Arizona's Immigration Enforcement Laws Exceed Expectations

One of the frequent arguments of the open immigration lobby is that illegal aliens are here to stay and, since it is impractical to deport millions of people, we have no choice but to grant them amnesty. Like most of what they say, this argument turns out to be a myth. Illegal aliens are not necessarily here to stay (unless we encourage them to remain), and we don't need to deport them all.

A new study by a Mexican think tank, BBVA Bancomer, reports that as a result of stringent immigration enforcement policies in Arizona, illegal aliens left the state in droves. According to the report, some 100,000 people — illegal aliens and other members of their households — packed up and left Arizona during 2010. The pace accelerated

after passage of SB 1070, and as many as one-third returned to Mexico.

The BBVA Bancomer study reaffirms Census Bureau data that indicate illegal aliens have been leaving Arizona over the past five years as the state has implemented enforcement measures. It also reaffirms FAIR's long-standing assertion that mass illegal immigration can be reversed through rational and consistent enforcement policies.

A similar phenomenon was noted by the University of Virginia (UVA), which concluded a three-year analysis of the impact of a local immigration enforcement ordinance in Prince William County. The UVA study reported that the ordinance helped reduce Prince William's illegal alien population by between 2,000 and 6,000 over a two year

period. Other benefits noted in the study were a 47 percent reduction in aggravated assaults and a similar reduction in hit-and-run traffic accidents.

As FAIR works with activists and legislators in other states to enact immigration enforcement measures, the documented successes in Arizona and Prince William County will provide those states a preview of what they can expect if they take similar action. Arizona's experience also strengthens FAIR's case that enforcement policies must be implemented at the national level to end the ability of illegal aliens to evade enforcement policies by moving to a different location in the United States.



## Gutierrez Threatens Civil Disobedience in Wake of DREAM Act Defeat

Rep. Luis Gutierrez (D-Ill.), perhaps the most vociferous proponent of mass amnesty in Congress, hinted that the next step in his quest will not be through the legislative process. In a speech at a Brooklyn church before the final defeat of the DREAM Act, Gutierrez indicated he is considering leading a campaign of civil disobedience in an effort to force Congress and the Obama administration to enact a sweeping illegal alien amnesty.

"We need to decouple the movement for comprehensive immigration reform and justice for immigrants from the legislative process and from the Democratic Party process," said Gutierrez. Invoking comparisons to the ef-

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# Immigration REPORT

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**FAIR Immigration Report**  
(ISSN 1067-3337) is published 10 times a year  
by the Federation for American Immigration  
Reform a non-profit membership organization.

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## *A Thank You from Dan Stein*

The 111<sup>th</sup> Congress is now history. And from our perspective here at FAIR, the final gavel did not fall a moment too soon.



As challenging as the last two years have been for those of us fighting the FAIR fight for true, common sense immigration reform, these were, perhaps, the finest two years for our movement. In spite of the political deck being stacked against us, FAIR — thanks to our members, donors, activists, and supporters all across the country — successfully beat back every effort by the pro-amnesty and mass immigration lobby to throw open America's borders.

What our movement achieved was extraordinary. For two years we were opposed by the leadership in both houses of Congress and a powerful White House administration. They were all resolutely committed to amnesty for illegal aliens and massive increases in immigration. Thanks to all of our efforts, they accomplished none of these objectives — including their last ditch effort to enact the DREAM Act amnesty during the final, lame duck session.

Now we must look ahead. Supporters of true immigration reform in the national interest are now in charge in the House, and we will have a much stronger hand in the Senate over the next two years. Merely beating back the efforts of our opponents is not enough. FAIR will be working vigorously to promote legislation that advances the public interest in the 112<sup>th</sup> Congress. We will also be working to ensure that the Obama administration's unilateral efforts to dismantle immigration enforcement do not succeed. And, we will continue to aid efforts to enact state and local policies that deter illegal immigration.

Thanks to you, FAIR is well positioned to build on our successes of the past two years. With your continued support, we believe that the FAIR fight will continue to advance our cause in the coming year.

## **Administration's Audits of Employers' Paperwork Produce Paper-Thin Results**

Over the past two years, the Obama administration has gone to great lengths to convince the American public that it is making a serious effort to prevent illegal aliens from working in the United States by cracking down on employers who hire them. Audits are the cornerstone of this strategy, as ICE sifts through I-9 forms looking for those that appear to include fraudulent information. Employers are required to inspect a variety of documents presented by workers and keep a form, known as an I-9, on file.



An investigation by the Associated Press into these so-called paperwork audits reveals that they are largely ineffective. AP reports that “most employers with questionable record-keeping aren't being punished for failing to prove their employees have legal status.” According to the investigation, most employers who fail to comply with I-9 requirements receive only warnings.

DREAM ACT FAILS *continued*

cal intrigue. As Reid reconvened the Senate after the elections, the DREAM Act was high on his priorities for the lame duck session. Over the course of ten days in November, Reid and the sponsors of the DREAM Act drafted four different versions of the legislation in an attempt to plug gaping loopholes identified by FAIR and other amnesty opponents.

However, it was evident that DREAM Act proponents lacked the 60 votes necessary for cloture, a procedural maneuver needed to limit debate and avoid a filibuster. Instead of permitting a vote, Reid postponed action and deferred to the House, where a simple majority is necessary for pas-

for a resolution of the budget impasse and give him additional time to persuade reluctant senators to support the DREAM Act. Senate approval of the House bill would also have avoided the necessity for a conference committee to resolve differences between the two versions, and would have sent the bill directly to the president's desk for his signature.

Ultimately, and despite arm-twisting efforts by President Obama, Reid was no more successful at swaying additional senators to his side when the House version of the DREAM Act was finally brought to the floor on Dec. 18. By a final tally of 55-41, the DREAM Act failed to muster the 60

pored over each new version of the DREAM Act pointing out its betrayals of the public interest, the potential for massive fraud, and huge hidden costs. Armed with that information, FAIR's media team disseminated the facts about the DREAM Act on radio, television, newspapers and Internet blog sites. Over the three-week period, FAIR spokespeople discussed the DREAM Act on some 40 radio programs, several national television broadcasts, and in dozens of print articles.

As always, FAIR's activist base swung into action, flooding Senate offices with calls and emails opposing amnesty for illegal aliens. FAIR mem-

AS ALWAYS, FAIR'S ACTIVIST BASE SWUNG INTO ACTION, FLOODING SENATE OFFICES WITH CALLS AND EMAILS OPPOSING AMNESTY FOR ILLEGAL ALIENS.

sage. With just several hours notice and no opportunity for members to offer amendments, Pelosi was able to pass the DREAM Act by a vote of 216-198. Fifty defeated or retiring House members provided the margin of victory for the bill on Dec. 8.

Seeking to capitalize on the momentum of the House vote, Reid scheduled a vote on the Senate's version of the DREAM Act the following morning. Sensing that he still lacked sufficient votes for cloture, he took the unusual step of withdrawing the Senate DREAM Act altogether. In place of the Senate legislation, Reid announced that he would have the upper chamber vote on the House-passed bill the following week. Reid had hoped that the delay might allow

votes necessary for cloture and the measure was finally killed. A handful of Democrats joined a largely united Republican effort to prevent the adoption of amnesty.

#### VICTORY FOR THE AMERICAN PEOPLE AND THE IMMIGRATION REFORM MOVEMENT

While congressional leaders and illegal alien advocacy groups were carrying out their elaborate effort to use the lame duck Congress to enact amnesty, FAIR and other immigration reform groups were working equally feverishly to keep the American people informed and to block the DREAM Act from passing the Senate.

FAIR's government relations staff

members and activists were kept abreast of every twist and turn in the debate through legislative alerts and updates, and information posted on FAIR's website. Meanwhile, FAIR's field team provided a steady stream of information to activists around the country, focusing on key members of the Senate who were likely to provide the margin of victory or defeat for the DREAM Act.

In the end, FAIR's intense month-long effort paid off. After soundly rejecting the 111<sup>th</sup> Congress at the polls in November, the American people delivered a final repudiation to a leadership that was intent on using its waning days to defy the public will one last time and reward illegal aliens with amnesty

**KENTUCKY**

Inspired by the success and popularity of Arizona's SB 1070 law, the president of the Kentucky State Senate has announced that he hopes to enact a similar law during the 2011 legislative session. Senate President David Williams, who is expected to run for governor in 2012, expects to put forth a bill that includes a provision that allows Kentucky police to enforce federal immigration laws.

**WISCONSIN**

Wisconsin is another state where legislators are considering implementation of a law similar to SB 1070. As illegal aliens continue to leave Arizona as a result of the law, State Representative Don Pridemore wants to make sure that they do not turn up in Wisconsin. Among the features of the bill Pridemore is drafting are provisions that would allow state police to enforce federal immigration laws and to fine sanctuary cities that refuse to cooperate in immigration enforcement.

**NORTH CAROLINA**

North Carolina has moved steadily in the direction of tighter enforcement against illegal immigration. Swimming against the popular current, however, the Durham city council voted in November to recognize the Mexican matricula consular card as a valid form of ID. Under the resolution, the matricula card may be used for any official business conducted with the city and must be recognized by Durham police.

**RHODE ISLAND**

Even before assuming office, incoming Gov. Lincoln Chafee pledged to rescind an executive order of his predecessor Don Carcieri instructing state police to check the immigration status of suspects they are investigating. The policy to be dismantled has dismayed illegal aliens and their advocates, but is popular with Rhode Island law enforcement agencies that want to continue to cooperate with federal immigration authorities.

GUTIERREZ CIVIL DISOBEDIENCE THREAT *continued*

fort to gain full civil rights for black Americans in the 1960s, Gutierrez continued, "When black people in this country decided they were going to fight for civil rights and for voting rights, they didn't ask if the majority leader was with them and when they were going to tee up the bill. They said, 'We're sitting where we need to sit on the bus! We're integrating this counter! We're going to march!'"

The comparison between the struggle of black citizens to gain their

full rights in American society and the demands of people who are in the country illegally to push for rewards for having broken our laws is, of course, false and invidious. The tactic has also backfired on amnesty proponents in the past. The mass marches and boycotts that were staged by illegal aliens and their supporters in 2006 served only to incense law-abiding Americans and contributed to the legislative defeat of the comprehensive amnesty bill in 2007.

It is extraordinarily irresponsible for a member of the U.S. Congress — albeit one who has stated, "I have only one loyalty and that's to the immigrant community" — to instigate civil disobedience in an effort to achieve what he could not accomplish through the legislative process. As we look ahead to the next two years, FAIR will work to ensure that such threats are met with even greater opposition from law-abiding citizens.

## Judge Bolton Dismisses Major Portions of Federal Suit Against Arizona

The legal battle continues to ensure that Arizona's SB 1070 law is fully implemented to protect the people of that state. But, even as the state challenges a ruling by Judge Susan Bolton blocking implementation of key provisions of the law, the state has secured some important victories before the same judge.

On Dec. 10, Judge Bolton dismissed significant portions of the federal government's lawsuit against Arizona. Her latest ruling:

- Affirmed that portions of the law not subject to her injunctions may go into effect.
- Dismissed the federal government's challenge to the provision of SB 1070 that permits Arizona to take legal action against cities or counties that implement sanctuary policies.
- Dismissed the federal government's challenge to the anti-smuggling provision of SB 1070, ruling that this provision is not limited to transportation "in furtherance" of a person's unlawful entry into or presence in the U.S.
- Dismissed federal challenges to provisions making it a state crime to transport or shield illegal aliens in furtherance of their continued illegal presence in the United States, or to encourage or induce illegal aliens to reside in Arizona.

FAIR's legal affiliate, the Immigration Reform Law Institute, has drafted legal briefs in support of the state's effort to defend SB 1070 and will continue to support that effort. The latest legal victories also clear the way for other states to move forward with legislative plans to adopt policies similar to those that have been upheld by the court. ■

## New House Committee Chairs Offer Opportunity for True Reform and Oversight

In the 112<sup>th</sup> Congress, the House of Representatives will not only have a new majority party, but very likely a new outlook on immigration issues. Many of the committees and subcommittees that legislate and oversee key aspects of U.S. immigration policy will be chaired by representatives with strong records of support for true immigration reform.

The priorities of the new House leadership stand in stark contrast to those of the last Congress on immi-

gration. During the previous two years, the leadership of the Judiciary and Homeland Security committees was ideologically committed to providing amnesty for illegal aliens, rather than enforcement of immigration laws. Their objective was perpetuation and expansion of our failed legal immigration policies, rather than promotion of policies that serve the national interest. When it came to the oversight of the Obama administration's systematic dismantlement of

the nation's immigration enforcement capability, they proved to be the dog that didn't bark.

Based on their legislative records, we can expect that the incoming Republican chairmen of these committees and subcommittees will focus on border and interior immigration enforcement, oversight of the Obama administration, and reforming outmoded and ineffective aspects of our legal immigration policy. The new leaders have already made it clear that

NEW HOUSE COMMITTEE CHAIRS *continued*

Lamar Smith (R-Tex.)



Elton Gallegly (R-Calif.)



Peter King (R-N.Y.)



Jason Chaffetz (R-Utah)

any form of amnesty for illegal aliens will not be considered under their watch.

## JUDICIARY COMMITTEE

**Lamar Smith (R-Tex.)** takes over as chairman of the full Judiciary Committee. As the ranking Republican on the committee in the last Congress, Smith repeatedly shone a spotlight on the administration's failure to enforce immigration laws and its abuse of executive authority. He also led the opposition to the DREAM Act when it came before the House during the lame duck session.

Even before he assumed the chairman's gavel, Smith made it very clear what the committee's priorities would be in the 112<sup>th</sup> Congress. "I am committed to strenuous oversight of the Obama administration," he said. "The Obama administration's lax enforcement of immigration laws, coupled with calls for mass amnesty, only encourage more illegal immigration."

**Elton Gallegly (R-Calif.)** ascends to the chairmanship of the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law. Rep. Gallegly is a veteran of the effort to reform America's immigration policies and secure our borders, having chaired the Congressional Task Force on Immigration Reform in 1995. During his long career in Congress, Gallegly has sponsored or co-sponsored dozens of bills that promoted the interests of the American people. As chairman of the Immigration Subcommittee he will be in a position to set an agenda for true reform of American immigration policy.

## HOMELAND SECURITY COMMITTEE

Heading the committee that oversees the Department of Homeland Security in the new Congress is **Peter King (R-N.Y.)**. The Long Island congressman represents families that were affected directly by the attacks of 9/11 and has a clear record of supporting tighter border security and more rigorous screening of people who enter our country. King has been a sharp critic of the administration's handling of security at our borders and other ports of entry, and has promised greater oversight.

Working under Chairman King, will be **Jason Chaffetz (R-Utah)** who takes over as chairman of the Subcommittee on National Security, Homeland Defense and Foreign Operations. Though only in his second term in the House, Chaffetz has already established a clear record as an advocate for immigration enforcement, and a fierce opponent of amnesty for illegal aliens.

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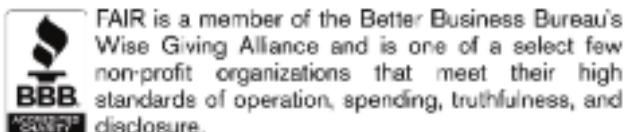
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*The name **Seventh Generation Society** is taken from the great law of the Iroquois Indian Confederacy:*

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