

A Grassroots Analysis of 2014 RPT Platform Immigration Plank Proposals Whitepaper

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EXECUTIVE SUMMARY

A challenge from SD 7 Republican leaders Valoree Swanson and Mark Ramsey to compare the two main immigration plank options and decide whether the platform committee's amended (trigger) draft immigration plank was more conservative than the immigration plank eventually adopted by the convention delegates. This challenge has been accepted and this document is the result of that analysis.

The analysis and conclusions presented in this paper, document the assumptions and bias of the majority conservative grassroots Republicans that removed the Texas Solution from the 2014 RPT Platform Report.

Based on the side-by-side pro and con comparisons in section 2.3 it can be reasonably concluded that the Batura immigration plank (#53) was the more conservative option presented to the delegates at the 2014 RPT Convention in Ft. Worth, Texas. While both planks offered conservative provisions the Ramsey amended plank (#56) based on the PPARC draft immigration plank was found to be fundamentally flawed in many areas. Consequently, it can be concluded the RPT immigration plank was truly "perfected" during the convention process.

1. INTRODUCTION

1.1. Purpose

The purpose of this whitepaper is to address the relative conservative merits regarding the immigration plank issue that arose during the 2014 RPT Convention in Ft. Worth, Texas.

1.2. Background

During the 2012 Republican of Texas convention the legal and illegal immigration planks of the previous RPT Platform was replaced by the Texas Solution, described as a market-based approach to solving illegal immigration issues. The main feature of the Texas Solution was a guest worker program. Many grassroots Republicans felt that this approach was a ruse for "cheap labor" and amnesty under guise of a so-called

solution. Furthermore, many believed that the Texas Solution had been adopted through parliamentarian maneuvering under the guidance of senior Party officials.

After two years of waiting, activists across the State gathered at the 2014 RPT Convention in Ft. Worth determined to repeal the Texas Solution and replace it with a common sense immigration plank. After a contentious debate in the platform committee, a draft immigration plank was offered that replaced the Texas Solution but kept a guest worker program under the new name of a Provisional Visa Program. During the platform committee's work, a substitution amendment was offered which removed the guest worker language and lost due to a 15 to 15 tie in committee. However, a minority report was generated and presented on the convention floor. After a spirited floor fight on the convention floor, the platform committee's draft immigration plank was initially amended to include a secure border "trigger" and the minority report was defeated. Later that day, a substitute amendment which removed the contentious guest worker language that had been the main focus of the previous Texas Solution plank was proposed and adopted.

1.3. Issue

Although the debate was passionate throughout the convention and the amending process was conducted with fairness by the Chair, the oft-described "perfecting" process of the platform has left many Texans in confusion as to which platform plank was the more conservative plank. For example, Senate District 7 voted overwhelmingly against the substituted amendment that was eventually adopted. Mark Ramsey from SD 7 had offered the original "trigger" amendment to the original draft platform committee report which kept a provisional visa program in place with implementation occurring after the border is secured. Once the amendment offered by Peter Batura was adopted and the convention closed, many activists celebrated the removal of the Texas Solution and the guest worker program.

However, the debate continued across social media and emails as to the true ramifications of the immigration plank debate, Republican leaders in SD 7

began to claim that the defeated immigration plank with a trigger amendment was, in fact, the more conservative of the two options debated on the convention floor. They contended that they were stronger on border security and immigration reform and offered a one page table to back up their claims. They offered up a challenge to the grassroots supporters of the adopted plank to compare the two planks and decide for themselves.

This whitepaper is the result of responding to this challenge by analyzing each plank on its own merits and then comparing the results to each other.

2. ANALYSIS

For the purposes of this analysis, the original immigration plank as proposed by the RPT PPARC and the accompanying Minority Report #2 is not analyzed. Analysis is limited to the PPARC's immigration plank as amended (Mark Ramsey offered amendment, Ref. 1) and the final RPT adopted immigration plank (Peter Batura offered amendment, Ref. 2). The original PPARC plank and Minority Report #2 became irrelevant after being amended in the case of the former and being defeated by the delegates in the case of the latter.

Additionally, the language of the first three paragraphs of each plank version will not be addressed in this analysis since both planks contain the exact same language.

Each plank version will be analyzed separately and then comparatively with respect to the following topics:

1. Securing the Border
2. Modernizing Immigration Laws
3. Guest Worker/Provisional Visa Programs
4. Miscellaneous Items

2.1. Analysis of the Amended Draft Platform Committee Immigration Plank Proposed by Mark Ramsey

2.1.1. Securing the Border

The PPARC immigration plank as amended (M. Ramsey) begins its border security language under a discrete set of three bulleted items:

"Secure Our Borders First –

- *We demand the federal government immediately secure the borders and bring safety and security for all Americans.*

- *We demand Congress develop and fund a National Border Security Plan based upon the recommendations of lawmakers in Texas and other border states.*
- *Because the federal government has failed to act, we call on the Texas legislature to develop and fund a border and port of entry security plan utilizing state and local law enforcement."*

Additional language related to border security is as follows:

"In order to deal with the current undocumented population, only after the borders are secured and verified by the States, we urge Congress..."

ANALYSIS - The border security bullet language is adequate in vision and general terminology. The title of the border security section is a declarative statement heading the emphasizing securing the border first. The first bullet is a call for the federal government to secure the border. This bullet links the safety and security of Americans to border enforcement and properly defines border security as a federal issue. This bullet language is a restatement of the 2012 Texas Solution plank bullet on border security.

The second bullet calls for a National Border Security Plan to be developed by Congress. While the intent of resolution is commendable, planning and implementation of a border security plan remains in the purview of the Executive Branch per the US Constitution. Congress does not have the authority to develop an executable plan. Congress may only pass legislation and fund activities related to border security. Consequently, this bullet as written requests an unconstitutional action by Congress which would further expand the role of the legislative branch and duplicate the authority of the Executive branch. However, it will be assumed to be poorly written and the intent was to merely pass legislation regarding the development of a plan. Finally, while Texas and the other 15 Border States can offer excellent suggestions regarding border security, it is believed that all States are greatly impacted by lax border security and have equal standing in developing a National Border Security Plan.

The final bullet addressing border security recognizes the failure of the federal government to control the border and calls on Texas to develop and fund its own border and port of entry security plan. While Texas may have sovereign State rights at the border, clearly the US Ports of Entry are entirely within the federal domain and not enforceable by State legislative

actions. Otherwise, this bullet is entirely consistent with the Governor and Lt. Governor, as well as, the Republican candidates for both offices. The Department of Public Safety has already drawn up plans to control the border once sufficient funding is available.

Additional language inserted into the Provisional Visa Program text again emphasizes a State verified secure border before the legalization of the approximately 11 million illegal aliens currently residing in the United States.

Overall, the border security language in this plank is better than the previous 2012 Texas Solution plank. It offered a National Border Security Plan by Congress (although not constitutional as written) and called for a Texas law enforcement solution to control the border. And finally, it does appear to emphasis securing the border first before the implementation of a mass legalization program for illegal aliens residing in the country.

2.1.2. Modernizing Immigration Laws

The PPARC immigration plank as amended (M. Ramsey) begins its immigration reform language under the heading "Modernize the Immigration Laws" and supported the following five bulleted items:

"Modernize the Immigration Laws –

- *We support the improvement of our 1936 Social Security card to use anti-counterfeit technology.*
- *We support replacement of current employment visa system with an efficient, cost effective system that responds to actual and persistent labor shortages and family re-unification.*
- *We support the reallocation of immigration slots balanced to meet labor shortages.*
- *We support ending country of origin quotas.*
- *We support ending the annual green card lottery."*

ANALYSIS – The first bullet addressing immigration reform advocates a technological update for the Social Security card system which would produce a counterfeit resistant card. Historically, the US Social Security card has never been used or accepted as a form of identification. It is the number itself that has value and once provided to an employer or applicable government agency can be checked against a government database. The call for an updated SS card in an immigration plank can reasonably be construed as the premise for a national identification card. This item was also in the 2012 Texas Solution plank but unlike the

2012 version, the statement declaring that this will not be used as a national ID for US citizens was dropped in the 2014 version. While updating Social Security cards is not a problem for conservatives, a national ID card is.

The second bullet does not truly address immigration reform but focuses on the current guest worker program in terms of efficiencies, cost effectiveness and responding to actual and persistent labor shortages. It is assumed that this item is related to the high skilled labor visa program used to fill critical labor shortages. This is the first discrete item referencing a guest worker program. This item is not supported in the first three paragraphs of this plank with an applicable rationale.

The third bullet also addresses guest workers by promoting a market-based approach to reallocating immigration slots to meet labor shortages. This bullet also supports "chain migration" by mentioning "family re-unification as a Republican goal.

The fourth and fifth bullets are true immigration reform items that call for ending country of origin quotas and ending the annual green card lottery. Conservatives believe that you should be accepted into this country based on merit and individual circumstance rather than being limited to a home country's quota. America should not welcome its legal immigrants based on a game of chance.

Ultimately, this section of the plank does address true immigration reform in the fourth and fifth bullets but lays a pretext under the guise of immigration reform for a national ID card (1st bullet), a guest worker program (2nd & 3rd bullet) and chain migration (3rd bullet). Overall, these provisions are not conservative positions.

2.1.3. Guest Worker/Provisional Visa Programs

The PPARC immigration plank as amended (M. Ramsey) its guest worker section under a new heading called the "Provisional Visa Program" and supported by the following five bulleted items:

"Provisional Visa Program – In order to deal with the current undocumented population, only after the borders are secured and verified by the States, we urge Congress to establish a new provisional visa with a term of five (5) years that does not provide amnesty, does not cause mass deportation, and does not provide a pathway to citizenship but does not preclude existing pathways.

- *An eligibility criterion should consider criminal history, completion of penalties and fines for immigration violations and payment of current and back taxes.*
- *Participants must be responsible for their own and families private health insurance.*
- *Participants must waive any and all rights to apply for financial assistance from public entitlement programs.*
- *Participants must show a proficiency in the English Language.*
- *We urge Congress and the state legislature to strengthen enforcement and penalties on employers that do not comply with labor and employment laws to ensure an equitable labor market. There will be no penalties to those employers that comply with effective employment verification systems.”*

ANALYSIS – Prior to the bulleted items, the introductory paragraph definitively calls for the establishment of a provisional visa program (aka guest worker program). In this plank, Republicans have adopted the language of the Democrats in using terminology such as “undocumented population” rather than the correct term of “illegal aliens.” This is a normalization step needed to peddle legalization of non-citizens. A so-called “trigger” was added to satisfy the secure the border first crowd and still keep a guest worker program. This amendment was an improvement to the original PPARC language. It calls for verification of a secure border by the States (assume Border States) as a trigger for Congress to establish a provisional visa program. This provision also mandates a 5-year guest worker program without any specifics such as is a one-time only visa or is it a renewable provisional visa? Will a guest worker have to return to his or her country of origin to renew their visa? Will they be allowed to bring their families and if they have children will they be American citizens? Who will police such a program when it has been demonstrated that the federal government cannot even track foreigners in the United States here on student visas? What would be the penalties if a guest worker loses his/her visa due to loss of job, expiration of visa, or criminal activity? None of these questions are answered or even addressed. The guest worker provision language goes even further in declaring that the provisional visa program would not provide amnesty. How is that possible? With no provision requiring the illegal alien to leave the United States in order to sign up for the new visa program, it is concluded that legalization of status while remaining in situ is indeed amnesty. A nominal fee or penalty as a way to buy a spot to the front of the line does not negate the basic fact that if you sneak into this country, you can stay provided you purchase a visa. That is an open borders process. The provision does state that this legalization process should not lead to a path for

citizenship but other citizenship pathways would be open. Will the provisional visa be the equivalent of a “green card” that legal immigrants use awaiting citizenship? It is believed that a new Republican sponsored Provisional Visa Program has too many questions and could be used for a variety abuses to the foreign workers by unscrupulous intermediaries and corrupt businesses. The federal government will demonstrably seek to expand a provisional visa program that will collapse under its own incompetence or create a new normal by which anyone (terrorist, criminal, coyote, multinational gang member, human trafficker, or victim) can gain entry to the United States under a provisional guest worker visa program.

The first bulleted item under the new Provisional Visa Program calls for eligibility criterion that includes criminal history, payment of penalties and fines, and payment of current and back taxes. How is this supposed to happen? Doing criminal background checks in this country may be barely possible. Background checks in foreign countries will be impossible. If illegal aliens have been living under the radar due to their illegal status, how will the authorities determine what taxes are owed? It is concluded that this item has been put in to give the appearance of legitimizing the illegal alien population that would come under a guest worker program.

The 2nd and 3rd bullets are intended to show that a guest worker would not be a burden to the American taxpayer. A voluntary disavowal of benefits will never stand up in today’s courts. Once a person is in the United States, they become eligible for all kinds of benefits and entitlements. The Supreme Court has already ruled that States cannot deny illegal aliens a public education or medical care. They get in-state tuition rates in our universities. They are allowed tax credits and welfare. It is not believed that these items could be enforced or stand-up to a court challenge given the contemporary rulings from the federal courts on these issues. Again, it is concluded that these bulleted items were included in the plank to assuage conservative critics of a guest worker program regarding the taxpayer burden of the sudden legalization of 11 million illegal aliens.

2.1.4. Miscellaneous Items

The PPARC immigration plank as amended (M. Ramsey) retains an additional two provisions:

“Oppose Amnesty – We oppose any form of amnesty to include any granting of legal status to persons in the country illegally.”

“Oppose Mass Deportation – We oppose any form] of mass deportation.”

ANALYSIS – It was assumed that these two items were set apart in the same manner as “Secure Our Borders First,” “Modernize the Immigration Laws,” and “Provisional Visa Program” to emphasize the importance of these issues. However, these two items are diametrically opposed to each other. Either one or the other can be true but not both of them. You cannot oppose the granting of legal status to illegal aliens and then be opposed to the mass deportation of such aliens. If the logic trail is followed from the other side, you also cannot allow millions of illegal aliens to remain in the United States and not grant legal status to that population. Since both statements cannot be true, it is determined that these statements were placed in the plank simply to mollify those on the right who demand “no amnesty” and those on the left who decry conservatives for promoting “mass deportation” and destroying families. In conclusion, given the context of the overall plank it can be deduced that the purpose of the plank is to provide legal status to persons illegally in the country (Provisional Visa Program) and therefore a form of amnesty while opposing mass deportations of the same. The “Oppose Amnesty” provision is a false statement.

2.2. Analysis of the Adopted Immigration Plank Offered by Peter Batura

2.2.1. Securing the Border

The adopted immigration plank as substituted (P. Batura) provides for border security language as follows:

- *“Secure the borders through*
 - *Increasing the number of border security officers*
 - *Increasing joint operations and training with local law enforcement, DPS and the Texas State Guard*
 - *Contiguous physical barrier coupled with electronic, infrared and visual monitoring”*

ANALYSIS – The statements regarding border security are simple and discrete. Border security is discussed in real terms by increasing resources (more border security officers), more integrated operations and training, and a physical barrier (assume a fence) to

deter illegal aliens from crossing the border and detect attempts when they occur.

However, this provision does not set a time frame address the immediacy of the problem or offer a prioritization with respect to other actions (e.g., secure the border first). Furthermore, it does not address private property issues in constructing such a barrier.

With the level of specificity and the immediacy of the problem apparent on the news every day, it can be determined that the plank adequately addresses the border security issue.

2.2.2. Modernizing Immigration Laws

The adopted immigration plank contains language addressing the modernization of immigration laws as follows:

- *“Modernizing Current immigration Laws to address the following:*
 - *Any form of Amnesty should not be granted, including the granting of legal status to persons in the country illegally*
 - *We support replacement of the current employment visa system with an efficient cost effective system*
 - *We support ending country of origin quotas*
 - *We support ending the annual green card lottery”*

ANALYSIS – The 1st bullet addressing immigration laws is a declarative statement forbidding the granting of amnesty to illegal aliens. There are no other statements in the plank that contradict opposing granting legal status to illegal aliens in the United States.

The second bullet does not truly address immigration reform but focuses on the current guest worker program in terms of efficiencies, cost effectiveness and responding to actual and persistent labor shortages. It is assumed that this item is related to the high skilled labor visa program used to fill critical labor shortages. This is the first discrete item referencing a guest worker program. This item is not supported in the first three paragraphs of this plank with an applicable rationale.

The third and fourth bullets are true immigration reform items that call for ending country of origin quotas and ending the annual green card lottery. Conservatives believe that you should be accepted into this country based on merit and individual circumstance rather than being limited to a home

country’s quota. America should not welcome its legal immigrants based on a game of chance.

Ultimately, this section of the plank does address true immigration reform in the third and fourth bullets and sets a marker for “no amnesty” with any subsequent immigration reform.

2.2.3. Guest Worker/Provisional Visa Programs

The adopted immigration plank does contain language referencing a guest worker program as follows:

“In addition, with 92 million Americans not working, the labor force at 36-year low and a lethargic economy, the United States of America can ill-afford a guest worker program designed to depress wages.”

and

- *“Once the borders are verifiably secure, and E-verify system use is fully enforced, creation of a visa classification for non-specialty industries which have demonstrated actual and persistent labor shortages”*

ANALYSIS – The fourth paragraph in the adopted plank definitively states that America cannot afford a guest worker program to provide corporate interests a legal source of cheap labor.

However, the bulleted item does speak to a new visa classification and recognizes the fact that there are issues within the unskilled labor workforce. It is unclear whether this is to be part of the existing current employment visa program or if a new program needs to be developed.

Certainly, this immigration plank greatly deemphasizes the guest worker provisions in the 2012 Texas Solution. It is clear that a “market-based solution” to immigration is not an approach the Republican Party of Texas endorses. Additionally, this language does indicate that the new unskilled worker classification should not be developed until the border is verifiably secure. Yet, it leaves open the question regarding who is responsible for verification – States of the federal government.

Ultimately, it is determined that the adopted plank does not support a new “market-based” guest worker approach to the illegal alien problem in America.

2.2.4. Miscellaneous Items

The adopted immigration plank also included the following provisions:

- *“Ending In-State Tuition for illegal immigrants*
- *Enhancing State smuggling laws*
- *Prohibiting Sanctuary cities*
- *Prohibiting the knowing employment of illegal immigrants*
- *Providing civil liability protections for landowners against illegal immigrants*
- *Protecting the ability of law enforcement to inquire of the status of someone in custody”*

ANALYSIS – The above bullets are a laundry list of items aimed at ending the magnets for illegal aliens (in-State tuition, sanctuary cities, and employment), enhanced enforcement (smuggling laws, status inquiries) and protecting ranchers and property owners from illegal alien activities. These items represent a conservative viewpoint regarding the immigration issues they represent. There are no contradictory statements.

2.3. Comparative Analysis of the Amended and Substituted Immigration Planks

2.3.1. Securing the Border

The following table represents the pros and cons regarding each amendment’s relative merits on securing the border.

| Ramsey Amendment (#56) | Batura Amendment (#53) |
|---|--|
| Pros | |
| Emphasizes border security first | Increase border security officers |
| State verification of border security | Joint ops and training integration with BP, DPS, and State Guard |
| National Border Security Plan | Contiguous physical barrier |
| Calls for Texas law enforcement border solution | |
| Cons | |
| Calls for Texas control of US Ports of Entry | No timeline (secure the border first) |
| | No stated priority except with reference to a guest worker classification visa |

In the pro/con side-by-side analysis of the border security issue, it is evident that two different approaches were taken with respect to securing the border. The Ramsey amendment focused on the immediacy of the problem, provided a prioritization,

and called for formal plans to control the border. The Batura amendment provided specific strategies to control the border. Under the issue of securing the order, it can be reasonably concluded that either amendment would be adequate and neither amendment can be considered the more conservative.

2.3.2. Modernizing Immigration Laws

The following table represents the pros and cons regarding each amendment’s relative merits on modernizing immigration laws.

| Ramsey Amendment (#56) | Batura Amendment (#53) |
|--|---|
| Pros | |
| End country of origin quotas | End country of origin quotas |
| End green card lotteries | End green card lotteries |
| | No amnesty/legal status for illegal aliens in country |
| Cons | |
| Basis for a National ID card (updated SS Card) | |
| Calls for chain migration | |

In the pro/con side-by-side analysis of the modernizing immigration laws issue, there were some pros that each plank promoted (origin quotas and green card lotteries). However, the Ramsey amendment had some serious flaws which could reasonably construe as a basis for a National ID Card and a call for chain migration. Neither of these positions are conservative positions. On the other hand, the Batura amendment explicitly rejected granting amnesty/legal status to illegal aliens as a “modernization” of immigration laws. While the Ramsey amendment does have a line item that rejects amnesty (see further discussion in section 2.3.4) it cannot be listed as a pro in this section. Furthermore, the listed cons in the Ramsey amendment are so egregious that the the Batura amendment can only be considered the more conservative alternative.

2.3.3. Guest Worker/Provisional Visa Programs

The following table represents the pros and cons regarding each amendment’s relative merits on a guest worker/provisional visa program.

| Ramsey Amendment (#56) | Batura Amendment (#53) |
|---|---|
| Pros | |
| Recognizes there maybe issues with America’s unskilled labor work force | States America cannot afford a cheap labor guest worker program |
| Requires a verifiable secure border by the States | Recognizes there maybe issues with America’s |

| | |
|---|--|
| | unskilled labor work force |
| | Requires a verifiable secure border |
| | Deemphasizes guest worker program as a solution to illegal immigration |
| Cons | |
| Emphasizes provisional visa program as a solution to illegal immigration | |
| Uses terminology of the left (undocumented population) | |
| Lack of clarity regarding the parameters of the 5-yr guest worker plan | |
| Allows illegal aliens to “buy” a place at the front of the line for residency in the US | |
| Unworkable restrictions on healthcare, benefits and entitlements | |

In regards to the comparative analysis between the two planks, the evaluator recognizes the fact that those who think a guest worker program is necessary will not agree with those who don’t. The offered analysis in this document is from the perspective that a guest worker program is not necessary or desirable at this time. With that said, the Batura amendment is clearly the more conservative.

2.3.4. Miscellaneous Items

The following table represents the pros and cons regarding each amendment’s relative merits on planks miscellaneous items.

| Ramsey Amendment (#56) | Batura Amendment (#53) |
|---|---|
| Pros | |
| Oppose Amnesty | Ending In-State tuition |
| Oppose Mass Deportations | Enhancing smuggling laws |
| | Prohibit sanctuary cities |
| | Prohibit known illegal alien employment |
| | Civil liability protections |
| | Law enforcement status inquiries |
| Cons | |
| Oppose Amnesty and Oppose Mass Deportations cannot both be true | |

In the pro/con side-by-side analysis of miscellaneous plank issues, clearly show that the Batura amendment contains many accepted conservative provisions. The two miscellaneous provisions in the Ramsey

amendment were found to be mutually exclusive. Consequently, the Batura plank was determined to be the more strongly conservative plank with respect to miscellaneous provisions.

3. CONCLUSIONS

Based on the side-by-side pro and con comparisons in section 2.3 it can be reasonably concluded that the Batura immigration plank (#53) was the more conservative option presented to the delegates at the 2014 RPT Convention in Ft. Worth, Texas. While both planks offered conservative provisions the Ramsey amended plank (#56) based on the PPARC draft immigration plank was found to be fundamentally flawed in many areas. Consequently, it can be concluded the RPT immigration plank was truly “perfected” during the convention process.

4. REFERENCES

1. Filed Amendment #56 to amend the Immigration Plank on page 39 of the 2014 Republican Party of Texas Report of Permanent Platform Committee, dated June 7 2014.
2. Filed Amendment #53 to substitute the Immigration Plank on page 39 of the 2014 Republican Party of Texas Report of Permanent Platform Committee, dated June 7 2014.