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FACTS & OPINIONS

On Public Interest Issues

Quotes

Attributed to Voltaire, (François Marie Arouet), 1694-1778, French writer and philosopher:

• "To learn who rules over you, simply find out who you are not allowed to criticize."

• "In general the art of government consists in taking as much money as possible from one class of citizens to give it to the other."

• "Tyrants have always some slight shade of virtue; they support the laws before destroying them."

• "The man who says to me, 'Believe as I do, or God will damn you,' will presently say, 'Believe as I do, or I shall assassinate you.'"

• "What can we say to a man who tells you that he would rather obey God than men, and that therefore he is sure to go to heaven for butchering you? Even the law is impotent against these attacks of rage; it is like reading a court decree to a raving maniac. These fellows are certain that the Holy Spirit with which they are filled is above the law, that their enthusiasm is the only law that they must obey."

States Fight Back: Non-Citizen Voters Diluting the Rights and Privileges of Citizenship

By Jessica Vaughan, Director of Policy Studies
Center for Immigration Studies

One of the latest skirmishes in the federal-state boundary wars is the efforts by state electoral officials to vet voter registration lists to prevent non-citizens from registering and casting ballots. Interestingly, it is once again the states that are demanding that the distinction between alienage and citizenship be enforced while the federal government again has acted to frustrate state efforts through denial of access to information and the filing of lawsuits.

Throughout American history, in keeping with established principles of national sovereignty, a bright line has been established by the Constitution between citizens and aliens with respect to the rights and privileges accorded to each, including the right to vote, a privilege reserved solely for citizens. The Constitution also apportions to the states the right to establish laws governing the electoral process for members of both houses of Congress. Yet some states have encountered resistance in attempting to verify the status of potentially ineligible non-citizen voters they have discovered on their registration lists.

The foundation for the most recent skirmish was laid in early 2011 when several states, including New Mexico and Colorado, indicated their intent to check statewide voter lists to ensure that no individuals were enrolled who had no right to vote. The checking of statewide voter lists was driven by findings of a surprisingly large number of potentially fraudulent voters.

Efforts to uncover voter fraud involving aliens are not a new phenomenon, but date back to the 1990s. A June 2005 report from the

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Government Accountability Office (GAO) identified the possibly significant scope of the problem, finding that up to 3 percent of individuals called for federal jury duty from voter registration lists in one district were not U.S. citizens. Ineligible voters had been detected in tightly contested elections in California and Texas in the 1990s.

A state of Colorado investigation found nearly 12,000 cases of individuals who were non-citizens when applying for driver's licenses, but who later registered to vote. They found that about 5,000 actually voted in the 2010 election. To be sure, many of these were resident aliens who could have naturalized before registering to vote. Generally, resident aliens can naturalize as early as three to five years after admission, if they meet other requirements such as good moral character, English competency, etc. But a significant number of the other non-citizens who registered to vote were temporary residents, such as students or guestworkers, and probably could not have naturalized.

Before taking action, Colorado asked for help from the federal government, specifically the Department of Homeland Security (DHS), which maintains immigration and naturalization records, to determine which of the apparent non-citizens who had registered and even voted were ineligible, and which had become citizens. Under federal law (Title 8, Section 1373) DHS is obligated to respond to state and local agencies seeking information about an individual's immigration or citizenship status. But DHS balked, despite the clear obligation stipulated by law.

The agency sat on Colorado's request for more than a year before responding that they needed yet more time to answer. Their reluctance was based on circular logic, essentially saying: "you have no absolute evidence that there is significant fraud in your voter lists because you don't have access to the systems you need to find out; therefore, you don't get substantial proof that there is a problem; ergo you shouldn't get access to those systems, and you need to drop this."

In Florida, state officials developed a preliminary list of about 180,000, later refined to 2,700 apparent discrepancies, which was sent to local electoral officials for further review and inquiry. It also was refused assistance from DHS. Eventually the Department of Justice (DOJ) filed a lawsuit in federal court, threatening counties who pressed forward with inquiries. Some went ahead anyway, resulting in the identification of nearly 100 noncitizens, according to media reports. The DOJ lawsuit was dismissed in a federal district court, finally prompting DHS to agree to partially vet voter lists with their records.

Not surprisingly, polling data has found strong public

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Focus on Iowa Wesleyan College

It has been a busy semester at IWC, with many new and interesting campus activities.

Ian Moschenross, associate professor of music at Monmouth College, Illinois, presented a piano recital at IWC on September 21, playing works by Bach, Schumann, Mendelssohn, and Shubert.

PII Research Analyst John Hendrickson organized and hosted a panel on the U.S. Constitution on September 17, Constitution Day. PII President Dr. Don Racheter participated as a panelist.

Homecoming was the weekend of October 5-6: activities included a Car Cruz-In, P.E.O. Memory Room Tours, Harlan-Lincoln House Tours, a pancake breakfast, and the Tiger Run, in addition to the football game against Trinity International University. Fall alumni events have been held in Chicago, Fort Madison, Des Moines, and Muscatine.

High school student recruitment days are being held on October 26 and November 12.

Programs on "Connecting the Local to the Global," "An Evening with Mr. and Mrs. Lincoln," and a presentation on "Human Resiliency & Issues of Race" have also been held.

Call 800-582-2383 for more information on Iowa Wesleyan College.

Facts & Opinions Question of the Quarter:

Are you excited about the Presidential election? State and local elections? Why or why not?

Send your thoughts on this issue to us on our Website at http://www.LimitedGovernment.org/FOOct2012.html or e-mail to Public.Interest.Institute@LimitedGovernment.org. We may publish some of your ideas in the next issue of *Facts & Opinions* in January 2013 and on our Website at: www.LimitedGovernment.org.

What's New at Public Interest Institute?

Recent POLICY STUDIES address a wide variety of issues, including "Teen Unemployment in Iowa" and "Iowa's Privileged Class: State Government Employees," both by Amy K. Frantz, and "Lead, Follow, or Get Out of the Way: School Choice in Iowa," by Deborah D. Thornton.

Dr. Donald Racheter and Dan Oliver authored a POLICY STUDY titled, "The Federal Trade Commission's Investation of Google," which is interesting reading.

Our newest work, "Orascom or Orascam? Corporate Income and Property Tax Reform Needed," by Deborah D. Thornton, reviews the issues of the Iowa Fertilizer Company and state tax incentives. This is a follow-up to the tax increment financing work Ms. Thornton did earlier this year and her presentation to the Burlington Tea Party in August.

The September issue of *Limits* included articles on "Washington Isn't Broken — Just Broke" and "Democrats' Leftward Drift Is Blocking Tax Reform."

September BRIEFS included "How Shall We Pay for Health Care" and "Government Always Finds a Need," written by Deborah D. Thornton. "How Shall We Pay..." is based on information from a 1949 pamphlet addressing original proposals for nationalized health care.

"The Solution to Economic Growth," was written by John Hendrickson. John is also teaching two classes at Iowa Wesleyan College this fall.

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Paper Decries 'Literature Deficit' in Common Standards

By Catherine Gewertz, Assistant Editor
Education Week

A new paper takes aim at the emphasis on informational text in the Common Core state standards, arguing that it will lessen the role of literature in students' studies, harming their readiness for college.

The paper, released September 20, 2012, by the Boston-based Pioneer Institute, urges state policymakers to require secondary-level English/language arts teachers to emphasize the literary-historical standards in the core when designing their curricula, to ensure an adequate focus on major works of literature. Co-authors Sandra Stotsky and Mark Bauerlein also suggest that states consider adding an academic standard of their own that would require students to demonstrate knowledge of such works.

The standards, adopted by 46 states and the District of Columbia, name only a handful of required texts, such as foundational American documents and a Shakespeare play. They say that half of what students read in elementary school — and 70 percent in high school — should be informational, arguing that mastery of such texts mirrors the demands likely to be made on them in college and job training. They note in the standards documents that the frameworks for the National Assessment of Educational Progress, or NAEP, reflect that emphasis.

The shift in emphasis is significant, and has alarmed some English/language arts educators, who fear that literature will lose its important place in students' studies. The standards' architects have argued that the opposite is true: Teachers of social studies, science, and other subjects will inherit new responsibilities for teaching writing and reading in their areas, freeing English/language arts teachers to dive deeply into literary works with their students.

But Mark Bauerlein, a professor of English at Emory University, and Sandra Stotsky, a professor at the University of Arkansas and a chief architect of Massachusetts' highly regarded academic standards, disagree. Their paper reports that there is no research to support the argument that a greater emphasis on informational text will boost college readiness. In fact, they contend, a heavy emphasis on the analytical and critical-thinking skills developed by a deep study of literature is exactly what students need to be equipped for college. And they contend that English/language arts teachers will have to make many of their assigned readings "complementary" to the informational texts in other subjects in order to meet the standards' expectations.

They take the standards to task for, among other things, substituting nonfiction for literature, overlooking British literature other than Shakespeare, and omitting study of the history of the English language.

Bauerlein and Stotsky also argue that following the common standards will aggravate the achievement gap between most public school students and students who are wealthy, attending private schools and high-flying suburban public schools with literature-rich curricula.

A copy of the Pioneer Institute study is available at: <http://blogs.edweek.org/edweek/curriculum/2012/09/study_decries_literature_defic.html>.

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of individuals like you who believe in individual liberty and free-market solu-aid envelope to make your tax-deductible contribution to this effort today.

President Weakens Welfare Reform

By Mattie Duppler, Director of Budget and Regulatory Policy
Americans for Tax Reform

Americans for Tax Reform recently – September 19th – urged the U.S. Congress to support H.J. Resolution 118 and S.J. Resolution 50, resolutions that would stop efforts by the Obama Administration to weaken the work requirements in the federal welfare program.

Importantly, the President does not have the authority to change critical elements of the Temporary Assistance to Needy Families (TANF) program. The nonpartisan Government Accountability Office has attested the administration must have congressional approval to roll back work requirements. This election year power-grab by the President could set a perilous precedent if it is allowed to proceed unchecked.

The welfare reform of the 1990s earned bipartisan support and successfully lowered welfare rolls, getting people off government assistance and back to work. Stripping the TANF program of its work requirements represents a huge step backwards in these major efforts to transform the federal welfare state.

Before reform in 1996, states were awarded more federal money for increasing caseloads. The promise of more federal cash clearly incentivized states to keep people on welfare. Replacing these metrics with ones that encouraged states to move people off of their welfare rolls was a critical part of the cost-savings and increased success of the program; welfare rolls were reduced by nearly two-thirds after the reforms were implemented.

As a result, spending decreased dramatically. The decade after reform was implemented saw welfare spending fall by a third. In contrast, welfare spending as a whole has exploded in the post-"stimulus" Obama-Pelosi-Reid world; taxpayers are now on the hook for over $700 billion a year to pay for nearly 80 federal assistance programs, according to the Heritage Foundation.

The Obama Administration's attempt to waive work requirements for the TANF program will grow the welfare state further. By waiving work requirements, the administration would turn on its head the incentives instituted in the 1996 reform, and again begin encouraging states to increase their welfare caseloads.

We urged our Representatives in both chambers to support the resolution to disapprove of the Obama Administration's dismantling of the welfare reform law of 1996. Support for this resolution shows that lawmakers know the solutions for the economy should champion American workers, not discourage them.

Unfortunately, in their rush to return to campaigning, and not deal with the pressing issues facing America, but to instead focus on their own re-election, neither House of Congress addressed this issue before adjourning. There remains much work to be done to get the U.S. government moving in the right direction.

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Obama Administration Promises to Ignore SSN Fraud, Protect Law-Breaking Businesses

By Jon Feere, Legal Policy Analyst
Center for Immigration Studies

U.S. Citizenship and Immigration Services (USCIS), the agency tasked with overseeing President Obama's controversial Deferred Action for Childhood Arrivals (DACA) program, recently updated its Frequently Asked Questions Webpage to assure applicants that the White House is not concerned with Social Security fraud or illegal hiring practices.

Or, as the administration told the *New York Times*, the White House is "not interested in using this as a way to identify cases where some individual may have violated some federal law in an employment relationship."

The amnesty-advocating National Immigration Law Center (NILC) gleefully sent out the following notice:

Are you waiting to apply for DACA because you've used a Social Security Number (SSN) that was not yours? Or is your employer afraid to provide you with employment records out of fear of immigration enforcement? ... Helpful new guidance from U.S. Citizenship and Immigration Services (USCIS) may answer your questions!

The application form for an Employment Authorization Document, part of the DACA amnesty, asks illegal aliens to list any Social Security numbers they have used and to "include all numbers [they] have ever used." Many of the applicants logically assumed that this required the illegal alien to list any SSNs they had previously used in acquiring a job or government benefit, numbers that may belong to legal residents. In other words, the application seems to require applicants to admit to ID fraud, ID theft, and potentially other crimes depending on how the SSN was used.

But the immigration lobby is powerful — particularly within the Obama White House — and USCIS has announced that only those SSNs officially issued by the Social Security Administration need to be listed:

Q9. How should I fill out question nine (9) on the Form I-765, Application for Employment Authorization?

A9. When you are filing a Form I-765 as part of a Deferred Action for Childhood Arrivals request, question nine (9) is asking you to list those Social Security numbers that were officially issued to you by the Social Security Administration.

The number of illegal alien applicants with a validly issued SSN is likely to be very small, so it remains unclear why the application form would have originally requested "all" SSNs used by applicants if the goal was not to uncover instances of fraud. Some legal, temporary immigrants can get validly issued SSNs; if they overstay their visas they become illegal aliens with validly issued numbers.

Until this latest update, the SSN information collected on the applications would have allowed DHS to investigate the Social Security numbers and names used by the applicants and then contact any legal residents associated with the information. Americans struggling to resolve their identity and credit would benefit greatly. But the Obama administration has decided that the interests of legal residents must take a back seat to the interests of criminal illegal aliens.

The other update to the FAQs section of the deferred action Webpage is more of a benefit to law-breaking businesses than illegal alien applicants. To prove that the alien has lived in the United States as a quasi-continuous resident, applicants can submit proof of employment. Apparently unscrupulous businesses have become concerned that evidence of their illegal hiring practices is being submitted to the federal government, resulting in the Obama administration promising not to use the evidence in an enforcement action in most instances:

Q4. If I provide my employee with information regarding his or her employment to support a request for consideration of deferred action for childhood arrivals, will that information be used for immigration enforcement purposes against me and/or my company?

A4. You may, as you determine appropriate, provide individuals requesting deferred action for childhood arrivals with documentation which verifies their employment. This information will not be shared with ICE for civil immigration enforcement purposes pursuant to INA section 274A unless there is evidence of egregious violations of criminal statutes or widespread abuses.

There is a secondary reason that law-breaking employers likely have little to worry about. Instead of submitting evidence of employment, applicants can prove they lived in the United States by submitting items like utility bills, rent receipts, money order receipts, dated bank transactions, and birth certificates of babies born to them while in the United

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support for Florida's efforts to vet voter registration lists, despite the frequently negative tenor of media coverage, for example by referring to them as "purges." A June Quinnipiac University poll found that three-fifths of Floridians approved of state officials' investigations.

Last spring the Iowa Secretary of State initiated a similar request to DHS for the official citizenship data after a review of driver's license applications turned up about 3,500 names of possible non-citizens who had registered and voted. The Iowa ACLU has filed a lawsuit to try to block the review. Meanwhile, in September, the state criminal investigators arrested three individuals (two Canadian and one Mexican), from Council Bluffs, Iowa, on felony voter fraud charges. In Iowa, such fraud is considered perjury, and punishable by up to five years in prison and a $7,500 fine.

Federal law specifically prohibits and criminalizes false claims to U.S. citizenship and voting by ineligible aliens. Congressional intent to see aliens prosecuted for voter fraud was reiterated as recently as the Help America Vote Act of 2002. Yet no U.S. Attorney's Office (USAO) appears to have initiated any effort to prosecute aliens for voting. Nor has the Department of Homeland Security (DHS) initiated the deportation of aliens who have registered or voted illegally, which it can do independently of a prosecution by the USAO or state prosecutors.

The Help America Vote Act (HAVA) provided a basis for each state to develop and maintain a statewide voter registration list, with grant monies and a set of standards to support this effort.

There are relatively easy steps which can be taken to ensure progress on voting integrity. First, vetting efforts should be systematized so that they are routine, expected, and transparent. This would include "front-end" screening and on-going list maintenance.

Second, technology should be used wisely and the more error-prone biographic screening should be minimized by the use of biometric screening tools such as digital photographs, as these are already part of the DHS records.

Last, federal-state cooperation should be promoted, with DHS assisting states by providing information on non-citizens and reviewing state efforts for fairness and consistency with civil rights statutes. The federal government should also facilitate efforts to correctly assess individuals' citizenship status and right to vote, particularly at polling places. This can be done through issuance of U.S. citizen identification cards to newly naturalized and derivative citizens; and through preparation and distribution of a pamphlet that clearly identifies and provides photos of various forms of citizenship and naturalization documents.

If, as this administration wants us to believe, the federal government is truly responsible for matters of immigration and citizenship, and if they want scrutiny of state voter lists done in a responsible, even-handed, apolitical, and racially neutral manner, then they need to quit impeding state efforts to ensure that there is integrity in their voter files.

Efforts to vet voter registration rolls should not be thought of as a numbers game requiring evidence of a large volume of violators to justify the time and expense, and they should not be referred to disparagingly as "purges." The integrity of electoral lists should be beyond question, because there are few rights so important to citizens as the right to vote.

If we are so lax as to permit resident aliens to vote, then what is the impetus for long-time, eligible residents to take the final step of naturalization?

Moreover, to permit aliens to vote because of negligence or indifference is to cede to them the right to choose our leaders in close elections.

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States, just to name a few examples.

Not only this, USCIS has announced that the "continuous residence since June 15, 2007" requirement does not require applicants to prove they were in the United States on every day, nor even every week or every month of the time period.

As the lawyers at the NILC explain, "USCIS has clarified that only one document per year is required." Illegal aliens simply have to have made one bank transaction a year. If the alien cannot even meet this standard, USCIS allows them to submit affidavits from friends and family who are willing to claim that the applicant was in the United States. Under existing U.S. immigration law, "continuous residence" does not actually require continuous residence. Aliens can generally leave the country for months at a time with the absences not considered a break in residency.

Nevertheless, in their notice the NILC is instructing illegal alien applicants to not submit any employment records that indicate the alien has engaged in ID fraud: *"NILC continues to recommend that DACA applicants avoid submitting employment records that reflect an SSN that does not belong to the applicant, unless the applicant has no other evidence to support DACA eligibility."*

In other words, the Obama administration and illegal alien advocates are working in concert to keep American victims of ID theft in the dark while shielding unscrupulous businesses from enforcement.

These updates to the plan should not come as a surprise. The Migration Policy Institute, an amnesty-advocating think tank, recently demanded that the Obama administration add a guarantee that law-breaking businesses listed in DACA applications be shielded from enforcement. Now they have their wish.

If a future president decides to extend this two-year amnesty, it would be helpful to Americans struggling with ID theft if the president were to amend the application language and require applicants to fess up to their ID theft and list all numbers they have ever used.

Furthermore, evidence of any employment should be required so that ICE can investigate and penalize employers engaged in illegal business practices.

Since this amnesty is completely administrative in nature, the application and renewal process can be changed at will. Hopefully future administrations will put the interests of legal residents before the interests of law-breakers.

Jon Feere has a J.D. from American University's Washington College of Law. Reprinted with CIS permission, September 27, 2012, <http://www.cis.org/feere/obama-administration-promises-ignore-ssn-fraud-protect-law-breaking-businesses>.