



Written by [Jack Kenny](#) on May 2, 2013

Holder Claims “Path to Citizenship” Is a Civil Right

Attorney General Eric Holder’s claim that a “pathway to citizenship” is a civil right of the nation’s estimated 11 million illegal citizens may have gone unnoticed by the major news media, but it did not escape the attention of immigration reform foes on the Internet.

“Holder Calls Amnesty a Civil Right” was the [Fox Nation](#) headline over Holder’s remark and a video clip of the attorney general making the statement in an April 24 speech at a Mexican-American Education Defense fund event in Washington, D.C. The clip, which appears on a number of websites and is also embedded at the end of this article, shows Holder making the following statement:



Creating a pathway to earned citizenship for the 11 million unauthorized immigrants in this country is absolutely essential. The way we treat our friends and neighbors who are undocumented — by creating a mechanism for them to earn citizenship and move out of the shadows — transcends the issue of immigration status. This is a matter of civil and human rights. It is about who we are as a nation. And it goes to the core of our treasured American principle of equal opportunity.

The reaction was, in the words of the AG’s ill-fated gun-smuggling sting, “fast and furious.”

“In Eric Holder’s America, there’s no constitutional right to gun ownership, no right to life for the unborn, no right of conscience for Catholics (or other people of faith) who disagree with elements of ObamaCare,” wrote Carol Platt Liebau at [townhall.com](#). “... but there is a ‘right to citizenship’ as a matter of ‘civil and human rights’ for illegal aliens.” John Hayward at [breitbart.com](#) described it as “an alarmingly stupid thing for the Attorney General of the United States to say.... Has America ever had another top cop less interested in detecting or thwarting entire classes of lawbreakers?”

The “path to citizenship” has been a hot topic since it was the centerpiece of immigration reform legislation co-sponsored several years ago by Senators John McCain (R-Ariz.) and the late Edward M. Kennedy (D-Mass.) Public outrage at the plan caused McCain to drop the idea when he pursued his party’s presidential nomination in 2007 and 2008 and the bill died in the Senate. The Republican [platform](#) adopted last August opposed “any form of amnesty for those who intentionally violate the law. Granting amnesty only rewards and encourages more law breaking.” But with poll numbers showing only 27 percent of Hispanics voted Republican in November, McCain and other GOP stalwarts have joined this year with Senate Democrats and President Obama in support of legislation to allow illegal immigrants to attain legal status and apply for citizenship under certain conditions.

Under the terms of the current Senate bill people who came to the United State illegally before Dec. 31, 2011 may become citizens after they undergo a background check, provide proof of access to gainful employment and pay back taxes and fines. The process that could take up to 13 years. The bill also requires a number of enforcement measures, including an increase in the number of U.S. Customs and



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Border Patrol officers and use of the National Guard to secure the roughly 2,000-mile long southern border. Critics are skeptical that the border security efforts will live up to the bill's promise.

"The Republicans will be faithless to those who voted for them on a pledge not to support amnesty, if only Obama will promise a good-faith effort to do his constitutional duty," [wrote](#) columnist Pat Buchanan, a leading "hawk" on illegal immigration.

The bill is being pushed by the bipartisan "Gang of Eight," led by McCain and Charles Schumer (D-N.Y.) and including Republicans Lindsey Graham (S.C.), Marco Rubio (Fla.), and Jeff Flake (Ariz.); and Democrats Richard Durbin (Ill.), Bob Menendez (N.J.), and Michael Bennett (Colo.). As with most bipartisan bills, both sides have partisan reasons for backing it. With an estimated 71 percent of the Hispanic vote going to Obama in last year's election, Democrats are obviously eager to make more citizens, and thus more voters, of people here illegally, the majority of whom have arrived through our porous southern border. But McCain argues that passing the bill will give the GOP an opportunity to compete for those votes.

"If we pass this legislation, it won't gain us a single Hispanic vote. But what it will do is put us on a playing field where we can compete. Right now we cannot compete," McCain [said](#) at a *Christian Science Monitor* breakfast last week. "It's a demographic certainty that if we condemn ourselves to 15, 20, 25 percent of the Hispanic vote, we will not win elections, but I have no illusions about whether passage of this legislation will gain Hispanic voters. It won't."

While Republican Senator Ted Cruz of Texas told CBS News that a path to citizenship would likely "scuttle the bill," both McCain and Schumer said the bill would die in the Senate without it.

"It will not pass the Senate," Schumer said at the breakfast meeting. "I don't think it would get a Democratic vote."

"To say that you can have a legal status but you can't ever have a path to become a citizen of his country offends our fundamental principles of fairness in this country," said McCain.

Should it pass in the Senate, the bill may face stiffer opposition in the Republican-controlled House, where many question the fairness of allowing illegal immigrants to start down a path to citizenship while others are still waiting to enter the country legally.

Whatever its fate, the bill falls short of the lofty claims for it made by Attorney General Holder. While the United States is, as has often been said, "a nation of immigrants," nothing in the history of "who we are as a people," suggests citizenship is a "right" of those who have entered the country *illegally*. Our Declaration declares our rights are "endowed by the Creator" and are "unalienable"; our Constitution assigns to Congress the power to determine the rules and conditions of naturalization (Article I, Section 8). The Constitution maintains throughout a distinction between the rights of persons and the "privileges and immunities" of citizens. The rights specified in the Bill of Rights belong to persons, not necessarily citizens. The language of the 14th Amendment reflects that distinction: "No State shall make any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Congress, in short, has the constitutional authority to enact a path to citizenship. But it does not have, as Holder implies, a moral obligation to do so in order to affirm a non-existent "right."

<https://www.youtube.com/watch?v=7NXj0hl5T3o>



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Photo of Attorney General Eric Holder at top: AP Images



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