



Written by [Joe Wolverton, II, J.D.](#) on June 26, 2013

Rand Paul Immigration Amendment Would Prevent National ID Card

With the Senate apparently within days or hours of passing the so-called Gang of Eight's immigration reform bill, one opponent of that bill has offered an amendment to that legislation that would prevent it from becoming another tool of totalitarianism.

On June 20, Senator Rand Paul (shown, R-Ky.) [announced on his website](#) that he would introduce the Protect Our Privacy Act as an amendment to S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act.



According to Paul, his measure would prohibit the issuance of a national ID card. The constitutionally consistent freshman senator believes that his proposed amendment would push back against the assault on liberty being perpetrated by the Obama administration.

"A National ID card violates our right to privacy by helping to consolidate data and facilitate the government in the tracking of individuals. President Ronald Reagan opposed this idea, as did President Bill Clinton. They believed, as I do, that American citizens should not be forced to carry around a National Identification Card as a condition of citizenship, because the card offends any reasonable basic concept of freedom. While identifying and documenting immigrants is necessary for proper reform, implementing a mandatory identification registry for all citizens is not," Paul said.

Senator Paul's statement provides the following points relating to the protections proposed by his amendment.

The Protect Our Privacy Act does the following:

- Prohibits the Department of Homeland Security from interpreting the immigration reform bill to permit a national identification card or system;
- Prohibits the Federal or State government from requiring photographs or biometric information without probable cause;
- Prevents the provision in the bill titled "Photo Tool" from allowing the government to force all citizens to provide a photo;
- Prohibits a "biometric social security card" for citizens; and,
- Forbids a "de facto national registry of citizens."

In [an op-ed published by Politico](#), Senator Paul explained his impending "no" vote on the immigration overhaul:

I will be voting no on the Senate's Gang of Eight immigration bill, because the legislation does not secure the border first.



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I think we desperately need immigration reform. Unfortunately, this legislation does not give us serious reform.

Of paramount concern is what to do with the 12 million people currently residing in the U.S. who are in legal limbo: No one is seriously contemplating they leave, but conservatives believe normalizing their status should be dependent on border security first.

Any immigration reform must expand legal immigration and the work visa program, so we don't find another 12 million undocumented workers here a decade from now. The Gang of Eight bill actually decreases the number of agricultural workers visas. If work visas are less than what the market demands, the workers will come illegally and we're right back where we started.

On May 24, Senator Paul published a similar opinion piece [in the *Washington Times*](#). Paul wrote:

The controversial immigration-reform bill that passed the Senate Judiciary Committee this week is expected to be considered by the Senate in June. Many see measures contained in this bill, such as a strong E-Verify and a "photo tool," as a means to control unlawful immigrants' access to unlawful employment. I worry that they go too far.

I think there are better ideas that err on the side of individual privacy while still strengthening our borders. We should scrap a national identification database and pass immigration reform that secures the border, expands existing work-visa programs and prevents noncitizens from access to welfare. These simple ideas will eliminate the perceived need for an invasive worker-verification system and a government citizenship database.

I am against the idea that American citizens should be forced to carry around a National Identification Card as a condition of citizenship. I worry that the Senate is working to consider a series of little-noticed provisions in comprehensive immigration reform that may provide a pathway to a national ID card for all individuals present in the United States — citizens and noncitizens. These draconian ideas would simply give government too much power.

Forcing Americans to carry around an identification card to affirmatively prove citizenship offends our basic concept of freedom. Wanting to avoid a "papers please" culture in our country is also why conservatives oppose federal universal gun background checks. We oppose such measures not because we don't believe in common-sense rules or regulation — but because we are wary of giving the federal government this kind of centralized power over our daily lives.

I am against government lists of those who own or have transferred a firearm for the same reason I oppose any pathway to a national ID. I don't think that government should have the awesome power of monitoring the legal activities of American citizens. That is not a proper role of the federal government — or any level of government, for that matter.

As with his other amendments to the immigration bill, Paul is blocking every effort by his colleagues in Congress to deprive Americans of their most basic civil rights as protected by the Constitution.

In the Politico letter, Senator Paul places the onus for real immigration reform on the shoulders of the House of Representatives.

The authors of the current bill gloss over these core immigration issues by saying they will simply put more people on the border. This is like using a Band-Aid to cure a cold, and further shows Washington's ignorance of the deep systematic flaws that have contributed to our immigration dilemma.



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It is now up to the House to champion real immigration reform. If we're going to fix our broken borders and have an overhaul of the system verifiable by Congress, the House will have to lead the way.

The [New York Times reported on Tuesday, June 25](#), that House Republicans "feel no pressure to act quickly" on the immigration issue.

"We have a minority of the minority in the Senate voting for this bill," the *Times* quotes Representative Tom Cole (R-Okla.), referring to the 15 members of the GOP likely to vote in favor of the measure when the Senate votes this week.

"That's not going to put a lot of pressure on the majority of the majority in the House," Cole said, as reported by the *Times*.

Finally, as *The New American* has repeatedly pointed out throughout the debate on the immigration issue over the past few years, Congress is not empowered by the Constitution to legislate in the arena of immigration.

Nearly the entire universe of authority delegated to the Congress of the United States is contained with [Article I, Section 8](#) of the Constitution. Not one of the roughly 20 powers listed authorizes Congress at all, not to mention exclusively, to establish immigration policy.

The closest the Constitution comes to placing anything even incidentally related to immigration within the bailiwick of Congress is found in the clause of Article I, Section 8 that empowers Congress to "establish an uniform Rule of Naturalization."

That's it. There is no other mention of immigration in the text of the Constitution. Somehow, though, the enemies of state sovereignty and enumerated powers have extrapolated from that scant reference to "naturalization" the exclusive and unimpeachable right to legislate in the arena of immigration.

The difference between immigration and naturalization is one of definition. Immigration is the act of coming to a country of which one is not a native.

Naturalization, however, is defined as the conference upon an alien of the rights and privileges of a citizen. It is difficult to understand how so many lawyers, judges, and legislators (most of whom are/were lawyers) can innocently confuse these two terms.

Before the states sent delegates to a convention in Philadelphia in 1787 to amend the Articles of Confederation (the result of which was the Constitution), they had years of experience policing their sovereign borders, setting rules governing the means by which one could lawfully enter the state. That is to say, they were policing the immigration of aliens, an act undeniably within their right as a sovereign government.

On not one single occasion during that summer of 1787 did any one of the 55 (on and off) representatives of the 13 states suggest the endowment of the new federal government with the authority to set immigration policy for the entire nation. That is significant. Not even the most strident advocate of a powerful national government ever proposed granting the power in question to the central authority.

The Senate will likely vote on the immigration bill this week.

Photo of Sen. Rand Paul: AP Images



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