

# The New York Times

## IN SENATE, AN IMMIGRATION BILL SAVIOR OR SABOTEUR?

By Ashley Parker  
June 14, 2013

WASHINGTON — One week into the Senate's immigration floor fight, Senator John Cornyn of Texas has emerged as one of the most polarizing figures on the issue: a Republican leader from a border state brandishing a border security plan that he says is meant to salvage the measure but that is seen by others as a surreptitious attempt to scuttle it.

To his supporters, Mr. Cornyn is simply trying to rescue a potentially historic immigration overhaul by offering a reasonable plan that would attract reluctant Republicans by strengthening border security before 11 million people who are in the country illegally can begin their path to citizenship. But to Democrats and immigration advocates, Mr. Cornyn, the No. 2 Senate Republican, has written a "poison pill" provision intended to torpedo a bill he would never support.

One thing is certain: the role of Mr. Cornyn, who has snowy white hair and a visage that looks more British tea-sipper than Texas two-stepper, is sure to have ramifications for him in the Republican leadership, in the Senate itself and in Texas, where the fast-growing Hispanic population is changing the demographic face of the state.

"No one believes the status quo is acceptable, and I think just saying no is not a satisfactory answer," Mr. Cornyn, shod in brown alligator-skin cowboy boots, said in an interview in the whip's office just off the Senate floor. "So if you're not going to say no, I think you have to come up with a solution, and I think this is part of it."

Mr. Cornyn's proposed amendment would require both the Department of Homeland Security and the top federal auditor to certify that all of his border goals had been met before immigrants could start the path to citizenship and receive green cards. His method of measuring success would include a 90 percent apprehension rate of illegal crossers at the southern border, as well as the installation of a biometric exit system at all air and sea ports, which immigration advocates worry could be logistically unattainable.

Though Democrats have expressed a willingness to strengthen border enforcement measures, they say that Mr. Cornyn's provision goes too far. Senator Charles E. Schumer, Democrat of New York and a member of the bipartisan group that drafted the legislation, called it a "nonstarter," and Senator Harry Reid of Nevada, the Democratic leader, was among those who labeled it a poison pill. (Mr. Cornyn took to the floor to assert that the real poison pill would be not accepting his amendment.)

"He's pulled out a machete, and he's hacking at the path to citizenship," said Frank Sharry, the executive director of America's Voice, a pro-immigration group. "He doesn't want to improve border security, he wants to take down the path to citizenship. If he wanted more border security without impaling the path to citizenship, he'd probably get it."

"This is a guy," Mr. Sharry added, "who pretends he wants to get to yes, always gets to no, and in the meantime destabilizes the bipartisan immigration bill in place."

Some conservative Republicans are also frustrated with Mr. Cornyn's plan. On Friday, Heritage Action for America, an advocacy group, released a statement urging senators to vote against Mr. Cornyn's proposal, which, it said, could "serve as political cover for those senators seeking to justify their support for amnesty."

Mr. Cornyn says that his critics are simply wrong and that his plan is a way to respond to a "real trust deficit" between the federal government and Republicans by making sure that the government remains accountable for its border security promises.

"If my amendment is adopted," he said, "we will have something concrete and credible we can show people that improves the broken system, and that's something I can comfortably defend."

Mr. Cornyn's fellow Republicans largely agree. Senator Marco Rubio of Florida, a Republican author of the bill and one of his party's most prominent Hispanics, has been publicly supportive of Mr. Cornyn's amendment, and Senator Orrin Hatch, Republican of Utah, called it "reasonable, moderate, middle-of-the-road."

"For the life of me, I don't see why they don't just take the Cornyn amendment," Mr. Hatch said, referring to Senate Democrats. "He said he'll vote for the bill. That's a big vote, that's a border-state-senator vote. That's a courageous thing to do."

Mr. Cornyn's amendment has commanded serious attention, both on the Senate floor and in the halls of Congress. Mr. Cornyn is considered conservative but reasonable, his provision was among the first to be introduced and Mr. Rubio's support gave it an added boost — much to the frustration of the other members of the bipartisan group.

But both Democratic and Republican aides say they are waiting for less controversial border security amendments that a bipartisan group of senators can coalesce around. Mr. Rubio is expected to offer a proposal that would transfer responsibility for writing a border security plan to Congress from the Department of Homeland Security, and Senators Tom Coburn of Oklahoma and Bob Corker of Tennessee, both Republicans, are expected to introduce proposals of their own.

During the last attempt at an overhaul, Mr. Cornyn also immersed himself in the immigration debate, sponsoring a bill in 2005 with a fellow Republican senator. When new immigration legislation came up in 2007, Mr. Cornyn sought numerous concessions but ultimately voted against the bill. That record has left some of the players in the immigration debate skeptical that he could ever be won over, even if his own plan was added to the legislation.

"A lot of us have drunk this John Cornyn Kool-Aid before," said Benjamin Johnson, the executive director of the American Immigration Council. "He says he's going to take you to the dance, and then he never asks you. And Marco Rubio seems to be buying into a little of that."

Mr. Schumer, one of the senators who remember the 2007 effort, likes Mr. Cornyn personally; the men, an aide said, often ride exercise bikes together in the Senate gym while watching "Morning Joe" on MSNBC. But on the Senate floor on Monday, according to an aide, Mr. Schumer warned Mr. Cornyn, "You know full well that this a deal killer."

Mr. Cornyn and his aides have said the only way he will support the bill is if his amendment makes it through all but unscathed, but he did show at least a slight willingness to compromise, saying, "I don't think anybody gets 100 percent of what they want."

He said that he still demanded "some mechanism in the bill that will force the executive branch and the bureaucracy to follow through on the border security measures."

Mr. Cornyn must also walk a fine line as he tries to appeal to two competing constituencies — he needs to show the growing Hispanic population in his state that he understands their concerns, but he must also appease his more conservative base, which will decide his political future in the near term. He is up for re-election next year, and the junior Republican senator from Texas — Ted Cruz, a high-profile conservative newcomer — is a Tea Party favorite who is vocally opposed to the current bill, further complicating the situation.

"Everybody's certainly aware of the timing and that I am in cycle, and you'd be foolish to ignore it," said Mr. Cornyn, who is seeking a third term. "But on the other hand, I think people are not so easily fooled as to think you can have some sort of conversion right before the primary."

"They're going to look at the long-term record," he added, "and I certainly have a record that people can look at."