



Granting illegal immigrants amnesty will destroy second amendment, says Senate candidate Joe Miller

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Joe Miller thinks there's an obvious link between illegal immigrants and the Second Amendment.

In a recent mailer to Alaskans, the Republican candidate for U.S. Senate touts a record that is "100 percent pro-gun" and "100 percent against amnesty." And, he says he's the only candidate with endorsements from various pro-gun groups.

Alaska's Republican primary is next Tuesday, and Miller is trailing far behind his opponents Mead Treadwell and Dan Sullivan (the leader) in the latest polls. Whoever wins will face off against incumbent Democrat Mark Begich.

He says Begich wants to give amnesty and the right to vote to illegal immigrants currently living in the United States, and this is bad for the country's gun rights. (Both Begich and Alaska's other senator, Lisa Murkowski, voted for the Senate's immigration reform bill.)

"If 20 million illegals vote, you can kiss the Second Amendment goodbye," the mailer says.

We thought drawing a connection between illegal immigration and the right to bear arms was dubious, so we decided to dig into it.

Understanding the amendment

First, some background on the Second Amendment and how it's interpreted:

The amendment reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

So the Second Amendment ensures that Americans are born with a certain amount of gun freedom. How courts have interpreted the text, though, is important.

In 2008, the U.S. Supreme Court decided in *District of Columbia vs. Heller* that an individual who is not part of a militia has the right to own a weapon. Additionally, the court said the amendment permits individuals to use the guns for legal purposes, like self defense in their homes. Two years later, the court ruled that these rights also apply to the states.

But the *Heller* decision does not necessarily mean a person can own a gun of any type for any purpose. The court has approved gun regulations, such as the decision this year that upheld a ban on "straw purchases" (one person buying a gun for someone else).

In sum, the court believes the Second Amendment means individuals have the right to own guns, with limited regulations.

If 20 million people who all leaned one way or another on gun control were suddenly injected into the population, the surge could change the country's political make-up and tip the balance in favor of Americans that support stricter gun laws, said Eugene Volokh, a law professor at the University of California, Los Angeles.

Under this scenario, he said, the country would elect politicians that support stricter gun laws, and those politicians would nominate Supreme Court judges who reflect their own views. These judges could reinterpret the Second Amendment as restricting gun ownership, and the right to bear arms as we currently understand it would disappear over time.

This is also how the Miller campaign explained to us how immigration and gun rights are connected.

However, the mailer does not say that the current understanding of the Second Amendment would disappear, it says the amendment would disappear altogether.

Could that happen?

'If pigs could fly'

Every scholar we spoke with agreed that it's ridiculous to think that the Second Amendment could be removed from the Constitution under any circumstances -- let alone because of immigrants.

"If pigs could fly, would it change air travel?" said Adam Winkler, also a UCLA law professor. "I guess it might, but it's hard to imagine the premise."

First of all, citizens (and undocumented immigrants) cannot vote on a change to the Constitution. Amending the Constitution is a laborious process that requires two-thirds of Congress and three-fourths of states to approve the change.

With the current population, this would be nearly impossible, considering that only 25 percent of the country believes that there should be a law banning gun ownership except for police and other authorized individuals, according to a Gallup poll from October 2013.

And just around 50 percent of the country thinks there shouldn't be control over gun ownership, according to a February Pew study.

The addition of 20 million new voters -- a population of about 6 percent -- of any ideological persuasion is unlikely to make a dent, said Clark Neily, senior attorney at the Institute for Justice.

Additionally, there are about 12 million -- not 20 million -- illegal immigrants currently living in the United States, according to the latest estimates by Pew. (Alaska alone had fewer than 50 illegal immigrant households in 2010.)

Of these illegal immigrants, about 60 percent of them are concentrated in just six states -- far fewer than the 38 states that would be needed to approve a change to the Constitution.

It's fair, though, for Miller to imply that illegal immigrants might be more sympathetic to Democrats than Republicans, Neily said. They are a predominantly Hispanic group, and Hispanics tend to align with Democrats. (In fact, a 2013 Pew study found that illegal immigrants strongly lean toward the Democratic Party.)

America's Hispanic community tends to be in favor of more gun restrictions. A recent Pew poll on political polarization found that 70 percent support controlling gun ownership, but that still leaves about 30 percent that prefer less control over gun ownership. If the primarily Hispanic illegal immigrants reflect this group, far fewer than 20 million would support scrapping the Second Amendment.

At Republican primary debates recently, Miller explained why he thinks illegal immigrants would be more likely to support gun restrictions.

"There's a clear correlation, and the clear correlation is this: If you end up granting amnesty to those who don't value gun rights, who have not been raised in an environment where the Second Amendment is cherished -- is considered to be a God-given right -- the reality is over a generation or two, the likelihood is very strong that the Second Amendment will not be here," he said, according to Alaska Dispatch News.

Even though it's plausible immigrants could bring their cultural beliefs to the United States, it's also likely that American culture -- which is overwhelmingly in favor of the Second Amendment -- would rub off on them, said Trevor Burrus, a research fellow at the Center for Constitutional Studies at the Cato Institute, a libertarian think tank.

Our ruling

Miller said, "If 20 million illegals vote, you can kiss the Second Amendment goodbye."

We found that it would be nearly impossible to remove the Second Amendment from the Constitution, given the country's ideological make-up, and adding a voting bloc of 20 million would be unlikely to change that -- regardless of their political persuasions. However, it's possible that adding 20 million new voters who lean Democrat could result in stricter gun control laws.

Miller's mailer muddies the waters, because increasing gun ownership regulations is not the same thing as scrapping the Second Amendment entirely.

The ad is wrong when it suggests 20 million voters can repeal part of the Constitution's Bill of Rights. We rate it False.