



## Incremental Amnesty

Item: The Wall Street Journal for October 8 reported that President Obama is likely to scale back his legislative plans next year, citing immigration reform as an example. White House officials have indicated “a willingness to push through piecemeal changes to immigration law, instead of a comprehensive bill that combines border controls and immigration law enforcement with a path to citizenship for many of the 11 million illegal immigrants already in the country.”



*The Journal continued: “Under the incremental scenario, the White House would embrace Republican proposals to step up immigration law enforcement and border and port security in exchange for measures such as the DREAM Act, which would give illegal immigrant children a path to citizenship through military or public service. White House officials could add an agricultural-workers program to that bill but put off dealing with the bulk of illegal immigrants until later.”*

**Item:** *The Politico blog for October 3 reported that Sen. Bob Menendez (D-N.J.) had introduced an immigration bill right before the congressional “midterm election break so he could get ‘lame-duck movement’ on the legislation after Nov. 2. ‘A lot of senators are retiring and might be willing to look at the issue,’ Menendez said on CNN’s ‘State of the Union.’”*

**Item:** *The Washington Post for October 7 reported that the Obama administration had just announced “that in the past year it has deported a record number of unauthorized immigrants — more than 392,000, about half of whom were convicted criminals.”*

**Correction:** Led by the White House, the political far Left is not giving up on its desire to grant amnesty to the at least 11 million illegal aliens in the United States, though the Democrats are now being forced to try to implement their plans in a piecemeal fashion. The idea of even considering a move to push through an extremely unpopular amnesty bill in a lame-duck session — with legislators poking their finger in the eyes of the electorate on their way out the door because the departing lawmakers have nothing to lose — shows how important this move is to them.

Meanwhile, the administration and its echo chamber in the mass media are touting some of the increased deportation numbers without proper context. This use of selective statistics tries to paint the administration as stringent on illegals, which is far from the case.



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The Department of Homeland Security, for example, points to how many “criminals” it is deporting, especially compared to the Bush administration, which set the bar very low. But these illegals — and words do have meaning in some quarters — are all lawbreakers. It’s just that the administration either ignores outright or chooses to enforce only some of the laws of the land. At the same time, the administration is also suing the state of Arizona to prevent it from enforcing its own laws dealing with illegal-immigration issues that are being ignored by Washington.

The driving motivation is not to *be* tough, but to *appear* tough. So it is that Homeland Security Secretary Janet Napolitano puts on a game face and asserts: “This Administration takes very, very seriously the responsibility to secure the borders and enforce immigration laws.” This from an administration that has been providing work permits to illegals who are detained during all-too-infrequent raids of worksites. This from an administration that has in effect apologized to the “human rights” pooh-bahs at the United Nations for Arizona’s actions to protect itself. (The State Department acted contrite for this alleged U.S. inadequacy, but explained that the fault “is being addressed in a court action.” Members of the UN Human Rights Council include such paragons of civic virtue as Cuba, China, and Libya.)

Homeland Security isn’t even enforcing many of its own deportation orders. As a result, only about half of those illegal aliens facing deportation even bother to appear for their court dates, say immigration experts. In its annual report covering the year 2008, Homeland Security disclosed that there were some 558,000 fugitive aliens — people who had fled court or disobeyed orders to leave the country — who had avoided removal from the United States, as was pointed out in an article in late September by a former immigration judge in Miami. Writing in the *Atlanta Journal-Constitution*, Mark Metcalf observed:

Under the Obama administration, this number [of fugitive aliens] has grown. Some 715,000 people now reside in the U.S. that DHS refuses to deport. In one year, unenforced deportation orders have climbed 28 percent. And the numbers keep climbing.

“[M]illions of illegal immigrants,” one report states, “may avoid deportation” because DHS declines to enforce valid removal orders, discourages routine police reports and dismisses cases it was prosecuting. This failure of enforcement was underscored in an August no-confidence vote by Immigration and Customs Enforcement agents against Obama officials. Appointees, the agents declared, had “abandoned [ICE’s] core mission of enforcing immigration laws.”

There is yet another aspect of the “criminal alien” deportation totals that the Obama administration is omitting — namely, when those arrests were made for the other serious crimes in question.

The hyped success of deportations in fiscal 2009, as shown by the Matt Mayer of the Heritage Foundation (which does not take a particularly firm stance on this issue), is “largely due” to the efforts under the Bush administration. “Specifically, the large numbers of arrests made in 2005, 2006, 2007, and 2008 by the Bush Administration made the Obama Administration’s 2009 deportation numbers possible. After all, the Obama Administration’s deportation numbers are largely comprised of illegal immigrants who were arrested between 2005 and 2008 and, having completed their sentences, were deported in 2009.”

The Obama administration has been purposely looking the other way until it finds itself forced to deal with certain crimes. There has been no crackdown on the initial law-breaking of illegal entry to the United States. As the *Washington Post* admitted (in paragraph 12 of the above-cited 14-paragraph story): “Immigrants who overstay their visas or enter the country without authorization are not



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considered criminals; unauthorized immigration is an administrative violation. The Obama administration has sought to distinguish such immigrants from those who have committed crimes.”

Some criminals, that is, are more equal than others. Apparently the favored lawbreakers are those who tend, in large numbers, to vote for Democrats. A key goal of so-called immigration reform, it should be no surprise, is to recruit voters for the Democratic Party.

Speaking of the November 2008 elections, Eliseo Medina of the Service Employees International Union commented that Latinos “voted overwhelmingly for progressive candidates. Barack Obama got two out of every three voters that showed up.... We reform the immigration laws, it puts 12 million people on the path to citizenship and eventually voters. Can you imagine if we have even the same ratio, two out of three? If we get 8 million new voters that care about our issues and will be voting, we will create a governing coalition for the long term, not just for an election cycle.”

As it happens, the official statistics reveal that basic enforcement of the law has tanked. According to Representative Lamar Smith of Texas, the ranking Republican on the House Judiciary Committee, administrative arrests of illegal immigrant workers are down 77 percent under President Obama, criminal arrests are down 60 percent, and convictions are off by 68 percent. Moreover, notes Smith: “Worksite enforcement has been all but forgotten by the Obama Administration.”

In other words, the system is not “broken” — it is being ignored. And one doesn’t fix this by making 11 million aliens instantly legal. Following the amnesty of 1986, the number of illegals in the United States tripled over the next two decades. When you prove that the laws of the land mean nothing, the next wave of would-be illegals gets the message.

Often omitted from consideration is the unfairness this represents to the millions of *legal* immigrants who played by the rules. As former immigration judge Metcalf has noted, every single year the United States admits about 1.5 million immigrants, on average, to citizenship or permanent residence — “more than all nations of the world combined.” In some states, legal immigrants can’t get, for example, in-state tuition rates for college. However, the so-called DREAM Act — which still could be considered this year — would grant *illegals* that special tax-subsidized rate.

Turning illegals into “legals” would hardly be a solution. The millions of illegals, as noted by Mark Krikorian on FoxNews.com, come with a significant burden to U.S. taxpayers, in large part because of their low levels of education. He continues:

The majority of families headed by illegal aliens live in or near poverty and are uninsured, which is why fully 40 percent of them use at least one major welfare program. And it’s their presence here, not mainly their legal status, which creates these costs; for instance, if they were to be legalized, an estimated 3.1 million would qualify for Medicaid, costing more than \$8 billion each year.

What’s more, the 7 million or so illegal aliens who have jobs are competing directly with less-educated and young American workers, whose unemployment rate is twice the national average.

Is there any wonder that a number of states are following the lead of Arizona? They are trying to protect their citizens, while many of the folks in Washington merely see potential votes if only they can keep the handouts flowing. While no time is a good time to toss away the sovereign right to protect one’s borders, in this economy it would be even more costly. Testifying before the House Subcommittee on Immigration, Refugees, Border Security and International Law in late September, Steven Camarota of the Center for Immigration Studies toted up some of the expense:



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Census Bureau data indicate that one-third of those without health insurance in the United States are either immigrants (legal or illegal) or U.S.-born children (under 18) of immigrants. One-fourth of children living in poverty in the United States have immigrant fathers. In 2008, 53 percent of immigrant households with children used at least one major welfare program, primarily food assistance and Medicaid. These fiscal costs are incurred despite immigrants' high rates of labor force participation.

Meanwhile, one of the favorite euphemisms among politicians who want amnesty but don't have the political courage to say that outright, is a desire to put such people on the "pathway to citizenship."

We already have that route. First, you apply for citizenship. Then you spend five years in the country without breaking the law — as opposed to breaking the law to enter the country. After that, there's a fairly simple test. Even a few lawmakers in Washington might pass, although currently all too many appear ignorant of their constitutional responsibilities.

— Photo of Barack Obama and Janet Napolitano: AP Images



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