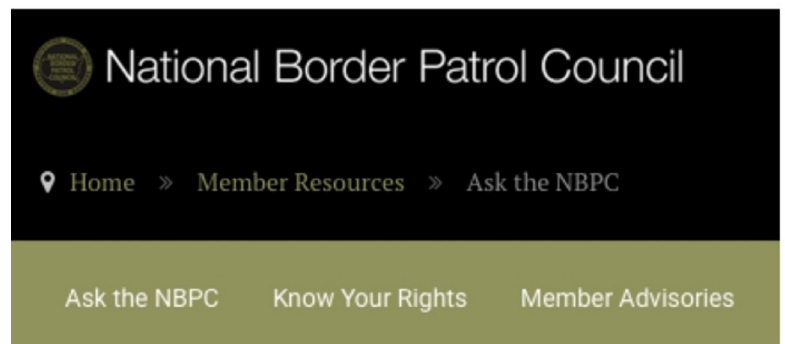




Obama vs. the Border Patrol

“Well, if you really don’t want to follow the directions of your superiors, including the president of the United States and the commissioner of Customs and Border Protection, then you really need to look for another job,” Commissioner of Customs and Border Protection R. Gil Kerlikowske recounted to the House Committee on Appropriations this week that he had responded to Border Patrol agents who do not like Obama’s executive orders concerning immigration.



What were the directions these agents were not wanting to follow? Apparently, most Border Patrol agents object to the “deferred action” policy on enforcing immigration law, implemented by the Obama administration by executive order in defiance of federal immigration law. Obama announced his intention to ignore federal immigration law in November of 2014. According to his executive order, as many as five million illegal immigrants were given a three-year stay of deportation, work permits, and various government benefits, including Social Security and tax credits.

In addition, Obama has given the Border Patrol new “priorities” in the area of illegal immigration, decreeing that agents should devote their resources to recent illegal aliens and those with serious criminal records.

Federal courts have held the Obama “deferred action” unlawful, but the case is now headed to the U.S. Supreme Court.

Kerlikowske’s stern warning to Border Patrol agents was in reaction to the testimony of Brandon Judd, who heads the labor union that represents Border Patrol agents, the National Border Patrol Council (NBPC). Judd told Congress last month that agents have been ordered to reinstate the catch-and-release policy used during the Bush administration.

Judd argued that persons entering the country illegally have realized that they can simply claim they entered the country some time before 2014 and that they have no serious criminal convictions, and they will be released. He said they do not even have to offer any proof.

Kerlikowske contradicted Judd’s testimony, insisting that the NBPC just did not know what was really “going on.” He then added that if Judd and his fellow agents do not like Obama’s immigration enforcement policies (or lack thereof), then they need to “look for another job.”

House Speaker Paul Ryan defended the position of the Border Patrol agents, contending that Obama’s actions are an attack upon the constitutional authority of Congress to make immigration law. “The president is not permitted to write law. Only Congress is,” Ryan said, promising that “the House will make that very clear.”

The House of Representatives will add an amicus curiae brief for the case before the Supreme Court, as well. An amicus curiae is Latin for “friend of the court,” a legal brief presented to the court by someone who is not actually a party to the lawsuit. The brief will make the legal case that Obama’s actions were



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unconstitutional, since he had usurped the legislative power of Congress.

This is certainly not the first time that a president (the executive branch) has taken an action through an executive order that is an attempt to “make law” (a function of only the legislative branch) in defiance of Congress.

And it is not the first time that a president has taken an action seen as a measure that is blatantly intended to reduce the resolve of Border Patrol agents to do their jobs. For example, Obama’s predecessor, President George W. Bush, prosecuted two agents of the Border Patrol and sent them to prison. In 2005, agent Ignacio Ramos shot a Mexican drug dealer who had slipped into the country illegally. Another agent, José Compean, was likewise prosecuted and convicted of conspiring to cover up that shooting.

Drug smuggler Osvaldo Aldrete Davila was shot in the buttocks by Ramos as Davila attempted to flee back across the Rio Grande. Ramos’ defense at trial was that he believed the drug smuggler was armed, and he shot in self-defense. Prosecutors charged that Compean helped Ramos cover up the crime, and he was also convicted. The key testimony in the case was from drug smuggler Davila, who testified in exchange for immunity from prosecution for his crimes.

While in federal prison, Ramos was targeted for attack by several illegal aliens, and was assaulted after he had fallen asleep one night. According to a Ramos family member, five illegal aliens shouted “Maten a la migra,” while attacking him. This translates as “Kill the Border Patrol Agent.”

After years of pleas for Ramos and Compean to be granted pardons by President Bush, Bush finally acted. He never pardoned them, but he did finally commute their sentences to time served on his last full day of office, in January 2009. Bush insisted that the agents had received fair trials and the guilty verdicts were just, but he decided they had suffered enough with prison time and loss of jobs.

Such punitive treatment of Border Patrol agents by first a Republican president, and now a Democrat president has contributed to a steep drop in morale among those agents.

Congress has actually increased funding to hire more agents, but the Border Patrol is experiencing difficulty in finding enough applicants to fill the positions.

Shawn Moran, NBPC’s vice president, contends that this is a deliberate plan by the Obama administration.

This is part of the administration’s strategy to demoralize and disrupt agents and completely dismantle immigration enforcement. They’re going to make the job so unbearable because they know they have a very motivated workforce, a very patriotic workforce that wants to uphold the laws, yet we have the president of the United States and the commissioner of Customs and Border Protection directly going against the rule of law.

Even Kerlikowske admitted under congressional questioning that he could not find enough applicants to fill the number of Border Patrol slots Congress had funded.

Perhaps if President Obama would read and follow the part of the Constitution that stipulates that his job is to “take care” that the laws be faithfully executed, it would boost the morale of agents presently with the Border Patrol, and swell the ranks of those desiring to become agents.

Steve Byas is a professor at Hillsdale Free Will Baptist College. His book History’s Greatest Libels is a challenge to some of the great lies of history told about such figures as George Washington, Thomas Jefferson, and Joseph McCarthy.



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