



Written by [Warren Mass](#) on November 6, 2014

Obama Will Use Executive Action to “Spur” Congress on Immigration Reform

During a post-election press conference at the White House on November 5, President Obama said, “before the end of the year, we’re going to take whatever lawful actions that I can take that I believe will improve the functioning of our immigration system.”

Obama continued by stating that he would be reaching out to Mitch McConnell, John Boehner, and other Republican and Democratic leaders “and if they want to get a bill done — whether it’s during the lame duck or next year — I’m eager to see what they have to offer.”



Then came the presidential threat of unilateral action:

But what I’m not going to do is just wait. I think it’s fair to say that I’ve shown a lot of patience and have tried to work on a bipartisan basis as much as possible, and I’m going to keep on doing so. But in the meantime, let’s figure out what we can do lawfully through executive actions to improve the functioning of the existing system.

When Jeff Mason, White House reporter for Reuters, asked the president how he will make sure that his executive action has teeth if Republicans try to block it by blocking funding, Obama replied: “Jeff, I think if you want to get into the details of it, I suspect that when I announce that executive action, it will be rife with detail.”

Another reporter who expressed concerns about the president’s stated intentions was Chris Jansing, the senior White House correspondent for NBC News, who asked:

Are you concerned that if you sign an executive order on immigration before the end of the year it will scuttle whatever chances there may be for there to be some sort of compromise on the issues that you talked about? And I wonder that, given this unhappy electorate, clearly, and they seem to be disappointed with both sides pretty much, why they punished the Democrats more than the Republicans by far.

In a sort of Nixon-esque tone, Obama replied: “When it comes to the political analysis, that’s your job. But what is also true is I am the President of the United States, and I think, understandably, people are going to ask for greater accountability and more responsibility from me than from anybody else in this town.”

Obama continued:

On immigration, I know that concerns have been expressed that, well, if you do something through executive actions, even if it’s within your own authorities, that that will make it harder to pass immigration reform. I just have to remind everybody I’ve heard that argument now for a couple of years....



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And I think that the best way if folks are serious about getting immigration reform done is going ahead and passing a bill and getting it to my desk. And then the executive actions that I take go away. They're superseded by the law that has passed.

Moments later, Major Garrett, chief White House correspondent with CBS News, asked the president, very directly:

[Senator] Mitch McConnell said — and I quote — that if you in fact use your executive authority to legalize a certain number of millions of undocumented workers, it would “poison the well” — direct quote — and it would be “like waving a red flag in front of a bull.” Do you not believe that is the considered opinion of the new Republican majority in the House and Senate? And do you also not believe what they have said in the aftermath of last night's results that the verdict rendered by voters should stop you or should prevent you from taking this action because it was a subtext in many of the campaigns?

The president replied, in part:

I think, Major, that I answered the question on immigration. I have no doubt that there will be some Republicans who are angered or frustrated by any executive action that I may take. Those are folks, I just have to say, who are also deeply opposed to immigration reform in any form and blocked the House from being able to pass a bipartisan bill....

My executive actions not only do not prevent [Republicans] from passing a law that supersedes those actions, but should be a spur for them to actually try to get something done. And I am prepared to engage them every step of the way with their ideas.

In the November 6 edition of *Fox and Friends*, host Brian Kilmeade summarized Obama's press conference statements as: “If you send a bill exactly like I want it, I'll sign it.” When Kilmeade asked the guest on the program, Judge Andrew Napolitano, if it was within the president's power to do something as massive as revolutionizing our immigration system by executive order, Napolitano replied:

Regrettably, it is within his power to do so. But, we are still a government of laws. We are still a constitutional republic. He has taken an oath to uphold the law. If he tells the Department of Homeland Security how to process people when they come into the country, he can do that. He runs the executive branch. But if he tells Homeland Security and Border Patrol: “Look the other way when the illegals come in,” that is violating his oath because it's a failure to enforce the law and he took an oath to uphold the law. So if the practical effect of his executive order is the opposite of what the law requires, I hate to say this; the Republicans don't want to do it and I understand why; he's a candidate for impeachment.

While Republicans may not be ready for impeachment (at least, not yet), AP reported that a half-dozen Republican senators, including Ted Cruz of Texas, wrote to Senate Majority Leader Harry Reid, (D-Nev.) on Wednesday urging him to quickly pass legislation to block the president from taking executive action. Otherwise, the senators warned, they'll use “all procedural means necessary” to resolve what they described as a constitutional crisis of Obama's making.

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