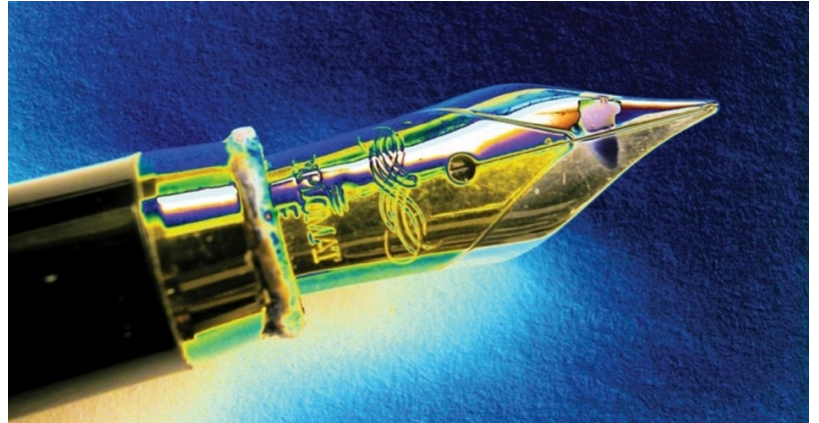




Written by [Bob Adelman](#) on July 1, 2014

Obama to “Go It Alone” on Immigration Reform

Speaking at the White House Rose Garden on Monday, President Obama said that because of the House’s refusal even to consider last year’s Senate bill on immigration reform (informally called “pathway to citizenship”), he is [going to do it on his own](#):



I don’t prefer executive action. I prefer permanent fixes to the problems we face. I would love nothing more [than] for bipartisan legislation to be put on my desk so I can sign it. I take executive action only when we have a serious problem and when Congress chooses to do nothing.

In this situation, the failure to pass a darn bill is bad for security, the economy, and the future. So while I will continue to push House Republicans to drop the excuses and act. Americans cannot wait forever.

This is a familiar refrain from the president, who said during Saturday’s weekly press conference,

Republicans in Congress keep blocking or voting down almost every serious idea. This year alone they’ve said no to raising the minimum wage, no to fair pay, no to student loan reform, no to extending unemployment insurance.

This obstruction keeps the system rigged for those at the top and rigged against the middle class. And as long as they insist on doing it, I’ll keep taking actions on my own — like the actions I’ve already taken to attract new jobs, lift workers’ wages and help students pay off their loans. I’ll do my job.

All of this despite the lack of any specific grant of power in the U.S. Constitution to do any such thing. The power granted to the executive comes from Article II, Section I: “The executive Power shall be vested in a President of the United States of America” and in Article I, Section 3: “he shall take Care that the Laws be faithfully executed.”

However, since the very first presidency, presidents have used executive orders (EOs) to clarify, implement, and, over the last 10 decades, to expand greatly the powers increasingly granted by intention or by default to the president by the legislative branch. The current president no doubt takes great comfort that his 182 EOs, so far, do not the reach the heights (or the depths) achieved by past progressive presidents such as Theodore Roosevelt (1,081), Woodrow Wilson (1,803), or Franklin D. Roosevelt (3,522). On the other hand, Obama’s second term doesn’t end until January 2017.

During Monday’s announcement the president said he was directing Homeland Security Secretary Jeh Johnson and Attorney General Eric Holder to “move resources from the interior to the border” in order to handle the influx of nearly 100,000 unaccompanied children and mothers from Honduras, Guatemala, and El Salvador. This effectively reduces efforts to deport illegals while beefing up efforts to manage



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the flood of them pouring into south Texas.

He also directed Secretary of State John Kerry to visit the heads of those countries to see what can be done at the source to reduce that flood.

More ominously, he also directed Johnson and Holder to come up with other ways that he could unilaterally turn the border crisis into an opportunity to implement, de facto, what the House has clearly rejected, de jure: immigration reform that provides a pathway to citizenship without having to bother with the normal procedures that have been set up in the past.

One suggestion that appears to have substance has already surfaced: expanding on the executive order the president announced on June 15, 2012 — the Deferred Action for Childhood Arrivals, or DACA — which directed the various agencies involved to delay, stall, and otherwise dither in enforcing immigration laws for those already in the country. The phraseology wasn't quite as blunt: "The USCIS [U.S. Citizenship and Immigration Services] should establish a clear and efficient process for exercising prosecutorial discretion ... for a period of two years." (Emphasis added.) DACA has already allowed nearly a million illegals to avoid being deported, while giving an incentive for those living in Central America to come to the United States, knowing their chances of being returned to their host countries continue to diminish. As House Speaker John Boehner expressed it:

The president's own executive orders have led directly to the humanitarian crisis along the southern border, giving false hope to children and their families that if they enter the country illegally they will be allowed to stay. The White House claims it will move to return these children to their families in their home countries, yet additional executive action from this president isn't going to stem the tide of illegal crossings; it's only going to make them worse.

Despite public humiliation in the past weeks over the Supreme Court's rulings invalidating part of his precious ObamaCare law and his recess appointments, as well as House Majority Leader Eric Cantor's surprise defeat at the hands of an unknown who used the immigration reform issue as leverage, the president is determined to press on. The more he presses, however, the more the public is moving against him. Recent polls show fewer than one in three Americans favor expanding immigration limits, with one poll showing just one in five in favor such a move.

And the latest report from the Center for Immigration Studies (CIS) didn't help the president any, either, showing that since 2000 all the new jobs created in the U.S. economy were taken by immigrants.

Some are applauding the president's determination to reform immigration rules without congressional input or consent, including Mary Kay Henry, president of the Service Employees International Union (SEIU), and Eliseo Medina, her secretary, who praised his intention to move ahead with unilateral immigration reform following his announcement on Monday.

Others see this as a dead end and possibly even an advantage for those favoring the current immigration rules. As the president presses on using EOs, he knows they can be overturned, defunded, or ignored altogether by a new administration with more traditional views of the proper role of the executive branch under the Constitution. It could also provide impetus to turn control of the Senate to Republicans while strengthening the Tea Party influence in the House, thus leaving the president stranded and alone, promoting a policy that fewer and fewer support.

A lame-duck president can still further damage the Constitution he swore to uphold and defend, but pressing forward on this key legislation in an attempt to secure his historical legacy will likely instead turn his administration into an invisible one, faltering and fading as his retirement from the White



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House draws ever closer.

A graduate of Cornell University and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics. He can be reached at badelmann@thenewamerican.com.

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