

WALL STREET JOURNAL

RUBIO'S IMMIGRATION THREAT

By Stephen Moore

August 23, 2013

The buzz in Washington continues over Republican Sen. Marco Rubio's assertion last week that if Congress stalls out on immigration reform, President Obama may legalize many of the 11 million illegal immigrants administratively.

The Florida lawmaker told a radio station that Mr. Obama will be "tempted to issue an executive order like he did for the Dream Act kids a year ago, where he basically legalizes 11 million people by the sign of a pen." Then he added, "a year from now we could find ourselves with all 11 million people here legally under an executive order from the president."

When asked about this possibility, the White House press office issued a flat denial last week. But as one veteran congressional insider tells me: "Why not? He's asserting executive powers to do everything else he can't get through Congress."

That is exactly the fear of Hill Republicans who have seen these assertions of executive branch authority on everything from blocking the Keystone XL pipeline to implementing Environmental Protection Agency regulations to delaying the employer mandate under ObamaCare. Mr. Rubio warns conservatives that such an executive order on immigration would be the worst outcome because the change to legal status would come without the quid pro quo of border security and other measures the right supports in the Senate immigration bill.

Skeptics say Mr. Rubio's warning was an effort to jump-start House action on reform. Perhaps. It could also be a way to boost his sagging approval ratings with conservatives, even as his leadership on the issue has been seen as heroic by immigration advocates.

Whether Mr. Obama would have the constitutional authority to provide a blanket legal status to illegal immigrants is open to debate. Congress didn't challenge his action on the so-called "Dreamers," who were brought here illegally as children. So far only a fraction of those eligible have stepped forward. Mr. Obama may feel emboldened to act given that his executive order a few months before the 2012 election was seen as a political home run with Hispanic voters. Republicans have been motivated to resolve the immigration issue in part to win back Latino voters who abandoned the GOP last year.

Mr. Rubio's warning is being taken seriously on Capitol Hill and may help move the debate forward. The Senate immigration bill, Mr. Rubio has said for months, is better than the "de facto amnesty we already have in this country."