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TAKING OBAMA'S IMMIGRATION BAIT

By The Editorial Board
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President Obama must be smiling. Only a month after his election trouncing, and with the ink on his immigration decree still fresh, he has already induced Republicans to ignore him and start fighting each other.

The latest GOP self-abuse concerns how to respond to the decree while funding the government after the latest spending bill runs out on Dec. 11. Speaker John Boehner and most of his Members have figured out that a showdown over funding the immigration order would be futile. It would end up with another government shutdown for which they would get most of the blame, and at a moment when their political standing with the public has begun to rise.

So Mr. Boehner is pushing together a two-part proposal to express GOP opposition to Mr. Obama's action while avoiding another self-inflicted knee-capping. In the current lame-duck session, House Republicans will first pass a bill declaring the immigration order illegal; this will die in Harry Reid's Senate.

Then Republicans will attempt to pass a bill funding the government through September 2015, except for the Homeland Security Department, which they will fund for only a couple of months. The idea is to take a large-scale government shutdown off the table while leaving the possibility to fight more narrowly next year, with the Senate in GOP hands, over funding for the department that handles immigration enforcement.

You know what's coming: A handful of Republicans are calling this a cowardly abdication. "Congress must respond to the President's unlawful action by funding the government but not funding illegal amnesty," says Alabama Sen. Jeff Sessions. "This is a perfectly sound and routine application of congressional authority. In fact, the nonpartisan Congressional Research Service reports that last year's omnibus spending bill included 16 such funding restrictions on fee-based programs."

He's right that it's routine – when a bill passes the Senate and is signed by the President. But Senate Democrats will kill any bill that defunds Mr. Obama's order. What happens then?

That's the question we never seem to get an answer to. A budget stalemate means a government shutdown after Dec. 11. As far as we can tell, Mr. Sessions believes that if Republicans hold firm during a shutdown, the public will eventually side with the GOP, Senate Democrats will roll over, and the President will surrender. Does this sound remotely plausible?

Our guess is that a run off the rails is precisely what Mr. Obama wants, so he can blame Republicans for a shutdown and diminish their political standing before the 114th Congress even begins. For proof, look no further than the many liberal pundits who sound like Mr. Sessions in mocking the House leadership. After the election, they're begging for a return to GOP suicide.

Republicans will have more spending leverage next year when they run the Senate, but even then an immigration showdown will be dicey. Spending bills require 60 Senate votes, and Democrats are unlikely to go along with a bill that defunds Mr. Obama's order. Perhaps the GOP can tailor a spending bill narrowly enough to avoid shutting down all of Homeland Security. But we'll believe that when someone shows us the details and lays out a plan to get from here to there. Usually the GOP strategy is to dive off the cliff and hope for a soft landing.

The larger question is how Republicans want to use their new majority. The polls show that voters want the GOP to lead on policy in the wake of the election. The goal should be to use this opening to form coalitions with as many Democrats as possible to put pro-growth reforms on Mr. Obama's desk. He may veto them, but the public will see that Republicans are capable of more than rejecting the President.

This is true even on immigration. Republicans aren't likely to overturn his immigration decree unless they take the White House, but in Congress they can minimize its political damage by passing individual reforms that solve discrete immigration problems.

Democrats would be hard-pressed to oppose a bill expanding H-1B visas or green cards for tech grads lest they lose support in Silicon Valley. Ditto for a guest-worker program for agriculture. Republicans would be seen to be solving an economic problem while being open to immigrants. Fighting solely over the immigration order plays into the hands of Democrats who want to portray the GOP as negative and blinkered.

Part of Mr. Obama's calculation in issuing his edict was to induce Republicans to overreact. They shouldn't give him what he wants.