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From: "Jarrett, Valerie" <valerie_jarrett@who.eop.gov>
To: [REDACTED]
Subject: Fw: The Hill (Espuelas): Why Obama should wait on immigration executive action

From: Vargas, Katherine

Sent: Wednesday, September 03, 2014 06:53 PM

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The Hill: Why Obama should wait on immigration executive action

September 03, 2014, 01:00 pm

By **Fernando Espuelas**, contributor

<http://thehill.com/blogs/pundits-blog/immigration/216510-why-obama-should-wait-on-immigration-executive-action#.VAdpSxqadp1.twitter>

Desperation is the father of bad decisions. At this point in the never-ending saga of immigration reform, mass deportations and the GOP's rabid **opposition to immigrants**, advocates are pushing President Obama to take execution action, bold and sweeping changes to the enforcement of our current ramshackle immigration law.

That would be a mistake.

There is a bigger battle raging that will impact our nation for many years — and, if lost, will doom comprehensive immigration reform for a long time. The midterm elections are now balanced on the edge of a razor blade. Twelve Senate races **are in play**. Should the Republicans succeed in **winning six of them**, the Senate and indeed the Congress will be controlled by the GOP. (Most analysts have discounted a flip in the House, not believing that Latino voters will turn out in sufficient numbers to make the difference in key races. That is a dubious assessment, but a story for another time.)

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So what does a Republican-controlled Congress look like? Listen to current Senate Minority Leader Mitch McConnell (R-Ky.) **describe his vision** at a gathering hosted by the Koch brothers: "So in the House and Senate, we own the budget. So what does that mean? That means that we can pass the spending bill. And I assure you that in the spending bill, we will be pushing back against this bureaucracy by doing what's called placing riders in the bill. No money can be spent to do this or to do

that. We're going to go after them on health care, on financial services, on the Environmental Protection Agency, across the board. ... All across the federal government, we're going to go after it."

McConnell is proposing holding the president hostage to government shutdowns and thereby skirting the chief executive's veto — a violation of the Constitution's separation of powers provisions.

McConnell's vision is bizarre. To repeatedly drive the republic into constitutional crisis, economic shock, and international ridicule is not only bad policy, it's unpatriotic. Yet that is the state of the Republican Party since the Tea Party takeover. And should Obama take a hatchet to the imbecilic immigration laws currently in place — as some are pushing him to do — the backlash from the Republican base could be significant and give McConnell the chance to implement his vision.

Indication of this probability is provided by the Senate's leading flip-flopper, Sen. Marco Rubio (R-Fla.), who has been on all possible sides of immigration reform. During the 2012 election, hoping for the vice presidential slot on former Gov. Mitt Romney's (R-Mass.) ticket, Rubio was happy to climb on board the self-deportation bus. After Romney lost the election — thanks to losing the Hispanic vote by a historic margin — Rubio changed sides. In 2013, he became the front man for the Senate's ultimately doomed comprehensive immigration reform bill.

And as his favorability ratings tanked with Tea Party voters, Rubio flipped again and urged the GOP House to vote against his own bill. And now he's suggesting that he would support a government shutdown before the election if the president uses executive action.

Then there is Sen. Ted Cruz (R-Texas). Unlike Rubio, Cruz has been consistently against any immigration reform. Now he is using this issue to motivate right-wing voters for the midterms. Cruz seeks to turn the Nov. 4 election into a "referendum" on immigration reform — or as he calls it, "amnesty."

McConnell, Rubio and Cruz are telling the Republican base what to expect from a GOP majority — and I think it is wise to believe them. A reactionary and punitive future awaits America on Nov. 4 if enough conservatives turn out to support the Republican dystopian vision.

So while immigration advocates urge Obama to use his pen to fix the most egregious elements of the immigration system monstrosity, as I have previously as well, the only issue that remains is timing.

A premature move by the president could unravel several of the red state Democratic reelection campaigns by hyper-stimulating conservative voters and recreating the blowout from 2010. While anything can happen in the future, as of today, most quantitative predictions of Republican control of the Senate range from slightly favoring Republicans to showing an even race.

A poorly timed and sweeping executive action on immigration might upset this delicate balance and tilt the race firmly into a Republican sweep and subsequent control of both chambers of Congress. Some say that Obama's actions would stimulate the Democratic base. Yet with an "Obama solution" to immigration, many Latino voters who are now determined to send an electoral shock to Republicans may become passive again as they were in 2010 (with the exception of Senate Majority Leader Harry Reid's re-election in Nevada.) Spanish-language media, in general, will proclaim a victory for the immigrant community and the urgency to vote will likely dissipate.

The president, though, should act if congressional action has not materialized by the election. On Nov. 5, he should take the boldest executive action under law to get this country out of its immigration quagmire. Pre-election desperation at the unaffordable cost of a Republican takeover of the Senate,

however, should not drive the timing.

Espuelas, a Henry Crown Fellow at the Aspen Institute, is a political analyst on television, radio and in print. He is the host and managing editor of "The Fernando Espuelas Show," a daily political talk show syndicated nationally by the Univision America Network. Contact him at contact@espuelas.com and via Twitter [@EspuelasVox](https://twitter.com/EspuelasVox).