



## What Democrats Have Wrong on DACA and the Dreamers

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“This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down . . . d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.”

So spoke Paul Scofield's Sir Thomas Moore in *A Man For All Seasons*. Critics of President Trump's decision to toss out his predecessor's DACA policy might take another look at that film. Trump has given Congress six months to legislate and if they fail to do so, he says, “I will revisit the issue.”

When it comes to policymaking, if you ask the wrong question, you get a wrong answer. The wrong question is: “Do you want some poor kids who were dragged here illegally at the average age of 6, have a lower incarceration rate than the native-born population (according to the Cato Institute), and, in many cases are working hard at jobs and in schools, thrown out of the country?” The answer to that question, for most people, is, “Of course not.”

But now ask the right question: “Are you willing to subvert the Constitution and allow the president to appropriate power that the Constitution reserves for Congress in order to allow these young adults to remain here illegally?” And the answer to that should be, “No.”

If you feel that the Constitutional constraints on the president's power should be ignored, are you willing to set a precedent that would allow the current resident of the White House to—with a stroke of the pen—lower taxes on the rich? Close down newspapers that displease him? Bar immigrants of a certain religion?

If it only took a pen, and there were no meddling Congress and courts, Trump would barely have time to tweet, he would be so busy writing executive orders. Surely members of Democratic party who are trembling with fear that our democracy is about to be replaced by fascism do not want to relax constitutional constraints on presidential power. Especially when all they have to do to get what they want is vote to legalize the presence of these Dreamers on whatever terms they deem appropriate. Which their leader in the Senate says they are prepared to do, although the specific terms remain his to know and ours to guess.

That is not to say that it will be easy to come up with a legislative solution: Witness the fact that when Democrats controlled both houses of Congress and the White House, they failed to do so.

That was back when President Obama was declaring that he did not have the power unilaterally to decide to impose a solution. (Before deciding he did.)

Why is it so difficult? For one thing, anything like an amnesty will open the floodgates to more illegal immigrants. Doubt that, and remind yourself of the new wave of illegal immigration that followed President Reagan's signature on a 1986 law that granted amnesty to as many as 3.2 million illegal immigrants. Current estimates are that the post-amnesty total has risen to 11 million.

Then there is not-small matter of our Family Reunification Program, which might allow Dreamers granted permanent status to import close relatives, and even fiancés. At present, over 60 percent of legal immigrants come to America with visas granted pursuant to that program, which is increasingly recognized as being less in American interests than a visa program weighted in favor of immigrants with skills that would increase our economic growth rate.

Finally, we cannot easily dismiss claims of our corporate leadership that deporting Dreamers will adversely affect our economy. Over 70 percent of America's Fortune 500 companies employ these young men and women. Apple alone has 250 on its payroll according to an anguished Tim Cook. Of course, employer groups have traditionally supported increasing the supply of labor because of the downward effect such increases can have on wage rates in segments of the labor market.

Pleas on behalf of Dreamers by Silicon Valley employers who claim they face difficulty in finding the skilled personnel they need come with ill-grace from a group that at one time agreed not to "poach"—i.e. compete with—each other for workers, which depressed wages so that it is difficult to tell what the labor supply situation might have been in a free, rather than a cartelized, market.

So now the fate of the Dreamers rests where it belongs, with Congress. All these warring, faction-ridden folks in the legislative branch have to do is decide on the terms for permanent residence or, dare they think it, citizenship; how to prevent their decision from providing an incentive for another wave of illegals to cross our porous border, (perhaps, dare they think it, by building a wall); and how to prevent these young men and women from importing relatives and others, once they're allowed to remain here.

And if Congress can't agree, they can always challenge the president to do as he has promised and revisit the problem. That's called back-to-square-one by most people.