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GOP right to reject bipartisan border bill

Steve Bakke  March 2, 2024



Once upon a time, President Biden and the democrats proclaimed the sanctity of controlling our borders and supported upgrading and expanding the barrier wall at our southern border. Unfortunately, that attitude has changed from “detaining and denying illegal entry,” to writing down names, assigning court dates years into the future, and releasing most into the country. That’s commonly referred to as “catch and release.”

During Obama’s administration, about 82% of attempted illegal entries were denied. During Biden’s presidency, that’s totally reversed, creating a release rate of about 85%. Candidate Biden, in 2019, actually urged a border surge of undocumented illegal immigrants. About 8 million wannabe illegal immigrants have swarmed the border during this administration. Biden dug himself a deep political hole.

Crafty democrats came to Biden’s rescue by convincing gullible republican congressional leadership to help create bipartisan legislation to control, and if necessary close, America’s borders. However, rank-and-file republicans rejected the proposed legislation.

This President was handed a made-to-order face-saving opportunity. He’s already using it to shift blame to republicans for failing to secure the border. He wants republicans to “own” the problem.

Did the republicans foolishly renege or was there a legitimate basis for rejecting the legislation?

Supporters of the border bill claim it would solve the border crisis by tightening up definitions and rules such as for determining asylum status. However, the actual result would merely normalize and formalize the largely clerical process that now exists for managing the border. Two characteristics of the bill best demonstrate the unsuccessful legislation’s glaring deficiencies.

First, there’s no provision for completing a border wall. This is the foundation upon which any border monitoring or immigration administrative structure is built. The bill provides only a small fraction of the funds required for a comprehensive and effective wall. Also missing are defined goals and a plan to achieve their immigration and border control goals.

Next, much had been made of the “automatic border closure” elements of the bill. The defeated border bill required mandatory border closure after experiencing a seven consecutive day average of 5,000 alien encounters or a single day totaling 8,500.

The new rules wouldn't have done more than improve the method bookkeeping and would have normalized the current level of encounters. Over the first three years of the Biden presidency, the illegal immigration explosion resulted in an average daily total of almost 7,000 encounters. The approximate current rate of encounters approximates the emergency "trigger" level of 5,000. The legislation would have continued the status quo.

Here's some more of the "fine print." Without a barrier wall, encounters would still be spread along the entire open border. The Homeland Security Secretary would be assigned the responsibility of ordering emergency closures when limits are exceeded. However, the Secretary would be limited in the total number of days the border could be "closed." And the president would still have some authority to override the Secretary's order, thereby suspending emergency enforcement.

For some reason, the emergency closure trigger of 5,000 encounters wouldn't include several categories of illegal immigrants, including: unaccompanied alien children, victims of trafficking, and migrants with "credible fear" as defined by asylum rules.

"Border parolees" are also excluded when determining if the 5,000 emergency-level has been exceeded. In recent years, "parolees" would have included undocumented immigrants from Afghanistan, and Ukraine, and the administration has proposed including those from Cuba, Haiti, Nicaragua and Venezuela.

For those who still have confidence the bill would have effectively closed the border, remember that the U.S. doesn't control the flow of illegal immigrants, the cartels do. Cartels even provide training to those migrants on how to most effectively gain release in America. With illegal human trafficking challenging the profitability of drug trafficking, you can be sure cartels would manage the illegal crossings meticulously, thereby limiting the chance of ever triggering a closure.

The bill simply wasn't "as advertised." It was a bad bill. Rather than building a border control mechanism, the bill wasn't intended to stop illegals, it would merely do a better job of documenting the flow.

Get ready for immigration control and border security to be explosive issues in the 2024 presidential election.