

# Boehner's Immigration Dilemma

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Speaker of the House John Boehner faces a dilemma on how to proceed on immigration policy, and no matter what course of action he chooses, he is all but certain to disappoint a large part of his own party. Although the immigration issue is new, the dilemma is not. In fact, it's the same dilemma Boehner has faced on multiple issues ever since he picked up the speaker's gavel: do what the Tea Party wing of the Republicans wants, or do what the Republican Party establishment wants. While this division has shown up repeatedly, it seems to be much more stark on the question of immigration -- which doesn't exactly bode well for Boehner.

Boehner has three basic choices available to him (although, due to the parliamentary process, he could wind up choosing more than one of them). The first choice is to do nothing. This is something Boehner's House is very good at, in fact, so it could wind up being the default choice. The House could make a lot of noise over immigration, and wind up not passing anything. There's another reason why this could become the default choice, too -- there are so many options to choose from which all have the same "do nothing" result at the end of the day. Bills can die in committee, bills can be approved by committee and then never make it to the House floor (something Boehner directly controls), or the bills which do make it to the floor can be so bad that they fail to even get passed due to Republican defections.

The second choice Boehner has is to let the Tea Party run rampant. This tail's already fully capable of wagging the Republican dog, as Boehner (and everyone else, for that matter) well knows. Boehner could allow the hardliners to bring bill after bill to the floor with the most ridiculous ideas contained within them (100-foot-high wall! No, wait, how about a 1000-foot wall?! Let's build a moat and stock it with alligators! You can become a citizen if you never vote -- how's that for a good idea?!). Some of these, laughable as they are to contemplate, might get enough votes from Republicans in the House who are terrified of being primaried by some Tea Partier in 2014.

The third choice Boehner has available is to pass something with mostly Democratic votes and a handful of Republicans. Something along the lines of the Senate bill, which got 68 votes in the Senate, in fact.

Whether a new immigration bill becomes law or not is now dependent on which of these choices Boehner makes in the coming weeks. He has the ability of scuttling the entire process, should he choose, or to make immigration reform a reality. But no matter what he does, there are going to be some awfully upset Republicans after it is over.

If Boehner kills the bill, then the party establishment is going to -- quite rightly -- come to realize that their chances for regaining the White House in 2016 are disappearing like the morning dew on a hot day. They are not going to be shy about saying so -- at least, those of them who are not facing primary voters any time soon (retired politicians, center-right pundits, etc.). But if

Boehner pushes a compromise bill through largely with Democratic votes, then the Tea Party is going to freak out. Which they are quite good at doing, I hasten to point out.

Boehner will feel the heat no matter what he does, from one wing or another of his own party. If he fails to pass a bill that the Senate can also support, then he faces the prospect of an awfully chilly reception from Republican donors who want to see immigration reform happen -- some of them with quite deep pockets. If they desert the House Republicans, it's going to have an effect on both 2014 and 2016 fundraising efforts. A core Republican constituency -- Big Business -- wants this to happen, remember.

But if Boehner does pass a reasonable bill, then his own speakership may hang in the balance. John Boehner could face a challenge from within his own party for the speaker's gavel, although whether such a coup attempt could succeed is questionable (the Tea Party is loud, but they're not all that numerous, even in the House). But he would be excoriated for passing an immigration bill largely with Democratic votes, and every Republican who voted for it could expect a Tea Party challenger in the next primary. The rage would be red hot, to put it mildly. Boehner has already passed several pieces of legislation in this fashion (in Republican-speak, "breaking the Hastert Rule"), including a tax hike on upper-income earners at the beginning of this year. Passing immigration reform without "a majority of the majority" would likely be seen as the last straw. Democrats who think it'd be amusing to watch Boehner get ousted from the speakership by hotheads in his own party should sober up quick with the thought of *who would replace him?* Speaker Ryan? Speaker Cantor? If you think the House is obstructionist now, just contemplate for one moment what it would be like with someone *to the right* of Boehner in control.

Boehner will likely try to thread the needle on immigration. Or, should you prefer a different metaphor, he'll try to carefully walk this tightrope. Because, as mentioned earlier, this is not a one-stage process. And Boehner has already been indicating which way the first stage is going to happen. Boehner will let the Tea Partiers lead the process for at least the month of July (and perhaps September, if they drag their feet enough). The Tea Partiers' preference is for a whole passel of bills rather than one single bill. This is for a reason -- to force as many politically-tough votes on Democrats as possible, so Republican candidates can then go campaign with ads that say: "Representative Smith actually *voted against* an alligator-filled moat at our southern border -- vote a Republican into his seat! Paid for by Alligators For Republicans, Inc." They also are splitting it up into lots of bills to disguise the fact that they have absolutely no intention of passing any possible chance of citizenship in *any* of them. They are already aware that this is the one non-negotiable item from the Senate, but they are simply not going to go along with it.

After the Tea Party frenzy of bills is complete (or complete enough), the process moves on to the *real* haggling -- the conference committee between the House and the Senate. These committees are formed when each house passes different bills on the same basic subject. They are supposed to reach a compromise which can still pass both houses, so the bill can become law. That's the way it is *supposed* to work, at any rate.

This is the point when Boehner's intentions will become clear. Because who gets named to this conference committee is going to be crucial. If Boehner packs the House side of the committee with hardline Tea Partiers, then no bill will emerge from the committee at all. But if Boehner

names at least enough moderates to vote a reasonable compromise bill out of committee, then he will be indicating that he really does want to see a bill pass in the end.

Boehner, at this point, will feel he has insulated himself at least from the worst of the criticism from his own party. If no bill emerges that can pass both houses, then Boehner can say: "Well, we tried -- the House passed immigration reform, but the Democrats killed it." This will be the campaign rhetoric deployed on the Republican side -- they *really wanted* to reform immigration, but it was just a bridge too far with those dastardly Democrats. If a bill does emerge that Boehner allows a vote on -- and if that bill passes with mostly Democrats voting for it -- then he can say to the Tea Partiers: "Hey, we tried your ideas -- I allowed you guys to write the original bills using regular process. But the Senate Democrats forced us to change everything. You had your votes, you've got plenty to campaign on, but we had to pass the bill from the conference committee and not yours, sorry." Whether they'd buy it or not is another question, but Boehner has used this tactic before with them, so it's easy to see him attempting it again. Boehner may try to placate all sides by allowing the Tea Partiers to begin the process, and the establishment Republicans to finish it.

What this means, unfortunately, is a whole lot of demagoguery and scapegoating for the foreseeable future in the House. For at least the next month, this ugliness is going to be on full display. There are many House Republicans who don't have any Latino voters (or few enough not to matter) to worry about back home in their districts. They don't buy into the idea that demographics are going to kill their chances to win nationwide presidential elections, therefore they will feel free to speak their mind on immigrants during the debate. In fact, I can easily see a sort of one-upmanship taking hold, where the bills proposed will become more and more harsh, as Republicans fall all over themselves in competition for the "Toughest Republican in the House on Immigration" award.

Bear in mind throughout all of this that none of it is likely to matter, because the worst excesses will never make it into law. Boehner's chosen solution to his dilemma is going to become apparent when he names the conference committee. The list of people he chooses to sit on this committee will either guarantee that no bill at all is going to make it to President Obama's desk this year, or it will allow some sort of compromise to have a chance of passing. Until we get to that point, Boehner is going to give the Tea Partiers the lead role, but if he names some reasonable people to the committee, then all the heat of the July debate will have been nothing more than a sideshow staged specifically to mollify the base. Whether they remain mollified or not is an open question, of course.

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