

Supreme Court Hearing Exposes What's at Stake in 2016

If anyone really expected the Supreme Court's four Democratic appointees to impartially weigh the constitutional issues in the Obama amnesty for illegal aliens case (*United States v. Texas*), yesterday's oral arguments disclosed the true depth of their political corruption.

Justices Breyer, Sotomayor, Ginsburg and Kagan clearly had no interest in exploring the constitutional limits on executive power or Obama's clear violation of the Administrative Procedures Act in promulgating rules without the requisite notice and public input.

Their interest was in upholding the *result* of Obama's Far-Left liberal agenda, no matter what the constitutional implications.

While conservative Justice Samuel Alito said flatly, "I don't see how there is not injury in fact here," the liberal Justices were intentionally blind to the cost to states of Obama's actions.

"I'm focusing on the narrow question of how Texas is hurt, specifically, and not a political disagreement," Justice Breyer said, adding, "How are they specifically hurt by giving these people driver's licenses?"

Aside from the plain common sense conclusion that conducting government business (e.g., issuing a driver's license) costs money, there are plenty of studies showing the vast cost to states of illegal immigration.

Back in 2011 our friends at the Federation for American Immigration Reform (FAIR) did a study that concluded, "California, facing a budget deficit of \$14.4 billion in

2010-2011, is hit with an estimated \$21.8 billion in annual expenditures on illegal aliens. New York's \$6.8 billion deficit is smaller than its \$9.5 billion in yearly illegal alien costs."

But the whole point of the Democratic appointees was not to plumb the depths of the economic impact of illegal immigration, but rather to invoke the judge-made doctrine of "standing" to dismiss the case and essentially to bar the states from suing Obama in the first place.

Likewise, the important constitutional issue of "faithful execution" was not really explored—it was a given among the Democratic appointees that Obama could simply refuse to enforce any law he chose not to enforce.

Justice Anthony Kennedy, who ABC Radio noted is often seen as the Supreme Court's swing vote, was the only one to really question the scope of presidential discretion.

"What we're doing is defining the limits of discretion and it seems to me that is a legislative, not an executive act," he said, continuing, "It's as if ... the president is setting the policy and the Congress is executing it. That's just upside down."

Justice Kagan and the court's more liberal justices argued the phrase "lawfully present" didn't expand federal laws for immigrants. Justice Kagan said the federal government still has the right to deport at any time. She described the effect of the policy as "you will not be deported unless we change our minds."

"You will not be deported unless we change our minds" turns the rule of law on its head and is the essence of the kind of arbitrary and capricious rule that kings and tyrants use to enforce their will.

But Justice Kagan's point did make it clear that the real

issue in this case is not “discretion,” *but whether or not there is any limit at all on presidential power.*

And it was clear from yesterday’s hearings that the Democratic appointees to the Supreme Court would answer that question as “NO”—the Constitution does not limit the President’s executive power, as long as there’s a Democrat in the White House.

As CHQ Chairman Richard A. Viguerie and attorney Mark J. Fitzgibbons pointed out in their e-pamphlet “The Law that Governs Government,” for many years the political establishment has shown contempt for the Constitution and rigged the rules to protect and hide its lawbreaking.

From unilaterally granting amnesty to a select group of illegal aliens, to trampling on the religious freedom and freedom of conscience of American Catholics and other Christians, to using unmanned drones to gather information for federal regulatory and law enforcement agencies, to ignoring Congressional subpoenas, to trying to use the FCC to regulate the internet even after a federal court held it had no authority to do so, this endemic government lawbreaking has gotten progressively worse under Obama.

In the Federalist No. 44, James Madison wrote that:

the success of the usurpation [of power by the Congress] will depend on the executive and judiciary departments, which are to expound and give effect to the legislative acts; and in the last resort a remedy must be obtained from the people who can, by the election of more faithful representatives, annul the acts of the usurpers.

What Madison meant was that voters provide the final answer when government is presented with an intractable situation or gridlock. Such is the case now.

Unless the voters act to rein in the executive by electing a President who is faithful to the Constitution, and who will

ensure that judges who are faithful to the Constitution are appointed to the Supreme Court and lower federal courts, America's slow slide toward tyranny will continue.