

Something to Think About



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COMMON CENTS

Well, he said he was going to do it, and he did it. After a pretty dismal year professionally, one of the worst I have witnessed, President Obama took the proverbial bull by the horns, and effectively altered the existing immigration and naturalization laws on the books. It was certainly a decisive, and divisive, act.

Frankly, I found much I liked when I read the highlights of the President's plan at whitehouse.gov. In truth, I suspect there are plenty of Republicans on Capitol Hill who would tell you the same after a couple of drinks and off the record, of course.

Here are some of the pertinent points on the website:

It is just not practical to deport 11 million undocumented immigrants living within our borders. The President's proposal provides undocumented immigrants a legal way to earn citizenship that will encourage them to come out of the shadows so they can pay their taxes and play by the same rules as everyone else. Immigrants living here illegally must be held responsible for their actions by passing national security and criminal background checks, paying taxes and a penalty, going to the back of the line, and learning English before they can earn their citizenship. There will be no uncertainty about their ability to become U.S. citizens if they meet these eligibility criteria. The proposal will also stop punishing innocent young people brought to the country through no fault of their own by their parents and give them a chance to earn their citizenship more quickly if they serve in the military or pursue higher education.

The President's Proposal

Create a provisional legal status.

Undocumented immigrants must come forward and register, submit biometric data, pass criminal background and national security checks, and pay fees and penalties before they will be eligible for a provisional legal status. Agricultural workers and those who entered the United States as children would be eligible for the same program. Individuals must wait until the existing legal immigration backlogs are cleared before getting in line to apply for lawful permanent residency (i.e. a "green card"), and ultimately United States citizenship. Consistent with current law, people with provisional legal status will not be eligible for welfare or other federal benefits, including subsidies or tax credits under the new health care law.

Create strict requirements to qualify for lawful permanent resident status.

Those applying for green cards must pay their taxes, pass additional criminal background and national security checks, register for Selective Service (where applicable), pay additional fees and penalties, and learn English and U.S. civics. As under current law, five years after receiving a green card, individuals will be eligible to apply for U.S. citizenship like every other legal permanent resident.

Earned citizenship for DREAMers.

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Considering our history, I can think of nothing more American than an immigrant.

Conor Oberst

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Children brought here illegally through no fault of their own by their parent will be eligible for earned citizenship. By going to college or serving honorably in the Armed Forces for at least two years, these children should be given an expedited opportunity to earn their citizenship. The President's proposal brings these undocumented immigrants out of the shadows.

The President is absolutely right in that first line of that first paragraph: "It is just not practical to deport 11 million undocumented immigrants living within our borders." Chalk that one up with "the sun is going to come up in the East tomorrow morning." I mean, for all those who want to "deport them all," well, how are you going to find all of them? How are you going to ship them back to wherever it is from whence they came? How are you going to feed and shelter this mass of humanity during the deportation process? Finally, who is going to do it? Certainly, the Department of Homeland Security doesn't have the manpower or resources to do it. So, do you bring in the Army? I guess at the point of a gun? That is a little unseemly, isn't it?

Then what of the economy? I don't care a fig what anyone says to the contrary, you simply don't remove 11 million consumers, the size of the Netherlands, and not feel a bit of a hit. Legal or not, these people feed, clothe, and house themselves. They have to get around, and, you know, probably occasionally drink a beer and do some of the things you like to do. All of that has an economic impact.

While the devil is in the details, as he always is, I suppose you can say, at first blush, I like a lot of what the President is attempting to accomplish here, a lot. Shoot, I would vote for it if I were in the Congress, even sponsor the darn bill (from what I have seen of the Executive Order's provisions). However, I absolutely hate how he has gone about it.

Make no mistake about it: this isn't your run of the mill Executive Order. This is a circumnavigation of existing law, operating procedure, and parliamentary procedure. Hey, I loathe committee work, especially when the committee has 435 members, with another 100 across the hall. However, just because a President, any President, can't get legislation through the Congress doesn't mean they can just say to "hell with it," and go do it on their own.

Yes, the Republicans have been petulant with President Obama, to the point of being obstinate. Hey, I vote Republican 90% of the time, so I feel free writing that. But why? Well, because the President has been petulant and obstinate with Republicans. It is a farce, but it isn't funny. Further, this action by the President isn't really leadership, it isn't. As Dwight Eisenhower, who was a pretty awesome leader, had this to say about it: **"Leadership is the art of getting someone else to do something you want done because he wants to do it."** The fact the President has done what he has done here with immigration suggests he lacks adequate leadership skills.

...and it also sets an acrimonious tone for the next two years, which are going to be absolutely miserable in Washington, just miserable. That wouldn't be a bad thing if there weren't so much to get done. Frankly, we have too many problems in our country for our elected leaders, and I use that term loosely, to act like truculent teenagers. Enough already, or should I say: Basta!

IN the end, here is what I submitted to the Montgomery Advertiser for this Sunday's edition. I think it reasonably fair, and so do my co-workers who have read it, but we are a pretty conservative lot.

What economic impact will the President's announcement on immigration reform have?

The overall economic impact of any immigration reform is likely to be negligible. Granting amnesty to people already living and working in the United States does little to boost overall national output, as it is simply an admission of the obvious.

No one can deny there are a lot of people in this country who haven't followed our rules to get here. No one can deny these people consume products, services, and pay rents or mortgages. No one can deny a lot of them work very hard, and take full advantage of economic opportunities they didn't have in their home countries. Finally, no one can deny some percentage of these immigrants make full use of the social safety nets and educational systems designed for US citizens.

Something to Think About Cont.

So, granting illegal immigrants some form of amnesty? It makes for better political theater than for an economic boost in the short-term. In the long-term, however, it presents a problem.

Is it actually legal to enact by Executive Order something as immense as some type of immigration reform?

Historically, one of our nation's greatest economic strengths, if not the greatest, has been the rule of law. Frankly, it doesn't matter what the law is, as long as it is well-established and, ideally, evenly enforced. It can't fluctuate with the whims of contemporary public opinion or the personality of a single individual.

This is why our Founding Fathers established our nation's system of checks and balances: to prevent the central government from being arbitrary and capricious. To this day, this is more unique than we, as Americans, can imagine.

And it has served us well. So much so, we should be extremely hesitant to upset this particular applecart.

Ordinarily, Presidents sign Executive Orders to outline, manage, or clarify the operating procedures of the various agencies within the Administration. President Obama is certainly not the first Chief Executive to issue one, as the only one not to do so was William Henry Harrison, who served all of 32 days in office. In fact, to date, Obama has issued far fewer than his predecessor, George W. Bush, and roughly half what Ronald Reagan did. So, Executive Orders aren't unique.

Now, any Executive Order granting amnesty (of some type) to illegal immigrants is basically the Administration's way of saying it is choosing not to enforce existing immigration laws passed by Congress, or, at least, selectively enforcing them. Herein lies the rub. The President has the authority to manage the various agencies of the Administration, no argument. However, Article II, section 3, clause 5 of the US Constitution states: "he shall take Care that the Laws be faithfully executed."

In this case, Article I, section 8 of the Constitution, the Congress has the power to: "...establish a uniform Rule of Naturalization. This most recent iterations of which are the Immigration and Naturalization Act(s) of 1952 and 1965, which are part of the US legal code (8 U.S.C. ch 12). As such, there are already constitutional laws on the books which address this issue.

So, this is a very thin line we are treading here, very thin. So much so, I can't imagine this not getting bogged down in the courts for at least the next two years.

In the end, what the rules actually are matters less than how we enact and enforce them. That will determine the economic impact of this past week's action.

On a separate note, The People's Bank of China reduced the overnight lending target in that country, by surprise, and the world's markets are rallying like crazy this morning. That shows you just how much global investors think of immigration reform in the United States.

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