THE PHYLLIS SCHLAFLY REPORT

Opportunity at the Border

April 9, 2019 by John & Andy Schlafly

Reports that Stephen Miller is back in charge on border security are welcome, and even overdue. The departure of Kirstjen Nielsen as Secretary of Homeland Security creates a golden opportunity for President Trump and the American people to take control of our southern border, just in time for Trump's reelection campaign.

President Andrew Jackson had to fire two of his Treasury Secretaries before he finally found one who would implement his policy against a national bank, which was Jackson's core issue. President Trump, the modern president most like Jackson in style, can pick a Homeland Security Secretary who will implement Trump's policies on border security.

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Trump's first two Homeland Security Secretaries were fine folks, but neither had sufficient litigation experience in how to navigate the hostility of liberal courts to real border security. Everything President Trump tries to do to protect our country at our southern border is blocked by lawsuits filed in activist courts.

Kobach has been litigating on the right side of this issue for years, winning some while being harshly treated by liberal judges in others. He's the man the Leftists most want to prevent from becoming Secretary of Homeland Security, which simply reinforces how important it is for Trump to nominate him for this job or appoint him as immigration czar.

Kobach has explained that the Homeland Security Department has been the "biggest impediment" to Trump accomplishing at the border what he was elected to do. Career workers there have slow-walked or outright rejected the sensible changes that Trump and his top aide on this issue, Stephen Miller, have sought.

For now, the U.S. Customs and Border Protection Commissioner Kevin McAleenan will temporarily replace Nielsen as acting secretary. McAleenan is hard-working and widely respected, but nothing in his background suggests a willingness to anticipate and

overcome the judicial activism which thwarts President Trump's attempts to secure the border.

Instead, McAleenan looks for ways to accomplish more within the framework imposed by the courts and prior administrations. That approach will not get the job done, as nearly everyone on both sides of the issue recognizes.

What is needed is a decisive leader on this fundamental issue, as Trump himself has been. Kobach explained on Monday three big improvements Trump could do immediately for the border.

First, the Trump Administration should issue a regulation that replaces the court-ordered "Flores" settlement which generally requires releasing teenage and younger illegal aliens from custody. That Flores settlement, named after a 15-year-old girl who came here illegally from El Salvador, was a pro-illegal immigration deal cut by the Clinton Administration and used by the ACLU to interfere with Trump's border control.

Second, Trump could require that asylum applications be processed near the border, including housing the illegal aliens in thousands of trailers available to FEMA, the Federal Emergency Management Agency. Judges should be sent to the border to review and adjudicate the asylum applications there, rather than allowing the illegal aliens to disperse throughout our country before their applications are rejected.

Judges would rule more quickly on the asylum applications under Kobach's proposal, and word would get back to the countries south of the border that no one will be allowed into the United States pending a frivolous application for asylum. The game of claiming asylum and then evading deportation by exploiting the delay in the processing of the application would be over.

Third, Kobach suggests that the Treasury Department issue a regulation ending the common practice of illegal aliens wiring money in remittances back home. Currently Mexico has an incentive to send illegal aliens here because they transfer billions of American dollars annually back home after they get here, which obviously is profitable to Mexico.

Unlike Canada, Mexico has refused to sign a "safe third country agreement" which requires migrants to apply for asylum in the first safe country they arrive in. Mexico allows hundreds of thousands of migrants to travel through their country in order to seek asylum in the United States, rather than in Mexico.

Kobach has been litigating against the ACLU and other enemies of Trump for decades, and his wealth of experience in dealing with activist pro-immigration courts is essential to making any real progress. Kobach has unmatched experience on election fraud by

illegal aliens, housing and job problems caused by illegal aliens, and the unfair in-state tuition granted by some public universities to illegals.

“We’re bucking a court system that never rules for us,” Trump observed about judicial activism. Trump should “lawyer up” by picking Kobach to implement real border security.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.