

Opinion

With dog on their heels, leaders must speed immigration fix

By DENNIS GRUBAUGH

There's a bulldog on my street. Every time I pass him on my morning walk, he charges his fence, generally going bal-



Grubaugh

listic at an early hour and waking everyone else. Best to ignore him, I figure, despite the noise. What happens, though, when that beleaguered pooch manages to get over, through or under his fence? One way or another, I'm going to have to have a plan.

America faces a similar problem with immigration: Fenced-in migrants, trying their best to get out of their country and into ours. Everyone notices, but there is no plan. Higher fences aren't helping. Opening gates certainly isn't. Ignoring the situation is the worst option.

Meanwhile, the very people our nation has come to depend on to make our economy thrive are left to flounder. And, in recent weeks, they've also been victimized by stunts that purported "leaders" should be ashamed to admit.

Tactics used by the governors of Texas and Florida – haphazardly shipping illegals

to other states — may be done under the pretense of building public awareness, but they are political ploys, plain and simple. Do something spectacular and people notice. The hateful shenanigans are hardly becoming of anyone wanting votes.

We've gone long enough moving this football – punting, passing, kicking. It's time we address two essential problems: the 11 million people already in this country who have been unable to become legal citizens; and the broken system that is only able to process just under one million potential citizens each year.

We've come close a few times, but each new administration in this century compounded the problem, managing to take two steps back for every one forward. The divisive rhetoric that clouds the subject is unbecoming of American greatness, and what's lost is a basic fact: No resident of this country is without immigrant ancestry. We should be proud of our heritage. We should be proud of our cultural diversity. Instead, too many of us are disdainful.

Republicans want to put up a wall, apparently fearful of making legal the millions of people who are unlikely to vote for them. Democrats, on the other extreme, want to welcome potential supporters but are oblivious to how they tax our system.

There is, of course, room for compromise but no one seems willing to find it. This is not an infrastructure improvement plan about which everyone can brag.

Coming into Biden's term, there was hope that sensitivity would prevail, but progress has been minimal, even as the rhetoric ratchets up:

- Vice President Kamala Harris was made the "point person" in the administration for addressing the migrant problem. Nothing of substance has materialized in the first two years.

- On Oct. 5, a federal appeals court affirmed a 2021 lower court decision that deemed as illegal the Deferred Action for Childhood Arrivals — the so-called Dreamers program. Judges allowed current DACA recipients to renew their status, which will keep the program unchanged but its future uncertain.

- U.S. Sen. Josh Hawley, the self-serving Missouri Republican, filed legislation that would give state and local officials the authority to patrol the border and enforce federal immigration law. That's flatly unconstitutional with little chance of passage. Humility, though, has never been Hawley's standard.

U.S. Senate Majority Whip Dick Durbin of Illinois, who has traditionally been a good steward of the public's trust, has introduced legislation to expand a pathway to legal permanent resident status for millions of long-term U.S. residents. The Renewing Immigration Provisions of the Immigration Act of 1929 would update the existing registry

statute so that immigrants may qualify for legal status if they have lived in the U.S. continuously for at least seven years and are of good moral character.

Durbin, however, has failed in other, thoughtful proposals, so the jury remains out. Still, it's the most progressive action we've seen this term.

According to FWD.us, an immigration lobbying group, if the undocumented individuals covered in this bill became citizens, they would contribute approximately \$83 billion to the U.S. economy annually and about \$27 billion in taxes.

Meanwhile, America's labor force goes without workers. Staffing shortfalls are being felt everywhere, but particularly in health care, hospitality and education. A recent Labor Department estimate says the share of working-age Americans who have a job or are looking for one is at 62.4 percent. That's a full percentage point lower than it was in February 2020. Early retirements, the massive slowdown in immigration that began during the Trump administration, and the pandemic are all cited as reasons.

With more than 10 million job openings and around 6 million unemployed workers, we can ill afford to put off this immigration issue much longer.

Dennis Grubaugh is retired editor of the Illinois Business Journal.

Once and for all, the Electoral College must go

By ALAN J. ORTBALS

Long-time IBJ readers are well aware of my disdain for the electoral college. As I've detailed multiple reasons for my



Ortbals

contempt over the years, I won't recount those earlier misadventures. But there is a new event coming later this year, heading down the track at us like the train in the classic American western High Noon. It could turn out to be the most dangerous threat

to our republic in our 233-year history.

The U.S. Supreme Court, packed with conservative ideologues, has agreed to hear the case of *Moore v. Harper*, a petition filed by the Speaker of the North Carolina House of Representatives against a group of nondescript Democrats, one of whom is Rebecca Harper, a real estate agent from Cary, NC, regarding gerrymandering.

The suit was originally filed about a

year ago challenging the new district maps adopted by the Republican-controlled legislature. The map had been finagled in such a way to produce 10 safe Republican Congressional seats to just four for Democrats. This in a state that Trump won by just 1.34 percent over Biden.

The state Supreme Court rejected the GOP map as blatantly gerrymandered. Moore and his compatriots are taking the position that the court has no authority to intervene under what is called the "independent legislature theory."

This so-called theory is based on a literal reading of two similar provisions of the U.S. Constitution. The one at issue in the North Carolina case, the Elections Clause, says: "The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof."

Moore, et al claim that sentence gives the legislature supreme power to configure and hold elections anyway they want unfettered by those pesky courts and gerrymander districts to their heart's content. The fact that the SCOTUS is even willing to entertain such an idea is scary enough, but it could go even further.

As we recently saw in the *Dobbs* abortion case, the court is not limited to

simply deciding the matter in front of them but can expand its ruling to cover associated issues. This certainly appears likely to come into play in this instance because the Electors Clause of the Constitution uses similar language regarding the selection of electors. Four of the justices have already signaled their openness to the independent legislature theory and that was before Barrett joined the court.

If even 5 of the gang of 6 (Roberts, Thomas, Alito, Gorsuch, Kavanaugh and Barrett) buy the independent legislature theory in the instance of gerrymandering, they will almost certainly buy it regarding the appointment of electors. And that would be the end of the great experiment of American democracy as state legislatures would be empowered to decide the presidency regardless of the popular vote. The electoral college is the foundation of this mess.

It is beyond time to abolish this archaic and anachronistic relic of the Constitution and elect presidents by popular vote. As we saw in the last election, the electoral system is simply too tempting a target for evildoers. If the president was elected by the popular vote, Trump would not have called Georgia's Secre-

tary of State asking him to find 11,780 votes. There wouldn't be any "forensic audits" like that freak show in Arizona. No one would be engineering a fake elector scheme to try to steal the election. There would be no point in people like Josh Hawley, Ted Cruz and their sidekicks in the House proclaiming their objections to individual state electors. And, going back to the ugly election of 2000, no one would have spent weeks examining hanging chads with magnifying glasses because it just wouldn't have mattered.

The electoral college system causes all of this because a win by as little as a single vote can get a candidate as much as 20 percent of the electoral votes needed to claim the White House.

Congress is fiddling around with the Electoral Count Act to try to head off the kind of pressure Vice President Mike Pence was subjected to on January 6th but that's of little use if gerrymandered state legislatures can decide the issue on their own. Once and for all, the electoral college must go.

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