

# US Supreme Court deadlock leaves right-wing lower court immigration ruling in effect

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Thursday morning the Supreme Court issued a terse one-line decision, “The judgment is affirmed by an equally divided Court,” in *United States v. Texas*, a case arising from the Obama administration’s November 2014 “guidance” that would have deferred deportation for certain immigrants, principally young people who grew up in the United States without papers and undocumented parents of citizen children.

In a case filed by Texas, along with 25 other states, in the border town of Brownsville, a United States district judge enjoined the Obama administration’s deferred-action program, ruling that the states had “standing” on the flimsy ground that they incur the expense of providing drivers’ licenses to the additional inhabitants. Judge Andrew S. Hanen then agreed with the challengers and invalidated the program altogether, finding that the Obama administration did not follow the necessary procedures for adopting regulations under the federal immigration statute.

The district judge’s ruling was upheld 2-1 by a panel of the United States Court of Appeals for the Fifth Circuit, which covers most of the Deep South. The Supreme Court’s decision leaves these reactionary rulings in effect, but creates no national precedent binding on other federal courts.

The case has been considered a bellwether for executive authority over immigration, particularly since last January when the Supreme Court issued an extraordinary order that directed the parties to address whether “deferred action” violates a constitutional provision, Article II, Section 3, stating that the executive branch “shall take care that the laws be faithfully executed.”

With the death of Associate Justice Antonin Scalia, last April’s oral argument seemed perfunctory, as the eight justices appeared to be divided evenly and unable

to find any common ground for compromise.

While the Texas court’s injunction purports to be national in scope, there is nothing to stop a district court outside the Fifth Circuit from entering a contrary ruling and creating a conflict in the lower courts. To date none has done so, however.

Thursday’s ruling has been portrayed in major media outlets, including *The New York Times*, as “effectively ending what Mr. Obama had hoped would become one of his central legacies,” the shielding of “as many as five million undocumented immigrants from deportation.”

Obama’s proposed measure would have meant merely a temporary stay on deportations of some undocumented immigrants, who, treated as criminals, would have to register with the Federal government and could subsequently be deported at its discretion.

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In fact, the Obama administration has for years waged a relentless campaign against immigrants, deporting an estimated 2.5 million people since coming to power in 2009—23 percent more than under Republican president George W. Bush and more than all 20th century presidents combined.

Commenting on the “unfortunate” decision, Obama boasted of his own right-wing anti-immigrant credentials, declaring, “Since I took office, we’ve deployed more border agents and technology to our southern border than ever before. That has helped cut illegal border crossings to their lowest levels since the 1970s.”

Reuters news reported last month that the Obama administration would be targeting Central American immigrants, among the most impoverished at-risk people seeking refuge in the United States. Obama

administration officials told Reuters that the raids would specifically target mothers and their children, as well as orphans and other children traveling alone. According to current estimates, the Obama administration has close to 30,000 orphans and unaccompanied children detained under barbaric and inhumane conditions.



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