

Federalism Necessitates That Congress Put the Brakes on Passing the Proposed Comprehensive Immigration Reform Legislation

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At more than several hundred pages, the proposed legislation cobbled together by a small group of Senators and Cabinet members aims to solve our long-standing immigration woes. While we can take the words of those who crafted the comprehensive immigration reform package that it is a good solution to a complex problem, as President Ronald Reagan once observed, we also should "verify" that it is. Hence, before ramming such a large bill that left many critical players out of the drafting process, the Congress should carefully review the proposed legislation to ensure that it doesn't harm America as the last immigration reform package did in 1986.

Even more critical, the Congress should allow those most impacted by the proposed legislation -- state and local governments and the private sector -- an opportunity to thoroughly review the proposed legislation and provide comments to the Congress. Federalism mandates nothing less than such an approach. Otherwise, state and local governments will find themselves straddled with billions in unfunded mandates and obligations similar to the Real ID act.

While it was comforting when the Senate decided to extend the debate of the proposed legislation beyond the announced one week, the two weeks that the Congress has scheduled for debate and passage still is simply too little time. Many state legislators and governors currently are occupied by their own legislative sessions, so have little time left to comprehensively review the legislation, conduct economic analyses to determine the possible impact to their budgets, and then provide the Congress with their views.

An even more critical reason to give state and local governments an opportunity to review and comment on the proposed legislation is because they are the ones closest to the people and, presumably, have the best sense of what the people desire. During the last election cycle, the people did "speak" on this issue by the votes they cast in state ballot initiatives and by way of their state elected leaders. Based on those votes, there should be serious reservations in the Congress as to whether the people support the proposed legislation or not.

Specifically, in both Colorado and Arizona, voters passed six ballot initiatives all aimed at restricting benefits to illegal immigrants and punishing employers who violate the law. The Arizona ballot initiatives passed with substantial three-to-one margins. Given that many consider Arizona as ground zero in the illegal immigration battles, the Congress should take special note of what the people in Arizona said just six months ago. In Colorado, the voters – by a 56 to 44 margin – passed a ballot

initiative that requires the state to sue the federal government to enforce existing immigration laws.

As for legislative bills signed into law, several states passed laws that were signed by the governors further restricting benefits for illegal immigrants and stiffening penalties for employers who violate the law. The most restrictive laws came from Georgia and Virginia. In all roughly 570 bills were filed in state legislatures, 90 bills passed, and 84 were signed into law. Many experts expect even greater activity during in 2007.

Another ominous sign coming from the states is that many of the supporters of the proposed legislation have arrived in their home states only to be castigated by the people. Most people believe strongly that America must solve its immigration problems. While it is easy to dismiss the people as xenophobic or protectionist, the reality is that Americans understand too well the importance immigration has to renewing our economic vitality. Americans want immigrants to come here to study, work, and live. Unlike in Europe, America has a strong tradition of assimilating its immigrants so that within one or two generations, the sons and granddaughters of yesterday's immigrants are tomorrow's doctors, lawyers, and leaders.

Our Nation is indeed a nation of immigrants. It also a nation founded, built upon, and wholly dependent on the sanctity we give to the rule of law. It is what distinguishes us from those countries run by dictators and false democrats. Americans understand that we shouldn't cast-aside that sanctity too lightly. All too often we hear politicians in Washington, D.C., say the words, but then they vote for legislation that gives lip service to the rule of law. We cannot afford to continue sacrificing sound public policy at the alter of political expediency. It is the way of Washington, D.C., but not the way in all of those places outside the Beltway where the people live, work, and dream.

This proposed comprehensive immigration reform might be the solution to our immigration problems. If it is, then it should be able to withstand the scrutiny, political debate, and comprehensive reviews by the state and local governments and the private sector that today bear the burden of our failed immigration system. Let the debate be robust and respectful, but for the sake of federalism, let the people have a say.

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