

August 23, 2010

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

There have been reports that your administration is considering usage of its administrative authority to effectively legalize significant numbers of illegal aliens. We strongly urge that you refrain from pursuing that tactic. We believe that such an abuse of power would further polarize the immigration issue, which already is so controversial that reasonable discussion is confounded.

Eight U.S. Senators recently raised this concern in a letter to you:

“We understand that there’s a push for your Administration to develop a plan to unilaterally extend either deferred action or parole to millions of illegal aliens in the United States. We understand that the Administration may include aliens who have willfully overstayed their visas or filed for benefits knowing that they will not be eligible for a status for years to come. We understand that deferred action and parole are discretionary actions reserved for individual cases that present unusual, emergent or humanitarian circumstances. Deferred action and parole were not intended to be used to confer a status or offer protection to large groups of illegal aliens, even if the agency claims that they look at each case on a ‘case-by-case’ basis.”

As you know, Congress alone possesses plenary power over making our immigration policy. The administrative branch has limited discretion for dealing with aliens and quite limited policymaking authority, and the judiciary has even less of a role — and certainly no legitimate role in setting policy. Arguably, states have more authority over those things connected with the consequences of immigration, insofar as they relate to state police powers and preservation of limited state resources, than do the federal administrative and judicial branches.

Parole authority and deferred action are intended only for handling extraordinary cases and applied only on a case-by-case basis. Were these very narrow, individual-case authorities unilaterally expanded to groups or classes of aliens, that action would constitute not only abuse of power, it would feed public cynicism.

During the health care debate, abuses of the legislative process made a controversial issue even more controversial. They abused the public trust. The procedural irregularities and certain questionable administrative actions fed the flames of public outrage. They diminished any opportunity for engaging in constructive policymaking. Many observers believe that if health reform had followed the regular legislative process and taken the high ground, it would have produced a more widely supported, if narrower, bill.

When the Senate took up the immigration issue in 2006 and 2007, at least the debate occurred in the proper venue: the legislature. In those instances, proponents of comprehensive immigration reform mounted substantial efforts in its support, but the American people vigorously rejected the legislation being promoted. While certain aspects of those debates attempted to manipulate the process, ultimately the American public spoke and prevailed. Perhaps everyone preferred a different outcome, but those debates respected the procedure of legitimate debate and properly reserved lawmaking to the legislative branch.

If there is to be further debate on immigration policy, it rightfully should take place in the legislative branch. Misusing what is supposed to be limited, extraordinary-individual-case discretion to achieve what is tantamount to major policy changes is not legitimate. As the Senators' letter put it, "[executive actions] should not be used to circumvent Congress' constitutional authority to legislate immigration policy, particularly as it relates to the illegal population in the United States."

We strongly urge you to shut off any and all efforts to employ executive authorities, including deferred action and parole, as means of enabling sizeable numbers of the 11 million or more illegal immigrants to obtain legal status and remain in this country, and that you issue an unambiguous statement of administration policy to that effect.

Sincerely,

Colin Hanna
President
Let Freedom Ring

Roy Beck
President
NumbersUSA

Phyllis Schlafly
Founder and President
Eagle Forum

William Greene, Ph.D.
President
RightMarch.com

Lisa Miller
Founder
Tea Party WDC

Jayne Cannava
Executive Director
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Carmen Mercer
President
Minuteman Civil Defense Corp.
And Minuteman Foundation

Tom Fitton
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Curt Levey
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Committee for Justice

Richard A. Viguerie
Chairman
Conservative HQ.com

cc: Senate Majority Leader Harry Reid
Senate Minority Leader Mitch McConnell
House Speaker Nancy Pelosi
House Minority Leader John Boehner