

Example of essay on federalism and immigration

[Sociology](#), [Immigration](#)



“ Arizona Joins Other States in Federal Immigration Lawsuit” (Hennesy-Fiske) was an article I located in the Los Angeles Times. Arizona, which is a border state has joined in a lawsuit brought by 17 other states against the federal government and immigration agencies. The lawsuit was filed in Brownsville, Texas on Wednesday December 3, 2014. The reason for this lawsuit is that the states feel the president’s executive action regarding immigration is unconstitutional. Of the thirteen states involved in the lawsuit, two, Texas and Arizona are border states. Governor Jan Brewer of Arizona stated that is the court’s responsibility to “ strike down this presidential fiat and uphold the fundamental principles upon which this country was built” (Hennesy-Fiske). Of the states represented in the lawsuit, most of them are headed by Republican governors or attorney generals. The other states who joined the lawsuit are: Alabama; Georgia; Idaho; Indiana; Kansas; Louisiana; Maine; Mississippi; Montana, Nebraska; North Carolina; South Carolina, South Dakota, Utah; West Virginia and Wisconsin. Recently President Obama stated that he would circumvent Congress to make changes in immigration policy. The details have yet to be worked out, but the White House has confirmed that one of the major ideas of the executive order would be: illegal parents of U. S. citizens would be allowed to stay and work in this country and extending the deportment deferments of immigrants who were brought to the United States as children. On November 20, 2014, Obama unveiled his plan on immigration reform. Governor Jan Brewer (GA) stated, “ As a border state bearing the brunt of our nation’s broken immigration system a crisis exacerbated by the president’s reckless immigration policies

and refusal to enforce the law - our state and our citizens have had enough” (Hennesy-Fiske).

The first plaintiff of the lawsuit is the attorney general of Texas and the governor-elect, Greg Abbott. Abbot accused Obama of issuing, “ an executive decree that requires federal agencies to award legal benefits to individuals whose conduct contradicts the priorities of Congress” (Hennesy-Fiske). There was an influx of 68, 000 immigrant children into Texas last summer. Texas responded by beefing up border security and the influx has slowed down considerably. Concern for the humanitarian crisis that is occurring in these border states is the motivation for the bringing of the lawsuit. The article states that the Abbott also expressed this concern Obama’s plan would “ exacerbate the humanitarian crisis along the southern border, which will affect increased state investment in law enforcement, health care and education”(Weissert). Also named as defendants in the lawsuit are the heads of: Department of Homeland Security; U. S. Customs and Border Protection; U. S. Citizenship and Immigration Services and U. S. Immigration and Customs Enforcement. It was noted by officials in filing the lawsuit, “ This lawsuit is not about immigration. It is about the rule of law, presidential power and the structural limits of the U. S. Constitution” ((Hennesy-Fiske). The lawsuit argues that the president is ignoring the U. S. Constitution which states that the president, “ take care that the Laws be faithfully executed”.

The White House has responded the lawsuit. Brandi Hoffine, the White House spokeswoman stated, “ The Supreme Court and Congress have made clear that federal officials can set priorities in enforcing our immigration laws, and

we are confident that the president's executive actions are well within his legal authorities" (Hennesy-Fiske). The White House has outlined Obama's plan on their website. Other key points in the plan are strengthening border security, streamlining the process of becoming a citizen, letting current illegal immigrants to earn citizenship and cracking down on employers who hire illegal immigrants.

How does federalism apply to this story? Federalism is " a system of government in which significant government powers and authority are divided between the central government and its smaller governmental units". The United States is the first nation to develop such a style of government. This article exemplifies the struggles that can erupt between the central government, in this article the president and a smaller, governmental unit, the states. According to the Tenth Amendment, the national government only has the powers that are delegated to it by the states or the people. In this particular case, the states bringing suit against the president feel that he is trying to create and enforce law for which he does not have power. Many feel that poorly written immigration laws are being misused by the president. There is also the argument that the states should have more say in the development of immigration law. Of course there has always been much debate on the division of power between the states and the national government. Since the Civil War, the national government has increased its role in policy making and control.

States are beginning to question the amount of power that the national government has created for itself over the last hundred years or so. Through policy and lawmaking, the national government has effectively taken control

of many aspects of life in America. According to the Constitution, power is granted to the state or the national government. It is not assumed that the national government has power over everything and the doles out what is wants to the states.

This is basic Constitutional law. In this case, the president is trying to take the power for making immigration policy into his hands, and his hands alone.

Immigration laws are overly complex and reform does seem necessary.

However, in a federalist style government is it the responsibility of the executive branch to take this matter on alone. Besides the argument by the states, there is also a legislative branch of the national government that is not being considered. The states are bringing the lawsuit against the president to ensure that their concerns and wishes are recognized since the representatives from these same states in the legislature are being ignored.

The United States is a large, diverse nation. The Founding Fathers set up our Constitution specifically to protect American citizen from big government, like the monarchy they suffered through as a colony of England. States are frustrated because of the strain immigrants are putting on them and their resources. In Texas and Arizona, two border states, this strain is bringing them to their breaking point. They feel the president is not recognizing the effects immigration is having on them because they are in this unique situation.

States are often at the mercy of the national government for funding. The needs of immigrants in states like Texas and Arizona is draining the states. Funding from the national government often has strings attached, as in the

case of categorical grants. Often states are begging for last minute funding to help ease their stretched resources. Texas had to cope with 68, 000 children coming across their border this past summer. Private institutions (churches, charities, citizens) were the first to step in and help these children, not the national government. Stories like this are part of the motivation for the states to bring this lawsuit against the president. Bureaucracy at the national level of government has frustrated many people. The national government is too far away from the common man and too bloated to be effective. Because of the way the Constitution and the Bill of Rights is written many people want the national government to relinquish it's so called " power" and let the states make the decisions. Citizens are wary and distrustful of the national government. With the president's promise to reform immigration on his own he is fueling the debate for reform of the national government.

On the other side of the coin, the job of the president and the executive branch is to enforce laws. The concept of prosecutorial discretion gives the president the power to enforce laws, but how to enforce those laws. The president has been given this power through legislation, court rulings and regulations. In the case of immigration law, the president is given the power to make many decisions and set policy without the consent of Congress. It will be interesting to see where this lawsuit goes. What kind of decisions and outcomes will there be? Will Congress step up and work with the president to develop real reform and change for immigration laws and policies. Will more states jump on this lawsuit bandwagon. Florida added their name to the list last Friday. I believe that this story represents several

things about our state of government. People need to question what their president is doing. This story is indicative of the turmoil we are seeing at both the state and national levels of government. This is also a story of political parties and affiliation. The majority of plaintiffs in the lawsuit are Republican, while the president is a Democrat. The complexities that have arisen out a simple two page newspaper article are boggling. The debate on immigration is a hot one. Politicians need to choose their actions and their words with care.

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