

Worksheet 2: Federal Authority and Constitutional Limits

Module 2: Legal Foundations of Immigration Power

TP Newsroom | The Truth Project
Guided Learning Workbook

OVERVIEW

This module examines how immigration policy is shaped through legal authority at the federal level. It focuses on how Congress, the executive branch, and the courts established and expanded control over immigration through law and enforcement.

Immigration authority in the United States did not develop all at once. It evolved through key legal decisions, legislative actions, and administrative practices that gradually centralized power at the federal level. These changes defined how immigration could be regulated, who had authority to enforce it, and what limits—if any—applied to that power.

This workbook explores how these legal foundations were built and how they continue to shape modern immigration policy. It is designed to move readers from historical understanding to structured analysis of federal authority.

CORE CONCEPTS

Federal Authority

The power of the national government to regulate immigration through legislation, enforcement, and judicial interpretation.

Legislative Control

The role of Congress in creating immigration laws that define entry, exclusion, and removal.

Plenary Power Doctrine

A legal principle that grants the federal government broad, often unquestioned authority over immigration matters.

Executive Enforcement

The expansion of presidential and administrative power to implement and enforce immigration policy.

Deportation Power

The authority of the federal government to remove individuals from the country, often through administrative processes.

SECTION 1

The Chinese Exclusion Era and Legislative Control

The Chinese Exclusion Era marked one of the first major moments where the federal government asserted control over immigration through legislation. Laws during this period did not simply regulate entry—they defined who could and could not be part of the country based on race and nationality.

These policies established the foundation for federal authority in immigration, demonstrating that Congress could restrict entry and shape national identity through law.

Guided Analysis

1. How did the Chinese Exclusion laws establish federal authority over immigration?
2. What role did race and nationality play in shaping early immigration policy?
3. Why was legislative control central to defining who could enter the United States?
4. How did these early laws influence future immigration policy decisions?

SECTION 2

The Development of the Plenary Power Doctrine

As immigration policy developed, the courts began to define the limits of federal authority. The plenary power doctrine emerged as a principle that gave the federal government broad control over immigration decisions, often without the same level of constitutional scrutiny applied in other areas.

This doctrine allowed immigration policy to operate differently from other areas of law, creating a system where federal decisions could be upheld even when they raised significant legal or ethical concerns.

Guided Analysis

1. What is the plenary power doctrine, and how did it expand federal authority?
2. Why are immigration decisions often treated differently from other constitutional issues?
3. How does the doctrine limit judicial oversight of immigration policy?
4. What are the implications of allowing broad federal authority without strong constitutional constraints?

SECTION 3

Congressional Authority and Executive Enforcement Expansion

Over time, immigration authority expanded beyond legislation into enforcement. While Congress created the laws, the executive branch gained increasing power to interpret and enforce those laws through agencies and administrative systems.

This shift allowed immigration policy to be shaped not only by written law, but by how that law was implemented in practice.

Guided Analysis

1. How does executive enforcement shape immigration policy beyond what is written in law?
2. Why does administrative interpretation play a significant role in immigration systems?
3. How do agencies influence the application of immigration law?
4. What challenges arise when enforcement power expands beyond legislative intent?

SECTION 4

Deportation Power and Federal Administrative Reach

The expansion of deportation power marked a significant development in federal authority. Removal processes became more administrative, allowing the government to act quickly and at scale.

This created a system where enforcement could operate with speed and efficiency, but also raised questions about due process and individual rights.

Guided Analysis

1. How did deportation power expand federal control over immigration?
2. What role do administrative systems play in removal processes?
3. How can speed and efficiency in enforcement conflict with due process?
4. What are the long-term implications of expanded deportation authority?

Applied Response

Written Response (5-7 sentences)

Explain how federal authority over immigration expanded from legislative control to administrative enforcement.

In your response, consider how Congress, the courts, and the executive branch each contributed to that expansion.

Real-World Analysis

Choose a modern immigration policy or enforcement action.

Using this module, analyze:

- Which branch of government is primarily driving the policy?
- How does legal authority support or justify the action?
- Are there limits to that authority, and how are they enforced or challenged?
- What role does administrative power play in shaping the outcome?

REFLECTION

Take a moment to reflect on the material and your responses.

- What part of federal authority in immigration surprised you the most?
- Did this module change how you view the role of law in immigration policy? Why or why not?
- What assumptions did you have about constitutional limits, and have they changed?
- What questions do you still have about how legal authority is applied in immigration systems?

CONNECTION FORWARD

This module examined how federal authority over immigration was established through legislation, expanded through judicial doctrine, and implemented through executive enforcement.

The next module will shift from authority to rights, examining how constitutional protections apply, or fail to apply, within immigration systems. It will explore the tension between federal power and individual rights, and how courts have addressed that conflict over time.

Understanding that tension is essential to understanding how immigration policy affects people at both a structural and personal level.

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