

ASSEMBLY JUDICIARY COMMITTEE
MINORITY STATEMENT TO
ASSEMBLY, No. 4743

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By Assemblymen Carroll and Peterson

American government's existence depends upon respect for the rule of law. We, as citizens, expect that our fellow citizens will know the law and obey it. We expect that when people break the law, punishment will follow; because we understand that if the law falls into disrespect, anarchy must necessarily follow.

As Americans, we understand and respect the rule of law, even when we disagree. We understand that the law is to be obeyed because it is the law, and that even laws we consider foolish or harmful must be obeyed until such time as they are properly changed.

We further understand that in our federal system of government, certain areas of authority are specifically delegated to the federal government, with any undelegated powers reserved to the states. Neither sovereign may, consistent with the Constitution, properly interfere with the powers of the other.

While immigration is a contentious topic, certain aspects should be beyond legitimate dispute. The United States Constitution expressly delegates to Congress the right to make "a uniform Rule of Naturalization." Put simply, no person may enter or remain in the United States except in conformity with federal law. While New Jersey need not expend scarce resources enforcing federal law – simple respect for the rule of law demands that New Jersey not act in a fashion inconsistent with federal immigration policy duly enacted by Congress.

Furthermore, the very act of facilitating illegal immigration represents a tacit endorsement of criminal activity. Crossing the border illegally is a crime; any person here illegally who secures employment does so illegally, likely committing numerous crimes in doing so. People flouting the rule of law should not be accorded any special benefits; instead, it should be the policy of the State of New Jersey that everyone should comply with the law. Our state should adopt no law that effectively facilitates the violation of federal law.

People who believe federal law to be in error are completely free to advocate that such federal law be changed. As Immanuel Kant wrote in his essay *What is Enlightenment: Argue as you please, but obey!* Free thoughts and free speech against the law is encouraged and is a right, subversion of the law should be discouraged and is a crime.

Until such time as federal law changes, New Jersey should take no action to actively undercut it. Policies that help facilitate the commission of additional wrongs – like making it easier to get an identification card or driver's license they have no legal right to hold – are misguided at best.

Indeed, New Jersey government would advance the interests of its citizens by enthusiastically cooperating with federal authorities to encourage legal re-entry. We welcome the greater demand for our housing market. We welcome the labor-skills and unique abilities of all individuals, including immigrants. We welcome children who are ready and willing to learn in the best school system in the entire country.

In short, the benefit to New Jersey for cooperating with federal authorities to encourage legal immigration would be immense and immediate, both financially and spiritually, as the very presence of people who exist outside the law inevitably undercuts respect for the rule of law.

Advocates of the instant proposal believe themselves to be justified on the grounds that it would make life easier for those who should have entered legally. The asserted fears of interactions with the authorities could be instantly salved by getting right with the law and returning to their legal homeland, taking their families with them. The fear arises from the fact that they are breaking the law, which we as legislators are sworn by oath to uphold. Respect for the rule of law and our oath of office discourages easing their fear of the consequences of their illegal actions.

New Jersey will not reap any benefits from this proposal. All it will do is reward illegal behavior and facilitate the commission of further crimes by people who conclude that we simply are not serious about enforcing the law. Lawlessness should not be rewarded; it should be deterred, punished, or corrected.

The minority avers that people who find living here illegally too stressful or inconvenient should solve that problem by re-entering this nation's sovereign borders legally. New Jersey should not be facilitating their lawbreaking; it should be acting to put an end to it. It is our sworn duty as legislators to do so.