

PRINCETON ALUMNI WEEKLY

On DACA and Executive Power

Ilya Shapiro

January 31, 2020

IN RESPONSE TO: MAKING THE CASE FOR DACA

I much respect President Eisgruber '83's legal acumen, which is why he has to recognize that thrusting Princeton into a leading role in the DACA lawsuit (President's Page, Jan. 8) is disingenuous. The issue in that litigation isn't whether those who have been illegally brought to this country as children should be allowed to stay, or the wisdom of the DACA program specifically — let alone whether students like María Perales Sánchez '18 should be legally protected or whether Princeton should be allowed to benefit from the continued free flow of talent. (To me and a majority of Americans, those are all easy yeses.) It's not even whether President Barack Obama lawfully created a new immigration program out of whole cloth when Congress, to its shame, declined to do so legislatively. Instead, it's simply whether one U.S. president can rescind another's executive action, or whether courts can require more hoop-jumping for the rescission than for the original action.

If President Eisgruber truly cared for both the rule of law and sensible immigration policy, he would focus on the push for congressional action on immigration reform — which he mentions in the penultimate sentence of his essay — rather than trying to force something irregular through the courts and further warp executive power.

Editor's note: The author is counsel of record on an amicus brief for the Cato Institute on the DACA case. A copy of the brief is available online at bit.ly/cato-daca.

Ilya Shapiro '99

Washington, D.C.

Ilya Shapiro is the director of the Robert A. Levy Center for Constitutional Studies at the Cato Institute and publisher of the Cato Supreme Court Review.