

America's Undocumented Founders:

A Constitutional Reckoning on Immigration

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Brent Lambi, Independent

Before 1892, the United States had no federal immigration system. Millions poured into this country with no visas, no green cards, and no background checks — only hope, courage, and the promise of freedom. By today's standards, every immigrant who arrived before Ellis Island opened would be called "undocumented". Yet those very people built the railroads, plowed the plains, raised the factories, and gave birth to the American middle class.

If we applied today's deportation policies to the 19th century, most Americans alive now would never have been born. Our cities, universities, and industries — the backbone of the modern United States — were shaped by immigrants who entered without paperwork. America's greatness is rooted not in walls or quotas, but in open doors and opportunity.

The Constitutional Crisis Today

Today, we face a moral and legal paradox. The Constitution grants Congress — not the President — the authority to make immigration law and gives the Judicial Branch the power to interpret and review its application. Yet, the Executive Branch has often acted unilaterally — ordering mass arrests and deportations, separating families, and ignoring court rulings that affirm basic due-process rights.

Such actions violate the Fifth and Fourteenth Amendments, which guarantee equal protection and due process to "all persons" — not just citizens. The Supreme Court has consistently recognized that anyone on U.S. soil, regardless of status, is entitled to constitutional protection. When the Executive Branch detains or deports people without proper judicial oversight, it undermines the separation of powers that defines our Republic.

A Nation Defined by Inclusion, Not Exclusion

The truth is simple: if the United States had expelled its "undocumented" immigrants of the 1800s, America as we know it would not exist. The idea that today's immigrants are somehow less deserving of humanity or constitutional protection contradicts both our history and our founding principles.

The real crisis is not at the border — it is in Washington, where the Executive Branch disregards the limits of its own power, bypassing courts and constitutional obligations in the name of political expediency. To honor our past and preserve our future, we must remember that every generation of Americans once included someone who arrived without papers, but with a dream.

— **Brent Lambi**
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