

DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY

VOLUME 8

2013

FOREWORD

The United States has struggled to determine who ought to be granted citizenship since the crucible of its founding. The victors of the American Revolution debated whether to offer citizenship to former British Loyalists. Waves of European migrants in the mid-nineteenth century inspired the Know Nothing movement and generated impassioned backlash toward newcomers. The early twentieth century saw millions of immigrants seeking the promise of American opportunity amid vociferous demands for protective legislation and restrictive quotas. Indeed, with every new wave of migration came renewed debate and opposition—calls for openness meeting calls for exclusion against the backdrop of a rapidly developing nation laboring to define itself.

This debate continues in full force today. With an estimated eleven million undocumented individuals currently living in the United States, it is difficult to overstate the urgency and importance of reexamining our immigration policies. The failure of Congress to pass substantive immigration reform in 2007 and the recent deadlock among lawmakers have highlighted once more how difficult these issues are for American leaders and voters. But underlying the charged politics of immigration reform are profound questions that drive to the heart of our Republic. What precisely should qualify one for citizenship? How do we balance the need for enforcement against our critical commitments to equality and civil rights? May states play a role? Or is this exclusively a federal issue?

The Eighth Volume of the *Duke Journal of Constitutional Law and Public Policy* seeks to broadly address these questions. It features a wide-ranging discussion of several key topics in this debate, focusing

on issues of federalism and the constitutional framework of immigration policy, comparative approaches to immigration in the United States and Europe, fundamental questions of the appropriate requirements for citizenship, and the need to balance these issues with concerns about civil rights. Our hope is that, through a broad discussion of these fundamental topics, we may help rekindle a more in-depth discussion about how best to incorporate these core values into practical solutions for immigration policy.

These articles are the product of *DJCLPP*'s annual spring symposium, this year titled "Perspectives on Migration, Governance, and Citizenship." We would like to thank the Kenan Institute for Ethics and the Program in Public Law, whose generous contributions and dedicated involvement made this symposium a success. We would also like to thank all of our speakers and participants, whose honest and thoughtful feedback to these articles provided invaluable opportunities for reflection and improvement. Finally, we would like to thank Professor Margaret Hu—without her vision and tireless dedication, this symposium truly would not have been possible.