

October 7, 2021

Vice President Kamala Harris
The White House
Office of the Vice President
1600 Pennsylvania Avenue NW
Washington, DC 20050

Dear Vice President Harris:

You have a historic opportunity to take bold leadership and help enact legislation that creates a pathway to citizenship for many immigrants in California and throughout the United States.

In July 2021 you told 18-year-old CHIRLA member Diana Bautista and other undocumented Dreamers that you recognize them for the Americans that they are and that they deserve a pathway to citizenship. We are finally really close and the fate of a pathway to citizenship will be determined in the very near future.

We write to you as organizations based in California committed to our immigrant communities to implore you to exert your constitutional leadership. Our state is home to over 2 million undocumented immigrants, and because they are our family, friends and neighbors, we are profoundly familiar with the contributions that they have made, especially during the COVID-19 pandemic. [Nearly one in ten California workers is an undocumented immigrant.](#) They work on the frontlines providing care in our hospitals, serving our most vulnerable loved ones in skilled nursing facilities, building our bridges, manufacturing goods we need, providing our food and so much more.

As the Presiding Officer of the Senate, it is ultimately up to you to decide whether to take action and make a pathway to citizenship possible, irrespective of the repeated and misguided advice of the Senate Parliamentarian on this issue.

You are legally authorized to reach a conclusion independent from the Senate Parliamentarian's erroneous advisory opinion, and to clear the path for Democrats to finally deliver on the promise of legalization. This is a crucial moment, where millions of immigrants living in the United States are relying on you to take a major step towards reforming our broken immigration system. You have an opportunity to lift the constant fear of deportation for them and their family members and allow them to fully integrate into our society.

Aside from being the morally correct thing to do, this action would also comport with the will of the American people, 70% of whom overwhelmingly support a pathway to citizenship for undocumented immigrants.

The Senate Parliamentarian's advisory opinion was riddled with flawed reasoning and consideration of irrelevant factors that "[made it abundantly clear how eager she was to get to 'no,' despite ample precedent and a strong rationale that would allow for the immigration proposal to be included in a reconciliation bill.](#)" In addition, the precedents cited were "[selectively applied.](#)" Not only does a pathway to citizenship satisfy the "Byrd Rule," but it is a "[perfect fit for reconciliation.](#)"

Democrats can and must pass a pathway to citizenship through reconciliation, even if the Parliamentarian is unable to fulfill her responsibilities. There is both historical precedent and textual support for the Vice President to exercise their independent judgment irrespective of the Parliamentarian's advice. According to former Senate Parliamentarian Robert Dove, Vice President Nelson Rockefeller [ignored](#) the Parliamentarian's advisory opinion in 1975 and Vice President Hubert Humphrey [did so routinely](#).

The statutory basis for this authority lies in [2 U.S.C.A. § 644](#). According to this provision, if a Senator objects that certain provisions being brought to the floor are extraneous to the budget reconciliation process on the grounds that the Senate Parliamentarian had advised to that effect, that point of order would have to be sustained by the Chair, namely the Vice President acting as Presiding Officer. In fact, in 2017, Sen. Ted Cruz [spoke](#) in support of this strategy.

Appealing the Chair's decision would require a [three-fifths vote](#). There were two attempts to appeal the Chair's decision in 1993, when 43 senators [unsuccessfully attempted](#) to overturn a chair's decision on whether a provision in a budget reconciliation bill passed the "merely incidental" requirement of the Byrd Rule.

The Parliamentarian's own advisory opinions confirms that the Chair does in fact have the power to put to vote provisions that the Parliamentarian advises run contrary to the Byrd Rule. The 2005 reconciliation bill contained substantive immigration reform provisions and was not rejected under the Byrd Rule. In her first advisory opinion on the inclusion of a path to citizenship in the 2021 reconciliation bill, Parliamentarian MacDonough [claims](#) that the 2005 precedent lacks precedential value because there was "no ruling by the Chair...pertaining to the merits of the proposal." Put simply, a provision that might run afoul of the Byrd Rule can still make its way through the floor vote if it goes unchallenged by a Senator; and a provision can survive if the Chair makes a favorable ruling and the Senate lacks the 60 votes to overturn the Chair's decision.

California and the nation is ready for a YES to immigrants and we will not take no for an answer this year. With Democratic control of the White House, Senate, and House of Representatives, Democrats now have the unique opportunity to deliver on a policy that over 70% of Americans strongly support- an opportunity that Democrats cannot allow an unelected Parliamentarian to derail. You, through your constitutional role as the President, and Presiding Officer, of the Senate,

have the power to clear the path for legislation that will transform the lives of millions of undocumented immigrants, their families, their communities, and the entire country.

Sincerely,

AAPIs For Civic Empowerment - Education Fund
ACCE, Alliance of Californians for Community Empowerment
Adelanto Visitation & Advocacy Network
AHRI Center
Al Otro Lado
Alianza Comunitaria
Alliance San Diego
Amigos de Guadalupe
Arab American Civic Council
Asian American Pacific Islander - Christians for Social Justice
Asian Americans Advancing Justice - Los Angeles
Asian Americans for Community Involvement
Asian Law Alliance
Bay Area Coalition for Citizenship and Economic Rights
Bend the Arc: Jewish Action California
Buen Vecino
Building Skills Partnership
CAIR-CA
CAIR-SD
Carlos Bulosan Book Club
Central American Resource Center (CARECEN-LA)
Central Valley Immigrant Integration Collaborative
CHIRLA
Chula Vista Partners in Courage
CIR/SEIU
Clergy and Laity United for Economic Justice
COFEM-Council of Mexican Federations
Community Action Board of Santa Cruz County, Inc.
Community Health Initiative of Orange County, Director of Programs and Policy
Confederation of Filipino American Associations
Congregation Beth Elohim, Acton Ma
CRLA Foundation
East Bay Asian Youth Center
Equality California
Faith in Action East Bay
Friends of Human Relations Santa Clara County

Gamaliel of California (non-profit)
Grail Family Services
Haitian Bridge Alliance
Human Agenda
Immigrant Defenders Law Center
Immigration Ministry of Mission Basilica, San Juan Capistrano
Inland Congregations United for Change
Instituto de Educacion Popular del Sur de California
Interfaith Movement for Human Integrity
ISG Holdings
Jewish Coalition Assisting Immigrants and Refugees - Los Angeles (JCARI-LA)
Justice for Immigrants Seeking Asylum
Khmer Girls in Action
Korean Resource Center
La Raza Centro Legal San Francisco
Latinos United for a New America (LUNA)
Law Office of Fabiola A Navarro
Long Beach Immigration Forum
Million Voters Project
Morongo Basin Coalition for Social Justice
Movimiento Democratic Coalition
Mutual Aid Immigration Network
National Union of Healthcare Workers
NCJW
Nikkei Progressives
ONE LA
Or Shalom Jewish Community
Orange County Congregation Community Organization
Orange County Rapid Response Network
PACT: People Acting in Community Together
PICO California
Pilipino Association of Workers and Immigrants (PAWIS)
Pilipino Workers Center of Southern California
Promesa Boyle Heights
Public Law Center
Rapid Response Network
Salva
San Bernardino Community Service Center
San Diego Immigrant Rights Consortium
San Jose Nikkei Resisters
Santa Clara County Move To Amend
Santa Clara County Wage Theft Coalition

SEIU United Service Workers West
Services, Immigrant Rights and Education Network (SIREN)
Showing Up for Racial Justice at Sacred Heart
SJ/SV NAACP
SJECCD Latinx Education Association (LEA)
SJSU Human Rights Institute
SOMOS Mayfair
South Asian Network
South Bay People Power
South Bay Progressive Alliance
Southern Border Communities Coalition
Southern California Immigration Project
Temple Isaiah
The Cambodian Family
The LGBTQ Center OC
Therapists for Peace and Justice
TODEC Legal Center
Tsuru for Solidarity
UAW 2865
UAW 4123
UC Berkeley Graduate Association of Latinx Students
UCLA Labor Center
Unified US Deported Veterans Resource Center
United Way Bay Area
Universidad Popular
WAVE Women for American Values and Ethics
We Are All America
World Relief Southern California