



Office of the Attorney General
State of Connecticut

March 27, 2019

RE: Wayzaro Walton

Field Office Director
Hartford Field Office
DHS/ERO
450 Main Street, Room 501
Hartford, CT 06106

Dear Director:

I urge you to grant a stay of deportation for Wayzaro Walton and to release Ms. Walton from detention immediately, pending the outcome of any proceedings. Any prior convictions of Ms. Walton's have been expunged pursuant to a full and unconditional pardon. To the extent that the federal government may misapprehend the significance of Connecticut law, I write with urgency to clarify that a pardon granted by the Connecticut Board of Pardons and Paroles is indeed a "full and unconditional" pardon for purposes of the Immigration and Nationality Act, 8 U.S.C. § 1227(a)(2)(A)(vi) (the "INA").

As a sovereign state, Connecticut joins 49 sister states in exercising the prerogative, protected by the Tenth Amendment, to determine its own structures and systems of government. *Printz v. United States*, 521 U.S. 898 (1997). Like the power to punish, the power to pardon is inherent in each government's sovereignty. *See United States v. Wilson*, 32 U.S. (7 Pet.) 150, 160–61 (1833).

Under Connecticut law, the sovereign's power to pardon is delegated to a Board of Pardons and Paroles, whose members are appointed by the governor. *See* C.G.S. § 54-130a; § 54-124a(a)(1) ("There shall be a Board of Pardons and Paroles within the Department of Correction... On and after July 1, 2015, the board shall consist of ten full-time and up to five part-time members appointed by the Governor with the advice and consent of both houses of the General Assembly."). The Board – established by a statute that was passed by the legislature and approved by the governor – stands in the executive's shoes to exercise the state's sovereign power to grant full pardons.

Connecticut's system for granting pardons is entirely within the intent of the INA, which cannot reasonably be understood to mean that state governors can delegate no aspect of the pardoning power. Nor, consistently with the Tenth Amendment, could the INA be read to allow the federal government to commandeer the state's executive officers and pardon process,

ordering a specific officer to be the conduit for pardons. *New York v. U.S.*, 505 U.S. 144 (1992). And there is no rational basis for the federal government to single out Connecticut and its residents for denial of a benefit granted to residents of every other state, based on the state's choice of a specific statutory pardons scheme.

In fact, it appears that the federal government may be interpreting federal law differently *vis a via* Connecticut than at least one similarly situated state. In Georgia, as in Connecticut, pardons are issued not by the governor but by a Board of Pardons and Paroles. Georgia Constitution Art. IV, § 2. But the federal government, through the immigration courts, appears to recognize the Board's actions as the "full and unconditional" pardons required for waiver under the INA. *See Castillo v. U.S. Attorney General*, 756 F.3d 1268 (11th Cir. 2014) (assuming that a pardon granted by Georgia's Board of Pardons and Parole qualifies for waiver under the INA).

As you know, in our federal system, each state is understood to be the best interpreter of its own laws. I assure you that Connecticut intends its pardons to be no less meaningful than those granted in other states. I urge you to credit our legislature's intent and our executive's authority, and to grant the relief that Ms. Walton is clearly due.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Tong", with a stylized flourish extending from the end.

William Tong
Connecticut Attorney General