



Supporting the Rule of Law and Legal Immigration

January 10, 2018

President of the United States
The Honorable Donald J. Trump

Texas US Senators
The Honorable John Cornyn
The Honorable Ted Cruz

Texas Republican Congressional Delegation, Honorable US Representatives:

Louie Gohmert, CD-1	Bill Flores, CD-17
Ted Poe, CD-2	Jodey Arrington, CD-19
Sam Johnson, CD-3	Lamar Smith, CD-21
John Ratcliffe, CD-4	Pete Olson, CD-22
Jeb Hensarling, CD-5	Will Hurd, CD-23
Joe Barton, CD-6	Kenny Marchant, CD-24
John Culberson, CD-7	Roger Williams, CD-25
Kevin Brady, CD-8	Michael Burgess, CD-26
Michael McCaul, CD-10	Blake Farenthold, CD-27
Mike Conaway, CD-11	John Carter, CD-31
Kay Granger, CD-12	Pete Sessions, CD-32
Mac Thornberry, CD-13	Brian Babin, CD-36
Randy Weber, CD-14	

Dear Mr. President, Texas US Senators, and Texas US Representatives:

A bedrock principle upon which the Texas Conservative Grassroots Coalition stands is the Rule of Law.

For decades, the Rule of Law has been relegated to a mere political menu from which politicians willfully pick and choose the laws they are willing to recognize and champion, based on what is politically correct, politically convenient, or politically expedient. **This bastardization of the Rule of Law is precisely why we are in the mess we are in in this country.** With lawlessness sanctioned by politicians at every level of government, is it any wonder that we now have cities, counties and states declaring they will NOT obey sanctuary city bans?

We seek an end to lawlessness and restoration of the rule of law; therefore, this letter is signed by leaders from _____ unique grassroots organizations and districts across Texas. We are opinion leaders of statewide conservative organizations, local TEA parties, Republican Clubs, the State Republican Executive Committee, and Republican County and Precinct Chairs. We are concerned that you have perhaps forgotten what your constituents know and believe about the program known as DACA. This letter should serve as a strong reminder as we address the subject of DACA.

Due to pressure by Texas Attorney General Ken Paxton, leading a coalition of states threatening to sue the federal government over allowing illegal alien children to stay in the United States, U.S. Attorney General Jeff Sessions, on September 5, 2017, formally announced the end to the Obama-era policy issued by U.S. Secretary of Homeland Security Janet Napolitano in her June 12, 2012 memorandum titled "[Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children](#)." This policy was the basis for establishing the program known as **Deferred Action for Childhood Arrivals (DACA)**.

Consequently, in conjunction with the US AG Sessions, Acting Homeland Security Director Elaine Duke published a "[Memorandum on Rescission of Deferred Action for Childhood Arrivals \(DACA\)](#)" detailing the Trump Administration's efforts to "wind down" the previous Obama era policy, which many Constitutional experts assert was an unconstitutional overreach of executive power.

Indeed, Ms. Duke's letter lays out the case for DACA being declared as unconstitutional by the US Supreme Court. She cites federal court decisions regarding the later Obama policy called "[Deferred Action for Parents of Americans and Permanent Lawful Residents](#)" [DAPA] as a basis for ending the DACA policy and program.

On February 16, 2015, a federal district court temporarily enjoined the government from continuing the Obama Administration's policy of DAPA and expanded DACA. The Fifth Circuit Court concluded the [Immigration and Nationality Act](#) "**flatly does not permit the reclassification of millions of illegal aliens as lawfully present and thereby make them newly eligible for a host of federal and state benefits, including work authorization.**" The Court stated, "DAPA is foreclosed by Congress's careful plan" and is "manifestly contrary to the statute." The Supreme Court agreed; consequently, General Kelly [rescinded the DAPA policy](#) on June 15, 2017.

Acting Director Dukes cited a June 29, 2017 letter to Attorney General Sessions from the Texas Attorney General, along with several other states, that the original DACA memorandum is unlawful for the same reasons stated in the district and Fifth Circuit Court opinions. The Texas AG threatened to amend the enjoined DAPA lawsuit with a challenge to DACA if the Trump Administration did not rescind the DACA memorandum. Consequently, with the decision to end DACA by the Administration, Texas attempted to drop the lawsuit¹ against DAPA on September 5, 2017 but was rebuffed by US District Judge Hanson.

Most conservative Texans were outraged at the lawless antics pursued by the Obama Administration – especially those related to illegal immigration and border security. **Texans bear an enormous cost due to the non-enforcement of immigration law in terms of crime, law enforcement, education, healthcare and social services.** The Texas State Legislature allocates hundreds of millions of dollars to border security and the costly consequences of an open border.

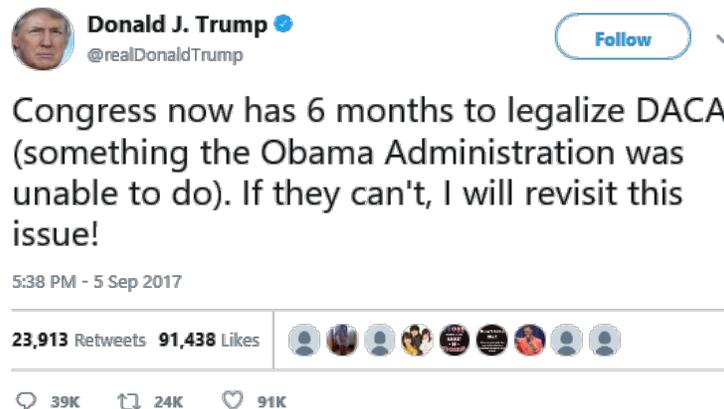
We remind you that for too long the Federal government has bypassed local governments and relocated illegal alien detainees into Texas communities. **This is an unconstitutional act** – the *de facto* commandeering of state and local (taxpayer-funded) resources and assets by the federal government – an act prohibited by the US Constitution except during official periods of a declared state of war or national emergency. These actions are most assuredly an unfunded mandate on Texas taxpayers at the state level, as well as on those Texas communities where the federal government places illegal alien adults and minors.

¹ Judge Hanson has blocked dismissal of the suit citing "It is not appropriate in a case which has had the extensive and hard-fought clashes over the merits that this one has...When the merits have been joined, and an injunction issued and affirmed on appeal twice, dismissal by notice is not appropriate. This Order does not presage any ultimate ruling should a different form of dismissal motion be filed."

It is therefore more than a little disconcerting to many Texans that the DACA policy was not immediately ended by President Trump who gave Congress “six months” to pass a replacement (March 5, 2018). To many Texans’ ears, this sounded as if President Trump has signaled that he wants Congress to pass a version of the “Dream Act” that would eventually wind up as **amnesty for the children of illegals**. **This is unacceptable and would be a slap in the face to all who are waiting to legally locate to this country.**

December 2017 news accounts of President Trump striking a deal with Schumer and Pelosi caused further concern; however, **the President’s January 9, 2018 pronouncement that he would be willing to accept US Sen. Dianne Feinstein’s preference to pass a standalone DACA bill now and work on other reforms “later” is a grave signal that the Make America Great Again Doctrine may end before it ever has a chance to work.**

When President Trump first called for ending DACA, he characterized it as an “amnesty first” program, yet he subsequently called on Congress to “legalize DACA” in a [late evening tweet](#), or else he would revisit the issue.



Meanwhile, we have seen no unified statement from the GOP contingent of our Texas Congressional delegation that gives us any assurance YOU will keep your own campaign promises!

Consequences for Republicans Lying to the American People

If Republicans hold hands with Democrats to pass a DACA amnesty bill without first securing the border and building a wall where it is needed, Republican voters will revolt and stay home next November. If President Trump is truly willing to sign “any bill” and willing to “take the heat for it” with his base, he will sadly hand himself over to Democrats who will impeach him when they gain a majority.

Legal immigrants must take precedence over rewarding lawlessness.

Politicians on Capitol Hill and emotion-driven media pundits repeatedly ask, “Would it be **fair** not to legalize the DACA kids?” The right question is, “Is it in the national security, public safety and economic interests of **United States citizens and legal residents** to reward 800,000+ immigration law breakers?” When one understands that much of the impassioned DACA narrative is utterly false, the answer becomes a definitive “No!”

DACA Myths

Many of the DACA “kids” were not brought here as babies and toddlers. Texans who watched the steady influx of “unaccompanied minors” during the Obama years are painfully aware of this fact. Many were smuggled into the US as “tweens” (ages 8-12), teenagers, and young adults over the age of 21, who had no papers, but *claimed* to be teenagers. Albert Spratte, a border patrol agent in the Rio Grande Valley Sector, [told CNSNews.com](#), “Some of those young illegal immigrants crossing the border may not even be minors, but border patrol agents have to process them as minors just because they claim to be under 18.”

[Sources: <https://www.washingtontimes.com/news/2017/jun/21/30-of-border-children-have-gang-ties/>

<https://www.cnsnews.com/news/article/brittany-m-hughes/border-patrol-agent-if-administration-says-isn-t-amnesty-don-t>

<http://www.washingtonexaminer.com/feds-most-dreamers-post-college-age-94-from-latin-america/article/2635615>

According to the [Federation for American Immigration Reform](#), “**A large number of DACA applicants weren’t “brought” here by anyone – they crossed the border themselves** because the DACA program did not limit eligibility to only applicants brought here without their consent, and anyone who entered the U.S. prior to age 16 **and who was under 31** on June 15, 2012 could apply.” [Original source: U.S. Citizenship and Immigration Services, “DHS DACA FAQs,” <https://www.uscis.gov/archive/frequently-asked-questions>]

Finally, another myth conveys that large numbers of DACA recipients serve in the military. According to Pentagon spokesman Lt. Col. Paul Haverstick in a statement to [The Daily Caller News Foundation](#), “There are less than 900 individuals currently serving in the military, or have signed contracts to serve, who are recipients of Deferred Action for Childhood Arrival (DACA) authorization.” This is slightly more than one tenth of one percent of the total DACA population!

Promises Made Must Be Promises Kept!

President Trump and all of our Texas Republican representation in DC were elected on campaign promises to end sanctuary cities, protect the southern border, and end the illegal and unconstitutional policies of the Obama Administration. ***That is what we expect you to do.***

The grassroots are tired of being played with campaign promises that never become reality. For example, we have seen too many Republicans on Capitol Hill balk at a full repeal of Obamacare. Likewise, we know that many Republicans in the Texas delegation are against supporting the Republican President and building a secure border wall because they have sold out to cheap labor interests or have been cowed by the mewling, hissing mainstream media’s calls for “compassion” to override the Rule of Law.

The undersigned Texas grassroots leaders are not blind; we see a huge appetite to get a “deal done” among President Trump and the Republican and Democratic Congressional leadership. Democrats have been busy drawing a “line in the sand” on DACA for the upcoming continuing budget resolution due January 19 and threaten to shut down the government, while blaming it on the GOP. After watching Republican leadership cave to Democratic demands over the budget for the last decade, the undersigned leaders wish to make it very clear where we stand on DACA, illegal immigration, and the border wall.

- **No deal on DACA without re-instituting the Rule of Law and lifting all barriers to the enforcement of immigration laws already in place.** The conservative grassroots of Texas would view a standalone “deal” on DACA as an utter betrayal of conservative principles, the rule of law, the campaign promises made by members of the Texas Republican Congressional delegation, and the promises President Trump has repeatedly made to the American people
- **No Amnesty for Citizenship.** The Republican Party of Texas 2016 Platform [Plank 259 on Amnesty] states – “Any form of amnesty with regard to immigration policy should not be granted, including the granting of legal status to persons in the country illegally.” We agree! **Full naturalization and citizenship should be forever barred to individuals here illegally, unless they repatriate themselves to their country of origin and apply the same as any other legal immigrant.**
- **No Deal without Funding for the Texas Border Wall.** Hard dollars must be appropriated for the border wall and other security measures, and the wall must be built BEFORE any deals are made on immigration reform. Republicans should have learned this from President Ronald Reagan’s mistake in making deals with Democrats regarding amnesty and border security. ***The illegals got amnesty, while the American people got a wide open border!***
- **End Chain Migration.** Allowing an individual to legally stay in the United States should not be an open conduit to family members and other relatives. As we saw in the recent travel ban involving terrorist

countries, lawless courts kept expanding the definition of “family.” **Immigration access should be on an individual basis and not a wholesale tribal migration to the US.**

- **End the Diversity Lottery.** The US selects 55,000 immigrants from low immigration countries via a lottery system without regards to their merits or potential contributions to the United States. We have seen recent examples of diversity lottery winners (and chain migrants as mentioned above) conducting terror attacks on US soil. **We support a merit-based immigration system as expressed by President Trump.**
- **Make Visa Overstays and Illegal Entry into the US Uniformly a Federal Crime.** The Democrats, Progressive Republicans, and media talking heads like to promote the myth that crossing the border without papers is a federal civil matter. They love to promote the idea there is no criminal statute on the books. **In fact, it is a federal crime to cross the border without official authorization:**

8 U.S.C. § 1325 **Improper Entry by Alien:** “Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts...shall, for the **first** commission of any such **offense**, be fined under Title 18 or **imprisoned** not more than **6 months**, or both, and, for a **subsequent** commission of any such **offense**, be fined under Title 18, or **imprisoned** not more than **2 years**, or both.”

However, the arrest of an alien triggers a civil process, allowing aliens to make their case as to why they entered. (Immigration & Nationality Act of 1952 as amended) We know from [investigative reports](#), Congressional hearing testimony, and [Border Patrol sources](#) that some illegal immigrants are coached by Cartel gangs to claim political asylum.

In addition, immigration laws have been made unnecessarily complex. There are different laws for different kinds of immigrants. Overstaying a visa is not always a crime; in certain cases, an overstay could be a civil matter. **We support legislation that would make overstaying any visa a federal crime and every illegal entry into this country a federal crime, which would make law breakers subject to deportation. We believe the Representative Republic of the United States should protect its citizens and put them first. Your oath of office is to the United States – not to the rest of the world.**

- **Define Birthright Citizenship.** The false assumption that the Fourteenth Amendment grants birthright citizenship to foreign illegal aliens should finally be resolved. There has never been a clear Supreme Court challenge to this interpretation of birthright citizenship. Ending the practice of giving automatic citizenship to children of illegal aliens born on US soil would solve many of today’s immigration issues, if not immediately – over time. At the very least, it would stop a compounding problem. Now is the time for the Republicans to craft legislation to reforming the Immigration and Nationalization Act by formally ending this practice. The American people would embrace it.

Make no mistake, the Texas Conservative Grassroots Coalition seeks an end to the federal cycle of “catch and release” of illegal aliens and their preferential treatment at the expense of the American citizens **and legal immigrants**. We will follow very closely how our elected officials conduct themselves regarding the eventual outcome and resolution of this issue. We highly recommend you stand up for Texas.

The expiration of DACA will coincide with the March 2018 Texas Republican Primary season. We will be seeking confirmed positions related to the above points from Republican candidates for federal office. The Texas Conservative Grassroots Coalition will make sure that these positions are published and well known to the Texas electorate prior to the 2018 primaries. **Republican candidates should understand that illegal immigration and border security consistently polls as the #1 issue in Texas.** Republicans should not get a false sense of security in “red” Texas. The voters always have another option – it is called staying home. All the more reason for you to stand with the People of Texas for the Rule of Law!

Most sincerely,

JoAnn Fleming, Executive Director, Grassroots America – We the People PAC

Dale & Mary Huls, Texas Border Volunteers & Executive Steering Committee Members, Clear Lake TEA Party

Additional Signatures Pending