



In Our Opinion: Attorney general right to sue over DACA

October 6, 2017

The Trump administration's decision to rescind the program known as Deferred Action for Childhood Arrivals, or DACA, is bad policy, badly applied, with bad intentions. We praise Oregon's General Ellen Rosenblum for being among the 16 attorneys general to sue.

Want to know why repeal of DACA is bad? If you live in Washington or Yamhill counties, step outside and take a look around. It is one of the most diverse regions of the state, and that diversity is a strength. Any effort to yank the rug out from under young people in the program makes no sense.

Some background: The Barack Obama administration tried for years to get Congress to write a bill providing citizenship, or even a hybrid form of citizenship, to young people who'd been brought to the United States by their parents, and who'd remained in school. These young people — called "Dreamers" for The Dream Act — often didn't know anything about the countries their families fled. They wanted to be college students or to start careers. But their lack of legal documentation stood in the way.

When Congress wouldn't do it, President Obama did it unilaterally in 2012 through executive action.

DACA offers a wide array of benefits, including security against deportation, permission to work and study locally, and the opportunity to become eligible for Social Security and Medicare benefits after working and paying taxes.

U.S. Attorney General Jeff Sessions announced Sept. 5 that the Donald Trump administration would phase out DACA in the next six months, while ordering Congress to enact a similar program legislatively.

The Obama Justice Department ruled that DACA was within the White House's purview. The Trump Justice Department says it's not. We don't pretend to be lawyers, but until the Supreme Court says otherwise, we believe it's legal.

The lawsuit claims that the Trump administration has violated the Equal Protection clause of the Constitution by discriminating against "Dreamers" of Mexican origin, who make up 78 percent of DACA recipients. The attorneys general argue Trump's action also violates due process rights and harms states' residents, institutions and economies.

Whose lives are at stake? There are an estimated 800,000 DACA recipients in the nation; more than 11,000 in Oregon, according to the Migration Policy Institute.

David Bier of the Cato Institute has done remarkable research into the economics of the DACA program. He concludes that the program benefits taxpayers, because first-generation immigrants who enter the United States as children pay, on average, more in taxes over their lifetimes than they receive in benefits. DACA recipients end up contributing more than the average, because they are not eligible for any federal means-tested welfare: cash assistance, food stamps, Medicaid, health-care tax credits or anything else, Bier noted in a Sept. 7 column.

Deporting DACA recipients would cost Americans an estimated \$60 billion just in federal tax revenue and nearly a half a trillion dollars in economic growth in the next 10 years, according to a report by CNN Money.

Undocumented immigrants also don't commit more crimes, per capita, than those born in the United States. That myth often is sited, and needs to be batted down.

So why did the attorneys general in last month's lawsuit site the high number of Mexican immigrants in the DACA program?

Because, they say, candidate Donald Trump, President-Elect Trump and President Trump stated views about Mexican immigrants that can, at the most charitable, be considered hostile. They include his famous speech announcing his candidacy, in which he said, "When Mexico sends its people, they're not sending their best. ... They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."

To say nothing of disparaging an American judge of Mexican heritage, creating the Victims of Immigrant Crime Engagement Office, in order to aggregate statistics on crimes committed by immigrants (and thus to give them more publicity than crimes committed by others), his notorious and ill-conceived wall, and pardoning Arizona Sheriff Joe Arpaio, who ran what he called a "concentration camp" for undocumented immigrants.

So is the rescinding of DACA bad policy or outright racism? Let's give Trump the benefit of the doubt and say it's just bad policy.

It won't make our communities safer. It won't save taxpayers' money. It won't protect jobs. And it flies in the face of an ethic that has driven civilization for centuries: Children should not be punished for the crimes of their parents.

Attorney General Rosenblum — along with A.G.s from Connecticut, Delaware, Hawaii, Illinois, Iowa, Massachusetts, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, Washington, Virginia, Vermont, and the District of Columbia — was right to sue.

For their fight in court, we offer this thought: Buena suerte (good luck).