

Washington[®] MONTHLY

Sessions Makes the Case for Why Congress Shouldn't Help Dreamers

Nancy LeTourneau

September 6, 2017

During his announcement that the Trump administration would rescind DACA, Attorney General Jeff Sessions made two arguments. The first was that the executive order signed by President Obama was unconstitutional.

I'm going to leave that one aside because, to be frank, the Supreme Court decides what is and isn't constitutional. As we've seen from our history with cases like the Dred Scott Decision and *Plessy v. Ferguson*, there are times when things are declared constitutional that later courts overturn (thankfully). The constitutionality of these things is rarely as clear as Sessions would lead us to believe. If such decisions were so black and white, our founders would have instituted a Supreme Court with only one justice to make the call. As we saw with DAPA (which stood on less firm legal grounds than DACA), four of the current justices said that it was constitutional.

The other argument Sessions made for ending DACA was much more telling. Here are some quotes from his remarks:

- The effect of this unilateral executive amnesty, among other things, contributed to a surge of unaccompanied minors on the southern border that yielded terrible humanitarian consequences.
- It also denied jobs to hundreds of thousands of Americans by allowing those same jobs to go to illegal aliens.
- Enforcing the law saves lives, protects communities and taxpayers, and prevents human suffering. Failure to enforce the laws in the past has put our nation at risk of crime, violence and even terrorism.

Suggesting that DACA contributed to the surge of children crossing our southern border in 2014 is simply a lie. To be eligible for permits, children had to enter the U.S. before their 16th birthday and prior to June 2007. The rest of these statements from Sessions are nothing more than warmed-over lies spread by white nationalists. Everyone else knows that ending DACA is terrible for our economy.

Brannon [visiting fellow at the conservative CATO Institute] estimates that repealing DACA would also hit the U.S. government by deporting taxpayers. He forecasts a potential \$60 billion loss in tax revenue to the federal government and \$280 billion hit to economic growth over 10 years.

The idea that allowing Dreamers to come out of the shadows contributes to crime and violence is absurd on its face. Suggesting they are terrorists is even beyond that. It is offensive and completely ignores that part of the DACA process involves going through a background check. But rhetoric like that is nothing new for Sessions.

Back in 2010, when Obama and the Democrats attempted to pass the DREAM Act during the lame duck session, they came up five votes short in the Senate. One of those voting no was Sessions, who had written a letter to his colleagues that included this:

In the midst of a deep recession, high unemployment and catastrophic government debt, the DREAM Act would force jobless Americans to compete with millions of newly authorized workers, provide legal shelter for criminal aliens, and strain limited resources through generous grants of federal education benefits.

This bill would create an incentive for future illegality since Congress would be sending a message that we have effectively given up on enforcement of our immigration laws and instead seek to reward those who illegally enter the country.

Sound familiar? What Sessions was arguing back then and again yesterday is that Congress shouldn't step up and pass legislation that would protect Dreamers. If they spur further illegal immigration, take jobs away from American citizens and pose a security threat, then the best solution would be to simply deport them.

That might seem to be at odds with the views of the president, who just today suggested that Congress needs to do its job when it comes to Dreamers. But during her press conference yesterday, Sarah Huckabee Sanders repeated Sessions's claim about DACA recipients taking jobs away from Americans. (Listen to her answer at approximately 5:08 on whether or not the president would sign a bill that simply protected the Dreamers.)

Sanders basically said that Trump would only sign a bill that controlled the border (i.e., border wall), included extreme vetting for immigrants and refugees, enforced the law (i.e., stepped up deportations) and protected American workers (i.e., severely reduced legal immigration). In other words, he wants to use these young people as hostages for that agenda.

To all those who are suggesting that Trump struggled with this decision about the dreamers and simply wants Congress to act on their behalf, I'd point to the fact that in a little over one week, this president pardoned the sheriff who made it his life's mission to threaten, harass, detain and torture immigrants, and then ended a program that protected those who were brought to this country as children. His actions speak louder than any words he uttered about treating them humanely.