



## Deferring the Inevitable on Immigration?

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June 28, 2020

In light of the Supreme Court's decision to protect the Deferred Action for Childhood Arrivals program, President Donald Trump announced a renewed effort to terminate the program. Some 800,000 illegal aliens receive protection from deportation under DACA, a program whisked out of the ether by Barack Obama's pen and phone.

As Rachel Bovard wrote, "Trump can still end DACA, but he'll have to try again—and, thanks to the court's precedent that such an action must adhere strictly to the [Administrative Procedures Act], he won't have time to do it before November's election." Bovard thinks that may have been precisely the point of the ruling—and she is likely correct to suspect as much, given Chief Justice John Roberts' history of activism from the bench.

In the days leading up to the court's decision, Roberts' cause found predictable allies in the media.

Pollsters engaged in a campaign to manufacture support for DACA and paint its beneficiaries in an angelic light. The short-term goal is to use the scarecrow of artificial public support to spook the administration into renewing legal protections for DACA beneficiaries as their deferral periods end. But the real goal is to protect them long enough for lawmakers to make an amnesty deal and offer them permanent legal status.

### **Amnesty in the Second Term?**

Some believe the court's decision took such a deal off the table for now. But even if Trump is reelected, it is not altogether clear, given the administration's behavior in recent years, that amnesty is off the table.

Enter senior advisor Jared Kushner and Brooke Rollins, director of the White House Domestic Policy Council.

Amid nationwide unrest, Fox News host Tucker Carlson identified Rollins and Kushner as the loudest voices urging the president to sit on his hands. Quelling civil unrest, they worried, could appear racist.

Kushner and Rollins are of one mind on everything from criminal justice reform to immigration. Their views are at odds with those of Trump's base, which they reportedly hold in contempt as politically captive rubes.

On June 4, two weeks before the court's DACA ruling, *Newsmax* White House correspondent Emerald Robinson broke the news that Kushner was cooking up a DACA amnesty deal, intending to get it done before the November election. Journalist Ryan Girdusky confirmed Robinson's claim.

“Kushner believes that if Trump can grant a DACA amnesty,” Girdusky wrote, “he will keep his base and win over factions of the Democrat Party that are intending to vote for Biden.”

Kushner floated amnesty for DREAM Act beneficiaries in early 2019. According to the Migration Policy Institute, there are around 3.6 million “dreamers.” He and his allies in the White House felt confident that the prospect of President Joe Biden would sufficiently cow Trump’s voters into acquiescing to this kind of abject betrayal.

And if Kushner was attempting to muster support in D.C. for an amnesty deal, Rollins was providing the arguments and support network.

### **Enter the Koch Network**

From 2003 to 2018, Rollins was president and CEO of the Texas Public Policy Foundation (TPPF). In defense of the DACA program, the comically libertarian Cato Institute cited a study by Rollins’ think tank on the benefits of legalizing “unauthorized immigrants.” Not only did the TPPF study laud the economic benefits of a massive pool of cheap labor provided by legal and illegal immigration, but it also concluded that “in some cases, the costs of enforcing current immigration policy are the only reason that illegal immigration is not a net gain for the state” of Texas.

Rollins and TPPF maintain close relationships with various Koch projects, such as the LIBRE Initiative, a political pressure group that has crusaded on behalf of DACA.

In 2018, LIBRE committed \$1 million to lobby Congress to pass legislation protecting DACA recipients from deportation. The money bought TV ads and a direct-mail campaign to 100,000 homes, lavishing praise on congressmen who supported amnesty. “This effort to influence the immigration debate by undercutting hardline Republicans isn’t coming from deep-pocketed liberals. It is being funded by industrialists Charles and David Koch,” the *Boston Globe* reported.

By 2019, LIBRE and TPPF personnel were meeting in the White House with Kushner and Rollins while she worked in the Office of American Innovation (OAI).

The Kushner-run OAI channels the weight of corporate pressure groups to strongarm policy outcomes. The office successfully mobilized in 2017 to smother in the crib the president’s plan to crack down on visa worker programs used to outsource American jobs by tech companies.

With the help of Rollins and her connections, Kushner used the OAI in 2018 to similar success with the First Step Act—a soft on crime bill at odds with the “tough on crime” platform on which Trump campaigned. Among the chief backers of the First Step Act was Right on Crime, a project of the Center for Effective Justice at the Texas Public Policy Foundation, funded by Koch Industries and their network of donors.

By elevating Rollins, Kushner facilitated the growth of Koch influence in the White House.

“Jared Kushner ran a white board planning session last week at the White House with the Koch network and other people who worked with him on criminal justice reform,” Axios reported on January 29, 2019. “The purpose: to see if the administration can replicate the approach they took to pass criminal justice reform to overhaul America’s immigration system.”

Kushner brought together Rollins, then overseeing the OAI, Josh Treviño, the chief innovation officer at TPPF, Daniel Garza, president of the LIBRE Initiative, and Mark Holden, then Koch Industries' senior vice president. The meeting took place around the time Kushner pitched green cards for DACA recipients.

Holden and Rollins appear side-by-side at speaking events and pen columns together advocating Koch-backed policy. Holden supports “legal status”—that is, amnesty—for both DACA recipients and dreamers, whose total numbers are in the millions. Now he and Kushner have built up a working relationship, seeing eye-to-eye on issues and working toward common goals, undercutting the very agenda that got Trump elected.

### **What Price Victory?**

Of course, the buck stops with Trump. Ultimately, the president chooses to listen to these people, he allows them to deceive him with impunity, and keeps them around rather than firing them as his base has demanded since day one. I do not mean to suggest that Rollins is a powerful shadow broker or that Kushner is a Svengali character. By all accounts, both are more or less normal, if supremely arrogant and out-of-touch people. What they do have are the president's ear and his trust.

The continued presence and influence of people like Kushner and Rollins, at worst, may already have cost Trump reelection. At best, it makes his recent moves on the immigration front seem desperate—and that is unfortunate because it diminishes some of the good and permanent changes the administration recently announced regarding visa worker programs.

Nevertheless, there is a concern in Trump's base that so long as these people are in the White House, reelection will merely bring more of the same disappointments over the course of a second term. That's not exactly a reason to skip to the polls.

What guarantee does Trump's base have that with his reelection they won't see a repeat of the Immigration Reform and Control Act of 1986? That is, amnesty in exchange for border and immigration security—which really just means amnesty that will fundamentally transform the country alongside more broken promises.

Recall the words of Doris Meissner, commissioner of the Immigration and Naturalization Service during the Clinton Administration, who acknowledged years later: “We never did in any serious way the enforcement that was to accompany the legalization of the people who were here illegally.” What was true then is true now and will be true if Trump is reelected—especially with people like Chad Wolf as secretary of the Department of Homeland Security.

As November approaches, and as Trump chooses to reward Kushner with an “even more active role” in the campaign, the president continues to ignore the demands of his base at his own peril.