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Meet DACA's Demise with Determination, Not Despair

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Meet DACA's Demise with Determination, Not Despair

Abstract

"This is a moment in which vital immigration reform is actually realistically possible, but the magnitude of that task requires bipartisanship like we haven't seen in some time."

Posting about the recent rescinding of DACA from *In All Things* - an online journal for critical reflection on faith, culture, art, and every ordinary-yet-graced square inch of God's creation.

<http://inallthings.org/feature/meet-dacas-demise-with-determination-not-despair/>

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Comments

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 [all in allthings.org/feature/meet-dacas-demise-with-determination-not-despair/](https://allthings.org/feature/meet-dacas-demise-with-determination-not-despair/)

Donald Roth

September 8,
2017

Deferred Action for Childhood Arrivals (DACA) is an American immigration policy founded by the Obama administration in June 2012. DACA allows certain illegal immigrants who entered the country as minors to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit. On Tuesday, President Trump [ordered](#) an end to the Obama-era program that shields young undocumented immigrants from deportation and urged Congress to pass a replacement before he begins phasing out its protections in six months. The staff of iAt has asked two contributors to write a response to President Trump's decision. Yesterday, Myles Wertz shared his viewpoint on how Christians can respond in the article, "[DACA: Mirror to the Church](#)." Today, Donald Roth shares his response.

The Attorney General's [announcement on Tuesday](#) that President Trump had decided to wind down the Deferred Action for Childhood Arrivals Program (DACA) sent news and social media into a predictable frenzy. President Trump has generally been at odds with large segments of the immigrant community, particularly the undocumented immigrants who have entered the country illegally, so many have interpreted this decision as an attack on immigrants, especially children who were innocent in their arrival here but have since become productive contributors to society.

I understand this response, but I don't think it's the right one at this point, and it's particularly troubling that churches have accepted this interpretation. Yes, we should "[mourn with those who mourn](#)," but there is also "[a time to mourn](#)" and I don't think now is such a time.

We should be willing to listen to what was said...

Many have followed in former-President Obama's footsteps by calling the end of DACA an assault on "[our best and brightest young people](#)." This includes many church and denominational organizations who have posted statements of grief and mourning for the "[uncertainty and injustice that so many young immigrants are experiencing](#)." Both of these responses treat the situation as if DACA was repealed and people were being deported starting today, and both of responses assert that the policy change is an assault on the people benefitting from the policy. But, is that what was said?

If you read Attorney General Sessions' [statement](#), there are certainly a few comments on the negative effects of illegal immigration. However, any reasonable evaluation of the statement would admit that the thrust of the argument is not focused on the immigrants themselves. Instead, the issue revolves around the lack of legal authority that then-President Obama had to take such action.

Sessions' quoting of Jonathan Turley, professor of law at George Washington University, captures the argument best:

"In ordering this blanket exception, President Obama was nullifying part of a law that he simply disagreed with... If a president can claim sweeping discretion to suspend key federal laws, the entire legislative process becomes little more than a pretense... The circumvention of the legislative process not only undermines the authority of this branch but destabilizes the tripartite system as a whole."

Former-President Obama more or less admitted to this when he voiced his criticism of President Trump's decision. He cited a long *bipartisan* interest in helping the people aided by DACA, having decided to implement the program because he was waiting on Congress to act, but "That bill never came."

If we respond to this executive action with mourning, it is because we see it as an assault on Dreamers.¹ However, the statement that was made is more clearly an attack on Obama. It's completely understandable that former-President Obama would say this targets Dreamers—after all, he thinks his actions were totally justified. But, if we're to go the same way, we must do one of two things: either affirm that President Obama's exercise of action was legally unquestionable, or consider the entire statement by Attorney General Sessions to have been a smokescreen for xenophobia.² Neither alternative is a good idea.

In general, Christians affirm that all authority is derived from, and therefore answerable to, God. A similar view of the delegated and therefore limited nature of authority is part of the genius of the structure of the American Constitution, which is reflected in the significant common ground we all share in worrying about tyranny.³ However, if we're fair, we can admit that our sensibilities about one branch of government overreaching its authority are often tied to our political leanings and whether the action in question was done by "us" or "them." It's kind of inevitable, but it's not desirable. If we dislike tyranny, then we should decry it in all its forms, whether an abuse of power serves our purposes or not. Regardless of the nuances of the Constitutional argument, President Obama agrees that he circumvented Congress, making what was neither a legally nor morally unassailable decision. It is unreasonable to claim that opposing his decision could only be a moral cover for hating the people affected by the policy.

If we reject the first reason for ignoring Sessions' statement, it is still understandable why people would reach for the second. There is no doubt that Trump has appealed to fear and xenophobia as tools to build his power base. There's also no doubt that this decision, absent any future action, would delight racists and cause the marginalized to suffer. However, claiming xenophobia would mean shutting our ears to what was actually said.

The statement calls on Congress to act. President Trump led up to the statement by calling on Congress to act, and he followed that statement up by tweeting, "[Congress now has 6 months to legalize DACA \(something the Obama Administration was unable to do\). If they can't, I will revisit this issue!](#)" Even if President Trump is a racist (and I'm not contradicting that claim at all), he has gone to great lengths to frame this policy decision as based in limited government, and he has taken steps to commit himself to signing legislation that accomplishes virtually the same outcome as DACA.

...and take it seriously at face value...

That's where this issue pivots for me. If we jump to mourning, we must immediately assume that the official statement is farce, and that mass deportation—although more than six months out—is a virtually accomplished fact. If we jump to mourning, we move past the words that were said, willfully ignoring them in favor of what we think Trump really meant.

There is danger, especially at the institutional level, in making this leap. Making this leap means it doesn't matter what was said: we know what it really meant, and we can respond as if the supposed intent behind the DACA action had already caused the deportation to come to pass. It completely removes any middle ground for people who think this was the right idea done in the wrong way (the group to which Trump is appealing) and makes the statement into an "us" versus "them" battle in which you're either a white nationalist or a compassionate human being. While there's rhetorical power in this framing, it's not an ethical use of communication, and it serves to further the lamentable tribalization of politics in the modern world.

Worse still, when it is the church that adopts this framework, is that our very real and compelling obligation to the widow and orphan (and our laudably passionate concern for them) can lead us to unwittingly collapse the divine perspective into the political one. If, on a formal level, we engage in advocacy that disregards the value of words, what impact will we reap in our daily advocacy of the power of the Word?

...so that we can hold the President accountable to his own words

So, what alternative do we have? Taken a different way, how confident are we about where the majority of

Americans stand? If repealing DACA can only be an assault on Dreamers, then there's no room for people who want the same outcome, but who see great injustice in the misuse of executive power. It excludes those who are advocates of limited, delegated authority and office consciousness, and it furthers the notion that power is inherent and personal. It labels as "disingenuous" or "naïve" the Republicans who have advocated and continue to advocate for a legislative solution.

Why alienate a consensus? Instead, whatever Trump's private motivations are, let us take the Administration at its word, and work to hold them to it. Rather than mourning an attack that has not yet occurred, join hands across the aisle to make sure that it doesn't happen. In the end, there's a reason why former-President Obama preferred a legislative pathway in the first place: a DACA where the "A" stands for "Act" is better in virtually every possible way.

This is a moment in which vital immigration reform is actually realistically possible, but the magnitude of that task requires bipartisanship like we haven't seen in some time. Now isn't a moment to mourn, it's a moment to march, because if we fracture ourselves and fall short this time, mourning is all we'll have left.

Footnotes

1. a shorthand for those affected by DACA [↩](#)
2. There's a third option, namely that this statement was meant to be an attack on Obama, with the Dreamers as acceptable collateral damage, but that option is also answered by my analysis, so I won't address it separately. [↩](#)
3. This is not an argument that we're a Christian nation, simply that these principles related to limited governance have roots in a view of government and humanity born of both the Reformation and the Enlightenment. [↩](#)