

Paxton and Trump's Big DACA Showdown

DACA Facts and Friction

While Harvey wreaks havoc over Texas and Louisiana, another storm is about to stir our National conscience on what to do about the 850,000 young people currently working, studying and paying taxes in America thanks to Deferred Action for Childhood Arrivals, better known as DACA. These are young adults whose parents brought them here before their 16th birthdays, they have no criminal record and have or will graduate from high school. What's surprising is 4 out of 5 Americans, according to a June 2017 Morning Consult poll, agree DACA kids should stay. That's refreshing, considering how much vitriol and vinegar dominate our dialog these days.

Why then would Texas Attorney General Ken Paxton throw a landmine in DACA's path threatening the Trump administration with a Supreme Court showdown if Trump doesn't cancel DACA before September 5th, 2017? DACA was created by an Obama executive order which Trump can cancel at will, as he said he would on the campaign trail. But since taking office he's said he will treat this issue "with heart," and despite predictions to the contrary, he's taken no action, essentially extending DACA for now.

Paxton, however, is staging a showdown that will force Trump's hand on September 5th. His desire is to prove Obama's executive order creating DACA is unconstitutional. While most of us are in favor of DACA, experts say Paxton, and the other 9 states' AGs who signed onto his case, would likely win in court. In other words, technically, the Obama order is unconstitutional. Before we rush to judgement, let's look at the last 5 years of data to see what it tells us about DACA and those who benefit by its action.

Paxton et al claim DACA has hurt Americans economically. They claim DACA residents have taken jobs away from American citizens. Additionally, DACA has put an unfair cost of public services borne by the states – Paxton's claim includes the cost of providing Texas drivers' licenses – otherwise not available to unauthorized residents. But the data from the last 5 years, not to mention many decades of similar scenarios, doesn't support that. A 2016 National Academy of Sciences study shows immigration has a positive impact on the economy, wages and consumption and no impact on employment. As for the cost of drivers' licenses et al, one can easily see the economic win of capturing new tax, insurance, tuition and other revenues boosting our GDP from 850,000 students and workers formerly off those rolls. This produces a net gain of several billion dollars a year based on US Census data.

Another claim is public safety. The data shows of the 850,000 DACA certificates issued only 1,500 have been rescinded due to criminal activity, a mere 0.18%, half our native-born rate. So, there is certainly no public safety basis to deport DACA kids who have been twice as law abiding as the rest of us.



Maybe the biggest reason to consider this issue carefully was hinted earlier. Whether you like the person who said it, or think he's possessed by something, there is a lot to be said for treating this issue "with heart." That's the moral thing to do. You've probably met a DACA student or co-worker and may not have known it. They are valedictorians, serve in our military, work hard, want to pay their taxes and be law abiding citizens. This is likely why most of us agree they should stay.

Word is Trump's new Chief of Staff Kelly was favorable toward DACA while at DHS. Trump has certainly rethought his position. If Paxton's efforts were to ask the White House to redo DACA through the legislative branch to make it constitutional, that would be noble. But, it appears, his intent is to prove a point at the expense of 850,000 hard-working, law abiding, tax paying young adults.

Let's hope our moral sense of justice prevails.

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