


Testimony
A Pamphlet from Pax Christi Texas

Anticipating October 27, 2019

Communications with the editor may be sent to j6anthonyblasi@yahoo.com. Pax Christi International was founded in 1945 with the encouragement of Bishop Pierre Marie Théas of Montauban, France, by Marthe Dortel Claudot, as a Christian lay organization dedicated to preventing a repetition of the savagery of the twentieth century's world wars.

Editorial

After the calendar, the Liturgical Reading reflections are based on readings for the Thirtieth Sunday in Ordinary Time. Tom Keene's poem is *What Is Meditation?* For more of Tom's poems, see <http://www.tomkeeneandthemuse.com/index.php>. Following the poem is the argument section of an amici curiae brief of 127 religious organizations, including Pax Christi USA, in the Supreme Court case of the Trump administration's effort to end the Deferred Action for Childhood Arrivals (DACA) Program.

Calendar

In Austin

Tuesday October 22, 11:00am-12:30pm, REFOCUS Webinar: interactive webinar with Rev. Bill Buchanan on engaging young people in the intersectionality of poverty, race, privilege, and power. \$15.00. Register at: <https://www.austinseminary.edu/lifelong-learning/workshops/refocus-postcolonial-mission/postcolonial-registration>.

Tuesday October 22, 6:00pm-8:00pm, panel discussion, "Immigration Policy—The Reality of Immigration in Austin," with Laurie Cook-Heffron (St. Edward's University) and Jennifer Long (Casa Marianella). Munday Library 141, St. Edward's University, 3001 S. Congress.

Thursday October 24, 5:00pm-6:30pm, Doug Smith, "Imagining Justice Outside the Prison Cell." Fleck Hall 305, St. Edward's University, 3001 S. Congress. Information: Sherri Defesche, sherrid@stedwards.edu.

Wednesday October 30, 7:00pm, film, *The Penalty*, on the death penalty, followed by a panel discussion. Carter Auditorium, St. Edward's University, 3001 S. Congress. Free, but register at

<https://www.eventbrite.com/e/the-penalty-cel-film-series-tickets-66336527339>. Information: Sherri Defesche, sherrid@stedwards.edu.

Wednesday November 6, 5:00pm-6:30pm, Paul Allen Miller (U. of South Carolina), Internationalizing the University. Prof. Miller discusses the rise of nationalist movements in the U.S. discouraging international students from studying in the U.S. Fleck Hall 305, St. Edward's University, 3001 S. Congress. Register at <https://www.eventbrite.com/e/paul-allen-miller-on-internationalizing-the-university-cel-speaker-series-tickets-63300782344>. Information: Sherri Defesche, sherrid@stedwards.edu.

Thursday November 14, 5:00pm-6:30pm, Rita Stephen, "Women in the Muslim World." Fleck Hall 305, St. Edward's University, 3001 S. Congress. Information: Sherri Defesche, sherrid@stedwards.edu.

Sunday November 17 (3rd Sunday of the month), 7:00pm, Pax Christi Austin meeting. Fr. Payne House, St. Ignatius Church, 126 Oltorf St.

In Columbus, Georgia

Saturday November 16, 7:00pm, Pax Christi USA program at the school of the Americas protest, "The Spirituality of Nonviolence Lived Out in the Central American Martyrs and Today." Our Lady of Lourdes Church, 1953 Torch Hill Road.

In Dallas

Tuesday October 22, 1:00pm-3:30pm, "Restorative Justice and Prison Abolition," Vincent Lloyd (Villanova University) and respondents. Prothro Hall 106, 5901 Bishop Blvd.

Sunday October 27, 10:30am-12:00pm, Fr. Charles Curran, "Crisis in the Church: Where Did It Come From and Where Are We Going?" McCord Auditorium, 3rd floor, Dallas Hall, Southern Methodist University. Park north of Dallas Hall. Coffee and bagels.

Monday November 11, 7:00pm-8:30pm, continuation of the Faiths in Conversation series. Information, location, and tickets: dallasinstitute.org/faith-in-conversation/

Thursday November 14, 5:30pm-7:30pm, film: *The Penalty*, about the death penalty, followed by discussion. Harold Clark Simmons Hall 101A, \$15.00. Tickets at <https://bit.ly/SMUDRpenaltyfilm>.

Friday November 22, 12:00pm-1:30pm, Nicholas Bucerda (Linfield College), "The fFre is Upon Us: James Baldwin, William F. Buckley Jr., and the debate over Race in America." Forum (Lower Level), 3140 Dyer St. Free, but reservations required: <https://whozin.com/M79-4CY-9EUM-NMDF>.

In El Paso

Sunday October 27, 2:30pm-4:30pm, Raymond Caballero (former mayor El Paso), "Communists, FBI Tricksters, and El Paso Justice: The Infamous Case of Clinton Jencks." Comments by Tom Spieczny. Maud Sullivan Gallery, El Paso Public Library Downtown, 501 N. Oregon.

October 30, 12:00pm-1:00pm, execution vigil in front of the El Paso County Courthouse. Information: 740-3962. (Check whether execution has been cancelled.)

In Houston

Wednesday October 23, 7:00pm-8:30pm, Henry Cisneros, "Building Equitable Cities." Museum of Fine Arts, 1001 Bissonnet St.

Sunday October 27, 6:00pm-9:00pm, Lis Brenskelle (Lutherans Restoring Creation Team), on the Earth Charter. Live Oak Friends Meeting House, 1320 W. 26th St.

Friday November 1, 8:00am-9:00am, Brandon Vaidyanathan (Catholic University of America), "Mercenaries and Missionaries: Capitalism and Catholicism in the Global South." Lovett Hall, Suite 402 (accessible via Door C), Rice University. Free; register at https://events.rice.edu/#!view/event/date/20191101/event_id/55440.

Sunday November 10, 5:00pm-9:00pm, Houston Peace and Justice Center Peacemaker Awards Dinner & Auction. Crowne Plaza Hotel, 2712 Southwest Freeway, \$80-100. Register: <https://www.hpjc.org/event/2019-hpjc-peacemaker-awards-dinner-auction/>

Monday November 11, 7:30pm-9:30pm, Karen Armstrong, "The Lost Art of Scripture: Rescuing the Sacred Texts." Congregation Emanu El, 500 Sunset Blvd. \$45.00-\$150.

Wednesday November 13, 6:00pm, Earl Lewis (University of Michigan), "Race: It's Always Personal." RMC/Ley Student Center, Farnsworth Pavilion, Rice University. Info: Campbell@rice.edu.

Thursday November 14, 6:00pm, Earl Lewis (University of Michigan), "What Our World Needs Now: Undoing the Third Slavery." RMC/Ley Student Center, Farnsworth Pavilion, Rice University. Info: Campbell@rice.edu.

Sunday November 17, 9:45am, Ross Pierkowski (More to Live), "Telling Our Stories," on transgender. St. Philip Presbyterian Church 201, 4807 San Felipe.

Sunday November 24, 6:00pm-7:00pm, Lisa Brenskelle, "The Ecological Crisis & the Response of Faith." Live Oak Friends Meeting House, 1320 W. 26th St.

In Laredo

Saturday October 26, 1:00pm, demonstration: "Bold Border Action," led by Interfaith Welcoming Coalition. Protest is against the "Remain in Mexico" policy and other actions. Tres Laredo Park, 1300 Pedregal. See video: <https://interfaithwelcomcoalition.org>.

In San Antonio

Wednesday October 23, 7:30pm, Jackson Katz (Mentors in Violence Prevention), “Stop Gender-Based Violence.” Jackson Auditorium, Texas Lutheran University 1000 Court St., Seguin. Information: www.tlu.edu/events/krost-symposium-stop-gender-based-violence/.

Thursday October 24, 6:00pm-8:00pm, conversation, “Hate Hurts: Can We Disagree without Being Disagreeable?” Facilitators from UTSA communications class. Morell Hall, Oblate School of Theology, 285 Oblate. RSVP at <https://www.eventbrite.com/e/hate-hurts-can-we-disagree-without-being-disagreeable-tickets-74736200989>

Thursday October 24, 6:00pm, film, *The Sultan and the Saint*, and interfaith gathering to share the *Document of Fraternity for Humanity for world Peace and Living Together* of Pope Francis and Grand Imam of Al-Azhar Al-Tayyeb (Abu Dhabi, February 4, 2019). St. Francis of Assisi Catholic Church, 4201 De Zavala Rd. Free, but tickets required: <https://www.eventbrite.com/e/the-sultan-and-the-saint-an-interfaith-gathering-tickets-66686409847>.

Tuesday October 29, 6:30pm-8:30pm, conversation on economic segregation in San Antonio: Christine Drennon (Trinity University), Simon Salas (Good Samaritan Center), Veronica Soto (City of San Antonio), Linda Carmen (Metro Health), and Andrew Hill (St. Philip’s College). Little Carver Theater/Civic Center, 226 N. Hackberry. RSVP at <https://www.eventbrite.com/e/minding-the-gaps-a-conversation-on-economic-segregation-in-sa-tickets-74705212301?aff=ebdssbeac>

Wednesday October 30, Our Lady of the Lake University Peace Day. 9:00am Immigrants and Refugees: Our Brothers and Sisters; 10:30 am Provoking Violence or Bridges to Understanding; 11:15 About Face: Veterans Against the War, etc. Full schedule given after some previous events: <https://www.uiw.edu/PeaceDay/schedule-2019.html>

Saturday November 2, 10:00am, Pax Christi San Antonio meeting, 16406 Ledge Point St.

Monday November 4, 7:00pm-8:30pm, “Mass Incarceration: A Policy Crisis.” University of the Incarnate Word Concert Hall, 4301 Broadway. Information: Lisa Epstein, epsteinl@fsatx.org. Co-sponsored by UIW and the Jewish Federation of San Antonio.

Wednesday November 6, 7:00pm-9:30pm, Bishop Robert McElroy, “Rebuild My Church.” Conference Room A, St. Mary’s University, One Camino Santa Maria.

Monday November 11, 3:30pm, video, *Inhabit—A Permaculture Perspective*. Christus Heritage Hall, The Village at Incarnate Word, 4707 Broadway.

Thursday November 14, 6:00pm doors open, 6:30pm-8:00pm program. “Island Energy—From Hawaii to the Texas Grid,” Jim Ajello (Hawaiian Electric Industries) and Cris Eugster (CPS

Energy). Chapman Great Hall, Trinity University, One Trinity Place. Register at <https://app.etapestry.com/onlineforms/EnergyInnovationCenter/t4p-1.html>.

Monday November 18, 6:30pm, video, *American Prophet*, followed by a panel; sponsored by Pax Christi San Antonio. The video focuses on the early career of Bishop Gumbleton and his emergence amidst the then-controversial racial integration of Catholic parishes in Detroit. Tom Gumbleton would later become the Bishop President of Pax Christi USA. Christus Heritage Hall, The Village at Incarnate Word, 4707 Broadway.

Second Reading (2 Timothy 4:6-8, 16-18)

The author of the Pastoral Epistles depicts Paul in *Second Timothy* as awaiting execution in Rome and passing on the torch, so to speak, to Timothy: “For I am already offered up as a libation, and the season of my departure has arrived.” The verses that follow, which are left out of the Lectionary, make passing references to names taken from the authentic Paulines and from the *Acts of the Apostles*. Then the author draws an implicit parallel between Paul and Jesus at the time of the crucifixion: “At my first defense, no one was standing beside me, but all abandoned me. Let it not be counted against them. But the Lord stood by me and strengthened me....” Abandonment, scandal—how psychologically distant from any sense of self-righteousness, though intent on being right.

Third Reading (Luke 18.9-14)

Before we read the gospel at mass, we have a private prayer: “The Lord be in my mind, on my lips, and in my heart.” This is accompanied by the motion of signing a small cross on the forehead, then another one at the mouth, and finally one on the chest. It is actually a difficult prayer; the mind distracts easily and focuses only with effort. The lips are controlled more readily than the mind, but still not without firm intent. And the heart.... How do we fix the heart on anything but the self?

The reading is about two people at prayer in the Temple. “The Pharisee, standing, prayed these things about himself: ‘O God, I thank you that I am not like the rest of humanity....’ But the tax collector, standing at a distance, did not wish even to raise his eyes toward heaven, but beat his breast saying, ‘O God, be merciful to me, a sinner.’” The second one is like the prayer for a selfless heart, very difficult.

Most of us as individuals have help from others in cultivating humility. There seem to be so many people eager to take us down a notch or two! But as

groups, inhabitants of social categories that have pretensions, we insulate ourselves from such “help.” Luke’s gospel narrative make a point of citing such collective categories—Pharisee, tax collector. Both categories made their importance felt in ancient Palestine, albeit in different ways. The Pharisees used social approval, while the tax collectors had the force of the imperial state behind them.

One should be individually humble; of course. That is virtuous. But it is also self-serving to share in the pretensions of a collective identity—class standing, religious identity, nationality. The rich and poor isolate themselves from one another. The religious traditions, and even denominations, contain interfaith discussions within dedicated occasions rather than venture outward courageously. Nationalities resist integration and immigration.

Poem

What is meditation?

When asked, the teacher,
so quick with answers, hesitated in surprise.
“I don’t know. I’ll have to think about it.”

Days later, his child toddled up,
stretched out her arms in expectation.
Taken up, she laid her head on his shoulder.

When satisfied, she wiggled to be let down.
As she ambled off, the thought declared itself:

*Meditation is being quiet
with someone you love
and who loves you.*

Tom Keene
November 5, 2011

Department of Homeland Security v. Regents of the University of California
Amici Curiae Brief of 127 Religious Organizations: Argument Section

SUMMARY OF THE ARGUMENT

Since DACA's inception in 2012, American religious communities of many faiths have supported the program as a just and compassionate response to a moral and humanitarian crisis. The children and young adults eligible for and currently receiving the benefits of DACA status (often referred to as "Dreamers") were, in most cases, brought to this country as children by their parents. They have lived most of their lives in the United States, typically with no memory of any other home. Only young people who have pursued education or served in our military, and have no significant criminal record, are eligible for DACA status. Yet they now face deportation to often dangerous and unfamiliar places, or a life in the undocumented shadows. Amici believe, on the basis of faith and morality, that these children and young adults must be protected. Amici therefore offer this brief in support of Respondents in order to address how, in their view, the Government's proposed termination of DACA (the "Termination Memo") would cause irreparable harm and constitute a severe detriment to the public. Amici have firsthand knowledge of the valuable contributions to faith and community made by DACA recipients and understand all too well the harm that the termination of DACA would cause. For example, ending DACA would put Nancy, an Associate Rector at amicus St. Luke's Episcopal Church in Long Beach, California, who came to the United States from Mexico at age seven, at risk of deportation. Amici detail the stories of Nancy and others like her in Section II(A) below to provide the Court with a sample of the lives that are at risk of being upended. Amici also know, because of their religious and charitable work in Latin America and other regions, the challenges and dangers these young people face if they are deported. Amici also have a direct stake in these issues beyond their religious concerns and the protection of their congregants. First, amici stand to lose the substantial benefits they currently enjoy as a result of the varied contributions that DACA recipients make to their congregations and institutions. Second, if the Termination Memo is carried out and DACA recipients and DACA-eligible individuals are forced into hiding, amici will suffer an impairment of their ability to carry out their core mission to provide spiritual guidance and general assistance to people of all backgrounds and faiths. Third, many amici have and will continue to offer sanctuary to those facing deportation. Amici's churches,

mosques, and synagogues are ostensibly designated by U.S. Immigration and Customs Enforcement (“ICE”) as sensitive locations to be avoided by enforcement officials, but ICE has shown a growing willingness to target and exploit, rather than avoid, sensitive locations. Amici will be on the front line of this conflict if DACA is rescinded: honoring their convictions to protect DACA recipients will risk ICE raids on or around their houses of worship. For the reasons set forth herein and in Respondents’ and other amici’s briefs, amici urge the Court to affirm the lower courts’ decisions enjoining the implementation of the Termination Memo and holding that it was unlawful. ARGUMENT The lower courts prohibited the Government from proceeding with its planned termination of DACA. In Case Nos. 18-587 and 18-589, the lower courts found that Respondents demonstrated (1) a likelihood of success on the merits of their claims under the Administrative Procedure Act, (2) irreparable harm, and (3) that the balance of equities and the public interest favored injunctive relief. In Case No. 18-588, the lower court vacated the Termination Memo, finding that it was arbitrary and capricious. Amici endorse the lower courts’ holdings and the arguments set forth by Respondents, and submit this brief to further illustrate the irreparable harm that implementation of the Termination Memo would cause.

I. RELIGIOUS ORGANIZATIONS SUPPORT DACA AS A JUST RESPONSE TO A HUMANITARIAN CRISIS

Amici object to the Government’s arbitrary and ill-reasoned decision to rescind DACA on moral, spiritual, and religious grounds. Although they represent different faiths and denominations, amici are in unequivocal agreement that DACA is a force for good in our society that should be protected. As amicus Catholic Charities Community Services of the Archdiocese of New York explains, “DACA is an important first step to acknowledging and growing the human and social contributions and needs of young immigrants and of our own communities.”² Those who are eligible for DACA or who already benefit from it “were brought to the United States” by their parents, “now have established roots, have built families, have contributed to their communities of faith, work, and family,” and their “energy, spirit, life, and heart are part of this nation, which can only benefit from their continued participation.” For many amici, these convictions are deeply rooted in their faith and moral principles. Temple Sinai of Washington D.C., for example, believes that “as a Jewish institution, Biblical texts and our Jewish

² Quotes from amici herein are drawn from interviews conducted by counsel in November and December 2017 to provide the Court with a fuller understanding of how DACA has impacted American religious communities.

history inform our position on modern day immigration policy. Leviticus 19 explicitly says, ‘When a stranger sojourns with you in your land, you shall do him no wrong.’” St. Luke’s Episcopal Church in Long Beach, California, similarly states that “for us, this is a biblical rather than a political issue.” And as the Catholic mission Maryknoll attests, “recognizing the hardships and struggles of immigrant families, and the tremendous economic and social contributions Dreamers make to the United States, we feel it is unethical to send Dreamers back to countries they hardly know, as well as a senseless loss to our nation.” For others still, supporting DACA is part of their social justice mission. Christ Church Cathedral in Cincinnati has, in light of the Government’s immigration policy priorities, “focused its social justice concerns on matters of immigration and the impact that deportations or the repeal of DACA will have on God’s children.” Amici and groups like them have, accordingly, objected vocally to the arbitrary repeal of the DACA program. On September 5, 2017, when the Government announced its decision to terminate DACA, countless religious groups and leaders released statements of condemnation. The United States Conference of Catholic Bishops publicly called the decision “reprehensible,” “unacceptable,” and “a heartbreaking moment in our history that shows the absence of mercy and good will.”³ Amicus Council on American-Islamic Relations described the move as a “heartless action [that] will only serve to create fear and anxiety for the Dreamers and their loved ones, and will force them back to living in the shadows, rendering them unable to contribute to our nation’s economy.”⁴ And amici Union for Reform Judaism and Central Conference of American Rabbis declared it “morally misguided and poor public policy,” noting that “Judaism demands that we welcome the stranger and compels us to work for a just immigration system.”⁵ Amici agree wholeheartedly with these statements. Rev. Robin Hynicka of amicus Arch Street United Methodist Church (“UMC”) in Philadelphia, for example, describes the “mythology surrounding why people migrate” as a campaign to “criminalize immigration” and to paint all immigrants as “bad,” when in fact the “the real reasons for these migrations are not listened to, considered, or understood.” He explains: “From a

³ United States Conference of Catholic Bishops, USCCB President, Vice President and Committee Chairmen Denounce Administration’s Decision to End DACA and Strongly Urge Congress to Find Legislative Solution, <http://www.usccb.org/news/2017/17-157.cfm> (Sept. 5, 2017).

⁴ Council on American-Islamic Relations, CAIR Condemns Trump’s Termination of DACA Program as ‘Pandering to Anti-Immigrant Extremists’, <https://www.cair.com/press-center/press-releases/14582-cair-condemns-trump-s-termination-of-daca-program-as-pandering-to-anti-immigrant-extremists.html> (Sept. 5, 2017).

⁵ Religious Action Center of Reform Judaism, Reform Jewish Movement Assails White House Targeting of Immigrant Youth, <https://rac.org/reform-jewish-movement-assails-white-house-targeting-immigrant-youth> (Sept. 5, 2017).

faith perspective, we take a baptismal vow that states we will resist evil, injustice, and oppression in any form in which it presents itself. The current immigration system and the move to end DACA create unjust circumstances, made manifest in human suffering. The attempt to crack down on Dreamers is a serious, cynical, evil action that has nothing to do with safety or justice. We have a theological and moral obligation to oppose these forces.”

Amici include entities that have taken active steps to protect Dreamers. A nation-wide, interfaith network of communities and congregations known as the New Sanctuary Movement, of which many amici are a part, have pledged to stand in solidarity with immigrants facing deportation.⁶ These groups provide preparedness training and legal counseling and referrals; accompany individuals to immigration hearings; run awareness programs and panel discussions; and conduct advocacy aimed at supporting immigrant communities through the lens of faith. Amicus New Mexico Faith Coalition for Immigrant Justice, for example, provides these services “in order to create better immigration laws and a more just system that supports the well-being of all,” and employs two DACA recipients in their three-person office. Similarly, amicus New Sanctuary Coalition is an interfaith network working “to reform immigration enforcement practices and policies, both locally and nationally, with a special focus on preserving family unity.” As explained below, many amici and congregations like them have offered themselves as places of sanctuary, providing shelter to those targeted for deportation actions.

Amici thus oppose with deep conviction the Government’s arbitrary decision to terminate DACA. As institutions of faith with a special interest in serving vulnerable immigrant populations, amici have direct knowledge of the harm that the Government’s actions will cause to them and the people with whom they live, work, and worship.

II. TERMINATION OF DACA WILL CAUSE AMICI, THEIR CONGREGATIONS, AND THEIR COMMUNITIES IRREPARABLE HARM AND POSES A GRAVE THREAT TO PUBLIC WELFARE

The arbitrary termination of DACA will not only imperil Respondents, it will directly harm amici and their congregants, clergy members, staff, clients, and communities. In the words of amicus Church Council of Greater Seattle, “DACA-recipients are our brothers and sisters, relatives, service-providers, congregational

⁶ See Sanctuary Movement, <http://www.sanctuarynotdeportation.org/>.

members, initiators of small business, and protectors of our communities and nation,” and the Government’s actions would “deprive hopeful and patriotic men and women of the opportunity to exercise their hopes and dreams, to the detriment of the common good.” Like our society at large, faith communities, according to the Albuquerque Monthly Meeting of the Religious Society of Friends (Quakers), “stand to lose the tremendous investment made over many years to bring DACA recipients into adulthood with skills and multicultural perspectives that are sorely needed by the larger community and the nation.”

The Government’s planned actions would cause harm on various levels. First, DACA recipients are vital members of amici’s congregations and workforces whose loss of status will not only disrupt their lives, but harm amici who benefit from their participation. Second, termination of the DACA program will impair the ability of amici and other religiously-affiliated organizations to carry out their missions to help people of all backgrounds and faiths. Third, as institutions of faith and sensitive locations for immigration enforcement purposes, many amici face the grim prospect that following their spiritual calling to provide sanctuary for targeted Dreamers will result in the religious entities themselves being targeted by immigration enforcement authorities, a concern that would increase dramatically with the termination of DACA.

A. Direct Harm to Amici and Their Congregants

To illustrate the irreparable harm at issue in this case, amici provide the Court with the following examples of individual DACA recipients brought to this country as children who have enriched their communities, organizations and congregations.

Nancy.⁷

Nancy, Associate Rector at amicus St. Luke’s Episcopal Church in Long Beach, California, came to the United States from Mexico at age seven. Like many Dreamers, Nancy did not know she was undocumented until her junior year of high school, when she applied to college and learned what a social security number was—and that she did not have one. Nancy describes her life after learning her immigration status as “in the shadows”; she could not get a driver’s license, and could not drive a car for fear of getting pulled over and risking deportation. For a teenager in Los Angeles, this was no idle fear.

Nonetheless, Nancy was active in her community. The Episcopal Church served as an extended family during her childhood, and by the time she turned 17

⁷ Declarations from the individual DACA recipients attesting to the information presented here are on file with counsel. The last names of these individuals have been withheld here to protect their privacy.

Nancy led the largest youth group in the Episcopal Diocese of Los Angeles. So great was her dedication that the Church paid for her tuition to college and seminary school, where she obtained a Master's of Divinity degree. After obtaining DACA status, Nancy was able to fulfill her dream of becoming an ordained Episcopal minister. Today, Nancy is the associate rector at amicus St. Luke's Episcopal Church, and the Diocese of Los Angeles's first Latina leader to have grown up in a Spanish-speaking Episcopal Church and gone on to pursue ordination. At St. Luke's, she is actively involved in immigrants' rights activism and education initiatives.

For Nancy, the Government's announcement on September 5, 2017 was "a moment of complete fear and hopelessness." She and others like her have "made a life here, trusted the system and tried to do things the right way," but now "run the risk that we will be hunted down and sent to a country that we do not know."

Rafael.

Brought to Los Angeles at three years old, Rafael, an office assistant with amicus New Mexico Faith Coalition for Immigrant Justice, was born in Guanajuato, Mexico. Rafael's parents, having risked everything to bring him to the United States, sought to instill in him the values of hard work and education. They succeeded. Rafael completed a Bachelor's Degree with a double major in History and Chicano Studies from California State University Dominguez Hills while working full time to pay his tuition and support himself. After obtaining DACA status, Rafael went on to obtain a Master's Degree in American Studies at the University of New Mexico, where he is now a Ph.D. candidate and an instructor.

Rafael's parents also instilled in him the values of Catholicism. He believes that faith-based organizations "fill the gaps of social justice and service that many times nation-states do not offer." As such, he works for amicus New Mexico Faith Coalition for Immigrant Justice as an office assistant. Rafael is proud to contribute to their work, which he sees as fulfilling community needs and a natural expression of his Catholic faith.

For Rafael, the end of DACA represents drastic and dangerous change. It spells the end of access to the work that he loves and a halt to his career after graduation. Moreover, it means "going back to living in the reality of survival mode," forever uncertain of his place and permanence in his own home, and without opportunity to flourish and grow.

Andrea.

Andrea is a legal assistant at amicus American Friends Service Committee. Andrea was born and baptized in Ecuador, but brought to New Jersey by her parents when she was a year and a half old. Andrea grew up in the Catholic Church. She went to Sunday school, took First Communion, and received Confirmation at her church in the Newark area, where she continues to volunteer in youth groups and for fundraising activities.

Andrea's parents, like many parents of Dreamers, prioritized her education. Knowing she could not obtain financial aid, Andrea's parents, both union members, carefully saved. After Andrea earned a paralegal degree from community college, her parents put her through Rutgers University's undergraduate program. Nonetheless, until DACA, Andrea's life was one of fear and constraint. She kept her undocumented status secret, and had to refrain from the normal day-to-day activities and jobs that her friends freely engaged in.

Andrea graduated from Rutgers summa cum laude. After she obtained DACA status, she was hired as a paralegal at a law firm, and was proud to have a job and a salary. Andrea's dream is to go to law school in the United States. For her, the end of DACA puts her dream in doubt and threatens to send her to Ecuador, a place in which she has never set foot since she was an infant. In the face of this peril, Andrea maintains, "I love this country and I can't imagine living elsewhere."

The harm that these individuals would suffer as a result of their loss of DACA status is readily apparent. See *Nunez v. Boldin*, 537 F. Supp. 578, 587 (S.D. Tex. 1982) ("Deportation to a country where one's life would be threatened obviously would result in irreparable injury."); *Kalaw v. Ferro*, 651 F. Supp. 1163, 1167 (W.D.N.Y. 1987) (enjoining deportation proceeding and finding irreparable harm because "petitioner's deportation would make her ineligible for any subsequent application for legalization"). Amici would be harmed as well; not only do people like Nancy, Rafael, and Andrea contribute richly to religious and faith-based organizations through their own individual efforts, they serve as mentors and inspire others to give back to institutions from which they have benefitted. If the Termination Memo goes into effect, nearly 800,000 Dreamers—many with stories similar to the three detailed above—will be forced out of the country or into hiding. Amici will suffer incalculable harm if they are deprived of the contributions and talents of these young congregants and community members.

Moreover, as amici know from their work in other parts of the world, Dreamers deported would face tremendous challenges and even physical danger.

For example, Gerry Lee and others from amicus Maryknoll Office for Global Concerns have lived and worked with impoverished families in Mexico, El Salvador, Guatemala, and other countries to which DACA recipients face deportation. In Haiti, for example, “Maryknoll Sisters have witnessed the bare struggle for post-disaster survival in the massive slums of Cite Soleil, where they help residents subsist from gardens grown in discarded tires on turf fought over by rival gangs.” In El Salvador, a Maryknoll Lay Missioner witnessed “the anger and pain that pervades communities preyed upon by powerful gangs, where immediate survival forces youth to face grim choices between lives of drugs and guns—or escape.” In Guatemala, a Maryknoll Father reports on the “rising rates of femicide” and sums up what motivates millions of rural migrants in a single word: “desperation.” And along the U.S.-Mexico border, Maryknoll Missioners hear daily the “stories of desperation from the countries to which many Dreamers might be returned,” namely, that “poverty, starvation, extortion, sexual assault, gang violence, and political oppression are among the conditions cited as triggers to leave.” In one such encounter in Nogales, Sonora, “a man travelling north with his son from Honduras merely pointed south and said, ‘There is no life there anymore.’” Children raised in America knowing no other country should not have to face deportation into such conditions.

As the D.C. District Court concluded, in rescinding DACA, the Government failed to consider the important reliance interests of Dreamers. Dreamers have relied on the protected status afforded by DACA to build their futures in the United States, make meaningful contributions to their communities, and develop important, lifelong relationships with others in this country. The Government broke its end of the bargain it struck with Dreamers by abruptly rescinding DACA. The accounts detailed above highlight how Dreamers have relied on DACA and the profoundly disruptive impact that rescission would have on Dreamers’ lives. The Termination Memo and the administrative record are devoid of any consideration of these facts. For this reason, and the reasons set forth in Respondents’ brief, the Government’s rescission of DACA is arbitrary and capricious.

B. Impairment of Amici’s Ability to Carry out Their Missions

It goes without saying that religious and faith-affiliated organizations such as amici play a vital role in society. Countless lives have been uplifted and enriched by the spiritual guidance as well as the material and legal assistance

these institutions provide. Immigrants and their families—including children brought to this country at a young age—are among the groups that have benefitted most from the support furnished by amici and similar organizations. By aiding such vulnerable individuals, faith-based organizations including amici have helped to make their entire communities more prosperous, united, and civically engaged than they otherwise would be.

Implementation of the Termination Memo would undermine these efforts by making it virtually impossible for amici to continue their outreach to Dreamers and their families, causing amici irreparable harm. See *Hawaii v. Trump*, 859 F.3d 741, 782-83 (finding the “State’s inability to assist in refugee resettlement” to be irreparable harm) (9th Cir.), vacated on other grounds by *Trump v. Hawaii*, 138 S. Ct. 377 (2017); *Valle Del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013) (finding irreparable harm where “organizational plaintiffs have shown ongoing harms to their organizational missions”).

Amici cannot reach people in need if those people are hiding in the shadows or have been deported. If the Termination Memo is implemented, amici and similarly-situated organizations will lose their ability carry out their core mission to assist those in the greatest need of help. This will result in the needless suffering not only of at-risk individuals, but of their communities as a whole.

C. As Sensitive Locations for Immigration Enforcement Purposes, Some Amici Will Be Called upon to Provide Sanctuary While at the Same Time Risking Being Targeted for Immigration Raids

Finally, religiously-affiliated organizations like amici occupy a unique position in matters of immigration enforcement, particularly with respect to DACA. Pursuant to an October 2011 memorandum by then-ICE Director John Morton, ICE is not to engage in immigration enforcement actions such as arrests, interviews, searches, or surveillance at churches, synagogues, mosques, or other houses of worship, unless exigent circumstances or other law enforcement purposes exist, or if prior approval is obtained (the “ICE sensitive locations policy”).⁸ In 2016, while the prior administration was still in office, then-Secretary of Homeland Security Jeh C. Johnson publicly reiterated that “when enforcing the immigration laws, our personnel will not, except in emergency circumstances, apprehend an individual at a place of worship, a school, a hospital or doctor’s

⁸ Memorandum from John Morton, Director, U.S. Immigration and Customs Enforcement to Field Office Directors, Special Agents in Charge, and Chief Counsel (Oct. 24, 2011), <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>. The sensitive locations policy puts the same restrictions on raids at schools, hospitals, and other public settings.

office or other sensitive location.”⁹ The ICE sensitive locations policy remains in effect today, at least as an official matter.¹⁰

The ICE sensitive locations policy recognizes that houses of worship are sacred spaces of sanctuary and peace, where community members can go and be without fear of harassment or arrest. Many amici and others like them proudly fulfill that role and have pledged to offer their churches, synagogues, and mosques as sanctuaries to those at risk of deportation. Temple Sinai DC, Christ Church Cathedral in Cincinnati, St. Luke’s in Long Beach, Arch Street UMC in Philadelphia, Albuquerque Friends Meeting, the many members of amici New Mexico Faith Coalition for Immigrant Justice and New Sanctuary Coalition, and others have publicly declared their status as sanctuary congregations. These organizations maintain dedicated, furnished space for visitors who need protection, and rely on their congregants for support in doing so.

In each case, the decision to become a sanctuary congregation is made after careful discussion among congregations and communities, and reflects broad religious consensus on this issue. The Albuquerque Friends Meeting, for example, when called upon to respond to an urgent need for sanctuary by a community member, convened their members and attenders. “Through a process of deep discernment together—and in commitment to our Quaker values of Equality and Community—we were led to a profound sense of Spiritual Unity, meaning we were ‘One in the Spirit,’” and the Meeting collectively committed to providing sanctuary. Many amici reported that these decisions, while weighty, were not difficult to make. When Arch Street UMC was called upon to house a man in danger of immigration detention, “the conversation among the congregation wasn’t ‘will we do this,’ but how?” They provided sanctuary to the man in question for 11 months. In Phoenix, Shadow Rock United Church of Christ provided sanctuary to a man facing deportation whose wife was pregnant and young son was in the midst of leukemia treatment. The church’s reverend stated in a public interview that the man “shouldn’t be prosecuted,” but rather “lifted up, used as an example of what it means to be a father.”¹¹

⁹ U.S. Dep’t of Homeland Security, Statement by Secretary Jeh C. Johnson on Southwest Border Security, <https://www.dhs.gov/news/2016/02/02/statement-secretary-jeh-c-johnson-southwest-border-security> (Feb. 2, 2016).

¹⁰ See U.S. Immigration and Customs Enforcement, FAQ on Sensitive Locations and Courthouse Arrests: Does ICE’s policy sensitive locations policy remain in effect?, <https://www.ice.gov/ero/enforcement/sensitive-loc>.

¹¹ CBS News, Undocumented immigrant, father of leukemia patient, takes refuge in Phoenix church, <https://www.cbsnews.com/news/undocumented-immigrant-father-of-leukemia-patient-takes-refuge-in-phoenix-church/> (Feb. 12, 2018, 7:20 AM).

Under the current administration, however, the parameters and application of the ICE sensitive locations policy are increasingly in doubt. ICE has already begun to target areas adjacent to places of worship for enforcement actions, to worrisome effect. For example, in 2017, on a freezing cold morning in Alexandria, Virginia, a dozen ICE agents surrounded a group of Latino men as they emerged from a church hypothermia shelter where they had spent the night. Six men were arrested and taken away in vans.¹² After church leaders demanded and were refused the names and locations of the men taken, Governor Terry McAuliffe and Senator Tim Kaine both sent letters to ICE inquiring about the raid and their enforcement policies near churches. ICE responded to neither.¹³ In suburban Illinois, ICE agents tricked a worshiper into leaving a church service—by texting him from his cousin’s cell phone about a fictional car accident—and arrested him at a neighboring McDonald’s. They arrived in unmarked cars and wore vests that said “Police.” A retired ICE supervisor, interviewed after the fact, praised this strategy as “actually . . . quite creative.”¹⁴ ICE has shown a propensity to target sensitive or controversial locations other than religious institutions as well. In Charlotte, North Carolina, ICE conducted raids and arrests within two miles of a predominantly Latino elementary school.¹⁵ Students witnessed the arrests as they passed by in school busses.¹⁶ In El Paso, Texas, a Latina woman was taken into custody by ICE agents dressed in plain clothes after she left a courtroom in a county courthouse. The criminal complaint filed against her indicates that ICE knew she was living at a domestic and sexual abuse resource center.¹⁷ These incidents indicate that instead of abiding by the spirit of the sensitive-locations

¹² Julie Carey, NBC Washington, ICE Agents Arrest Men Leaving Fairfax County Church Shelter, <https://www.nbcwashington.com/news/local/ICE-Agents-Arrest-Men-Leaving-Alexandria-Church-Shelter-413889013.html> (Feb. 15, 2017).

¹³ Alex Emmons, The Intercept, Targeting a Sanctuary: After ICE Stakes Out a Church Homeless Shelter, Charities Worry Immigrants Will Fear Getting Help, <https://theintercept.com/2017/02/27/after-ice-stakes-out-a-church-homeless-shelter-charities-worry-immigrants-will-fear-getting-help/> (Feb. 27, 2017).

¹⁴ Odette Yousef, WBEZ 95.1 Chicago, Amid Deportation Push, Suburban Church Grapples with Loss, <https://www.wbez.org/shows/wbez-news/amid-deportation-push-suburban-church-grapples-with-loss/3d269fc3-04e7-4604-bae4-a376a37410c9> (Feb. 15, 2016).

¹⁵ Tina Vasquez, Rewire, Have Trump’s Mass Deportations Begun? Immigration Arrests Reported Around the Country, <https://rewire.news/article/2017/02/10/trumps-mass-deportations-begin-immigration-arrests-reported-around-country/> (Feb. 10, 2017).

¹⁶ Qué Pasa Mi Gente, Arrestos de ICE cerca de escuela elemental de mayoría hispana, <https://charlotte.quepasanoticias.com/noticias/ciudad/local/arrestos-de-ice-cerca-de-escuela-elemental-de-mayoria-hispana> (Feb. 9, 2017), translation available at <https://translate.google.com/translate?hl=en&sl=es&tl=en&u=https%3A%2F%2Fcharlotte.quepasanoticias.com%2Fnoticias%2Fciudad%2Flocal%2Farrestos-de-ice-cerca-de-escuela-elemental-de-mayoria-hispana>.

¹⁷ ABC-7 KVIA, Which places are considered ‘sensitive locations’?, <http://www.kvia.com/crime/which-places-are-considered-sensitive-locations/338319025> (Feb. 16, 2017).

memorandum—that is, to avoid immigration enforcement at sensitive locations—ICE is using houses of worship and other locations as lures for easy, unsuspected surveillance and arrest. This puts amici in the untenable and unacceptable position of at once heeding their faith-based calling to provide sanctuary while at the same time attracting the attention of those who would do harm to the people amici seek to protect. This crisis of conscience has sewn fear and anxiety among amici and their congregants and supporters. These concerns will be greatly exacerbated if the Termination Memo goes into effect and the DACA program is terminated.

CONCLUSION

For the reasons set forth above, the Court should affirm the judgments of the United States District Court for the District of Columbia and the Court of Appeals for the Ninth Circuit and the orders of the Eastern District of New York.

Links

Pax Christi International
<http://www.paxchristi.net/>

Pax Christi U.S.A.
<http://www.paxchristiusa.org>

Pax Christi Texas
<http://www.paxchristitexas.org>

Pax Christi Dallas
<http://www.Paxchristidallastx.org>

Pax Christi San Antonio
<http://www.paxchristisa.org>

Marianist Social Justice Collaborative
www.msjc.net

Sisters of Charity of the Incarnate Word, International JPIC Committee
<http://saccvi.blogspot.com/>

San Antonio Peace Center
<http://www.sanantoniopeace.center>

Interfaith Radio, (*Interfaith Voices*)
<http://www.interfaithradio.org/>

Texas Catholic Campaign to End the Death Penalty
www.txccedp.org

Dialogue Institute of San Antonio
www.thedialoginstitute.org/san-antonio/

Climate Change
www.creation-care.com

NowCastSA
www.nowcastsa.com/