

November 17, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20502

Dear Mr. President:

On June 15, 2012, in the White House Rose Garden, you announced a new program to protect from removal young people who are often referred to as “DREAMers.” You said at the time, “These are young people who study in our schools, they play in our neighborhoods, they’re friends with our kids, they pledge allegiance to our flag. They are Americans in their heart, in their minds, in every single way but one: on paper.” In response, nearly a million young people came forward and registered for DACA, and they have achieved greater stability to pursue their education and careers as well as a much-needed reprieve from the fear of deportation.

The Department of Homeland Security now has fingerprints, home addresses, and other information to identify these DREAMers. And President-elect Trump has vowed to reverse your administrative actions on his first day in office, in which case DACA recipients would be subject to deportation.

The U.S. Constitution, in Article II, grants the President the “Power to grant Reprieves and Pardons for Offences against the United States[.]” Based on legal precedent, we believe this authority extends to civil immigration violations,¹ and the Supreme Court has held that the President’s pardon power may be exercised categorically² and pre- or post-prosecution.³

DREAMers face uncertainty, fear and stress, leading to psychological issues including depression, anxiety and an increased risk of suicide. Indeed, we have received reports of DREAMers who have taken their own lives as they are now facing the threat posed by the incoming President. Using your pardon authority, which is not subject to reversal, to protect these young people who relied on the program you implemented is quite literally a matter of life and death.

We urge you to exercise your Constitutional authority to provide pardons to DREAMers both retroactively and prospectively. We trust that you will consider our request with the utmost of

¹ *Ex Parte Grossman*, 267 U.S. 87, 117-18 (1925).

² *Armstrong v. U.S.*, 80 U.S. (13 Wall.) 154, 156 (1871).

³ *Ex Parte Garland*, 71 U.S. (4 Wall.) 333, 380 (1866).

urgency given the gravity of the situation and hope that these pardons could be accomplished during this Thanksgiving season.

Sincerely,

Hon. Zoe Lofgren

Hon. Luis V. Gutiérrez

Hon. Lucille Roybal-Allard