



Attorney General Suthers,

Your office sent the following to our staff in Colorado yesterday under the premise that you had already properly addressed attempts in Colorado to give in-state tuition to illegal aliens.

“As you can see, we addressed this issue in a 2006 Attorney General opinion: http://www.ago.state.co.us/agopinions/AGO_PDFs/AGO06-1.pdf” 3-12-2009

Your 2006 Formal Opinion as Colorado’s Attorney General does not address the real issue, nor does it give the proper guidance to citizens or elected officials, or efforts in 2009 on both sides of the issue would not be necessary.

Your sworn duty in upholding the U.S. Constitution is to the legal citizens of Colorado, and of the United States and our posterity, and NOT to illegal aliens and their posterity.

From your January 23, 2006 formal opinion as Colorado Attorney General:

http://www.ago.state.co.us/agopinions/AGO_PDFs/AGO06-1.pdf

“This opinion, requested by Executive Director Rick O’Donnell, concerns the authority of the Colorado Commission on Higher Education (“CCHE”) to grant in-state tuition status to undocumented aliens.

¹ *For purposes of this memorandum, the term “undocumented alien” means an alien who is not lawfully present in the United States. See generally 8 U.S.C. § 1623; Equal Access Education v. Merten, 305 F.Supp. 2d 585, 592 (E.D.Va. 2004) (referring to “aliens with undocumented status”).*

QUESTION PRESENTED AND CONCLUSION

Question: *Whether CCHE has the statutory authority to, by policy or regulation, grant in-state tuition status to undocumented aliens.*

Answer: *No. CCHE lacks statutory authority to establish a policy or regulation granting in-state tuition status to undocumented aliens.”*

With all due respect Mr. Suthers, you should have put an end to this absurdity three years ago by “informing their discretion” as the author of the Declaration of Independence Thomas Jefferson advised. It is not too late for you to inform all concerned what the Constitution says about aiding and abetting illegal aliens, and what it says about the citizens of the United States being guaranteed protection against invasion.

You have the opportunity to do what countless officials across the country have failed to do for decades; you can lead by example and show them all what having a backbone looks like; what upholding your oath with due diligence and a wholesome discretion entails.



Correct Answer: No, The mere framing of the question violates the 14th Amendment, Section 3, if posed by an elected official. There is no such thing as an “undocumented alien” in the context of this question.

Since elected and public officials in Colorado have already identified the demographic they are pandering to as non-citizens who are not here lawfully, then by definition they are ILLEGAL aliens. To call them “undocumented” is inaccurate, if not an outright diversion. The whole purpose of the CCHE request was to grant privileges to foreign nationals who are “documented” as being here illegally.

How then can we call them “undocumented?” Is it an attempt to blur the line between legal alien and illegal alien; between citizen and resident?

Citizens of foreign countries who are in the United States illegally and those that pander to them don’t like it when *We the People* correctly identify them as “illegal aliens.”

Regrettably, many of *We the People’s* “employees” (elected officials) are *aiding and abetting* illegal aliens. Elected officials that succumb to their pleas to be referred to as “undocumented aliens,” have also failed to take the advice of President George Washington, who warned us of the dangers of foreign influence, and the threat it posed to our Constitutional Republic in his farewell address.

State government officials, who are also “employees” of *We the People*, have failed to exercise their authority to rein in the federal government.

The 10th Amendment to the “employee handbook,” (the U.S. Constitution) clearly states the limitations of the authority of the federal and state governments.

Your [2006 opinion](#) as Colorado’s Attorney General cites in part U.S. Code, Title 8, as your reasoning for referring to illegal aliens as “undocumented” as if the federal government’s failure to uphold the Constitution grants you the right to do the same. Their failure makes your responsibility that much more important and urgent. The federal government exists to serve the states and the People, not the other way around. This cycle of perpetual folly and tom-foolery must end.

A state government which will not exercise a wholesome discretion to enforce the 10th Amendment by allowing the federal government to overstep its bounds is itself in violation of its own pact with the People, and that states’ sovereignty is in grave jeopardy.

Citizens of the United States who conspire to pressure elected officials to refer to illegal aliens as “undocumented aliens” in an attempt to circumvent the letter and intent of the Constitution are courting with acts of sedition.

CCHE shouldn’t even be asking the question. You shouldn’t be citing bogus, un-Constitutional federal laws as justification for CCHE not having the authority it seeks. To



suggest that the reason CCHE can't give illegal aliens in-state tuition unless the state approves it first, or because it might violate the equal protection clause has no merit, and is perpetuating the ignorance of some, and the lies of others.

What message did you send the Colorado Legislature, and anyone else who was listening? You told them they couldn't give aid and comfort to enemies of our Constitution via the methods they were trying to employ.

You should have told them what they wanted to do required changing the U.S. Constitution, and that any other conspiracy to attempt to give illegal aliens the privileges of citizens violates federal law and the U.S. Constitution.

You should have told them you would defend the Constitution. You should have told them after having *informed their discretion*, that there would be consequences if you caught them conspiring to aid and abet illegal aliens in the future.

By what Constitutional authority do you suggest that illegal aliens fall under the jurisdiction of the United States in the context of the civil rights and privileges guaranteed to citizens?

The 14th Amendment, Section 1 clearly states:

“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor deny to any person within its jurisdiction the equal protection of the laws.”

According to the 14th Amendment, Section 1, to be a citizen of the United States, and of the state in which you reside you have to meet two basic qualifications:

- 1) Be a person born or naturalized in the United States, AND
- 2) Be subject to the jurisdiction of the United States.

It doesn't say one or the other. It requires both.

Illegal alien foreign nationals are not citizens, and since their children fall under the jurisdiction of the nation of their parents' citizenship, they are not U.S. citizens either. Anchor-baby citizenship is a further perpetuation of the bastardization of the interpretation of the 14th Amendment. Their civil rights reside within the boundaries of their home country. The citizens of the United States are granted “equal protection” across the several states. The Framers of the Constitution were not so arrogant or stupid as to assume they could grant that protection to the entire planet.



By what authority do elected officials in Colorado and in the United States government ignore the Constitution in attempting to give the “equal protection” of citizenship to *non-citizens*?

Legislators have no authority, right, or privilege to introduce legislation whose passage into law would undermine or circumvent the U.S. Constitution.

The Colorado State Government lacks the statutory or Constitutional authority to grant in-state tuition to illegal aliens, period!

Aiding and abetting illegal aliens is a felony. Title 8, U.S. Code

Specifically, attempting to aid and abet illegal aliens by conspiring to implement legislation, policy, or regulatory changes to authorize granting illegal alien foreign national invaders of our sovereignty in-state tuition violates the intent, if not also the letter of the U.S. Constitution’s Article IV, Section 4, the 14th Amendment, Sections 3 and 4, as well as parts of U.S. Code, Title 8, Chapter 12, Subchapter II, Part VIII, 1324, Section (A)(v)(I & II), and Section (B), clauses (iii & iv), as authorized by the U.S. Constitution’s 14th Amendment, Section 5, which was ratified on July 9, 1868. This is not a news flash. It has been in effect 140 years!

According to the Framers, the Constitution was written such that the common man would not need a constitutional lawyer to interpret it. Any man who spoke English, and was blessed with common sense, could interpret it on his own.

The laws written to enforce the Constitution are also supposed to be written for the common man, devoid of double-speak and fancy rhetoric. We as citizens are often told “Ignorance of the law is no excuse.” Well, if that is true, then ignorance of the Constitution those laws are supposed to be written in compliance with is certainly no excuse!

The complexity of Title 8 is indicative of the slick-tongued vernacular of barristers who failed to exercise their “wholesome discretion” as Thomas Jefferson advised. Fortunately, the defining contractual agreement the states entered into in the founding of our Republican government, namely the U.S. Constitution, is quite clear.

Federal or state legislators who conspire to introduce legislation that is contrary to the contractual agreement between the states in forming a federal government are in act and effect undermining the Constitution, and our sovereignty as a nation of laws is jeopardized.

If We the People don’t like what the Constitution says, the remedy is to amend it, not ignore or subvert it. When elected officials, (federal, or state) attempt to grant



in-state tuition, or any other “aid or comfort” to illegal aliens, they are committing a felony, to say the least. Human rights, yes. Civil rights, no! Equal rights? Never!

In the case of elected officials who have taken an oath to uphold and defend the U.S. Constitution, there are even more penalties.

Elected officials who aid and abet illegal aliens, or conspire to aid and abet illegal aliens in their insurrection and rebellion against the Constitution should be removed from office, forfeit the right to vote for President or Vice-President, and suffer a lifetime ban from ever holding public office again, in accordance with:

Section 3 of the 14th Amendment, which plainly states:

"No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a two-thirds vote of each House remove such disability."

The [“Background” and “Discussion” sections of your January, 2006 formal opinion](#) are riddled with examples of attempts and conspiracies to attempt to undermine, ignore, subvert, and render the U.S. Constitution irrelevant.

Repeated attempts by enemies, (foreign and domestic) over the years to make a lie *a truth*, and references to fraudulent legal precedent (as if it trumps Constitutional precedent) do not negate the supremacy of the Constitution, nor relieve you or any other elected official of your oath and duty to uphold and defend the Constitution.

In the [“Conclusion” section of your January, 2006 formal opinion, you state:](#)

“In sum, federal law requires that, in order for states to grant in-state tuition status to undocumented aliens, they must first affirmatively provide for such eligibility, and do so on a residency-neutral basis. Currently, state law provides in-state tuition status based on residency. Several bills have been introduced in the General Assembly that would eliminate residency classification and determine in-state tuition status based on residency-neutral criteria, but none has passed. The question posed by CCHE is whether it has the authority to make such a change, by policy or regulation. As set forth above, CCHE’s authority under the Tuition Classification Act is quite limited, and does not encompass authority to change the criteria by which in-state tuition status is granted. For this reason, I conclude that CCHE lacks statutory



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authority to establish a policy or regulation granting in-state tuition status to undocumented aliens. Rather, such a determination would require an amendment to the Tuition Classification Act by the General Assembly.”

You should have said, “In sum, despite the federal law that fails the burden of Constitutional adherence, Colorado will not aid and abet illegal aliens, and will not conspire to aid and abet corrupt or unscrupulous federal officials that are attempting to subvert the Constitution. It doesn’t matter whether tuition rates are “residency-neutral” or not, in respect to illegal aliens, since they can’t possibly have a legal residency in ANY state, and be an illegal alien at the same time.

Illegal alien foreign nationals become insurgents when they conspire to undermine the laws of the country they have invaded. We have spent billions of dollars fighting illegal alien insurgents in Iraq and Afghanistan. Why on God’s green Earth should we encourage such behavior on American soil when our brothers and sisters, sons and daughters are risking their lives abroad under the guise of protecting our freedoms as U.S. Citizens?

You should put every public official in Colorado on notice that you will uphold your oath and not tolerate any further nibbling of the Constitution. I remind you sir of the words of yet another of our Founding Fathers, our first Ambassador, Benjamin Franklin, who said,

“A great empire, like a great cake, is most easily diminished at the edges.”

Take back Colorado, and put America and Americans FIRST! Uphold the Constitution, and stand firm against pandering jackals who are putting the jobs and lives of Americans at risk.

Godspeed to you in your efforts to protect the citizens and lawful residents of Colorado.

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