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CENTER FOR LAW AND
MILITARY POLICY

4952 Warner Avenue, Suite 230
Huntington Beach, CA 92649
(562) 592-5522
www.centerforlaw.org
dwight@centerforlaw.org

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The Honorable Gavin Newsom
Governor's Office
State Capitol
1303 10th Street, Suite 1173
Sacramento, CA 95814

RE: Pardon application for Mario Martinez

Dear Governor Newsom,

On behalf of Sergeant Mario Martinez, we respectfully request that you grant his application for a pardon. As a non-citizen veteran, Sergeant Martinez served our nation honorably. Despite his brave service, he unfairly remains subject to deportation. As an Army veteran, Sergeant Martinez earned the right to live in the country he helped defend. Moreover, as a homeowner and a father, Sergeant Martinez's deportation would have disastrous effects on himself, his family, and his community. Accordingly, we ask that you vindicate Sergeant Martinez's military service by granting his application for a pardon.

From its earliest days, the United States' military has benefitted from the courageous service of non-citizen recruits. Fighting in every major American conflict since the American Revolution, non-citizen soldiers have always been instrumental to our national security. Whether fighting alongside their citizen comrades or dying for their country, non-citizens in the Armed Forces have made tremendous personal sacrifices for the greater good of the United States and have demonstrated their unequivocal dedication to American ideals.

In recognition of their valorous service, non-citizen veterans are entitled to full citizenship upon being honorably discharged. However, because this grant of citizenship is not automatic and because the Department of Defense frequently fails to follow up on the naturalization of non-citizens leaving the military, hundreds of non-citizen veterans are left behind by the current system. Often unaware that they are not citizens in the first place due to well-intentioned but ultimately misleading promises of automatic citizenship made by recruiters, non-citizen veterans are unfairly subject to deportation regardless of their service or how long they have lived in America.

The deportation of veterans creates a litany of urgent policy concerns. First and foremost, deporting veterans separates American families. To qualify for military service, a non-citizen recruit must be a “lawful permanent resident,” a term which itself belies the recruit’s expectation of permanent residence in the United States. As such, many non-citizen recruits—and even more non-citizen veterans—have families in the United States, with their children born as American citizens. Consequently, although veteran deportation places a massive burden on veterans themselves, it also places an extraordinary burden on their families, innocent third-parties who are ultimately forced to carry the cost of our flawed immigration system.

Secondly, the act of deporting veterans renders those veterans’ duly-owed VA benefits virtually inaccessible. Following a veteran’s honorable discharge, he or she becomes entitled to VA-provided healthcare, including direct medical care as well as psychological treatment. However, because deported veterans are unable to visit VA-affiliated hospitals given their immigration status, those veterans are, in effect, being denied access to vital medical resources. As with any class of veteran, non-citizen veterans must cope with lingering disabilities as well as post-traumatic stress disorder, monumental struggles which they must bear without the benefit of the VA’s services if they are deported.

Sergeant Martinez is one of hundreds of veterans caught in this inhumane system. Born in Mexico and brought to America as a child, Sergeant Martinez adopted the United States as his home country from an early age. After honorably serving in the Army for six years as a member of the legendary 82nd Airborne Division, he built a life for his family in Southern California.

Although Sergeant Martinez made mistakes which culminated in a 2009 conviction, he already paid his debt to society and subsequently turned his life around. An advocate for veterans’ mental health awareness, Sergeant Martinez works to bridge the civil-military gap and is outspoken about his personal struggles with post-traumatic stress disorder. A homeowner and a leader in his community, Sergeant Martinez has dedicated himself to becoming a better person post-conviction, spending weekends with his son gardening and biking. Most importantly, Sergeant Martinez’s family depends on him.

Sergeant Martinez’s permanent removal from the United States would have an enormous, potentially irreparable personal and financial impact on his mother, his sons, his sisters, and his granddaughter, all of whom are American citizens. Finally, if Sergeant Martinez is deported, he will be unable to access the VA-provided healthcare to which he is entitled. However, regardless of the severity of potential consequences facing Sergeant Martinez and his

family, the immigration court's hands are tied by prevailing immigration policy, which precludes consideration of Sergeant Martinez's veteran status in ruling on his potential deportation.

Sergeant Martinez has an immigration court hearing scheduled for June 26, 2019 that will hopefully be continued as this application for a pardon is considered. If he is deported, his community would lose an important member, his sons will lose a loving father, and the veteran community will lose an outstanding advocate for mental health awareness. Beyond those individualized concerns, however, the underlying policy of deporting veterans sends a toxic message to the entire military community, namely that the government can freely make and break the promises extended to recruits. Until the federal government ends this disgraceful practice by instituting greater protection from deportation for veterans, the message being sent to future generations of recruits is that the government will capitalize on their military service, only to discard them after they serve their purpose.

One of the only remaining ways in which Sergeant Martinez's deportation can be avoided is through a gubernatorial pardon, which would wipe out his previous conviction. The attached application for a pardon demonstrates Sergeant Martinez's courageous and honorable military service, which speaks for itself in showing that Sergeant Martinez is a self-sacrificing hard-worker who belongs in the United States with the rest of his family.

Sergeant Martinez paid his debt to society and actively works to be a better role model within the veteran community and for his children. As such, further punishment in the form of deportation is cruel and unwarranted. To avoid that outcome, we respectfully request that you grant Sergeant Martinez's application for a pardon. Although we acknowledge that this is an extraordinary action, we believe that Sergeant Martinez represents an extraordinary case. Please contact us if we can provide any additional information. Thank you for your consideration.

Respectfully,



Dwight Stirling
Chief Executive Officer and Chairman of the Board
Center for Law and Military Policy

Deportation Division of the Center for Law and Military Policy Members including:
Matthew Lippold
Policy Analyst, Center for Law and Military Policy