



Republicans Overseas Action, Inc.

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Republicans Overseas Action files preliminary injunction reply on behalf of Plaintiffs

Today on behalf of Presidential candidate, Senator Rand Paul, and six other co-plaintiffs, Republicans Overseas Action, Inc. (ROA) filed a 44-page Plaintiff's Preliminary-Injunction Reply responding to the 57-page DOJ Defendants' Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction in the U.S. District Court for the Southern District of Ohio.

ROA's Reply established why Plaintiffs have likely success on the merits, such as (a) Plaintiffs have standing, (b) the anti-injunction act does not bar claims, (c) the claims brought under the Administrative Procedure Act (APA) are proper, (d) Intergovernmental Agreements (IGAs) are unconstitutional sole executive agreements, (e) reporting requirements violate the Fourth Amendment, (f) reporting requirements violate Equal Protection for Americans living abroad, and (g) the challenged penalties violate the Excessive Fines Clause. The Reply also showed why Plaintiffs will suffer irreparable harm in absence of a preliminary injunction, and why the balance of hardship and the public interest favor Plaintiffs.

"The Reply demonstrates the Obama administration's reckless disregard for 8.7 million overseas Americans, not only with respect to their constitutional rights, by using a sledge hammer to kill a few ants in the name of combating 'tax evasion, money laundering or terrorist financing', but also with respect to the very real threat of financial ruin and associated emotional abuse, by blaming the victims for their 'self-inflicted' FATCA pains," said James Bopp, Jr., the lead lawyer for the ROA FATCA lawsuit.

William Byrnes, Executive Professor of Law at Texas A&M University, concluded that Obama enacted FATCA to target the entire overseas American population for tax evasion even though only 1.7% of them were probably criminally evading taxes prior to FATCA and currently, only 0.6% of them remain FATCA non-compliant.

"It further exposes a pattern of the Obama administration's lawlessness by using IGAs to usurp legislative power of Congress, thus overriding the FATCA Statute passed by Congress and grabbing power not within the President's Independent Constitutional Authority," said Mr. Bopp.

The Democrat Party, led by Obama, also exhibited a theme of lawlessness by allowing Democrats Abroad (DA), a member state of the DNC to deploy a letter writing campaign asking Congressmen and Senators to pressure Treasury Secretary Jack Lew and IRS Commissioner John Koskinen to selectively enforce FATCA based on how many accounts expats have in one or more than one foreign country, called the "Same Country Safe Harbor" (SCSH) exemption.

"Neither Mr. Lew nor Mr. Koskinen has constitutional authority to selectively enforce the Statute without Congressional action to amend it. And DA's SCSH still would continue to permit the IRS to collect financial data on Americans overseas with bank accounts in more than one country," said Solomon Yue, Vice Chairman and CEO of Republicans Overseas Action and a 15-year veteran member of the Republican National Committee.

FATCA and SCSH both turn Americans abroad into 2nd class citizens subject to segregation and discrimination by foreign banks. "It is time for an expat civil rights movement for equal treatment, due process, and equal rights in America," said Mr. Yue.

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