



AG STRANGE JOINS LAWSUIT CHALLENGING PRESIDENT'S EXECUTIVE ORDER ON IMMIGRATION

(MONTGOMERY) –Attorney General Luther Strange joined a lawsuit filed today by Texas challenging the President's recent immigration actions as unconstitutional and illegal. The lawsuit deals with a November 20 executive order and Department of Homeland Security directive that unilaterally suspended immigration laws as applied to millions of undocumented immigrants in the United States.

"This lawsuit is not about immigration. It is about the rule of law, presidential power, and the enforcement of the U.S. Constitution," the complaint asserts. By his own action and contrary to laws passed by Congress, the President "issued a directive that legalizes the presence of approximately 40% of the known undocumented immigrant population, and affords them legal rights and benefits...That unilateral suspension of the Nation's immigration laws is unlawful."

"I want to thank Attorney General Abbott for leading this effort," said Attorney General Strange. "I am proud to stand with my friends in Texas in this important case regarding the rule of law." The lawsuit, Texas v. U.S., was filed in the U.S. District Court for the Southern District of Texas. Texas was joined by the States of Alabama, Georgia, Idaho, Indiana, Kansas, Louisiana, Montana, Nebraska, South Carolina, South Dakota, West Virginia, Utah and Wisconsin; and the Governors of Idaho, Maine, Mississippi and North Carolina.

"The President is obligated by the United States Constitution to 'take Care that the Laws be faithfully executed' – to uphold and enforce the laws passed by Congress," said Attorney General Strange. "Instead, he has claimed a prosecutorial discretion that simply does not exist, as an excuse to change the law himself to achieve what he wanted that has failed to gain Congressional approval. He made dramatic changes that extend legal benefits to people who are openly violating the law, without so much as the notice and opportunity for comment that is required for changes in the federal rulemaking process. These actions are unconstitutional and illegal, and will severely impact the States with increased costs for law enforcement, health care and education."

The complaint notes that the President failed in his attempts to persuade Congress to change the law, and that he admitted numerous times in the past that he did not have authority to act on his own: "There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President," "[I]f this was an issue that I could do unilaterally I would have done it a long time ago...The way our system works is Congress has to pass legislation," "We have certain obligations to enforce the laws that are in place...[W]e've kind of stretched our administrative flexibility as much as we can," ... "But if we start broadening that, then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally."

