



Written by [Raven Clabough](#) on July 4, 2012

Congressman Set to Sue Obama Over Immigration Directive

U.S. Representative Steve King (R-Iowa; pictured) has [announced](#) that he will file a lawsuit against the Obama administration for its refusal to deport hundreds of thousands of illegal aliens. King has made it clear that he is “not bluffing” and that he intends to forge ahead with the suit, criticizing what he calls “unconstitutional overreach” on the part of the Obama administration.



On June 15, the Obama administration announced its directive concerning illegals between the ages of 16 and 30:

Effective immediately, the Department of Homeland Security is taking steps to lift the shadow of deportation from these young people. Over the next few months, eligible individuals who do not present a risk to national security or public safety will be able to request temporary relief from deportation proceedings and apply for work authorization.

Estimates indicate that approximately 800,000 people are encompassed by that declaration.

President Obama claims that his directive is “not amnesty,” but a “temporary stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people.”

But Rep. King notes that such an announcement stands in direct violation of the U.S. Constitution, which he adds has been “under assault for several years now.”

Article 1, Section 8, Clauses 4 and 18 of the Constitution reads, “The Congress shall have the power...to establish a uniform rule of naturalization ... [and] ... to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers.”

King pointed out, “The Constitution does not grant the Executive that power [over immigration law]; that power is specifically set aside under Article I of the Constitution, which creates and grants the authority to the United States Congress, the Legislative branch.”

Proposals relevant to immigration reform have failed to [pass](#) Congress. The most recent effort was the DREAM Act, which would have created a pathway to permanent residency and even citizenship for undocumented aliens who are either in school or serving in the military. The only stipulations of the act were that the illegal immigrant must have entered the United States before the age of 16, and must have been a resident for five years before enactment of the law.

Senator Marco Rubio (R-Fla.) proposed a similar immigration bill that would permit the children of undocumented immigrants to receive visas if they were either attending college or serving in the military. After that, those children would have to apply for permanent residency through the traditional immigration process.

While King stands against any proposed amnesty legislation, his contention is that the president’s



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directive disregards the Constitution entirely. He declared,

[The directive] is a violation of the separation of powers. He has no authority to do that and our remedy is to go to court and ask for judicial relief for an injunction that would stop the president from enforcing and implementing this unconstitutional power that he has claimed by executive edict.

King adds of his lawsuit,

I'm preparing now to convene a meeting of those best minds around the table to determine who has the most conviction, who has the best insight, who most wants to move forward and then how we will fund it.

By the end of next week [the end of June] we'll have a lot better idea on how quickly we might be able to file and who will be the attorney firm that will be handling it.

King is confident that he has a strong case against the Obama administration, pointing to his experience suing the governor of Iowa in 1999 for issuing a non-discrimination policy by executive order. "This is a very similar circumstance," he noted, "although it's federal court now and it's a higher bar."

According to King — who is a member of both the Immigration Policy and Enforcement Subcommittee and the Constitution Subcommittee in the House — President Obama's declaration has absolutely no foundation on which to stand:

I know that he has given this lecture of separation of powers many times. I was asked the question by Congressman Jim Jordan [R-Ohio] the other day, "What is the president's constitutional argument?" I was stumped. I have no idea what his constitutional argument is. I think he's just decided that he can reach for that power.

[Obama] believes that no one will take him on, or take him to court ... [and] he doesn't believe Congress has the will to block him. And so it's — he's calling our bluff.

King said that the best way to challenge the president on this issue is through the courts, asserting that the current climate in Washington is "far too political." He added,

We do not have a legislative remedy but we have taken an oath to uphold the Constitution. The remedy is to go through the courts and they can determine what the Constitution says — they can determine what the law says.

I am determined to do so and I'm confident that if we can get a court to hear this case on the merits, we'll succeed.

King's lawsuit against Obama will not be the first, as lawmakers have also filed suits against this president for his recess appointments and for his decision to take military action in Libya, though the latter suit was dismissed by a federal judge

Photo of Rep. Steve King: AP Images



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