



# News Release

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OFFICE OF ATTORNEY GENERAL ALAN WILSON  
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## **Attorney General Alan Wilson Applauds Fifth Circuit Ruling in favor of South Carolina, Texas, others re: Immigration**

(COLUMBIA, S.C.) South Carolina Attorney General Alan Wilson today applauded the Fifth Circuit Court of Appeals ruling in favor of the 26 states, including South Carolina, Texas and others who challenged the President's executive action on immigration.

"In denying the Administration's request, the Fifth Circuit made it clear in the concluding sentence of its order that it 'will not affirm intervention and judicial fiat ordering what Congress has never mandated.' That is the very core of the 26 state challenge. The President and his administration cannot accomplish through executive order what Congress did not legislate. The stroke of the President's pen does not supersede the checks and balances enshrined in our Constitution. This is a big victory for the states and the rule of law, but likely not the final court action on the matter."

"While we are a nation of immigrants, we are also a nation founded on the rule of law," Wilson said. "Immigration reform is long overdue. However, immigration reform must come through responsible measures passed by the people's representatives in Congress, not unlawful executive actions which ignore the Constitution."

The 26 states' legal challenges to the President's executive action included:

- The executive action on immigration conflicts with the President's constitutional duty to "take Care that the Laws be faithfully executed." The Take Care Clause limits the scope of presidential power and ensures that the chief executive will uphold and enforce Congress's laws – not unilaterally rewrite them under the cover of "prosecutorial discretion."
- The Department of Homeland Security Directive failed to comply with the Administrative Procedure Act's required notice and comment rulemaking process before providing that legal benefits like federal work permits, Medicare, and Social Security be awarded to individuals who are openly violating immigration laws.

- The executive action to dispense with federal immigration law will exacerbate the humanitarian crisis along the southern border, which will affect increased state investment in law enforcement, health care and education.

President Obama officially took executive action on Nov. 21, 2014, which will allow an estimated four million certain categories of illegal aliens to live and work in the United States without the risk of deportation to their countries of origin.

On Dec. 4, 2014, South Carolina joined the lawsuit along with Texas, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia and Wisconsin.

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