

Why Nevada Challenged the President's Immigration Order

Last Friday, Nevada joined a majority of the other states in a lawsuit challenging President Obama's unconstitutional actions on immigration. Nevada did not join the lawsuit to make a statement about immigration. Rather, we joined the lawsuit to take a stand on behalf of Nevadans in support of the rule of law, the United States Constitution, and the separation of powers between the Congress and the president. Partisan critics were quick to call the lawsuit a "war on immigrants." Clearly this is not so.

It has never been true that in order to sympathize with the plight of immigrants, one must reject our constitutional system. As attorney general, my job is to protect and secure the interests of the state and defend our constitutional system. For that reason, Nevada joined the lawsuit.

Like each of our American states, Nevada was founded by immigrants; brave men and women in search of a better life. This immigrant story continues today, and there is perhaps no better example of the American dream.

A president acting in violation of the Constitution does not promote the American dream. Part of what makes our nation great, and part of what draws humanity to the United States is our faithfulness to the rule of law, and our commitment to our constitutional system. At its core, that system works to ensure the consent of the governed – the American people. As someone who has served in a lawless state like Iraq, I have a special appreciation for the importance of us remaining the world's model of a nation governed by laws and not of men.

If President Obama wants to change the laws of the United States, there is a clear constitutional means of doing so: he can work with Congress to pass new legislation. However, as Supreme Court precedent makes clear, the president cannot simply change the law by an executive command.

If successful, our lawsuit will force the issue back into the hands of the United States Congress where it belongs. Since *Marbury v. Madison*, the Supreme Court, and by extension, the underlying federal judiciary, has carried out the important function of judicial review – ensuring that our federal government does not violate the Constitution

that gives the government its limited powers. A nation that allows a president to rewrite existing laws by simply making an order is not limited. As a former constitutional law professor, the president of course knows this. In fact, on at least fifteen occasions he even admitted that he did not have the power to change immigration law before he did just that.

Like most of us, I am a descendant of immigrants, and there are few things I desire more than to see America continue as a beacon of freedom for the rest of the world. As history shows us, nations that live under the rule of law remain free. But the converse is also true: nations ruled by executive commands do not remain free for long.

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