

House Concurrent Resolution No. 12

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CIERPIOT.

1204H.011

2 **WHEREAS**, Attorneys General or the Governors of seventeen states sued the federal
3 government on December 3, 2014, claiming that President Barack Obama’s order to the
4 Department of Homeland Security to legalize the presence of approximately forty percent of the
5 known undocumented immigrant population and afford them certain rights and benefits is
6 unconstitutional; and

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7 **WHEREAS**, the lawsuit includes and asserts a Take Care Clause claim and claims of
8 both procedural and substantive violations of the Administrative Procedures Act; and

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10 **WHEREAS**, the lawsuit seeks to uphold the rule of law, affirm limits on presidential
11 power, and enforce the structural limits of the Constitution of the United States; and

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13 **WHEREAS**, President Obama has candidly admitted that he unilaterally rewrote
14 immigration law by stating, “I just took an action to change the law”; and

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16 **WHEREAS**, President Obama’s order has now been implemented via a directive issued
17 by the Secretary of the Department of Homeland Security entitled the Jeh Charles Johnson
18 Memorandum, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to*
19 *the United States as Children and with Respect to Certain Individuals Whose Parents are U.S.*
20 *Citizens or Permanent Residents* (Nov. 20, 2014); and

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22 **WHEREAS**, the states engaged in the lawsuit point to the act that “At the most basic
23 level, the directive is a promise to openly tolerate entire classes of undocumented immigrants.”;
24 and

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26 **WHEREAS**, the states engaged in the lawsuit consider it highly likely that the removal
27 of a federal deportation threat combined with inducements to remain in the United States such
28 as work authorization, Social Security, and Medicare, will trigger a new wave of undocumented
29 immigration, exacerbate an existing humanitarian crisis along the Texas-Mexico border, increase

30 human trafficking undertaken by drug cartels, and result in substantial expenditures of state funds
31 for law enforcement, healthcare, and education; and

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33 **WHEREAS**, the states engaged in the lawsuit consider it imperative to protect the right
34 of the Congress of the United States to enact laws regarding immigration and to have such
35 federal laws fully enforced and not rewritten or undermined under the guise of executive
36 discretion; and

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38 **WHEREAS**, the majority of citizens of this state do not support exempting certain
39 classes of undocumented immigrants from the operation of federal law by executive order and
40 also oppose the provision of costly state benefits to persons who are not citizens of the United
41 States:

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43 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
44 Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate
45 concurring therein, hereby call on Missouri Attorney General Chris Koster to file an independent
46 lawsuit or join the seventeen other state Attorneys General from across the nation in challenging
47 the validity of President Barack Obama's unilateral orders and their implementation in the
48 Secretary of the Department of Homeland Security's directive; and

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50 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
51 Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri
52 Attorney General Chris Koster.

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