The Phyllis Schlafly Report

Biden Blunders by Suing Iowa over Immigration

By John and Andy Schlafly

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The bullies in D.C. have gone too far with Biden's Department of Justice (DOJ) lawsuit last Thursday against Iowa. Suing this state of Midwestern farmers is as much a political blunder as a legal one, as Biden trails in all battleground states similar to Iowa, including neighboring Wisconsin.

Iowa enacted a reasonable law last month making it a misdemeanor for an illegal alien, who has already been ordered to leave our country, to remain in Iowa. At a town hall sponsored by a pro-immigration group and attended by dozens of immigrants about this new statute, an anonymous written question asked, "Should I leave Iowa?"

The host sighed and replied, "Entiendo el sentido." That means, in this context, "I see your point."

Although Iowa is a thousand miles from the Mexican border, Biden "has secretly flown illegal immigrants into our state in the dead of night," observed Iowa Attorney General Brenna Bird. "Those who come into our country illegally have broken the law, yet Biden refuses to deport them," Iowa Governor Kim Reynolds stated.

This new statute, Iowa Senate File 2340, makes it an aggravated misdemeanor for someone to remain in Iowa after being denied admission or previously ordered to leave our country. Upon signing this bill into law, Gov. Reynolds observed that "the Biden Administration has failed to enforce our nation's immigration laws, putting the protection and safety of Iowans at risk."

Scheduled to take effect on July 1, this law authorizes Iowa officials to send illegal migrants to a border port of entry, allowing federal officials to deal with them there. Contrary to misleading claims by opponents of this and similar legislation in Texas, no state officials are authorized to deport anyone.

Biden's DOJ relies on a Supreme Court decision against a 2010 Arizona law that created a state misdemeanor for violations of federal immigration law, and authorized police to arrest suspected illegal aliens who commit deportable crimes. Only two of the five Justices who joined that bad *Arizona v. United States* (2012) decision are still on the Court, and the three new Justices appointed by Trump would probably vote to overturn it.

The DOJ quotes that decision an astounding 14 times in its 19-page lawsuit against Iowa. As Justice Kennedy did so often during his 30 years on the Court, he resorted in that decision to vapid platitudes, saying that "the history of the United States is in part made of the stories, talents, and lasting contributions of those who crossed oceans and deserts to come here."

The millions of illegals allowed in by Biden did not have to cross "oceans and deserts" to get here, but simply walked across our unguarded southern border. Courts should have retired the *Arizona v. United States* decision when Kennedy did, six years ago, because the Constitution protects the police power of every state to establish law and order within its own borders.

The Iowa law is similar to the good Texas law enacted last year. Biden has tied that one up in court, benefiting from an appellate panel assignment that includes one Biden appointee and one liberal Republican, who have blocked enforcement of Texas SB 4.

The DOJ's recent lawsuit against Iowa was assigned to an Obama-appointed trial judge, who will presumably block its enforcement in June. But then this case will proceed quickly on an expedited appeal to the Eighth Circuit in St. Louis, where the judges are 16-to-1 Republican-appointed, so Biden and the DOJ will not have a friendly Democrat majority as in D.C.

Nothing in the Iowa statute interferes with the ability of Biden to enforce federal laws against illegal immigration, which Biden has utterly failed to do. Nothing in the Iowa law interferes with Biden's ability to frame foreign policy, unless his policy is to invite the whole world to resettle in the United States.

Trump vows to allow states to enforce laws as enacted in Texas and Iowa. Immediately upon Trump's taking office on January 20, all of this lawfare by the DOJ can be terminated, and states can begin to reduce the unlawfulness caused by illegal aliens.

Seizures of deadly fentanyl by border patrol shot up nearly 6-fold between 2020 and 2023. Counterfeit fentanyl produced in Mexico and China, which has increased in one year from 71 to 115 million pills seized in 2023, is designed to look deceptively like lawful medication.

Farmer Sen. Chuck Grassley (R-IA), who visits all of Iowa's 99 counties annually while maintaining a perfect attendance record in the U.S. Senate, told Biden in 2021 that "border security's essential in keeping out public safety threats, and a cartel-controlled border presents our greatest criminal threat." The D.C. elite heads for defeat in the Eighth Circuit at the hands of Iowa farmers defending our nation against the invasion.

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