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JUSTICE DEPARTMENT SUES CALIFORNIA OVER 'SANCTUARY' IMMIGRATION LAWS

Trump administration argues that state statutes were designed to obstruct federal law enforcement

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The Justice Department said Tuesday it is suing the state of California over its so-called sanctuary laws, teeing up a legal showdown in which both sides appear eager for battle.

The suit, according to officials, will allege that California overstepped its authority in passing three statutes that, among other things, limit the cooperation of private employers and local jurisdictions with federal immigration-enforcement agents.

The Trump administration argues that these laws were designed to obstruct federal law enforcement and that they violate the Constitution's Supremacy Clause, which holds that federal laws supersede those passed by the states.

The case is the latest of several legal battles pitting the Trump administration against a Democratic state, though others have involved the states taking the federal government to court. Immigration has proven particularly contentious, with Democratic states charging that Trump policies are discriminatory and the Trump administration claiming that states are protecting criminals who should be deported.

California Attorney General Xavier Becerra, a Democrat who has sued the administration multiple times, said Tuesday he hadn't seen the government's full complaint but that "California stands on firm legal footing when it takes action. We believe we are in full compliance with the federal Constitution and federal law."

Gov. Jerry Brown, also a Democrat, also criticized the effort, calling it "sad." "At a time of unprecedented political turmoil, Jeff Sessions has come to California to further divide and polarize America," Mr. Brown said in a written statement. "Jeff, these political stunts may be the norm in Washington, but they don't work here. SAD!!!"

U.S. Attorney General Sessions is scheduled to speak to a law-enforcement gathering in Sacramento Wednesday morning. Mr. Becerra is also scheduled to speak at the California Peace Officers Association meeting.

Senior Justice Department officials said their suit would be filed late Tuesday in Sacramento, the state capital, and that Mr. Sessions would talk about it Wednesday during the speech to law-enforcement officials there.

"The Department of Justice and the Trump administration are going to fight these unjust, unfair and unconstitutional policies that have been imposed on you," Mr. Sessions planned to say, according to the agency.

Justice Department officials said they are relying on a 2012 Supreme Court case in which the federal government asserted its authority over immigration law and managed to turn back the bulk of a measure passed by Arizona.

Politically, the positions were reversed at the time, with the state seeking to impose more vigorous immigration enforcement and the Democratic administration opposed. But legally, the cases are similar, Justice Department officials said Tuesday, with the federal government arguing that states can't enact laws that undercut the administration's approach.

In the Arizona case, the high court blocked the most sweeping provision of the state's law, which required immigrants in Arizona to carry federal registration papers. It also invalidated sections of the law that authorized jail time for unauthorized immigrants who sought work in the state and gave state and local law enforcement more power to arrest immigrants suspected of offenses.

The court did uphold a provision allowing local police in Arizona to call federal authorities to verify someone's immigration status.

In the new suit, the Justice Department is seeking a temporary and then permanent injunction against the enforcement of three California statutes at issue.

The first requires California employers to obtain warrants or subpoenas from immigration agents before giving the agents access to private areas of a business or confidential employment records. Business owners found in violation can be fined up to \$10,000.

The administration argues that the law wrongly hurts employers who are caught between efforts to perform what they see as a civic duty to cooperate with federal authorities, and the state, which penalizes such cooperation.

The second law limits when and how local jurisdictions may cooperate with immigration authorities. The Justice Department said it is challenging, in particular, a provision that restricts local officials from voluntarily providing information about when a suspected undocumented inmate will be released from custody, as well as a provision prohibiting the transfer of somebody to federal custody without a judicial warrant.

The third statute bars local jails from contracting with the federal government to provide bed space for immigrants being held on civil immigration violations, although the provision being challenged deals with rules governing the inspection of these facilities.

The suit represents the highest-profile round in an ongoing fight between the Trump administration and sanctuary jurisdictions. There is no legal definition of a "sanctuary city," but the term typically connotes resistance on the part of local governments to cooperating with federal enforcement.

For more than a year, the administration has been threatening to block some federal grant money for cities, counties and states that don't fully cooperate with federal authorities, a policy that is being challenged in court. Last year, a federal judge in San Francisco found the policy unconstitutional and issued a permanent, nationwide injunction blocking it from being enforced. The litigation is continuing.

For liberal cities and states such as California, challenging Trump administration immigration policies has been a welcome opportunity to take on a president who is generally unpopular in their communities.

California alone has sued or joined challenges to the administration's travel ban, its plans to end the DACA program to protect young immigrants from deportation, and its waiving of environmental rules and regulations to build border barriers.

In an interview last year with NBC's "Meet the Press," Gov. Brown addressed President Donald Trump directly, saying, "You don't want to mess with California."

Mr. Brown, a Democrat and the state's longest serving governor, promised then to challenge the administration in court when necessary, a promise his attorney general, Mr. Becerra has followed through on. After barely a week in office, Mr. Becerra challenged an executive order barring travelers from several Muslim-majority nations from entering the U.S. The administration cited terrorism concerns.

"Justice in America doesn't live or die on the stroke of one man's pen regardless of how high his office," Mr. Becerra said at the time. "The Trump Administration's anti-religion, anti-refugee executive order is in so many ways unjust and anti-American."