

# Justice department files suit against California “sanctuary” laws

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The US Department of Justice filed a lawsuit Tuesday evening against the state of California, seeking to have a legislative package establishing California as a “sanctuary state” declared unconstitutional. The suit was filed in a federal district court in Sacramento, the California state capital.

Despite the “sanctuary” claim made by both supporters and opponents, the laws targeted in the suit do not actually provide sanctuary to undocumented immigrants. They merely require that federal immigration agents meet due process requirements before California police or employers assist them.

US Attorney General Jefferson Sessions defended the lawsuit and condemned the conduct of state and local officials in California in a fascistic speech to the annual legislative meeting of the California Peace Officers Association, held in Sacramento Wednesday, the day after the suit was filed.

The attorney general singled out the mayor of Oakland, Libby Schaaf, for condemnation, because she issued a statement last week warning of impending raids by Immigration and Customs Enforcement (ICE) agents throughout the San Francisco Bay area. He claimed that because of this warning, 800 of the nearly 1,000 people targeted for seizure by ICE had escaped detention.

“Those are 800 wanted aliens that are now at large in that community—most are wanted criminals that ICE will now have to pursue with more difficulty in more dangerous situations, all because of one mayor’s irresponsible action,” he said, adding that “[Schaaf’s] actions support those who flout our laws and boldly validate the illegality.”

Sessions claimed that Schaaf’s warning had put at risk the lives of ICE agents when they conducted their Gestapo-style raids in immigrant neighborhoods and at

workplaces, since their victims had advance notice. In reality, there was no significant resistance to the ICE agents and not a single injury has been reported.

The Trump administration is targeting three laws enacted by the state legislature last fall and signed into law by Governor Jerry Brown, which took effect January 1, 2018.

Assembly Bill 450 forbids businesses from providing information to Immigration and Customs Enforcement, the principal federal agency for detaining and deporting undocumented immigrants outside the border zone, unless ICE agents obtain a warrant. Assembly Bill 103 provides for state inspections of immigration detention facilities operated under contract to the federal Department of Homeland Security. And Senate Bill 54 limits what information state and local police and prison officials can share with ICE and makes it more difficult to transfer prisoners directly from state and local jails to ICE facilities.

“The provisions of state law at issue have the purpose and effect of making it more difficult for federal immigration officers to carry out their responsibilities in California,” Justice Department lawyers wrote. “The Supremacy Clause does not allow California to obstruct the United States’ ability to enforce laws that Congress has enacted or to take actions entrusted to it by the Constitution.”

California state officials, for their part, say that the laws only prevent the federal government from drafting state and local police into the service of ICE, effectively forcing state and local governments to bear the cost of enforcement of federal immigration laws. This argument is pitched to the right-wing majority of the US Supreme Court, which has ruled that the federal government may not “sequester” state resources for such purposes as providing medical care for the poor.

The Justice Department suit claims that the California laws are unconstitutional because the Constitution reserves power over immigration to the federal government. This is the same claim made by the Obama administration when it sued the state of Arizona for enacting more restrictive rules against undocumented immigrants, including requiring local police to check immigration status when they made arrests or even stopped people for traffic violations.

The legal roles are reversed. In the Arizona case, the more openly anti-democratic faction, which controlled the state government, claimed that it was merely assisting and supplementing federal immigration enforcement, not usurping it. The Supreme Court ultimately struck down parts of the Arizona law as unconstitutional usurpation of federal authority.

Those who howled for “state’s rights” in the Arizona case are now beating the drums for federal authority and the supremacy of federal agencies over state agencies, since the California state government has adopted a more permissive rather than a more restrictive approach to undocumented immigrants.

The issues in the California case differ from those in Arizona, however, since the state laws do not bar federal immigration officials from taking any action, they merely require a higher procedural standard before state and local officials or employers provide information or access to federal agents.

Sessions’s remarks follow a series of bullying threats delivered by ICE Director Thomas Homan, who said state officials who passed sanctuary laws should be jailed, and intensified and highly publicized raids of workplaces and public areas, as well as hundreds of homes, in both northern and southern California.

State Democratic politicians like Governor Jerry Brown and Attorney General Xavier Becerra denounced the federal lawsuit and the stepped-up ICE enforcement actions throughout the state. The Democrats welcome a confrontation in which they can posture as friends of immigrants, in a “majority-minority” state whose largest single population group is Hispanics.

The Democrats’ posture of sympathy for immigrants targeted for detention and deportation is entirely cynical. Neither Brown, Becerra or any other Democratic Party officeholder raised objections when the Obama administration deported more

undocumented immigrants than any other administration in US history.

Congressional Democratic leaders like House Minority Leader Nancy Pelosi and Senate Minority Leader Charles Schumer, as well as leading liberals like senators Bernie Sanders and Elizabeth Warren, have repeatedly declared their support for “border security” measures, up to and including the functional equivalent of Trump’s wall on the US-Mexico border, as long as other terminology is used.

*The author also recommends:*

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