

Justice Department sues New Jersey and Washington state county over “sanctuary” policies

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On Monday, US Attorney General William Barr announced lawsuits against the state of New Jersey and against King County, in Washington state, over so-called “sanctuary” policies that it claims obstruct federal immigration enforcement. The announcement marks the first time that the federal government has sued a state over its decision to curb its cooperation with immigration officials. The lawsuits were announced mere hours after President Donald Trump told a meeting of governors at the White House that “sanctuary city” policies were a “tremendous problem.”

The lawsuits come on top of the Trump administration’s decision to block participation in the Trusted Travel programs for New York state residents. Trusted Travel programs allow easier access over the US border. The Department of Homeland Security (DHS) has taken these measures as retribution for the state’s “Green Light” bill that grants drivers licenses to undocumented immigrants but restricts federal access to their data. New York has sued DHS for the action.

The federal lawsuit against New Jersey, which names Governor Phil Murphy and New Jersey Attorney General Gurbir Grewal as defendants, challenges the state’s “Immigrant Trust Directive,” which forbids officials from providing information about the immigration status and release dates of people in custody to Immigration and Customs Enforcement (ICE) officers. The directive also requires police officers to notify a detainee in writing if ICE files an immigration detainer request for him or her. According to the Department of Justice, the directive violates the US Constitution’s supremacy clause.

Noting that he had introduced the directive in 2018,

Grewal called the lawsuit an “election-year stunt” in a statement issued by his office. “Nothing about today’s lawsuit changes our work on the ground,” he added.

Yet Grewal’s posturing as a defender of immigrants is itself a stunt, because nothing about the directive changes ICE’s “work on the ground.” When he introduced the directive, Grewal pointed out that it did not make New Jersey a “sanctuary” for criminals. The directive prohibits “287(g) partnerships,” which enable local law enforcement officers to act as immigration agents or detain immigrants for ICE without a warrant signed by a judge. But it does not stop police, prosecutors, and prison officials from helping ICE agents with “proper” requests.

In fact, New Jersey officials complied with about two-thirds of all federal requests to hold individuals for 48 hours or more, according to a report that New Jersey Policy Perspective released in 2018. The report also found that the number of detainers issued by ICE had increased by approximately 88 percent between 2016 and 2017.

Murphy, for his part, has largely stopped posing as a protector of immigrants. While he was running for governor as a Democrat, he vowed to make New Jersey a sanctuary state. Since taking office, he has stopped using that phrase.

In the lawsuit against King County, Washington, which includes Seattle, the Department of Justice is challenging a local order that forbids contractors working for ICE to use King County International Airport (also known as Boeing Field) to fly immigrant detainees within or outside the country. The order forbids officials from providing “aeronautical or non-aeronautical services” to these contractors, and the

Department of Justice again alleges that this violates the supremacy clause.

After the order was issued, a local company informed an ICE contractor that it would no longer service its flights. When no other company agreed to serve the contractor, it began flying detainees out of the Yakima airport, which is more than two hours away. This airport creates difficulties, according to the Department of Justice, because there is no facility nearby where detainees could be housed if flights are delayed because of bad weather.

“This is another attack by the Trump administration on communities that have implemented policies that uphold our values. It’s posturing that further politicizes the Department of Justice,” said Democratic congressional representatives Pramila Jayapal and Adam Smith, whose districts include Seattle, in a joint statement. “King County is well within its right not to be involved in federal immigration enforcement activities without valid court orders.”

But in the same statement, Jayapal and Smith gave away their own posturing. “We stand ready and willing to work with anyone to enact comprehensive immigration reform,” they said, showing their willingness to betray immigrant workers.

King County Executive Dow Constantine, who issued the local order on flights at Boeing Field, objected that the Trump administration’s lawsuit had interrupted his own efforts to conclude a rotten compromise. “We are already actively engaged in an administrative process with the Federal Aviation Administration to resolve our differing interpretations,” he told NBC News.

These lawsuits are the latest development in the Trump administration’s ongoing crusade against immigrants and asylum seekers. Beginning with the presidential campaign of 2016, Trump has called immigrants “animals” and “rapists.” At a rally in Wildwood, New Jersey, in January, Trump called immigrants criminals who “should be taken the hell out of our country,” according to NorthJersey.com.

Since taking office, Trump has ordered the construction of a wall along the border with Mexico, established concentration camps where immigrants and asylum seekers are held in squalor without due process, and knowingly deported immigrants to countries where they would face persecution or death. Democrats in Congress have given their support, tacitly or explicitly,

to each of these initiatives.



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