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AG MADIGAN FIGHTS FEDERAL ADMINISTRATION'S ATTEMPT TO BLOCK SANCTUARY LAW LIMITING STATE COOPERATION WITH ICE

Madigan & Coalition Argue States Have Primary Responsibility for Public Safety Within Their Borders

Chicago — Attorney General Lisa Madigan, along with 12 other attorneys general, today defended a California law that limits when and how local law enforcement can cooperate with federal immigration authorities. California passed the law to improve public safety by focusing on crime prevention and building trust between law enforcement and residents.

In an amicus brief filed in the U. S. Court of Appeals for the Ninth Circuit in *United States v. State of California*, Madigan and the other attorneys general said the court should uphold California's law because states have the responsibility and the independent authority to protect public safety, regulate law enforcement, and decide how to use their limited resources.

"The federal government is going out of its way to prevent immigrants from entering and staying in our country and harming public safety efforts in the process," Madigan said. "State and local officials are in the best position to make judgments about how to allocate resources to keep our communities safe and we will continue to follow that approach in Illinois."

The lawsuit against California was filed by the federal government as part of its suppression of both legal and unauthorized immigration. It sought to strike down SB 54, the California law placing limits on how much state and local law enforcement officials can coordinate with Immigrations and Customs Enforcement (ICE) and enforce federal civil immigration law.

California passed SB 54, called the California Values Act, in 2018 to protect immigrant communities, improve public safety, and prevent the federal government from using local law enforcement to assist with efforts to increase deportations. The law prohibits law enforcement from transferring individuals to immigration authorities without a judicial warrant unless that person has committed a serious crime. It also prevents local law enforcement from providing ICE with the release date of any detainee who has not been convicted of a serious crime, or sharing any individual's non-public information, including their home or work address, with immigration authorities.

In March 2018, former Attorney General Jeff Sessions traveled to California to announce that he was filing a lawsuit against the state. A lower court denied his request for a preliminary injunction, and the Trump administration has appealed to the Ninth Circuit.

In their amicus brief, Madigan and the other attorneys generals state that California's law should be upheld because:

- **States have independent authority to protect public safety:** The brief notes that states have primary responsibility for protecting public safety within their borders and have broad authority to enact legislation for the public good. This includes a duty to implement policies that best serve local conditions and policy preferences, and to determine how to use local resources.
- **The law does not interfere with the enforcement of federal immigration law:** The brief states that declining to use state and local resources to actively participate in federal civil immigration enforcement does not create an obstacle for federal immigration enforcement.
- **It is unconstitutional for the federal government to commandeer state resources:** The basic principles of federalism enshrined in the Constitution mean that the federal government cannot directly order states to use their resources to enforce federal laws.

Last year, Madigan issued guidance to state, county and local law enforcement agencies across Illinois to increase awareness and provide an overview of recent state laws, including the Trust Act, and federal actions that impact the authority of Illinois law enforcement to enforce federal immigration laws.

Joining Madigan in filing the brief are the attorneys general of Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.

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