



Written by [R. Cort Kirkwood](#) on July 6, 2018

## California Trumps Justice Department on Sanctuary Laws

California leftists whooped like secessionists in 1860 — the day after July 4, no less — thanks to the [Republican judge who has upheld](#) two of three state sanctuary laws.

Turning back a legal challenge from the U.S. Department of Justice, Judge [John Mendez](#) of the federal court for the Eastern District of California ruled that the state does not have to help federal immigration authorities track down illegal aliens.



California argued for states' rights, [as the Associated Press reported](#):

The lawsuit considered by Mendez argued that the U.S. Constitution gives the federal government pre-eminent power to regulate immigration, and California can't obstruct enforcement efforts.

California said in court documents that the administration was trying to assume powers that have long been understood to belong to states and could not show that California's policies were causing harm.

At issue were three laws that California passed last year.

The first barred law-enforcement authorities in California from helping federal immigration officials collar illegal aliens, apart from serious felons. That law, State Senator Kevin De León's California Values Act, is so strict it blocked the police or any other public agency from even inquiring about an individual's immigration status, not to mention detaining and interrogating or arresting him.

"Refusing to help is not the same as impeding," [the judge wrote](#). "If such were the rule, obstacle preemption could be used to commandeer state resources and subvert Tenth Amendment Principles.... Standing aside does not equate to standing in the way."

Mendez, appointed by President George W. Bush, also let stand a law that requires federal immigration facilities to open their doors for state inspections, and another that requires employers to give notice of impending immigration inspections.

Mendez struck down a third law that would have imposed fines on employers who permit federal immigration authorities to enter non-public areas of a facility, and would have blocked employers from checking a current employee's immigration status.

While the Trump administration argued that California's laws interfered with the constitutional prerogatives of the federal government vis-a-vis immigration law, California argued that it has rights — states' rights.

As [Attorney General Xavier Becerra said](#) after Mendez ruled, "Today the federal court issued a strong ruling against federal government overreach. The Constitution gives the people of California, not the Trump administration, the power to decide how we will provide for our public safety and general welfare."

De León, the leftist behind the law that blocks law enforcement from helping federal immigration



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officials, [echoed those remarks](#). Federal immigration laws, he said with an emotional if misleading flourish, don't apply in California: "California is under no obligation to assist Trump tear apart families. We cannot stop his mean-spirited immigration policies, but we don't have to help him, and we won't."

For his part, the judge said it's time for the president and Congress to straighten out immigration law. Mendez warned that his decision should not be viewed through a "political lens" because he ruled "without concern for any possible political consequences."

The Bush appointee also said [judges cannot settle what is, ultimately, a political question](#):

But if there is going to be a long-term solution to the problems our country faces with respect to immigration policy, it can only come from our legislative and executive branches. It cannot and will not come from piecemeal opinions issued by the judicial branch. Accordingly, this Court joins the ever-growing chorus of Federal Judges in urging our elected officials to set aside the partisan and polarizing politics dominating the current immigration debate and work in a cooperative and bipartisan fashion toward drafting and passing legislation that addresses this critical political issue. Our Nation deserves it. Our Constitution demands it.

The Justice Department filed suit in March, hoping to stop California's march toward immigration anarchy.

Among the [victims of states' myriad sanctuary policies was Kate Steinle](#), shot and killed by a Mexican criminal, José Inez García Zárate, a heroin dealer, seven-time felon and five-time deportee.

Pursuant to its sanctuary law, San Francisco authorities disregarded a detainer from federal immigration authorities and released Zárate. He then killed Steinle.

A [jury acquitted the smack dealer of murder](#) and manslaughter.

Image: [Screenshot of ice.gov](#)



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