



Written by [Steve Byas](#) on October 1, 2018

Judge Holds California Sanctuary Law Violates State Constitution

“This is a significant victory for the rule of law, the [California] Constitution, the city’s charter authority and other charter cities,” responded Huntington Beach City Attorney Michael Gates on Friday to a ruling by Orange County Superior Court Judge James Crandall that California’s law ordering cities not to cooperate with federal immigration officials is a violation of the California Constitution.



Huntington Beach was one of many cities in the Golden State to mount a legal challenge to the so-called California Values Act, authored by State Senator Kevin de León (D- Los Angeles). The California Values Act made California a “sanctuary state,” telling cities that they and their law-enforcement agencies could not even notify federal immigration officials that they were releasing illegal aliens in their custody.

De León was the leader of the State Senate when the law was passed, and is regarded as a strong supporter of the sanctuary movement.

Crandall explained from the bench that “the operation of a police department and its jail is a city affair. For the state to say one size fits all for policing isn’t going to fit for everybody.”

Gates added, “We will continue to hold Sacramento [the capital of California] accountable for unconstitutional state law overreaches. The city of Huntington Beach will not allow Sacramento to violate its constitutionally protected rights.”

Under the Constitution of California, a charter city maintains a great amount of authority to rule itself, including how it runs its police department. Judge Crandall agreed. He said that a state law cannot be enacted that violates the state Constitution any more than Congress can pass laws in conflict with the U.S. Constitution. The ruling nullifies the California Values Act, and goes into effect immediately, because Judge Crandall refused to stay his ruling.

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California Attorney General Xavier Becerra was defiant, however, responding to the judge’s decision, “Preserving the safety and constitutional rights of all our people is a statewide imperative which cannot be undermined by contrary local rules. We will continue working to ensure that our values and laws like the California Values Act are upheld throughout our state.”

The deputy attorney general, Jonathan Eisenberg, argued that while charter cities can rule themselves on some things, it is an “important need” for a uniform public-safety law.

U.S. Representative Dana Rohrabacher, a Republican from Costa Mesa, whose congressional district (the 48th) includes Huntington Beach, saw the ruling quite differently, and issued a statement supporting the city and congratulating them on their victory. “I applaud the Huntington Beach City Council and City Attorney Michael Gates for their great victory for Huntington Beach and their courage for taking



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on such a volatile issue. This court case was a huge setback for supporters of sanctuary policies. This law was forced down the throat of Californians, and dramatically undermined their safety and security. If cities and counties want to cooperate with ICE and other federal law enforcement, they have a right to do so, and I support the judge's decision. Those who advocate open borders and shield people who break our immigration laws put into question whether they are on the side of the American people. They also disrespect legal immigrants who obeyed our laws and have been welcomed into the American family."

Huntington Beach was the first city to be successful in challenging the law, arguing that the law violates its local control as a charter city — one governed by a charter adopted by local voters.

The significance of the ruling, however, will be felt far beyond Huntington Beach. The official opposition to the state sanctuary law began in March when the city council in Los Alamitos passed an ordinance to reject the law. (Like Huntington Beach, Los Alamitos is a charter city.) Additionally, the Orange County Board of Supervisors has also voted to join a federal lawsuit against the measure. Several other charter cities have joined in challenging the constitutionality of the law. Newport Beach has announced it is going to file its own brief, challenging the law in federal court, as well.

In fact, since charter cities, under the judge's understanding of the California Constitution, have a right to cooperate as they wish with federal immigration authorities, the ruling has the potential of affecting about two-thirds of the state in all of California's 121 charter cities.

The state law making California a "sanctuary state," and attempting to force its cities and counties to refuse cooperation with federal immigration officials, effectively protected foreign criminals from arrest and deportation by ICE. It is expected that most cities will now return to their normal cooperation with ICE and the Border Patrol, so criminals will be arrested and deported.

Cities that are not presently "charter cities" can become charter cities through a popular referendum in the city. Gates urged non-charter cities to take this step so as to break free from the oppressive California state government.





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