



Written by [Warren Mass](#) on January 5, 2018

## Washington State Sues Motel 6 for Cooperating with ICE Agents

An official release posted by the Washington State attorney general's office on January 3 stated that Attorney General Bob Ferguson had just announced a lawsuit against national hotel chain Motel 6 "for voluntarily providing guest lists to agents of U.S. Immigration and Customs Enforcement (ICE) on a routine basis for at least two years."



The statement noted that the attorney general's office began to investigate Motel 6 locations in Washington after it was reported in the national news that two Motel 6 locations in Arizona had voluntarily been providing guests' registration information to ICE and that the motel chain admitted that at least six of its Washington state locations had shared such information of its guests with ICE.

The statement noted that this cooperation between Motel 6 and ICE "[led] to significant consequences including the detention of at least six individuals."

Assuming that ICE would not detain individuals unless they were in violation of U.S. immigration laws, it would appear that the Motel 6 employees were only performing their civic duties by cooperating with federal law enforcement officers. However, the state attorney general's office sees things differently.

The lawsuit states:

On a number of occasions, ICE agents arrested or otherwise detained guests after reviewing Motel 6's guest registry information. Motel 6's actions of providing confidential information regarding its guests violates the Washington Consumer Protection Act, RCW 19.86 ("CPA"), and the Washington Law Against Discrimination, RCW 49.60 ("WLAD"). The State of Washington brings this action to obtain a declaration that Motel 6 violates state law and to seek injunctive and other equitable relief for Motel 6's actions.

Additionally, noted the attorney general's statement, Ferguson asserts that Motel 6 knew that ICE used its guest lists to target customers based on national origin, including customers with Latino-sounding names. Although the attorney general offered no proof that Motel 6, itself, discriminated against customers with "Latino-sounding names," he asserts that "Motel 6's actions constituted discrimination against these individuals based on their national origin, a violation of the Washington Law Against Discrimination."

If the motel employees had selectively gone through its guest lists and turned over to ICE only the names of guests that were "Latino-sounding," then perhaps discrimination might be charged. However,



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the description of the motel receptionists' actions in the lawsuit does not indicate that was the case. It said:

ICE's usual practice was to come to Motel 6's reception desk and request the guest list from the receptionist. The receptionist would print out the guest list and give it to the ICE agent, along with a "law enforcement acknowledgment form" for the agent to sign, acknowledging receipt of the guest list. The ICE agent would review the guest list and identify individuals of interest to ICE. Motel 6 staff observed ICE identify guests of interest to ICE, including by circling guests with Latino-sounding names.

On a number of occasions after reviewing the guest list, ICE agents arrested or detained Motel 6 guests.

Again, it was not the motel employees who allegedly singled out names by ethnicity, if the lawsuit's description is to be believed. It was the ICE agents, the statement maintains. Furthermore, if the description of the activities is accurate, they appear to be very sloppy law enforcement procedures for federal agents. Why would they circle names on the list in full view of the motel receptionists, instead of doing so privately?

The lawsuit asserts that "Motel 6 knew that ICE used the guest lists to target guests based on their national origin." If the above statement were made in a court of law, it might easily be objected to by the opposing counsel on the grounds that it "assumes facts not in evidence" because it assumes something as true for which no evidence has been shown. There is no evidence presented to prove what Motel 6 employees knew or did not know.

"Motel 6's actions are disturbing and they are unlawful," Ferguson said.

The lawsuit, *State of Washington v Motel 6*, was filed in King County Superior Court. Not surprisingly, King County is one of several in Washington that has passed a sanctuary ordinance (2013-0285). The ordinance, which was passed in 2013, prohibits law enforcement officials in the county from honoring ICE detainer requests. Instead of processing all "ICE holds," King County only submits to ICE's voluntary detainer requests if an individual has a serious or violent felony conviction.

Seattle, which is the county seat of King County, has been a sanctuary city since 2003, when it passed an ordinance barring "police officers from inquiring into a person's immigration status without reasonable suspicion that the person has been previously deported and has committed a felony." After Donald Trump was elected president in November 2016, Mayor Ed Murray announced to a crowd at City Hall that Seattle would remain a sanctuary city despite Trump's proposal to end federal funding to all sanctuary cities.

As we reported last March, the city of Seattle filed a lawsuit in U.S. [District Court](#) on March 29 in response to President Trump's January 25 executive order directing that jurisdictions that fail to comply with federal immigration law will not receive federal funds.

We observed that the lawsuit was filed just two days after Attorney General Jeff Sessions — in a White House press briefing — urged states and local jurisdictions to comply with federal immigration laws and that failure to remedy violations of those laws could result in the withholding of federal grants. By filing the lawsuit Murray signaled that he intended to go to battle with the Trump administration over this issue.

Washington State's lawsuit against Motel 6 is a novel approach, however. Since sanctuary laws do not



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apply to private citizens or corporations, they should be able to exercise their own judgment in deciding whether or not to cooperate with federal immigration officials. The important issue, as far as protecting the privacy rights of Americans who are not illegal aliens is concerned, is that any cooperation that an individual or a company extends to ICE or other federal agencies is voluntary and not the result of direct or implicit coercion. If the ownership of Motel 6 thinks it is in their interests as good citizens to cooperate with ICE, they should be free from legal harassment from the state of Washington. However, if they do not believe that cooperating with ICE is in the interests of either the company or their customers, then they should be equally free to decline.

Because “sanctuary city” rules don’t apply to private companies, Ferguson had to come up with his anti-consumer protection and discrimination charges against Motel 6 to justify the lawsuit. It is possible that Ferguson thinks that Motel 6 will be an easier adversary to battle against than the federal government. It would be an interesting development if the Trump administration would file an amicus brief in support of the motel chain.

*Photo: AP Images*

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