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TEXAS' NEW SANCTUARY-CITY LAW UNDER ATTACK

Pushback comes days after Republican governor signed one of nation's toughest immigration laws

By Dan Frosch
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DALLAS – Days after Texas' Republican governor, Greg Abbott, signed [one of the nation's toughest immigration laws](#) barring sanctuary policies, the new measure is already under legal and political attack.

Under the law, which was passed by the Republican-controlled legislature, municipalities and police departments are prohibited from adopting policies [that limit their cooperation with federal authorities](#) in enforcing immigration law.

Local law enforcement officials and sheriffs can face criminal penalties – including jail sentences – if they don't comply with requests from federal authorities to detain illegal immigrants.

Last week, the League of United Latin American Citizens filed a federal lawsuit against Texas, challenging the law on behalf of the small, largely Hispanic border town of El Cenizo. The suit says the law is unconstitutional and infringes on the rights of local governments to police their own residents.

On Monday, the El Paso County Commissioners voted to retain a law firm so they can move forward with their own suit against the measure.

Most Texas entities lack sanctuary policies explicitly written into law, though several have embraced them. Larger Texas cities including Austin have expressed opposition to the new measure, but it is unclear how many will fight it in court.

State Rep. Charlie Geren, a Republican from Fort Worth and one of the bill's chief sponsors, said no municipalities publicly expressed support for the legislation.

Backers of the law, though, have already launched their own legal maneuvers to defend it before it goes into effect in September.

In an unusual move, Republican Attorney General Ken Paxton filed a federal lawsuit in Austin last week asking a judge to affirm the bill's constitutionality. The suit names as defendants the city of Austin, the Mexican American Legal Defense and Educational Fund and Travis County Sheriff Sally Hernandez, an outspoken opponent of the law.

Earlier this year, Sheriff Hernandez, a Democrat, ordered her department to stop detaining illegal immigrants on behalf of federal authorities, a practice that will be prohibited under the new law. In response, Mr. Abbott stripped \$1.8 million in state grants from the county, which includes most of Austin.

Travis County Judge Sarah Eckhardt said in a statement that the county welcomed the chance to litigate the measure in court. Thomas Saenz, president and general counsel of the Mexican-American legal group, called the suit frivolous.

This week, Democratic lawmakers from major Texas cities signaled their support for a wave of anticipated litigation that will seek to stop the new law before it goes into effect, while calling for a "summer of resistance" to the measure.

"We are anxious to get out of the political arena and into the courtroom," said Austin Mayor Steve Adler. Late Thursday, Austin's City Council voted to authorize a lawsuit against the bill.

In response to the threat of litigation from Austin, a spokesman for Gov. Abbott said the mayor's "ongoing promotion of sanctuary cities is lawless, reckless and dangerous."

Supporters of the law, including the Texas sheriffs' association, say it merely codifies what is already the practice of most Texas law enforcement. Jackson County Sheriff A.J. Louderback, the group's legislative director, said it has long backed working with federal immigration authorities.

Sheriff Eddie Guerra of Hidalgo County, which skirts the Mexican border, said his office cooperates with federal law enforcement authorities, noting that his deputies already had the discretion to inquire about a suspect's immigration status if need be.

"In reality, for me as a border sheriff, it will not change the way that we enforce the law," he said. "If you do a crime in my county, you are going to end up in my jail. If you have a problem with immigration status, that's too bad."

Mr. Guerra said he was concerned, though, that the law would create a negative perception of law enforcement agencies among immigrants and stressed that people who called his office for service wouldn't be asked about their immigration status.

Meantime, San Antonio Police Chief William McManus, who spoke out against the legislation, said that in the wake of the law he would eliminate an existing city police policy instructing officers not to ask anyone about their immigration status.

While Texas has become the main front in the fight over the issue, more than two dozen other states have introduced bills seeking to ban sanctuary policies. Lawmakers in 15 states, meanwhile, have proposed bills seeking to support the policies.

President Donald Trump has railed against sanctuary cities as part of a broader crackdown on undocumented immigrants.

Gov. Abbott defended the Texas law this week, saying that concerns about racial profiling were unfounded.

"My message to the Hispanic community is don't fall for all the fearmongering that is going on," said Mr. Abbott, whose wife is Hispanic. "It does not pose any concern for anybody who is not a criminal...Everything that is being said about 'show your papers' is flat-out false."

Denise Gilman, a professor at the University of Texas Law School, who runs the school's immigration clinic, said she expects the coming court challenges to focus on the portion of

the law that requires local entities to cooperate with federal immigration detention orders despite constitutional questions about such compliance.

Ms. Gilman said the law called into question how much leeway local jurisdictions have in setting their policing policies. "The legal battles are just beginning," she said.