

Lawyer Says Texas Law Banning ‘Sanctuary Cities’ Has Serious Constitutional Problems

A new Texas “sanctuary cities” ban set to take effect Sept. 1 orders cities and counties not to stop law officers from asking about the immigration status of anyone they detain. It also would punish police chiefs, sheriffs and constables who fail to abide by the law or fail to comply with federal immigration detainer requests, according to a post on the website of **Androvett Legal Media & Marketing**.

On Tuesday, the American Civil Liberties Union of Texas warned visitors that their constitutional rights could be violated when they’re in the state. A federal lawsuit has already been filed in San Antonio. On the other side, Attorney General Ken Paxton has also filed suit, asking a federal judge pre-emptively to uphold the constitutionality of the law.

Dallas attorney **David Coale** of Lynn Pinker Cox & Hurst, a trial and appellate lawyer, says the new law is vulnerable.

“States and cities can’t be made to enforce federal law because of the 10th Amendment and federal preemption of immigration law. Period. Farmers Branch and Irving, Texas, went through similar issues several years ago with their local laws about immigration. A state law that tries to make cities enforce federal law is just as problematic.

“Procedurally, I expect the plaintiffs in the San Antonio case to seek some kind of temporary restraining order or preliminary injunction to enjoin the law. On both sides, you have to separate the policy from the law. Both sides have points about the importance of immigration enforcement, on

the one hand, and local control over local law enforcement, on the other. The legal question, though, is about the structure of our government, which is defined by the Constitution."