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VIA EMAIL AND U.S. MAIL

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Re: Proposed Consent Decree in *Washington v. Admas County*, Spokane Cnty Sup. Ct.
(Unfiled)

Mr. Brown:

As Adams County recently informed you, Prosecuting Attorney Flyckt has appointed me as Special Deputy Prosecuting Attorney for Adams County. My remit comprises “representing Adams County and the Adams County Sheriff concerning any matters relating to the Keep Washington Working Act (Sanctuary State Statute); including without limitation, any threatened or actual litigation initiated by the office of the Attorney General of Washington.” To that end, I will be working with America First Legal Foundation and Cooper & Kirk to protect the legal interests of our client, Adams County. Please direct any future correspondence on that topic to me.

Adams County simply desires to follow federal immigration law and to cooperate with the lawful requests of federal officials. Indeed, 8 U.S.C. § 1373 specifically preempts State law and mandates that a State “may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [DHS] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”

Furthermore, it is a crime under federal law to “conceal[], harbor[], or shield[] from detection” “an alien [who] has come to, entered, or remains in the United States in violation

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of law,” or who attempts to do so. 8 U.S.C. § 1324(a)(1)(A)(iii). Similarly, it is a crime if an individual “encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law.” 8 U.S.C. § 1324(a)(1)(A)(iv). It is also a crime to aid and abet the above violations or to engage in conspiracy to commit them. 8 U.S.C. § 1324(a)(1)(A)(v). It is also a crime to “conspire ... to commit any offense against the United States” or to “conspire to prevent ... any person from ... discharging any duties” of “any office, trust, or place of confidence under the United States.” 18 U.S.C. §§ 371-72. Finally, it is a crime to “engage[] in misleading conduct toward another person ... to ... cause or induce any person to ... be absent from an official proceeding to which such person has been summoned by legal process.” 18 U.S.C. § 1512(b)(2)(D) and (b)(3).

In other words, Adams County has obligations under federal law that directly conflict with the Sanctuary State Statute.

Cooperating with federal immigration officials makes Adams County a safer and more prosperous community for Washingtonians. One example, which the Adams County Prosecuting Attorney has provided to your Office, concerns a convicted sex offender alien who was residing in the County. Adams County did not impede the efforts of federal officials, and the convicted sex offender alien was, fortunately, removed from the County. Your Office, however, apparently seeks to end such cooperation, allowing sex offenders to freely roam the streets of the state with more impunity than lawful citizens.

Federal law is supreme over state law, and Adams County cannot discriminate against the federal government and its immigration enforcement efforts, nor can the County impede these efforts, as the Sanctuary State Statute requires. As the Supreme Court made clear in *Arizona v. United States*, “[t]he federal power to determine immigration policy is well settled ... There is no doubt that Congress may withdraw specified powers from the States by enacting a statute containing an express preemption provision.” 567 U.S. 387, 395, 399 (2012).

In conformity with federal law and in recognition of the immigration crisis that developed under the previous presidential administration, President Trump has directed federal officials to take all appropriate action to fully enforce the immigration laws of the United States. *See* Exec. Order 14165, Securing Our Borders, 90 F.R. 8467 (Jan. 30, 2025). U.S. Attorney General Pamela Bondi has also directed the U.S. Department of Justice to investigate and prosecute state and local jurisdictions and officials that impede, obstruct, or otherwise fail to comply with lawful immigration-related directives. U.S. Att’y Gen., Sanctuary Jurisdiction Directives (Feb. 5, 2025), <https://perma.cc/Q8BH-AHAN>. She has also instructed that sanctuary jurisdictions “not receive access to federal grants administered by the Department of Justice.” *Id.* at 1.

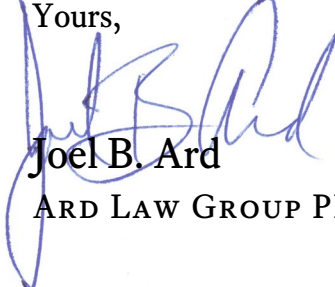
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Indeed, over the past few weeks, the United States has sued state and local officials in Illinois and state officials in New York over their sanctuary policies. *See* Complaint, *United States v. Illinois*, Case No. 1:25-cv-1285 (N.D. Il. Feb. 6, 2025), available at <https://perma.cc/5FZA-QFYM>); Complaint, *United States v. New York*, Case No. 1:25-CV-0205 (S.D.N.Y. Feb 12, 2025), available at <https://perma.cc/9LQ7-QN2P>. The statutory basis for those lawsuits includes many of the statutes cited in this letter.

Adams County respectfully requests that your Office end its plans to sue Adams County over its efforts to comply with federal law and keep Washingtonians safe. We expect that decisions in the Illinois and New York cases will clarify whether sanctuary policies such as the one your Office is attempting to enforce against Adams County are lawful. In the meanwhile, the State and County have better ways to use taxpayer resources. The State proceeding with a lawsuit against Adams County would do a disservice to the people of Washington.

Yours,



Joel B. Ard

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