



DEPARTMENT OF JUSTICE

Justice Building
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September 2, 2025

Dear OSSA members,

As Oregon's Attorney General, I have a deep appreciation for the work of OSSA and its members, and for our shared commitment to keeping communities across Oregon safe. I have been grateful for your partnership since I took office at the beginning of the year, and I am looking forward to working together as we expand DOJ's focus on combatting organized crime in our state. We all want to protect crime on our streets – and this work takes all of us.

In your August 27 letter, you raised an important question about the interaction of federal and state law related to Oregon's Sanctuary Promise Act. **The Ninth Circuit has already weighed in, previously ruling that there is no conflict between Oregon's sanctuary law and federal law.** Oregon's sanctuary law is longstanding and has coexisted under seven presidential administrations. The federal government, state, and local communities have a shared interest in keeping our communities safe. That's why Oregon's sanctuary law allows the federal government to seek a judicial warrant to carry out its public safety objectives under federal law.

To be more precise: The Ninth Circuit held that its narrow interpretation of 8 U.S.C. § 1373, the key federal law in this area, "erased any alleged conflict" between Oregon law and § 1373. *City & County of San Francisco v. Garland*, 42 F.4th 1078, 1085 (9th Cir. 2022). And Judge McShane previously concluded that § 1373 is unconstitutional under a "straightforward application of anti-commandeering principles." *Oregon v. Trump*, 406 F. Supp. 3d 940, 972 (D. Or. 2019), *aff'd in part, vacated in part, remanded sub nom. City & County of San Francisco*, 42 F.4th 1078. Although the Ninth Circuit vacated that part of Judge McShane's decision as moot, its reasoning remains persuasive.

The state of the law has not changed since those decisions: Federal law does not invalidate the requirements of Oregon's Sanctuary Promise Act. My office will defend Oregon's statutes vigorously if they are challenged.

Thank you for the integrity, dedication, and care with which you serve Oregon communities. I look forward to seeing you all at the upcoming OLEF conference and continuing our work together to uphold Oregon's laws and values.

Best,

A handwritten signature in blue ink, appearing to read "D. Rayfield".

Dan Rayfield
Oregon Attorney General