

# > We the People: These United Divided States

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*A judge has issued a nation-wide order, enjoining President Trump's executive order that would have cut federal funds to "sanctuary jurisdictions." Another judge has struck down aspects of a Texas state law that punished cities for barring their officials from "enforcement assistance" to federal authorities and prohibited these officials from endorsing the very notion of sanctuary jurisdictions.*

Sanctuary jurisdictions take a variety of approaches to immigration. But most share in common a commitment to limit the use of local resources in implementing federal immigration laws, which these jurisdictions say infringes their sovereignty to define local policy and is at odds with building trust between local law enforcement and communities to more effectively reduce crime and improve public safety.

Using this debate over sanctuary cities and federalism as a touchstone, my project explores evolving notions of who are "We the People," not only with regard to the idea of national sovereignty, but also related notions of popular sovereignty, self-sovereignty, as well as the rethinking of sovereignty prompted by the expansion

of international law, norms, and institutions. Constitutional law scholars have overlooked how international law norms have revolutionized the notion of sovereignty—for example, through the 1648 Treaty of Westphalia, end of colonial rule, and rise of trade, immigration, and human rights.

This project will examine ways sanctuary jurisdictions are responding to the national anti-immigrant agenda, by re-asserting human rights locally—and with it, their own visions of sovereignty and who "We The People" are, perhaps even as global citizens, even while embracing local sovereignty. Rather than assert "states' rights" to **undermine civil rights**, today's state and local governments are embracing localism to **protect human rights**. This project raises novel concerns, examining a new phenomenon that has emerged not only with "America First" policies, but also in Europe with Brexit, where Scotland and Northern Ireland have sought ways to maintain links to the European Union, including the movement of people across borders.