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Who is Dolly Gee, the judge deciding the fate of Trump's executive order?

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LOS ANGELES — Judge Dolly M. Gee has called the treatment of immigrant children in detention “deplorable” in a legal opinion. She has castigated the federal government for “fear mongering” when it argued that the detention of migrant families at the border was a necessary deterrent.

And that was during the Obama administration.

Soon, the national crisis over immigration, which has moved from searing scenes at the border of children being separated from their families, to the halls of power in Washington, will shift to a judge's chambers in Los Angeles. That's where Gee is expected to consider President Donald Trump's executive order that ended the separation of migrant families but now seeks to hold them together for an indefinite period.

Gee was appointed to the federal bench by President Barack Obama in 2009. She is the daughter of Chinese immigrants — her father was an aerospace engineer and her mother a garment worker. At her confirmation hearing in 2009, Barbara Boxer, then a senator from California, said Gee's mother, “was a garment worker who never taught Dolly to sew because she did not want her daughter to have to stitch clothes for a living.”

The Trump administration, in issuing the executive order, is expected to ask the federal courts to alter a 1997 consent decree known as the Flores settlement that limits the detention of migrant families to no more than 20 days.

“Right now we have the lawful authority to detain a family unit together for up to 20 days,” Gene Hamilton, an adviser to Attorney General Jeff Sessions, told reporters in Washington on Wednesday. “What we are seeking with Judge Gee is a modification of that so we can detain beyond 20 days the entire family unit together.”

If Gee's record offers any indication of how she might rule, the Trump administration may have a tough road. Her previous rulings have limited federal detentions of migrant families — and have been critical of the conditions in which border agents hold detainees. In 2015, for example, in a case addressing the detention of families, not the separation of children from parents, she

ordered the Obama administration to release children and their parents “without unnecessary delay” and ruled that the Flores settlement be applied to all children in detention, whether they arrived at the border with or without parents.

If there is one through line to her career, as a lawyer in private practice and then a judge, it is as an advocate for the underdog — immigrants, minorities and the working class.

“She’s compassionate,” said Henry M. Willis, a partner at Gee’s former Los Angeles law firm, Schwartz, Steinsapir, Dohrman & Sommers, which specializes in labor and employment law. “She’s rigorous in the law.”

Gee, 58, a graduate of the UCLA School of Law, had a long career in private practice before joining the bench, mostly as an advocate for labor unions. In Los Angeles, she became involved in other social causes, working with activists to oppose government efforts to end affirmative action, and working pro bono to help victims of the civil unrest in 1992 after the beating of Rodney King by the police.

Evincing little patience for efforts to obfuscate the truth as she sees it, Gee began one of her Obama-era decisions on immigration with a quote from Mahatma Gandhi: “An error does not become truth by reason of multiplied propagation, nor does truth become error because nobody sees it.”

In a similar decision last year against the Trump administration, she was critical of family detentions, calling their conditions “deplorable and unsanitary,” and affirmed that Flores prohibits the lengthy detentions of children. She also waded into the Trump administration’s restrictions last year on immigration from Muslim countries, ordering that an Iranian man, who was in the United States with a valid visa, be brought back after he was put on a plane to Dubai. In an earlier case, in 2013, Gee for the first time ordered that immigrants with mental disabilities be provided with legal representation in immigration courts.

Even as her rulings suggest she is unlikely to agree with the administration’s plans to hold families longer than 20 days, going against the executive order would allow Trump to blame her — an Obama appointee — and provide another opportunity to blame Democrats for the country’s dysfunctional immigration policy.

“I don’t imagine that gives her much concern,” Willis said. “She’s not the type to flinch from her obligations, just because someone might be unhappy.”

If Gee rejects the order, by ruling that Flores prevents children from being detained for lengthy periods even with their parents, then the administration would have two options, to start separating families again, or allow adults to go free while their asylum cases proceed.

Some analysts believe that the Trump administration’s strategy may be to force a challenge to Flores, and then, once the executive order is struck down, push Congress to pass a law to override it.

“Maybe the aim is to get the court to strike down the order on Flores grounds,” said Alex Nowrasteh, senior immigration policy analyst at the Cato Institute, a libertarian research

organization. “And then Congress might act on this, and they could say it’s to keep families together.”

Still, there is a worry among immigration advocates: that the parameters of the debate have shifted, and that liberals could be more willing to accept the detention of migrant families if it means the end of heartbreaking images of distressed children that have galvanized the country.

“We are now at a different point from where we were two years ago, or three years ago,” said Elora Mukherjee, a professor at Columbia Law School and director of the school’s Immigrants’ Rights Clinic. “Now, well-meaning progressives are supporting the idea that well, maybe, the best we can get is families detained together for an indefinite period.”

Mukherjee said Gee was, in “a difficult situation.”

“But I’m hoping she will abide by long-settled law,” Mukherjee said. “She is a brilliant legal mind. She is careful in her legal reasoning, and she adheres to the law and upholds the Constitution.”

She continued: “I’m optimistic about the federal judiciary being a bulwark against excesses and abuse by this administration.”