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\$2 million to defend Denver: City hires law firm before Mike Johnston's 'sanctuary city' hearing in Congress

Mayor Mike Johnston is scheduled to testify before the U.S. House Committee on Government and Reform March 6

Deborah Grigsby deborah.smith@denvergazette.com

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Denver mayor Mike Johnston looks down while thinking about a question during an interview in his office at the Denver City & County Building on Monday, Dec. 11, 2023. (Timothy Hurst/Denver Gazette)

Timothy Hurst/Denver Gazette

The City and County of Denver has retained outside legal counsel for up to \$2 million just before Mayor Mike Johnston's appearance next month before a congressional committee in Washington, D.C.

The U.S. House Committee on Government and Reform has asked Johnston to testify before the panel on March 5.

The City and County of Denver inked an agreement with the law firm Covington and Burling, LLP to represent the city in the upcoming congressional inquiry into so-called "sanctuary" jurisdictions nationwide.

Committee Chairman James Comer had called Johnston out by name in a Jan. 27 letter.

"Denver is a sanctuary jurisdiction that refuses to fully cooperate with federal immigration enforcement," Comer wrote. "To provide much-needed oversight of this matter, the Committee requests documents and information related to the sanctuary policies of Denver."

The one-year contract with Covington and Burling, which has a maximum cap of \$2 million, is expected to "cover work performed through the date of a hearing in front of the U.S. House Committee on Government and Reform, including but not limited to, preparation in advance of the hearing and initial work related to document review and production."

"The city regularly enters into contracts with outside counsel to provide specialized legal expertise or to address a need for additional capacity," said City Attorney's Office spokesperson Melissa Sisneros in a statement to The Denver Gazette. "This legal counsel allows the city of Denver's leadership to focus on delivering the high-quality services residents expect and deserve, while navigating complex legal matters, including federal government actions."

"The parties mutually agree that investigative activity is likely to continue following this hearing," wrote Covington and Burling Partner Dana Remus in a letter to Acting Denver City Attorney Katie McLoughlin, alluding to potential litigation.

According to the contract, the firm has agreed to "discount" its 2025 rates and provide a blended, all-attorney rate of \$1,000 per hour for all partners, counsel, and associates, and \$595 per hour for all professional staff — staff attorneys, paralegals and the like.

The term of the contract runs from Feb. 1, 2025 through Jan. 31, 2026.

Comer's letter defined sanctuary jurisdictions as "states, counties or cities that put some limits on how much they are willing to cooperate with federal agencies' efforts to deport" immigrants unlawfully staying in the U.S., stating that "these jurisdictions take it upon themselves to decide what laws they will and will

not abide by all for the purpose of shielding removable aliens, especially criminals, from federal law enforcement."

There are about 12 states and hundreds of cities and counties with "sanctuary" laws or policies across the country, the letter said, adding that four cities "stand out in their abject failure to comply with federal law: Chicago, New York City, Denver, and Boston."

"The most helpful thing Congressional Republicans could do right now is fix our broken immigration system," Johnston said in an earlier statement to The Denver Gazette. "While they work on that, we will focus on running the cities that manage the consequences of their failure to act."

In pushing for federal action on illegal immigration, Johnston often pleads for three specific responses from Congress and the White House — more funding for cities grappling with the crisis, work authorization and a "coordinated entry program."

The mayor notably stays clear of talking about "border security," an omission that serves to underscore the ideological lenses with which Democrats and Republicans view the border crisis.

Typically, illegal immigration directly affects border states, such as Texas, Arizona and California. However, interior cities like Denver began experiencing an influx two years ago.

To date, some 43,000 immigrants, mostly from South and Central America, have arrived in the city after illegally crossing America's southern border. Bus, plane and train tickets city officials purchased to send immigrants on to their final destination suggest about half have stayed in Colorado.

Early in the humanitarian crisis, Denver officials decided local taxpayers would assume the cost of caring for the immigrants. It spent roughly \$80 million, a move that threatened to push the city's finances to the brink, setting off cuts to services and the budget.

In the last two years, the city has billed itself as a "welcoming" jurisdiction for the immigrants. Originally, local officials believed Denver's draw was its relative proximity to Mexico and its status as a "sanctuary city." But Texas officials in El Paso believe that the city's offer of shelter and onward travel — while well intended — actually made Denver a magnet for immigrants.

Johnston was already on the Trump administration's radar after vowing to repudiate the new president's plan for a mass deportation. More recently, Johnston said he is preparing the city for "all eventualities," including losing federal funds, over his public objections to the president's immigration plans.

Earlier, Johnston had walked back his comments about deploying the city's police forces at the county line to keep out federal forces carrying out the plan to deport thousands of immigrants unlawfully staying in the city.

“All he has to do is look at *Arizona v. U.S.*, and he would see he’s breaking the law,” Homan said. “But, look, me and the Denver mayor, we agree on one thing: He’s willing to go to jail, I’m willing to put him in jail.”

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Denver Mayor Mike Johnston agrees to testify before House Oversight Committee

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Federal committee calls for Denver mayor to testify on city's sanctuary policies

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YES

NO

Deborah Smith