

The Golden Rule and the Supremacy Clause: Legislating Fairness in Minnesota’s Day Care Immigration Enforcement Debate

By: Daniela Moloci

Alexandria Schroeder, a corporate in-house Minneapolis attorney, is well accustomed to disagreement. Debate is not only characteristic of her profession, it is also “part of the democratic process.”¹ With that in mind, Mrs. Schroeder entered the Minnesota State Capitol on March 4, 2026 to offer arguments in support of the proposed bill HF 3415. She entered wearing a yellow vest, the same kind she and her husband wear as they stand guard outside their children’s day care, protecting its teachers and children from federal immigration enforcement. However, the bill did not pass. While she expected disagreement, she was nonetheless surprised by the reasoning offered by the opposing legislators.²

HF 3415 would have protected Minnesota day cares from unjustified and undisclosed entry by federal immigration enforcement officers. The proposed bill prohibited these officers from entering day cares “for any purpose without [first] providing valid identification, a written statement of purpose, [] a valid judicial warrant[,] and receiving approval from the child care center license holder.” This bill would have protected day care teachers from unlawful immigration detention. It would have protected young children from the undeniable dangers of recent federal immigration enforcement tactics. As Mrs. Schroeder explained, it would “keep ICE agents away from spaces where babies are stacking blocks and pre-K students are practicing their ABCs.”³

During debates on HF 3415, Minnesota legislators raised questions not only about the bill’s legality, but also about the State’s underlying values. One legislator, arguably with reason, questioned whether the bill would violate the Supremacy Clause by preempting federal immigration enforcement.⁴ Then came a jarring statement from another legislature. Although he said he appreciated hearing stories from affected families, he ultimately voted against the bill because those incidents had not occurred in his district.⁵

¹ Alexandria Reyes Schroeder, *Opinion | Minnesota Kindness Should Include Protecting Day Cares from ICE, Too*, MINN. STAR TRIB. (Mar. 10, 2026), <https://www.startribune.com/mn-school-safety-federal-immigration-enforcement/601595908>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

This legislative debate raises two important questions. The first is legal: would HF 3415 violate the Supremacy Clause? The second is normative: what role should moral reasoning, particularly the [Golden Rule](#), play in legislative decision-making on policies affecting vulnerable communities? The answers to these questions suggest that the objections raised by Minnesota legislators are less compelling than they initially appear.

Question One: Would HF 3415 violate the Supremacy Clause?

Answer: Not under the preemption doctrine, but potentially violates intergovernmental immunity.

HF 3415 does not violate the Supremacy Clause because it [merely establishes what federal officers must provide before entering licensed day care facilities](#). Requiring certain prerequisites before entering a day care facility protects the safety and well-being of young children. In fact, such identification requirements are not novel in Minnesota day care settings. Under [Minn. R. 9502.0405\(4\)\(F\)](#), providers must “release a child from care only to a parent or a person authorized by the parent.” To comply, day cares like [Cedar Care Inc.](#) have policies that require photo identification before releasing a child, emphasizing the importance of child safety.

At first glance, it may seem natural to ask whether state law regulating the presence of federal immigration enforcement is preempted by federal immigration law. The Supremacy Clause of the U.S Constitution establishes that federal law is “[the supreme \[l\]aw of the \[l\]and](#).” Moreover, immigration law is federal, and courts have often [upheld](#) the executive branch’s authority to enforce it without interference from the states. The key question, however, is not whether immigration enforcement is federal, but whether a particular state law [actually conflicts](#) with the federal government’s enforcement authority.

Minnesota’s proposed legislation does not conflict with federal immigration law. Instead, it addresses a narrower issue: what day cares may require before allowing law enforcement officers into their facilities. Federal agents would remain free to enforce immigration laws within the state pursuant to a valid judicial warrant. The bill simply requires officers to also present valid identification, provide a written statement of purpose, and obtain approval from the day care license holder before entering.

These requirements impose minimal burdens. Providing identification is routine for law enforcement, as federal immigration officers are [already required to do so](#), and Minnesota police officers must [likewise identify themselves](#). Similarly, the written statement of purpose could easily be satisfied by the probable cause outlined in the judicial warrant. Once these requirements are met, the license holder would have little reason to object to entry except to address safety concerns, ensuring that any entry protects young children.

Despite these entry requirements, federal agents could still carry out their duties in several ways. They could make arrests in public areas outside day cares or enter with the [consent](#) of the

day care administrators. In other words, the bill would have imposed a procedural safeguard rather than a categorical prohibition.

However, as currently written, courts could determine HF 3415 violates the [intergovernmental immunity doctrine of the Supremacy Clause](#). Under this doctrine, state laws that “[regulate the Government directly or discriminate against it](#)” are unconstitutional. By imposing entry requirements that apply only to federal immigration officers, HF 3415 risks being seen as both directly regulating and discriminating against the federal government. Courts, however, have distinguished between [permissible regulation of private actors and impermissible direct regulation of the federal government](#). To reduce potential constitutional challenges, HF 3415 could be amended to apply to all law enforcement officers, not just federal immigration enforcement. Additionally, it could include language clarifying that it regulates day care facilities’ interactions with law enforcement, rather than the officers themselves. With these amendments, HF 3415 would operate as a neutral procedural safeguard that embodies Minnesota’s [10th Amendment police power](#) to regulate public safety and welfare.

Question Two: What role should moral reasoning, particularly the Golden Rule, play in legislative decision-making about policies that affect vulnerable communities?

Answer: A bigger role than it is now.

Legal doctrine, however, is only part of the story. The testimony surrounding the bill also raised a deeper moral question about how lawmakers evaluate their decisions. On March 4th, Anna Stahlmann [recounted](#) the day she and her children witnessed masked agents in tactical gear aggressively abduct a day care staff member from the day care facility. This staff member was here legally with an [active pending asylum claim](#). Additionally, Mrs. Schroeder described the psychological impact on her children, noting that one day care teacher who was taken by federal immigration enforcement [could no longer rub her daughter’s back during nap time](#). Yet in the face of this testimony, one legislator voted no because incidents like these were not happening in his district.⁶ Mrs. Schroeder’s final reflection of this experience is striking: “[L]awmakers should vote in a way to protect other people’s children and teachers in the same way they would want their own children and teachers to be protected.”⁷ In that statement lies a timeless moral principle, the Golden Rule.

Across cultures and religious traditions, the [Golden Rule](#) urges individuals to treat others as they would wish to be treated. In modern political philosophy, similar reasoning appears in [John Rawls’s theory of justice](#). Rawls argues that fair societal rules should be created from behind a “[veil of ignorance](#).” In order to accomplish unbiased decision-making, legislators must be blind to their own race, sex, class, etc., and imagine they might occupy any position within society. The

⁶ *Id.*

⁷ *Id.*

goal of these two philosophies is to ensure that policies do not unfairly burden those who are marginalized and vulnerable.

However, circumstances that prompt legislation rarely remain confined to a single community. Any district could one day face the same problem, or an entirely different one, and will then rely on the support of legislators from outside their district. On this day, members of these districts will argue that a law should pass because it rights a wrong or protects individual rights, even if it does not touch the rights of everyone. Immigration enforcement policies illustrate this dynamic: their impact varies across geographic regions, yet that unevenness does not diminish the need for safeguards against abusive enforcement tactics. The Golden Rule urges legislators to look beyond geographic boundaries. It asks them to imagine how policies might affect people whose experiences differ from their own. If lawmakers want protections shielding their own children's day cares from sudden law enforcement intrusions, those protections should not depend on zip code.