

Sanctuary Cities

by Gary Fouse



I am following the issue of sanctuary cities very closely. To me the law is clearly on the side of President Trump and his efforts to fight these lawless cities. There must be a way to punish these local officials who refuse to cooperate with immigration officials, and there is. In fact, there are a couple of ways; the feds can cut off whatever federal funding they are giving to these cities – or least relevant portions of it – and they can prosecute those who actively work to thwart the work of immigration authorities.

First, let's take the positions of the cities as they try to justify their actions.

First of all, they claim that the law supports them in that local police cannot be “mobilized” to carry out federal law enforcement functions. In practical terms that means that

local police cannot be forced into going out and enforcing immigration law, which is a federal offense. That is true, however, I would argue that there is a legal duty to cooperate with federal officials when you come across a violation. That doesn't mean that if a cop pulls a car over for speeding and finds the person is an illegal alien that he must make an arrest. In fact, I doubt the feds want to have to respond to every instance where a local cop comes across an illegal alien. (Of course, if said illegal alien is driving without a license, I would think the police might want to take action.)

What should be happening in every city is this: Local, state and federal officials should be working as a task force to pool their resources to identify criminal/gang member illegal aliens. The police have the intelligence to know who they are, and the immigration officials can verify their immigration status. In fact, as a retired DEA agent, I personally worked in such a drug task force in Los Angeles in the 1970s and 80s that targeted Southeast Asian heroin. We had LAPD, LASD and Immigration (now ICE) officers in our group, and we knew if our foreign-born suspects were in the country legally or not. (Most were visa overstays.) This is the type of cooperation that is needed -not to target the guys mowing lawns or doing construction work – but being in the country illegally and engaged in criminal activity. That was and is our top priority. Who could argue with that?

Don't answer that question.

Secondly, if local police arrest someone for a crime who is in their jail, and they suspect he might be in the country illegally, they should contact immigration officials to at least have a check run and give the immigration officials the option of placing a hold on the prisoner. It is inexcusable that the local police/court system could have a criminal go through their system and be put back on the street without ICE being notified and given the option of beginning deportation proceedings. This dereliction has led to several murders being

committed by people who should have been removed from the country. The Kate Steinle case in San Francisco (see Kate's Law) is the most famous as well as the Jamiel Shaw murder in Los Angeles, but there have been many others.

That takes me to the second point of defense we hear from cities. I have heard many chiefs-of-police state that it would hurt law enforcement because people who are in the country illegally would be afraid to come forward and report crimes either as witnesses or victims. Because of my above experience, I also know that these issues can be worked around. We often came in contact with illegal aliens who were victims or witnesses (or informants) and together with Immigration, we chose to obtain the person's cooperation rather than simply arrest him and deport him because he (or she) was illegal.

We either have an immigration system or we don't. If we don't and we can't control who enters our country, we shall lose our country eventually. I am a supporter of legal immigration being married to a legal immigrant. That being said, he have a serious immigration problem in terms of a porous southern border, the presence of illegal alien criminals, and terrorists coming here with the intent to do us harm. It is time to apply the law. President Trump should order his departments to start cutting federal funding to cities that have declared themselves to be sanctuary cities. He should also order the attorney general to begin criminal investigations of cities where officials take affirmative action to obstruct the efforts of ICE to do its job. I believe it's called obstruction of justice. A couple of successful prosecutions should send a powerful message to these lawless officials.