



Written by [Luis Miguel](#) on August 22, 2021

New Jersey Bans Detainment of Illegal Aliens

To their credit, Democrats are willing to assert their twisted version of state sovereignty when convenient for them, whereas Republicans remain afraid to stand against clear violations of the Constitution by Washington.

In New Jersey, the Left is [celebrating](#) the signing of a new state law that bans prisons and jails from entering into contracts with ICE to detain illegal aliens.

The bill, given the ink by Democrat Governor Phil Murphy on Friday, was pushed by pro-illegal immigration groups such as the American Civil Liberties Union.



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“This hard-fought victory reflects the resilience and tenacity of our communities — and reaffirms that our vision of a world without detention is within reach,” said Tania Mattos of the group Freedom for Immigrants.

“For far too long, New Jersey has enabled and profited from ICE’s cruel immigration detention system that tears apart families and communities,” the American Civil Liberties Union said in a statement. “With the signing of this bill, New Jersey is taking a first step towards ending its complicity in the mass detention of noncitizens.”

The law was introduced in the State Senate in January by Senator Loretta Weinberg and in the Assembly by Assemblyman Gordon Johnson, both Democrats.

The legislation was a response to reports that jails in Northern New Jersey had contracted with U.S. Immigration and Customs Enforcement.

Language in the law declares that:

It is the responsibility of the State to protect the health and safety, including the physical and mental health, of individuals detained within New Jersey.

Detention centers and correctional facilities in New Jersey have a history of poor conditions, including inadequate medical and mental health care, use of isolated confinement, and incidents of violence and retaliation against people in detention.

As with the case of cities and states that have declared themselves “sanctuary” jurisdictions that refuse to cooperate with ICE, this latest law out of New Jersey is a clear violation of the Constitution.

While states’ rights is a fundamental principle of our federal system, one of the few legitimate powers (as established in Article IV, Section 4) that the Constitution clearly places in the hands of the federal government is the responsibility to “protect [each of the states] against invasion,” which is what illegal migration is.



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This is not to say that states cannot and should not protect themselves against invasion, as Democrats often argue when red states attempt to secure their border with Mexico independently (and in the absence of) federal action. But the wording of the Constitution *does* mean that states may not interfere or refuse to cooperate with the federal government (of which ICE is a part) when it is performing its legitimate role of repelling invasion.

New Jersey Democrats, however, do not fear any consequences from their open violation of federal law and the Constitution. Why should they? There have not yet been any consequences for sanctuary politicians even though the U.S. code already establishes strict penalties, including prison time, for those who aid and abet illegal immigration. In 8 U.S. Code § 1324, we [read](#) that “any person who” does the following

- (iii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;
- (iv) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law....

... shall be subject to prison sentences of five, 10, or 20 years (depending on whether their actions resulted in harm or death for American citizens) *for each alien for whom they broke the law*.

Additionally, such lawbreakers can be “punished by death” if their shielding of illegal aliens results “in the death of any person.”

Sadly, Republicans have never sought to bring Democrats to justice for being in direct violation of the laws on the books. Nor do they have the courage to take a page out of Democrats’ book to stand up to *actual* federal overreach, such as the current witch hunt by the feds against peaceful January 6 prisoners.



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