



Written by [Joe Wolverton, II, J.D.](#) on July 27, 2010

Selling Sanctuary: Cities Offer Safe Harbor to Illegals

Cities and towns across the United States that offer safe haven to illegal immigrants are known as “sanctuary cities.” Generally speaking, these municipalities refuse to enforce federal immigration statutes and make no distinction between those legally present in America and those who have come here in defiance of the established legal procedures guiding lawful passage into the United States.



There are two ways in which a city’s policy to harbor illegal aliens might be executed: formally (known as *de jure*) and informally (known as *de facto*). If the decision to offer sanctuary to the lawbreakers is written and appropriately promulgated by one or another local governing body (in the form of ordinances, special orders, codes, policy guidelines, etc.) that is a *de jure* sanctuary city. *De jure* is a legal term of art that comes from the Latin and basically means “according to the law.”

Several sanctuary cities openly defy existing federal law (namely the [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#)) by explicitly refusing either to assist federal agencies in the identification of illegal immigrants living in their town or in the application of state ordinances that might mandate the drawing of distinctions between those legally residing in the state and those illegally doing so (these distinctions are crucial in the dispensing of welfare services, for example).

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 defined the legal relationship between the federal government and local governments with regard to the enforcement of immigration statutes. Minor crimes, such as shoplifting, became grounds for possible deportation. Of particular relevance is the provision in the measure that outlawed cities’ bans against municipal workers’ reporting persons’ immigration status to federal authorities.

The recognition of *de jure* sanctuary cities is comparatively easy given that these pro-illegal policies are codified in one form or another. For example, in 2004, the current governor of Maine, John Baldacci, issued [Executive Order 13 FY 04/05](#), entitled, “An Order Concerning Access to State Services By All Entitled Maine Residents.” In this order, Governor Baldacci strictly limits the cases in which state employees may inquire about a person’s immigration status. Such information, the Governor writes, is “confidential” and inquiring into such delicate matters might elicit “fear, or anxiety....”

A more publicized establishment of a *de jure* sanctuary city concerns the city of San Francisco. In April of 2008, then and current Mayor Gavin Newsom issued a [press release](#) proudly proclaiming the launch of “a public awareness campaign to promote San Francisco’s ‘sanctuary’ policy for undocumented



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residents, and assure all residents that accessing city services does not make an individual vulnerable to federal immigration authorities.”

San Francisco has a long history of actively flouting federal immigration law. In 1989, San Francisco passed the “City of Refuge” Ordinance (Sanctuary Ordinance) which “prohibits City employees from helping Immigration and Customs Enforcement (ICE) with immigration investigations or arrests unless such help is required by federal or state law or a warrant.”

Furthermore, in February 2007, Mayor Newsom reaffirmed San Francisco’s commitment to vexing the feds and harboring illegals by issuing an [executive order](#) requiring city agencies to promulgate protocol and training programs for effectively implementing the “Sanctuary Ordinance.”

The *de jure* status of providing aid and comfort to those who have illegally entered the United States is hostile to law and order, and although easy to identify, difficult to deter. In the case of those cities offering similar safety to illegals, but without the written proof, appropriate application of the “sanctuary city” nomenclature is less direct, but just as vital to the peace and prosperity of those living in our country according to the dictates of the law.

A de facto sanctuary city is one where the prevailing pro-illegal policy is not written in a codebook or passed by a city council or state legislature. While there may not be a wall of protection for illegals erected around these towns, there are piles of bricks stacked high enough to prove the charge of “sanctuary.”

Sanctuary may be offered in the form of disregarding the immigration status of a detainee on the part of local law enforcement. It can be inferred from public statements of local lawmakers wherein illegal aliens are promised that they will not be “victims of discrimination” and “workers of all nationalities are welcome” in the city or state.

When Immigration and Customs Enforcement (ICE) officers raid a poultry processing plant and arrest dozens of immigrants working without the proper authorization, does the mayor or other city official contact the press and denounce the action?

Very often, such policies, whether written or not, are justified as measures necessary to the “protection of human rights.” Why, one wonders, is not the protection of the rights of humans legally living in a city as an important a priority as that of shielding lawbreakers from the consequences of their actions?

Sanctuary policies, no matter how swaddled in the comforting cotton of “human rights” unarguably allow criminal aliens to avoid deportation by shackling the hands of local police and proscribing them from identifying these criminal aliens and subsequently reporting their presence to the proper immigration authorities. This obstruction of justice is not without its mortal consequences.

Such as the [murder of a restaurant waitress](#) in Albuquerque, New Mexico in late June 2009 committed by three illegal immigrants (one of whom was not deported despite being arrested for two prior DUI incidents). In the face of popular furor over the incident, mayoral candidate Richard Berry denounced his town’s status as a known “sanctuary city.” He vowed that, if elected, he would work to repeal the policy that has been continued by the incumbent mayor Martin Chavez.

Also, visit the [Victims of Illegal Aliens Memorial](#) website to view names of those killed by criminal aliens as reported by the Ohio Jobs and Justice Political Action Committee.

As reported in [The New American](#), Attorney General Eric Holder, under the direction of President Barack Obama, filed suit against the state of Arizona to enjoin that state from enforcing the provisions



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of S.B. 1070. The Obama Administration has been joined in that suit by the government of Mexico and other Central American nations. There is no way to calculate the cost of prosecuting such unconstitutional, unfounded, and nonsensical litigation.

What must be ascertained, however, is why the Obama Administration is refusing to enjoin the numerous *de jure* sanctuary cities from continuing to violate the Illegal Immigration Reform and Immigrant Responsibility Act. While there are resources sufficient to pursue lengthy litigation to prevent a sovereign from protecting itself against invasion (given the national government's refusal to comply with the dictates of [Article IV, Section 4](#) of the Constitution), there is not a dime of taxpayer money allocated to compelling rebellious sanctuary cities to obey the current federal law.



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