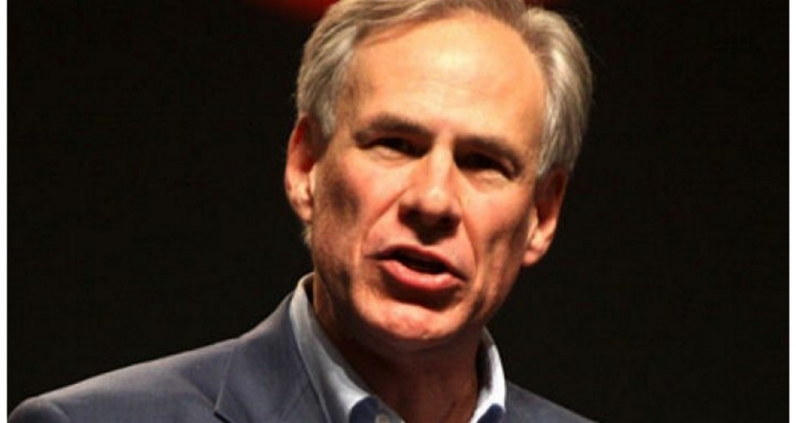




Written by [Warren Mass](#) on November 28, 2016

Texas Governor Abbott to Sign Law Banning Illegal-alien Sanctuary Cities

Texas Governor Greg Abbott (shown) has said he'll sign a law banning sanctuary cities in the Lone Star State. In a November 27 reply to an inquiry from a Twitter user who asked whether he would respond to overtures from political candidates who want Travis County to stop cooperating with ICE agents and make Austin a sanctuary city, Abbott tweeted back: "I'm going to sign a law that bans sanctuary cities. Also I've already issued an order cutting funding to sanctuary cities."



Abbott criticized Dallas County Sheriff Lupe Valdez in October 2015 after she said she would no longer comply with immigration hold requests for people accused of minor offenses, saying: "Your decision to not fully honor ICE's requests to detain criminal immigrants poses a serious danger to Texans. These detainers provide ICE with the critical notice and time it needs to take incarcerated immigrants into federal custody."

Sanctuary cities essentially are those that refuse to cooperate in enforcing federal immigration law and refuse to hold illegal aliens arrested on minor charges until ICE agents can pick them up. Under the Immigration and Nationality Act, the Department of Homeland Security (DHS) may issue an immigration detainer to another federal, or to a state or local law-enforcement agency, to inform the agency that ICE intends to assume custody of an individual and to request that the agency notify ICE prior to the time when the individual would otherwise be released. It is this type of cooperation that the sanctuary cities refuse to engage in.

On November 15, Texas State Senator Charles Perry (R-Lubbock) filed a bill (S.B. 4) to end "sanctuary cities" in Texas and force compliance with Immigration and Customs Enforcement detainers.

Courthouse News Service (CN) reported on November 18 that S.B. 4 requires local law-enforcement officers to provide notice to a judge or magistrate that an arrested person is in the country illegally if he or she cannot prove a legal right to be in the country within 48 hours.

The law would allow people to file complaints with the Texas attorney general if local authorities carry out sanctuary city policies that discourage enforcement of federal immigration laws.

The attorney general would then have authority to pursue the alleged violations in court, and the local municipality would be denied state grant money for the following year.

Perry explained his bill as follows:

Put simply, sanctuary city policies are any policies that prevent law enforcement from enforcing immigration laws already on the books. This can include, but is not limited to, prohibiting officers from inquiring about immigration status of suspected criminals or ignoring immigration detainers in our corrections system



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CN cited Perry's statement that more than 204,000 criminal aliens were in Texas jails between June 1, 2011 and October 31 this year.

"Of those, 66 percent were identified as being in the U.S. illegally at the time of their last arrest," Perry said. "These arrests include 1,101 homicide charges, 65,118 assault charges, and 5,745 sexual assault charges."

The *Texas Tribune* reported on August 31 that the Democratic candidate for Travis County sheriff, Constable Sally Hernandez, had promised to remove U.S. Immigration and Customs Enforcement, or ICE, from the county jail. She promised that, if elected, she would not hold illegal-alien inmates for ICE when the federal agency seeks to deport them.

"I just don't think you solve the criminal justice process by deporting them," Hernandez told the *Texas Tribune* during an interview in her office during the last week of August. "We talk about being progressive. I believe we need to lead the way."

Hernandez' Republican opponent, Joe Martinez, favored cooperating with ICE by holding immigrants the agency wants, as did the current sheriff of Travis County, Democrat Greg Hamilton.

"How can you release somebody back into the population to do more harm? Where is it going to stop? When you hurt or maim and kill somebody? An American citizen or another immigrant? The federal government has a job to do," the *Tribune* quote Martinez as saying. "Let's let them do their job."

However, Hernandez won the race for Travis County Sheriff, whose jurisdiction includes the city of Austin, by a landslide, winning 60 percent of the vote to Martinez' 32 percent.

It was probably this event that prompted the individual who tweeted Abbot to ask what he intended to do about Texas cities who declared themselves to be "sanctuary cities."

The rise of sanctuary cities is a phenomenon that has appeared across the United States, especially in areas dominated by liberal Democratic-controlled city governments. A November 15 AP report noted several mayors who said they will resist President-elect Donald Trump's plan to increase deportations of illegal aliens and refuse to cooperate in enforcing federal immigration laws. These include New York's Bill de Blasio, Chicago's Rahm Emanuel, and Seattle's Ed Murray.

"Seattle has always been a welcoming city," the report quoted Murray as stating on November 14. "The last thing I want is for us to start turning on our neighbors."

Los Angeles Police Chief Charlie Beck told the *Los Angeles Times* that he will stick to a longtime hands-off policy on immigration issues. L.A. Mayor Eric Garcetti supports that position, but stopped short of calling L.A. a sanctuary city because he said the term is "ill-defined."

And, noted AP, Philadelphia Mayor Jim Kenney restored sanctuary status to the city when he took office in January and said last week that the city would "protect" its residents, presumably from federal enforcement measures.

During the presidential campaign, Trump gave a speech in which he promised to "end the sanctuary cities" and said those "that refuse to cooperate with federal authorities will not receive taxpayer dollars." He blamed such policies for "so many needless deaths."

While Trump's promise to enforce our nation's immigration laws is commendable, there is a good chance that most of those taxpayer dollars he threatened to withhold should not have been sent to the states anyway. If Trump aspires to be a constitutionalist president, he will do well to remember the



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words of James Madison, who has been called the father of our Constitution:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce. ... The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs, concern the lives and liberties, and properties of the people, and the internal order, improvement and prosperity of the State.

An ideal solution to ending sanctuary cities, therefore, might be to forget about granting or withholding federal funds to them, and supporting governors such as Greg Abbott who will do what needs to be done at the state level.

Photo of Greg Abbott: Gage Skidmore

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