



Texas Governor Greg Abbott Signs Into Law Bill Banning “Sanctuary Cities”

On May 7 Texas governor Greg Abbott signed a bill banning sanctuary cities. The law, Senate Bill 4, makes sheriffs, constables, police chiefs, and other local law-enforcement officials subject to Class A misdemeanor charges if they don't cooperate with federal authorities and honor “detainer” requests from immigration agents to hold noncitizen inmates who are subject to deportation. It also provides civil penalties for entities in violation of the provision that begins at \$1,000 for a first offense and climbs to as high as \$25,500 for each subsequent infraction. The bill also applies to police at public colleges.



Abbott caught Democratic legislators and others who had opposed the measure off guard when he signed the bill four days after both chambers of the legislature had approved it. The signing took place on Sunday night during a Facebook Live event with no advance public warning.

The new law goes into effect September 1.

“Texas has now banned sanctuary cities in the Lone Star State,” Abbott said in a video posted on Facebook. The governor signed the bill during a five-minute live broadcast on Facebook, thereby avoiding the protests that a public signing ceremony inevitably would have invited.

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“Let's face it, the reason why so many people come to America is because we are a nation of laws and Texas is doing its part to keep it that way,” Abbott said.

Democratic state Representative Cesar Blanco asserted that it looked as if Abbott “wanted to get ahead” of any protests surrounding the bill signing. However, Abbott spokesman John Wittman explained that the governor chose to sign the bill on a Facebook livestream because that's “where most people are getting their news nowadays.”

Texas Senator Ted Cruz posted the following message on Facebook after the signing:

Governor Greg Abbott yesterday sent a clear message that defiance of our laws in Texas will no longer be tolerated.

I commend the Governor for signing into law this ban on sanctuary cities and the members of the Texas Legislature — especially Reps. Charlie Geren and Paul Workman and Senator Charles Perry — for their leadership in sponsoring this measure.

The *Texas Tribune* reported back on April 27 that when S.B. 4 was passed by the Texas House of Representatives, it had its original language restored to bring it into conformity with the Senate-passed version. Representatives had added back a previously deleted provision that allows local peace officers



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to question the immigration status of people they legally detain. The original House version of the bill had allowed officers to inquire about status only during a lawful arrest.

Abbott defended the constitutionality of the law after signing it, reported the *Tribune*, saying key parts of it have “already been tested at the United States Supreme Court and approved there.”

The *Dallas Morning News* reported that opponents of the law were quick to condemn the signing and quoted Thomas Saenz, president of the Mexican American Legal Defense and Educational Fund (MALDEF), who charged that the law was a “colossal blunder” and that the lawmakers who championed it were “small-hearted.”

“MALDEF will do its level best, in court and out, to restore Texas, the state where MALDEF was founded, to its greater glory, and to help Texas to overcome ‘Abbott’s Folly,’” Saenz said in a written statement.

Saenz asserted that the law would alienate “nearly half the state population” and make people subject to widespread racial profiling. He claimed the law would undermine voters’ rights to choose elected officials who set local policy, make the job of local law enforcement more difficult by straining relationships with immigrant communities, and would cost Texas in trade and tourism, as well as legal challenges.

The *News* also quoted Terri Burke, executive director of the ACLU of Texas, who said in a prepared statement: “This racist and wrongheaded piece of legislation ignores our values, imperils our communities and sullies our reputation as a free and welcoming state. We will fight this assault in the courts, at the ballot box, and in the streets if we have to.”

Neither Saenz nor Burke explained exactly which races would be profiled by the new law, since aliens entering our country illegally — even those coming from Latin America — can belong to one of several races. For example, an article in the *Christian Science Monitor* on April 6, 2010, written by Raul Reyes, who identifies himself as a third-generation Mexican-American, noted that a questionnaire accompanying the 2010 Census asked whether a person is of Hispanic, Latino, or Spanish origin, and then lists possible answers ranging from Mexican-American to Cuban to Spaniard. He wrote:

According to the Pew Center, 54 percent of Hispanics identify as white, while only 1.5 percent identify as black. A full 40 percent do not identify with any race. So perhaps the Census Bureau might want to reconsider their categories for “race” in the future.

With “race” being such a subjective factor, it is difficult to make a case that a law attempting to identify illegal aliens is “racist.”

A CBS News report on May 7 observed that the term “sanctuary cities” has no legal definition, but Republicans want local police to help federal immigration agents crack down on criminal suspects who are in the United States illegally.

That report noted:

Sally Hernandez, the sheriff of Travis County, which includes liberal Austin, enraged conservatives by refusing to honor federal detainer requests if the suspects weren’t arrested for immigration offenses or serious crimes such as murder. Hernandez softened her policy after Abbott cut funding to the county, saying decisions would be made on a case-by-case basis. She has said she will conform to the state’s ban if it becomes law.

While there may not be a legal definition of a sanctuary city, one of the main supporters of SB 4,



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Senator Charles Perry (R-Lubbock), provided this description in a statement quoted by KVUE TV in Austin last February:

When they have policy, implied or implicit, formal or informal, or, if you will, just kind of soft throughout their system that says you cannot enforce the ICE detainers or you cannot enforce the inquiry provisions that have been held constitutional, you can't enforce these laws, then you have a sanctuary city.

It will be interesting to see if this new legislation is the end of the matter, or (as has often been the case with similar laws and orders) it faces legal challenges in lawsuits from activist organizations such as MALDEF or rulings by liberal judges.

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