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Challenging Sanctuary Jurisdictions

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For as long as most Americans can remember, Democrats have made it clear that any law inimical to their agenda can be blithely ignored. Nothing makes this clearer than the hundreds of locales across the nation known as “sanctuary” jurisdictions, where policies forbid local law enforcement from cooperating with U.S. Immigration and Customs Enforcement (ICE). New York state is one such place, and for the first time America has an administration willing to force the political class to choose between maintaining a haven for illegal aliens or keeping access to programs that help state residents move through customs lines more quickly.

Acting Homeland Security Secretary Chad Wolf revealed the administration’s agenda last Wednesday. Wolf explained the Department of Homeland Security (DHS) was immediately suspending enrollment in Global Entry and several other Trusted Traveler Programs (TTP), including NEXUS, SENTRI, and FAST. Thousands of New Yorkers are members of these programs, because they allow people to bypass typically long Customs and Border Protection (CPB) lines.

The state’s recently enacted “Green Light Law,” which gives illegal aliens access to drivers’ licenses — but also blocks federal agencies like ICE and CPB from accessing the state’s DMV records without a court order — was the tipping point. In a letter provided to state officials, Wolf noted the law “compromises CPB’s ability to confirm whether an individual applying to TTP membership meets the program’s eligibility requirement.”

Why is that important? “In New York alone, last year ICE arrested 149 child predators, identified or rescued 105 victims of exploitation and human trafficking, arrested 230 gang members, and seized 6,487 pounds of illegal narcotics, including fentanyl and opioids,” Wolf added. “In the vast majority of these cases, ICE relied on New York DMV records to fulfill its mission.”

And that was *before* the law took effect in December, precipitating a surge of illegals rushing to New York DMVs to obtain their new identification, using foreign documents such as passports or a driver’s license to get it.

Not all New Yorkers were on board. Lawsuits filed by Rensselaer County Clerk Frank Merola and Erie County Clerk Mickey Kearns, both of whom argued the law would put him in conflict with federal immigration law, were dismissed separately by U.S. district judges, Gary Sharpe and Elizabeth Wolford, for the same reason: Both judges deemed the clerks lacked standing to challenge the law.

New York Attorney General Letitia James was pleased the courts dismissed “meritless claims.” And last Friday she announced her intent to sue the DHS. “Despite President Trump’s

attempt to punish New Yorkers for passing our own laws and standing up to his xenophobic policies, we will not back down,” she said.

Xenophobic policies? During his State of the Union Address, President Trump made it clear what sanctuary jurisdictions are *really* all about. “Just 29 days ago, a criminal alien freed by the sanctuary city of New York was charged with the brutal rape and murder of a 92-year-old woman,” Trump stated. “The killer had been previously arrested for assault, but under New York’s sanctuary policies, he was set free. If the city had honored ICE’s detainer request, his victim would be alive today.”

CNN’s Van Jones, who was once the Obama administration’s “green jobs” czar until he was forced to resign due in large part to his association with the 9/11 conspiracy truthers, provided the typically progressive response to such inconvenient realities. After asserting that Trump is “managing” racial issues as a “tradeoff between the Latinos and the African Americans,” Jones insisted, “Sanctuary cities are safer than non-sanctuary cities. The Cato Institute, which is libertarian, has come out and said immigrants are committing less crime.” He added, “So, for some reason he thinks that doubling down on the anti-immigrant piece is a big part of this thing.”

Remarkably, no one ever challenges the utter bankruptcy of such an absurd contention. If the Rule of Law were upheld, crimes committed by illegals would be almost *wholly avoidable*. Thus, it would be truly enlightening to know what Jones and other sanctuary supporters consider a “reasonable” level of murders, rapes, robberies, etc., Americans must endure, not just for accommodating illegal immigration, but seeing it incentivized by “woke” politicians.

Trump addressed that reality as well. “No issue better illustrates the divide between America’s working class and America’s political class than illegal immigration,” he stated. “Wealthy politicians and donors push for open borders while living their lives behind walls, gates, and guards. Meanwhile, working-class Americans are left to pay the price for mass illegal immigration.”

One political-class member, Richard Azzopardi, a senior adviser to New York Gov. Andrew Cuomo, was annoyed by the crackdown. “This is obviously political retaliation by the federal government and we’re going to review our legal options,” he said. Cuomo echoed those sentiments, calling the crackdown “pure politics.” He also asserted the federal government is “anti-immigrant.”

Nothing is more political — or more dishonest — than the ongoing and highly orchestrated effort by progressives to conflate illegal and legal immigration, as if the difference between the two is somehow irrelevant.

It is not, and the Trump administration is making that crystal clear. Moreover, Ken Cuccinelli, the senior official performing the duties of acting secretary at the DHS reminded Americans what Cuomo and his illegal-immigration-supporting allies have either forgotten or don’t care about: “[A] majority of 9/11 terrorists used Virginia driver’s licenses to help accomplish their evil mission,” Cuccinelli stated. Moreover, unlike Virginia, which addressed the problem, Cuccinelli added that New York is “walking backwards, quite intentionally, in the other direction to bar the sharing of law-enforcement-relevant information like vehicle registration, matching driver’s licenses to identifications, and, critically, criminal records which are kept up to date, and DMV databases.”

Access to records is only part of the equation. The Real ID Act of 2005 requires states to establish an applicant's date of birth, Social Security number, proof of residence, and *citizenship or lawful status* to obtain a driver's license compliant with that law. It also empowers the DHS secretary to define "official purposes" for which those licenses can be used, including the boarding of commercially operated airline flights, or entering federal buildings and nuclear power plants.

Nonetheless, The Washington Post reveals the administration's efforts are rather modest: "A DHS official with knowledge of the deliberations said the department does not plan to take immediate steps against other states and cities."

Really? Why not? Fifteen states, the District of Columbia, and Puerto Rico offer driver's licenses to illegals, and it's well past time to have the courts decide if this practice — asserted to be a states rights' issue — is really another effort to nullify federal immigration law.

Furthermore, this administration should explore *every* option available to undermine sanctuary policies — including demands that Congress enact laws making officials who harbor illegals subject to civil and criminal liabilities when those illegals commit crimes that harm American citizens.

Hopefully, making it inconvenient to travel is the first in a *series* of initiatives that would ultimately make sanctuary jurisdictions politically untenable.

Americans have abided de facto anarchy long enough.