The Phyllis Schlafly Report

No More Sanctuary Cities

By John and Andy Schlafly

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"The most dangerous and shameful attacks on the rule of law come from and in the form of sanctuary cities," President Trump declared on Monday to the International Association of Chiefs of Police in Chicago. Applause then erupted when he said that criminal aliens should be turned over to federal immigration authorities and sent home.

Sanctuary cities interfere with that process by ordering local law enforcement not to comply with federal laws against illegal immigration. Illegal aliens are protected in sanctuary cities against being asked about their lack of citizenship, and if arrested for a crime they are not handed to federal officials for deportation.

On the ballot next week in Tucson is Proposition 205, which would make this large metropolis near the Mexican border the first sanctuary city in Arizona. It would bar local police from checking the immigration status of people they stop or arrest.

California has many sanctuary cities, but also has a wall along its border between San Diego and Mexico. Arizona, which does not have a wall and is victim to a substantial percentage of the illegal immigration flowing into our country, does not yet have any sanctuary cities.

Even some progressives are opposing the ACLU-endorsed Prop. 205 to make Tucson a sanctuary city. The costs would be staggering, and already state lawmakers are planning to assess those expenses against the city if it approves this bad idea.

Tucson Councilwoman Regina Romero, a Democrat who is expected to be elected mayor next week, is against making it a sanctuary city by Prop. 205. She points out how it would interfere with Tucson police in working with federal officials on drug crimes, human trafficking, and missing children cases.

Arizona state lawmakers are threatening to withhold $130 million annually from Tucson if its voters approve this bill to harbor illegal aliens, who cost far more than that in crimes, social services, and other entitlements. It would make sense for Tucson to foot that bill rather than burdening the rest of the state with those increased costs from illegal immigration.

Prop. 205 conflicts with a key part of an Arizona law that the Supreme Court left in place after a legal challenge. Its Senate Bill 1070 continues to require local police to make a reasonable attempt to determine the immigration status of a suspect when there is reasonable suspicion about it.

Meanwhile, President Trump's splendid Solicitor General has filed a petition with the U.S. Supreme Court to overturn California Senate Bill 54, which requires officials there to obstruct deportations. The Ninth Circuit upheld the California pro-sanctuary city law despite admitting that it "makes the jobs of federal immigration authorities more difficult," and even discriminates against federal officials performing their duties.

The often-reversed Ninth Circuit upheld SB 54 on the theory that California "retains the right" to obstruct federal law and hinder federal law enforcement. The Ninth Circuit invoked the Tenth Amendment, which can be helpful in other contexts, as having an "anticommandeering" rule against federal interference with state laws.

But this peculiar interpretation of the Tenth Amendment has already wreaked havoc beyond the issue of illegal immigration. Last year the Supreme Court misused this "anticommandeering" theory to open the door to sports gambling in all 50 states, despite the immense harm it causes.

It is a distortion of the salutary principle of states' power to use the Tenth Amendment to uphold state laws which flout federal law enforcement against illegal immigration. These state laws, and in particular California SB 54, impose expenses on other states by attracting more illegal border crossings.

"Aliens are present and may remain in the United States only as provided for under the auspices of federal immigration law," Solicitor General Noel Francisco explains to the Supreme Court in his petition for cert. "It therefore is the United States, not California, that 'retains the right' to set the conditions under which aliens in this country may be detained, released, and removed."

Only Congress and the President can define who is here lawfully. The federal government, without interference by states, must be able to remove those who are here illegally.

Democrats in California, however, see many future voters for their party among the swarms of illegal immigrants flowing over our southern border. That state has lurched leftward as it attracts more illegal aliens with its sanctuary cities.

But as Trump's Solicitor General elaborates, "When officers are unable to arrest aliens – often criminal aliens – who are in removal proceedings or have been ordered removed from the United States, those aliens ... are disproportionately likely to commit crimes."

The result, the Trump Administration's top attorney observes, is that this "undermines public safety, immigration enforcement, and the rule of law." Both voters and the Supreme Court should reject sanctuary city laws.

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