

Sanctuary Cities and National Security Fact Sheet

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Bottom Line Up Front:

Self-styled “sanctuary cities” promote illegal immigration, protect criminals, and undermine national security by providing a safe haven for the development of criminal gangs. Congress and state legislatures must ensure cities that identify themselves as sanctuary cities are encouraged to cooperate with federal authorities in enforcing immigration laws.

Background:

According to the *New York Times*, “there is no universally accepted definition of the term (sanctuary city).”¹

The Congressional Research Service, a nonpartisan agency that provides support to members of Congress, issued a report in 2005 that described localities with sanctuary polices as those that have adopted “don’t ask, don’t tell” policies in which city employees, including the police, are not required to report illegal immigrants to the federal authorities.²

Rationale for Sanctuaries

Rationale for establishing and maintaining sanctuary cities include three basic areas; provision of basic public services (such as education) without discrimination³, the need for law enforcement to obtain information from potential illegal aliens without incrimination, and concern about public health (e.g., communicable diseases).

Former New York City Mayor Ed Koch said, in justifying his establishment of a sanctuary in New York, “One if you have children, send them to school. We do not ask where they came from. We don’t turn in children who are here illegally. . . We don’t want children, legal or illegal, walking the streets when they should be in school and either being victims of predators or (being) predators (themselves). . . Number two, what we said was, if you’re sick and you can’t afford a doctor, come to our municipal hospitals. We don’t turn in illegal aliens. Why? Because if somebody is sick, particularly if they have a contagious disease, it affects all of us.”

In addressing Washington D.C.’s sanctuary policy, Chief of Police Charles Ramsey wrote, “MPD [Metropolitan Police Department] officers are strictly prohibited from making inquiries into citizenship or residency status for the purpose of determining whether an individual has violated the civil immigration laws or for the purpose of enforcing those laws...the MPD is no in

¹ Michael Luo, “A Closer Look at the “Sanctuary City” Argument, *New York Times*, November 29, 2007

² Ibid.

³ The issue of protecting illegal alien criminals from discrimination assumes that these individuals enjoy full rights of an American citizen or a law abiding immigrant.

the business of inquiring about the residency status of the people we serve and it not in the business of enforcing civil immigration laws.”

The Los Angeles County District Attorney and Superior Courts decline immigration enforcement actions (including deportation of criminal alien gang members) as a matter of policy. Los Angeles Superior Court representative said their policy is “we do not treat undocumented persons any differently than anyone else.”⁴

In a June 2008 court decision, California Superior Court Judge Rolf Treu ruled that the City of Los Angeles’ policy of “don’t ask, don’t tell” does not conflict with federal or state laws. LA Police Chief William Bratton said the decision preserved “an essential crime fighting tool for us.” Mayor Antonio Villaraigosa agreed when he said, “turning local police into federal immigration agents would lead to fewer arrests, prosecutions and convictions.”⁵

Sanctuary Cities

An August 14, 2006 report produced by the Congressional Research Service listed 31 cities and counties that have “don’t ask, don’t tell” sanctuary policies in place. Those identified were:

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| Anchorage, Alaska | Minneapolis, Minnesota |
| Fairbanks, Alaska | Durham, North Carolina |
| Chandler, Arizona | Albuquerque, New Mexico |
| Fresno, California | Aztec, New Mexico |
| Los Angeles, California | Rio Arriba County, New Mexico |
| San Diego, California | Sante Fe, New Mexico |
| San Francisco, California | New York, New York |
| Sonoma County, California | Ashland, Oregon |
| Evanston, Illinois | Gaston, Oregon |
| Cicero, Illinois | Marion County, Oregon |
| Cambridge, Massachusetts | Austin, Texas |
| Orleans, Massachusetts | Houston, Texas |
| Portland, Maine | Katy, Texas |
| Baltimore, Maryland | Seattle, Washington |
| Takoma Park, Maryland | Madison, Wisconsin |
| Ann Arbor, Michigan | |

In addition, Alaska and Oregon both have state-wide policies that forbid state agencies from using resources to enforce federal immigration law. Oregon law, however, does provide an exception to allow law enforcement officers to share information on immigration status with federal authorities with those arrested for criminal offenses.

In 2007, during a debate on sanctuary city status for Detroit, the City Council President Kenneth Cockrel, Jr. indicated that city police had no business enforcing federal immigration laws. He said, “If you’re a police officer and pulling someone over for a traffic stop, why do you need to

⁴ “Los Angeles District Attorney, Superior Court Decline Immigration-Deportation of Criminal Gang Members” Full Disclosure Network Video News Blog, May 28, 2008, accessed August 5, 2008

⁵ Michael R. Blood, “LAPD Won’t Ask About Immigration Status”, *Associated Press*, June 26, 2008.

see their immigration papers? That is not the responsibility of the police force, that's the responsibility of federal law enforcement to enforce immigration laws." The family of Anthony Bologna (below) would probably beg to differ with Mr. Cockrel's assertions.

911 Commission Conclusions

The 911 Commission concluded the following action associated with immigration policy:

Our borders and immigration system, including law enforcement, ought to send a message of welcome, tolerance, and justice to members of immigrant communities in the United States and in their countries of origin. We should reach out to immigrant communities. Good immigration services are one way of doing so that is valuable in every way – including intelligence.

It is elemental to border security to know who is coming into the country. Today more than 9 million people are in the United States outside the legal immigration system. We must also be able to monitor and respond to entrances between our ports of entry, working with Canada and Mexico as much as possible.

There is a growing role for state and local law enforcement agencies. They need more training and work with federal agencies so that they can cooperate more effectively with those federal authorities in identifying terrorist suspects.

All but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud. Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities.

The Commission Report here and in other places, encourages legal immigration but strongly recommends strengthening our border protection system and identifying illegal immigrants who may be terrorists. In particular, the report urges cooperation between federal and local law enforcement in training and enforcing federal immigration law. In the sanctuary environment where illegal immigration status is prized and celebrated, identifying those that are criminal or terrorist is a politically incorrect task, and in some cases, law enforcement officers who do question immigration status are punished.

Criminal Results of the Sanctuary Policy

Sanctuary policies DO NOT create protected environments. In fact, they do just the opposite – they provide a safe haven for criminal gangs who prey on each other and the helpless and innocent (including other illegal immigrants). Recent examples include the following:

On March 2, 2008 in Los Angeles, Pedro Espinoza, a member of the 18th Street Gang and an illegal alien who had released from jail the day before (Los Angeles prohibits police from inquiring about illegal alien status – even for those arrested) shot and killed 17 year

old Jamiel Shaw, Jr. as Shaw was walking home from a mall. Shaw's mother was a soldier serving in Iraq at the time of the murder.

On June 22, 2008, illegal alien and MS13 gang member Edwin Ramos killed Anthony Bologna and his two sons Matthew and Michael in a fit of road rage. Ramos benefited from San Francisco's self-proclaimed status when he was convicted of two gang related felonies while a juvenile, but remained in San Francisco because the Juvenile Probation Department did not notify federal authorities due to San Francisco's "City of Refuge" law prohibited city officials from contacting federal authorities regarding their dealings with illegal immigrants. In March 2008, Ramos was arrested on a gun charge, but released before federal authorities (who were notified) could react.

The San Francisco Chronicle reported in June 2008 that the city of San Francisco is shielding illegal Honduran drug dealers from prosecution and deporting them at tax-payer expense back to their home country, where they are free to re-enter the US and continue their profession.

In September 2007, Phoenix, AZ police officer Nick Erlie was shot and killed by Erik Jovani, who had been previously arrested eight times and departed to his native Mexico.

According to statistics released by Congressman Steve King (R-IA) in 2006, 4,380 Americans are murdered annually by illegal immigrants. King also reports that eight American children are sexually abused an illegal aliens daily – 2,920 annually.

Criminal Gangs Protected in Sanctuary Cities

Protection afforded by sanctuary cities is not lost on criminal gangs. They take advantage of the status to use "don't ask, don't tell" for their benefit. Understanding that police in Los Angeles are prohibited from simply arresting and deporting drug dealers, the 18th Street gang imports illegals to do their dirty work for them:

The LAPD and the L.A. city attorney recently requested an injunction against drug trafficking in Hollywood, targeting the 18th Street Gang and the "non-gang members" who sell drugs in Hollywood for the gang. Those non-gang members are virtually all illegal Mexicans, smuggled into the country by a ring organized by the 18th Street bigs.

Cops and prosecutors universally know the immigration status of these non-gang "Hollywood dealers," as the city attorney calls them, but the gang injunction is assiduously silent on the matter. And if a Hollywood officer were to arrest an illegal dealer for his immigration status, or even notify the Immigration and Naturalization Service . . . he would face severe discipline for violating Special Order 40 of the city's sanctuary policy.⁶

⁶ Heather MacDonald, "The Illegal-Alien Crime Wave", *City Journal*, Winter 2004.

“The FBI estimates today there are approximately thirty thousand violent gangs in the United States, with 800,000 members impacting 2,500 communities. . . MS-13 . . . operates in some 34 different states and the District of Columbia. . . The large Hispanic gangs in the U.S. are in the process of morphing into truly international gangs, causing legitimate concern for the international law enforcement and intelligence communities.”⁷

During testimony before the House Judiciary Subcommittee on Immigration, Border Security and Claims on April 13, 2005, Manhattan Institute for Police Research senior fellow Heather MacDonald provided the following additional statistics regarding illegal alien criminal gangs⁸:

A confidential California Department of Justice study reported in 1995 that 60 percent of the 20,000 strong 18th Street Gang in southern California is illegal; police officers say that the proportion is actually much greater. The bloody gang collaborates with the Mexican Mafia, the dominant force in California prisons, on complex drug distribution schemes, extortion, and drive-by assassinations.

Immigration and Customs Enforcement conservatively puts the number of illegals in Mara Salvatrucha as a “majority”, police officers, by contrast, assert that the gang is overwhelming illegal.

Law enforcement officials estimate that 20% of gang members in San Diego County are illegal.

In the sanctuary city of Los Angeles, former assistant U.S. Attorney Luis Li says the Columbian Lil’ Cycos gang controls the drug trade around MacArthur Park in LA. Composition of the gang is about 60% illegal as of 2002 and is run by an illegal immigrant, Francisco Martinez, from prison.

A 2005 incident in Houston, TX (a sanctuary city) involving MS-13 suggests highly sophisticated tactics by gang members. As reported in *US Today* on January 5, 2006:

The MS-13 suspects swept through the house like a well-trained assault team, using paramilitary tactics including perimeter lookouts, high-powered weaponry (an AK-47 rifle was among the weapons recovered later), and a quick, room-by-room sweep of the house that was notable for its precision and sophistication, Houston police spokesman Alvin Wright says.

When the MS-13 suspects were challenged by authorities, the result was an intense shootout that killed two suspects. . . The four others were arrested and face an array of state charges, including robbery and assault.

The fact that criminal gangs operating with a high proportion of illegal immigrants (many that had been deported and returned) in protected sanctuary areas (e.g., California, Chicago,

⁷ Jim Gilchrist and Jerome R. Corsi, “Crime: Mexico’s No.1 Export”, Worldnetdaily.com, July 29, 2006. Accessed August 5, 2008

⁸ “Immigration and the Alien Gang Epidemic: Problems and Solutions” The Manhattan Institute for Policy and Research, April 13, 2005.

Washington, D.C., Houston and New York) create a continuous and dangerous presence for decent, hardworking people.

Arguments that diverting local law enforcement assets to detain illegal immigrants for processing when they are encountered in the course of routine policing will diminish the ability to perform other vital services has become increasingly threadbare given level of violence involving repeat criminal illegal immigrants over the past decade. Detaining illegal immigrants as a result of traffic stops or other routine activities will, in fact, have the opposite effect – and Anthony Bologna and his sons would be alive today.

Criminal Gangs and Terrorists

The fact that violent street gangs have become international and move within the same types of networks as non-state terrorist organizations suggest that these organizations may intersect at times. Further, violent street gangs themselves have become recognized as terrorist organizations. In a paper entitled “On Gangs, Crime and Terrorism” published by Defense and the National Interest, the authors related, “To most people MS-13 remains just a violent street gang because of the dearth of evidence to directly link MS-13 to terrorist groups. However, it is important to note that in Central America, MS-13 is considered a terrorist group.”⁹

An exhaustive review of potential MS-13 links with terrorist organizations, particularly Al Qaeda, by Carlos Poveda in a Naval Post Graduate School thesis revealed, with a high degree of probability, MS-13’s involvement in smuggling terrorists mixed with Hispanic illegal immigrants through eastern Mexico into the United States. Poveda concludes that as long as it is beneficial for street gangs to cooperate with terrorist organizations, they will do so.¹⁰

Sanctuary laws are a serious impediment to stemming gang violence and other crime. Moreover, they are a perfect symbol of this country’s topsy-turvy stance towards illegal immigration¹¹.

Position:

It is an incontrovertible fact that self-created sanctuaries in the United States have resulted in the deaths of innocent people (both illegal aliens and American citizens alike). Further, sanctuaries create a positive environment for the flourishing of criminal street gangs such as MS-13 who are themselves considered terrorist organizations, and who may have links with other terrorists. Federal and state incentives for the disestablishment of sanctuaries and enforcement of the laws of the United States must be immediately undertaken.

⁹ Gary I. Wilson and John P. Sullivan, “On Gangs, Crime and Terrorism”, Defense and the National Interest, February 28, 2007, page 16.

¹⁰ Carlos A. Poveda, Jr., Captain, US Air Force, “The Likelihood of Collaboration Between Central American Transnational Gangs and Terrorist Organizations”, Naval Post Graduate School, March 2007.

¹¹ “Immigration and the Alien Gang Epidemic: Problems and Solutions”