

Sanctuary cities and the Patco strike analogy

Chicago Mayor Rahm Emanuel and the mayors of several other cities across the United States are the first to challenge President-Elect Donald Trump on his willingness to uphold the rule of law. On November 14, Emanuel threw down the gauntlet, declaring defiantly that "Chicago will always be a sanctuary city." On Friday, January 20, 2017, after President-elect Trump is sworn into office, his first move should be to demand compliance with federal law and warn that any state or local official who stands in the way of federal law enforcement will be arrested and prosecuted. The example he should follow is that of President Ronald Reagan who on August 3, 1981, put a rapid end to the PATCO strike.

Confronted with a comparable flagrant violation of federal law, President Ronald Reagan told the striking members of the Professional Air Traffic Controllers Organization (PATCO), the now defunct union decertified as a result of its violation of 5 USC Section 118p (since recodified at 5 USC Section 7311), that they would be fired if they did not return to work. Indeed, Reagan defended the rule of law against PATCO despite the fact that PATCO was the only union that formally endorsed his candidacy for the presidency. Each federal employee, including each PATCO member, swore then and swears today an oath not to go on strike. PATCO members went on strike August 3, 1981 at 7AM. By 10:55AM that same day, Reagan appeared before reporters stating that all PATCO members who did not return to work within 48 hours would be fired. On August 5, 11,345 PATCO members did not return to work. Reagan fired them all, and he banned them from employment in the federal government for the remainder of their lives.

The showdown Rahm Emanuel and other like-minded mayors seek from Donald Trump should come in a rapid and immediate fashion

without fanfare in the pattern of Ronald Reagan. Upon assuming office, President Trump should announce that Sanctuary Cities violate federal law and that any state official who impedes federal law enforcement officers endeavoring to enforce the nation's immigration laws will be arrested and prosecuted. He should then direct the Immigration and Customs Enforcement Agency (ICE) to arrest and deport all persons who are in the United States illegally, beginning with those who pose a threat to the lives and property of others, particularly those who have criminal records.

By so doing, President Trump will ensure that the states and cities no longer impede ICE enforcement of the immigration laws. State and local employees have a right, as do we all, to their opinions but when they translate those opinions into open defiance of federal law, they cross the line. While it is beyond federal law to permit the arrest of state and local officials who enact sanctuary city laws and policies, it is not beyond federal law (indeed, it is entirely consistent with federal law and the Supremacy Clause of the Constitution) to arrest and prosecute any such official who actually physically obstructs ICE agents from investigating, arresting, and prosecuting illegal aliens. And, indeed, if local government agents do stand in the way, they should be arrested and prosecuted by the feds.

By upholding federal law and ensuring that those committing acts of violence and that those engaged in illicit other activities (like prostitution, drug smuggling, money laundering, and burglary and theft) are apprehended even if in sanctuary cities, President Trump will literally be saving the lives and property not only of American citizens but also of illegal aliens.

The great irony of sanctuary cities is that they are, in fact, often not a sanctuary because they permit illegal aliens engaged in criminal activities to go undetected and unpunished. It is precisely this kind of unlawful harboring of

fugitives from the law that enabled an illegal alien to take the life of Kate Steinle in San Francisco and Jamiel Shaw Jr. in Los Angeles. Steinle and Shaw are but two examples of many who have suffered loss of life or property at the hands of illegal aliens and yet have evaded law enforcement by secreting themselves in sanctuary cities.

Consider the consequences that would follow if President Trump were cowed by Emanuel and did not defend the rule of law but, through inaction, condoned the sanctuary cities.

If President Trump were to take office and not promptly countermand the defiant mayors by ensuring that federal law is enforced and that local officials who interfere with enforcement are arrested, he would thereby embolden them. Sanctuary cities would thereafter expand and become even more numerous, and the ability to enforce federal immigration laws would be rendered even more difficult. Consequently, I fully expect that President Trump will demand compliance with federal law and authorize the enforcement measures necessary to achieve that end.

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