

it made headlines nationally, since Lopez-Sanchez had previously committed no fewer than seven felonies while in the United States...and on the day of Kate Steinle's death he had recently been released from San Francisco police custody on a drug charge.

Yet at the time Lopez-Sanchez was the subject of an ICE detainer asking the police for custody of Lopez-Sanchez so that they could institute deportation proceedings to send him back to Mexico ... but instead of honoring the detainer, the police honored the San Francisco sanctuary policy and released him with tragic results for Kate Steinle and her family. If San Francisco police had followed federal law and honored the ICE detainer, Lopez-Sanchez would have been in ICE custody on July 1, 2015...not free and on the pier where Kate Steinle was killed.

In August 2019 Judicial Watch filed another taxpayer lawsuit in California's Santa Clara County (San Jose) seeking to overturn that county's sanctuary policy which places the same restrictions on cooperating with ICE as does San Francisco's. This lawsuit (*Howard A. Myers v. Laurie Smith et al, No. 19-CV-353510*) arose out of another tragic and unnecessary death, this one of Barbi Larson in her San Jose home at the hands of an illegal alien criminal, Carlos Arevalo-Carranza.

In the case of Arevalo-Carranza, ICE had filed six separate requests with the county, asking that he be detained so that ICE could take him into custody for removal proceedings. All six requests were ignored...perhaps not surprisingly, since in 2014 Santa Clara County had the dubious distinction of refusing the largest number of ICE detainees in the country!

The outcome of these two Judicial Watch lawsuits seeking to overturn deadly and illegal sanctuary policies will assuredly have repercussions across America in the months to come.

Endnotes

- ¹ See § 237 of the Immigration and Nationality Act (I.N.A.) or 8 U.S.C. § 1227.
- ² The grounds of deportability are found in § 237 of the Immigration and Nationality Act (I.N.A.) at 8 U.S.C. § 1227. For example, non-citizens can become deportable if they:
 - Commit certain types of crimes, most notably an aggravated felony; domestic violence; a crime of moral turpitude (CMT) committed within five years after being admitted to the U.S. or getting a green card, if the prison sentence was for at least one year; or two CMTs not arising out of a single scheme of criminal misconduct;
 - Fail to advise USCIS of their changes of address within ten days of moving.
 - Are discovered to have committed marriage fraud.
 - Helped smuggle other aliens into the U.S.
 - Are or have been drug abusers or addicts, or have been convicted of any drug-related violations other than other than a single offense involving possession of 30 grams or less of marijuana for personal use.
 - Have committed document fraud.
 - Have falsely claimed to be a U.S. citizen, for example in voting in a U.S. election.
- ³ Judicial Watch video posted on Facebook (min. mark 7:04) July 10, 2019 (https://www.facebook.com/JudicialWatch/videos/371106740268721/?video_source=permalink).
- ⁴ See Judicial Watch Special Report, *Yes, Mr. President, You Will Wait; An Updated Examination into the Unprecedented and Radical Attempt by the Obama Administration to Expand Power*, September 3, 2018.
- ⁵ Transcript of President Barack Obama with Univision, October 25, 2010 (<https://latimesblogs.latimes.com/washington/2010/10/transcript-of-president-barack-obama-with-univision.html>).
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- ⁷ “Obama’s Own Words Refute His Stand on Immigration Authority,” *The New York Times*, July 8, 2015, (<https://www.nytimes.com/roomfordebate/2014/11/18/constitutional-limits-of-presidential-action-on-immigration-12/obamas-own-words-refute-his-stand-on-immigration-authority>).
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- ⁹ “Consideration of Deferred Action for Childhood Arrivals (DACA),” U.S. Citizenship and Immigration Services, (<https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>).
- ¹⁰ June 15, 2012 Memo from Homeland Security Secretary Janet Secretary Napolitano to agency heads laying out details of DACA program (<https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>).
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- ¹² “Requests by Intake, Biometrics and Case Status (2012-2017),” March 31, 2018 (https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr2.pdf).
- ¹³ Judicial Watch In The News, “DACA Is Not What the Democrats Say It Is. Here Are the Facts,” December 4, 2017 (<https://www.judicialwatch.org/in-the-news/daca-not-democrats-say-facts/>).
- ¹⁴ “Documents Reveal DHS Abandoned Illegal Alien Background Checks To Meet Amnesty Requests Following Obama’s DACA,” June 11, 2013 (<https://www.judicialwatch.org/press-releases/homeland-security-documents-reveal-dhs-abandoned-required-illegal-alien-background-checks-to-meet-flood-of-amnesty-requests-following-obamas-deferred-action-for-childhood-arrivals-directive/>).
- ¹⁵ Obama unilaterally, through executive action, created DACA, which incorporated some of the provisions of the Development, Relief and Education for Alien Minors Act (Dream Act), which Congress had refused to enact into law. Thus, people shielded from deportation under DACA became known as “Dreamers.”
- ¹⁶ “DACA Fraud Rate at ‘40 to 50 Percent’, Says Former Immigration Official,” *Breitbart News*, September 7, 2017 (<https://www.breitbart.com/border/2017/09/07/daca-fraud-rate-40-50-percent-says-former-immigration-official/>).
- ¹⁷ See Judicial Watch Special Report, *The Financial and Staffing Nexus Between the Open Society Foundations and the United States Government; Advancing a Radical Leftist Agenda at U.S. Taxpayer Expense*, November 30, 2018.
- ¹⁸ “Elaborately Planned” Caravan Brings Human Traffickers & Violent Gangbangers to Guatemala,” *Judicial Watch Corruption Chronicles*, October 24, 2018 (<https://www.judicialwatch.org/corruption-chronicles/elaborately-planned-caravan-brings-human-traffickers-violent-gangbangers-to-guatemala/>).
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- ³⁰ U.S. Customs and Border Protection website: <https://www.cbp.gov/newsroom/stats/sw-border-migration>.
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As the court pointed out, the law does not compel “state and local governments to enact or administer any federal regulatory program. Nor has it affirmatively conscripted states, localities, or their employees into the federal government’s service [which would violate the Tenth Amendment].” *The only thing the provision does is prohibit state and local governmental entities or officials from “directly restricting the voluntary exchange of immigration information with the INS.”* [Emphasis added.] A contrary holding would, in effect, have allowed local officials to nullify federal immigra-

tion law. As the court said: “The City’s sovereignty argument asks us to turn the Tenth Amendment’s shield against the federal government’s using state and local governments to enact and administer federal programs into a sword allowing states and localities to engage in passive resistance that frustrates federal programs. If Congress may not forbid states from outlawing even voluntary cooperation with federal programs by state and local officials, states will at times have the power to frustrate effectuation of some programs. Absent any cooperation at all from local officials, some federal programs may fail or fall short of their goals unless federal officials resort to legal processes in every routine or trivial matter, often a practical impossibility.”

- ⁴⁵ In its ruling upholding the Circuit Court, the appellate court did not reach the merits of the case. Instead, the appeals court exercised its discretion in striking McCann’s brief and dismissing his appeal for failure to comply with Rule 341(h), which governs the form and content of appellate briefs.
- ⁴⁶ JW TV, video (min. mark 3:04), March 12, 2018 (<https://www.judicialwatch.org/videos/judicial-watch-is-leading-on-sanctuary-policy-lawsuits/>).
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