

July 13, 2015

NY Post says NYC might continue its assault on common sense.

Here's an up-close look at a quality-of-life offense the City Council wants to decriminalize.

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Wrapped in rags and a Mets blanket the hobo wandered into traffic at around 10:30 a.m. and relieved himself as cabs, cars and buses whizzed by between West 83rd and 84th streets on the Upper West Side.

He finished his business at a nearby garbage bin, then strolled back to the front of a Victoria's Secret store at Broadway and 85th Street, where he camped out for the rest of the day.

Mark-Viverito in April announced plans to decriminalize public urination along with five other low-level offenses: biking on the sidewalk, public consumption of alcohol, being in a park after dark, failure to obey a park sign and jumping subway turnstiles.

Police Commissioner Bill Bratton — who in the early '90s implemented a "broken windows" approach to policing to dramatically cut crime — is against the new plan, saying such offenses lead to more serious crimes.

Speaking of cities, **David Harsanyi** says "sanctuary cities" are the worst kind of liberal lawlessness.

So let me get this straight: America is thrown into an overwrought political debate about the Confederate battle flag—a relic that has absolutely nothing to do with the shooting in Charleston—but is unwilling to engage in a conversation about the deliberate disregard of federal law that directly leads to the murder of at least one young woman?

That's basically where we stand. After sending mixed signals, The Hill reports that Democrats will be making a concerted effort to defend San Francisco's sanctuary laws and killing of Kathryn Steinle along the city's famous waterfront. Most Republicans will avoid the matter altogether for the sake of political expediency. Soon enough, I imagine, it'll be xenophobic to bring it up at all. One of these conversations, after all, is risk-free, jammed with self-satisfying preening about the right sort of evils. The other, morally complex—especially for the supporters of immigration reform (like myself)—and fraught with electoral consequences.

But let's set aside immigration politics for a moment and consider a detail that's often lost in this debate: Fact is, some people in America are free to ignore laws they don't like, while others are not. Hundreds of jurisdictions nullify federal immigration law, not because they question the constitutionality of law, but because they find those laws ideologically problematic and immoral. And when I say "some" jurisdictions, I mean entirely liberal ones.

When Alabama made noises about refusing to issue marriage licenses to same-sex couples, the incident was, rightly, treated as attack on the rule of law. There is simply no way the administration will allow any state to work around centralized control once it's established. No city in America will be ignoring gay marriage any more than they will be bypassing

Environmental Protection Agency control, or making health-care insurance decisions that aren't dictated by Obamacare (or retroactively whatever Democrats claim they meant in Obamacare), or welfare policy decisions that aren't dictated by Washington, or housing decisions that undermine the Department of Housing and Urban Development, or education policy that directly conflicts with the wishes of the U.S. Department of Education. And so on. ...

John Hinderaker posts on the administration's efforts to grease the skids for the creation of those sanctuary cities.

In the wake of the murder of Kathryn Steinle—or, rather, the news coverage of her murder—Democrats are back-pedaling from their longstanding and consistent support for “sanctuary” cities. When asked about the issue, Hillary Clinton followed her usual policy: she lied.

Clinton chided law enforcement officials in an interview with CNN, saying the city was wrong to ignore an Immigration and Customs Enforcement request to hold Francisco Sanchez for federal authorities. Sanchez is accused of killing a young California woman along a pier last week.

“The city made a mistake, not to deport someone that the federal government strongly felt should be deported,” Clinton said. “So I have absolutely no support for a city that ignores the strong evidence that should be acted on.”

In fact, the Obama administration which Clinton served for four long years is responsible for destroying the system whereby federal authorities request that state agencies detain illegal immigrants. The relevant law is not at all ambiguous. If the feds ask a state agency to detain an illegal alien, the state authorities are required to do so:

*Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency **shall** maintain custody of the alien for a period not to exceed 48 hours ... in order to permit assumption of custody by the Department.*

***Rich Lowry** explains how the Obama administration deliberately gutted its own legal authority to have illegal aliens detained: ...*

Scott Johnson posts on another lawless liberal.

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Now we learn in whose power it was to do something about it, and it wasn't anyone Obama was talking about. The Washington Post reports: “Dylann Roof, who is accused of killing nine people at a church in South Carolina three weeks ago, was only able to purchase the gun used in the attack because of breakdowns in the FBI's background-check system, FBI Director James B. Comey said Friday.” The White House, of course, declines to comment.

If there has ever been a smaller man or bigger jerk than Barack Obama holding the office of president, we need to know now.

NY Post

20 years of cleaning up NYC pissed away



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Bill Caprese, 38, who lives on 82nd Street with his 6-year-old daughter, was appalled by the street urinator.

“It’s absolutely a failure of government. It’s a total abject failure,” he said. “The mayor could fix it. The governor could fix it. We need asylums.”

An employee at the Victoria’s Secret, where the homeless man often lounges, said he drives away business.



“He curses people out, threatens lives,” said the employee, who works in the lingerie chain’s loss-prevention department.

“Customers complain about him all the time.”

And the growing problem isn’t solely on city streets.

Transit hubs, including Penn Station, are plagued by surging numbers of homeless people who publicly masturbate, harass bystanders and demand free food as the city looks the other way, commuters complain.

“It reminds me of the pre-[Rudy] Giuliani era,” said Jim Hoover, 60, who has been commuting through Penn Station since 1986. “The police aren’t chasing them away anymore.”

Just outside the Port Authority Bus Terminal, a homeless man drunkenly knocked a woman to the floor while stumbling around the sidewalk.

The bum, who goes by “Monk,” was arrested by a cop at the scene and taken away by an FDNY ambulance.

“He’s going to get a hospital bed and a slap on the wrist,” said Timothy Arroyo, who was watching from a crowd that gathered.

“He’ll be back out here tomorrow.”

A PA source said there has been a “noticeable uptick” in vagrants at the terminal in recent months.

“It’s a trend,” the source said.

The Federalist

Sanctuary Cities Represent The Worst Kind Of Liberal Lawlessness

The debate over sanctuary cities is about far more than immigration; it's about who has to obey the law and who doesn't

by David Harsanyi

So let me get this straight: America is thrown into an overwrought political debate about the Confederate battle flag—a relic that has absolutely nothing to do with the shooting in Charleston—but is unwilling to engage in a conversation about the deliberate disregard of federal law that directly leads to the murder of at least one young woman?

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Generally speaking, the Tenth Amendment is viewed as an artifact of a regressive time that is only used to advance racism and impede progress. [So 1990s!](#) So when Jan Brewer signs an Arizona law requiring police to determine whether a person was in the country legally critics claim it will mean an explosion of racial profiling by the state, and the Obama administration [does everything it can to stop it](#). Immigration law is a federal matter, as you all know.

And when the administration is unsatisfied with Texas and other states enforcing the same federal law, Obama unilaterally, and without any of the oversight from the democratic process he pretends to cherish, exempts undocumented immigrants brought to the country as children from the law. Now, immigration is a matter of [Washington edict](#), not something for the states or, perhaps, even Congress, to worry about.

But San Francisco, well, it's the purview of the *city council* to decide what happens—as long as those decisions comport with long-term liberal goals.

When cities—more than 200 of them—decide to pass their own laws “protecting” illegal immigrants, we are not talking about some calibration or prioritization of “enforcement” levels. The media often use a euphemism about a “lack of cooperation” between cities and DC when, in fact, jurisdictions are simply invalidating federal law. Can you imagine the reaction from the administration if Dallas passed an ordinance allowing local police to free criminals who had broken federal gun laws or hate-crime laws? Can you imagine what would happen if 200 cities did the same?

Juan Francisco Lopez-Sanchez was deported five times and had seven felony convictions. Immigration and Customs Enforcement had even started another deportation process before San Francisco took him in for drug charges it soon dropped. Rather than turning him over to ICE for deportation, as federal law stipulates, the sheriff's department released him in adherence to the city's sanctuary policies and never notified ICE. He then killed a woman.

Jessica Vaughan lays out some of the numbers in [National Review](#):

According to ICE records, from January 1 to August 31, 2014, more than 8,100 deportable aliens were released after arrest in approximately 300 local sanctuary jurisdictions, even though ICE had issued a detainer seeking custody in advance of deporting them. Some 62 percent of these offenders had a prior criminal history, like Sanchez. Roughly 3,000 were felons, as was Sanchez. Of the 8,100 aliens who were released to the streets instead of to ICE, approximately 1,900 were later arrested, a total of 4,300 more times, on 7,500 different charges. The most common subsequent charge was dangerous drugs, followed by DUI.

You know, it is possible to simultaneously believe that a policy is wrong but that arbitrarily enforcing law is more problematic. No matter how hard-working illegal immigrants are or how many suffer in the shadows or how many would make incredible Americans, there are many illegal immigrants who are criminals. Ignoring the law allows criminality—not immigration—to fester and grow. In the end, this may hurt the cause of reform. It's doubtful that peaceful Americans—citizens, immigrants, or illegal immigrants—want criminals traversing back and forth over the border with impunity *and* the protection of the state.

While Republicans who supported gun laws are vilified forever, though the laws liberals want to enact would be unlikely to stop mass shootings, people like Hillary Clinton, [who has endorsed sanctuary cities in the past](#), will never have to answer for Steinle. Hillary once claimed that “local law enforcement” should not have to “act like immigration authorities.” I agree. But of course, local law enforcement officials turn over criminals of all types to federal authorities.

We're not talking about sending local cops out to bang down doors and throw single Mexican moms into vans. We're talking about handing over illegal immigrants who have been accused of engaging in criminal acts (beyond crossing the border without permission).

Now, there is no doubt that anything dealing with "immigration" will be conflated and used for political purposes. This is about immigration, yes, but in some ways it's also about the lawlessness that's become the most powerful tool in left-wing governance. If this kind of nullification and arbitrary enforcement of law becomes acceptable—[as it has with the Supreme Court, for instance](#)—what happens when conservatives begin doing the same?

Power Line

[How the Obama Administration Gutted Illegal Immigration Detainers](#)

by John Hinderaker

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[Rich Lowry](#) explains how the Obama administration deliberately gutted its own legal authority to have illegal aliens detained:

Part of the sanctuary city story is how the Obama administration kneecapped the detainers that are the notices to local jurisdictions to hold arrestees until ICE can take custody of them. It, like so many other things, puts the lie to the "deporter-in-chief" myth about Obama, who has done everything within his power (and beyond it) to eviscerate immigration enforcement. Ian Smith explains [how the administration kowtowed to the activists](#) on detainers in his piece on the home page today. I also found this [CIS analysis](#) of how the administration systematically undercut its own authority on detainers illuminating:

The campaign to undermine the use of detainers gained substantial momentum in February 2014, when Dan Ragsdale, then acting head of ICE, advised in response to an inquiry from a

group of members of Congress on behalf of confused local law enforcement agencies, that “While immigration detainers are an important part of ICE’s effort to remove criminal aliens who are in federal, state, or local custody, **they are not mandatory as a matter of law**. As such, ICE relies on the cooperation of its law enforcement partners in this effort to promote public safety.” (Emphasis added.)

Ragsdale’s assertion, which was backed by no legal rationale whatever, was momentous. Reportedly, staff in both the operations and legal divisions of ICE had put forth a different legal opinion, consistent with ICE’s long-established position that it expected other law enforcement agencies to honor and comply with its detainers, which Ragsdale overrode in formulating his letter. Their objections to his response were founded not just on institutional needs and policy, but also on federal regulation: 8 CFR 287.7(d), which says:

Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency **shall** maintain custody of the alien for a period not to exceed 48 hours ... in order to permit assumption of custody by the Department. (Emphasis added.)

Ragsdale’s move did not go unnoticed, including by jurists in the course of civil lawsuits filed by aliens and their pro bono attorneys at the American Civil Liberties Union (ACLU) and elsewhere, against ICE and against those state and local law enforcement agencies who honor the detainers. The federal Third Circuit Court of Appeals recently held that detainers were voluntary (overruling a district judge’s finding prior to Ragsdale’s policy change), thus permitting a civil suit against a county jail to go forward.

More telling is how ICE treated its “law enforcement partner” in this instance. It settled with the plaintiffs and deserted the jailer and sheriff’s offices, declining even to file an amicus curiae (“friend of the court”) brief, although the fundamental error in the case — filing a detainer against a citizen — originated with ICE itself. Nor was this the first time that ICE engaged in a strategy of “cut and run” from one of its erstwhile law enforcement partners. The same thing happened in Tennessee in 2012 and just recently in Oregon, where a federal magistrate ruled the Clackamas County jail’s strict compliance with an ICE detainer was unconstitutional because, it said, compliance with such detainers is voluntary.

The adverse effect of these decisions, especially when combined with ICE’s indifference toward its partner agencies, began to accumulate. Various law enforcement agencies nationwide issued statements indicating they would decline compliance with some or all immigration detainers. The number has since risen to more than 300 police and sheriff’s departments. While some of these agencies are in small jurisdictions where law enforcement agencies encounter criminal aliens less frequently, others include major metropolitan areas such as Chicago and New York, where the number of aliens held in a year’s time reaches into the thousands. The risk — and the reality — is that arrested criminal aliens are being released into American neighborhoods before their identities can be confirmed and federal custody assumed.

Which, of course, is exactly what the Obama administration wants.

The campaign to undercut detainers achieved its ultimate goal when DHS Secretary Johnson issued his policy memorandum on November 20 ordering an end to the filing of detainers except in extraordinary circumstances. Until then, even while in decline, detainers had been the primary tool used to notify state and local law enforcement and corrections agencies that an alien in their custody was subject to removal from the United States.

Most dismaying is that in a footnote to his memorandum, the secretary alluded to the recent court decisions and suggested that use of detainers might violate the Constitution. First, the administration actively worked to undercut the detainer authorities of its own immigration agencies, limiting their use by policy and then without legal foundation declaring them to be voluntary. Now, in a classic example of disingenuous circularity, the administration uses the court decisions (which in turn were exercising “due deference” to ICE’s baseless interpretation of voluntariness), in order to justify scrapping detainers in their entirety.

Congress should step in here, although real action will await a different president.

This is a good example of a scandal that the Democrats think is too complicated for most voters to follow. As to the details, they are undoubtedly right. Still, I think voters understand that the Obama administration has abandoned enforcement of our immigration laws across the board, and has deliberately encouraged millions of illegal aliens to move to the United States or remain here in violation of the law. Neither Obama, nor Hillary Clinton, nor any other administration minion will be able to dent this fundamental understanding.

Power Line

Reckon with this

by Scott Johnson

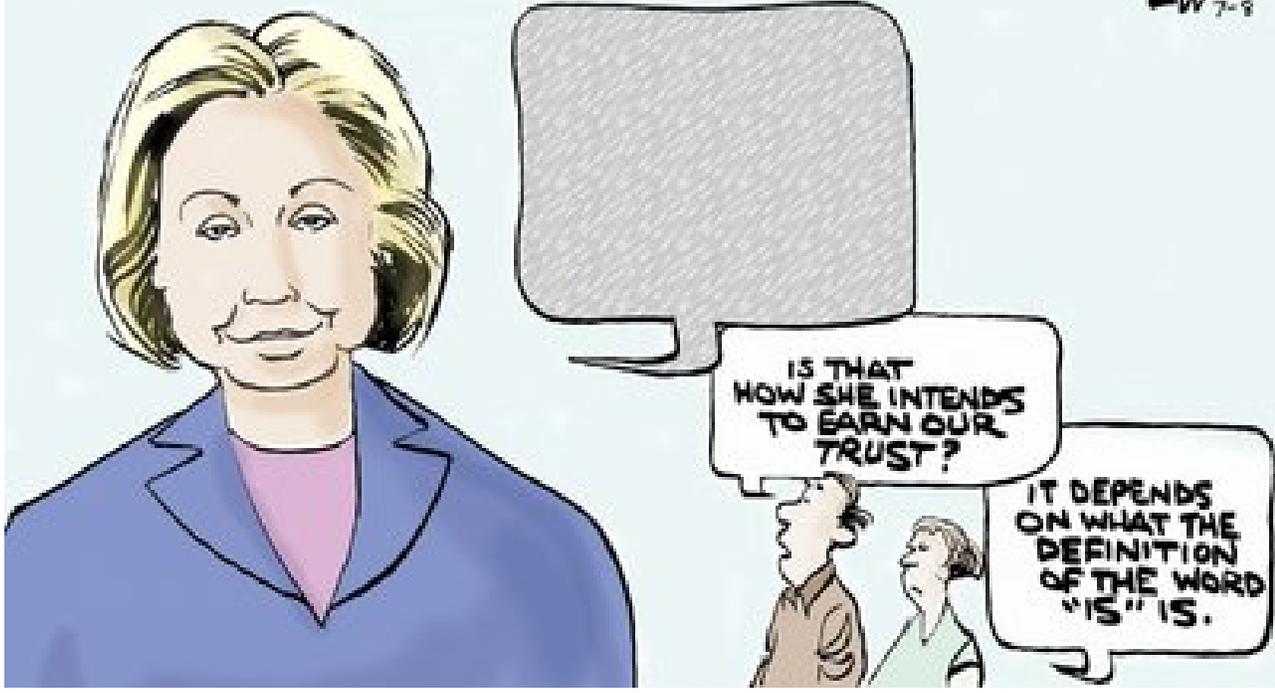
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HILLARY'S FIRST MAJOR INTERVIEW

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