



Written by [Veronika Kyrylenko](#) on November 27, 2024

## Sanctuary or Obstruction? Homan Says He'd Put Denver Mayor in Jail

Over the past couple of days, tensions have escalated between Tom Homan, President-elect Donald [Trump's pick for "border czar,"](#) and Denver Mayor Mike Johnston. On Tuesday, Homan said he'd be willing to put Johnston "in jail" if the latter obstructed the deportation efforts of federal law enforcement. Speaking on [Fox News with Sean Hannity](#), Homan criticized Johnston's stance, referencing federal law. In response, the mayor softened his previous position. The exchange reignited debate over the balance between federal authority in immigration enforcement and the rights of states and local governments to exercise autonomy in setting their own policies.



AP Images  
Tom Homan

### **Homan: Break the Law — Go to Jail**

Answering the question on whether Johnston, as mayor of a sanctuary city, was breaking the law, Homan said, "Absolutely."

<https://twitter.com/EndWokeness/status/1861249634233929797>

He continued:

All he has to do [is] look at *Arizona v. U.S.*, you'll see that he's breaking the law. But, look, [I] and the Denver mayor, we agree on one thing. He's willing to go to jail; I'm willing to put him in jail. Because there is a statute, it's Title 8, United States Code, 1324 (iii), and what it says is it's a felony if you knowingly harbor and conceal an illegal alien from immigration authorities. It is also a felony to impede a federal law enforcement officer. So, if you don't want to help, that's fine; he can get the hell out of the way.

Homan further emphasized the Trump administration's commitment to enforcing immigration laws, stating that their focus would be on addressing public safety and national security threats. He criticized local leaders, expressing disbelief that any mayor or governor would oppose the removal of individuals who pose risks to community safety. Homan framed the effort as a "mandate from the American people" to secure the country and protect lives.

### **Johnston 1.0: "Tiananmen ... With the Rose and the Gun"**

Homan's remarks came in response to Johnston's statement made last Wednesday to news site [Denverite](#).

The mayor emphasized that both the local police and the residents "would likely resist a mass deportation effort from federal forces." According to the report:



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“More than us having [the Denver Police Department] stationed at the county line to keep [the federal forces] out, you would have 50,000 Denverites there,” Johnston said. “It’s like the Tiananmen Square moment with the rose and the gun, right? You’d have every one of those Highland moms who came out for the migrants. And you do not want to mess with them.”

A few days later, the mayor appeared to walk back this comment. [9NEWS](#) reported last Friday:

“Would I have taken it back if I could? Yes, I probably wouldn’t have used that image,” Johnston said. “That’s the image I hope we can avoid. What I was trying to say is this is an outcome I hope we can avoid in this country. I think none of us want that.”

The outlet reported that Johnston expects Denver residents to engage in civil disobedience if Trump proceeds with his deportation plans. He also indicated that he was willing to face legal consequences, including “going to jail,” to oppose actions he believes are unjust and unlawful.

### **Johnston 2.0: “Happy to Help”**

In a Tuesday appearance on CNN’s *OutFront*, Johnston reacted to Homan’s threats by dramatically softening his previous remarks.

The mayor said:

If they want to focus on violent criminals, we would be happy to help support pursuing, arresting, and deporting them. ... If they want to focus on adding more judicial capacity so folks with asylum claims can have those cases heard more quickly, we would support that.

At the same time, he condemned the idea of federal forces targeting undocumented immigrants in everyday settings, stating, “What we’re not going to do is support deploying the 101st Airborne into American cities to pull ten-year-old kids out of their classrooms in handcuffs.” In that and similar cases, said Johnston, the feds would find the locals “non-violently resisting.”

Asked if he would order his police to resist Immigration and Customs Enforcement (ICE) agents enforcing federal law, Johnston answered, “We won’t use our law enforcement, and we don’t think we need to.”

If Mayor Johnston were to order active obstruction of federal ICE agents, he could face criminal charges under [18 U.S.C. § 111](#) for obstructing federal officers, with potential fines or imprisonment. The federal government could also seek civil injunctions to prohibit obstructive actions, imposing penalties for noncompliance.

### **Sanctuary Cities: Not Obligated to Cooperate, Bound to Not Obstruct**

The legality of sanctuary-city policies remains a contentious issue, with critics like Tom Homan arguing that such policies violate federal law. They quote provisions in the Immigration and Nationality Act (INA), such as [8 U.S.C. § 1324](#), which prohibits harboring undocumented immigrants, and [8 U.S.C. § 1373](#), which bars local governments from restricting communication with federal authorities about immigration status.

In [Arizona v. United States](#) (2012), referenced by the incoming “border czar,” the Supreme Court



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reaffirmed the federal government’s primacy in immigration enforcement, emphasizing that states cannot obstruct or impede federal efforts, as doing so would violate the Supremacy Clause. However, the court also acknowledged that states retain the right to limit cooperation under the Tenth Amendment and are not obligated to actively assist federal authorities.

Courts have consistently ruled that federal law preempts conflicting state policies but does not compel local jurisdictions to use their resources for immigration enforcement. Sanctuary policies, which limit cooperation without directly obstructing federal operations, are generally upheld as lawful exercises of state and local autonomy. For example, cases such as *Arizona v. United States* (2012), [United States v. California](#) (2019), and [Galarza v. Szalczyk](#) (2014) suggest that sanctuary policies, which limit local cooperation with federal immigration enforcement, do not constitute “harboring” as an active shielding or concealing of undocumented individuals to obstruct federal efforts.

Ultimately, courts have made it clear that, while states are not obligated to cooperate with federal immigration enforcement, they are equally bound not to obstruct it.

[Click here](#) to learn more about *The John Birch Society’s campaign to stop America’s immigration invasion*.



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