



Written by [R. Cort Kirkwood](#) on October 21, 2011

## D.C.: Mayor Gray's Sanctuary

The nation's capital will continue to be a sanctuary for illegal aliens. Washington, D.C.'s mayor has ordered police to ignore the immigration status of those they stop or arrest.

The executive order of D.C. Mayor William Gray (left) bucks a nationwide trend. Many states, most notably and recently Alabama, are defending immigration laws that permit police to check the status of suspected illegals.

Yet Gray is merely continuing a policy set in 1984 by [crack-smoking Mayor Marion Barry](#).



### The Order

Gray's order says that ignoring illegal aliens is a means of making sure that police resources are "wisely" used.

"This executive order ensures public safety by ensuring that our police resources are deployed wisely and our immigrant communities feel safe cooperating with those who are sworn to protect them," Gray said, adding,

The District is home to thousands of immigrants. If they are afraid to cooperate with authorities on criminal investigations because they fear it might endanger their presence in the United States or the presence of a loved one, then it endangers their public safety and that of our entire city.

Gray's official statement says that "The order directs District public-safety officials not to detain individuals on the basis of immigration status."

It also bars District agencies from making incarcerated youth and adults under their supervision available for federal immigration interviews without a court order.

[According to](#) the *Washington Post*, Gray is continuing longstanding policy in the District. "The decision reinforces executive orders by past District mayors, but Gray (D) and council members say it goes further by explicitly setting standards for how the city's criminal justice system will deal with immigrants," the *Post* reported.

As well, the *Post* said,

District police also will not enforce an ICE detainer or warrant issued against someone who has not committed another crime.

Police and jail officials are forbidden from contacting ICE to have the agency investigate the legal status of someone who has been arrested.

Instead, Gray and Police Chief Cathy L. Lanier said, police will process all offenders in the same manner and leave it up to the FBI and ICE to decide whether to check on their legal status.

[Said Gray](#), "In the spirit of 'One City,' and assuring the equal treatment of citizens and noncitizens



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alike, I am delighted to sign to this.” Gray apparently did not explain why “citizens and noncitizens alike” must be treated equally.

The mayor’s deputy for public safety said that it doesn’t much matter whether a criminal is an illegal alien. [Fox News quoted](#) Deputy Mayor Paul Quander: “What this does is makes clear immigration status is not relevant in a criminal matter and makes clear the District will not take any affirmative step to enforce immigration civil matters.”

### **D.C. Police, Area Politician Not Happy**

But D.C. police and at least one politician in the area are not happy with Gray’s order.

[According to](#) the *Post*, the city’s Fraternal Order of Police opposes Gray’s decision.

Kristopher Baumann, chairman of the D.C. Fraternal Order of Police labor committee, blasted the decision, saying that until now local criminal justice officials were willing to give ICE more than 48 hours to pick up someone it wanted detained.

“Vince Gray right now is under such duress, he is willing to pander and fold to any group in order to take the scrutiny off himself,” Baumann said. “He has now decided to go out and jeopardize public safety. This is not about regular immigrants. This is about hard-core criminals and bad, bad guys.”

Another public official astonished at Gray’s order is Corey Stewart, chairman of the Prince William County Board of Supervisors. Prince William is about 36 miles outside the District.

Stewart told Fox News, “This is an abomination,” adding,

This is the capital of the United States and to have the nation’s capital as a sanctuary city where essentially federal law is not going to be enforced sends all the wrong messages — not just in the United States but around the world.

“I find it incredibly ironic that the immigration laws of the United States are not even enforced within the boundaries of our nation’s capital,” Stewart said, the *Post* reported.

Prince William County [has twice sued](#) the Department of Homeland Security on immigration issues. In one lawsuit, it sought to pry loose information about the disposition of 4,000 illegals the county turned over to the federal government. The county has also petitioned Congress to force DHS to cough up information about the number of illegals accused of crimes that the agency has released into its jurisdiction. The county also sued DHS to retrieve information regarding [drunk-driving illegal Carlos Martinelly-Montano, who killed](#) a nun while driving in the county in August, 2010. The county eventually learned that DHS [repeatedly delayed](#) Martinelly-Montano’s deportation hearing, and that local authorities twice released him after serious arrests for other driving infractions because local and federal officials did not share information about the Bolivian miscreant.

As the [Washington Times reported](#), the county became something of a national story in 2007 when it said police would check the immigration status of those with whom they come into lawful contact.

Subsequent to the wreck in which Martinelly-Montano killed the nun, Virginia’s Attorney General [Ken Cuccinelli said that police](#) in Virginia may check the immigration status of anyone they lawfully stop or arrest.

### **Bucking a Trend**



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For its part, the nation's capital continues heading in the opposite direction of states which have passed laws that permit police to check the immigration status of those they lawfully stop or arrest.

Although the [Ninth Circuit Court of Appeals struck down](#) Arizona's law, [SB 1070](#), that gave police such power, the [11th Circuit has upheld](#) Alabama's nearly identical law.

Other states, including South Carolina, [have also passed](#) such laws and also face legal attacks from the Obama administration and its leftist allies.

As well, Gray is also fighting established legal tradition. In a dissent from the [decision overturning](#) Arizona's law, federal Judge [Carlos Bea](#) explained that Congress intended for the states to help federal immigration authorities enforce the law:

Congress has clearly expressed its intention that state officials should assist federal officials in checking the immigration status of aliens and in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States. ... Congress has clearly stated its intention to have state and local agents assist in the enforcement of federal immigration law, at least as to the identification of illegal aliens, in two federal code sections.



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