

To: Mr. Jeffrey Klatzkow, Esq.
Office of Collier County Attorney

From: David J. Millstein, Chair Legal Committee
Collier County Chapter of the ACLU
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(cell) 724-244-1377

Date: 7-1-21

Re: Sanctuary County Ordinance

On behalf of the Collier County Chapter of the ACLU of Florida, I am writing to express our grave concern that the Board of Commissioners is considering passage of what is referred to as the Bill of Rights Sanctuary City ordinance.

The ordinance, as written, appears to allow individuals to violate federal law any time the individual or County officials thinks the federal law is unconstitutional. There is no indication in the ordinance for how that determination of unconstitutionality will be made or who will make such a determination. Moreover, state and local officials are not empowered to personally decide to ignore federal law.

This ordinance encourages and incentivizes flouting the rule of law and penalizes those who uphold the rule of law. In short, this ordinance is nothing more than an ill-disguised effort by a local municipality to nullify federal legislation that they disagree with. Whatever concern local officials and select Collier County residents may have regarding potential overreaching by the federal government cannot be lawfully challenged in this manner. The proper way to raise such issues is by testing the constitutionality of any such federal legislation or regulation in federal court.

For the forgoing reasons, we urge the County Commissioners to vote against the adoption of this proposed ordinance. Please let me know if you have any questions or would like any additional information. While I am an attorney I am not licensed to practice in Florida, and I am writing to you not as an attorney but as chair of the local ACLU legal committee.

Cc: Collier County ACLU Board of Directors

¹ The Collier County Chapter is a volunteer chapter of the ACLU of Florida made up of local ACLU members and supporters.