



Trump administration’s pressure on sanctuary cities to share information on immigrants is ‘unconstitutional’

Jayshal Sood

August 1, 2017

According to Supreme Court’s previous orders, the states and cities cannot be forced to follow federal laws on immigration, and their federal grants cannot be withdrawn for not sharing information related to immigrants.

The increasing pressure on the sanctuary cities to oblige federal government by sharing the immigrant information is “unconstitutional,” according to a report in [Time](#). The article said Attorney General Jeff Sessions’s warning to states who do not toe the line of the Trump administration is not constitutional.

Cato Institute’s Devin Watkins wrote several reasons to bolster his take. The report cites the 1997 ruling by the Supreme Court that states that the federal government cannot force the states to enforce any federal law. The decision by late Justice Antonin Scalia said that states can be convinced but cannot be “commandeered.” It unequivocally said that states and cities do not have to observe the federal requirements in the matter.

A major force that is frequently used to intimidate states and cities is the withdrawal of their federal grants if they decide not to obey the federal rules. However, the report clarified that even though the president may choose to force an executive order, but it is only Congress’s prerogative to thrust conditions on central grants to states. In order to support the view, the Supreme Court decision in *Pennhurst State School and Hospital v. Halderman* (1981) was also mentioned.

Additionally, even if the Congress was to impose restrictions on federal spending, it needs to be totally clear and the states need to know what they are agreeing to while accepting the money. Not to mention, that it leaves several questions as to why grants are being removed, if at all, when these states and cities have once qualified to get the money.

The report explicates that the time factor, too, is sacrosanct. “After a new large spending program is created, even Congress can’t later add new major conditions. The Supreme Court considered this problem with Obamacare’s Medicaid requirement that either a state expand Medicaid or lose even its preexisting Medicaid funds in 2012’s *NFIB v. Sebelius*. Seven justices found this unconstitutional,” the report said.

Interestingly, the serious repercussions of Trump administration's cut in grants to states and cities would predominantly impact areas such as education and environment protection, which are not directly related to immigration.