

DOJ seeks reconsideration of sanctuary cities ruling after Sessions memo

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The memo clarifies that potential denial of funding is for a narrow pool of *grants* administered by the Justice Department and the Department of Homeland Security, and not the entire federal funding stream available to cities and counties. The bottom line is this is about local governments knowing what's best when it comes to using their limited law enforcement resources to protect their community. In his first week in office, Trump signed an executive order to do just that.

On April 25, a federal judge blocked the provision of Trump's executive order that instructed federal funding be withheld from sanctuary jurisdictions. If it was legal for the president to do this, then it would be legal for the next president to withhold funds from any state that didn't vote for him or her in the next election.

The government's own lawyers effectively conceded the point.

Orrick's ruling temporarily halted Trump's order in relation to two lawsuits - one brought by the city of San Francisco, the other by Santa Clara County.

On Monday, Sessions tried to make it clear that "sanctuary cities" are those that violate 8 USC 1373.

Tucked into President Trump's 2018 budget request, in the form of language rewriting a 1996 law governing local cooperation with federal immigration enforcement, is a new front in the Trump administration's war on "sanctuary cities" - jurisdictions that don't *help* federal immigration agents scoop up unauthorized immigrants (and that happen, generally, to be under Democratic control). The libertarian Cato Institute, which is pro-immigration, hailed the memo as "good news for constitutionalists and federalists who oppose the federal government bullying cities and states".

The proposal is buried several hundred pages deep in President Donald Trump's budget, which was released Tuesday and is chock-full of measures to *help* increase deportations. But according to the Center for American Progress, numerous activities that sanctuary cities now engage in - refusing to hold immigrants in local jails upon request of federal immigration enforcement or limiting immigration functions of local cops - do not violate Section 1373.

A federal judge ruled last month that the Trump administration can withhold *grant* funds in cases in which compliance with Section 1373 is already a stipulation of the *grant*.

If that happened, the Trump administration would finally be able to do what it's been threatening to do *all* this time - and it would have the law on its side. And Sessions specifies that the *actions* being taken by DOJ will be "in accordance with the law and will comply with any binding court order".

Sessions said in the memo that the government may "tailor" future *grants* to "promote a lawful system of immigration".

Cities and counties that don't comply with detainers cite court rulings that bar holding people beyond their release dates, and say immigrants won't cooperate with local law enforcement on other matters if they are seen as extensions of immigration enforcement.