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APPEALS COURT SAYS TRUMP BID TO WITHHOLD FEDERAL AID FROM SANCTUARY CITIES IS UNCONSTITUTIONAL

Ruling is a setback Trump's crackdown on sanctuary cities, which faces legal challenges from at least 7 states

By Alexa Corse
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A federal appeals court ruled Wednesday that President Trump's executive order threatening to withhold federal funding from sanctuary cities is unconstitutional, dealing a setback to his push for more aggressive immigration enforcement.

A three-judge panel from the 9th U.S. Circuit Court of Appeals said in a 2-1 ruling that the administration can't hold back funding from California cities and counties engaged in such practices.

There is no legal definition of a sanctuary city, but the term generally describes communities that limit their cooperation with federal immigration authorities to some extent.

But the court removed the nationwide scope of an injunction against withholding funds that was issued by a lower court. The appeals court ruled the injunction only applies to the state of California and asked the lower court to reconsider whether the injunction should apply nationwide.

Wednesday's ruling is the latest twist in the legal battle over the Trump administration's crackdown on sanctuary jurisdictions. At least seven states, plus additional cities and counties, have filed lawsuits seeking to block various aspects of the administration's moves.

The Trump administration says sanctuary cities protect criminals who should be deported, while critics call the administration's policies discriminatory.

The ruling on Wednesday came in lawsuits filed by the city and county of San Francisco and Santa Clara County. The California jurisdictions were seeking to block an executive order issued by President Trump in January 2017, which sought to withhold federal funds from the sanctuary jurisdictions.

Santa Clara County Counsel James R. Williams said in an interview that the ruling is a "rebuttal of the idea that the president can weaponize federal funding" to pressure local governments to enforce federal immigration law.

The Justice Department noted that the dissenting judge, Ferdinand Fernandez, supported the executive order.

"The Justice Department continues to maintain that – as the dissenting judge recognized – the President exercised his lawful authority when he issued the sanctuary city Executive Order," department spokesman Devin O'Malley said in a statement. "The Justice

Department remains committed to the rule of law, to protecting public safety, and to keeping criminal aliens off the streets.”

A federal appeals court in Chicago similarly narrowed a nationwide injunction last month in a separate lawsuit over the Justice Department’s efforts to withhold certain grants from sanctuary jurisdictions. The 7th U.S. Circuit Court of Appeals limited the scope of the injunction to the city of Chicago, the plaintiff in that lawsuit, though more proceedings are anticipated.

The Trump administration has criticized federal judges for what it calls overreaching when they seek to apply their court orders nationally.

The continuing litigation over sanctuary cities has led to a patchwork of rules, as the administration’s stricter immigration policies are being blocked in some parts of the country but permitted in others.

Federal judges in Philadelphia, Los Angeles and San Francisco have dealt legal setbacks to the Trump administration, by and large rejecting its argument that it doesn’t need specific congressional approval to attach new conditions to grants.