Federal appeals court backs Trump's attack on sanctuary cities

Kevin Reed
27 February 2020

A federal appeals court overturned the decisions of three lower courts on Wednesday and ruled that the US Justice Department can block federal funding to states and cities that resist cooperation with the Trump administration's assault on immigrants.

The decision, which was hailed as a victory for "public safety" by the Justice Department, reversed previous rulings by appeals courts in Chicago, Philadelphia and San Francisco in 2018. The earlier rulings were in response to lawsuits filed by a group of seven states and New York City seeking to block the Trump administration's effort to deny grant money to cities that refused to share information about immigrants and make available city resources such as jails to the Department of Homeland Security (DHS) and its Immigration and Customs Enforcement (ICE) agents.

This latest ruling against so-called "sanctuary cities" across the US is the third in a recent series of court decisions backing the Trump administration's racist and fascistic anti-immigrant policies. It follows two 5–4 Supreme Court rulings in the past week against immigrant rights in the US.

On Tuesday, the Supreme Court rejected a suit by the parents of an unarmed 15-year-old Mexican youth, Sergio Adrián Hernández Güereca, who was fatally shot by a US immigration agent on the border between El Paso, Texas, and Ciudad Juárez in June of 2010. The decision, authored by Justice Samuel Alito and backed by the majority right-wing bloc on the court, stated that the parents had no legal standing to sue the officer who murdered their son. Alito wrote that deference had to be paid to ICE agents operating on the border on the grounds of "national security," effectively granting the immigration cops a green light to use violence, including deadly force, against immigrants.

Last Friday, the high court overturned a stay ordered by an Illinois court blocking the Trump administration from implementing its policy of imposing a "wealth test" on documented immigrants to prove that they will not require public assistance such as food stamps, Medicaid or housing subsidies before they are admitted to the US or granted permanent legal status.

The conflict between the White House and the sanctuary cities erupted early in the Trump administration, when then-Attorney General Jeff Sessions moved to punish state and city governments that ordered their police agencies to limit their cooperation with ICE and Customs and Border Protection (CBP) agents seeking to arrest and deport immigrants.

Sessions argued that the refusal of sanctuary cities to cooperate with ICE and CBP was preventing the Justice Department's effort to "take down MS-13 and other violent transnational gangs, and make our country safer." More recently, Trump has made sanctuary cities a central target of his fascistic campaign speeches, accusing the Democrats of unleashing "criminal alien" rapists and murderers on American citizens.

At the center of the court battle over federal funding is the Edward Byrne Memorial Justice Assistance Grant Program (JAG), through which Congress provides more than $250 million in annual resources to state and local criminal justice programs. By withholding such grant money, the Trump administration will deny New York City, for example, approximately $4 million in funding that pays the salaries of emergency responders and funds other court-related expenses.

Federal courts had previously issued injunctions against Trump's executive order attacking sanctuary cities. The ruling by the San Francisco District Court in April 2017, for example, stated that the president was

© World Socialist Web Site

overstepping his executive authority because funds appropriated to cities and states was the specific purview of Congress.

Wednesday's unanimous ruling by a three-judge panel of the US Court of Appeals for the Second Circuit in Manhattan was written by Judge Reena Raggi, an appointee of George W. Bush. Raggi's opinion states that the Department of Justice and the attorney general have the jurisdictional authority to determine whether a city applying for the grant money has satisfied the "statutory requirements" spelled out in the application process, and can therefore withhold the funding.

The primary requirement identified in the ruling is that grant applicants must certify to the Justice Department that they will "comply with federal law prohibiting any restrictions on the communication of citizenship and alien status information with federal immigration authorities," "provide federal authorities, upon request, with the release dates of incarcerated illegal aliens" and "afford federal immigration officers access to incarcerated illegal aliens."

Responding to the ruling, Cody Wofsy, a staff attorney for the American Civil Liberties Union Immigrants' Rights Project, told the *New York Times*, "This decision is a total break on what has been a unanimous decision from courts and judges across the country that this is illegal."

While the JAG program is the specific target of the legal battle between the Justice Department and sanctuary cities—likely to end up in the Supreme Court—the implications of the ruling go much further.

States and cities could lose billions of dollars. In the case of San Francisco, the estimated loss of federal funding could be as high as one third of the city's revenue, or approximately $1.7 billion.

While the Trump administration's war on immigrants is receiving increasingly open backing from the courts, congressional Democrats—after spending the three years since Trump took office promoting the "Russian meddling" narrative of the intelligence agencies—are facilitating the anti-immigrant policies of the White House.

In the midst of the Democratic presidential primaries, the candidates have said virtually nothing about Trump's escalating assault on immigrants and the wave of right-wing court rulings supporting it. This is despite widespread popular opposition to the attacks on immigrants.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site