



Written by [Bob Adelman](#) on August 7, 2017

## Chicago Mayor Emanuel Files Suit to Block Federal Withholding of Grant Funds

Chicago Mayor Rahm Emanuel [announced over the weekend](#) that he would be filing a motion to stop the federal government from withholding grant funds under the Edward Byrne Memorial Justice Assistance Grant (JAG) program. Municipalities such as Chicago receive this funding to help them fight crime. Lord knows, crime is rampant in Chicago. But federal funding, which Chicago has been receiving all along, does not necessarily mean less crime. It does mean, however, that the federal government, as the provider of the funding, may use the funding as leverage to get the recipients to do what the feds want them to do — in this case, upholding federal immigration laws.



After all, isn't this simply a case of (to quote an old adage): "He who pays the piper calls the tune"? And if an entity receiving federal funding does not want the feds to call the tune, shouldn't that entity refuse the funding?

Emanuel, and his city attorney, see things differently — much differently. Said Emanuel on Sunday: "Chicago will not be blackmailed into changing our values, and we are and will remain a 'welcoming' city." On Monday they made good by filing a motion to keep the money flowing.

For those confused over the mayor's statement that his city is entitled to federal grant money that is handed out at the discretion of the federal government, there's more. He added:

The federal government should be working with cities to provide necessary resources to improve public safety, not concocting new schemes to reduce our crime fighting resources.

The City of Chicago will continue to stand up to President Trump and his Justice Department to ensure that their misguided policies do not threaten the safety of our residents.

Let's unpack this. The money in question is designed precisely to "provide necessary resources to improve public safety." In fact, Chicago has received JAG funds in the past which that used to purchase SWAT equipment, police vehicles, radios, and tasers.

So what is the mayor saying? If the funds are withheld, crime will spiral out of control? But, Mr. Mayor, crime is already out of control! There must be something else afoot here.

Here it is: it's Chicago's "welcoming city" ordinance that would be violated if the city acquiesced to the Justice Department's new conditions for receiving the money. First, the city's ordinance, provided by a spokesman:

Chicago's Welcoming City ordinance promotes public safety by ensuring that no city resident, regardless of their status, is afraid to cooperate with law enforcement, report criminal activity to



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the police, serve as a witness in court, or seek help as a victim of crime.

This takes some work to sort out. Under the ordinance, Chicago welcomes all souls, regardless of whether they are guilty or innocent, criminal or law-abiding, here legally or illegally. This makes Chicago, along with other so-called sanctuary cities, a haven for criminals seeking protection from prosecution.

Here's where the logic goes astray: Those same criminals must be given assurance that they won't be prosecuted if they "cooperate" with local law enforcement, or report "criminal activity" to the police, serve as a witness in court, or "seek help" if they become a victim of another criminal's bad behavior. Just who would do that if they are seeking a hiding place from the law? To whom is Emanuel referring? Just how does his "welcoming city" ordinance ensure the safety of those residents who haven't committed crimes? By allowing criminals free entry into his city? Just how does that ensure the safety of those citizens who haven't yet committed a crime?

What Attorney General Sessions and President Trump want is to encourage municipalities to give Immigration and Customs Enforcement (ICE) officials 48 hours' notice before they release someone ICE has already identified as possibly in violation of federal immigration law. They want ICE officials to have access to the jails where the suspects are being held so they can determine their immigration status.

But this is too much, claims Emanuel in his lawsuit against the Justice Department:

These new conditions — which would give federal officials the power to enter city facilities and interrogate arrestees at will and would force the city to detain individuals longer than justified by probable cause, solely to permit federal officials to investigate their immigration status — are unauthorized and unconstitutional.

The new conditions are also "unacceptable" to the city, said the "recipient" to the "giver," as they "fly in the face of longstanding City policy that promotes cooperation between local law enforcement and immigrant communities, ensures access to essential city services to all residents, and makes all Chicagoans safer."

But of course the threat of withholding JAG funds isn't being mandated. Chicago is free to go its own way in welcoming the criminal element into itself, just without the puny \$3.2 million that Justice is threatening to withhold.

And as far as that threat violating the Fourth Amendment, someone in Emanuel's office ought to read it:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Nowhere in the new conditions are anyone's rights being violated — except of course if one considers that receiving federal grant money is a right or an entitlement. Cities receiving JAG monies can keep their present policies in place, and just make do without those monies.

Why all the bother? Aside from the addicting power of TV cameras and stage lights, Emanuel has made clear what his real objective is: to use the lawsuit as another stumbling block to keep President Trump from keeping his campaign promises. His city attorney who helped draft the motion (to force Sessions to fork over the money regardless), spelled it out. Said city Corporation Attorney Ed Siskel:

We are bringing this legal challenge because the rhetoric and the threats from this administration,



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embodied in these new restrictions placed on public safety grant funds, are breeding a culture and a climate of fear within the communities in our city.

Fear of what? Fear of being caught hiding out in the Windy City, being found guilty of violating federal law, and being deported to wherever they came from?

In the upside-down-world of Rahm Emanuel's Chicago, it makes nothing but perfect sense.

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