



Written by [Raven Clabough](#) on September 20, 2017

## Judge: DOJ Can't Withhold Money From Sanctuary Cities

U.S. District Judge Harry Leinenweber of Chicago ruled September 15 that the Department of Justice cannot withhold federal dollars in law-enforcement grants to sanctuary cities, dealing yet another blow to the Trump administration's efforts to rein in illegal immigration and protect the borders.

The city of Chicago filed a lawsuit against the Justice Department after the DOJ announced that it would stop providing Edward Byrne Memorial Justice Assistance grants to cities that do not comply with federal immigration laws. The Daily Caller explained, "Under new conditions attached to the grant program, local jurisdictions must give federal immigration authorities unfettered access to jails and notify Immigration and Customs Enforcement (ICE) agents at least 48 hours in advance of the impending release of inmates wanted on an immigration detainers."



The DOJ announcement followed a ruling by U.S. District Judge William Orrick III that blocked Trump's executive order against sanctuary cities, forcing the Trump administration to revise its sanctuary city policy so that its scope was limited to law-enforcement purposes.

The city of Chicago, which stood to lose \$2.3 million in Byrne grant funding, responded by suing the Justice Department in August, claiming that the DOJ was trying to "federalize" local law enforcement and violate the constitutional rights of alien jail inmates.

The Justice Department responded to Chicago's lawsuit with sharp criticisms, accusing Chicago leaders of prioritizing illegal immigrants above the safety of police and citizens. "In 2016, more Chicagoans were murdered than in New York City and Los Angeles combined," Justice Department spokesman Devin O'Malley declared, adding, "So it's especially tragic that the mayor is less concerned with that staggering figure than he is spending time and taxpayer money protecting criminal aliens and putting Chicago's law enforcement at greater risk."

Justice Department officials also argued that they had every right to attach conditions to the grant, and charged that the city of Chicago was attempting to usurp the department's authority over the grant program.

Bloomberg News reported that the city countered by claiming that its long-standing policy of not sharing information about a suspect's immigration status unless the suspect was charged with a serious crime was vital to "promote cooperation between local law enforcement and immigration communities" and that it should not lose grant funding as a result.



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Judge Leinenweber claimed the DOJ policy would cause “irreparable harm” to the city, Bloomberg News reported. “The harm to the city’s relationship with the immigrant community, if it should accede to the conditions, is irreparable,” Leinenweber said in his ruling. “Once such trust is lost, it cannot be repaired through an award of money damages.”

The judge’s ruling temporarily blocking the Byrne grant requirements is not just in Chicago. The injunction is “nationwide in scope,” Leinenweber said, “there being no reason to think that the legal issues present in this case are restricted to Chicago.”

Though the Trump administration has not made an announcement indicating whether it would appeal the ruling, the DOJ released a scathing statement against sanctuary cities.

“By protecting criminals from immigration enforcement, cities and states with ‘so-called’ sanctuary policies make their communities less safe and undermine the rule of law,” Justice Department spokesperson Devin O’Malley declared, adding, “The Department of Justice will continue to fully enforce existing law and to defend lawful and reasonable grant conditions that seek to protect communities and law enforcement.”

Meanwhile, CNN reported that Chicago Mayor Rahm Emanuel celebrated the judge’s ruling by tweeting, “This is not just a victory for Chicago. This is a win for cities across the US that supported our lawsuit vs Trump DOJ defending our values.”

Chicago’s lawsuit is similar to lawsuits launched by California and San Francisco in response to the Trump administration’s crackdown on sanctuary cities through the Byrne grant funding.

California State Attorney General Xavier Becerra and San Francisco city attorney Dennis Herrera stated that they will file separate federal lawsuits against the Trump administration, asserting that its efforts are “unauthorized and unlawful.”

California could lose \$28 million in federal funds if the Byrne grants are withheld. Becerra contends that the requirements for receipt of grant money are a “low blow,” as they force police officers to choose between enforcing immigration law and keeping the trust of immigrant communities.



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