



Written by [Warren Mass](#) on March 4, 2019

## Sanctuary Cities Receiving Federal Funds, Despite Trump Order to Withhold Them

Sanctuary cities across the nation have begun receiving federal funding that was blocked by the Trump administration's Justice Department because the cities had violated 8 U.S.C. 1373 — "Communication between government agencies and the Immigration and Naturalization Service."

The first paragraph of the law reads:

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.



President Trump issued an executive order in January 2017 aimed at cutting off funding from sanctuary cities, but the order remained in legal limbo after a judge issued a nationwide injunction against it in April of that year.

An AP report on March 2 cited a Justice Department statement noting that about 18 months after the Trump administration threatened to withhold law-enforcement grants from 29 jurisdictions around the country it said were not cooperating sufficiently with federal immigration agents, all but one of those have received or have been cleared to receive the funding. AP observed that some of the 28 jurisdictions that have been cleared to receive the grants have not changed the policies that triggered the original withholding of funds ordered by the Justice Department.

However, other jurisdictions have changed their policies to cooperate better with immigration officials. That some of the threatened cities ended up changing their policies amounts to at least a partial victory for the Trump administration.

The report cited Jessica Vaughan, the director of policy studies for the Center For Immigration Studies, an organization that advocates for tight restrictions on immigration. "What it looks like to me, the Trump Administration is not able to fully enforce cooperation with ICE (Immigration and Customs Enforcement) to the extent they would like to, but it is able to fully enforce compliance with existing federal law that some sanctuary jurisdictions have had to change their policies in order to get their money," Vaughan said.

U.S. District Judge Richard A. Jones ruled last October that Trump's January 2017 executive order



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telling the DOJ to withhold funding from cities that violated federal statute 8 U.S.C 1373 was unconstitutional. Last August, the 9th U.S. Circuit Court of Appeals also found the order to be unconstitutional in a San Francisco case.

A February 20 article posted by the political website FiveThirtyEight noted that on February 15 a federal appeals court ruled that the Trump administration could not withhold federal law-enforcement funds from cities that limit their cooperation with federal immigration agents.

The writer posed the question: “Why is the president so willing to dig in and risk legal defeat when it comes to his signature immigration issues?” One possible explanation was provided by Christopher Lasch, a law professor at the University of Denver, who told the writer, “To the extent that he can tell his base he’s trying to do something, that’s a win for Trump — regardless of how the cases turn out.”



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