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**MAYOR EMANUEL, SENATOR DURBIN AND CITY OFFICIALS CELEBRATE SEVENTH CIRCUIT
COURT OF APPEALS AFFIRMATION SUPPORTING INJUNCTION AGAINST TRUMP JUSTICE
DEPARTMENT**

*Appellate Court Rules in Favor of Federal District Court Ruling Installing a Nationwide Injunction
Preventing New Conditions on Public Safety Grants*

Mayor Rahm Emanuel, Chicago Corporation Counsel Ed Siskel, First Deputy Superintendent Anthony Riccio, City Clerk Anna Valencia and Aldermen Michelle Harris (8), Ray Lopez (15), Michael Scott (24), Danny Solis (25), Walter Burnett (27), Margaret Laurino (39), Tom Tunney (44) and community leaders celebrated the ruling from the Seventh Circuit Court of Appeals upholding a nationwide injunction that prevents the U.S. Department of Justice from imposing new conditions on a federal grant that provides critical crime prevention funds for community policing efforts and other public safety measures.

"Chicago is proud to lead the way in the legal fight against the Trump Justice Department. Immigrants and refugees from around the world have always looked to Chicago as a place where the American Dream is possible. We will not be bullied, intimidated or coerced into making a false choice between our values as a welcoming city and the principles of community policing. From the time Chicago refused to comply with the Fugitive Slave Act in 1850 to today, our great city has always stood our ground. Today's ruling is further confirmation Chicago is on solid ground legally and morally," said Mayor Emanuel.

In its opinion, the Seventh Circuit wrote "The Attorney General in this case used the sword of federal funding to conscript state and local authorities to aid in federal civil immigration enforcement. But the power of the purse rests with Congress, which authorized the federal funds at issue and did not impose any immigration enforcement conditions on the receipt of such funds." On that basis, the court upheld the injunction against the conditions.

A majority of the judges also concluded that the conditions were properly enjoined on a nationwide basis because the "conditions on the receipt of critical law enforcement funds...have been imposed by the Attorney General without any authority in a manner that usurps the authority of Congress—

made more egregious because Congress itself has repeatedly refused to pass bills with such restrictions.”

The ruling is the latest victory in a legal battle that began in August 2017, after the Department of Justice published the application for FY2017 Edward Byrne Memorial Justice Assistance Grant (JAG) program, which provides states and cities with federal funding to support local law enforcement efforts. In September, Judge Harry D. Leinenweber of the Northern District of Illinois awarded the City of Chicago a preliminary injunction, and the Attorney General appealed that ruling.

“The Trump Administration exceeded its legal authority by trying to cut off the federal funds our police use to fight gun violence in Chicago. It was a dangerous and irresponsible decision to pressure local communities to join in the President’s mass deportation agenda, and I’m glad the 7th Circuit has upheld this injunction,” said Sen. Dick Durbin.

Unlike previous applications, this year’s iteration required that new conditions be met in order to be eligible for grant funding. These conditions include the certification of compliance with 8 U.S.C. § 1373, a federal statute that bars restrictions on federal-local sharing of immigration status information; unlimited access to local police stations and law enforcement facilities by U.S. Department of Homeland Security personnel to interrogate arrestees; and the requirement that cities provide DHS with notice prior to an arrestee’s release, which would require detaining residents longer than is permissible under the Fourth Amendment of the United States Constitution.

“We filed this suit because the Attorney General does not have the authority to add these requirements to a grant program created by Congress and cannot commandeer local law enforcement to carry out federal immigration law functions,” said Corporation Counsel Siskel. “We believe that Judge Leinenweber appropriately issued the injunction and this ruling makes clear that he was correct.”

Over the years, Chicago has used Byrne JAG funds for a variety of purposes that benefit public safety, including the purchase of SWAT equipment, police vehicles, radios and tasers. Last year, the City of Chicago received \$2.3 million in Byrne JAG funds.

The City of Chicago is being supported in its legal efforts in this case by two outside law firms, Riley Safer and Wilmer Hale, who are providing their services pro bono.

In addition, a variety of stakeholders signed onto amicus briefs for the appellate brief, including:

- Asian Americans Advancing Justice
- Erie House
- National Immigrant Justice Center
- American Civil Liberties Union
- Illinois Business Immigration Coalition
- Anti-Defamation League
- Certain Members of Congress
- Current and Former Law Enforcement Leaders
- Administrative Law, Constitutional Law, and Immigration Law Scholars
- California State Legislature

- States of New York, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, Oregon, Vermont, and Washington, and the District of Columbia
- County of Santa Clara, 23 Additional Cities, Counties, and Municipal Agencies, the U.S. Conference of Mayors, the National League of Cities, the International Municipal Lawyers Association, and the International City/County Management Association

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