

President Trump's Sanctuary City Executive Order blocked by California Judge

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In the latest blow to President Trump's immigration agenda, on Tuesday a federal judge in California blocked the Trump administration's threat to withhold federal funds from so-called "sanctuary jurisdictions." U.S. District Judge William H. Orrick imposed a nationwide injunction against President Trump's executive order, "Enhancing Public Safety in the Interior of the United States," which was signed on January 25, 2017, just five days into his presidency.

In the latest blow to President Trump's immigration agenda, on Tuesday a federal judge in California blocked the Trump administration's threat to withhold federal funds from so-called "sanctuary jurisdictions." U.S. District Judge William H. Orrick imposed a nationwide injunction against President Trump's executive order, "Enhancing Public Safety in the Interior of the United States," which was signed on January 25, 2017, just five days into his presidency. The city of Santa Clara and the city and county of San Francisco in two related actions challenged the constitutionality of Section 9 of the executive order via motions for preliminary injunction to enjoin its enforcement. The federal government did not respond to the constitutional challenges but instead argued that Santa Clara and San Francisco lacked legal standing to challenge the order as neither have been designated "sanctuary jurisdictions" pursuant to the Executive Order. The federal government also argued that the Executive Order is merely an exercise of the President's "bully pulpit" to highlight a changed approach to immigration enforcement.

In his ruling, Judge Orrick found that the county of Santa Clara and the city and county of San Francisco had demonstrated that they were likely to face immediate irreparable harm if the policy were put into place and that they were likely to succeed on the merits. Judge Orrick wrote that the president had overstepped his powers by tying federal funding to immigration enforcement. In siding with Santa Clara and San Francisco, the ruling recognized that the executive order has caused budget uncertainty and threatened to deprive the local governments of federal funding. The executive order threatened to jeopardize about \$1.7 billion in federal funding for the city of Santa Clara and about \$1.3 billion for the city of San Francisco.

The term “sanctuary city” or “sanctuary jurisdiction” is not clearly defined under the executive order. Likewise, the executive order did not identify jurisdictions considered to be sanctuary jurisdictions. What the executive order considers sanctuary jurisdictions are those that “willfully refuse to comply with 8 U.S.C. 1373,” a law that prohibits any government entity or official from enacting a policy that limits communication with immigration authorities of any information regarding the citizenship or immigration status of any individual. The executive order also describes sanctuary jurisdictions as those jurisdictions that “willfully violate federal law in an attempt to shield aliens from removal from the United States.” Cities such as San Francisco, New York, and Los Angeles tout themselves as sanctuaries, based on their push back against federal requests, limited cooperation with federal immigration officials, or their having policies against immigration detainers that the Trump administration says prevent or hinder enforcement of immigration law.

The White House sternly rebuked Judge Orrick’s ruling on Tuesday night through a statement, saying, “This case is yet one more example of egregious overreach by a single, unelected district judge.”

This is the third time that the federal judiciary has blocked President Trump’s immigration-related executive orders. Previously, the president’s [executive order banning travel for persons from primarily Muslim countries](#), as well as a [subsequent revised version](#), were both [challenged and blocked](#) by federal courts. Oral arguments on the U.S. Department of Justice’s appeal to reverse a ruling by a federal judge in Maryland that halted the 90-day travel ban have been scheduled in May.

Beset by injunctions enjoining his immigration agenda, the president on Wednesday morning tweeted, “First the Ninth Circuit rules against the ban & now it hits again on sanctuary cities-both ridiculous rulings. See you in the Supreme Court!”

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