



FOR IMMEDIATE RELEASE

March 13, 2017

Contact: Kemi Bello, kbello@ilrc.org, (415) 321-8568

Nearly 300 Law Professors: Trump’s Executive Order on “Sanctuary” Cities is Unconstitutional
Executive Order Threatens to Pull Federal Funding from Designated “Sanctuary” Jurisdictions

WASHINGTON, D.C. —Today, 292 constitutional, immigration, administrative, and international law professors and scholars delivered a [letter](#) to President Trump demanding that he rescind section 9(a) of Executive Order 13768 due to its likely violations of the spending clause and Tenth Amendment of the U.S. Constitution.

On January 25, 2017, President Trump signed [Executive Order 13768](#), *Enhancing Public Safety in the Interior of the United States*, which vastly expanded the proportion of the immigrant population who face potential risk of deportation. Section 9(a) of the Executive Order directs the U.S. Department of Homeland Security and U.S. Department of Justice to designate state and local communities that disentangle themselves from federal immigration enforcement as “sanctuary” jurisdictions and to terminate federal funding to those jurisdictions.

“As today’s analysis by law professors shows, sanctuary jurisdictions that enact such policies are acting well within their constitutional rights. There is no single definition of what it means to be a sanctuary city. The term is often used to tarnish or celebrate—depending on the speaker—laws and policies that cities, counties and states have advanced policies to separate and distinguish themselves from federal immigration authorities,” notes **Annie Lai, Assistant Clinical Professor of Law at the University of California, Irvine School of Law and one of the authors of the letter.**

The professors conclude that state and local jurisdictions have the inherent constitutional authority to enact “sanctuary” policies and that “sanctuary” policies do not violate 8 U.S.C. § 1373, which the professors argue may itself be unconstitutional.

“Nearly 300 professors agree that sanctuary policies in many instances were adopted in order to comply with the law. The president’s threat, however, to starve sanctuary cities of federal funding violates the ultimate federal law: The United States Constitution,” states **Christopher Lasch, Associate Professor of Law at the University of Denver Sturm College of Law and another author of this letter.**

Though the administration has yet to define what constitutes a “sanctuary” jurisdiction, the ILRC has identified [over 600 jurisdictions](#) that have legal and constitutional policies that disentangle local authorities from federal immigration enforcement. The letter follows a recent report concluding that jurisdictions across the United States are at risk of potentially losing over [\\$870 million in federal funding](#) as a result of section 9(a) of the Executive Order.

Read the full letter here: <https://www.ilrc.org/letter-law-profs-1373>.

###

About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC’s mission is to protect and defend the fundamental rights of immigrant families and communities. www.ilrc.org