



Legislation Text

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Res. No. 1486

Resolution condemning the Trump Administration’s designation of New York City as an “anarchist jurisdiction,” and calling for a rescission of this designation.

By Council Members Menchaca, Cabrera, Kallos and Rosenthal

Whereas, Beginning in late May 2020, prompted by the news of several murders of Black people by police around the country, including George Floyd in Minneapolis, Breonna Taylor in Louisville, and Tony McDade in Tallahassee, many cities experienced unrest and massive protests against police brutality and systemic racism; and

Whereas, Elected leadership in several cities, including New York City, responded to overwhelming calls for police reform by shifting some budgetary resources away from police departments and toward other social services that promote public safety in different ways; and

Whereas, In response to perceived lawlessness and violence in New York City, Seattle, Washington D.C., and Portland, Oregon, President Trump issued a memorandum on September 2, 2020 to the Director of the Office of Management and Budget (OMB) and U.S. Attorney General, ordering them to analyze federal funds provided to those four cities and identify so-called “anarchist jurisdictions,” or “State and local jurisdictions that have permitted violence and destruction of property to persist and have refused to undertake reasonable measures to counteract these criminal activities;” and

Whereas, The memo’s stated intent is to deny federal funding to cities the Trump Administration deems to have deteriorated into “lawless zones;” and

Whereas, On September 21, 2020, the U.S. Department of Justice designated the cities of New York, Seattle, and Portland, Oregon “anarchist jurisdictions;” and

Whereas, On the same day, OMB issued guidance to federal agencies, directing them to submit detailed spending reports identifying all federal funding that flowed to the “anarchist jurisdiction” cities and Washington, D.C. for fiscal years 2018, 2019, and 2020; and

Whereas, On October 8, 2020, the Federal Transit Administration (FTA) announced that it would consider applications for a COVID-19 public transportation research grant, a grant for which the Metropolitan Transportation Authority would otherwise be eligible, in accordance with Trump’s memo; and

Whereas, On October 16, the U.S. Department of Health and Human Services, with input from at least 12 agencies it oversees, submitted its analysis of federal funding that the four cities received, finding that more than 1,500 funding awards from 185 different programs went to the four cities since 2018, including funding for medical research, universal hearing screenings for newborns, housing, nutrition programs, mental health counseling, and more; and

Whereas, On October 22, 2020, the cities of New York, Seattle, and Portland, Oregon filed a complaint in federal court seeking to vacate Trump’s memo and forbid the FTA from considering the memo in issuing its COVID-19 public transportation research grant; and

Whereas, Trump’s memo and ensuing attempt to disqualify “anarchist jurisdictions” from receiving federal funds is patently illegal, unconstitutional, and immoral; and

Whereas, Trump’s memo fails to include a single legal citation, and in the words of the plaintiffs, “anarchist jurisdiction” is “an oxymoronic designation without precedent in American jurisprudence;” and

Whereas, Trump’s memo violates the Administrative Procedure Act; the principle of separation of powers between Congress and the Executive Branch; the Spending Clause, which governs what conditions Congress may impose on spending; the Tenth Amendment of the Constitution, which grants police powers exclusively to the states; and the Fifth Amendment of the Constitution, which provides cities with due process rights; and

Whereas, It is illegal, abnormal, and dangerous for the federal government to intimidate cities into

acting the way it wants by arbitrarily withholding vital federal funds; and

Whereas, New York City was extremely hard-hit by the COVID-19 pandemic and faces a forecasted loss of \$9 billion in tax revenue, necessitating severe cuts to city services and possible layoffs of thousands of city government employees; and

Whereas, According to its June 2020 Financial Plan, New York City expects to receive over \$12 billion in federal granting funding, representing nearly 13 percent of the City's fiscal year 2020 projected revenues, the majority of which would fund social services, housing, education, and emergency relief; and

Whereas, New York City has been granted \$2.65 billion in COVID-19-related relief from the Federal Emergency Management Agency (FEMA), but has only received \$199.6 million, and now faces uncertainty around how Trump's memo will affect the disbursement of the remainder of these funds; and

Whereas, The potential loss of federal funding will have a severely detrimental impact on residents of New York City who benefit from federally-funded social services, housing, education, and emergency relief, especially vulnerable Black, brown, and immigrant communities who face economic disadvantages and have been hardest hit by the COVID-19 pandemic; and

Whereas, The federal government must disburse funding in a fair, just, and orderly manner and abide by the rule of law; now, therefore, be it

Resolved, That the Council of the City of New York condemns the Trump Administration's designation of New York City as an "anarchist jurisdiction," and calls for a rescission of this designation.

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