

Assas

Session: Janvier 2018

Année d'étude : Deuxième année de licence droit

Discipline : *Anglais 1^{er} semestre*
(Unité d'Enseignements Complémentaires 1)

Titulaires du cours : **Mme Géraldine GADBIN-GEORGE**

Mme Claire WROBEL

Durée : 1h30

Documents autorisés : AUCUN

I. Complete the following sentences, adding between 10 and 25 words. Use only one sentence. (20 points)

1. In order to prevent interstate discrimination ...
2. Whenever Senators wish to obstruct ...
3. Until s/he has been sworn in ...
4. Contrary to swing states ...
5. Unless four justices ...

II. Read the following document and answer each of the questions below (approximately ten lines/100 words for each question).

Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT. (30 points)

Judge blocks Justice Department move against sanctuary cities*

By JOSH GERSTEIN, Politico, 09/15/2017

A federal judge has blocked the Trump administration's attempt to use Justice Department public-safety grant programs* to discourage so-called sanctuary city policies aimed at protecting undocumented* immigrants.

Acting on a lawsuit brought by the City of Chicago, U.S. District Court Judge Harry Leinenweber issued a nationwide preliminary injunction Friday prohibiting the Justice Department from adding new grant conditions requiring cities to allow immigration agents access to local jails and insisting that local authorities give advance notice when suspected illegal immigrants are about to be released from custody.

"Congress may well have Spending Clause power to impose the conditions or delegate to the Executive Branch the power to impose them, including the notice and access condition, but it must exert that power through statute," wrote Leinenweber, a Reagan appointee. "The Executive Branch cannot impose the conditions

without Congressional authority, and that authority has not been conferred" by the statutory provision Justice Department lawyers cited, the judge said.

In a 41-page opinion, Leinenweber found that those new conditions "violate the separation of powers doctrine" delegating lawmaking authority to Congress. He said he was applying his order nationally because there was "no reason to think that the legal issues present in this case are restricted to Chicago or that the statutory authority given to the Attorney General would differ in another jurisdiction." (...)

Cities with the sanctuary policies contend that they help build trust between law enforcement and communities with significant numbers of undocumented immigrants, but Sessions insists that the practice leaves local residents at risk of being victimized by illegal immigrants who are released onto the streets when they should be detained and deported.

A Justice Department spokesman did not immediately indicate whether an appeal is planned, but said the agency plans to keep fighting against the sanctuary practices.

"By protecting criminals from immigration enforcement, cities and states with 'so-called' sanctuary policies make their communities less safe and undermine* the rule of law," spokesman Devin O'Malley said. "The Department of Justice will continue to fully enforce existing law and to defend lawful and reasonable grant conditions that seek to protect communities and law enforcement."

In a speech delivered soon after the city filed suit last month, Attorney General Jeff Sessions slammed Chicago Mayor Rahm Emanuel.

"No amount of federal taxpayer dollars will help a city that refuses to help its own residents," Sessions said. "To a degree perhaps unsurpassed by any other jurisdiction, the political leadership of Chicago has chosen deliberately and intentionally to adopt a policy that obstructs this country's lawful immigration system."

Emanuel called a press conference Friday afternoon to react to the judge's ruling.

"This is not just a victory for the City of Chicago. It's a win for cities, counties and states across the country," the Chicago mayor said. "It's an affirmation of the rule of law. It's an assertion of our most fundamental American values and it's an unambiguous, clear rejection of the false choice that the Trump Justice Department wanted Chicago to make between our values, our principles and our priorities."

Asked about the message the ruling sends to the administration, Emanuel said; "Your attempt to make a city abandon their values to seek resources, abandon its principles of community policing, is wrong. It's wrong for the court. It's wrong for the law. It's not right for America."

VOCABULARY

**sanctuary cities* = cities that do not use their own resources to help the federal government enforce its immigration policies

**grant programs* = programs which receive financial help from the federal government

**undocumented* = who do not have the appropriate legal documents to stay lawfully in a country

**to undermine* = to sabotage, to subvert

QUESTIONS

1. What have sanctuary cities been threatened with?
2. What did the federal judge decide? Explain the constitutional argument.
3. Comment on the underlined sentences.

III. Choose **ONE** of the following topics and write an essay in approximately 250 words (+/- 10%). (50 points)

1. To what extent was the 1787 constitution the result of compromise?
2. Alexander Hamilton wrote that the judicial branch of the proposed government would be the weakest of the three because it had "no influence over either the sword or the purse [...]. It may truly be said to have neither force nor will, but merely judgment." (*Federalist* No. 78, 1788) What did he mean by this, and has history proven him right?