City of Bellingham Proactive Use of Affirmative Litigation

Our approach, led by the Public Rights Project, in alliances with local governments nationwide, enables us to build cases across jurisdictions and litigate on behalf of city governments that need greater legal power to protect their residents' rights.

City of Bellingham Proactive Use of Affirmative Litigation

Together, we can use government for good and build a multiracial democracy that truly delivers equity and justice for all.

City of Bellingham Proactive Use of Affirmative Litigation

Litigation that the City of Bellingham is a direct party to…

King County v. Turner

Shortly after coming into office, the Trump administration began attaching political strings to housing, transportation, and health care grants that were authorized by Congress. These conditions required local governments to cooperate fully with immigration enforcement and accept the administration's policy preferences on diversity, equity, and inclusion (DEI), immigration, transgender inclusivity, and abortion access.

King County v. Turner

The administration's funding conditions threatened communities that maintained lawful policies, and governments that didn't comply risked losing funding for essential community services, including but not limited to:

- Housing and support for people experiencing homelessness
- Child welfare, senior care, HIV/AIDS services, and other vital programs for vulnerable residents
- Public health services like teen pregnancy prevention, vaccine education, and pandemic preparedness
- Transit infrastructure, including airport repair and expansion, road safety, public transit, and advanced transportation technology

King County v. Turner

Some of the grant conditions that we do not have to follow are:

- That we will not use grant funds to promote “gender ideology”
- That we will not use grant funds to fund or provide elective; abortions;
- That we will use a verification method to ensure that the City does not provide any Federal public benefit to “an ineligible alien.”

King County v. Turner

- **August 25, 2026: In a major victory, the appeals court affirmed that the federal government can't use essential funding to force communities to adopt unrelated political policies or requirements that go beyond federal law.**
- While the court directed the district court to narrow one aspect of the injunction related to anti-discrimination laws, it ruled that the administration can't use these laws to impose its policy preferences, threaten extraordinary liability, or bypass the procedures established under federal law.

What does this mean for Bellingham?

The injunction allows the City to cross out terms in HUD/DOT grants that may violate the City's values or state and local civil rights laws such as:

- **Keep Washington Working Act**
- **BMC 2.25 (Equal Protection and Provision of Services Regardless of Immigration Status)**
- **BMC 2.29 (Equal Protection and Provision of Services Regardless of Sexual Orientation, Gender Identity or Gender Expression)**
- **Washington Law Against Discrimination**

What does this mean for Bellingham?

The injunction issued by the court in this lawsuit successfully preserved approx. $1.3 million annually in HUD grant funds that the City regularly passes through to community organizations that provide critical services to Bellingham residents.

What does this mean for Bellingham?

CDBG is the sole funding source available for responding to food security, home rehabilitation services for elderly & disabled residents, community services that assist low-income households in everything from violence prevention and recovery to energy assistance, among other services. Provides funding for the Food Bank.

Santa Clara County v. Noem

Twenty-nine local governments filed a lawsuit challenging the Trump administration's attempts to put unlawful conditions on grants administered by the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA)

Santa Clara County v. Noem

The lawsuit argues that the administration is attempting to impose its policy preferences on immigration enforcement and diversity, equity and inclusion (DEI) initiatives by holding hostage funds that Congress allocated for anti-terrorism, disaster preparedness, and other critical emergency support for local governments.

Santa Clara County v. Noem

The unlawful conditions will exacerbate, rather than alleviate, the suffering and damage caused by wildfires, floods, terrorism, earthquakes, and other disasters. Some of the at-risk grants fund essential fire department equipment and public education programs, protection of port infrastructure from terrorism, and development of hazard mitigation plans.

What does this mean for Bellingham?

Bellingham Police Department was able to accept a $236,000 FIFA World Cup grant to help with public safety overtime and equipment related to World Cup

What does this mean for Bellingham?

The Bellingham Fire Department has been able to continue accepting Emergency Management Performance Grants (approximately $45K annually). This grant accounts for approximately 10 percent of the Office of Emergency Management's annual budget.

City of Bellingham Proactive Use of Affirmative Litigation

Litigation that the City of Bellingham has signed on as a friend of the court...

Oregon v. Trump

The brief asks the appeals court to reject the federal government's attempt to ignore the lower court and continue blocking the Trump administration from illegally sending the National Guard into Portland.

A judge already stopped the federal government from sending the Oregon National Guard into the city. In response, the administration tried to send hundreds of California and Texas National Guard troops instead. After the same judge blocked this too, the U.S. Department of Justice appealed the decision.

- Mayor Kim Lund is the Amicus

Oregon v. Trump

The coalition says there’s no legal or factual reason to send the National Guard to Portland. It argues that this move violates the Constitution and several federal laws, which gives local governments control over their own law enforcement.

Oregon v. Trump

Even more alarming, the brief warns, is the precedent this could set — allowing a president to deploy or federalize troops anywhere in the country, at any time, for any reason, simply because a city or state disagrees with the administration. Such unchecked power not only undermines state and local authority but also threatens the peace, safety, and economic stability of the very communities the government is meant to protect.

What does this mean for Bellingham?

- **More risk of violence or mistakes:** Military troops aren’t trained like local police to handle protests or manage crowds safely. For example, Portland has detailed rules and training to help respond to public events effectively. Local law enforcement is best positioned to ensure public safety in their communities.

What does this mean for Bellingham?

- **Local economies suffer:** Military presence deters tourists, discourages people from dining out or gathering, and disrupts community life, threatening the economic stability of cities that depend on tourism.

- **Harms to resident well-being:** Residents report feeling anxious and fearful with a federal military presence — eroding trust that local governments have built over the years.

Illinois v. Trump (National Guard deployment)

The brief asks the courts to uphold a lower court ruling that blocked the administration's attempt to deploy the National Guard in Chicago.

The coalition argues that the president's efforts to federalize state troops without consent from governors — and without any explanation or identifiable justification to do so — violates the Constitution and long-standing laws. It also sets a dangerous precedent to unleash federal military troops from one state to invade and occupy another.

Illinois v. Trump (National Guard deployment)

The coalition submitted the brief in support of the State of Illinois and the City of Chicago after the U.S. Department of Justice asked the U.S. Supreme Court, on an emergency basis, to immediately put the lower court's ruling on hold. It also asked the Court to reverse the ruling as the case moves forward.

Illinois v. Trump (National Guard deployment)

On December 23, the U.S. Supreme Court declined to lift an injunction blocking the Trump Administration's attempt to deploy National Guard troops to Illinois. The lower courts' rulings that had halted the deployment in Chicago remain in place.

The decision affirms important constitutional limits on the use of military force in civilian communities and reinforces the principle that the federal government cannot invade cities and states without clear authority under the law.

Mayor Kim Lund is the signatory

What does this mean for Bellingham?

- **Erosion of local control:** The Constitution and federal laws expressly grant states and cities authority over local policing and public safety. Federal military intervention directly undermines and violates this authority.

- **Threats to public safety and economic stability:** Military presence deters tourism, disrupts businesses and heightens fear among residents, especially in communities already targeted by rhetoric from the federal government.

What does this mean for Bellingham?

- **A dangerous precedent for authoritarian power:** Federal troops who patrol local communities without consent could normalize political retaliation through force. This could lead to any city being targeted for any reason at any time, eroding the rule of law and threatening democracy itself.

Rhode Island State Council of Churches v. Rollins (SNAP Benefits)

The brief explains that the federal government is failing local communities and residents who depend on SNAP. Despite having funds available and authority to issue November benefits, the federal government has chosen not to — leaving children, seniors, and veterans at risk of hunger.

Mayor Kim Lund is a signatory to this brief

Rhode Island State Council of Churches v. Rollins (SNAP Benefits)

As a result, cities and counties are scrambling to fill the gap by diverting scarce resources, providing emergency gift cards, directing funds to food banks, and coordinating with agencies and utility companies to prevent shutoffs and additional harm to residents.

What does this mean for Bellingham?

- A stay would intensify hunger and hardship for families already at the breaking point. Residents need these benefits immediately to feed their families.

- Further delay would be devastating, particularly to the 11% of households in Whatcom County that receive food stamp benefits.

Minnesota v. Noem (ICE deployment to Minnesota)

We’re asking the court to block further unlawful actions taken by Immigration and Customs Enforcement (ICE) and restore the status quo.

The coalition argues that the administration is violating the Constitution by coercing local governments to redirect resources to support federal immigration actions they want no part in. It also points to the deployment of an unprecedented number of ICE agents to the Twin Cities who are taking unlawful actions.

Minnesota v. Noem (ICE deployment to Minnesota)

The brief details the startling impacts on these communities and warns that similar damage could occur in other cities across America. This case is ongoing.

Mayor Kim Lund is a signatory to this brief

What does this mean for Bellingham?

- **Impacts on public safety:** ICE agents have been filmed throwing residents to the ground, shooting two people, and using tear gas on children.

- **Impacts on local law enforcement:** ICE's tactics make it harder for local governments to conduct effective law enforcement. When masked and armed ICE agents terrorize a city, victims of crime fear contacting the police, witnesses are deterred from cooperating with prosecutors, and de-escalation efforts by local police require more local resources.

What does this mean for Bellingham?

- **Impacts on communities:** The presence of federal law enforcement prevents residents from going about their daily lives and damages the local economy. School districts in the Twin Cities are canceling school days because students and families are reportedly feeling unsafe. Meanwhile, patients are avoiding hospitals and clinics, increasing the risk of a public health crisis if contagious diseases go untreated.

United States v. New York City

The brief was filed in a case brought by the U.S. Department of Justice, which aims to force New York City to abandon its so-called “sanctuary policies” and engage in federal immigration enforcement. The city filed a motion to dismiss the case on December 2.

The brief explains that the U.S. Constitution gives local governments — not the federal government — the authority to make decisions about their communities’ police resources. It also highlights the real benefits of so-called “sanctuary policies.”

City of Bellingham Proactive Use of Affirmative Litigation

Standing with other Sanctuary Cities...

United States v. Newark

The brief was filed in a case brought by the U.S. Department of Justice, which aims to force four New Jersey cities to abandon their so-called “sanctuary policies” and engage in federal immigration enforcement. The cities filed motions to dismiss the case, arguing their local policies are legal and that the district court and appeals court (Third Circuit) have already rejected identical challenges in the past.

United States v. Newark

The brief explains that the Constitution gives local governments — not the federal government — the authority to make decisions about their communities' police resources. It also highlights real benefits of so-called "sanctuary policies:"

What does this mean for Bellingham?

- **They make communities safer** by building trust between law enforcement and all residents, so people will report crimes and cooperate with police.

- **They strengthen local economies** because immigrants play a vital role in the workforce across many industries.

- **They support public health** by ensuring people can access medical care without fear, protecting community well-being.

United States v. Minnesota

This brief was filed in a case brought by the U.S. Department of Justice, which aims to force the cities, county, and state to abandon their so-called “sanctuary policies.” In reality, the jurisdictions’ approach is centered on prioritizing the health, safety, and well-being of the community, and not on using local resources to enforce federal immigration laws. The brief explains that the Constitution gives local governments — not the federal government — the authority to make decisions about their communities.

United States v. City of Rochester

This brief was filed in a case brought by the U.S. Department of Justice, which aims to force Rochester to abandon its so-called "sanctuary policies." In reality, Rochester's approach is centered on prioritizing the health, safety, and well-being of the community, not on using local resources to enforce federal immigration laws. The brief explains that the Constitution gives local governments — not the federal government — the authority to make decisions about their communities.

Planned Parenthood v. RFK Jr.

The case centers on the “defund provision” in the 2025 Reconciliation Act, also known as the One Big Beautiful Bill Act.

The provision is designed to stop Medicaid funding from going to clinics affiliated with Planned Parenthood. A district court previously issued a preliminary injunction, blocking the U.S. Department of Health and Human Services from enforcing the new law. Our brief urges the appeals court to keep the preliminary injunction in place so Planned Parenthood affiliates can continue to bill Medicaid while the case proceeds.

Planned Parenthood v. RFK Jr.

Our brief explains that by unlawfully targeting the largest nationwide provider of essential reproductive and family planning health care in the U.S., the federal government is making it harder for people to get a range of health care services.

What does this mean for Bellingham?

- Millions of people rely on Medicaid to get *all* types of care from qualified providers like Planned Parenthood. These facilities offer essential services to patients: preventative care, sexual health care, and education campaigns that reduce public health risks.

- Fewer providers means greater strain on local health systems and worse health outcomes.

What does this mean for Bellingham?

- Local governments will need to find money in their budgets to fill health care gaps left by the closure of Planned Parenthood facilities. This is especially challenging during a time when other federal funds have been restricted by the Trump administration.

Immigration Enforcement: City's Role and Responsibilities

The City upholds the Keep Washington Working Act and any applicable local ordinance.

The City does not have any role in civil immigration enforcement. We cannot control federal policy or directly intervene in federal civil immigration enforcement.

Immigration Enforcement: City's Role and Responsibilities

- We can continue to provide City services to all, follow state and local law, communicate clearly, and uphold the rights and dignity of all residents.

Keep Washington Working Act Workgroup

Community members and City staff completed an extensive review of the state's Keep Washington Working Act and relevant City policy.

The group reviewed Bellingham Police policies, training, federal contact data collection, What-comm 911 practices, and language access.

Keep Washington Working Act Workgroup

The final report identified opportunities to improve existing compliance.

Our work has drawn interest from the Governor’s office and other jurisdictions in the state.

KWW Recommendations Implementation

The KWW Work Group developed more than 50 recommendations.

- BPD and What-Comm 911 have begun implementation of several recommendations.
  - Improving federal contact data documentation and reporting
  - BPD and What-comm are developing scenario- based training
  - What-Comm is advancing language access, including text-to-911 translation
  - Community engagement and implementation review will continue

KWW Recommendations in process

What-Comm distributed consistent procedures for calls involving federal immigration enforcement.

Translation support for text-to-911 is being implemented, with an early 2027 rollout identified as the goal.

What-Comm is developing scenarios and language-access guidance for its next training academy.

BPD’s Training Division has been asked to develop more active-learning scenarios.

Staff are developing public communications to reassure residents that emergency services are available to everyone.

Additional Actions

The City continues to track civil immigration enforcement activity that occurs on City property and share incidents with the state.

We are engaged in a state-wide coalition led by the Governor’s Office to track and respond to the impact of federal immigration actions and policy changes.

City staff regularly meet with local organizations and coalitions such as the Whatcom County Immigration Safety Task Force.

Local government cannot control federal policy or directly intervene in civil immigration enforcement actions.

We can control how we use City owned/controlled resources, how we provide services, and how we support residents.

Our role is to protect access to local services, follow state and local law, communicate clearly, and uphold the rights and dignity of everyone who lives in Bellingham.

We will continue to look for other opportunities to defend the Bellingham community