U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave. NW, Rm. 7242
Washington, DC 20530

Gerard Sinzdak
gerard.j.sinzdak@usdoj.gov
Tel: (202) 514-0718
Fax: (202) 514-7964

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Patricia S. Connor, Clerk
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: *CASA de Maryland v. Trump*, No. 19-2222

Dear Ms. Connor:

The Seventh Circuit's split decision in *Cook County v. Wolf* does not support affirmance of the district court's injunction. The Seventh Circuit unanimously rejected plaintiff CASA de Maryland's central argument—that the term "public charge" has a longstanding meaning that Congress has implicitly adopted. "Never," the court explained, "did [Congress] define 'public charge' or explain what degree of reliance on government aid brands someone as" a public charge. Op. 20. Instead, the majority properly recognized that "[w]hat has been consistent is the delegation from Congress to the Executive Branch of discretion" to make public-charge determinations. Op. 25.

The majority nonetheless concluded that the Rule was unlawful because it was in "tension[]" with provisions of the Welfare Reform Act that authorize some aliens to obtain public benefits covered by the Rule. Op. 29-30. As the dissent explained, the majority's reasoning was flawed in several respects. *See* Dissent 59-69. Among other things, the majority improperly dismissed as irrelevant "obviously significant" statutory provisions which strongly support the Rule. Dissent 59-66. Moreover, the majority's conclusion that DHS cannot consider benefits authorized by Congress would render the public charge provision "a dead letter," as the provision presupposes that an alien is eligible for public support. Dissent 67. And the view that Congress desired the admission of aliens who the government expected to use the public benefits authorized by the Welfare Reform Act is a "totally implausible"

interpretation of the Act, which was designed to ensure that aliens not rely on public benefits to meet their needs. Dissent 68.

CASA emphasizes the majority's statement that it would do "violence to the English language" to interpret "public charge" to cover "a person who receives only *de minimis* benefits for a *de minimis* period of time." Op. 30. But as the majority recognized, *id.*, the Rule does neither.[1]

Sincerely,

/s/ Gerard Sinzdak
Gerard Sinzdak
Attorney for the Defendants-Appellants

[1] The majority also addressed the relevance of the Rehabilitation Act and an arbitrary-and-capricious challenge, which have not been presented here and are meritless in any event. *See* Op. 27-29, 31-39; *City & Cty. of San Francisco v. USCIS*, 944 F.3d 773, 779-800, 801-05 (9th Cir. 2019).