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County of Santa Clara Asks Federal Court to Block Executive Order Stripping County of All Federal Funds

SANTA CLARA COUNTY, CALIF. – At a hearing before a federal judge this morning, the County of Santa Clara urged the court to prevent enforcement of President Trump’s unconstitutional Executive Order that strips all federal funding from the County and other jurisdictions deemed “sanctuary jurisdictions”—the first such hearing in the country. The County filed a motion for emergency relief because of the immediate harms and coercion caused by the President’s January 25, 2017 Executive Order. In a related lawsuit, the City and County of San Francisco will also argue for injunctive relief before the federal court today.

The Executive Order does not define the term “sanctuary jurisdiction,” leaving jurisdictions across the State and country at imminent risk of losing their federal funds. The stakes for these states, cities, and counties could not be higher, especially for jurisdictions like the County that serve as a safety net for those with the greatest needs.

The Executive Order would deprive the County of approximately 35% of its annual funds—or nearly \$1.7 billion per year. This funding is dedicated to providing essential health, welfare, and safety services for the County’s 1.9 million residents. These services include life-saving medical care provided by the only safety-net hospital in the County (Santa Clara Valley Medical Center); basic food and nutrition benefits for infants, children, families, and seniors; housing and community development; highway planning and construction; and security, emergency response, and counter-terrorism efforts.

“Withdrawal of federal funding on this scale is unprecedented and the consequences would be catastrophic—potentially life-threatening,” said Dave Cortese, President of the Board of Supervisors. “We urge the court to act fast to protect the County from the Executive Order’s clear overreach and harms our communities now face.”

The Office of the County Counsel, joined by pro bono counsel Keker, Van Nest & Peters LLP, filed the County's motion challenging the Executive Order as an unconstitutional attempt to force state and local governments to assist the Trump Administration in executing its federal immigration priorities. While immigration enforcement is the Executive Order's current target, the County argues that the Trump administration could seek to withhold federal funding to coerce a range of policy outcomes, from women's health to education. The motion also asserts that the Executive Order violates the separation of powers and the Fifth Amendment's Due Process Clause.

"We are seeking court action to halt the President's effort to coerce the County, and countless other jurisdictions, into being deputized as federal immigration enforcers," said County Counsel James R. Williams. "The U.S. Constitution's Tenth Amendment protects state and local governments from just that kind of compulsion and subversion of local policies."

"Santa Clara County's policies were created to ensure public safety," said County Executive Jeffrey V. Smith, M.D., J.D. "When fear permeates our streets, our schools, and our hospitals, we all stand to lose."

Fifteen amicus briefs representing more than 240 individuals and entities were filed in support of the County of Santa Clara's motion. Supporters included the State of California; cities, counties, sheriffs and police chiefs from around the United States; school districts representing over one million California students; civil and immigrant's rights groups from across the nation; unions; community-based organizations, law scholars, non-profit service providers, technology companies, and others. No briefs were filed in opposition to the County's motion.

Filed in the U.S. District Court for the Northern District of California, the lawsuit names President Trump and a number of Administration officials. A nationwide injunction would prohibit the Trump Administration from withholding federal funds from any of the states, cities, and counties targeted under the Executive Order.

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