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Federal Appeals Court Rules President’s “Sanctuary Jurisdictions” Executive Order is Unconstitutional; Bars De-Funding Anywhere in California

“Ninth Circuit Decision is a Victory for the Separation of Powers Principles at the Core of Our Nation’s Constitution”

SANTA CLARA COUNTY, CALIF. – In a forceful rebuke to the Trump Administration, the Ninth Circuit Court of Appeals today ruled that the President’s attempt to strip funding from so-called “sanctuary jurisdictions” violates the Constitution. The ruling permanently bars the Trump Administration from enforcing a key provision of the President’s “Sanctuary Jurisdictions” Executive Order against the County of Santa Clara or anywhere in California.

In today’s decision, the Court affirms that the Executive Order’s key provision is unconstitutional, noting: “Not only has the Administration claimed for itself Congress’s exclusive spending power, it has also attempted to coopt Congress’s power to legislate.” The Court concluded: “[T]here is no reasonable argument that the President has not exceeded his authority.”

“This is a victory for taxpayers,” said Board President Joe Simitian. “Santa Clara County taxpayers send their dollars to Washington with the reasonable expectation that those dollars will come back from the federal government to do good work here. Withholding federal funds to which folks are otherwise entitled, simply to punish or threaten jurisdictions with a different point of view, is patently unlawful.”

“The County’s diversity is our strength, and we are proud to stand firm against threats to local health and safety, no matter where they come from,” said County of Santa Clara Board of Supervisors Member Dave Cortese. “We are steadfast in our commitment to serving our community and protecting the constitutional principles underpinning our democracy.”

“Today, the Ninth Circuit joined with courts across the country in holding that the Trump Administration’s unconstitutional abuses of power cannot stand,” said County Counsel James R. Williams. “The Ninth Circuit decision is a victory for the Separation of Powers principles at the core of our Nation’s Constitution. Put simply: the President cannot use the threat of defunding as weapon to force local governments to abandon policies that make their communities safer.”

The Ninth Circuit also affirmed an injunction against implementation of the Executive Order defunding provision anywhere in California and has asked the District Court to consider additional facts regarding whether a nationwide injunction should be granted.

Background on the Case

The Executive Order, issued by President Trump on January 25, 2017, commands federal officials to designate certain state and local governments as “sanctuary jurisdictions” and to deny them federal funding or take other actions against them. With this unlawful command, the County faced the threatened loss of over \$1.7 billion in federal funding that it relies on each year to provide essential services and safety-net assistance to its residents.

The County of Santa Clara was the first jurisdiction to seek emergency relief from the Executive Order. In November 2017, the U.S. District Court for the District of Northern California issued an injunction permanently blocking implementation of the Executive Order’s key provision. The Trump Administration appealed, and counsel from the County of Santa Clara argued the appeal before the Ninth Circuit on April 11, 2018. County filings and court orders in the case, as well as amicus briefs filed in support of the County, can be found [here](#).

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About the Santa Clara County Counsel’s Office

The County Counsel serves as legal counsel to the County, its Board of Supervisors and elected officials, every County department and agency, and the County’s boards and commissions. With a staff of 190 employees, including over 90 attorneys, the Office of the County Counsel is also responsible for all civil litigation involving the County and its officers. Through its Social Justice and Impact Litigation Section, the Office litigates high-impact cases, drafts innovative local ordinances, and develops policies and programs to advance social and economic justice.

About the County of Santa Clara, California

The County of Santa Clara government serves a diverse, multi-cultural population of 1.9 million residents in Santa Clara County, the fifth largest county in California. With a \$7billion budget, more than 70 agencies/departments and 20,000 employees, the County of Santa Clara plans for the needs of a dynamic community, offers quality services, and promotes a healthy, safe and prosperous community for all. The County provides essential services including public health and environmental protection, medical services through Santa Clara Valley Medical Center (SCVMC), child and adult protection services, homelessness prevention and solutions, roads,

parks, libraries, emergency response to disasters, protection of minority communities and those under threat, access to a fair criminal justice system, and scores of other services, particularly for those members of our community in the greatest need.