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County of Santa Clara Secures Historic Decision Halting Federal Defunding of “Sanctuary Jurisdictions”

SANTA CLARA COUNTY, CALIF. – In a historic ruling issued today, U.S. District Court Judge William H. Orrick granted the County of Santa Clara’s request to temporarily enjoin President Trump and his administration from enforcing an Executive Order provision that would withdraw all federal funding from the County and jurisdictions across the country deemed “sanctuary jurisdictions.”

The County of Santa Clara was the first jurisdiction in the country to seek this emergency relief based on the immediate harms and coercion caused by the President’s January 25, 2017 Executive Order. The City and County of San Francisco subsequently sought a similar injunction.

Judge Orrick held that “the Counties have demonstrated that they are likely to succeed on the merits of their challenge to Section 9(a) of the Executive Order, that they will suffer irreparable harm absent an injunction, and that the balance of harms and public interest weigh in their favor.” He explained that “the Government’s new interpretation of the Order is not legally plausible” and granted the County’s motion for a nationwide preliminary injunction.

“The politics of fear has just suffered a major setback, thanks to Judge Orrick and our judicial branch, along with the support of cities and counties across the country,” said Dave Cortese, President of the Santa Clara County Board of Supervisors. “Millions of people across the country can continue to receive essential medical care, go to school and remain active members of their communities without fear that their local governments are being forced to work against them, rather than for them.”

“We’re fighting for the United States Constitution and we succeeded after the Trump Administration tried to do an end run around it. The court’s decision is a win for the neediest people in our nation—seniors in need of food, foster youth in need of shelter, and children who need medical care,” said Santa Clara County Supervisor Cindy Chavez. “We will continue being a welcoming, safe, and diverse community.”

Despite federal government threats of defunding, the County of Santa Clara has not changed its immigration-related policies, including those that ensure that County resources are not used for federal immigration enforcement purposes.

“Today’s decision is a historic affirmation of the U.S. Constitution’s core principles—that the President cannot usurp powers not given to him, and that the federal government cannot use federal defunding to coerce local governments into becoming federal immigration enforcers,” said County Counsel James R. Williams.

The Office of the County Counsel, joined by pro bono counsel Keker, Van Nest & Peters LLP, will seek to ensure that the temporary relief granted—obtained due to the immediate harms the County faced—is made permanent.

“This decision is a critically important step in ensuring that a constitutionally infirm Executive Order is ultimately struck down,” said Cody Harris, a partner at Keker, Van Nest & Peters.

During the hearing on the County’s motion, Judge Orrick thanked amicus participants for their involvement in the case. All fifteen amicus briefs filed, representing more than 240 individuals and entities, supported the County of Santa Clara. Amici 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; unions; law scholars, non-profit service providers, and technology companies.

The County’s lawsuit challenges the constitutionality of the Executive Order, arguing that it violates the separation of powers, the Fifth Amendment’s Due Process Clause, and the Tenth Amendment.

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