

**OFFICE OF THE COUNTY COUNSEL  
COUNTY OF SANTA CLARA**

County Government Center  
70 West Hedding Street  
East Wing, 9<sup>th</sup> Floor  
San José, California 95110-1770

(408) 299-5900  
(408) 292-7240 (FAX)



**James R. Williams  
COUNTY COUNSEL**

Greta S. Hansen  
**CHIEF ASSISTANT COUNTY COUNSEL**

Winifred Botha  
Robert M. Coelho  
Steve Mitra  
Douglas M. Press  
**ASSISTANT COUNTY COUNSEL**

**FOR IMMEDIATE RELEASE**

July 17, 2018

**Contact:**

María Leticia Gómez/Laurel Anderson  
County of Santa Clara Office of Public Affairs  
(408) 299-5119

**County of Santa Clara Intervenes in Census-Related Lawsuit to  
Protect Principle that Undocumented Residents Are “Persons”  
Under the Constitution**

**SANTA CLARA COUNTY, CALIF.** – Today, the County of Santa Clara sought permission to intervene in a federal lawsuit to defend the U.S. Census Bureau’s longstanding practice of counting *all* people, regardless of immigration status, in the United States Census. The lawsuit filed by the State of Alabama takes the shocking position that undocumented community members are not “persons” under certain constitutional provisions and should not be counted in the 2020 decennial Census. The County’s motion to intervene, joined by the City of San José and other local governments, is designed to protect basic constitutional principles of equity and representative government, as well as the roughly \$500 million in census-based funding that the County receives annually to serve all its residents.

“People are people, regardless of their immigration status,” said County of Santa Clara Board of Supervisors President Joe Simitian. “We have to push back against efforts to deprive Santa Clara County and its residents of the state and federal funding to which we are entitled and political representation commensurate with our population—our entire population.”

“The Constitution is absolutely clear—immigration status is irrelevant to whether our community members are ‘persons,’” said County Counsel James R. Williams. “Alabama’s claim that some residents are not ‘people’ flies in the face of this nation’s founding principles and evokes a dark and immoral past. Santa Clara County will not stand idly by but will fight to ensure that every person is counted.”

Alabama’s lawsuit, which was brought against the U.S. Census Bureau, seeks to prevent the Bureau from counting undocumented individuals in the 2020 decennial count of all individuals residing in the United States. Alabama claims that undocumented individuals should not be

counted because they are not “persons” within the meaning of the constitutional provisions that govern political representation and the Census. Because the Census count is used for allocation of federal funding and political representation, including allocation of representatives in the Electoral College and United States House of Representatives, a failure to count all County residents could have a profound impact on the County and its communities.

The Trump Administration has demonstrated through its policies and rhetoric that it cannot be trusted to adequately protect the rights of all people; the County’s participation therefore is essential to upholding the rights of undocumented people and the states and local jurisdictions they call home. The County’s motion seeks permission to intervene in the lawsuit to ensure that every community member who calls Santa Clara County home is counted in the critical 2020 decennial Census.

###

### **About the County of Santa Clara’s Census Efforts**

The County of Santa Clara is pursuing aggressive action to ensure a complete, accurate, and fair 2020 Census, including litigation, programmatic, and policy efforts. For example, Board of Supervisors approved an unprecedented \$1 million to launch the 2018 Local Update of Census Addresses (LUCA) effort, one of the most significant opportunities for the County of Santa Clara to ensure that every county household is on the Census Bureau’s address list to be officially counted. This is the first phase of the County’s multi-year campaign to “get out the count” for the 2020 Census.

### **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 \$7 billion 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.