

For Immediate Release  
September 14, 2017

Media Contacts:

Office of Mayor Liccardo: David Low, 408-535-4840 or Ahmad Chapman, 408-535-4857

Office of the City Attorney: Rick Doyle, 408-535-1950

## **Mayor Liccardo and City Council File Lawsuit Challenging Trump Administration's Action to Eliminate the DACA Program**

WHAT:

This morning, the City of San Jose is filing a complaint in federal court challenging the Trump Administration's Sep. 5 rescission of the Deferred Action for Childhood Arrivals (DACA) program.

This action has caused significant fear, uncertainty and impacts among approximately 800,000 Americans who were brought to this country as children and have known no other country than the U.S. In addition, to qualify for this program, these individuals had to meet stringent eligibility requirements, including educational achievement and a lack of any felony or serious misdemeanor convictions. As a result, this action affects not only DACA recipients and their families, but the very communities to which they contribute so much.

Today's lawsuit is based on the fact that the City of San Jose - and countless other jurisdictions in the state - currently employ hard-working DACA recipients to provide critical public services to our residents. The City would suffer tangible losses from the Trump Administration's actions given the significant services, work product, and taxes that these employees currently contribute to their community.

To assist the City Attorney's Office with this litigation, Cotchett, Pitre and McCarthy has generously agreed to assist with this case on a pro-bono basis.

A copy of the legal complaint is available here: <http://www.sanjoseca.gov/DocumentCenter/View/71688>

WHO:

- Mayor Sam Liccardo and members of the City Council
- City Manager Norberto Duenas & Members of the City Administration
- Nora Frimann, Assistant City Attorney
- Nancy L. Fineman, Cotchett, Pitre & McCarthy, LLP
- Representatives of various community organizations

WHEN:

Thursday, September 14, 2017 @ 10:00 a.m.

WHERE:

Outside of the Robert F. Peckham Federal Building & U. S. Courthouse  
280 South 1st Street, San Jose, CA 95113

*Note: The event will take place in front of the flagstands on the 1<sup>st</sup> Street side of the building.*

*Transcript of Mayor Liccardo's Remarks during the Sep. 14 Press Conference Announcing the City of San Jose's legal challenge to the Trump Administration*

Good morning, everyone.

We're just a few steps away from a sculpture by Ruth Asawa. The sculpture is called the Japanese-American internment memorial which was commissioned to remind us of the horrors of the past and of the imperative to robustly invoke our constitution to protect the civil rights of all. This memorial depicts scenes of families torn apart, of children being told by their government to leave the only home they've ever known. It has been written this sculpture offers us all a lesson in the human price of hatred.

Today, we call upon our better angels and on the wisdom of our forbearers who created our great constitution to demand an America that lives up to American ideals.

I'm honored today to be joined by several of my colleagues including: Councilmember Khamis; Councilmember Arenas; and many representatives of the community, including Richard Konda of the Asian Law Alliance; senior officials from our Mexican Consulate; Councilmember Chappie Jones; our City Manager, Norberto Dueñas; the head of our Office of Immigrant Affairs, Zulma Maciel; our City Attorney, Rick Doyle; and Nancy Fineman, who I'll introduce in just a moment, and many other members of the community.

Together, we agree that the City of San Jose must stand together to protect our DREAMers and we must stand together to protect the American Dream.

For that reason, this morning, we have filed a lawsuit against Donald Trump and the Trump Administration. We're declaring unequivocally to the tens of thousands of DREAMers in our city that "we've got your back."

Among those DACA recipients are some of our nation's best and brightest people. They are high-achieving students, they're innovative tech entrepreneurs, and they're teachers and nurses serving our community. According to the Center for American Progress, some 96% of DREAMers are enrolled in school or working. They're building and sustaining America, while they're giving new life to the American Dream.

Of particular relevance to our lawsuit, those DACA recipients include public servants in our own City Hall – providing public safety and other critical services to our community. They all deserve our support and they deserve our nation's welcome.

By rescinding DACA, the Trump administration has violated the equal protection clause of the 5<sup>th</sup> amendment and other federal laws, and it has pulled the rug out from under the dreams and noble aspirations of 800,000 of our country's young men and women.

Now, some 18 states and the District of Columbia have already filed suits, so why should the City of San Jose be the first city in the nation to do so? Well, the City of San Jose has been uniquely and directly harmed by this Administration's unconstitutional actions in at least 2 ways.

First, we know from recent studies that some 69% of DACA recipients indicated that they're able to substantially increase their wages as a result of DACA enrollment. A more prosperous community is one that provides more revenues to sustain basic city services, such as police, street repair, and libraries and [needs] less in costly public services.

Second, the City's own workforce is harmed by this rescission – imperiling the ability of these city employees to lawfully continue to serve our community in critical functions. Our city residents directly

suffer, because they lose critical services at a time when we're already stretched thin with hundreds of vacancies at City Hall.

I'd like to thank Nora Frimann and Rick Doyle from our City Attorney's Office for their efforts and counsel, and I'd like to thank the extraordinary work of Nancy Fineman and Joe Cotchett, from the law firm of Cotchett, Pitre, and McCarthy.

We've enlisted the very finest attorneys in the nation to litigate this case, and they have graciously and generously expressed a willingness to take this important case pro bono – in other words this lawsuit will come at no cost to San Jose taxpayers.

Mr. Doyle and Ms. Feinman are here to answer any questions you might have about the legal issues here at stake and subsequently all my colleagues and all the community members here and I are happy to respond to any questions you might have individually.

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