

CPM Client City of Richmond Files Lawsuit Against President Trump's "Sanctuary Jurisdictions" Executive Order

2017

The City of Richmond has filed a lawsuit today in the Federal District Court in San Francisco against President **Donald Trump**, Attorney General **Jeff Sessions**, and Secretary of Homeland Security **John Kelly**, seeking to have declared unconstitutional an Executive Order issued by President Trump concerning "Sanctuary Jurisdictions." The lawsuit alleges that Executive Order 13768, issued on January 25, 2017, is an unconstitutional action by the President as it provides unfettered discretion to the Attorney General and Secretary of Homeland Security to take away all federal funds from "sanctuary jurisdictions" which they believe do not follow federal immigration law. The suit alleges that the President does not have authority under the Constitution or any Congressional act to restrict federal funds based on such an Executive Order.

The Executive Order does not define "sanctuary jurisdictions" and while there are many cities that have been referred to as "sanctuary cities," there is no definition of either term. Under the vague and far-reaching language of the Executive Order, Richmond could lose federal funds without having violated any federal immigration policy.

Richmond's Mayor, Tom Butt, stated on behalf of the City Council:

"Over 25 years ago, the Richmond City Council enacted an ordinance as a result of immigration raids by federal officers by setting forth a procedure for Richmond police to respond to requests for information by federal immigration authorities. We are confident that the policies we have put in place to promote a community policing culture comply with all federal laws. The statements by the Trump administration suggest that Richmond

Attorneys

Joseph W. Cotchett

Practice Areas

Municipal & Public Entity
Litigation

CPM CLIENT CITY OF RICHMOND FILES LAWSUIT AGAINST PRESIDENT TRUMP'S "SANCTUARY JURISDICTIONS" EXECUTIVE ORDER

will be targeted for protecting our residents. The President's harmful approach is based on fear and we will not allow intimidation to disrupt our commitment to our residents and their safety."

Police Chief Allwyn Brown added:

"Richmond uses the proven effective community policing model which recognizes that everyone is safer when there is trust and free interaction between the police and its residents. All residents, no matter their immigration status, should be able to report crimes and assist in criminal investigations without fear that their immigration status will also be investigated. Our community is safer when there is that trust. The Executive Order increases fear in the immigrant community and makes it harder for the police to protect the public."

Joseph W. Cotchett of Cotchett, Pitre & McCarthy, one of Richmond's lawyers, said:

"The Executive Order is an unprecedented attempt by the President to use power that is clearly unconstitutional. Under the Tenth Amendment, cities have the right to make policy decisions on how they handle their hard working, law-abiding residents. The President cannot coerce cities through the threat of the loss of federal funds guaranteed to them by laws set by the Congress."

The lawsuit seeks to have the Executive Order declared unconstitutional and seeks to enjoin any enforcement of the Executive Order. Joining Cotchett from the firm is **Nancy Fineman**, **Alexandra Summer**, and **Camilo Artiga-Purcell**, along with the City Attorney, **Bruce Goodmiller** and Assistant City Attorney, **Rachel Sommovilla**.