



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NORA FRIMANN,
City Attorney

SUBJECT: *Amicus Curiae Brief in Newsom v. Trump*

DATE: September 8, 2025

RECOMMENDATION

Retroactively authorize the City Attorney to join in an Amicus Curiae brief drafted by the Public Rights Project on behalf of local government entities in support of Plaintiffs in *Newsom v. Trump*. (Case No. 25-3727 [U.S. Court of Appeal for the Ninth Circuit].)

The amicus brief supports California's effort to protect the state from the unlawful deployment of the National Guard in Los Angeles.

BACKGROUND

Newsom v. Trump is a case brought by Governor Newsom to challenge the legality of the deployment of the National Guard and U.S. Marines to Los Angeles.

The District Court granted a temporary restraining order enjoining this deployment. The federal government filed an appeal and has asked the Court of Appeal to stay the restraining order. Governor Newsom and Amicus Curiae request the Court of Appeal to deny the stay.

The Amicus brief focuses on arguments under the Tenth Amendment of the U.S. Constitution. It also argues that deployment of military to police local protests interferes with local governments' ability to safely and effectively respond to those protests. Local law enforcement have established protocols, developed over years of experience with community input, for facilitating First Amendment activities.

ANALYSIS

The arguments made in the Amicus brief are consistent with the City's law enforcement practices and with the interest of our community.

September 8, 2025

Subject: Amicus Curiae Brief in *Newsom v. Trump*

Page 2

PUBLIC OUTREACH

This memorandum will be posted on the City's website for the September 9, 2025 agenda.

CEQA

Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.

By: /s/ Nora Frimann
NORA FRIMANN
City Attorney

cc: Jennifer Maguire, City Manager

For questions, please contact NORA FRIMANN, City Attorney, at (408) 535-1900.