No. 18-16496

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA

Plaintiff-Appellant,

v.

STATE OF CALIFORNIA, et al.

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of California, No. 2:18-cv-490

BRIEF OF THE CALIFORNIA PARTNERSHIP TO END DOMESTIC VIOLENCE, THE COALITION FOR HUMANE IMMIGRANT RIGHTS, AND 74 OTHER ORGANIZATIONS AS *AMICI CURIAE* IN SUPPORT OF CALIFORNIA

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1 and Local Rule 26.1, amicus curiae the National Immigrant Justice Center states that its parent organization is the Heartland Alliance. Amicus Empowering Pacific Islander Communities states that its parent organization is Asian Americans Advancing Justice Los Angeles. The remaining amici curiae do not have parent corporations.

No publicly held corporation owns 10 percent or more of any stake or stock in any of the amici curiae.

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INTEREST OF AMICI CURIAE

Amici are organizations that serve immigrant communities in California and across the country. *See* Addendum (list of amici curiae).[1] Over the last two years, these communities have been the target of a relentless campaign by the Executive Branch to force state and local police to help detain and deport immigrants. This lawsuit is a part of that campaign, as it seeks to commandeer thousands of state officers to help carry out the federal government's increasingly severe deportation policies.

These efforts threaten deep harm to the constitutional division of power between the federal government and the States—a division whose "principal benefit" is "to ensure the protection of our fundamental liberties." *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991) (quotation marks omitted). Amici therefore submit this brief (1) to offer additional reasons that Congress has not taken the grave step of forcing States to let their own officers participate in the federal deportation regime, and (2) to explain that any attempt to do so would violate three decades of anti-commandeering law.

[1] All parties have consented in writing to the filing of this brief. Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), the undersigned counsel certifies that counsel for amici authored this brief in whole, and that no person other than amici curiae contributed money to preparing or submitting this brief.

INTRODUCTION

This suit attempts to commandeer the State of California's resources to enforce federal immigration law, in violation of the structural federalism principles enshrined in the Constitution.

The United States claims that Congress has commanded the States to transfer physical custody of state inmates to the Department of Homeland Security ("DHS"), and to inform DHS agents of local residents' addresses and release dates. Amici agree with California that Congress has not issued those commands, either expressly in 8 U.S.C. § 1373, or impliedly in the statutes that set out DHS's duties. Below, amici briefly provide four additional reasons why the United States' implied preemption claims against the California Values Act must fail on their own terms. But this brief primarily focuses on a different question: whether, if Congress *had* issued such commands, the States could constitutionally be required to follow them.

They cannot. As the Supreme Court has repeatedly made clear over the last three decades, Congress cannot issue direct orders to the States, force them to help administer a federal program, or prevent them from regulating the duties of their own officers. Congress can only regulate private parties directly, and displace contrary state regulations of private parties. The preemption claims in this case would squarely violate these principles.

The United States tries but fails to identify reasons to depart from these well-settled Tenth Amendment principles. First, it argues that 8 U.S.C. § 1373 and its obstacle theories are valid examples of preemption, because they are "part of" a broader scheme that regulates private parties. But the commands it would impose are directed at States only, and the Supreme Court has repeatedly struck down statutes that forced States to participate in a broader federal scheme. Second, it claims that Congress can order States to facilitate the on-the-ground administration of a federal program as long as the orders involve disclosing information. But no court has adopted that sweeping exception, which runs contrary to the anti-commandeering rule and the ends it serves. Third, it asserts that Congress could have interrupted state criminal detention of immigrants, and because it refrained from doing so, it can issue any commands it wants. Every aspect of that bizarre theory, which turns federalism principles on their head, is wrong.

ARGUMENT

I. The California Values Act Is Not Impliedly Preempted.

Amici agree with California that the Values Act is not preempted, because a State does not obstruct federal enforcement simply by declining to lend its own assistance. Cal. Br. 29-34. There are several additional reasons to reject the United States' implied preemption claim. Each one is a sufficient basis to affirm.

First, implied preemption in this context would violate the rule that federal intrusions into core state prerogatives require "unmistakably clear" textual statements. *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991). The intrusion here would be profound, because it would prevent the State from regulating whether its own law enforcement officers participate in a federal program. *See Bond v. United States*, 572 U.S. 844, 858 (2014); *Koog v. United States*, 79 F.3d 452, 460 (5th Cir. 1996). Congress must therefore be "explicit" if it wants to "readjust the balance of state and national authority." *Gregory*, 501 U.S. at 460 (citation and alteration omitted).

That principle forecloses the United States' argument that Congress can *silently*, through implication only, sever the States' control over their own police and prevent the States from opting out of a federal program. Courts do "not simply infer this sort of congressional intrusion." *City of Abilene v. FCC*, 164 F.3d 49, 52 (D.C. Cir. 1999). With no preemptive statement at all—as the United States' implied preemption theory assumes—there is no assurance that Congress "has in fact faced" the gravity of interfering so profoundly with the "substantial sovereign powers" of the States. *Gregory*, 501 U.S. at 461 (citation omitted).

Second, even if implied preemption were possible here, § 1373 forecloses any attempt to impose implied preemption beyond that statute's own scope. A narrow express preemption statute like § 1373 is "powerful evidence" against

implied preemption, because it shows that Congress has already decided which state laws "posed an obstacle to its objectives." *Wyeth v. Levine*, 555 U.S. 555, 574-75 (2009) (rejecting obstacle preemption on this basis). Fully cognizant of DHS's statutory duties, Congress chose only to prohibit state policies that limit the sharing of "citizenship or immigration status" information. 8 U.S.C. § 1373(a). And Congress has consistently refused to go further, rejecting numerous proposals to expand § 1373. The case for implied preemption is therefore "particularly weak" here. *Wyeth*, 555 U.S. at 575 (quotation marks omitted). Whatever its constitutionality, *see infra* Part II, § 1373's intentional narrowness "creates a 'reasonable inference' that Congress did not intend to preempt state . . . laws that do not fall within [its] scope." *Atay v. Cty. of Maui*, 842 F.3d 688, 704 (9th Cir. 2016) (quoting *Freightliner Co. v. Myrick*, 514 U.S. 280, 288 (1995)).

Third, the main scenario the United States asserts to establish obstacle preemption never actually occurs in practice. It claims that DHS needs to know people's release dates because the release date triggers a 90-day window in which the person must be detained and removed. U.S. Br. 37. But a person's release from state custody only triggers that 90-day period when the person receives a final removal order *while in state custody*, 8 U.S.C. § 1231(a)(1)(B), and that never happens in California jails. *See* Dep't of Justice, *Institutional Hearing Program*, at 2 (2018) (showing no state or local jails in California with an in-custody removal

program), https://bit.ly/2rfubHM. Thus, the release of prisoners from California jails never triggers the 90-day removal period that is the crux of the United States' implied preemption claim. This means that the primary obstacle it identifies does not actually exist in practice.

Fourth, criminal enforcement by States does not "impair the exercise of the parallel [immigration] scheme." U.S. Br. 42, 44. Exactly the opposite: State criminal enforcement *facilitates* DHS's work in multiple ways. Many noncitizens are only deportable in the first place because a State has prosecuted and convicted them of a deportable offense. *See* 8 U.S.C. § 1227(a)(2). And for decades, federal immigration authorities have actively and purposefully sought to *use* the States' criminal justice systems to identify and arrest noncitizens. For example, through the Criminal Alien Program, DHS agents monitor nearly all inmates in state and local jails to identify individuals who may be deportable.[2] Likewise, through a program called Secure Communities, DHS automatically receives the fingerprints of every person in the country who gets booked into state or local custody.

DHS itself calls these programs a "force-multiplier" that allow it to "leverage" state and local law enforcement nationwide.[3] Indeed, these programs

[2] *See* American Immigration Council, *The Criminal Alien Program: Immigration Enforcement in Prisons and Jails*, at 5 (Aug. 2013), https://bit.ly/2JTlUl9.

[3] Dep't of Homeland Security, Press Release, *Secretary Napolitano and ICE Assistant Secretary Morton Announce That the Secure Communities Initiative Identified More Than 111,000 Criminal Aliens in Its First Year* (Nov. 12, 2009),

are what allow DHS to learn about removable noncitizens in the first place. In other words, without the State "asserting criminal custody," DHS typically would not know about the person at all, at least not the person's location. U.S. Br. 42. Having thus leveraged state criminal enforcement for decades, the United States cannot suddenly turn around and conscript state police based on the disingenuous premise that their work somehow *hinders* immigration enforcement.

II. The Tenth Amendment Forecloses All of the United States' Express and Implied Preemption Claims.

1. At the heart of the United States' claims is a fundamental misunderstanding of the constitutional relationship between the federal government and the States. It argues that our "system of two sovereignties requires a spirit of reciprocal comity and mutual assistance." U.S. Br. 41 (quotations and alterations omitted). That spirit, it asserts, means Congress can force the States to offer "a basic level of cooperation" to help enforce federal law. U.S. Br. 36. The Supreme Court has rejected that view.

As the Court has explained across numerous cases, the Constitution reflects a "fundamental structural decision" to "withhold from Congress the power to issue orders directly to the States." *Murphy v. NCAA*, 138 S. Ct. 1461, 1475 (2018). The Framers made that decision as a way to "enhance[] freedom . . . by protecting the people" from the arbitrary action of either government. *Bond v. United States*,

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https://bit.ly/2DamgCB.

564 U.S. 211, 221-22 (2011). Federalism thus "secures to citizens the liberties that derive from the diffusion of sovereign power." *Nat'l Fed. of Indep. Bus. v. Sebelius* (*NFIB*), 567 U.S. 519, 536 (2012) (quoting *New York v. United States*, 505 U.S. 144, 181 (1992)).

Congress may not issue commands to the States in any form, because of a basic structural fact: That power is "conspicuously absent from the list of powers given to Congress." *Murphy*, 138 S. Ct. at 1476. Congress thus cannot order States to enact or administer a regulatory program. *See New York*, 505 U.S. at 176-77; *Printz v. United States*, 521 U.S. 898, 909-10 (1997). And it cannot order them to "*refrain* from enacting state law" either. *Murphy*, 138 S. Ct. at 1478 (emphasis added); *see id.* (the distinction between commands and prohibitions is "empty").

This principle guarantees States the ability to "decline to administer [a] federal program." *New York*, 505 U.S. at 176-77. A long line of cases has made absolutely clear that States cannot be denied this "critical alternative." *Id.*; *see NFIB*, 567 U.S. at 587 (Tenth Amendment ensures that States "may choose not to participate" in a federal program); *Printz*, 521 U.S. at 909-10 (States may "refuse[] to comply with [a] request" to help administer federal law). Simply put, the States can opt out of federal programs.

Thus, there is no merit to the United States' assertion that Congress can demand "cooperation" in the name of "mutual assistance." To the contrary, the

essence of the anti-commandeering cases is that States have *no* obligation to help federal agencies administer federal regulatory programs. In case after case, the Supreme Court has held that when Congress invites the States to implement a federal program, States retain the absolute "prerogative to reject Congress's desired policy, not merely in theory but in fact." *NFIB*, 567 U.S. at 581 (quotation marks omitted); *see id.* at 578 (Congress cannot take away this prerogative "directly" or "indirectly").

This rule applies "categorically." *Printz*, 521 U.S. at 933. It does not matter if the federal government has a strong interest in the subject. "No matter how powerful the federal interest involved," Congress simply cannot prohibit States from opting out of a federal program. *New York*, 505 U.S. at 178; *see Printz*, 521 U.S. at 932. Nor does it matter if the burden placed on the States is relatively light. *See* U.S. Br. 36 (demanding "a basic level of cooperation"). "It is the very *principle* of separate state sovereignty that such a law offends, and no comparative assessment of the various interests can overcome that fundamental defect." *Printz*, 521 U.S. at 932 (striking down statute even though it "place[d] a minimal and only temporary burden upon state officers").

Of course, Congress can give States the *option* of helping administer federal law. Where States have a real choice, such an arrangement enhances federalism values. Thus, Congress can offer federal funds in exchange for States' agreement

to implement federal policy. *See New York*, 505 U.S. at 167. Or it can enact a federal regulatory scheme and then "offer[] States the choice of either implementing the federal program" or letting federal officials implement it. *Murphy*, 138 S. Ct. at 1479 (quoting *Hodel v. Va. Surface Mining & Reclamation Ass'n, Inc.*, 452 U.S. 264, 289 (1981)).[4] Both of these approaches comply with the Tenth Amendment because "the residents of the State retain the ultimate decision as to whether or not the State will comply" with federal requests. *New York*, 505 U.S. at 168.

Congress can also "evenhandedly regulate[] an activity in which both States and private actors engage," like hiring employees, or selling bonds, or selling driver data. *Murphy*, 138 S. Ct. at 1478 (citing *South Carolina v. Baker*, 485 U.S. 505 (1988); *Reno v. Condon*, 528 U.S. 141 (2000)). In other words, States typically are not exempt from generally applicable laws that apply to all employers and market participants alike. *See Garcia v. San Antonio Metro. Trans. Auth.*, 469 U.S. 528 (1985).

But what Congress plainly cannot do is force States to participate in the administration of a federal program. The Supreme Court has vigilantly enforced

[4] Congress may also regulate States through its power to enforce the Fourteenth Amendment, *see* U.S. Const. amend. XIV, § 2; through its "unique" Elections Clause authority, *Gonzalez v. Arizona*, 677 F.3d 383, 391 (9th Cir. 2012) (en banc), *aff'd*, 570 U.S. 1 (2013); and through its ability to create causes of action that state courts must hear, *see Printz*, 521 U.S. at 929. But none of those powers is at issue in this case.

that principle because it is essential to the basic purposes of our Constitution's federalist structure. States' ability to opt out of federal programs "serves as 'one of the Constitution's structural protections of liberty'" by denying Congress the ability to conscript thousands of state officers into its regulatory machinery. *Murphy*, 138 S. Ct. 1461 (quoting *Printz*, 521 U.S. at 921). It "promotes political accountability" by ensuring that state officials can follow their constituents' desire to withdraw from federal programs. *Id.* And it "prevents Congress from shifting the costs of regulation to the States." *Id.*

2. These well-established Tenth Amendment principles foreclose the United States' preemption claims in this case.

The United States claims that Congress has ordered States to let their officers help enforce immigration law, both by physically transferring custody of non-citizens, and by disclosing non-citizens' addresses and release dates so that DHS can arrest them. U.S. Br. 37, 38, 44, 46. The United States claims to locate these requirements either explicitly in 8 U.S.C. § 1373, or implicitly in the statutes that lay out DHS's enforcement duties.

That is exactly what *Murphy*, *NFIB*, *New York*, and *Printz* rejected: Section 1373 "command[s] state legislatures to . . . refrain from enacting state law" or setting policies for individual officers. *Murphy*, 138 S. Ct. at 1479; *see* 8 U.S.C. § 1373(a) (States "may not prohibit, or in any way restrict, any government entity or

official from" disclosing certain information to DHS).[5] In doing so, it denies States the "critical alternative" of "declin[ing] to administer" the federal immigration scheme. *New York*, 505 U.S. at 177. The same is true of the United States' implied preemption theories, which would "requir[e] that States take the steps necessary" to physically "transfer[] aliens in their criminal custody to federal immigration officials." U.S. Br. 44, 38.

There is no real question that these are "direct orders to the governments of the States." *Murphy*, 138 S. Ct. at 1476. They would force States to play an "integral" role (U.S. Br. 20) in the "actual administration of a federal program." *Printz*, 521 U.S. at 918. And they would mean that States could not "decline to participate" in the federal immigration scheme, in violation of States' "prerogative to reject Congress's desired policy." *NFIB*, 567 U.S. at 587, 581. Three decades of Supreme Court precedent has shut the door on that kind of conscription.

It makes no difference whether these commands are framed as affirmative mandates or negative prohibitions. As *Murphy* explained, that "distinction" is

[5] The scope of § 1373 is, of course, a central issue in this case. And if the Court concludes that it does not encompass release dates and addresses—as every federal court to address the issue has concluded—then it need not address § 1373's constitutionality. *See San Francisco v. Sessions*, 2018 WL 4859528, at *28 (Oct. 5, 2018); *City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 331 (E.D. Pa. 2018), *appeal pending* No. 18-2648; *Steinle v. San Francisco*, 230 F. Supp. 3d 994, 1015 (N.D. Cal. 2017), *appeal pending* No. 17-16283. Amici agree with those courts. But for the reasons explained in this brief, § 1373 is unconstitutional in either event—regardless of its scope, it issues *some* command to the States to help administer immigration law.

"empty," and the "basic principle—that Congress cannot issue direct orders to state legislatures—applies in either event." *Murphy*, 138 S. Ct. at 1478. It is therefore unsurprising that, since *Murphy*, every court to decide § 1373's constitutionality has struck it down. *See San Francisco*, 2018 WL 4859528, at *17; *Philadelphia*, 309 F. Supp. 3d at 330; *Chicago v. Sessions*, 321 F. Supp. 3d 855, 872 (N.D. Ill. 2018).[6]

The United States fails to meaningfully grapple with these settled anti-commandeering principles. It complains that the California Values Act "obstruct[s]" immigration enforcement. U.S. Br. 42, 45. But what it calls "obstruction" is simply the State's choice to limit its *own* participation in the federal deportation scheme—a choice that is "essential" to the "[p]reservation of the States as independent political entities," *Printz*, 521 U.S. at 919-19, and a "quintessential attribute of sovereignty," *FERC v. Mississippi*, 456 U.S. 742, 761 (1982). Indeed, the United States' complaint about California's decision to opt out would have applied equally to the sheriffs in *Printz* and the States in *NFIB*. In both cases, it was clear that when States exercised their Tenth Amendment prerogative, the federal scheme would not operate as Congress intended. *See NFIB*, 567 U.S. at

[6] The Department does not cite *City of New York v. United States*, 179 F.3d 29 (2d Cir. 1999), in which the Second Circuit upheld § 1373. Presumably this is because *City of New York*'s basic rationale was a distinction "between affirmative obligations and proscriptions," a distinction that *Murphy* explicitly rejected. *City of Chicago v. Sessions*, 321 F. Supp. 3d 855, 873 (N.D. Ill. 2018) (listing other reasons why *City of New York* is not good law).

587 (Congress "assumed that every State would participate"); *Printz*, 521 U.S. at 903-04, 931-32 (scheme could not be "efficiently administered" without state participation).

The United States also elides the accountability concerns at the heart of the anti-commandeering cases. *See NFIB*, 567 U.S. at 578; *Printz*, 521 U.S. at 930; *New York*, 505 U.S. at 169. Accountability requires "elected state officials" to "regulate in accordance with the views of the local electorate," including, crucially, by withdrawing from federal programs when the "State's citizens view federal policy as sufficiently contrary to local interests"—exactly as California's citizens have chosen. *Id.* at 168-69. Yet the United States believes it can deny them that choice and force them to volunteer their officers' assistance. It asserts that "[t]he federal government bears sole responsibility" for its deportations. U.S. Br. 45. But under its scheme, state officers would be the ones funneling their own residents into the deportation system, by transferring them to DHS for detention and removal. The United States cannot deny that their residents will blame them for that. *See infra* Part III.C.1 (citing examples of local officials being blamed). And *Printz* rejected the suggestion that accountability concerns disappear just because state officers only perform "discrete, ministerial tasks" within a scheme that federal officials otherwise administer. 521 U.S. at 929-30.

III. The United States Fails to Distinguish the Anti-Commandeering Cases.

The United States strains for a way around these clear principles. It invites the Court to fashion three sweeping new exceptions, all of which would swallow up much of the anti-commandeering rule. These arguments are inconsistent with decades of Supreme Court precedent and must be rejected.

A. The United States Has Not Stated Any Permissible Preemption Theories.

Where Congress unconstitutionally orders the States to help administer federal law, there can be no preemption. The Supreme Court in *Murphy* clarified how "a valid preemption provision" works. 138 S. Ct. at 1479-80 (describing both "conflict" and "express" preemption). First, "Congress enacts a law that imposes restrictions or confers rights on private actors." *Id.* at 1480. Second, "a state law confers rights or imposes restrictions that conflict with the federal law, and therefore the federal law takes precedence." *Id.*

The United States' preemption theories fall outside this framework, because they would not impose any restrictions or confer any rights on any private actors. Their sole target is a "government entity or official." 8 U.S.C. § 1373(a). The California Values Act, too, is not "a state law [that] confers rights or imposes restrictions" on private actors, *Murphy*, 138 S. Ct. at 1480, because it only applies to "law enforcement agenc[ies]," Cal. Gov't Code §§ 7284.4(a), 7284.6(a). Thus,

the claims in this case would regulate only the States' agents, dictating what role they must play in the federal immigration scheme.

The United States' only response appears to be that *the INA*, overall, regulates private actors. U.S. Br. 44, 45. It contends, as it did below, that it can issue direct orders to States as long as the orders are "part of" a broader federal scheme. PI Reply, Dist. Ct. Dkt. 171, at 20-21.

That is plainly wrong and would wipe out much of the anti-commandeering doctrine. If the United States were correct, Congress could commandeer any assistance it wanted, as long as the assistance was "part of" some federal scheme. *Printz* forecloses that suggestion. There, the federal Brady Act scheme undoubtedly regulated private parties, but the Supreme Court still struck down the *specific* provision that dictated what role state officers had to play. *See Printz*, 521 U.S. at 902-03, 933; *see also Galarza v. Szalczyk*, 745 F.3d 634, 644 (3d Cir. 2014) (rejecting a command that would have been "part of" the INA's scheme for regulating individuals). In other words, the question is whether the specific provision regulates private parties, not whether the broader scheme does.

Murphy could not have been clearer on this point. For each preemption provision it described, it identified the precise private right or restriction that made the provision "valid." For instance, it explained that an alien registration statute validly preempted state law because it gave "private entities" a "federal right to be

free from" state regulations. 138 S. Ct. at 1480-81. Likewise, an airline deregulation provision was valid not simply because it was attached to a broader scheme, U.S. Br. 45, but because that specific provision "confers on private entities . . . a federal right to engage in certain conduct" without further regulation. *See* 138 S. Ct. at 1480. In each case, the provision *itself*, not just the broader scheme, applied a right or restriction to private actors.

Not so here. The United States does not even try to articulate how § 1373 can be read to apply any rights or restrictions to private actors. There is "simply no way to understand" its preemption theories "as anything other than a direct command to the States." *Id.* at 1481.

B. Congress Cannot Force States to Administer Federal Law by Providing Information.

Next, the United States asks this Court to establish a broad new exception to normal Tenth Amendment principles, under which Congress could order States to help administer a federal scheme like the INA as long as the help involves disclosing information. U.S. Br. 50. The exception it seeks is limitless, permitting Congress to order States to produce *any* information about their residents, any time, for any reason, as often as it wants. No court has ever endorsed such a rule, which cannot be squared with what the Supreme Court has said and done in the anti-commandeering cases.

1. As *Murphy* explained, the Constitution reflects a "fundamental structural decision" to *entirely* "withhold from Congress the power to issue orders directly to the States." 138 S. Ct. at 1475. That structural principle leaves no room for systematic information demands. Like all other direct orders, the power to order States to administer federal programs by providing information is "conspicuously absent from the list of powers given to Congress." *Id.* at 1476. Unsurprisingly, *Murphy* does not even hint at this supposed exception. 138 S. Ct. at 1478-79 (cataloguing other actions Congress may take without violating the Tenth Amendment).

In resisting that straightforward conclusion, the United States relies primarily on *Printz*. But *Printz* only stated, in dicta, that *some* kinds of information-disclosure provisions *might* fall outside the anti-commandeering rule, and even then, only if they did not force the States to participate in "the actual administration of a federal program." 521 U.S. at 918. The Court thus declined to resolve whether certain "purely ministerial reporting requirements" are constitutional. *Id.* at 936 (O'Connor, J., concurring). Even assuming that dictum survives *Murphy*—which is highly doubtful, in light of *Murphy*'s categorical articulation of the anti-commandeering rule and silence on any such exception—the Court in *Printz* left no question that forced information sharing violates the Tenth Amendment where it facilitates the on-the-ground, day-to-day

administration of a federal program. Indeed, *Printz* itself invalidated a law precisely because it required state officers "*to provide information* that belongs to the State" to help administer the federal Brady Act. *Id.* at 932 n.17 (emphasis added).[7]

Here, the United States seeks release dates and addresses precisely because they will facilitate the "administration of a federal program." *Printz*, 521 U.S. at 918. The government itself stresses the operational impact throughout its brief. This information alerts DHS to immigrants' "whereabouts," and then "enable[s] the federal government to" detain and deport them, by facilitating "the seamless transfer of custody." U.S. Br. 19, 43, 50. The United States' position would thus force state and local officers to play an "integral" part in DHS's enforcement operations, directly participating in thousands of arrests each year. U.S. Br. 20.

That kind of conscription cannot be squared with any of the important purposes underpinning the anti-commandeering rule.

First and foremost, the anti-commandeering rule "promotes political accountability." *Murphy*, 138 S. Ct. at 1477. As described above, accountability

[7] The United States also suggests in passing that *Reno v. Condon* recognized a sweeping Tenth Amendment carve-out. U.S. Br. 50. But *Condon* did not mention any rule about information mandates, nor did it even identify any statutory mandate to send information to federal agents. Instead, as noted above, *Condon* upheld a "generally applicable law," 528 U.S. at 150-51, because the law "applied equally to state and private actors," *Murphy*, 138 S. Ct. at 1478-79; *see Philadelphia*, 309 F. Supp. 3d at 330 (rejecting the Department's identical argument about *Condon*); *San Francisco*, 2018 WL 4859528, at *14 (same); *Chicago*, 321 F. Supp. 3d at 869 (same).

requires that "state governments remain responsive to the local electorate's preferences," especially when the electorate does not want its officers administering a federal program. *New York*, 505 U.S. at 168. Congress "diminishe[s]" political accountability *whenever* it "compels States" to help administer a program, *regardless* of what kind of assistance it compels. *Id.* at 168-69. Whether California arrests immigrants itself or provides the information that allows ICE to, its residents will understand that their own government—against their wishes—is facilitating the deportation of their family, friends, and neighbors. *See, e.g.*, *Group Rallies Against Deportation in Front of Alameda County Building*, Mercury News, Nov. 19, 2015 (sheriff blamed for facilitating ICE policies by sharing information), https://bayareane.ws/2wbh6o4; Jeff Gammage, *Protesters Demand Philadelphia Stop Sharing Arrest Info with ICE*, Phila. Inquirer, July 5, 2018 (mayor), https://bit.ly/2CrB9Ri. By forcing either kind of assistance, Congress would ensure that local officials "will be blamed for" the "burdensomeness" and "defects" of federal deportation policies. *Printz*, 521 U.S. at 930.

Second, the anti-commandeering rule ensures the accountability of *federal* officials by making them justify "the costs of regulation" to their constituents. *Murphy*, 138 S. Ct. at 1477. But under the United States' proposed exception, DHS could use information from local police officers to "expand the scope of

federal regulation" of immigrants—or anyone else—without having to expend federal resources. Ernest A. Young, *Two Cheers for Process Federalism*, 46 Vill. L. Rev. 1349, 1360 (2001) (cited in *Murphy*, 138 S. Ct. at 1477). Instead of asking their "constituents to pay" for more federal officers "with higher taxes," federal officials could simply pass the financial and political costs onto state and local officials. *Printz*, 521 U.S. at 930.

Third, the anti-commandeering rule is meant to "reduce the risk of tyranny and abuse" by preventing the "accumulation of excessive power." *Printz*, 521 U.S. at 921 (quotation marks omitted); *see Murphy*, 138 S. Ct. at 1477. Yet in the United States' view, Congress and agencies like ICE could conscript and deploy thousands of local officers every day to help monitor local residents and facilitate their arrest and punishment. This would "immeasurably" expand Congress's power, allowing it to "impress into its service—and at no cost to itself—the police officers of the 50 States." *Printz*, 521 U.S. at 922. Congress could force sheriffs to help ATF enforce federal gun laws by reporting gun owners' real-time "whereabouts" and "activities." U.S. Br. 50. It could force public health agencies to disclose all of their patients' medical records on an ongoing basis to help enforce drug laws. The possibilities are endless and alarming. Conscripting States to report this information would thus threaten "perhaps the principal benefit of the

federalist system," which is "to ensure the protection of our fundamental liberties." *Gregory*, 501 U.S. at 458 (quotation marks omitted).

2. Before the district court, the United States pointed to other federal statutes and argued that they support a Tenth Amendment carve-out for information-disclosure commands. They do not. None of its examples remotely resembles a system of state officers performing daily services for immigration agents.

Many of the statutes it has cited impose no obligations at all; States are free to opt out.[8] Such voluntary arrangements do not constitute commands. Others are in reality funding conditions, not direct orders.[9] As noted above, federalism allows Congress to place certain conditions on funding. *See NFIB*, 567 U.S. at 576-77. Thus, the majority of the statutes the United States has cited indicate nothing at all about Congress's asserted authority to issue commands to the States.

[8] *See, e.g.*, 54 Stat. 401 (1940) (directing federal agency to collect data, without imposing any state or local obligation); 17 Stat. 466 (1873) (same); 42 U.S.C. § 11133(b) (state medical boards can choose not to report, in which case another reporting agency would take their place, *see id.* § 11133(c)(2)); 42 U.S.C. § 14072(g)(4) (repealed statute, under which States could opt out of reporting by declining to implement a qualifying "sex offender registration program," *see id.* § 14072(a)(3)); Pub. L. No. 91-452, § 806 (gambling commission statute "does *not* require states to provide any information," *Philadelphia*, 309 F. Supp. 3d at 331 n.10).

[9] *See, e.g.*, 23 U.S.C. § 402(a) ("conditioning States' receipt of federal funds for highway safety program on compliance with federal requirements," *Printz*, 521 U.S. at 936 (O'Connor, J., concurring)); 20 U.S.C. § 4013 (information submitted as part of application for federal funds, *see id.* § 4014).

The few other statutes the government has identified are so different from the commands at issue here that they cannot support its claim. These statutes impose "purely ministerial reporting requirements," *Printz*, 521 U.S. at 936 (O'Connor, J., concurring), serving only academic and record-keeping purposes.[10] They do not facilitate the federal government's on-the-ground implementation of any federal regulatory program, and therefore they do not force state officials to "tak[e] the blame" for the "defects" of any federal program. *Id.* at 930.

Accordingly, the few cases upholding such ministerial reporting requirements have underscored that they do not actually "require state officials to assist in the enforcement of federal statutes." *Freilich v. Upper Chesapeake Health*, 313 F.3d 205, 213-14 (4th Cir. 2002) (explaining that the statute merely asked States to "forward[] . . . information to a federal data bank") (quotation marks omitted); *United States v. Brown*, 2007 WL 4372829, at *5 (S.D.N.Y. Dec. 12, 2007) (repealed requirement to forward information to "a national database").[11] Such statutes, assuming they survive *Murphy*, would not support the operational commandeering the United States seeks to impose here.[12]

[10] *See* 34 U.S.C. § 41307 (missing children data in support of "annual statistical summary"); 15 U.S.C. § 2224 (information collected for FEMA publication).

[11] Moreover, the statutes in *Freilich* and *Brown* allowed States to opt out of reporting entirely. *See supra* note 8 (addressing 42 U.S.C. §§ 11133(b), 14072(g)(4)).

[12] In contrast to this case, 52 U.S.C. § 20701, *et seq.*—which address records about federal elections—stem from the "unusual" structure of the Elections Clause, which requires States to administer federal elections subject to "the exclusive

In any event, even if the United States could identify a statutory directive to facilitate federal enforcement by disclosing information, it would not mean that such directives are constitutionally permissible. Indeed, *Printz* rejected an identical argument, striking down the Brady Act's background check provision even assuming the United States could identify "a number of federal statutes" that asserted "the very same congressional power." 521 U.S. at 917-18. As the Court explained, the mere existence of such statutes is not "probative" of their constitutionality, especially when they were enacted "within the past few decades." *Id.*; *see also NLRB v. Noel Canning*, 134 S. Ct. 2550, 2567 (2014) (a "few scattered . . . anomalies" are not probative of constitutionality). The same is true here. Almost every statute the United States has identified was enacted in the same few decades as the statutes that *Printz* disregarded.

Finally, the United States argued below that federal courts' power to issue subpoenas means that Congress, too, can order States to provide any information it wants. That is wrong. Courts can issue orders of *all kinds*, not just orders for information, because their Article III power to enforce federal law "presupposes some authority to order state officials to comply." *New York*, 505 U.S. at 179. Courts' ability to subpoena information thus flows from the Constitution's explicit

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control of Congress." *Gonzalez*, 677 F.3d at 390-91. "[U]nlike virtually all other provisions of the Constitution, the Elections Clause gives Congress the power to conscript state agencies to carry out federal mandates." *Id.* at 391 (quotation marks omitted).

grant of "judicial Power." *New York*, 505 U.S. at 179 (quoting U.S. Const. art. III, § 2); *see also In re Cohen*, 62 F.3d 249, 251 (2d Cir. 1932) (explaining that subpoenas are simply the way courts "investigat[e] violations of federal statutes"). The same is true of grand juries. *See Standley v. DOJ*, 835 F.2d 216, 218 (9th Cir. 1987) ("A grand jury is an arm of the judicial branch of government."). Critically, "[t]he Constitution contains no analogous grant of authority to Congress," *id.*, and in fact purposely "withhold[s] from Congress the power to issue orders directly to the States," *Murphy*, 138 S. Ct. at 1475.[13]

C. The United States Cannot Identify a Valid "Cooperative Federalism" Program.

Unable to identify any permissible basis to command state assistance, the United States makes a desperate attempt to fit its claims within the "cooperative federalism" framework of *Hodel*. *See Murphy*, 138 S. Ct. at 1479 (describing *Hodel* scheme as "cooperative federalism"). It argues that "Congress could have provided" that DHS would forcibly enter state jails and prisons to remove immigrants, but because Congress refrained from enacting that hypothetical

[13] The Department has also pointed out that some agencies can issue subpoenas to regulated parties, including States. These are unproblematic insofar as they apply to "activit[ies] in which both States and private actors engage"—such as when the EEOC investigates a public employer. *Murphy*, 138 S. Ct. at 1478. But there is no reason to think an agency could lawfully use subpoenas to conscript States to participate in the daily administration of a federal program. That is exactly what the Tenth Amendment forbids.

statute, Congress can command States to provide a "seamless transfer of custody of aliens to federal officers." U.S. Br. 44-45, 43.

That argument fails at every turn: The commands it envisions are exactly the opposite of the voluntary scheme the Supreme Court approved in *Hodel*. The anti-commandeering rule would be a nullity if Congress could issue direct orders simply by pointing to a hypothetical preemption statute it could have but did not enact. And even if that were enough, Congress could not enact the unprecedented intrusion the United States hypothesizes.

1. This case involves nothing like the scheme in *Hodel*. There, Congress had enacted a comprehensive scheme to regulate surface mining nationwide, and created a new federal agency to administer it. *Hodel v. Va. Surface Mining & Recl. Ass'n*, 452 U.S. 264, 268-69 (1981). States had no obligation to participate, but if they wanted to, they could help administer the scheme subject to federal standards. As *Murphy* explained, this arrangement did not run afoul of the Tenth Amendment because the States were free to opt out entirely—"the federal law *allowed* but did not *require* the States to implement [the] federal program." 138 S. Ct. at 1479. And if a State chose not to help regulate surface mining, "the full regulatory burden would be borne by the Federal Government." *Id.* (quotation marks and alteration omitted); *see New York*, 505 U.S. at 168.

Here, in contrast, the United States cannot identify any federal program where a State has the option of either implementing the program itself or yielding to federal administration. Congress obviously has not enacted a general *criminal* scheme, so a State could not "choose to have the Federal Government . . . bear the expense" of punishing ordinary crimes. *Id.*; *see also United States v. Morrison*, 529 U.S. 598, 618-19 (2000) (Congress could not enact such a scheme). As for the federal immigration scheme, the United States' core claim is that States *must* let their officers participate—that they have *no* option for opting out altogether. That is the opposite of a valid *Hodel* scheme, where States can decline "to participate . . . in any manner whatsoever." *Murphy*, 138 S. Ct. at 1479.

2. Far from the "comprehensive[]" and voluntary scheme in *Hodel*, the United States has merely hypothesized a statute Congress supposedly "could have" enacted, which would have interrupted state detention. U.S. Br. 44. But that cannot be enough to justify the commands it seeks to impose. It would eviscerate the anti-commandeering rule if Congress could issue direct orders to States anytime it wanted, just by pointing out that it could have preempted some piece of state law instead. Literally every command could be reframed as an alternative to some hypothetical impediment to state regulation that Congress "could have" imposed.

That sweeping theory cannot be squared with any of the anti-commandeering cases. *New York*, for instance, struck down a statute even though "Congress could, if it wished, pre-empt state radioactive waste regulation" altogether. 505 U.S. at 160. Likewise, in *NFIB*, Congress's ability to preempt state healthcare laws did not allow it to command States to participate in the federal scheme. And in *Printz*, Congress's ability to preempt state gun laws, *see, e.g.*, 15 U.S.C. § 7902, did not allow it to issue direct commands to help enforce a federal gun-control scheme. In each case, the United States could have reframed its commands, like it does here, as mere "conditions on the state's exercise of its own regulatory authority." U.S. Br. 44-45.

In the district court, the United States cited ambiguous language from *FERC* to suggest that Congress could issue commands in a field that is "pre-emptible." Whatever *FERC* meant by that, *New York* made clear that Congress cannot issue direct commands to States simply because it could have, but did not, regulate private conduct. *See New York*, 505 U.S. at 166 ("[E]ven where Congress has the authority" to preempt state law, "it lacks the power directly to compel the States" to help regulate.). And it did so over Justice White's dissent, which argued for a broad reading of *FERC*. *See id.* at 204 (White, J., concurring in part and dissenting in part). Whatever doubt remained was laid to rest by *Murphy*, where the Court counseled against reading *FERC* beyond its facts: It explained that the provision in

FERC was constitutional because it merely asked States "to *consider* Congress's preference," and it emphasized that "*FERC* was decided well before our decisions in *New York* and *Printz*." 138 S. Ct. at 1479 (emphasis added). A stray phrase in *FERC* is far too thin a reed to support the United States' attempt to write anti-commandeering doctrine out of the law.

3. Even if some hypothetical statute could justify commandeering, the United States' argument would still fail because Congress could not enact the unprecedented statute it hypothesizes. The idea that Congress could direct DHS to forcibly enter state jails and pluck inmates from their cells is utterly at odds with our constitutional system, which gives States "primary authority for defining and enforcing the criminal law." *United States v. Lopez*, 514 U.S. 549, 561 n.3 (1995) (citations omitted). In fact, the "punishment of local criminal activity" is "[p]erhaps the clearest example of traditional state authority." *Bond*, 572 U.S. at 858. Congress simply could not make this "unprecedented incursion into the criminal jurisdiction of the States," by preventing the States from enforcing any of their criminal laws against a large segment their residents. *McDonnell v. United States*, 136 S. Ct. 2355, 2374 (2016) (citation omitted).

The United States barely explains why it thinks Congress could disable States' criminal laws like that. It mentions Congress's "exclusive authority over immigration," U.S. Br. 44, but when States enforce their ordinary criminal laws

against noncitizens, they are not thereby regulating immigration. The Supreme Court long ago rejected the notion that "every state enactment which in any way deals with aliens is a regulation of immigration." *DeCanas v. Bica*, 424 U.S. 351, 355 (1976).

* * *

In sum, the government cannot escape from the Constitution's anti-commandeering principle. It seeks an injunction requiring the State to help enforce immigration law, against the wishes of the California electorate. The Tenth Amendment forbids that result.

CONCLUSION

The Court should affirm the decision below.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this document complies with the type-volume limitation set forth in Federal Rule of Appellate Procedure 29(a)(5) and Circuit Rule 32-1(a) because it contains 6,970 words, exclusive of the portions of the brief that are exempted by Rule 32(f). I certify that this document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I electronically filed the foregoing Brief of Amici Curiae with the Clerk for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. A true and correct copy of this brief has been served via the Court's CM/ECF system on all counsel of record.

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November 13, 2018

ADDENDUM – LIST OF AMICI

The **California Partnership to End Domestic Violence** is California's federally-designated State Domestic Violence Coalition, as defined under 42 U.S.C. § 10402(11). The Partnership is a non-profit member association of over 1,000 advocates, survivors, organizations, and allied groups across the State of California. All 148 service providers in the Partnership's membership serve immigrant populations. Their clients' ability to seek protection from domestic violence and other public services would be severely undermined by an injunction of the Values Act.

The **Coalition for Humane Immigrant Rights (CHIRLA)** is a non-profit corporation which has offices in Los Angeles, Porterville, San Bernardino, Sacramento, and Washington D.C. CHIRLA is a statewide immigrant rights organization with national impact, whose mission is to advance the human and civil rights of immigrants and refugees, promote harmonious multi-ethnic and multi-racial human relations, and empower immigrants and their allies to build a more just and humane society. CHIRLA was founded in 1986.

The **American Civil Liberties Union (ACLU)** is a nationwide, non-profit, nonpartisan organization dedicated to the principles of liberty and equality embodied in the Constitution and this nation's civil rights laws. The ACLU, through its Immigrants' Rights Project and state affiliates, engages in a nationwide program of litigation, advocacy, and public education to enforce and protect the constitutional and civil rights of noncitizens.

The **ACLU of Northern California Foundation, Inc. (ACLU-NC)**, the **ACLU of Southern California Foundation, Inc. (ACLU-SC)**, and the **ACLU of San Diego & Imperial Counties Foundation, Inc. (ACLU-SD)** are the California affiliates of the national ACLU. ACLU-NC, ACLU-SC, and ACLU-SD engage in litigation and advocacy in support of immigrants' rights, among other issues. ACLU-NC, ACLU-SC, and ACLU-SD have participated in local and state legislative advocacy in support of policies limiting local police and sheriff participation in immigration enforcement, and have brought lawsuits challenging the use of immigration detainers to arrest and detain individuals in violation of their statutory and constitutional rights.

Asian Americans Advancing Justice – Asian Law Caucus (AAAJ-ALC) is a non-profit organization founded in 1972 and is the nation's first legal and civil rights organization serving the low-income Asian and Pacific Islander communities. AAAJ-ALC has seven program areas focused on housing rights,

voting rights, immigrant rights, immigrant youth, labor and employment issues, civil rights and national security, and criminal justice reform. Recognizing that social, economic, political, and racial inequalities continue to exist in the United States, AAAJ-ALC is committed to the pursuit of equality and justice for all sectors of our society, with a specific focus directed toward addressing the needs of low-income, immigrant, and underserved Asians, Pacific Islanders, and other vulnerable communities. AAAJ-ALC assisted in drafting and supporting passage of the California Values Act (SB 54) in the 2017 to limit local law enforcement entanglement with ICE.

The **National Day Laborer Organizing Network (NDLON)** is a non-profit organization that works to improve the lives of day laborers in the United States. To this end, NDLON works to unify and strengthen its member organizations to be more strategic and effective in their efforts to develop leadership, mobilize, and organize day laborers in order to protect and expand their civil, labor, and human rights. NDLON fosters safer, more humane environments for day laborers and migrant workers, both men and women, to earn a living, contribute to society, and integrate into the community. NDLON has long had a special interest in the question of state and local authority to enforce immigration law and has been deeply involved in advocacy and litigation related to the enforcement of immigration law by state and local police. NDLON worked extensively on strengthening, passing, and implementing the TRUST Act, the TRUTH Act, and the California Values Act.

The **National Immigration Law Center (NILC)** is one of the leading organizations in the United States exclusively dedicated to defending and advancing the rights and opportunities of immigrants with low-income. Over the past 35 years, NILC has won landmark legal decisions protecting fundamental rights, and has advanced policies that reinforce the values of equality, opportunity, and justice. A major concern of the organization has been federal preemption and state and local authority to adopt policies that promote the well-being and sense of inclusion of all community members. NILC engages in this work to help empower these communities to be able to influence public policy in ways that ensure that all people who live in the United States have the opportunity to achieve their full potential.

The **National Immigrant Justice Center (NIJC)** is a program of Heartland Alliance, which provides resettlement services to refugees and mental health services for immigrants and refugees. NIJC, through its staff of attorneys, paralegals, and a network of over 1,500 *pro bono* attorneys, provides free or low-cost legal services to immigrants, including detained non-citizens. NIJC's direct

representation, as well as its immigration advisals to criminal defense attorneys, has informed its strategic policy and litigation work around the myriad legal and policy problems of entangling local law enforcement in civil immigration enforcement.

The **Immigrant Legal Resource Center (ILRC)** is a national non-profit legal support center with offices in San Francisco, California and Washington D.C. The mission of the ILRC is to work with, educate, and enhance the capacity of immigrants, community organizations, and the legal sector, in order to build a democratic society that values diversity, dignity, and the rights of all people. Founded in 1979, the ILRC is regarded as one of the foremost experts on engaging immigrants and developing their leadership in the democratic process, providing expertise on complex issues of immigration law, procedure and policy, and engaging in advocacy and educational initiatives on policies that affect immigrants.

The **Southern Poverty Law Center (SPLC)** is a non-profit organization founded in 1971. Throughout its history, SPLC has worked to make the nation's constitutional ideals a reality for everyone. The Immigrant Justice Project of the SPLC provides high-quality legal representation to detained immigrants in five immigration detention facilities in the South. It also brings systemic litigation to challenge unjust systems that push people into the deportation system and keep them locked up. Although the Center's work is concentrated in the South, its attorneys appear in courts throughout the country to ensure that all people receive equal and just treatment under federal and state law.

The **Washington Defender Association (WDA)** is a statewide non-profit organization whose members include public defender agencies, indigent defenders, and those working to improve the quality of indigent defense in Washington State. WDA is the voice of the public defense community. We provide support for high quality legal representation by advocating for change, educating defenders, and collaborating with the community and justice system stakeholders to bring about just solutions. In 1999, WDA created the Immigration Project to defend and advance the rights of noncitizens within the Washington State criminal justice system and noncitizens facing the immigration consequences of crimes.

The **Northwest Immigrant Rights Project (NWIRP)** is a non-profit legal organization dedicated to the defense and advancement of the rights of noncitizens in the United States. NWIRP provides direct representation to low-income immigrants who are applying for immigration and naturalization benefits and to persons who are placed in removal proceedings. In addition, NWIRP engages in community education to immigrant communities who interact both with federal

immigration enforcement and local law enforcement agencies. Thus, NWIRP has a direct interest in the issues presented in this case.

The **New Orleans Workers' Center for Racial Justice** is a membership organization founded by guest workers, immigrant workers, and Black residents of New Orleans in the aftermath of Hurricane Katrina. The Center is dedicated to defending civil and labor rights through organizing, advocacy, and litigation. The Center's members organized for and won welcoming city policies in New Orleans that make the city safer for all residents, both immigrant and U.S. born.

The **Worker Justice Center of New York** pursues justice for those denied human rights with a focus on agricultural and other low-wage workers, through legal representation, community empowerment and advocacy for institutional change. A major concern of the organization has been federal preemption and state and local authority to adopt policies that promote the well-being and sense of inclusion of all community members.

Food Empowerment Project seeks to create a more just and sustainable world by recognizing the power of one's food choices. We encourage choices that reflect a more compassionate society by spotlighting the abuse of animals on farms, the depletion of natural resources, unfair working conditions for produce workers, the unavailability of healthy foods in communities of color and low-income areas, and the importance of not purchasing chocolate that comes from the worst forms of child labor.

Founded in 1992, **KIWA** mission is to empower immigrant workers in low-wage industries for dignity and respect in the workplace and community, and to work together with other communities to realize a vision of a just Los Angeles, California, and country. KIWA organizes immigrant workers across low-wage industries by supporting their efforts to improve workplace conditions and illegal mistreatment through community organizing and legal advocacy. KIWA operates a weekly legal clinic for low-income workers and also represents clients with employment claims in civil cases and before California administrative agencies. The overwhelming majority of our clients are immigrant workers. The issues presented in this brief have a direct impact on the low-income workers whom KIWA serves.

Restaurant Opportunities Centers United aims to improve wages and working conditions for the 14 million people who work in America's restaurant industry across the United States. According to the U.S. Census Bureau's 2014 American Community Survey, the restaurant industry employs at least 2.3 million

immigrant workers nationwide. Our organization is deeply concerned with the well-being of our communities, and a major concern of our organization is federal preemption and state and local authority to adopt policies that promote the well-being and sense of inclusion of all community members.

Equal Rights Advocates (ERA) is a national, non-profit civil rights organization dedicated to protecting and expanding economic and educational access and opportunities for women and girls. Since its founding in 1974, ERA has, through litigation and other advocacy efforts, helped to secure protections for low-income immigrants and their families. ERA has also participated as amicus curiae in scores of cases involving the interpretation and application of laws affecting access to justice. ERA has a strong interest in ensuring that state sovereignty, guaranteed by the U.S. Constitution, is not infringed upon and states are able adopt policies to protect all members of their communities.

Courage Campaign is the largest progressive organization in California dedicated to uplifting the needs of most Californians and their families over the needs of corporate and wealthy special interest groups. Over the past 10 years, Courage Campaign has fought tirelessly to promote the well-being and sense of inclusion of all community members in California.

The **Child Care Law Center** is a statewide legal organization that protects and advances the legal rights of children, families and child care providers in California. The Center works to make high quality, affordable child care available to children, families and communities. The Center pays special attention to the child care needs of vulnerable populations, including immigrant children, children with immigrant parents, and those with limited English proficiency. When children feel safe and secure in their home, their child care, and their school, they can thrive, now and into the future. The Child Care Law Center works to ensure that vulnerable families are not living in fear, and that parents can work and children are safe and secure that they will not be separated from their parents.

Legal Aid Justice Center is a statewide Virginia non-profit organization whose mission is to strengthen the voices of low-income communities and root out the inequities that keep people in poverty. We provide legal support to immigrant communities facing legal crises and use advocacy and impact litigation to fight back against ICE enforcement and detention abuses. Our ‘De-ICE Virginia’ campaign seeks to sever the ties between local law enforcement and ICE.

The **Arizona Dream Act Coalition (ADAC)** is an immigrant youth-lead organization in Phoenix, Arizona. It is the mission of the ADAC to advocate for

the rights of undocumented immigrant communities by fostering leadership, promoting civic engagement and advocating for access to higher education for immigrant youth. ADAC provides services that advance the integration of immigrant youth and their families through values of equity, opportunity, and justice. A major concern of the organization has been the adoption of harsher policies by state and local authorities that violate human rights and hinder the well-being and inclusion of all community members.

United Food and Commercial Workers Union (UFCW) is the largest private sector union in California and the United States. UFCW is dedicated to protecting the rights and liberties of all of our workers in the industries that we represent. UFCW local unions hold "know your rights" workshops to better inform our workforce of the rights they are afforded by the state and federal governments. A major concern of the union is federal preemption and state and local authority to adopt policies that promote the well-being and sense of inclusion of all union members.

T.R.U.S.T South LA is a membership controlled, non-profit community land trust committed to stabilizing the neighborhoods south of Downtown LA, where increased property values and rents have pushed out many long-term residents. Our mission is to serve as a democratic steward for community controlled land; to be a catalyst for values-driven, community-serving development; to build awareness and community leadership in issues of housing, transportation and recreation; and to create programs and initiatives that encourage community building and economic opportunity. Our service area includes a high proportion of low-income immigrant families who reside in a historically African American community and we support efforts to protect the most vulnerable residents from immigration efforts or policies that attack our tightly-knit community.

Esperanza Community Housing Corporation (Esperanza) is a social justice non-profit dedicated to the equitable development and the protection of human rights in South Central Los Angeles. Low-income residents of all ages and backgrounds are the foundation of Esperanza’s grassroots work. Esperanza creates opportunities for growth, security, inclusion, and participation. We recognize the systematic displacement of our predominantly Latino and Black residents, thus defending our community by developing and preserving affordable housing; promoting health equity and access to care; celebrating involvement in the arts and culture; pursuing economic development; ensuring inclusion for all residents; and advocating for progressive public policy and human rights. Esperanza works collaboratively, through partnerships, to strengthen and enrich our community. In

all of our actions, Esperanza builds hope with the community. We believe that all community members have a right to live in an environment that protects their individual and collective safety; prevents mistreatment of individuals based on their perceived ethnicity, xenophobia, and racial profiling; and protects their health and well-being, regardless of their circumstances.

Haven Women's Center of Stanislaus is a catalyst for individual empowerment and societal change, advocating for those impacted by domestic or sexual abuse or exploitation, and working to end gender based violence. Reports of increased ICE activity and the anti-immigrant rhetoric embraced by our nation's administration have had a chilling effect on the immigrant community in Stanislaus County. Callers to our crisis line and others connected with Haven have expressed being afraid to call police, go to court, come to our office, or access other services because of fear of deportation or family separation. This fear is expressed by both documented and undocumented immigrants. Our laws must protect the most vulnerable in our communities.

Korean American Family Service Center's (KFAM) mission is to support and strengthen Korean American families and individuals in the Greater Los Angeles area through counseling, education, and social services. Founded in 1983 by Korean immigrant women to support Korean immigrant families, particularly women and children impacted by family violence and acculturation stresses, KFAM has since grown into a vital family resource center in LA County. Over the course of 35 years, KFAM has provided assistance to tens of thousands of clients—particularly low-income, immigrant, monolingual women and immigrant families. KFAM serves over 6,000 clients a year with culturally responsive services that are tailored to the needs of our community members.

Public Counsel, based in Los Angeles, California, represents indigent immigrants from around the world in their claims for immigration relief. Public Counsel has provided legal services to thousands of immigrants detained by the Department of Homeland Security, including through legal orientations, pro se assistance, direct representation, and impact litigation. Our agency is committed to advancing transparency, equality, and justice in our nation's immigration system.

OneAmerica is Washington State's largest immigrant and refugee organizing, civic engagement and advocacy organization. Our mission is to advance justice and democracy in immigrant and refugee communities with key allies. We work in immigrant and refugee communities, and our members include individuals without documentation and their family members. Since 2001, OneAmerica has led on state and local strategies to reform policies that uphold the

rights of immigrants and refugees, to hold immigration enforcement accountable to incidents of abuse, and to educate local governments on strategies to strengthen trust from immigrant and refugee communities in order to keep our families and communities safe.

The **American-Arab Anti-Discrimination Committee (ADC)** is a non-profit, grassroots civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. Founded in 1980 by U.S. Senator James Abourezk, ADC is non-sectarian and non-partisan. With members from all fifty states and chapters nationwide, ADC is the largest Arab-American grassroots civil rights organization in the United States. ADC protects the Arab-American and immigrant community against discrimination, racism, and stereotyping, and it vigorously advocates for immigrant rights and civil rights. ADC's immigration policy work focuses on counteracting the criminalization of immigrants and law enforcement activities that target immigrant populations.

The **Illinois Coalition for Immigrant and Refugee Rights (ICIRR)** is a non-profit, nonpartisan statewide organization dedicated to promoting the rights of immigrants and refugees in Illinois to full and equal participation in the civic, cultural, social, and political life of our diverse society. In partnership with member organizations, ICIRR educates and organizes immigrant and refugee communities to assert our rights; promotes citizenship and civic participation; monitors, analyzes, and advocates on immigrant-related issues; and, informs the general public about the contributions of immigrants and refugees. ICIRR has advocated for policy changes that protect immigrant families from deportation and separation, including state and local legislation that seeks to disengage police and other government agencies from federal immigration enforcement so that immigrants are better able to seek government services and protection.

Northwest Health Foundation's mission is to advance the health of the people of Oregon & Southwest Washington. You cannot be healthy without feeling safe, included and welcome. A major interest of NWHF has been the protection and adoption of policies that promote the well-being and sense of inclusion of all community members.

The **Asian American Legal Defense and Education Fund (AALDEF)**, founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all. The rights of immigrants in this country are central to AALDEF's mission.

The **Lowcountry Immigration Coalition** is a 501(c)3 organization, the purpose of which is to provide education, communication, and support for the Latino community in the Hilton Head, Bluffton, and Beaufort County areas of South Carolina.

St. John's Well Child and Family Center is a non-profit network of federally qualified health centers providing medical, dental, behavioral health, pharmacy, diagnostic and care coordination services to more than 100,000 low-income patients in South Los Angeles at 16 sites and two mobile clinic vans. St. John's is the largest provider of healthcare services to undocumented immigrants in the country and the California Sanctuary Law is vital to the health and well-being of tens of thousands of our patients.

The **Council on American-Islamic Relations, California Chapter (CAIR-CA)** is the largest chapter of the nation's largest Muslim civil liberties and advocacy organization. CAIR-CA serves the community through four local offices covering the Greater Los Angeles Area, the San Francisco Bay Area, San Diego, and the Sacramento Valley. Its mission is to enhance understanding of Islam, protect civil rights, promote justice and empower American Muslims. CAIR-CA is recognized as a leader and champion of civil rights for all Americans, with a particular focus on discrimination and challenges faced by American Muslims. Its areas of work include civic engagement, civil and immigrants' rights direct legal services, media relations, outreach, education, and youth empowerment.

The mission of **The San Diego LGBT Community Center** is to enhance and sustain the health and well-being of the lesbian, gay, bisexual, transgender and HIV communities by providing activities, programs and services that create community; empower community members; provide essential resources; advocate for civil and human rights; and embrace, promote and support our cultural diversity.

The mission of the **International Service Center (ISC)** is to promote, support and implement needed cultural, educational and social programs to serve the disadvantaged immigrants and underprivileged refugees of all national origins, and to enable them to become self-supporting and productive members of our pluralistic society. A major concern of the ISC has been federal preemption and state and local authority to adopt policies that promote the well-being and sense of inclusion of all community members.

Legal Services for Children provides free representation to children and youth who require legal assistance to stabilize their lives and realize their full

potential. Through a holistic team approach utilizing legal advocacy and social work services, our goal is to empower clients and actively involve them in the critical decisions that impact their lives. LSC uses this model to achieve safety and stability at home; educational success; and freedom from detention and deportation for our clients. LSC believes that it is critical to the wellness of all California children that every family, regardless of status, feels safe accessing essential services including education services, health services and law enforcement.

Sin Barreras' mission is to work for a more just Charlottesville community that meets the needs of families and individuals who have arrived to our community and country. We want to be the link to obtain educational and legal services, improve advocacy, and provide referrals to community services, health services, etc. We desire to ease the stress and anxiety experienced by members of our immigrant communities and to help them access the services available to them. We also advocate for the causes of similar organizations with the similar goals and interests.

The **Refugee and Immigrant Center for Education and Legal Services (RAICES)** is a BIA-recognized, non-profit, legal services agency with seven offices throughout Texas. RAICES seeks justice for immigrants through a combination of legal and social services, advocacy, policy, and litigation. In 2017, RAICES provided legal services to over 20,000 individuals, including an extensive number of individuals referred to immigration authorities due to local law enforcement encounters. RAICES supports welcoming policies that encourage and support all community members to report crimes, cooperate with law enforcement, and avail themselves of legal protections without fear of immigration consequences.

Worksafe, Inc. is a California-based non-profit organization dedicated to promoting occupational safety and health through education, training, and advocacy. Worksafe advocates for protective worker health and safety laws and effective remedies for injured workers through the legislature and courts. Worksafe is also a Legal Support Center funded by the State Bar Legal Services Trust Fund Program to provide advocacy, technical and legal assistance, and training to the legal services projects throughout California that directly serve California's most vulnerable low-wage workers. Worksafe has an interest in the outcome of this case as it determines the applicability of important legislation to workers in subcontracted industries.

The **Los Angeles Center for Law and Justice (LACLJ)** is a Los Angeles-based non-profit organization which has been providing free culturally competent

legal services to low-income residents of Los Angeles and their families for over 40 years. LACLJ's mission is to secure justice for survivors of domestic violence and sexual assault and empower them to create their own future. LACLJ's immigration work supports survivors of interpersonal violence in obtaining stability by representing them in their VAWA, U non-immigrant status, T non-immigrant status, Special Immigrant Juvenile Status, and Adjustment of Status petitions, among others. LACLJ has represented hundreds of individuals who have applied for immigration relief based on having survived domestic violence, sexual assault, human trafficking, and/or other violent crimes. LACLJ can thus speak to heightened levels of fear in the immigrant community and how critical it is for immigrant survivors in particular, and the entire immigrant community in general, to continue to have access to protections that ensure their ability to safely report crime and access the courts, along with other vital services.

AILA San Diego is the regional chapter of the national association of attorneys who practice and teach immigration law in San Diego and Imperial Counties.

Alliance San Diego is a community organization whose mission is to empower our diverse communities to engage more effectively in the civic process so that all people, including immigrants, can achieve their full potential in an environment of harmony, safety, equality, and justice. As a community organization working closely with immigrants in San Diego, we are concerned with the federal government's assertion of power to undermine our civil liberties and its attempt to involve state and local authorities in enforcement activity that would not otherwise be permitted under state law.

Contra Costa Immigrant Rights Alliance (CCIRA) was established in early 2017 by legal and community based organizations aiming to advance immigrant rights and resources for all Contra Costa residents regardless of immigration status. Our coalition wants to make sure the federal government's anti-immigrant agenda continues to be challenged and that state and local bodies implement policies that protect our immigrant communities.

The **California Employment Lawyers Association (CELA)** exists to protect and expand the legal rights and opportunities of all California workers and to strengthen the community of lawyers who represent them. We accomplish this through education and advocacy for worker justice. CELA is a statewide organization of over 1,300 California attorneys who devote the major portion of their practices to representing employees in individual employment cases and class actions, including cases involving unpaid wages, discrimination, harassment,

retaliation and whistleblowing. We help our members protect and expand the legal rights and opportunities of working women and men through litigation, education and advocacy. For decades, CELA has filed briefs and argued as amicus curiae before the California Supreme Court in many landmark employment law cases, and before the United States Supreme Court in cases which impact our mission. CELA's members have represented hundreds of thousands of working men and women in state and federal courts throughout California.

Thai Health And Information Services is a grassroots community-based organization in Los Angeles County for more than 20 years. Our mission is to enhance the quality of life of Thai individuals and families in Los Angeles County through the provision of culturally and linguistically appropriate health, mental health and social services. We are really concerned about the issues at stake in U.S. v. CA, which will take away the rights and opportunities of low-income immigrants and their families.

OneJustice's mission is to bring life-changing legal help to those in need by transforming the civil legal aid system. OneJustice is concerned with California's ability to protect its residents' access to important state resources, including access to justice. Allowing the federal government to leverage California's state agents to deport its residents would enormously harm civil justice in our state.

The **San Diego Immigrant Rights Consortium** is a coalition of over 50 organizations across San Diego County. Since 2007, the San Diego Immigrant Rights Consortium has brought together faith, labor, legal and community groups to advance the rights of immigrants. We stand in strong support of the California Values Act.

The **Sierra Club** is a national nonprofit organization of approximately 795,000 members, roughly 170,000 of whom live in California, dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and encouraging humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. To protect clean air and water and prevent the disruption of our climate, the Sierra Club recognizes that we must ensure that those who are most disenfranchised and most threatened by pollution within our borders have the voice to fight polluters and advocate for climate solutions without fear. The Sierra Club has taken various actions to support and stand in solidarity with immigrants – the struggles to protect our communities and our environment cannot be separated. The Sierra Club has supported and participated in passage of SB 54, one of the

bills under attack, out of the strongly-held belief that the federal government's growing focus on identifying and deporting long-time residents from other countries undercuts our environmental work.

Founded in 1976, **A3PCON** is a coalition of over forty API community-based organizations that serve and represent the 1.5 million members of the API community in the greater Los Angeles area. A3PCON's member organizations, all of whom are non-profits, reflect the tremendous diversity within the API community. A3PCON's member organizations advocate for the rights and needs of community members, with a particular focus on low income, immigrant, refugee and other vulnerable populations. A3PCON supports policies that promote the well-being and inclusion of all members of our communities, which include citizens and immigrants.

The **Legal Aid Society of San Mateo County (LASSMC)** provides legal services to low income San Mateo County residents in areas including housing, health, public benefits, education, domestic violence, and immigration. Through its Linking Immigrants to Benefits, Resources & Education (LIBRE) project, LASSMC collaborates with community partners to educate the immigrant community about safety net services and provide accurate information about immigration options. LASSMC helps teen parent families, youth, and low-income immigrants apply for immigration relief including U Nonimmigrant status. Because of its long history of working with domestic violence and abuse survivors, Legal Aid is well aware of the potentially devastating impact that fear of contacting law enforcement would have on children and families.

Pangea Legal Services (Pangea) is a non-profit organization based in San Francisco and Santa Clara County, California, that provides low-cost and free legal services to immigrants in removal proceedings. In addition to direct legal services, Pangea also advocates on behalf of the immigrant community through policy advocacy, education, and legal empowerment efforts. Pangea represents detained and non-detained immigrants who have an interest in preventing the enmeshment of local police with immigration enforcement.

Americans for Immigrant Justice is a non-profit law firm dedicated to promoting and protecting the basic rights of immigrants. Since its founding in 1996, our organization has served over 100,000 immigrants from all over the world. Our clients are unaccompanied immigrant children; survivors of domestic violence, sexual assault, and human trafficking victims and their children; immigrants who are detained and facing removal proceedings; as well as immigrants seeking assistance with work permits, legal permanent residence,

asylum and citizenship. Part of our mission is to ensure that immigrants are treated justly, and to help bring about a society in which the contributions of immigrants are valued and encouraged. In Florida and on a national level, we champion the rights of immigrants; serve as a watchdog on unlawful practices and policies; and speak for immigrants who have particular and compelling claims to justice.

The **National Employment Law Project (NELP)** is a non-profit legal organization with over 45 years of experience advocating for the employment and labor rights of low-wage and immigrant workers. NELP has litigated and participated as amicus in numerous cases addressing the rights of immigrant workers. In partnership with community groups, unions, and proactive public agencies, NELP seeks to ensure that all working people receive the full protection of workplace laws, regardless of an individual's immigration status, and that state and local authorities are able to adopt policies that promote immigrant workers' economic stability.

Over the past 25 years, the **Latino Coalition for a Healthy California** has uplifted community voices at the Capitol and has achieved multiple policy victories that have protected and advanced health equity for Latinos, and all Californians.

Empowering Pacific Islander Communities (EPIC) is a national organization based in Los Angeles that advances social justice by engaging Native Hawaiians & Pacific Islanders (NHPI) in culture-centered advocacy, leadership development, and research. With a diverse community that spans those who are indigenous to the U.S. as well as well as immigrants, where CA boasts the second largest NHPI population in the nation, we are most concerned with policies that ensure safety for all and especially the most vulnerable in our society.

The **National Center for Lesbian Rights ("NCLR")** is a national non-profit legal organization dedicated to protecting and advancing the civil rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. Since its founding in 1977, NCLR has played a leading role in securing fair and equal treatment for LGBT people and their families in cases across the country involving constitutional and civil rights. NCLR's Immigration Project has provided free legal assistance since 1994 to thousands of LGBT immigrants nationwide through, among other services, direct representation in impact cases and individual asylum cases, as well as advocacy for immigration and asylum policy reform. NCLR supports state and local policies that promote the wellbeing, safety, and inclusion of all members of our communities.

Dolores Street Community Services nurtures individual wellness and cultivates collective power among low-income and immigrant communities. Dolores Street's housing and shelter, workers' rights, and immigrant rights programs serve a diverse range of Californians. The organization envisions and promotes a just and sustainable community where all residents – regardless of income, immigration or health status – have equal rights and access to resources, and are empowered to fully participate in shaping San Francisco's future. Dolores Street advocates for city policies to further this vision.

Centro de los Derechos del Migrante, Inc. (CDM, or the Center for Migrant Rights) is a U.S. section 501(c)(3) migrant workers' rights organization with offices in Baltimore, Maryland; Mexico City; and Oaxaca, Mexico. CDM's mission is to improve the working conditions of low-wage workers throughout the U.S. and to remove the U.S.-Mexico border as a barrier to access to justice. The foreign-born communities CDM serves are frequently subjected to labor, civil rights and constitutional violations. CDM therefore has a significant interest in preserving the protections provided under SB 54 so that immigrants who suffer such violations can approach state officials with their concerns without fear of deportation.

The **Oregon Justice Resource Center (ORJC)** is a Portland-based, non-profit organization founded in 2011. OJRC works to promote civil rights and improve legal representation to traditionally underserved communities, including noncitizens. OJRC serves this mission by focusing on the principle that our justice system should be founded on fairness, accountability, and evidence-based practices. The OJRC's Immigrant Rights Project (IRP) provides personalized advice to public defense providers regarding the immigration consequences of pleas and convictions for noncitizens.

Mujeres Unidas y Activas (MUA) is a grassroots organization of Latina immigrant women with a double mission of promoting personal transformation and building community power for social and economic justice. Our community is under attack not only by the persecutory policies of a xenophobic federal government that seeks to deport and separate our families, but also by the rhetoric and culture of hate that the current administration is galvanizing against us. Living with fear and under the threat of these attacks is inexpressibly damaging and destructive to our communities. Therefore, state and local protections against these policies rooted in hate are of utmost importance to safeguard our communities.

Bet Tzedek—Hebrew for the "House of Justice"—was established in 1974 and provides free legal services to Los Angeles County residents. Each year, their

attorneys, advocates, and staff work with more than one thousand pro bono attorneys and other volunteers to assist more than 20,000 people regardless of race, religion, ethnicity, immigrant status, or gender identity. Bet Tzedek's interest in this case stems from decades of experience advocating for the rights of immigrants, including in employment, housing, and consumer matters. Many of Bet Tzedek's clients and their communities will be harmed by increased fear of immigration enforcement, which makes already vulnerable populations more likely to be the victims of unlawful discrimination, unfair housing and employment practices, and fraud.

Communities for a Better Environment ("CBE") is an environmental justice organization that provides community organizing, and technical and legal support to low-income communities of color in the Los Angeles and Bay areas. Established in 1978 in California, CBE works to empower communities, including immigrant communities, to exercise their rights around social change and the environment. CBE's members rely on California's protections so they can safely advocate for a healthy environment where they live, work, play, and pray.

Chinese for Affirmative Action (CAA) is a community-based civil rights organization in San Francisco. The mission of the organization is to protect the civil and political rights of Chinese Americans and to advance multiracial democracy in the United States. CAA conducts direct services and policy advocacy to protect immigrant rights, promote language diversity, and remedy racial injustice. CAA has an interest in the well-being of marginalized communities including immigrants.

Root & Rebound (R&R) is a national reentry and advocacy organization that addresses racial, economic, and social inequities within the criminal justice system and the reentry process by restoring and protecting rights, dignity, and opportunities for people directly impacted by the criminal justice system. Our mission is to transfer power and information from the policy and legal communities to the people most impacted by our criminal justice system through public education, direct legal services, and policy advocacy, so that the law serves, rather than harms, low-income communities and communities of color in the U.S.

The Contra Costa Racial Justice Coalition (CCRJC) is a coalition of organizations and individuals committed to eliminating racial inequalities in Contra Costa County and around the world. Coalition members address disparities and injustices in the criminal justice system, promote reallocation of public monies and resources away from strictly punishment and towards alternative modes of justice and rehabilitation, and engage people most impacted by racial and

economic injustice in advancing reinvestment in long-term solutions that create opportunity for communities. CCRJC has worked in concert with other organizations to win landmark decisions to end and return illegal fines & fees to families of juvenile detainees, protecting fundamental rights of marginalized people, and advance policies which reinforce the values of equality and justice.

Community Legal Services in East Palo Alto (CLSEPA) is a non-profit organization that provides transformative legal services to low-income immigrants in and around East Palo Alto, California, where two-thirds of the population is Latino or Pacific Islander. For individual clients, CLSEPA provides pro bono and low cost legal assistance to immigrants applying for affirmative immigration benefits and to those in removal proceedings in Immigration Court. Its Immigrants' Rights Project was recently established in part to ensure that the constitutional rights of immigrants are upheld through litigation and policy advocacy, and CLSEPA has a vested interest in the ability of state and local governments to adopt policies that serve all community members.

Affiliated with the United Nations Department of Public Information, **UNITED SIKHS** is a global humanitarian non-profit with a mission to transform, alleviate, educate and protect the lives of underprivileged individuals and minority communities impacted by disasters—natural or man-made—suffering from hunger, illiteracy, diseases, or from violation of civil and human rights into informed and vibrant members of society by fostering sustainable programs regardless of color, race, religion or creed. Since 1999, our International Civil & Human Rights legal program has been committed to protecting and enforcing the rights of minorities and marginalized groups in the Americas, Europe, Asia, Africa and Australia. As outlined in the amicus brief, our organization is extremely concerned about the overreach of federal authority to create and carry out policies that are contrary to the founding principles of the United States and infringe upon state rights as well as the human rights of refugees seeking asylum.

The **California Immigrant Youth Justice Alliance (CIYJA)** is a immigrant youth led statewide organization. CIYJA works directly with immigrant youth and their families and witnesses first-hand the threats immigrant communities experience to their due process and overall well-being. CIYJA is concerned about federal government forcing states and their law enforcement to carry out practices and policies that violate immigrant communities due process.

The **Inland Coalition for Immigrant Justice (ICIJ)** is dedicated to convening organizations to collectively advocate and work to improve the lives of immigrant communities while working toward a just solution to the immigration

system. ICIJ is a greatly concerned organization because our immigrant community resides in San Bernardino and Riverside County where there is a long history of collaboration with ICE. Public Records Act request found: in San Bernardino County, ICE made more than 500 notification/transfer requests and took close to 350 individuals into custody after release. As a result of these policies, we have seen an increasing number of individuals who ended up in deportation proceedings because of the Sheriff's and other law enforcement agency collaboration.

Services, Immigrant Rights & Education Network (SIREN) is the leading grassroots organization serving immigrant and refugee communities in Northern and Central California. For over 31 years, SIREN has provided immigration legal services, engaged in community organizing and civic engagement, and conducted policy advocacy on issues affecting these communities. We work directly with community members who have benefited from state and local policies that limit entanglement between federal immigration agencies and local governments as well as individuals who have been harmed during incidents where local law enforcement entities cooperated with immigration enforcement agencies, affected by immigration enforcement at worksites, and held in immigration detention facilities.

La Raza Centro Legal is a community-based legal organization dedicated to empowering Latino, immigrant and low-income communities in the Mission and throughout the Bay Area, advocating for their civil and human rights. Through its grassroots efforts over the last 45 years, La Raza has provided critical life-changing legal services—at low or no cost. As such, LRCL supports the State of California's efforts to protect the dignity and access to civil rights and justice for everyone residing in the state.