

May 17, 2017

Governor Jerry Brown  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

California State Legislature  
c/o Kevin de León, Senate President pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814  
and c/o Anthony Rendon, Assembly Speaker  
P.O. Box 942849, Sacramento, CA 94249-0063

Dear Governor Brown and Members of the California State Legislature:

We, the undersigned scholars who write, research, or teach in the areas of immigration, criminal justice, constitutional law, and international law write to express our support for California Senate Bill 54 (S.B. 54), the “California Values Act.” The most immediate threats to federal funding raised by the President’s executive order of January 25<sup>1</sup> and the Attorney General’s comments threatening so-called “sanctuary” jurisdictions generally<sup>2</sup>—and California particularly<sup>3</sup>—have been put to rest by a federal court order enjoining the executive order as it pertains to funding cuts.<sup>4</sup> But as we detail here, it is our studied opinion that California should have no concern that the California Values Act violates federal law. Because we also believe S.B. 54 is good policy, we support its passage.

***Local policing, public safety, and the well-being of Californians  
are all proper subjects for California legislation.***

S.B. 54 proposes that “[e]ntangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.”<sup>5</sup> This finding invokes the United States Supreme Court’s teachings explaining our federalist system of government.

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<sup>1</sup> President Donald J. Trump, Exec. Order 13,768, *Enhancing Public Safety in the Interior of the United States* § 1 (Jan. 25, 2017), <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>.

<sup>2</sup> THE WHITE HOUSE, PRESS BRIEFING BY PRESS SECRETARY SEAN SPICER, 3/27/2017, #29 (March 27, 2017), <https://www.whitehouse.gov/the-press-office/2017/03/27/press-briefing-press-secretary-sean-spicer-3272017-29> (remarks of Attorney General Jeff Sessions).

<sup>3</sup> Joseph Tanfani & Patrick McGreevey, *Justice Department to 'sanctuary cities': Comply on immigration or you could lose federal grants*, L.A. TIMES (April 21, 2017), <http://www.latimes.com/politics/la-na-pol-sanctuary-cities-20170421-story.html> (quoting Attorney General Sessions: “I urge California to reconsider”).

<sup>4</sup> *County of Santa Clara v. Donald J. Trump*, No. 5:17-cv-00574-WHO, Document 98 (N.D. Cal. April 25, 2017).

<sup>5</sup> S.B. 54, Proposed § 7284.2(d).

“Federalism, central to the constitutional design, adopts the principle that both the National and State Governments have elements of sovereignty the other is bound to respect.”<sup>6</sup> An “essential attribute of the States’ retained sovereignty” is “that they remain independent and autonomous within their proper sphere of authority.”<sup>7</sup>

Separating spheres of authority, as our federalist system does, ensures political accountability.<sup>8</sup> The Tenth Amendment requires that “elected state officials ... regulate in accordance with the views of the local electorate”<sup>9</sup> by preventing the federal government from coercing or compelling States into pursuing Congress’s policy agenda. When the federal government cannot dictate policy, “the residents of the State retain the ultimate decision”<sup>10</sup> over policymaking, and “state governments remain responsive to the local electorate’s preferences; state officials remain accountable to the people.”<sup>11</sup> But when Congress *compels* a State to pursue Congress’s policy choices, “the accountability of both state and federal officials is diminished.”<sup>12</sup>

Accordingly, the Tenth Amendment prevents the federal government from exercising direct control over the States, though it may provide “incentives” to the States that would encourage regulation according to Congress’s wishes.<sup>13</sup> Direct control “compromise[s] the structural framework of dual sovereignty”<sup>14</sup> and obscures accountability, putting the State “in the position of taking the blame for [the federal policy’s] burdensomeness and for its defects.”<sup>15</sup>

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<sup>6</sup> *Arizona v. United States*, 567 U.S. 387, 132 S. Ct. 2492, 2500, 183 L. Ed. 2d 351 (2012); *see also* *NFIB v. Sebelius*, 567 U.S. 519, 132 S. Ct. 2566, 2643 (2016) (Scalia, J., dissenting) (“What is absolutely clear, affirmed by the text of the 1789 Constitution, by the Tenth Amendment ratified in 1791, and by innumerable cases of ours in the 220 years since, is that there are structural limits upon federal power—upon what it can prescribe with respect to private conduct, and upon what it can impose upon the sovereign States.”). As the Chief Justice of the California Supreme Court recently put it: “Our three branches of government are co-equal; our local, state and federal governments have overlapping authority. Each branch and each entity should take care not to act in a way that undermines the trust and confidence of another branch or entity.” Tani G. Cantil-Sakauye, *California Chief Justice: The courthouse is not the place for immigration enforcement*, WASHINGTON POST (April 19, 2017).

<sup>7</sup> *Printz v. United States*, 521 U.S. 898, 928, 117 S. Ct. 2365, 2381, 138 L.Ed.2d 914 (1997).

<sup>8</sup> *United States v. Lopez*, 514 U.S. 549, 576-77, 115 S. Ct. 1624, 1638-39, 131 L.Ed.2d 626 (1995)(Kennedy, J., concurring) (“The theory that two governments accord more liberty than one requires for its realization two distinct and discernable lines of political accountability: one between the citizens and the Federal Government; the second between the citizens and the States. ... Were the Federal Government to take over the regulation of entire areas of traditional state concern, areas having nothing to do with the regulation of commercial activities, the boundaries between the spheres of federal and state authority would blur and political responsibility would become illusory.”).

<sup>9</sup> *New York v. United States*, 505 U.S. 144, 169, 112 S. Ct. 2408, 2424, 120 L.Ed.2d 120 (1992).

<sup>10</sup> *Id.* at 168, 112 S. Ct. at 2424.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 170, 112 S. Ct. at 2425.

<sup>14</sup> *Printz*, 521 U.S. at 932, 117 S. Ct. at 2383.

<sup>15</sup> *Id.* at 930, 117 S. Ct. at 2382.

The California Values Act is firmly supported by the Tenth Amendment. Under our federalist system, the States retain “broad authority to enact legislation for the public good”<sup>16</sup>—a “general police power”<sup>17</sup>—and there is “no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims.”<sup>18</sup> Policing is squarely within a State’s “proper sphere of authority,” and the California Values Act “seeks to ensure effective policing” and “protect the safety” of Californians.<sup>19</sup> S.B. 54 also pursues “general police power” objectives, seeking to ensure that immigrant community members can avail themselves of public services and schools without fear.<sup>20</sup> Under the Tenth Amendment California is entitled to be free from federal coercion and compulsion in these policymaking areas.

***California may leave immigration enforcement to federal officials.***

The California Values Act broadly prohibits local law enforcement resources from being used for federal immigration enforcement.<sup>21</sup> This is entirely consistent with the longstanding allocation of immigration authority exclusively to the federal government.<sup>22</sup>

The United States Supreme Court, in its decision striking down portions of Arizona’s S.B. 1070, noted that in the Immigration and Nationality Act (INA), Congress has specified the “limited circumstances in which state officers may perform the functions of an immigration officer.”<sup>23</sup> These include some enumerated instances where state officers are permitted to make immigration arrests, and so-called “287(g) agreements” whereby state officers are effectively deputized as immigration agents.<sup>24</sup> Finding Section 6 of Arizona’s S.B. 1070 to be beyond these “limited circumstances,” the Court struck the provision as preempted.<sup>25</sup> In large measure, then, the States are obliged to leave immigration enforcement to federal officials.<sup>26</sup>

While the INA does sometimes *allow* state officials to engage in immigration enforcement, it never *requires* them to do so. This is consistent with the Tenth

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<sup>16</sup> *Bond v. United States*, 134 S. Ct. 2077, 2086, 189 L. Ed. 2d 1 (2014).

<sup>17</sup> *Lopez*, 514 U.S. at 567, 115 S. Ct. at 1634.

<sup>18</sup> *United States v. Morrison*, 529 U.S. 598, 618, 120 S. Ct. 1740, 1754, 146 L.Ed.2d 658 (2000); *see also* *Kelley v. Johnson*, 425 U.S. 238, 247, 96 S. Ct. 1440, 1445, 47 L.Ed.2d 708 (1976) (“The promotion of safety of persons and property is unquestionably at the core of the State’s police power”).

<sup>19</sup> S.B. 54, Proposed § 7284.2(f). S.B. 54 also pursues goals that are within the “general police power.”

<sup>20</sup> S.B. 54, Proposed § 7284.2(c)(noting that without the trust generated by the California Values Act, noncitizens might fear “seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians”); S.B. 54, Proposed § 7284.2(f) (referencing the “well-being” of Californians).

<sup>21</sup> S.B. 54, Proposed Section 7284.6(a)(1).

<sup>22</sup> Juliet P. Stumpf, *States of Confusion*, 86 N.C. L. REV. 1557, 1571-73 (2008).

<sup>23</sup> *Arizona*, 132 S.Ct. at 2506.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 2506-07.

<sup>26</sup> The Supreme Court left open the question whether enforcement of federal criminal immigration laws is similarly preempted. *Id.* at 2509-10.

Amendment’s “anti-commandeering” doctrine.<sup>27</sup> Additionally, each grant of authority to state or local officers in the INA is made subject to state or local law governing the duties of such officers.<sup>28</sup> This requirement that State officers enforcing federal law must abide by any state-law limitations on their power is consistent with the Tenth Amendment’s separation of federal and state spheres of authority; whatever power state officers have is granted them by State law.<sup>29</sup> To permit the federal government to subvert limits imposed by states on their officers’ authority, by simply authorizing state officers to enforce federal law, would thus work the same intrusion on state sovereignty as commandeering them directly.<sup>30</sup>

The California Values Act, to the extent it withholds from state officials the authority to participate in federal immigration enforcement, leaving such enforcement solely in the hands of federal officials, is entirely consistent with the Tenth Amendment’s division of authority between state and federal governments.<sup>31</sup>

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<sup>27</sup> See *Printz*, 521 U.S. at 922, 117 S.Ct. at 2378 (noting that the Tenth Amendment prevents the federal government from “impress[ing] into its service—and at no cost to itself—the police officers of the 50 States”).

<sup>28</sup> 8 U.S.C. § 1357(g)(1) (allowing state-federal agreements for enforcement but only “to the extent consistent with State and local law”); 8 U.S.C. § 1103(a)(10) (allowing delegation of enforcement authority to a local officer, but only “with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving.”); 8 U.S.C. § 1252c (granting authority but only “to the extent permitted by relevant State and local law”); 8 U.S.C. § 1324(c) (granting authority but only to state and local officials “whose duty,” presumably prescribed by local law, “is to enforce criminal laws”).

<sup>29</sup> Accordingly, in the criminal context, the Supreme Court has held that where federal law does not preclude enforcement by local officers, authority for the arrest must nonetheless be found in state or local law. *United States v. Di Re*, 332 U.S. 581, 68 S.Ct. 222, 92 L.Ed. 210 (1948); see also *Miller v. United States*, 357 U.S. 301, 78 S.Ct. 1190, 2 L.Ed.2d 1332 (1958); *Gonzalez v. City of Peoria*, 772 F.2d 468, 475-76 (9<sup>th</sup> Cir. 1983), *overruled on other grounds in* *Hodgers-Durgin v. de la Vina*, 199 F.3d 1037 (9<sup>th</sup> Cir. 1999); see Memorandum for the Attorney General, from Jay S. Bybee, Ass’t Att’y Gen’l, Office of Legal Counsel, *Re: Non-preemption of the authority of state and local law enforcement officials to arrest aliens for immigration violations* 2-3 (April 3, 2002), available at <https://www.aclu.org/files/FilesPDFs/ACF27DA.pdf> (rooting this body of caselaw in the Tenth Amendment and its reservation of powers to the States in their status as sovereign entities).

<sup>30</sup> The United States recently appeared as *amicus curiae* and was granted leave to participate in oral argument on March 4, 2017 in the Massachusetts case of *Commonwealth v. Lunn*, No. SJC-12276. Counsel for the United States acknowledged that a state arrest for an immigration violation is a “matter of comity” (i.e. is not required by federal law) and must be authorized under state law. See [http://www.suffolk.edu/sjc/archive/2017/SJC\\_12276.html](http://www.suffolk.edu/sjc/archive/2017/SJC_12276.html) (at 23:10 of the video recording).

<sup>31</sup> See *Id.* (at 42:15 of the recording) (acknowledging power of state legislature to withhold from state officers the authority to engage in federal immigration enforcement).

***California may prohibit detention based on  
immigration detainers and administrative warrants.***

The California Values Act prohibits California law enforcement agencies from detaining people for federal immigration authorities for the purpose of immigration enforcement,<sup>32</sup> whether through immigration “detainers”<sup>33</sup> or immigration “warrants.”<sup>34</sup>

This prohibition is lawful, and indeed may be required in order to ensure compliance with the Constitution. The California Values Act correctly notes that for California law enforcement to participate in immigration enforcement “raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution.”<sup>35</sup>

Shortly after the California Trust Act was enacted, federal court decisions in 2014 made clear that (1) immigration detainers are purely voluntary, because the federal government cannot compel local law enforcement officers to perform immigration enforcement,<sup>36</sup> and (2) continuing the detention of a person entitled to release based on an ICE detainer constitutes a new arrest that that must be justified under the Fourth Amendment.<sup>37</sup> The “increasing number of federal court decisions that hold that detainer-based detention by state and local law enforcement agencies violates the Fourth Amendment” caused the Obama administration in November 2014 to declare its intention

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<sup>32</sup> S.B. 54, Proposed section 7284.6(e).

<sup>33</sup> S.B. 54, Proposed section 7284.6(a)(1)(B).

<sup>34</sup> S.B. 54, Proposed section 7284.6(a)(1)(F).

<sup>35</sup> In addition to the Fourth Amendment problem noted above, immigration detainers also implicate the Fourth Amendment’s requirement that a warrantless arrest must be followed by a prompt determination of probable cause by a neutral and detached magistrate, generally within 48 hours. *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975); *County of Riverside v. McLaughlin*, 500 U.S. 44, 56-57, 111 S.Ct. 1661, 1670, 114 L.Ed.2d 49 (1984). In pending class-action litigation, a federal court has certified a class of persons detained for more than 48 hours solely based on an immigration detainer, because “it may be found as a matter of law that all such delays were unreasonable.” *Roy v. County of Los Angeles*, Nos. CV 12-09012-BRO (FFMx) and CV 13-04416-BRO (FFMx), 2016 WL 5219468 at \*12 (C.D. Cal. Sept. 9, 2016) (citing *County of Riverside*, 500 U.S. at 57); *see id.* at \*14 (certifying modified additional class in consolidated litigation because “forty-eight-hour or longer detentions may be considered presumptively unlawful under *Gerstein* and *McLaughlin* and may be subject to class-wide determination.”).

<sup>36</sup> *Galarza v. Szalczyk*, 745 F.3d 634, 639–45 (3d Cir. 2014).

<sup>37</sup> *Miranda-Olivares v. Clackamas Cnty.*, No. 3:12-CV-02317-ST, 2014 WL 1414305, at \*11 (D. Or. Apr. 11, 2014). It is not clear that such a new arrest based on a supposed civil immigration violation would even be authorized under the Immigration and Nationality Act. *See Arizona*, *supra* note \_\_\_ (describing the specific, limited circumstances under which local authorities are permitted to make civil immigration arrests); *see also* *Buquer v. City of Indianapolis*, 797 F.Supp.2d 905, 919-22 (S.D. Ind. 2011) (granting preliminary injunction finding plaintiffs likely to succeed on claim that local law permitting arrests on the basis of immigration detainers is preempted by federal law and violates the Fourth Amendment).

to abandon the practice of issuing immigration detainers asking local law enforcement to prolong the detention of people otherwise entitled to release.<sup>38</sup>

Immigration “warrants” issued by the Department of Homeland Security offer no more meaningful basis for detention than do immigration detainers. These documents are not issued by a neutral magistrate, as the Fourth Amendment requires.<sup>39</sup> Additionally, under federal law, these “warrants” may be executed only by federal immigration officers<sup>40</sup> and not by state officials.

***California may prohibit law enforcement from  
inquiring into or investigating immigration status,  
and from sharing certain information with immigration officials.***

The California Values Act prohibits local resources from being used to inquire into a person’s immigration status<sup>41</sup>. The Los Angeles Police Department (LAPD) has had a similar policy in place since 1979.<sup>42</sup> The LAPD policy, like the California Values Act, is premised on the idea that “effective law enforcement depends on a high degree of cooperation between the Department and the public it serves.”<sup>43</sup> And in 2009 a state appellate court held the LAPD policy does not conflict with federal law.<sup>44</sup>

S.B. 54 also prohibits local resources from being used to share release dates or other non-public information like a person’s home or work address. These restrictions on information sharing are narrowly crafted to comply with federal law.<sup>45</sup> A federal court in January held that a similar provision in a policy of the San Francisco Sheriff’s Department<sup>46</sup> did not conflict with federal law.<sup>47</sup>

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<sup>38</sup> Memorandum from Jeh Charles Johnson, Sec’y, U.S. Dep’t of Homeland Sec., to Thomas S. Winkowski, Acting Dir., U.S. Immigration & Customs Enforcement, et al. at 2 n.1 (Nov. 20, 2014) (collecting federal decisions).

<sup>39</sup> See *El Badrawi v. Dept. of Homeland Sec.*, 579 F. Supp. 2d 249, 276 (D. Conn. 2008) (treating arrest as warrantless because “[n]o neutral magistrate (or even a neutral executive official) ever examined the [immigration] warrant's validity”).

<sup>40</sup> *Arizona*, 132 S.Ct. at 2506 (citing 8 C.F.R. §§ 241.2(b), 287.5(e)(3)) (describing administrative warrants as “executed by federal officers who have received training in the enforcement of immigration law”).

<sup>41</sup> S.B. 54, Proposed section 7284.6(a)(1)(A).

<sup>42</sup> Office of the Chief of Police, *Special Order No. 40: Undocumented Aliens*, L.A. POLICE DEP’T (Nov. 27, 1979), [www.lapdonline.org/assets/pdf/SO\\_40.pdf](http://www.lapdonline.org/assets/pdf/SO_40.pdf).

<sup>43</sup> *Id.*; see S.B. 54, Proposed section 7284.2(b), (c) (recognizing that a “relationship of trust between California’s immigrant community and state and local agencies is central to the public safety of the people of California” and that this “trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school ....”).

<sup>44</sup> *Sturgeon v. Bratton*, 95 Cal. Rptr. 3d 718 (Cal. App. 2009).

<sup>45</sup> S.B. 54, Proposed section 7284.6(a)(f)(carving out exception concerning “information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code”).

<sup>46</sup> San Francisco Sheriff’s Department, Inter-Office Correspondence, Ref. No. 2015-036 (March 13, 2015), [http://www.catrustact.org/uploads/2/5/4/6/25464410/ice\\_contact\\_signed.pdf](http://www.catrustact.org/uploads/2/5/4/6/25464410/ice_contact_signed.pdf) (prohibiting

***Disentangling public property from immigration enforcement  
guarantees equal access to all public services.***

The California Values Act requires the Attorney General to develop “model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, and shelters ...”<sup>48</sup> S.B. 54 makes clear that the goal is for these public properties to “remain safe and accessible to all California residents, regardless of immigration status.”<sup>49</sup>

California has the authority “to preserve the property under its control for the use to which it is lawfully dedicated.”<sup>50</sup> Courthouses, for example, exist “principally to facilitate the smooth operation of a government's judicial functions,” and some expressive activities may be restricted, notwithstanding the First Amendment’s protection of free speech, because of the government’s interest in preserving its property for this dedicated use.<sup>51</sup>

Here, the California Values Act reflects the judgment that providing assistance with immigration enforcement is inconsistent with the uses to which these public properties are lawfully dedicated. Taking measures “to the fullest extent possible consistent with federal and state law” to limit such assistance is California’s right.

Moreover, S.B. 54 is concerned with ensuring equal access to the government services provided at these public properties. Immigration enforcement in public buildings and services chills equal access, raising Equal Protection issues. In the public schools context, the Eleventh Circuit held that requiring public schools to ascertain the immigration status of every enrolled student<sup>52</sup> presented an “increased likelihood of deportation or harassment upon enrollment in school” that would “significantly deter[] undocumented children from enrolling in and attending school,” in violation of their right

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SFSD personnel from sharing “release dates or times” or “home or work contact information” with federal immigration officials).

<sup>47</sup> *Steinle v. City and County of San Francisco*, \_\_\_ F. Supp. 3d \_\_\_, 2017 WL 67064 at \*11 - \*12 (Jan. 6, 2017) (holding that “[n]othing in 8 U.S.C. § 1373(a) addresses information concerning an inmate’s release date. The statute, by its terms, governs only ‘information regarding the citizenship or immigration status, lawful or unlawful, of any individual’”).

<sup>48</sup> S.B. 54, Proposed Section 7284.8.

<sup>49</sup> *Id.*

<sup>50</sup> *Adderley v. Florida*, 385 U.S. 39, 47, 87 S.Ct. 242, 247, 17 L.Ed.2d 149 (1966); *see also United States v. Grace*, 461 U.S. 171, 178, 103 S.Ct. 1702, 1707, 75 L.Ed.2d 736 (1983) (“There is little doubt that in some circumstances the Government may ban the entry on to public property that is not a ‘public forum’ of all persons except those who have legitimate business on the premises.”).

<sup>51</sup> *See Rouzan v. Dorta*, 2014 WL 1716094 at \*12 (C.D. Cal. 2014) (holding courthouse to be a “nonpublic forum” for First Amendment purposes) (citing, *inter alia*, *Huminski v. Corsones*, 396 F.3d 53, 91 (2d Cir.2004)).

<sup>52</sup> *Id.* at 1244.

to Equal Protection.<sup>53</sup> The likelihood of immigration enforcement happening at the courthouse may similarly chill victims of (and witnesses to) crime from attending court,<sup>54</sup> raising Equal Protection problems<sup>55</sup> as serious as those that occur when police services are denied to disfavored populations.<sup>56</sup>

Taking steps to disentangle public properties, and the services provided there, from immigration enforcement serves legitimate governmental and constitutional interests. Directing the Attorney General to pursue disentanglement “consistent with federal and state law” is both good law and good policy.

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For the above reasons, we urge you to sign Senate Bill 54, the “California Values Act,” into law. Thank you for your consideration.

Respectfully submitted,\*



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<sup>53</sup> *Hispanic Interest Coal. of Alabama v. Governor of Alabama*, 691 F.3d 1236, 1247-48 (11th Cir. 2012) (citing *Plyler v. Doe*, 457 U.S. 202, 102 S. Ct. 2382, 72 L.Ed.2d 786 (1982)).

<sup>54</sup> *See, e.g.*, Letter from Denver Mayor Michael Hancock, et al. to Jeffrey D. Lynch, Acting Field Office Director, U.S. Immigration and Customs Enforcement (April 6, 2017), available at <http://www.denverpost.com/2017/04/06/denver-ice-agents-courthouse-school-raids/> (noting that as a result of immigration enforcement in Denver courthouses, “[a]lready we have victims of domestic violence refusing to come to court for fear of immigration consequences which results in violent criminals being released into the community”).

<sup>55</sup> *See* Letter from Tani G. Cantil-Sakauye, Chief Justice, California Supreme Court, to U.S. Att’y Gen’l Sessions et al. (March 16, 2017), <http://newsroom.courts.ca.gov/news/chief-justice-cantil-sakauye-objects-to-immigration-enforcement-tactics-at-california-courthouses> (arguing that immigration enforcement in California courthouses “undermine[s] the judiciary’s ability to provide equal access to justice”).

<sup>56</sup> *Elliot–Park v. Manglona*, 592 F.3d 1003, 1007 (9th Cir.2010) (“[D]iminished police services, like the seat at the back of the bus, don’t satisfy the government’s obligation to provide services on a nondiscriminatory basis”).

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