

No. 18-16496

**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 an order denying a preliminary injunction
Eastern District of California No. 2:18-cv-02866-JAM-KJN
The Honorable John H. Mendez

**AMICI CURIAE BRIEF OF
FAITH-BASED ORGANIZATIONS
IN SUPPORT OF APPELLEES**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1 and 29(c), Amici Curiae state that they are nonprofit corporations, have no parent corporations, and have no stock, let alone stock held by any publicly held company.

November 9, 2018

Respectfully submitted,

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CASES

Bastidas v. INS,
609 F.2d 101 (3d Cir. 1979)20

Manning v. Powers,
281 F. Supp. 3d 953 (C.D. Cal. 2017).....6

Richland Park Homeowners Ass’n v. Pierce,
671 F.2d 935 (5th Cir. 1982).....20

STATUTES

8 U.S.C. § 1324.....10

8 U.S.C. § 1324(B)(iv)10

8 U.S.C. § 1324(C)10

OTHER AUTHORITIES

Amicus PICO California organized “100 Days of Resistance” to
“fight the dangerous agenda touted by President Trump’s
administration,” available
at <http://www.picocalifornia.org/100days/>.....11

Associated Press, *Alien Sanctuary Movement’s State Unclear a
Year After Court Case*, N.Y. Times, July 7, 1987, available
at [https://www.nytimes.com/1987/07/07/us/alien-sancutary-
movement-s-state-unclear-a-year-after-court-case.html](https://www.nytimes.com/1987/07/07/us/alien-sancutary-movement-s-state-unclear-a-year-after-court-case.html)10

Burke, Sheila, *Sessions: No Tears Over Tennessee Immigration
Raid*, Seattle Times, May 8, 2018, available
at [https://www.seattletimes.com/business/sessions-no-tears-
over-tennessee-immigration-raid/](https://www.seattletimes.com/business/sessions-no-tears-over-tennessee-immigration-raid/).....4

Castillo, Andrea, *Immigrant Arrested by ICE after Dropping
Daughter Off at School, Sending Shockwaves Through
Neighborhood*, L.A. Times, March 3, 2017, available
at [http://www.latimes.com/local/lanow/la-me-immigration-
school-20170303-story.html](http://www.latimes.com/local/lanow/la-me-immigration-school-20170303-story.html).....13

TABLE OF AUTHORITIES
(Continued)

Catholic Church, Catechism of the Catholic Church, 2d ed.,
§ 1902, available
at http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c2a2.htm 7

Catholic Church, Catechism of the Catholic Church, 2d ed.,
§ 2242, available
at http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a4.htm 7

Connolly, Daniel, *Manual Duran’s Arrest Was Retaliation for News Coverage, Lawyers Say*,
Commercial Appeal, Apr. 16, 2018, available
at <https://www.commercialappeal.com/story/news/2018/04/16/memphis-police-arrest-manuel-duran-retaliation-news-coverage-lawyers-say/519896002/> 4

Cox, J. Charles, *The Sanctuaries and Sanctuary Seekers of Mediaeval England* 1 (George Allen Sons, 1911) 9

Esquivel, Paloma and James Queally, *A U.S. Citizen Says Her Rights Were Violated After She Was Detained by Immigration Authorities in San Bernardino*, L.A. Times, May 26, 2017,
available at <http://www.latimes.com/local/lanow/la-me-aclu-ice-plascencia-20170524-story.html> 17

Ewing, Walter, Immigration Impact, *The Federal Government Is Using Immigration Raids as Retaliation Against California*,
Immigration Impact, American Immigration Council, Feb. 8, 2018, available
at <http://immigrationimpact.com/2018/02/08/government-immigration-raids-california/>; Joshua Geltzer & Seth Wayne,
America Should Stop Deporting Peaceful Immigrant Advocates, The Hill, Apr. 18, 2018, available
at <http://thehill.com/opinion/judiciary/383803-america-should-stop-deporting-peaceful-immigrant-advocates>; 5

TABLE OF AUTHORITIES
(Continued)

Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017)	4
Gandara, Patricia and Jongyeon Ee, UCLA Civil Rights Project, <i>U.S. Immigration Enforcement Policy and Its Impact on Teaching and Learning in the Nation’s Schools</i> (Feb. 28, 2018), available at https://www.civilrightsproject.ucla.edu/research/k-12- education/integration-and-diversity/u.s.-immigration- enforcement-policy-and-its-impact-on-teaching-and-learning- in-the-nations-schools/EMBARGOED-Immigration- enforcement-on-schools.pdf	16
Gonzales, Richard, <i>Trump Administration Doubles Worksite Investigations To Combat Illegal Immigration</i> , NPR, May 14, 2018, available at https://www.npr.org/sections/thetwo- way/2018/05/14/611154085/trump-administration-doubles- worksite-investigations-to-combat-illegal- immigrati?utm_source=dlvr.it&utm_medium=twitter	5
Hagan, Jacqueline M. et al., <i>Social Effects of Mass Deportations by the United States Government, 2000–10</i> , 34 <i>Ethnic & Racial Studies</i> 1374, 1378 (Aug. 2011), available at https://www.researchgate.net/publication/232844424_Socia l_Effects_of_Mass_Deportations_by_the_US_Government	16
Human Rights Watch, <i>Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States</i> (Dec. 2009), available at www.hrw.org/sites/default/files/reports/us1209webwcover _0.pdf	21
Kausch, Katie, <i>Roby Sanger Had Just Finished Dropping His Children Off at School Thursday Morning When He Was Arrested by ICE</i> , Patch.com, Jan. 25, 2018, available at https://patch.com/new-jersey/edison-metuchen/metuchen- dad-arrested-ice-after-school-drop-advocates-say	13

TABLE OF AUTHORITIES
(Continued)

Klein, Gary *Novato Man Arrested in Federal Immigration Bust*,
Marin Independent Journal, March 14, 2018, available
at <http://www.marinij.com/government-and-politics/20180314/novato-man-arrested-in-federal-immigration-bust>13

Pasquarella, Jennie, ACLU of Southern California, *California’s Senate Just Approved a Bill to Protect Its Residents From Trump’s Deportation Forces* (April 5, 2017), available
at <https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/californias-senate-just-approved-bill-protect-its>.....19

Pew Research Center, *Frequency of Prayer*, available
at <http://www.pewforum.org/religious-landscape-study/frequency-of-prayer/>6

Pew Research Center, *Importance of Religion in One’s Life*,
available at <http://www.pewforum.org/religious-landscape-study/importance-of-religion-in-ones-life/>6

Pew Research Center, *The Religious Affiliation of U.S. Immigrants: Majority Christian, Rising Share of Other Faiths*
(May 17, 2013), available
at <http://www.pewforum.org/2013/05/17/the-religious-affiliation-of-us-immigrants/>22

Pew Research Center, *Religious Landscape Study*, available
at <http://www.pewforum.org/religious-landscape-study/>.....6

PICO National Network, *Organizing for the Resistance*,
available at <https://www.piconetwork.org/take-action/organizing-for-the-resistance>.....11

Queally, James, *ICE Agents Make Arrests at Courthouses, Sparking Backlash From Attorneys and State Supreme Court*,
L.A. Times, March 16, 2017, available
at <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>.....17

TABLE OF AUTHORITIES
(Continued)

Queally, James, *Latinos Are Reporting Fewer Sexual Assaults Amid a Climate of Fear in Immigrant Communities, LAPD Says*, L.A. Times, March 21, 2017, available at <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>.....17

Rabben, Linda, *Sanctuary and Asylum* 39 (2016), available at <https://canvas.uw.edu/courses/1114024/files/39866784/download?verifier=SKV2zd1RvUXNMUG6cuYk7v3DqhUa297YRIvCvZ8v&wrap=1>9

Rabin, Nina, *Disappearing Parents: Immigration Enforcement and the Child Welfare System*, 44 Conn. L. Rev. 99 (2011)21

Rhodan, Maya and Elizabeth Dias, *Immigration Agents Arrested Men Outside a Church. But Officials Say It Was Just a Coincidence*, Time, Feb. 17, 2017, available at <http://time.com/4674729/immigrations-church-sensitive-policy-concerns/>.....12

Shoichet, Catherine E., *ICE Raided a Meatpacking Plant. More Than 500 Kids Missed School the Next Day*, CNN, Apr. 12, 2018, available at <https://www.cnn.com/2018/04/12/us/tennessee-immigration-raid-schools-impact/index.html>.....16

St. John, Paige and Joel Rubin, *ICE Held an American Man in Custody for 1,273 Days. He’s Not the Only One Who Had to Prove His Citizenship*, L.A. Times, April 27, 2018, available at <http://www.latimes.com/local/lanow/la-me-citizens-ice-20180427-htmlstory.html>17

U.S. Immigration and Customs Enforcement, *FAQ on Sensitive Locations and Courthouse Arrests*, available at <https://www.ice.gov/ero/enforcement/sensitive-loc>12

Ulloa, Jazmine, *ICE Is Increasing Presence in California Because of ‘Sanctuary State’ Law, Says Trump Immigration Chief*, L.A. Times, Jan. 3, 2018, available at <http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-ice-is-increasing-presence-in-california-1514999654-htmlstory.html>5

TABLE OF AUTHORITIES
(Continued)

Wessler, Seth, Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System* 38 (Nov. 2011), available at <https://11042-presscdn-0-63-pagely.netdna-ssl.com/wp-content/uploads/indres/081512shatteredfamilies.pdf>.....20

INTEREST OF AMICI CURIAE¹

Amici are the following faith-based organizations and persons whose work includes advocating for or providing aid and resources to recent U.S. immigrants and their families: PICO California;² Franciscan Action Network (“FAN”);³ National Council of Jewish Women-California (“NCJW”);⁴ and Rabbi Jonathan D. Klein, Executive Director of Clergy and Laity United for Economic Justice (“CLUE”)⁵. A list of over 100 individual clergy who join the Amici in support of this brief is included as an addendum to this brief.

¹ The parties consented to these Amici filing a brief. No party or party’s counsel authored any portion of this brief, and no one other than Amici or their counsel contributed any money to fund this brief or aid in its preparation or submission.

² PICO California is a statewide network of faith-based organizations working to create innovative solutions to problems facing urban, suburban, and rural communities. PICO California comprises 19 nonprofit organizations made up of 480 congregations, schools, and neighborhood institutions representing 450,000 families.

³ Franciscan Action Network is a grassroots organization amplifying the justice efforts of Franciscans and Franciscan-hearted people around the country. The Franciscan Action Network sees the interconnectedness of all creation and the common origin of humanity as rooted in God’s loving design for the earth and all people.

⁴ National Council of Jewish Women is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. NCJW works for “comprehensive, humane, and equitable immigration, refugee, asylum, and naturalization laws, policies, and practices that facilitate and expedite legal status and a path to citizenship for more individuals.”

⁵ Rabbi Klein is the Executive Director of Clergy and Laity United for Economic Justice. CLUE’s mission is to join economically disadvantaged communities in their struggles for justice. CLUE collaborates with over 600

INTRODUCTION AND SUMMARY OF ARGUMENT

In the United States, faith plays a significant role in the lives of most recent immigrants and their families, and faith-based organizations historically have played a leading role in serving their needs. Amici have an interest in and derive benefits, spiritual and otherwise, from helping those less fortunate within our society, including those in immigrant communities. Amici count many thousands of immigrants within their congregations, and minister to them and their families.

As part of their faith-based work, Amici advocate for and provide resources and aid to immigrant families. These faith communities are willing to take on significant legal and physical risk to serve as sanctuaries for immigrants for their material and spiritual needs. Amici have committed to this work because they have firsthand knowledge of the adverse impacts that worker exploitation, family separation, detention, and deportation have on immigrant families.

By this action, the Federal Government challenges the Immigration Worker Protection Act, the Dignity Not Detention Act, and the California Values Act (collectively, the “Challenged Statutes”). The effect of the Challenged Statutes is to ensure the state and individual Californians are not forced to be complicit in federal immigration actions that the current

(footnote continued)

religious leaders and 1,200 laypeople in the Los Angeles and Orange County areas.

administration has admitted are calibrated to create an atmosphere of fear and intimidation. The Challenged Statutes address the enormous humanitarian costs associated with mistreatment of undocumented individuals, lengthy and unexplainable detentions, and traumatic deportations. At the same time, the Challenged Statutes enable millions of individuals in differing congregations to live out their religious principles.

Reversing the district court's order denying injunctive relief would harm Amici, members of their congregations, and the public overall, by preventing enforcement of state laws allowing California citizens to avoid voluntary cooperation with aggressive and hostile immigration enforcement tactics that are anathema to their religious principles. Faith-based organizations provide sanctuary and services to people of faith and serve needy populations, as they are directed to do by scripture and religious law. The Challenged Statutes enable citizens, including faith-based organizations, to provide sanctuary services to immigrants without being conscripted to assist federal enforcement efforts, consistent with the core tenets and divine mission of the Amici organizations.

Amici submit this brief to provide the Court with their distinct perspective on why an injunction would be contrary to the public interest. This brief first notes the troubling shift in the Federal Government's deportation tactics, and why Amici's religious beliefs compel them to assist those negatively affected by these new policies. The history of sanctuary will be discussed, as well as its growing necessity in response to the current

administration's ultra-aggressive deportation campaign. Finally, Amici will explain why the Challenged Statutes are necessary to protect against federal abuse, and will highlight the harm immigrant and religious communities alike will suffer if an injunction were granted.

ARGUMENT

I The Federal Government's Current Immigrant Enforcement Tactics Are Indiscriminately Aggressive and Inconsistent With Basic Religious Tenets.

Under the current administration, the Federal Government has effectively eliminated actual immigrant prioritization, and instead signaled to its immigration agents that all undocumented individuals in the United States should be considered targets.⁶ Under this new enforcement system, all undocumented workers seeking to provide for their families are now targeted for deportation.⁷ Administrative officials have been explicit about the fact that they will use enforcement resources as a retaliatory tool against policies the Federal Government does not like or individuals whose speech it does not favor.⁸ Further, the Federal Government has dramatically increased the

⁶ Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

⁷ Sheila Burke, *Sessions: No Tears Over Tennessee Immigration Raid*, Seattle Times, May 8, 2018, available at <https://www.seattletimes.com/business/sessions-no-tears-over-tennessee-immigration-raid/>.

⁸ Daniel Connolly, *Manuel Duran's Arrest Was Retaliation for News Coverage, Lawyers Say*, Commercial Appeal, Apr. 16, 2018, available at <https://www.commercialappeal.com/story/news/2018/04/16/memphis-police-arrest-manuel-duran-retaliation-news-coverage-lawyers-say/519896002/>;

number of worksite investigations in an attempt to fulfill the president's campaign promises of mass deportations.⁹

The new immigration enforcement policies are tearing apart immigrant communities, leaving few remaining safeguards in place to protect those most vulnerable. Enforcement of the Federal Government's new immigration system will continue to result in abuses and violations of individuals' basic human rights. These tactics directly conflict with Amici's religious tenets, in which the concept of sanctuary is key.

(footnote continued)

Walter Ewing, Immigration Impact, *The Federal Government Is Using Immigration Raids as Retaliation Against California*, Immigration Impact, American Immigration Council, Feb. 8, 2018, available at <http://immigrationimpact.com/2018/02/08/government-immigration-raids-california/>; Joshua Geltzer & Seth Wayne, *America Should Stop Deporting Peaceful Immigrant Advocates*, The Hill, Apr. 18, 2018, available at <http://thehill.com/opinion/judiciary/383803-america-should-stop-deporting-peaceful-immigrant-advocates>; Jazmine Ulloa, *ICE Is Increasing Presence in California Because of 'Sanctuary State' Law, Says Trump Immigration Chief*, L.A. Times, Jan. 3, 2018, available at <http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-ice-is-increasing-presence-in-california-1514999654-htmstory.html>.

⁹ Richard Gonzales, *Trump Administration Doubles Worksite Investigations To Combat Illegal Immigration*, NPR, May 14, 2018, available at https://www.npr.org/sections/thetwo-way/2018/05/14/611154085/trump-administration-doubles-worksite-investigations-to-combat-illegal-immigrati?utm_source=dlvr.it&utm_medium=twitter.

II Amici Have a Religious Imperative to Provide Sanctuary in the Face of Unethical Government Action.

Amici and other faith communities have a religious imperative to minister to the downtrodden, including undocumented immigrants, against dehumanizing immigration enforcement. Courts have recognized that there is a public interest in protecting the ability for individuals and entities to conduct their lives according to their religious tenets and moral convictions. *See, e.g., Manning v. Powers*, 281 F. Supp. 3d 953, 965 (C.D. Cal. 2017) (holding there is a “significant public interest” in enforcing plaintiff’s First Amendment rights to engage in religious activity). Religion is a dominant influence on the values and principles of the American people. A recent study showed that approximately 76% of adults in America identified with a major religion,¹⁰ and 77% of the adults surveyed expressed that religion is “very important” or “somewhat important” in their life.¹¹ In addition, 55% of adults surveyed pray at least once a day, and approximately 33% look to religious teachings and beliefs most often for guidance on questions of right and wrong.¹²

¹⁰ Pew Research Center, *Religious Landscape Study*, available at <http://www.pewforum.org/religious-landscape-study/>.

¹¹ Pew Research Center, *Importance of Religion in One’s Life*, available at <http://www.pewforum.org/religious-landscape-study/importance-of-religion-in-ones-life/>.

¹² Pew Research Center, *Frequency of Prayer*, available at <http://www.pewforum.org/religious-landscape-study/frequency-of-prayer/>.

In giving moral and religious guidance, religious texts across major religions preach an obligation to welcome the stranger and serve those in need.¹³ The Challenged Statutes protect Amici’s ability to conduct themselves in a manner consistent with the basic tenets of their religious faith. When these religious principles conflict with an unjust secular law, religious followers are obligated to challenge the law’s legitimacy. As succinctly explained in the Catholic Catechism:

“Authority does not derive its moral legitimacy from itself. It must not behave in a despotic manner, but must act for the common good as a moral force based on freedom and a sense of responsibility[.]”¹⁴

“The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. . . . We must obey God rather than men.”¹⁵

¹³ Christianity teaches the following: “When a stranger sojourns with you in your land, you shall not do him wrong . . . [he] shall be as native among you, and you shall love him as yourself.” Leviticus 19:33. Judaism preaches that its followers should: “Defend the weak and the fatherless; uphold the cause of the poor and the oppressed.” Psalm 82:3-4. Islam instructs that the righteous are those “who feed the poor, the orphan and the captive for the love of God, saying: We feed you for the sake of God Alone; we seek from you neither reward nor thanks.” Qur’an 76:8-9.

¹⁴ Catholic Church, Catechism of the Catholic Church, 2d ed., § 1902, available at http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c2a2.htm.

¹⁵ *Id.* at § 2242, available at http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a4.htm.

The Challenged Statutes ensure that Amici and other faith communities are able to act in accordance with their own moral religious principles.

A. Sanctuary Cities Originated From Religious Principles.

The notion of a sanctuary city is as old as the Bible itself. According to the Old Testament, God commanded the Israelites to designate cities of refuge so that “anyone who kills a person accidentally and unintentionally may flee there and find protection from the avenger of blood.” Joshua 20:2-4. “Any[one] who killed someone accidentally could flee to these designated cities . . . prior to standing trial before the assembly.” Joshua 20:9.

These cities of refuge were places where those who committed crimes unknowingly or out of desperation would have a chance to live their life in peace, at least until the individual could stand trial. In contrast, the current administration’s immigration enforcement tactics do not reflect the due process protections echoed throughout society’s oldest religious texts. The Challenged Statutes protect the biblical notion of a city or state of sanctuary against a federal government’s immigration deportation process that threatens the basic human needs of immigrants and violates Amici’s religious tenets.

B. Houses of Worship Have Provided Sanctuary for Centuries.

Beyond sanctuary cities, for centuries houses of worship have themselves traditionally served as places of sanctuary for the most vulnerable. The first Christian emperor, Constantine, embraced the institution of

sanctuary in the fourth century.¹⁶ Medieval European states wrote sanctuary into their legal codes as early as 392 A.D., specifying what areas of the church constituted sanctuary.¹⁷ Muslim religious practices from the same era similarly recognized that places of worship served as sanctuaries, and the tombs of saints and mosques offer shelter to refugees even in the modern day.¹⁸ To some religious leaders, crime was the consequence of man's fall from grace, the house of worship stood for mercy to sinners,¹⁹ and sanctuary was recognized as a "necessary remedy for [the] barbarous state of society."²⁰ The very tradition of sanctuary was the expression of the love and mercy preached in religious texts, implemented in opposition to violent and aggressive secular policies.

C. Modern American Religious Communities Have Adopted Principles of Sanctuary in Support of Immigrants.

The tradition of sanctuary continues in America today. In the 1980s, churches and synagogues provided sanctuary to tens of thousands of undocumented Central American immigrants who sought refuge from

¹⁶ Linda Rabben, *Sanctuary and Asylum* 39 (2016), available at <https://canvas.uw.edu/courses/1114024/files/39866784/download?verifier=SKV2zd1RvUXNMUG6cuYk7v3DqhUa297YRIvCvZ8v&wrap=1>.

¹⁷ *Id.*

¹⁸ *Id.* at 43.

¹⁹ *Id.* at 41.

²⁰ J. Charles Cox, *The Sanctuaries and Sanctuary Seekers of Mediaeval England* 1 (George Allen Sons, 1911).

political persecution and civil wars in Guatemala, El Salvador, and Nicaragua, in what was known as the Sanctuary Movement. The Sanctuary Movement led faith communities to declare their churches, synagogues, mosques, and other houses of worship as public sanctuaries for immigrants and refugees. Immigrants were given shelter, food and drink, medical care, and sometimes legal advice—and most important, they were treated like human beings during times of need.

Amici and other groups that open up their houses of worship as sanctuaries are doing so at great risk to themselves and to individuals within the faith community. Religious institutions and religious leaders are not exempt from federal immigration law which prohibits harboring illegal aliens.²¹ Harboring undocumented immigrants is punishable by heavy fine, life in prison, or death, in some circumstances.²² For example, the Federal Government has prosecuted Sanctuary Movement leaders in the past, indicting eleven religious leaders between 1985 and 1987 on criminal counts of conspiracy, and of concealing, harboring, and transporting illegal aliens.²³

²¹ See 8 U.S.C. § 1324. There is a narrow exception in the law for religious organizations to “encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer, . . . provided the minister or missionary has been a member of the denomination for at least one year.” See 8 U.S.C. § 1324(C).

²² 8 U.S.C. § 1324(B)(iv).

²³ Associated Press, *Alien Sanctuary Movement’s State Unclear a Year After Court Case*, N.Y. Times, July 7, 1987, available at

Despite the risk, PICO National Network, in partnership with United We Dream and Church World Service, has announced a coalition of more than 800 congregations committed to providing sanctuary for immigrants.²⁴ Religious communities, such as Amici PICO California, have also shown passion for this cause in reaction to the current administration’s promise of aggressive deportation campaigns.²⁵

For religious communities, providing sanctuary to those less fortunate is more than volunteer work; it is a fundamental tenet of their faith. As Father Brendan Busse, S.J. Associate Pastor at Dolores Mission Catholic Church in the Boyle Heights neighborhood of Los Angeles, explains: “Our care for vulnerable families, our assistance, our service, our offerings are not just acts of generosity but acts of worship.” He added that “[a]ll of us” are affected by the Federal Government’s deportation tactics, “not just 10% or 50% or 90% . . . but all of us.” He continued by explaining that the faith community considers sanctuary an act “toward sacrifice and love—toward authentic and

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<https://www.nytimes.com/1987/07/07/us/alien-sanctuary-movement-s-state-unclear-a-year-after-court-case.html>.

²⁴ PICO National Network, *Organizing for the Resistance*, available at <https://www.piconetwork.org/take-action/organizing-for-the-resistance>.

²⁵ Amicus PICO California organized “100 Days of Resistance” to “fight the dangerous agenda touted by President Trump’s administration,” available at <http://www.picocalifornia.org/100days/>.

redemptive worship.” Father Busse stresses that providing sanctuary to immigrants is a vital component of living a sincere religious life.

D. Religious Sanctuary Is Particularly Critical Due to the Current Administration’s Recent Enforcement Actions in Sensitive Locations.

While federal administrative enforcement guidelines include, on paper, some protections for vulnerable populations, currently those guidelines have been effectively abandoned. For example, Immigration and Customs Enforcement has enacted a policy that immigration enforcement actions are not to occur at sensitive locations, such as schools or places of worship, unless (1) exigent circumstances exist, (2) other law enforcement actions have led officers to a sensitive location, or (3) prior approval is obtained from a supervisory official.²⁶ Enforcement actions covered by this policy include apprehensions, arrests, interviews, searches, and surveillance.²⁷ However, under the current administration, immigration-related apprehensions and arrests at sensitive locations have occurred with great frequency. Recent immigration enforcement actions at sensitive locations include the following:

- February 8, 2017, two undocumented immigrants were arrested in Virginia immediately outside of a church;²⁸

²⁶ U.S. Immigration and Customs Enforcement, *FAQ on Sensitive Locations and Courthouse Arrests*, available at <https://www.ice.gov/ero/enforcement/sensitive-loc>.

²⁷ *Id.*

²⁸ Maya Rhodan and Elizabeth Dias, *Immigration Agents Arrested Men Outside a Church. But Officials Say It Was Just a Coincidence*, Time,

- March 3, 2017, an undocumented immigrant was arrested in California less than two blocks from his daughter's elementary school;²⁹
- January 25, 2018, two undocumented immigrants were arrested in New Jersey after dropping their children off at school;³⁰ and
- March 14, 2018, an undocumented immigrant in California was arrested as he was dropping off his child at an elementary school.³¹

In none of these incidents, was there any apparent exigent circumstance or prior law enforcement action that led officers to the sensitive location. The government's failure to respect traditional boundaries heightens Amici's moral and religious objections to these aggressive enforcement tactics, and

(footnote continued)

Feb. 17, 2017, available at <http://time.com/4674729/immigrations-church-sensitive-policy-concerns/>.

²⁹ Andrea Castillo, *Immigrant Arrested by ICE after Dropping Daughter Off at School, Sending Shockwaves Through Neighborhood*, L.A. Times, March 3, 2017, available at <http://www.latimes.com/local/lanow/la-me-immigration-school-20170303-story.html>.

³⁰ Katie Kausch, *Roby Sanger Had Just Finished Dropping His Children Off at School Thursday Morning When He Was Arrested by ICE*, Patch.com, Jan. 25, 2018, available at <https://patch.com/new-jersey/edison-metuchen/metuchen-dad-arrested-ice-after-school-drop-advocates-say>.

³¹ Gary Klein, *Novato Man Arrested in Federal Immigration Bust*, Marin Independent Journal, March 14, 2018, available at <http://www.marinij.com/government-and-politics/20180314/novato-man-arrested-in-federal-immigration-bust>.

threatens Amici's ability to perform essential humanitarian services to minister to this vulnerable population.

III The Channeled Statutes Help to Prevent Abuse of Power Based on Immigration Status.

Each of the Challenged Statutes affirms this principle in a different way. The Immigrant Worker Protection Act affirms that Amici should "welcome the stranger" and are not required to voluntarily assist the Federal Government in its enforcement of aggressive immigration laws by turning over their employees unless proper procedures have been followed. In addition, by requiring that employers give adequate advance notice of inspections, the act also ensures that Amici, or anyone observing their religious calling, will not be made complicit in a surprise raid, and reduces the chances that immigrants are scared away from receiving food, shelter, and other basic necessities. Further, the act combats exploitation of undocumented workers by employers who threaten to voluntarily turn in undocumented workers to federal immigration enforcement agents unless the workers agree to work under exploitative or illegal conditions.

The Dignity Not Detention Act authorizes the California Attorney General to review and inspect immigration detention facilities to examine the conditions of confinement, the due process provided to detainees, and the circumstances around apprehension and transfer to the detention facility. In keeping with common theology, this statute ensures that the state is witness

to whether vulnerable immigrants in its territory are given food, shelter, and basic human rights.

The California Values Act prohibits state and local law enforcement officers from voluntarily providing certain identifying information about individuals or directly transferring the individual to immigration officials, unless immigration officials provide a warrant or probable cause determination, or in limited circumstances where the individual was convicted of certain crimes. Like the other statutes, this law codifies the religious principle of welcoming the downtrodden and vulnerable, by not actively sending them to those who would cast them out of the state and out of the country.

The Challenged Statutes protect the religious principle of caring for those most often exploited. The cumulative effect of the Challenged Statutes is to provide the opportunity to give sanctuary, which is why Amici support the statutes.

IV Enjoining the Challenged Statutes Will Do Great Harm to Religious Communities.

A. All Immigrants Are Harmed by the Climate of Fear.

Amici have thousands of productive immigrants within their congregations, proving immigration status plays no role in an individual's ability or willingness to positively contribute to their social, religious, and local communities. However, facing the possibility of deportation, immigrants have shied away from public places, houses of worship, schools, and health

services, and social services staff confirm declines in client participation.³² Parents in hiding are unable to attend school meetings to discuss services for their children, and are too afraid to submit applications for financial aid so their children may attend college.³³ Many immigrants spend most of their nonworking hours in their homes because it is the safest way to avoid detection. Such fear inhibits immigrants and their families from patronizing local businesses and other public establishments and from regularly frequenting their places of worship.³⁴ The Challenged Statutes help to dissipate this climate of fear that prevents immigrants from fully participating in, and contributing to, American communities.

³² Jacqueline M. Hagan et al., *Social Effects of Mass Deportations by the United States Government, 2000–10*, 34 *Ethnic & Racial Studies* 1374, 1378 (Aug. 2011), available at https://www.researchgate.net/publication/232844424_Social_Effects_of_Mass_Deportations_by_the_US_Government; Catherine E. Shoichet, *ICE Raided a Meatpacking Plant. More Than 500 Kids Missed School the Next Day*, CNN, Apr. 12, 2018, available at <https://www.cnn.com/2018/04/12/us/tennessee-immigration-raid-schools-impact/index.html>.

³³ Patricia Gandara and Jongyeon Ee, UCLA Civil Rights Project, *U.S. Immigration Enforcement Policy and Its Impact on Teaching and Learning in the Nation's Schools* (Feb. 28, 2018), available at <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/u.s.-immigration-enforcement-policy-and-its-impact-on-teaching-and-learning-in-the-nations-schools/EMBARGOED-Immigration-enforcement-on-schools.pdf>.

³⁴ Hagan, *supra*, n.32.

An injunction against the Challenged Statutes would also allow continued harm to those supporting undocumented immigrants, even if they themselves have legal immigration status or are citizens. Individuals who have legal status or citizenship, but may outwardly appear to be “foreign,” are at risk of being swept up in immigration raids and detained, losing basic due process protections until they are able to prove their citizenship.³⁵

Likewise, an injunction would also continue to destroy trust between individuals in immigrant communities and local law enforcement, such that immigrants would no longer feel comfortable reporting crimes or using the legal system to protect against abuse.³⁶

Amici can attest to the specific harm posed to those they serve by the requested injunction. A few examples are illustrative:

³⁵ Paige St. John and Joel Rubin, *ICE Held an American Man in Custody for 1,273 Days. He’s Not the Only One Who Had to Prove His Citizenship*, L.A. Times, April 27, 2018, available at <http://www.latimes.com/local/lanow/la-me-citizens-ice-20180427-htmlstory.html>; Paloma Esquivel and James Queally, *A U.S. Citizen Says Her Rights Were Violated After She Was Detained by Immigration Authorities in San Bernardino*, L.A. Times, May 26, 2017, available at <http://www.latimes.com/local/lanow/la-me-aclu-ice-plascencia-20170524-story.html>.

³⁶ James Queally, *Latinos Are Reporting Fewer Sexual Assaults Amid a Climate of Fear in Immigrant Communities, LAPD Says*, L.A. Times, March 21, 2017, available at <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>; James Queally, *ICE Agents Make Arrests at Courthouses, Sparking Backlash From Attorneys and State Supreme Court*, L.A. Times, March 16, 2017, available at <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>.

As Pastor Trena Turner explains, in addition to the tragic stories Americans hear on the news or read in the papers concerning swift deportation of community members, there are countless cries and screams Americans do not hear or see. Specifically, what the public often fails to consider are the “silent screams of those that have been tragically violated and then robbed of their ability to cry out against their attackers.”³⁷ Pastor Turner uses “Mary” as just one example to highlight the harms those within faith communities are suffering as a result of current immigration policies. Mary is a U.S. citizen living with an undocumented partner. Mary is reluctant to bring any attention from law enforcement to her or her household because she fears that would result in her partner’s immediate deportation. This means Mary no longer feels comfortable using the legal system or the protections of the law for herself or her loved ones. Pastor Turner stresses that Mary’s fear of deportation is not just a fear that impacts “immigrant brothers and sisters,” but one that has a “rippling effect into all of our lives.”

Joseph Tomás Mckellar, the Co-Director of Amici PICO California, has countless stories like Mary’s. He provides two stories as examples of the fear immigrants face under the Federal Government’s indiscriminate

³⁷ Pastor Trena Turner is a pastor at Victory in Praise Church in Stockton, and also serves as the Executive Director of Faith in the Valley. Pastor Turner uses the name “Mary” instead of the young woman’s real name because of the woman’s fear of her undocumented partner being targeted and deported. Pastor Turner provided a written statement to Joseph Tomás Mckellar, the Co-Director of PICO California, on May 14, 2018.

deportation system. “Mario” is a father of six children and a standout member at his Catholic church in Los Angeles. Mario had a troubled past, but learned from his mistakes and has stayed out of trouble for 30 years, working full-time and volunteering at his church and his children’s schools. Yet Mario still lives in constant fear that he will be pulled away from his family without notice. He wakes up every morning “look[ing] out of his window to make sure ICE isn’t waiting for him.” Mario cannot bring himself to explain to his young children that their father could be taken away from them at any moment under the current administration.³⁸

Joseph also recalls a story from March 2017, of a young mother of two, Esperanza, who was pulled over in Central California and cited for a minor traffic violation. Instead of releasing her with a traffic ticket, local law enforcement informed her that they had voluntarily passed her information to ICE agents because she was undocumented. Within minutes, two ICE agents arrived at her home to arrest and deport her. Fearing for her family’s safety, she never returned home. Esperanza’s life was torn apart at that moment, and she remains in hiding to this day.³⁹

³⁸ “Mario” is used out of privacy and to protect the identity of the individual Joseph describes.

³⁹ This story also appeared in numerous media outlets, including an article by the ACLU: Jennie Pasquarella, ACLU of Southern California, *California’s Senate Just Approved a Bill to Protect Its Residents From Trump’s Deportation Forces* (April 5, 2017), available at <https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/californias-senate-just-approved-bill-protect-its>.

B. Immigration Detention and Deportation Traumatize American Families.

Courts have repeatedly recognized that there is a public interest in maintaining stable families and communities. Federal courts have found that uprooting families can injure the public interest. *See, e.g., Richland Park Homeowners Ass'n v. Pierce*, 671 F.2d 935, 943 (5th Cir. 1982). “The family and relationships between family members occupy a place of central importance in our nation’s history and are a fundamental part of the values which underlie our society.” *Bastidas v. INS*, 609 F.2d 101, 105 (3d Cir. 1979) (finding insufficient consideration was given to a father’s affectionate relationship with his young son in determining whether to suspend deportation proceedings).

The current immigration enforcement system puts many families, including documented and undocumented immigrants alike, at risk of harm, as many undocumented immigrants are a part of families with mixed immigration status. Even before deportation, detention of a family member often is traumatizing for a family. Detained immigrants are transported an average of 370 miles, making regular contact with their children and families virtually impossible.⁴⁰ Unlike jails or prisons, immigration detention centers often lack adequate services to facilitate visitation by family or counsel,

⁴⁰ Seth Wessler, Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System* 38 (Nov. 2011), available at <https://11042-presscdn-0-63-pagely.netdna-ssl.com/wp-content/uploads/indres/081512shatteredfamilies.pdf>.

or even telephonic appearances for court hearings.⁴¹ Detainees may be transferred to various facilities during the course of their proceedings, and family members are not regularly informed of their loved one's whereabouts.⁴² Those who work in the immigration system acknowledge that it is common for a person to "disappear" once they have been picked up by ICE.⁴³ This can have severe adverse effects on parental rights as well, particularly for "disappearing fathers." Some in the welfare system are quick to write-off these fathers and cease efforts to track them down, resulting in termination of parental rights.⁴⁴

These elements of the immigration detention process are particularly harmful to the family unit. With no information, no services for the detainees or the families of detainees, and no resources, immigrant families must lean heavily on their social networks and religious communities, including Amici, to handle the repercussions of the sudden disappearance of a family member.

⁴¹ Nina Rabin, *Disappearing Parents: Immigration Enforcement and the Child Welfare System*, 44 Conn. L. Rev. 99, 122-24 (2011).

⁴² Human Rights Watch, *Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States* (Dec. 2009), available at www.hrw.org/sites/default/files/reports/us1209webwcover_0.pdf.

⁴³ Rabin, *supra*, 44 Conn. L. Rev. at 119.

⁴⁴ *Id.*

C. Amici Will Be Harmed by Indiscriminate Removal of Undocumented Immigrants.

Immigrants are active and cherished participants in religious communities, and their indiscriminate removal will harm the faith community. While the Catholic Church has suffered declining attendance in the United States in recent years, the overall percentage of Catholics has held fairly steady, largely because of the growth of the U.S. Hispanic population.⁴⁵ It is estimated that 83% of undocumented immigrants are Christian,⁴⁶ and the majority of Muslims and Hindus in the United States are immigrants.⁴⁷ As a result, the indiscriminate removal of immigrants is likely to adversely affect Christian, Muslim, and Hindu communities, among others. Not only will attendance numbers decrease if members are detained or deported, but more important, the sense of community and dedication to a religion is diminished when houses of worship cannot provide their members with the sanctuary that is a cornerstone of their faith. The very tenets of living a religious life will be disturbed by the Federal Government's requested injunction.

Amici have thousands of immigrants within their congregations and have seen how these individuals positively enhance their social, religious, and

⁴⁵ Pew Research Center, *The Religious Affiliation of U.S. Immigrants: Majority Christian, Rising Share of Other Faiths* (May 17, 2013), available at <http://www.pewforum.org/2013/05/17/the-religious-affiliation-of-us-immigrants/>.

⁴⁶ *Id.*

⁴⁷ *Id.*

local communities. Recent immigrants contribute to local communities by providing new perspectives that enhance society's cultural fabric, as well as add to the nation's productivity. At a basic level, houses of worship can help immigrants adjust to America by providing a network of information, including everything from how to find employment and housing, to how to apply for a Social Security card, to how insurance works in this country. Mosques, temples, and church networks serve as unofficial work referral systems where worshippers can learn about jobs or identify those they may hire themselves. New immigrants who are part of a congregation may learn about applying for college or where to obtain medical attention. In these ways, the house of worship is a center of the community for immigrants. It is a place where immigrants can seek sanctuary, honor their cultural traditions, learn new languages, cement their faith, find spouses, and raise families. Indiscriminate deportations deprive our communities and nation of diversity of thought and enrichment of culture, and threaten the stability of the nation's religious communities.

CONCLUSION

The Challenged Statutes provide important benefits to those who are most vulnerable in our society and to those who serve them. By offering some protections for its citizens to avoid being complicit in arbitrary deportations, and by ratcheting down the atmosphere of fear created by federal immigration enforcement tactics, the Challenged Statutes also ensure that the public will continue to benefit from the substantial contributions of recent immigrants.

This effect is consistent with, and a reflection of, the sacred religious principle of sanctuary. Because the Challenged Statutes are in the public interest and the Federal Government cannot establish the factors necessary to support an injunction, the district court's order should be affirmed.

November 9, 2018

Respectfully submitted,

s/Benjamin G. Shatz

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ADDENDUM

The following California clergymen and women, and organizations, join the foregoing amici curiae brief:⁴⁸

- Joseph Tomás McKellar, PICO California
- Pastor Trena Turner, Faith in the Valley and Victory In Praise Church
- Bishop Rufus Turner, Victory In Praise Church
- Pastor Daren Barron, World Conquerors Church
- Rev. Kathryn Galicia, St. Francis Episcopal Church
- Rev. Deacon Nancy Key, St. James Episcopal Cathedral
- Rev. Carolyn Woodall, St. Anne's Episcopal Church
- The Reverend Nick Lorenzetti, St. Paul's Church
- Bishop David Rice, Episcopal Diocese of San Joaquin
- The Rev. John Kirkley, St. James Episcopal Church
- Nancy Pennekamp, Night Ministry, Open Cathedral

⁴⁸ Names followed by an asterisk indicate that the joinder is on behalf of the individual only; the name of that person's organization is provided only for identification purposes and does not indicate joinder by the entity.

- Rev. Patricia Brigham, Faith in Action Bay Area
- Rev. Michael Kwiecien, O. Carm. St. Teresa Roman Catholic Church
- Reverend Theresa Cho, St. John's Presbyterian Church
- Rev. Anthony Jenk Taylor, Memorial United Methodist Church
- Deacon Sergio Gomez, Catholic Church
- Rev. Vanessa Southern, The First Unitarian Universalist Society of San Francisco
- Reverend Monique Ortiz-Abrate, St. Mary and St. Martha Lutheran Church
- Rev. Angela Brown, JD Glide Memorial United Methodist Church
- Rev. Sadie Stone, Bethany United Methodist Church
- Rev. Victor Floyd, Calvary Presbyterian, Metropolitan Community Churches
- Rev. Deborah Alvarez-Rodriguez, Jones Memorial United Methodist Church
- Rev. Michael Yoshii, Buena Vista United Methodist Church
- Rev. Judi Wortham-Sauls, Holman UMC
- Gala King, Buena Vista United Methodist Church
- Rev. Mike Friedrich, United Methodist Church, Bay District
- Rev. Emily Lin, Chinese Community UMC
- Ms. Donna Pedroza, Buena Vista UMC*
- The Rev. Davidson Bidwell-Waite, Faith in Action, San Francisco
- Rev. Valerie Duecker, Congregational Church of San Mateo
- Rev. Lindsey Kerr, United Methodist Church
- Mandy Bratt, Community Leader, Oakland Community Organizations and Kehilla Community Synagogue*
- Rev. Deborah Lee, Interfaith Movement for Human Integrity
- Dr. Sharon Fennema, Pacific School of Religion
- Father Richard Smith, Faith in Action Bay Area
- Rev. Canon Dr. Ellen Clark-King*
- Rev. Dr. Barbara Barkley, Clayton Valley Presbyterian Church
- Reverend Doctor Karen Stoyanoff, Unitarian Universalist Church in Anaheim
- Rev. Dr. Eileen Altman, First Congregational Church of Palo Alto, UCC
- Michele Chun, United Methodist Church
- Rev. Joann Lee, Calvary Presbyterian Church
- Rev. Randi Walker Pacific School of Religion
- Elder Glenda Pawsey, St. John's Presbyterian Church, Berkeley
- Rev. Dr. Jay Johnson, Pacific School of Religion
- Lillianna Bastianon, St. John of God

- Rev. Robert McGrath, UCC
- Louise Fortmann, University Lutheran Chapel
- Ms. Julie Dowd, University of San Francisco
- Dr. Thomas Dolan, Inland Congregations United for Change (ICUC)
- Pastor Kevin McDowell, The Carpenter House Church
- The Rev. Cn Anna Carmichael, Episcopal Diocese of San Joaquin
- Ms. Stephanie Leonoudakis-Golder, First Presbyterian Church of Burlingame
- Michael Fischer, Coordinator, Immigration and Refugee Action Group, Congregation B'nai Tikvah
- The Rev. Thomas Jackson, St. Cyprian's Episcopal Church
- The Rev. Gary Ost, St. Aidan's Episcopal Church
- Rabbi Amy Eilberg, Faith in Action Bay Area
- Elder Gayle Humphrey, Walnut Creek Community of Christ
- Sister Mary Ann Clifford, Sisters of Mercy
- Kevin Malone, San Diego Organizing Project
- Pastor David Brazil, Agape Fellowship
- Rev. Dr. Laura Rose, First Congregational of Alameda, United Church of Christ
- Rev. Dr. Kevin Modesto
- Rev. Dr. Diana Gibson, Multifaith Voices for Peace & Justice*
- The Rev. Laurel Mathewson
- Rabbi Marvin Goodman, Peninsula Sinai Congregation*
- The Reverend Dr. Allison Tanner, Lakeshore Avenue Baptist Church
- The Rev. Dr. Arlene Nehring, Eden United Church of Christ
- Mr. Patrick Kennedy, Greater Long Beach Interfaith Community Organization
- Robert Lane, Faith Alliance for a Moral Economy*
- Pastor Thurnell Clayton, Stockton New Life Worship Center C.O.G.I.C
- Rev. Stephanie Johnson, Trinity Lutheran Church
- Rev. John Oda, Lake Park United Methodist Church
- The Rev. Lyle Beckman, San Francisco Night Ministry
- Seminary Student Kofi Baah-Arhin, Church For The Fellowship Of All Peoples
- Rev. Marilyn Chilcote, St. John's Presbyterian Church in Berk
- Rev. Robert McKenzie
- The Rev. Michael Fincher, St. Gregory's Episcopal Church
- Rev. Michael Ratajczak, St. Thomas More Catholic Church
- Millie Phillips, First UU Society San Francisco*
- Amy Allen

- Rev. Ben Meyers, Unitarian Universalists of San Mateo
- Venerable Tenzin Chogyi, Land of Medicine Buddha
- The Rev. Anna Lange-Soto, Episcopal Churches of El Buen Pastor & NS de Guadalupe
- Rev. Connie Winter-Eulberg, St. Andrews Lutheran
- Rev. Rodger Brayfindley, First United Methodist Church
- Rev. Lynette Morlan, Episcopal Church of St. Anne
- Pastor Dee Emmert, Atonement Lutheran Church
- Pastor Curtis Smith, Destiny Christian Center
- Rabbi David J. Cooper, Kehilla Community Synagogue*
- Ann Lew
- True North Organizing Network
- Pilgrim United Church of Christ
- Pastor Erik Goehner, Holy Trinity Lutheran Church
- Caroline Theiss-Aird, Immigration Ministry
- Lorena Melgarejo
- Rabbi Allan Berkowitz*
- Suzanne Llewellyn, Co-Chair, Immigration Justice Committee, Mt. Diablo Unitarian Universalist Church*
- Rabbi Sarah Weissman*
- Rabbi Rebecca Shatz*
- Rev. Nate Klug*
- Rabbi Jay LeVine*
- Judy Carle, Solidarity Committee
- Rabbi Mychal Copeland*
- Rabbi Dev Noily*
- Rabbi Salem Pearce*
- Eddie Carmona*

CERTIFICATE OF COMPLIANCE

I certify that this Amici brief complies with the typeface and other requirements of Federal Rules of Appellate Procedure 32(a) because this brief has been prepared in a proportionally spaced typeface using 2003 Microsoft Word with a 14-point Times New Roman font and contains **5,214** words, exclusive of exempted sections, as counted by the 2003 Microsoft Word word-processing program used to generate this brief.

November 9, 2018

Respectfully submitted,

s/Benjamin G. Shatz

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on **November 9, 2018**. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/Bess Hubbard

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