

No. \_\_\_\_\_

NATIONAL IMMIGRANT JUSTICE CENTER, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, ET AL.

Plaintiff-Appellee,

vs. BOARD OF IMMIGRATION AND NATURALIZATION SERVICE, et al., Defendant-Appellee.

**BRIEF AMICI CURIAE NATIONAL IMMIGRANT JUSTICE CENTER, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, ET AL. IN SUPPORT OF PLAINTIFF-APPELLEE**

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Appellate Court No: 17-2991

Short Caption: City of Chicago v. Sessions

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party or amicus curiae, or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statement be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in front of the table of contents of the party's main brief.

American Civil Liberties Union Foundation; ACLU of Illinois; American Immigration Council;  
Immigrant Legal Resource Center; National Immigrant Justice Center; National Immigration Law Center  
Northwest Immigrant Rights Project; Southern Poverty Law Center; Washington Defender Association

Wilmer Cutler Pickering Hale and Dorr LLP, Riley Safer Holmes & Cancila LLP,  
National Immigrant Justice Center, American Civil Liberties Union Foundation

National Immigrant Justice Center--The Heartland Alliance for Human Needs and Human Rights

None.

s/ Mark Fleming  
Mark Fleming

January 4, 2018

X

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All name of every party that the attorney represents in the case (if the party is a corporation, you must provide the complete disclosure information required by Fed. R. App. P 26.1 by completing item #3):

American Civil Liberties Union Foundation; ACLU of Illinois; American Immigration Council;  
Immigrant Legal Resource Center; National Immigrant Justice Center; National Immigration Law Center  
Northwest Immigrant Rights Project; Southern Poverty Law Center; Washington Defender Association

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Wilmer Cutler Pickering Hale and Dorr LLP, Riley Safer Holmes & Cancila LLP,  
National Immigrant Justice Center, American Civil Liberties Union Foundation

(3) If the party or amicus is a corporation:

i) Identify all its parent corporations, if any; and

None.

ii) list any publicly held company that owns 10% or more of the party's or amicus' stock:

None.

Attorney's Signature: s/ Lee Gelernt Date: 01/04/2018

Attorney's Printed Name: Lee Gelernt

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes  No

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TABLE OF ABBREVIATIONS

NUMBER OF AMCCS

MMA YOUTH ACADEMY

AMCCS

The Academy's Condition Report on MMA Youth Academies' Operations and Local Community Impact

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## **TABLE OF AUTHORITIES**

**INTEREST OF AMICI CURIAE**



## SUMMARY OF THE ARGUMENT

A condition for the independence of the economy is the absence of any  
policy dependence on the part of the government. By the same condition





, C in o ede e y . e . e ec o e Co n n r e e no nd o y de p e r .  
e p r c p r o e p e en e on . e . e p o e e op r on e o c n e L A n e on , de o  
con r o e o c r r r e on en o ce en r . e y n ed e ce o e B ' c r n e d e e e,  
r c r n e en r e o o e en o ce en

Bec e . e e nd oc e r e c n n o e ec r e y op o o e ec o e Co n n r e , r  
r n e p r n . e n e r e e n o n e y . n o ed oc e o r ce e o e co n y n o  
on r n e r e on e en By e e y , , en C ' p r c e p o n ended, C  
e d c e en e o e M r on L A r n e p r n c ec

## **B. The proliferation of ICE detainees.**

Once C o r e e e n o e p e on r n e e o oc e e o CA o ec o e  
Co n n r e , e y e e e o o d e p e on C ' p r n c p e o o e e r n e e c o o d y o  
n nd r d e n oc e c o o d y e e e n e r e on de e ne A de e ne r e c ec o o  
e e e e d n ce no r ce o e e e e nd e L n .

o ede  $\xi \xi \neq n$  ,  $C_\xi$  e No  $\overset{\Delta\Delta}{M} C C_\xi$  ,  $c n$   $\overset{\Delta}{B} t \overset{\Delta}{B} t$  y  $-L$   
 An  $\dots$   $C C_\xi$  ,  $\dots$  ,  $\overset{\Delta}{M}$  ,  $\dots$  e en  $\xi e \neq n$  ,  
 $\dots$  ,  $L n n$   $\dots$   $n$   $t$  ,  $- N$  d  $\overset{\Delta}{M}$  ,  $\overset{\Delta}{M} M_\xi$   $\dots$   $\dots$  e e , no  
 ede  $\xi \xi \neq e$   $\xi$  con e on  $\xi e o$  , ce  $\dots$  e po e o  $\xi e$   $\xi n \xi e$   $\xi$  ed on  $\xi$   
 $\dots$   $\xi$  on de  $\xi ne$  ,  $\dots$   $\dots$   $\overset{\Delta}{M}$   $\dots$  pp d  $\dots$  ,  $- N$   $\dots$   $\overset{\Delta}{M}$   
 $\dots$  No e e doe  $\dots$  C  $\dots$  d  $\xi o$  , ze e de en , on o  $\xi \xi$  en o  $\overset{\Delta}{M}$  o  $\xi e$   
 oc  $\xi c_0$  . ody o e  $\dots$  e de  $\xi nee$  o  $\xi$  do e  $\dots$  e end ,

O e  $\dots$   $\xi$  dec  $\xi de$  ,  $\dots$  en  $\xi$  e o de  $\xi ne$  en lo oc  $\xi \xi \xi$  y oc e ed n Y  
 $\dots$  , C  $\dots$  ed  $\dots$  de  $\xi ne$  , y Y  $\dots$  ,  $\xi n_0$  e  $\xi d$  o up y  $\xi \xi$  o o  $\overset{\Delta}{M}$  , o  
 $\dots$  , A  $\xi e$   $\dots$  ,  $\xi$  en o ce en co  $\xi$  d no on e c ed , y  $\xi$  con  $\xi$   $\dots$  e  
 o  $\xi$  d no e  $\xi d$  o ,  $\xi$  on con e  $\xi$  ence  $\dots$  ,  $\xi$  co  $\xi$  n , e  $\xi$  o  $\dots$  e co  $\xi$  n  $\xi$  n  $\xi$  o e e

con  $\rho$  con  $\mathbb{M}$  e  $\xi$  ne  $e e \xi$  o e pen  $r e o$  oc  $\xi$  o en en  $e e e$ , ec  $\rho$  e C

n. nny nm, C e No M Aenn , No M M ede e d e  
e e. C e n e c e e d n r. p o n o n e e de e ne e e nd e o y, C  
de, ne e d e' e e e. e. An e, L n M n, C e No M , , —  
MN e e e, C concede de e ne e e o n e y, e e c y, —  
d M d C M o d n de e ne e e o n e y

**C. ICE's enlistment of local police has eroded community policing strategies.**

No p n y, e e e o r e n e n o ce e n e e d n o e e y p o i c e  
e n o n e e d e e r o e e c o n c o n y p o i c n o e e p e, e n e y o  
n o. C e o C e y o n d. M o L e n o n c d n e r i z e n e  
d o c e n e d r e n e p o e d e y e e e y o c o n e p o i c e o i c e e y e e  
e e n e e c r o e c r e e c e e y e e p o i c e o i c e e e e n e e r o n e e n  
o p p o n y o n e n o e e e n e o e o p e o p e e y n o e n e  
o e o e o d o c e n e d r e n e e y e d e n C e e o c e o n e c e  
C o n r e e n e d e e e d e e o c e c o e o e r o n e e d n y e c e C o n r e  
e d e p n p o i c e c o n y e e n o n p e e e r p o n o p o i c e y e n d n e n e  
e c e y, e e e i d e n e e o c e o n e C e n y o r c n e n e e n e c o e n d n  
e n e e o n n e e o c o n y p o i c n, e e e p e e n o o e n d e c e y

---

o<sub>0</sub> d.e in<sub>2</sub>e. e<sub>0</sub> e o . e . e<sub>2</sub> e nd oc<sub>2</sub> cr in<sub>2</sub> u ice y e , inc<sub>0</sub> d n . o<sub>0</sub>  
de en, on, no, ic<sub>2</sub> on, nd . n e e e<sub>0</sub> e . , o en o ce cr in<sub>2</sub> r . e on . e . e<sub>2</sub> n . cr in<sub>2</sub> nd  
non e r o<sub>0</sub> cr in<sub>2</sub> o ende . Ye C con n<sub>0</sub> e lo r . e . o<sub>0</sub> nd o r . e on de e<sub>2</sub> ne  
on y o L A , c o e o . e<sub>2</sub> e n . nd r d<sub>0</sub> e . r . no o no cr in<sub>2</sub> eco d . And . e  
en e<sub>2</sub> e en o oc<sub>2</sub> p o r ce n cr in<sub>2</sub> r . e on en o ce en con n<sub>0</sub> e lo e<sub>2</sub> co . n y  
p o r c n . e<sub>2</sub> e re

o<sub>0</sub> e<sub>2</sub> n . r . e<sub>2</sub> d op . e<sub>2</sub> n . C r c<sub>2</sub> o e<sub>2</sub> ended r . e co n C r y o d n p ce  
o e o e . e r o r c nd con n<sub>0</sub> on<sub>2</sub> n e e e en . e cr in<sub>2</sub> u ice y e . nd cr  
r . e on en o ce en . A n - n t B t t , - , M - . e . r . no . e



...ce, en ... den ... con ... on ... e no ... ed, nd o ... co ... n ... y  
po ... n y ... den ... ne ... on ... po ... ce ... no ... e d ... o de ... on

**D. Federal efforts to conscript local assistance have proliferated over the last year.**

n ... e p ... ye ... e ... ec ... e B ... nc ... epped ... p ... e p ... o ... d ede ...  
n ... on e ... o ... pe ... oc ... d ... on ... o ... e p de ... e ... den ... n ... e ... ee ... n  
o ... ce, ... den ... p ... ned ... ec ... e O de ... , n ... nc ... n ... c ... e y ... n ... e ... n ... o  
o ... e ... n ... ed ... e ... O de ... e ... e A ... o ney ... ene ... nd ... ec ... e ... y

... en ... e ... nc ... y ... d ... on ... e no ... e ... o ... ce ... e ... ede ...  
... e cep ... dee ... ed nece ... y ... o ... en ... ce ... en p ... po ... e ... y ... e A ... o ney  
ene ... o ... e ... ec ... e ... y ... e A ... o ney ... ene ... e ... e ... pp ... op ... e  
en ... o ... ce ... en ... e ... on ... e ... n ... ny ... en ... y ... c ... e ... n ... e ... ec ... e ... e, po ... cy, o  
p ... ce ... e ... p ... e ... en ... o ... nde ... e ... en ... o ... ce ... en ... o ... M ... M

e O  $\mathbb{Z}$  ed.  $\mathbb{Z}$  o. e e en. e O de d. ec. e A. o ney  $\mathbb{G}$  ene  $\mathbb{Z}$  nd ec e  $\mathbb{Z}$  y. o ne y  
 cond. on ede  $\mathbb{Z}$  nd on co p. nce  $\mathbb{Z}$  ec, on  $\mathbb{Z}$ ,  $\mathbb{Z}$  co d no.  $\mathbb{Z}$  y do o nd o.  
 doe no.  $n_t$ ,  $\mathbb{Z}$   $\mathbb{L}$   $\mathbb{M}$ ,  $\mathbb{Z}^k$  e co. ne e. e e, co ec. y o nd.  $\mathbb{Z}$   
 e Ad. n.  $\mathbb{Z}$  on' ne n e p e  $\mathbb{Z}$  on o. e ec. e O de  $\mathbb{Z}$  no. e  $\mathbb{Z}$  y p. e,  $\mathbb{Z}$  nd  
 en o. ned. e O de  $n_t$ ,  $\mathbb{Z}$   $\mathbb{L}$   $\mathbb{M}$   $\mathbb{Z}^k$ ,  $n_t$ ,  $\mathbb{Z}$  app d  
 $\mathbb{Z}$ ,  $\mathbb{Z}$   $\mathbb{L}$   $\mathbb{N}$   $\mathbb{C}$   $\mathbb{Z}$  No,  $\mathbb{Z}$  en e n pe  $\mathbb{Z}$  en n o n. on

porce... e... e... n... y... no... on... n... d... e...  
o... e... e... c... ody... nd... e... e... d... e... ec... on... y... no... c... n... p... o... de...  
... e... o... oc... o... en... en... re... o... o... r... e... y... no... p... o... r... o... e... r... c... e... e... c... n... e... o...  
... no... e... on... e... d... n... e... c... r... i... z... e... n... p... o... r... e... on... e... o... n... y... n... d... r... d... e... e...  
... e... r... c... e... e... p... p... r... e... o... n... y... o... d... c... e... e... n... o... e... on... e... n... e... o... r... e... e... on... e... o... n... d...  
c... r... i... z... e... n... p... i... n... n... n... c... c... ,... a... p... p... d...  $\hat{M}$ ... N... C...

... n o., ... co... ne enron, ... ee ee in yno end o O' e o... on en  
ne pend n ... e ... no de lo d e nd coe ce ... ny cr ... n ... ce ... enc e ... po ... e  
... o c p... e o... e ... p Ad ... n ... on' ... on en o ce en ... end ...

## II. DOJ Has No Statutory Authority to Impose the Notice and Access Conditions.

No ... o y p o ... on ... or ze O ... or po e e no ce, nd ... ce ... e ... e en  
Con e ... nd o e po e O ... o e A ... nd ... p ... e e e ... e o o ce oc ... e ... o  
dop O' p e e ed ... on po ce, ... o d ... e ... need o do o ... n ... e  
c ... y ... B ... t ... A ... y ... n ... , ...

Con e ... do e no c ... y ... or ze d ... n ... e ... enc e ... n e p e ... e ... e, n ...  
y ... e ... e ... e ... e ... o ... y p e ... n ... e d e ... enc o ... en ... pon ...  
d ... on ... e ... po e, ... B n ... n ... t ... t ... , ... M ... C ... , ... M ... y,  
... M ... , ... n n ... t ... t ... c ... B ... n, ... M ... , ...

e e, Con e ... e ... o ... , ... o ed e O ... ce o ... ce o ... O ... o e e ed  
... e ... o ... y ... o ... po e pec ... condition, on ce ... n ... M ... C ... B ... ,  
con ... y ... o O' ... n e ... n e p e ... o ... n ... p n ... M ... M ... pec ... condition ... M ... M ... p c

nc- t t n , c' e ,

conc n e p n n e e o e

A e e o e n n o pec cond on , p y e ed y O' o n  
e n on , o e o p e o e enc e , o e n en de d nce p ed o dec de



co p r i n c e r e e r n e v e e n C - O e d o p e d e e  
e e r o n o o e n e e n r d n e C

### **III. ICE's FY2017 Arrest Statistics Reveal That It Is Principally Targeting Individuals with No or Minimal Criminal Records, Not Purported "Dangerous Criminal Aliens."**

n n n o n c n e n e By n e A r r e s t o n c o n d i t i o n , O e d e d e e p e o  
e c o p r i n c e e p e e n o e e c e ' o p p r o p r y o e d e n o e n c r e e e







... on, n ... C ... y n ... y, o ... e nd oc ...  
o ... doe no e ... e p ... on

**B. The INA makes clear that state and local officials'**



## V. Conclusion

O'Connell's precedent is a strong condition for the A's. The evidence is...  
...the B's...  
...the C's...  
...the D's...  
...the E's...  
...the F's...  
...the G's...  
...the H's...  
...the I's...  
...the J's...  
...the K's...  
...the L's...  
...the M's...  
...the N's...  
...the O's...  
...the P's...  
...the Q's...  
...the R's...  
...the S's...  
...the T's...  
...the U's...  
...the V's...  
...the W's...  
...the X's...  
...the Y's...  
...the Z's...

### CERTIFICATE OF COMPLIANCE

I, the undersigned, being a duly qualified and licensed attorney at law, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the court.

I, the undersigned, being a duly qualified and licensed attorney at law, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the court.

I, the undersigned, being a duly qualified and licensed attorney at law, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the court.

I, the undersigned, being a duly qualified and licensed attorney at law, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the court.

I, the undersigned, being a duly qualified and licensed attorney at law, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the court.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
M. J. Egan

M. J. Egan

### CERTIFICATE OF SERVICE

I, the undersigned, being a resident qualified person, do hereby certify that I am the owner of the above-captioned case and that I have caused this certificate to be printed by the CM Clerk and that a true and correct copy of the same has been furnished to each of the parties in this case and to the court.

M. J. [Name]

M. J. [Name]

**ADDENDUM**

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0 → →

→ 5 → 5 → A 5 → → A 5AL



A e c n g on Co nc (Co nc , e non lo, o e n z, on e t, o  
,nc e /c/ n n n o, , on e n o, cy e o e n /  
e n, on o o, , on e lo c e o non, z n n /  
/c/ o n n con, / on o A /c, , e n t o n c on o n  
,n, , on n o c n e n e n n n n n, / n n, c  
/c, /c co o e e n o e n

Aliz Makowski v. United States o → H Mayorov v. United States e  
o → 4 H); Ocampo v. Harrington, et al. e o → → 4 H e  
e o H, e, cH, H n Galarza v. Szalczyk e o → → H City of Chicago

