

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Wednesday, November 29, 2017 9:24 AM  
**To:** DOJCLE@lexisnexus.com  
**Subject:** RE: Registration

Good morning,

I hope that y'all are well. Is there anyone I can talk to about my inquiry below?

Thanks,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** Hamilton, Gene (OAG)  
**Sent:** Tuesday, November 28, 2017 6:18 PM  
**To:** 'DOJCLE@lexisnexus.com' <DOJCLE@lexisnexus.com>  
**Subject:** Registration

Good evening,

I believe that I filled out a registration form for my CLE ID last week, but I haven't seen anything yet. I just filled it out again. Is there any way to get this as soon as possible?

Thanks!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Monday, December 18, 2017 8:39 AM  
**To:** (b) (6)  
**Subject:** RE:

Thanks very much, (b) (6)! Likewise. Glad to hear your 3L year is going well. Really do hope to see you down there soon—our ability to travel has been somewhat diminished.

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** (b) (6) [mailto:(b) (6)]  
**Sent:** Sunday, December 17, 2017 1:38 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Re:

Hey Gene,  
Great catching up with you the other evening, sorry it couldn't be for longer. I'm glad to hear you've been happy with the move to DOJ.

I plan on staying in (b) (6) next summer while I study for the bar, so I'll be around for at least the next several months. If y'all ever decide to make the trip down, please let me know so we can get together for coffee.

Have a good Christmas and a happy New Year!

V/r,  
(b) (6)

(b) (6)  
Washington & Lee University  
*Juris Doctor* candidate (2018)

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**From:** Hamilton, Gene (OAG) <[Gene.Hamilton@usdoj.gov](mailto:Gene.Hamilton@usdoj.gov)>  
**Sent:** Friday, December 15, 2017 5:11:10 PM  
**To:** (b) (6)  
**Subject:**

Contact info

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Wednesday, February 7, 2018 4:39 PM  
**To:** Johnson, Steffen N.  
**Subject:** RE:

Hi Steffen,

Sorry for the delayed reply. I was in a meeting. I can call you in the morning.

Best,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

-----Original Message-----

**From:** Johnson, Steffen N. [mailto:SJohnson@winston.com]  
**Sent:** Wednesday, February 7, 2018 3:16 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Re:

Thank you. I am at the Dallas airport and could talk for a few minutes now if that would suffice. Otherwise, I could talk in the morning from the office. Happy to do either depending on what is more convenient for you. My mobile is (b) (6).

Sent from my iPhone

On Feb 7, 2018, at 2:00 PM, Hamilton, Gene (OAG) <Gene.Hamilton@usdoj.gov<mailto:Gene.Hamilton@usdoj.gov>> wrote:

Good afternoon, Steffen,

Do you have a few minutes today for a quick phone call?

Best regards,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

U.S. Department of Justice

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The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Monday, February 12, 2018 9:45 PM  
**To:** John Blount  
**Subject:** RE: Detainer policy

Do you know if Stephen Tausend in Senator Cornyn's office has this language? And does he understand your position on this issue?

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

-----Original Message-----

From: John Blount [mailto:john.blount@ervinhillstrategy.com]  
Sent: Monday, February 12, 2018 5:39 PM  
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
Subject: Fwd: Detainer policy

Sheriffs support the House language below.

John Blount  
SVP, Global Government Affairs  
Ervin | Hill Strategy  
410 First Street SE  
Suite 300  
Washington, DC 20001  
C- (b) (6)

In re: sanctuary city and detainer sections of Goodlatte/McCaul.

>  
>  
>

> SEC. 2202. STATE NONCOMPLIANCE WITH ENFORCEMENT OF IMMIGRATION LAW.

> (a) In General- Section 642 of the Illegal Immigration Reform and

> Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended-- > (1) by striking subsection (a)  
> and inserting the following:

> `(a) In General- Notwithstanding any other provision of Federal,  
> State, or local law, no Federal, State, or local government entity,  
> and no individual, may prohibit or in any way restrict, a Federal,

> State, or local government entity, official, or other personnel from

> state, or local government entity, official, or other personnel from  
 > complying with the immigration laws (as defined in section 101(a)(17)  
 > of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), or  
 > from assisting or cooperating with Federal law enforcement entities,  
 > officials, or other personnel regarding the enforcement of these  
 > laws.';  
 > (2) by striking subsection (b) and inserting the following:  
 > `(b) Law Enforcement Activities- Notwithstanding any other provision of Federal, State, or local  
 law, no Federal, State, or local government entity, and no individual, may prohibit, or in any way  
 restrict, a Federal, State, or local government entity, official, or other personnel from undertaking  
 any of the following law enforcement activities as they relate to information regarding the  
 citizenship or immigration status, lawful or unlawful, the inadmissibility or deportability, or the  
 custody status, of any individual:  
 > `(1) Making inquiries to any individual in order to obtain such information regarding such  
 individual or any other individuals.  
 > `(2) Notifying the Federal Government regarding the presence of individuals who are encountered  
 by law enforcement officials or other personnel of a State or political subdivision of a State.  
 > `(3) Complying with requests for such information from Federal law  
 > enforcement entities, officials, or other personnel.'; > (3) in subsection (c), by striking  
 `Immigration and Naturalization  
 > Service' and inserting `Department of Homeland Security'; and > (4) by adding at the end the  
 following:  
 > `(d) Compliance-  
 > `(1) ELIGIBILITY FOR CERTAIN GRANT PROGRAMS- A State, or a political  
 > subdivision of a State, that is found not to be in compliance with  
 > subsection (a) or (b) shall not be eligible to receive-- > `(A) any of the funds that would otherwise  
 be allocated to the State  
 > or political subdivision under section 241(i) of the Immigration and  
 > Nationality Act (8 U.S.C. 1231(i)), the `Cops on the Beat' program  
 > under part Q of title I of the Omnibus Crime Control and Safe Streets  
 > Act of 1968 (34 U.S.C. 10381 et seq.), or the Edward Byrne Memorial  
 > Justice Assistance Grant Program under subpart 1 of part E of title I  
 > of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C.  
 > 10151 et seq.); or  
 > `(B) any other grant administered by the Department of Justice that is substantially related to law  
 enforcement (including enforcement of the immigration laws), immigration, enforcement of the  
 immigration laws, or naturalization or administered by the Department of Homeland Security that is  
 substantially related to immigration, the enforcement of the immigration laws, or naturalization.  
 > `(2) TRANSFER OF CUSTODY OF ALIENS PENDING REMOVAL PROCEEDINGS- The Secretary, at the  
 Secretary's discretion, may decline to transfer an alien in the custody of the Department of  
 Homeland Security to a State or political subdivision of a State found not to be in compliance with  
 subsection (a) or (b), regardless of whether the State or political subdivision of the State has issued  
 a writ or warrant.  
 > `(3) TRANSFER OF CUSTODY OF CERTAIN ALIENS PROHIBITED- The Secretary shall not transfer an  
 alien with a final order of removal pursuant to paragraph (1)(A) or (5) of section 241(a) of the

Immigration and Nationality Act (8 U.S.C. 1231(a)) to a State or a political subdivision of a State that is found not to be in compliance with subsection (a) or (b).

> `(4) ANNUAL DETERMINATION- The Secretary shall determine for each calendar year which States or political subdivision of States are not in compliance with subsection (a) or (b) and shall report such determinations to Congress by March 1 of each succeeding calendar year.

> `(5) REPORTS- The Secretary of Homeland Security shall issue a report concerning the compliance with subsections (a) and (b) of any particular State or political subdivision of a State at the request of the House or the Senate Judiciary Committee. Any jurisdiction that is found not to be in compliance shall be ineligible to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Secretary of Homeland Security certifies that the jurisdiction has come into compliance.

> `(6) REALLOCATION- Any funds that are not allocated to a State or to a political subdivision of a State due to the failure of the State or of the political subdivision of the State to comply with subsection (a) or (b) shall be reallocated to States or to political subdivisions of States that comply with both such subsections.

> `(e) Construction- Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.'

> (b) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), as added by this section, shall apply only to prohibited acts committed on or after the date of the enactment of this Act.

> SEC. 2203. CLARIFYING THE AUTHORITY OF ICE DETAINERS.

> (a) In General- Section 287(d) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) is amended to read as follows:

> `(d) Detainer of Inadmissible or Deportable Aliens- > `(1) IN GENERAL- In the case of an individual who is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal or motor vehicle law, the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien.

> `(2) PROBABLE CAUSE- Probable cause is deemed to be established if-- > `(A) the individual who is the subject of the detainer matches,

> pursuant to biometric confirmation or other Federal database records,

> the identity of an alien who the Secretary has reasonable grounds to

> believe to be inadmissible or deportable; > `(B) the individual who is the subject of the detainer is the subject

> of ongoing removal proceedings, including matters where a charging

> document has already been served;

> `(C) the individual who is the subject of the detainer has previously

> been ordered removed from the United States and such an order is

> administratively final;

> `(D) the individual who is the subject of the detainer has made

> voluntary statements or provided reliable evidence that indicate that

> they are an inadmissible or deportable alien; or > `(E) the Secretary otherwise has reasonable

grounds to believe that the individual who is the subject of the detainer is an inadmissible or deportable alien.

> (3) TRANSFER OF CUSTODY- If the Federal, State, or local law enforcement entity, official, or other personnel to whom a detainer is issued complies with the detainer and detains for purposes of transfer of custody to the Department of Homeland Security the individual who is the subject of the detainer, the Department may take custody of the individual within 48 hours (excluding weekends and holidays), but in no instance more than 96 hours, following the date that the individual is otherwise to be released from the custody of the relevant Federal, State, or local law enforcement entity.'

> (b) Immunity-

> (1) IN GENERAL- A State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), and a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, acting in compliance with a Department of Homeland Security detainer issued pursuant to this section who temporarily holds an alien in its custody pursuant to the terms of a detainer so that the alien may be taken into the custody of the Department of Homeland Security, shall be considered to be acting under color of Federal authority for purposes of determining their liability and shall be held harmless for their compliance with the detainer in any suit seeking any punitive, compensatory, or other monetary damages.

> (2) FEDERAL GOVERNMENT AS DEFENDANT- In any civil action arising out of the compliance with a Department of Homeland Security detainer by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, the United States Government shall be the proper party named as the defendant in the suit in regard to the detention resulting from compliance with the detainer.

> (3) BAD FAITH EXCEPTION- Paragraphs (1) and (2) shall not apply to any mistreatment of an individual by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention.

> (c) Private Right of Action-

> (1) CAUSE OF ACTION- Any individual, or a spouse, parent, or child of

> that individual (if the individual is deceased), who is the victim of

> a murder, rape, or any felony, as defined by the State, for which an

> alien (as defined in section 101(a)(3) of the Immigration and

> Nationality Act (8 U.S.C. 1101(a)(3))) has been convicted and

> sentenced to a term of imprisonment of at least 1 year, may bring an

> action against a State or political subdivision of a State or public

> official acting in an official capacity in the appropriate Federal

> court if the State or political subdivision, except as provided in

> paragraph (3)--

> (A) released the alien from custody prior to the commission of such

> crime as a consequence of the State or political subdivision's

> declining to honor a detainer issued pursuant to section 287(d)(1) of

> the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)); > (B) has in effect a statute, policy, or practice not in compliance



> with section 642 of the Illegal Immigration Reform and Immigrant  
> Responsibility Act of 1996 (8 U.S.C. 1373) as amended, and as a  
> consequence of its statute, policy, or practice, released the alien  
> from custody prior to the commission of such crime; or > (C) has in effect a statute, policy, or  
> practice requiring a subordinate political subdivision to decline to honor any or all detainers issued  
> pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)), and, as a  
> consequence of its statute, policy or practice, the subordinate political subdivision declined to  
> honor a detainer issued pursuant to such section, and as a consequence released the alien from  
> custody prior to the commission of such crime.

> (2) LIMITATIONS ON BRINGING ACTION- An action may not be brought under this subsection later  
> than 10 years following the occurrence of the crime, or death of a person as a result of such crime,  
> whichever occurs later.

> (3) PROPER DEFENDANT- If a political subdivision of a State declines  
> to honor a detainer issued pursuant to section 287(d)(1) of the  
> Immigration and Nationality Act (8 U.S.C. 1357(d)) as a consequence of  
> the State or another political subdivision with jurisdiction over the  
> subdivision prohibiting the subdivision through a statute or other  
> legal requirement of the State or other political subdivision-- > (A) from honoring the detainer; or  
> (B) fully complying with section 642 of the Illegal Immigration Reform  
> and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), and, as a consequence of the statute or  
> other legal requirement of the State or other political subdivision, the subdivision released the alien  
> referred to in paragraph (1) from custody prior to the commission of the crime referred to in that  
> paragraph, the State or other political subdivision that enacted the statute or other legal  
> requirement, shall be deemed to be the proper defendant in a cause of action under this  
> subsection, and no such cause of action may be maintained against the political subdivision which  
> declined to honor the detainer.

> (4) Attorney's FEE AND OTHER COSTS- In any action or proceeding under this subsection the court  
> shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert  
> fees as part of the attorneys' fee.

> (d) Eligibility for Certain Grant Programs- > (1) IN GENERAL- Except as provided in paragraph (2),  
> a State or  
> political subdivision of a State that has in effect a statute, policy  
> or practice providing that it not comply with any or all Department of  
> Homeland Security detainers issued pursuant to section 287(d)(1) of  
> the Immigration and Nationality Act (8 U.S.C. 1357(d)) shall not be  
> eligible to receive--  
> (A) any of the funds that would otherwise be allocated to the State or  
> political subdivision under section 241(i) of the Immigration and  
> Nationality Act (8 U.S.C. 1231(i)), the 'Cops on the Beat' program  
> under part Q of title I of the Omnibus Crime Control and Safe Streets  
> Act of 1968 (34 U.S.C. 10301 et seq.), or the Edward Byrne Memorial  
> Justice Assistance Grant Program under subpart 1 of part E of title I  
> of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C.  
> 10151 et seq.); or

> (B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, or naturalization or grant administered by the Department of Homeland Security that is substantially related to immigration, enforcement of the immigration laws, or naturalization.

> (2) EXCEPTION- A political subdivision described in subsection (c)(3) that declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357 (d)(1)) as a consequence of being required to comply with a statute or other legal requirement of a State or another political subdivision with jurisdiction over that political subdivision, shall remain eligible to receive grant funds described in paragraph (1). In the case described in the previous sentence, the State or political subdivision that enacted the statute or other legal requirement shall not be eligible to receive such funds.

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**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Wednesday, April 11, 2018 1:30 PM  
**To:** (b)(6) - Edmund Yazzie Email Address  
**Subject:** Meeting today

Good morning, Edmund,

It was nice to meet you and your team today.

Best regards,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Monday, April 23, 2018 2:33 PM  
**To:** twheeler@fbtlaw.com

Hi Tom,

It was great to see you. My direct line is 202-514-4969, and mobile is (b) (6)

Thanks,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Tuesday, April 24, 2018 10:15 PM  
**To:** Pendley, Julie  
**Subject:** RE: Bio for the White House Correspondents dinner guests

Hi Julie,

Is this too long? Or is it comparable to what others have? I don't spend much time working on my bio or my resume:

Gene Hamilton currently serves as Counselor to Attorney General Jeff Sessions at the United States Department of Justice. He previously served as Senior Counselor to then-Secretary John F. Kelly at the United States Department of Homeland Security, and subsequently to then-Acting Secretary Elaine C. Duke. Prior to his service in the Trump Administration, he served as a member of the President-elect's Transition Team; as General Counsel to then-Chairman Jeff Sessions on the Senate Committee on the Judiciary, Subcommittee on Immigration and the National Interest; as an Assistant Chief Counsel at U.S. Immigration and Customs Enforcement; and as an Attorney Advisor in the Secretary's Honors Program for Attorneys at the United States Department of Homeland Security—rotating through the Department and providing legal guidance at U.S. Customs and Border Protection, the Operations and Enforcement Law Division of the Office of the General Counsel, the Intelligence Law Division of the Office of the General Counsel, and at the Transportation Security Administration. Mr. Hamilton is a graduate of the Washington & Lee University School of Law, where he graduated magna cum laude and was inducted into the Order of the Coif, and received a Bachelor of Arts in International Affairs from the University of Georgia. He is married and resides with his family in the Commonwealth of Virginia.

Thanks!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**From:** Pendley, Julie <jpendley@mcclatchy.com>  
**Sent:** Tuesday, April 24, 2018 1:38 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Re: Bio for the White House Correspondents dinner guests

That would be great if you could send tonight and thank you!

Julie Pendley

*Executive Assistant, McClatchy*

916/321-1808, [jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)

On Tue, Apr 24, 2018 at 10:22 AM, Hamilton, Gene (OAG) <[Gene.Hamilton@usdoj.gov](mailto:Gene.Hamilton@usdoj.gov)> wrote:

Sorry for the delay. I can send something tonight if it's not too late.

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**From:** Pendley, Julie <[jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)>  
**Sent:** Monday, April 23, 2018 6:17 PM  
**To:** Hamilton, Gene (OAG) <[ghamilton@jmd.usdoj.gov](mailto:ghamilton@jmd.usdoj.gov)>  
**Subject:** Re: Bio for the White House Correspondents dinner guests

Hi Gene:  
I'm hoping you might be able to send something regarding the bio?

Thank you,

Julie Pendley

*Executive Assistant, McClatchy*

916/321-1808, [jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)

On Tue, Apr 17, 2018 at 7:17 AM, Pendley, Julie <[jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)> wrote:

Hi Gene:  
Completely understandable - if I could have something by the end of the week that would be great.  
Thank you,

Julie Pendley

*Executive Assistant, McClatchy*

916/321-1808, [jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)

On Tue, Apr 17, 2018 at 3:58 AM, Hamilton, Gene (OAG) <[Gene.Hamilton@usdoj.gov](mailto:Gene.Hamilton@usdoj.gov)> wrote:

Hi Julie,

I'm sorry for my delay—I'm out of town with the boss right now. I'll work on getting you an updated bio. When's the absolute latest you need it by?

And I don't think I'll be attending the luncheon.

Thank you!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**From:** Pendley, Julie <[jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)>  
**Sent:** Monday, April 16, 2018 5:18 PM  
**To:** Hamilton, Gene (OAG) <[ghamilton@jmd.usdoj.gov](mailto:ghamilton@jmd.usdoj.gov)>  
**Subject:** Fwd: Bio for the White House Correspondents dinner guests

Hi Mr. Hamilton:

So sorry to bother you again but I wanted to follow-up to be sure you received my earlier email? see below

Thank you,  
Julie Pendley

*Executive Assistant, McClatchy*

916/321-1808, [jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)

----- Forwarded message -----

**From:** Pendley, Julie <[jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)>  
**Date:** Tue, Apr 10, 2018 at 12:06 PM  
**Subject:** Bio for the White House Correspondents dinner guests  
**To:** [gene.hamilton@usdoj.gov](mailto:gene.hamilton@usdoj.gov)

Mr. Hamilton:

I am Andy Pergam's assistant at McClatchy and I am working on the Correspondent's dinner needs. We are putting together bios for all of our McClatchy guests for the event.

Could you forward me a short bio that I may use in the informational packet we will send to all of our guests closer to the event?

Also - may I inquire if you plan on attending the luncheon earlier in the day, Saturday, April 28?

Thank you

Julie Pendley

*Executive Assistant, McClatchy*

916/321-1808, [jpendley@mcclatchy.com](mailto:jpendley@mcclatchy.com)

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Monday, April 30, 2018 10:15 AM  
**To:** Jonathan F. Thompson  
**Subject:** RE:

(b) (6)

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** Jonathan F. Thompson <jfthompson@sheriffs.org>  
**Sent:** Monday, April 30, 2018 9:53 AM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Re:

Call me on cell (b) (6)

Jonathan Thompson  
703.838.5300

Please forgive any typos, errors or tonal shortcomings as this message is being done on my phone.

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**From:** Hamilton, Gene (OAG) <[Gene.Hamilton@usdoj.gov](mailto:Gene.Hamilton@usdoj.gov)>  
**Sent:** Monday, April 30, 2018 9:51:25 AM  
**To:** Jonathan F. Thompson  
**Subject:**

Hi Jonathan,

I hope you're well. Danielle is out today. Can we chat?

Thanks!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice



**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Thursday, May 3, 2018 10:39 AM  
**To:** Jonathan F. Thompson

Saw you called. Try to call back soon. Crashing on some things for a meeting.

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Wednesday, May 23, 2018 9:26 AM  
**To:** Gustus, Lauren  
**Subject:** RE: Lauren from Sacramento

Hi Lauren,

Somehow I missed your email a few weeks ago. Thanks for the note, and for the kind words. I hope all is well.

Best,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**From:** Gustus, Lauren <lgustus@sacbee.com>  
**Sent:** Tuesday, May 1, 2018 11:47 AM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Lauren from Sacramento

Hi Gene,

Following up with a quick note on the heels of our conversation at the WHCD.

I will always submit that we must listen and seek to understand the many perspectives in our local communities (though that diversity of opinion didn't present as a value during the dinner).

For me, this means from Fresno to Bellingham and places in between.

In an effort to broaden our reporting, I'm going to share your email with Anita Chabria, a reporter based in Sacramento who works on immigration policy reporting principally for California.

Respectfully,

--

Lauren Gustus  
Regional Editor, West  
[lgustus@sacbee.com](mailto:lgustus@sacbee.com)

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Sunday, June 3, 2018 9:23 PM  
**To:** Jonathan F. Thompson

Sorry—been running around this weekend on work and (b) (6). Got your voicemail Friday. Can you talk in the AM?

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Thursday, June 7, 2018 12:34 PM  
**To:** Jonathan F. Thompson

On a plane right now. Call you later today. Let me find out about N.O.

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Tuesday, June 19, 2018 5:59 PM  
**To:** Lindsay Hoefler  
**Subject:** RE: Follow up from Tony Perkins

Hi Lindsay!

I'm so sorry to hear about his flight delay. Sure, what's his availability?

Thanks!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** Lindsay Hoefler <lmh@frc.org>  
**Sent:** Tuesday, June 19, 2018 5:07 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Follow up from Tony Perkins

Hi Gene –

Thank you for meeting with Tony and the other evangelical leaders today. I understand it was a productive discussion, and we are delighted to have AG Sessions on our radio program here in a few minutes.

We did have one participant, Mike Alameda, of Corazon Ministries in Tucson, AZ whose flight was delayed and he didn't make it to the meeting. Given that he flew all the way to DC for this meeting, we were curious if there is someone on your team that would have time to meet with him either this evening or tomorrow. You can see from his [bio](#), that he has valuable insights to share.

Thanks for considering this!

Lindsay Hoefler  
Office of the President  
Family Research Council

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Thursday, June 21, 2018 12:06 PM  
**To:** Yeager, Demi (OAG); (b)(6) - Will Scharf Email Address  
**Subject:** RE: Connecting y'all

Looking forward to it.

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

-----Original Message-----

**From:** Yeager, Demi (OAG)  
**Sent:** Thursday, June 21, 2018 12:02 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>; (b)(6) - Will Scharf Email Address  
**Subject:** Connecting y'all

Gene/Will —

Wanted to connect y'all over email. Hope you two can link up next week when Will is in DC.

Best,  
Demi

Sent from my iPhone

**Hamilton, Gene (OAG)**

---

**From:** Hamilton, Gene (OAG)  
**Sent:** Wednesday, June 27, 2018 9:30 AM  
**To:** William Scharf  
**Subject:** RE: Connecting y'all

Hi Will,

So sorry for my lack of responsiveness. Been out with the boss, and things have been a little crazy over the last few days. Today doesn't look good, nor does tomorrow AM. Tomorrow AM may free up a bit, but it will be kind of a last minute thing.

Hope you are doing well!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

-----Original Message-----

**From:** William Scharf (b)(6) - Will Scharf Email Address  
**Sent:** Monday, June 25, 2018 4:53 PM  
**Cc:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Re: Connecting y'all

Gene,  
I know you're a busy guy these days, but figured I'd follow up. Any chance you're free this Wednesday afternoon/evening? Also free Thursday morning.

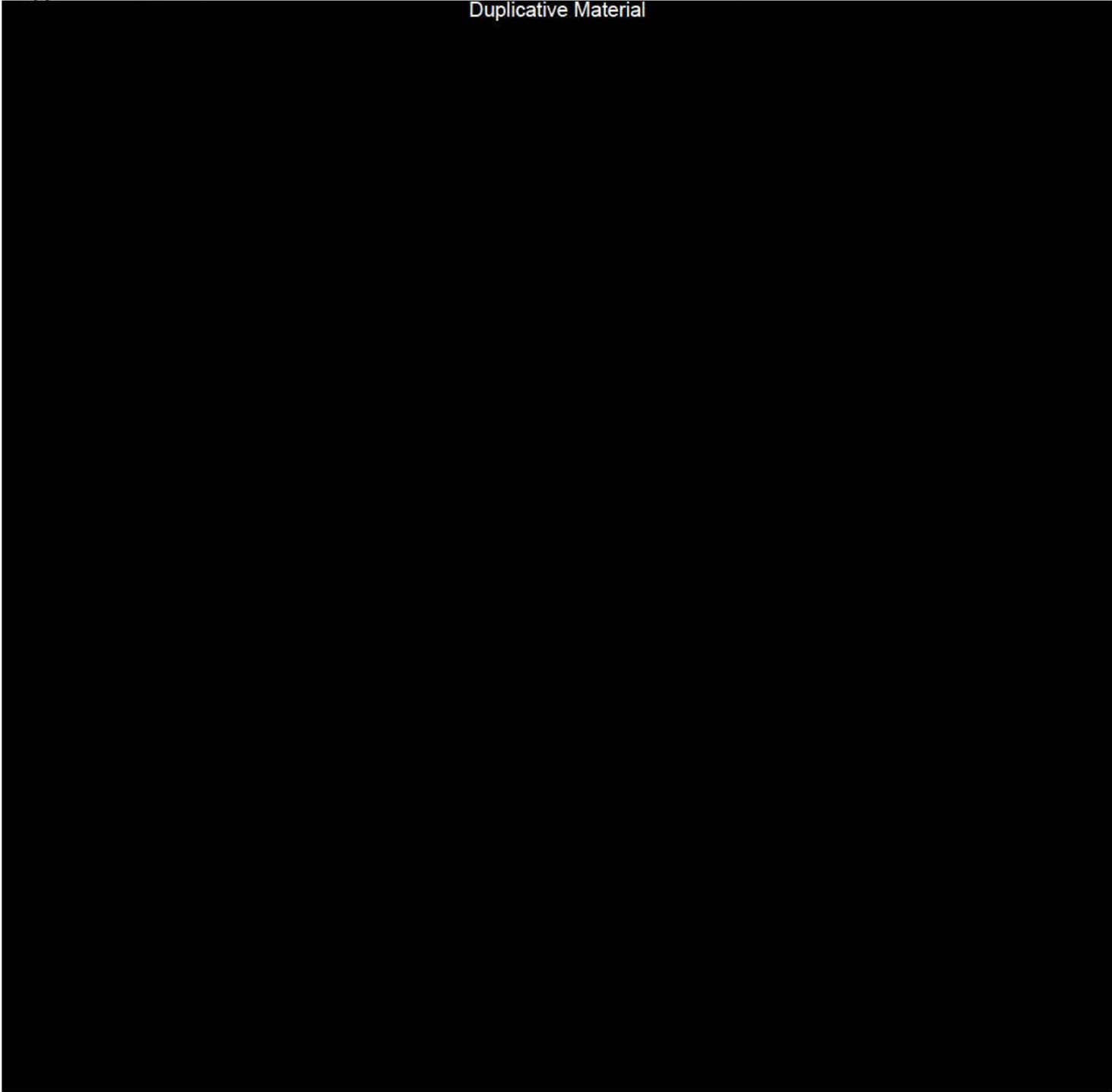
Hope you're doing well,

Will

> On Jun 21, 2018, at 12:06 PM, William O. Scharf (b)(6) - Will Scharf Email Address wrote:  
>  
> Thanks Demi!  
>  
> Gene,  
> How about dinner wednesday night? I have an RJC meeting but it should wrap by late afternoon.  
>  
> Hope you're doing well,  
>

>  
> Will  
>  
> Sent from my iPhone  
>  
>> On Jun 21, 2018, at 11:02 AM, Yeager, Demi (OAG) <Demi.Yeager@usdoj.gov> wrote:

Duplicative Material





**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Sunday, July 8, 2018 9:27 AM  
**To:** Jonathan F. Thompson  
**Subject:** Decision  
**Attachments:** Tenorio-Serrano v. Driscoll (D. Ariz.).pdf

You'll find this decision useful (although it's not yet on the merits of the case).

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**WO**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Guillermo Tenorio-Serrano,  
Plaintiff,  
v.  
James Driscoll, et al.,  
Defendants.

No. CV-18-08075-PCT-DGC (BSB)

**ORDER**

Plaintiff Guillermo Tenorio-Serrano is in custody on a DUI charge in Coconino County, Arizona. The United States Immigration and Customs Enforcement agency (“ICE”) has determined that Plaintiff is not lawfully present in the United States and has issued a detainer and administrative warrant for his arrest, which could lead to his removal from the country. Plaintiff brings this lawsuit against Coconino County Sheriff James Driscoll, Coconino County Jail Commander Matt Figueroa, the Coconino County Jail District, and members of the Coconino County Board of Supervisors, challenging their policy of holding persons in state custody for up to 48 additional hours as requested in ICE detainers and warrants. Plaintiff asks the Court to preliminarily enjoin the Sheriff’s Office and the Coconino County Detention Facility (“CCDF”) from detaining him on the ICE warrant after he posts bail or resolves his state charges. Doc. 14. Plaintiff’s preliminary injunction motion is fully briefed, and the Court heard oral

1 argument on June 28, 2018. Doc. 56. For the reasons that follow, the Court will deny the  
2 request for a preliminary injunction.

3 **I. Facts.**

4 On December 11, 2017, Plaintiff was arrested for allegedly driving under the  
5 influence in violation of Arizona misdemeanor statutes and was confined in CCDF as a  
6 pretrial detainee. Doc. 18 ¶ 2. On December 12, 2017, the Flagstaff Justice Court set  
7 Plaintiff's bail at \$2,000. *Id.* ¶ 3. The bail was the only condition of Plaintiff's release.  
8 *Id.* ¶ 118. The same day, Plaintiff's sister visited CCDF to inquire whether Plaintiff  
9 would be released if the \$2,000 bail was posted. *Id.* ¶ 120. A CCDF employee told her  
10 that payment of the bail would not result in Plaintiff's release because an ICE detainer  
11 had been lodged against him. *Id.* ¶ 121. On December 15, 2017, Joseph Breckinridge  
12 offered to post Plaintiff's bail with a personal credit card, and was told by a CCDF  
13 employee that while it typically takes pre-trial detainees one hour to be released after bail  
14 is posted, Plaintiff would be held for up to 48 hours due to an "ICE hold." *Id.* ¶¶ 122-28.  
15 Given this statement, Mr. Breckinridge did not tender Plaintiff's bail. *Id.* ¶ 130.

16 A Sheriff's Detention Facility Policy and Procedure effective since 2008, and  
17 revised on July 28, 2017, provides that upon reasonable suspicion that an inmate in the  
18 facility is unlawfully present in the United States, CCDF staff must notify the Detention  
19 Removal Office ("DRO"), a subsidiary of ICE, and have the inmate speak to the DRO  
20 over the telephone. Doc. 18-1 at 1. If the DRO determines that the inmate is in the  
21 country illegally, ICE will fax two forms to CCDF to be placed in the inmate's file: a  
22 Department of Homeland Security ("DHS") Form I-247A Notice of Action  
23 Immigration Detainer ("detainer"), and either a DHS Form I-200 Warrant for Arrest of  
24 Alien or a DHS Form I-205 Warrant of Removal/Deportation ("ICE warrant"). *Id.* A  
25 hold will then be placed in the inmate's file, and, when the inmate posts bail or resolves  
26 his state charges, detention staff will notify the DRO. *Id.* at 1-2.

27 The policy further provides that "the detainer will remain in effect and the inmate  
28 will remain in custody until" (1) the DRO or ICE sends a Form I-247A release notifying

1 CCDF to remove the detainer, (2) ICE takes custody of the inmate, or (3) the “detainer  
2 period” expires. *Id.* at 2. The detainer period “commences when the local or state  
3 criminal justice agency has no other legal basis for continuing the detention[,]” and “shall  
4 not exceed 48 hours.” *Id.* “In the event DHS/ICE fails to assume actual physical custody  
5 of the detainee within 48 hours of the onset of the federal detainer (including Saturdays,  
6 Sundays and holidays) the detainee must be released.” *Id.*

7 On December 12, 2017, ICE officials in Phoenix, Arizona became aware that  
8 Plaintiff was in the custody of the Sheriff and faxed two documents to CCDF: a Form  
9 I-247A detainer and a Form I-200 ICE warrant. Doc. 18 ¶¶ 82-83; Doc. 18-4. The  
10 detainer is signed by an ICE deportation officer and states that there exists probable cause  
11 to believe that Plaintiff is a removable alien based on “[s]tatements made by the alien to  
12 an immigration officer and/or other reliable evidence.” Doc. 18-4 at 1. It is addressed to  
13 CCDF, and requests that CCDF maintain custody of Plaintiff for a period not to exceed  
14 48 hours beyond the time he would otherwise be released. *Id.* The ICE warrant is signed  
15 by Barry Jansen, an authorized immigration officer, and is addressed to “any immigration  
16 officer authorized pursuant to Sections 236 and 287 of the Immigration and Nationality  
17 Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for  
18 immigration violations.” *Id.* at 2. Neither the Sheriff’s Office nor CCDF has a written  
19 “287(g)” agreement with the federal government. Doc. 18 ¶ 98; *see* 8 U.S.C. § 1357(g).

20 Plaintiff argues that the Sheriff’s policy of continuing to hold pre-trial detainees  
21 after they have satisfied all conditions for release on their state charges is unlawful  
22 because the Sheriff lacks authority under state and federal law to detain on the basis of an  
23 ICE warrant and detainer, and such detention violates the Fourth Amendment to the U.S.  
24 Constitution and Article II, § 8 of the Arizona Constitution. Doc. 14. Plaintiff seeks a  
25 preliminary injunction ordering Defendants to release him immediately upon posting of  
26 his \$2,000 bail. *Id.* Defendants oppose the request for injunctive relief (Docs. 22, 28), as  
27 does the United States, which has filed a detailed statement of interest pursuant to 28  
28 U.S.C. §§ 517 and 518 (Doc. 41).

1     **II.     Legal Standard.**

2             “A preliminary injunction is an extraordinary remedy never awarded as a matter of  
3 right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). To obtain a  
4 preliminary injunction, a plaintiff must show “that he is likely to succeed on the merits,  
5 that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
6 balance of equities tips in his favor, and that an injunction is in the public interest.” *Id.*  
7 at 20; *see also All. For the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).  
8 “But if a plaintiff can only show that there are ‘serious questions going to the merits’ a  
9 lesser showing than likelihood of success on the merits then a preliminary injunction  
10 may still issue if the ‘balance of hardships tips sharply in the plaintiff’s favor,’ and the  
11 other two *Winter* factors are satisfied.” *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709  
12 F.3d 1281, 1291 (9th Cir. 2013) (quoting *All. For the Wild Rockies*, 632 F.3d at 1135).  
13 “Serious questions need not promise a certainty of success, nor even present a probability  
14 of success, but must involve a ‘fair chance of success on the merits.’” *Cascadia*  
15 *Wildlands v. Scott Timber Co.*, 715 F. App’x 621, 624-25 (9th Cir. 2017) (quoting  
16 *Republic of the Philippines v. Marcos*, 862 F.2d 1355, 1362 (9th Cir. 1988)).

17     **III.     Article III Standing.**

18             Defendants and the United States argue that Plaintiff lacks standing to challenge  
19 the Sheriff’s detainer policy because he has not been injured by it. *See* Doc. 41 at 12-14.  
20 They argue that Plaintiff’s current detention results from his DUI charge and his failure to  
21 post bail, not from Defendants’ policy. They assert that any future detention under  
22 Defendants’ policy is merely speculative. The Court does not agree.

23             “In order to invoke the jurisdiction of the federal courts, a plaintiff must establish  
24 ‘the irreducible constitutional minimum of standing,’ consisting of three elements: injury  
25 in fact, causation, and a likelihood that a favorable decision will redress the plaintiff’s  
26 alleged injury.” *Lopez v. Candaele*, 630 F.3d 775, 785 (9th Cir. 2010) (citing *Lujan v.*  
27 *Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)). The injury in fact must constitute  
28 “an invasion of a legally protected interest which is (a) concrete and particularized, and

1 (b) actual or imminent, not conjectural or hypothetical.” *Lujan*, 504 U.S. at 560 (citations  
2 omitted). At the preliminary injunction stage, a plaintiff must make “a clear showing of  
3 each element of standing.” *Townley v. Miller*, 722 F.3d 1128, 1133 (9th Cir. 2013).

4 The injury Plaintiff alleges is not his current detention it is the 48-hour detention  
5 he will face under the ICE detainer if he posts bail. The Supreme Court has explained  
6 that an “allegation of future injury may suffice if the threatened injury is ‘certainly  
7 impending,’ or there is a ‘substantial risk’ that the harm will occur.” *Susan B. Anthony*  
8 *List v. Driehaus*, 134 S. Ct. 2334, 2341 (2014) (citation omitted). Plaintiff’s future injury  
9 is “certainly impending.” Defendants’ written policy mandates that he be detained for up  
10 to 48 hours if CCDF has received an ICE detainer and warrant. Doc. 18-1. CCDF has  
11 received these documents and placed them in Plaintiff’s file, and CCDF staff members  
12 have twice confirmed that CCDF will hold Plaintiff on the detainer if bail is posted.

13 At oral argument, Defendants relied on *Clapper v. Amnesty International USA*,  
14 568 U.S. 398 (2013), and argued that Plaintiff’s injury is dependent on a chain of  
15 speculative future events because ICE might withdraw the detainer request, choose not to  
16 act on it, or act quickly so that Plaintiff’s detention is not extended beyond his state  
17 release time. In *Clapper*, there was no concrete indication that the challenged statute  
18 would actually be used against the plaintiffs. Rather, the plaintiffs’ injury depended on a  
19 “highly attenuated chain of possibilities” that required multiple independent actors to take  
20 actions within their discretion. 568 U.S. at 410-14. Here, every action necessary to  
21 trigger Plaintiff’s injury has been taken: ICE has submitted a detainer and warrant to  
22 CCDF, CCDF has placed the documents in Plaintiff’s file, and CCDF has a written policy  
23 to detain Plaintiff if he posts bail. The mere possibility that ICE might somehow change  
24 its mind or act quickly does not render Plaintiff’s imminent injury unduly speculative.  
25 As the Supreme Court has explained, when an individual is subject to threatened  
26 enforcement of a law, “an actual arrest, prosecution, or other enforcement action is not a  
27 prerequisite to challenging the law.” *Driehaus*, 134 S. Ct. at 2342. Other cases are in  
28 accord. *See, e.g., Steffel v. Thompson*, 415 U.S. 452, 459 (1974) (“[I]t is not necessary

1 that petitioner first expose himself to actual arrest or prosecution to be entitled to  
2 challenge a statute that he claims deters the exercise of his constitutional rights”);  
3 *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128-29 (2007) (“[W]here threatened  
4 action by *government* is concerned, we do not require a plaintiff to expose himself to  
5 liability before bringing suit to challenge the basis for the threat for example, the  
6 constitutionality of a law threatened to be enforced.” (emphasis in original)).

7 Plaintiff has shown that his future injury is concrete, particularized, and imminent,  
8 not conjectural or hypothetical. Plaintiff presents undisputed evidence that he stands  
9 ready to post bail or have someone post bail on his behalf, and it is clear that he will be  
10 held under the ICE detainer when that occurs. The injury results from Defendants’  
11 detainer policy and is therefore fairly traceable to their conduct, and would be redressed  
12 by an injunction prohibiting Defendants from detaining him based on the ICE detainer  
13 and warrant. Plaintiff has standing.

#### 14 **IV. Likelihood of Success on the Merits.**

15 Plaintiff makes three merits arguments. *See* Docs. 14, 51. First, he asserts that the  
16 Sheriff lacks authority under state law to make arrests for federal civil immigration  
17 violations. Second, he argues that federal law prohibits the Sheriff from complying with  
18 the ICE detainer. Third, he argues that detaining him under the federal detainer and  
19 warrant would violate the Fourth Amendment and a corresponding provision of the  
20 Arizona Constitution. In addressing these arguments on a preliminary injunction motion,  
21 the Court’s task is to assess probabilities whether Plaintiff is *likely* to succeed on these  
22 claims. The Court is not making a final decision on the merits. That decision must await  
23 a more complete record and more thorough briefing.<sup>1</sup>

##### 24 **A. State Law Authority.**

25 The parties present competing interpretations of Arizona law. Plaintiff argues that  
26 county sheriffs in Arizona may act only when expressly authorized by statute, and that no

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27  
28 <sup>1</sup> Plaintiff makes a lengthy preemption argument in his reply memorandum (Doc. 51), but the Court will not consider arguments raised for the first time in a reply brief. *Lentini v. Cal. Ctr. for the Arts*, 370 F.3d 837, 843 n. 6 (9th Cir. 2004).

1 statute authorizes the Sheriff to make civil immigration arrests. Defendants argue that  
2 Arizona sheriffs retain broad common law enforcement authority except where modified  
3 by statute, and that detaining Plaintiff under the federal detainer falls well within this  
4 power. Both sides rely on older Arizona cases to support their position.

5 **1. Common Law.**

6 Plaintiff argues that Arizona sheriffs lack common law powers and may act only  
7 when a statute expressly grants them authority. Article XII, § 4 of the Arizona  
8 Constitution states that the “duties, powers, and qualifications” of various county officers,  
9 including sheriffs, “shall be as prescribed by law.” Plaintiff relies heavily on *Arizona*  
10 *State Land Dep’t v. McFate*, 348 P.2d 912 (Ariz. 1960), which interpreted similar  
11 language in Article V, § 9 and held that “prescribed by law” means “the statutory law of  
12 the State and not the common law.” *Id.* at 914.

13 *McFate* concerned the powers of the Arizona attorney general. The Arizona  
14 Supreme Court had previously held that “in Arizona the Attorney General has no  
15 common-law power.” *Id.* (quoting *Westover v. State*, 185 P.2d 315, 318 (Ariz. 1947)).  
16 In the absence of common law power, the Supreme Court in *McFate* held that the  
17 attorney general possesses only those powers conferred by the Arizona legislature. *Id.*;  
18 *see also Shute v. Frohmiller*, 90 P.2d 998, 1003 (Ariz. 1939), *overruled in part by*  
19 *Hudson v. Kelly*, 263 P.2d 362 (Ariz. 1953) (“no common-law powers or duties can  
20 attach to [the attorney general’s] office but only those prescribed by statute”). Because  
21 Article XII, § 4 the portion of the Arizona Constitution that addresses sheriffs  
22 contains the same “prescribed by law” language as the attorney general provisions in  
23 Article V, § 9, Plaintiff argues that sheriffs also possess only powers prescribed by  
24 statute.

25 This is a credible argument, and it appears to be consistent with a number of  
26 Arizona cases. But it also appears to be contradicted by the Arizona Supreme Court’s  
27 decision in *Merrill v. Phelps*, 84 P.2d 74 (Ariz. 1938). That case directly addressed the  
28



1 power of county sheriffs in Arizona. The Supreme Court engaged in a fairly detailed  
2 discussion of the common law powers of sheriffs in England and reached this conclusion:

3 The common law of England, so far as applicable to our circumstances and  
4 conditions, is the law of Arizona. The power exercised by the sheriff  
5 under the common law still pertains to our sheriff, except in so far as it has  
6 been modified by constitutional and statutory provisions.

7 *Id.* at 76 (citations omitted). This language clearly states that Arizona sheriffs possess  
8 common law powers, and that those powers can be “modified” by the legislature. *Merrill*  
9 goes on to discuss various Arizona statutes and finds that they impose on sheriffs the  
10 duties that were at issue in the case. *Id.* at 76-78.

11 Both sides cite *Merrill*. Defendants and the United States rely on its statement that  
12 sheriffs retain common law powers. They argue that this includes authority to arrest and  
13 detain for both criminal and civil offenses, and to cooperate with other sovereigns.  
14 Doc. 28 at 7-13 (citing, *e.g.*, 70 Am. Jur. 2d Sheriffs, Police, and Constables § 31  
15 (“Common law duties are many and varied and encompass more than traditional law  
16 enforcement.”)); Doc. 41 at 20-22. Plaintiff, by contrast, contends that *Merrill* ultimately  
17 looked to Arizona statutes for its decision, showing that the powers of sheriffs must be  
18 found in statutes. Both readings are plausible, but the Court notes that *Merrill*’s express  
19 statement that sheriffs retain common law powers stands in direct contrast to the  
20 statements in *McFate* and related cases that the Arizona attorney general does not possess  
21 common law powers. *McFate*, 348 P.2d at 914. This contrast suggests that there may be  
22 a difference between the sources of power for the attorney general and sheriffs,  
23 something the parties have not fully briefed.

24 Plaintiff cites an even older case, *Weidler v. Arizona Power Co.*, 7 P.2d 241 (Ariz.  
25 1932), that addressed the duties of county treasurers. Those duties are set forth in the  
26 same constitutional article as county sheriffs Article XII, § 4. But *Weidler* devotes only  
27 two sentences to the issue, stating in conclusory language that because the treasurers’  
28 duties are “as prescribed by law,” courts must “look to the statute for such duties, and

1 nothing not contained therein or reasonably to be implied from its terms can be held to be  
2 an official duty of the county treasurer.” *Id.* at 242. *Weidler* does not discuss whether  
3 county sheriffs retain common law powers, and was decided six years before *Merrill*. If  
4 *Weidler* had announced a rule that Article XII, § 4 strips all county officers of their  
5 common law authority, *Merrill* presumably would have had no need to analyze this issue  
6 and would not have stated that the “power exercised by the sheriff under the common law  
7 still pertains to our sheriff[.]” *Merrill*, 84 P.2d at 76. The Court does not find *Weidler* to  
8 be persuasive authority in support of Plaintiff.

9 Plaintiff also points to a Ninth Circuit case, *Gonzales v. City of Peoria*, 722 F.2d  
10 468, 477 (9th Cir. 1983), *overruled on other grounds by Hodgers-Durgin v. de la Vina*,  
11 199 F.3d 1037 (9th Cir. 1999). *Gonzales* held that Arizona law enforcement officers  
12 could arrest persons for criminal violations of the federal Immigration and Nationality  
13 Act (“INA”). In dicta, and without citation to any Arizona authority, *Gonzales* also  
14 stated that “this authorization is limited to criminal violations” and the “[a]rrest of a  
15 person for illegal presence would exceed the authority granted [to the City of Peoria]  
16 police by state law.” *Id.* at 476. The Court does not find this unsupported dicta to be  
17 persuasive authority for Plaintiff’s position.

18 Both sides also attempt to invoke general principles. Plaintiff notes that “[t]he law  
19 is very jealous of the liberty of the individual, and while peace officers in the discharge of  
20 their duties must not be obstructed or interfered with, they may not lawfully deprive a  
21 citizen of his liberty except in the manner provided by law.” *Platt v. Greenwood*, 69 P.2d  
22 1032, 1036 (1937). Defendants note that “[p]rison administration is . . . a task that has  
23 been committed to the responsibility of [the legislative and executive] branches, and  
24 separation of powers concerns counsel a policy of judicial restraint.” *Turner v. Safley*,  
25 482 U.S. 78, 85 (1987); *see also Arpaio v. Baca*, 177 P.3d 312, 321 (Ariz. Ct. App. 2008)  
26 (courts have limited authority to interfere with a sheriff’s duties to maintain and operate  
27 the county jails). These general provisions provide helpful context, but they do not,  
28

1 without a more thorough exploration of the relevant common law, constitutional, and  
2 statutory provisions, provide a clear rule of decision at this stage of the litigation.

3 In short, both sides cite relevant authority, but the most salient cases are somewhat  
4 ambiguous and more than 50 years old. The parties have not briefed the history of the  
5 constitutional provisions at issue, the intent of the drafters, or the common law roots of  
6 the various offices covered by the provisions. Plaintiff's arguments clearly raise serious  
7 questions for the Court's consideration, but the Court cannot conclude that he is likely to  
8 succeed on the merits.

## 9 2. Statutory Authority.

10 Given the present uncertainty concerning the common law powers of Arizona  
11 sheriffs, the parties' statutory arguments are not of much help. Plaintiff cites no statute  
12 that expressly restricts a sheriff from cooperating with federal immigration authorities.  
13 To the contrary, the Arizona legislature has stated a preference for such cooperation in  
14 S.B. 1070, as will be discussed below. Thus, if *Merrill* is to be taken at its word that  
15 sheriffs possess common law powers except to the extent modified by the legislature  
16 Plaintiff has identified no express modification that would prevent Defendants from  
17 cooperating with the ICE detainer and warrant.

18 Plaintiff cites statutes that govern procedures for enforcing warrants issued by  
19 another county or state and notes that no statute addresses the procedure for responding to  
20 federal administrative warrants. *See* Doc. 14 at 4 (citing A.R.S. §§ 13-3964, 13-3841, et  
21 seq.; Ariz. R. Crim. P. 4.1(c)(2)). Plaintiff notes that Arizona statutes outline the sheriff's  
22 authority to make warrantless and unilateral arrests in the criminal context and in some  
23 civil contexts, but that no statute authorizes such arrests for civil immigration violations.  
24 Doc. 51 at 4-5 (citing A.R.S. § 13-3883(1), (2), (4) (warrantless criminal arrests);  
25 § 36-525(B) (psychiatric commitment); § 8-303(C) (juvenile delinquents and runaways);  
26 § 36-2026(A) (emergency intoxication commitment)). Again, however, these arguments  
27 are helpful only if the sheriff lacks common law power to detain Plaintiff.  
28

1 Defendants and the United States argue that a number of Arizona statutes  
2 authorize the sheriff to comply with ICE detainers (*see* Doc. 28 at 9-13; Doc. 41  
3 at 22-24), but none of the statutes appears to support this assertion. Defendants cite a  
4 statute requiring the sheriff to arrest for “public offenses.” Doc. 28 at 9 (citing A.R.S.  
5 § 11-441(A)(2)). But the purpose of that duty is “the prompt and orderly administration  
6 of *criminal* justice.” *State v. Monaco*, 83 P.3d 553, 558 (Ariz. Ct. App. 2004) (emphasis  
7 added). Defendants cite statutes authorizing the sheriff to “take charge of and keep the  
8 county jail,” A.R.S. §§ 11-441(A)(5), “execute all process and orders regular on their  
9 face and issued by competent authority,” A.R.S. § 11-447, “arrest a person who is already  
10 incarcerated” in the county jail, A.R.S. § 13-3907, and serve civil writs, A.R.S.  
11 § 12-1574. But these statutes do not expressly authorize the Sheriff to continue detention  
12 at the request of a federal agency.

13 Defendants cite A.R.S. § 31-122(A), which provides that “[t]he sheriff may  
14 receive and keep in the county jail any prisoner committed thereto by process or order  
15 issued under the authority of the United States.” This appears to be the most relevant  
16 statute, but the Court needs further briefing on the scope of this statute and what is meant  
17 by “process or order.”

18 Defendants argue that they are authorized to hold inmates on ICE detainers  
19 pursuant to their intergovernmental service agreement with the federal government  
20 (“IGSA”), on which ICE is an authorized rider. Doc. 28 at 10-11. The IGSA is an  
21 agreement for housing federal inmates and receiving reimbursement from the federal  
22 government, but Defendants point to nothing in it that purports to grant them authority to  
23 make arrests on behalf of the federal government. Indeed, Defendants and the United  
24 States appear to have different understandings of how the IGSA functions in the context  
25 of ICE detainers. *Compare* Doc. 28 at 10-11 (“[O]nce the ICE detention period begins,  
26 an inmate is no longer in Defendants’ custody, but the custody of the federal  
27 government.”), *with* Doc. 41 at 5-6 (“Until an immigration officer or a state or local  
28 officer who has been delegated immigration officer authority under a 287(g) agreement

1 arrests the detainee, the IGSA is not triggered, and the detainee remains in state  
2 custody.”).

3 Defendants and the United States point to A.R.S. § 11-1051, commonly referred to  
4 as S.B. 1070, as supplying the sheriff’s authority. Doc. 28 at 11-13; Doc. 41 at 22. The  
5 Arizona legislature enacted S.B. 1070 in 2010 to address the “compelling interest in the  
6 cooperative enforcement of federal immigration laws throughout all of Arizona.”  
7 Laws 2010, Ch. 113, § 1. Its purpose is to “discourage and deter the unlawful entry and  
8 presence of aliens and economic activity by persons unlawfully present in the United  
9 States.” *Id.* Originally, S.B. 1070 authorized state and local officers to make unilateral  
10 warrantless arrests if they had probable cause to believe a person committed a public  
11 offense that made the person removable. In *Arizona v. United States*, 567 U.S. 387  
12 (2012), the Supreme Court held that this portion of the statute was preempted.  
13 Defendants do not appear to dispute that even if this portion were still in effect, it would  
14 not authorize the detentions at issue in this case.

15 The statute states that “[n]o official or agency of this state or a county, city, town  
16 or other political subdivision of this state may limit or restrict the enforcement of federal  
17 immigration laws to less than the full extent permitted by federal law.” A.R.S.  
18 § 11-1051(A). Defendants argue that this language expressly authorizes Arizona sheriffs  
19 “to comply with the enforcement of federal immigration law.” Doc. 28 at 13. But the  
20 cited language is stated in terms of a prohibition: state and local officers may not limit  
21 the enforcement of federal immigration laws; it does not appear to be an affirmative grant  
22 of authority. The statute clearly establishes a strong state policy in favor of cooperating  
23 with federal immigration authorities, but it does not appear to supply the express  
24 authorization Plaintiff claims is necessary.<sup>2</sup>

25  
26 <sup>2</sup> The parties each rely on cases from other jurisdictions addressing the authority of  
27 state officials to comply with ICE detainers. *See, e.g., Lunn v. Commonwealth*, 78  
28 N.E.3d 1143 (Mass. 2017); *City of El Cenizo, Texas v. Texas*, 890 F.3d 164, 173 (5th  
Cir. 2018). But none is directly on point. In *City of El Cenizo*, Texas had enacted a  
statute that required local officers to cooperate with ICE detainers. 890 F.3d at 174. In  
*Lunn*, Massachusetts case law indicated that its law enforcement officers had no authority  
to arrest generally for civil matters. *Lunn*, 78 N.E.3d at 1154-56. Neither addresses

1                                   **3. Serious Questions.**

2                   Plaintiff's arguments raise serious questions that require further litigation, but the  
3 Court cannot conclude that he is likely to succeed on his claim that Defendants lack  
4 authority under state law to detain individuals based on civil immigration offenses. The  
5 Court will consider below whether these serious questions are sufficient to support a  
6 preliminary injunction.

7                                   **B. Federal Authority.**

8                   Plaintiff claims that Defendants' conduct is prohibited by the INA because  
9 Defendants have not entered into a § 287(g) agreement with the federal government. *See*  
10 Doc. 51 at 11-17. Section 287(g) of the INA, codified at 8 U.S.C. § 1357(g), allows DHS  
11 to enter into formal written agreements with state and local governments to "perform a  
12 function of an immigration officer in relation to the investigation, apprehension, or  
13 detention of aliens in the United States." 8 U.S.C. § 1357(g)(1). State officials  
14 empowered under § 287(g) agreements are subject to DHS's supervision, and they must  
15 have knowledge of federal law and receive adequate training. § 1357(g)(2), (3). Citing  
16 these provisions, Plaintiff argues that the Sheriff cannot detain aliens for immigration  
17 violations a "function of an immigration officer" because the Sheriff has not entered  
18 into a § 287(g) agreement. Doc. 51 at 11-17.

19                   Defendants argue that they have authority to comply with ICE detainers pursuant  
20 to § 1357(g)(10), which states:

21                                   Nothing in this subsection shall be construed to require an agreement under  
22 this subsection in order for any officer or employee of a State or political  
23 subdivision of a State--

24   (A) to communicate with the Attorney General regarding the  
25 immigration status of any individual, including reporting knowledge  
26 that a particular alien is not lawfully present in the United States; or  
27

28 \_\_\_\_\_  
Arizona law.

1 (B) otherwise to cooperate with the Attorney General in the  
2 identification, apprehension, detention, or removal of aliens not  
3 lawfully present in the United States.

4 8 U.S.C. § 1357(g)(10). Specifically, Defendants argue that complying with ICE  
5 detainers constitutes permissible “cooperation” with “detention” under § 1357(g)(10)(B).  
6 Doc. 28 at 7-8.

7 Both parties cite the United States Supreme Court’s *Arizona* decision to support  
8 their respective interpretations of “cooperate.” *Arizona* was a preemption case. In  
9 finding that the portion of S.B. 1070 granting state officers independent and warrantless  
10 arrest power was preempted as an obstacle to the federal scheme, the Supreme Court  
11 explained: “There may be some ambiguity as to what constitutes cooperation under the  
12 federal law; but no coherent understanding of the term would incorporate the unilateral  
13 decision of state officers to arrest an alien for being removable absent any request,  
14 approval, or other instruction from the Federal Government.” 567 U.S. at 410. The  
15 Court also noted that DHS provided the following examples of activities that would  
16 constitute cooperation under § 1357(g)(10)(B): “situations where States participate in a  
17 joint task force with federal officers, provide operational support in executing a warrant,  
18 or allow federal immigration officials to gain access to detainees held in state facilities.”  
19 *Id.* *Arizona* concerned unilateral arrests by state law enforcement officers arrests for  
20 immigration offenses made without a request, approval, or other instruction from the  
21 federal government. *Id.* It did not address the question presented in this case: whether  
22 the INA prohibits state officials from detaining an unauthorized immigrant at the request  
23 of federal immigration authorities.

24 In any event, the Court is not persuaded at this stage that § 1357(g) prohibits  
25 Defendants from complying with detainers. Defendants’ policy does not authorize  
26 Sheriff officers to unilaterally investigate, apprehend, or detain persons for immigration  
27 violations. Rather, it authorizes the Sheriff to cooperate with a request from ICE to  
28 detain a specific inmate already in the Sheriff’s custody, whom ICE has independently

1 determined is removable, for a short period to facilitate ICE's apprehension of the  
2 individual. This conduct appears to fall within § 1357(g)(10)(B). Plaintiff has not shown  
3 a likelihood of success on this claim.

4 The Court also has a general concern about the parties' arguments. Plaintiff  
5 argues that continuing to hold an individual on the basis of an immigration detainer after  
6 the state-law justification has expired constitutes a new arrest, and proceeds to address  
7 Defendants' actions entirely in the context of arrests. While the Court does not  
8 necessarily disagree with Plaintiff's premise that continued detention is tantamount to  
9 an arrest the Court sees at least some meaningful difference between a unilateral arrest  
10 by a sheriff's officer and continued detention on the basis of a federal warrant. In the  
11 former, the officer is acting entirely on his own authority and on the basis of his own  
12 judgment and investigation. In the latter, the officer is acting on the probable cause  
13 determination of a federal officer empowered and trained to make such determinations.  
14 The extent and significance of this distinction will need to be explored further in this  
15 litigation, but it is noteworthy that all of the authorities relied on by Plaintiff address  
16 unilateral arrests by state officers. These include the cases cited by Plaintiff, including  
17 *Gonzales*, Plaintiff's arguments regarding the need for training and supervision of state  
18 officers under § 287(g) agreements, and Plaintiff's arguments regarding 8 U.S.C.  
19 § 1252c. Defendants also primarily cite statutes and cases dealing with unilateral arrests.  
20 This focus undoubtedly is due to a lack of authority addressing the specific issue in this  
21 case, but future briefing should consider and address the differences between unilateral  
22 arrests and continued detentions on the basis of federal warrants.

23 **C. Fourth Amendment.**

24 Even if the Sheriff is authorized by state law to comply with ICE detainers,  
25 Plaintiff claims that such compliance would violate the Fourth Amendment. But Plaintiff  
26 cites no case holding that federal immigration officers violate the Fourth Amendment  
27 when they arrest persons based on probable cause to believe they are removable under  
28 federal law, and if such arrests do not violate the Fourth Amendment when made by



1 federal officers, they do not violate the Fourth Amendment when made by state officers.  
2 The same Fourth Amendment applies to both, and Plaintiff concedes that the parallel  
3 provision of the Arizona Constitution, Article II, § 8, is “coextensive with” the Fourth  
4 Amendment in all aspects relevant to this case. Doc. 14 at 5.

5 Plaintiff makes two specific arguments as to why his detention under the ICE  
6 detainer would violate the Fourth Amendment: (1) it is not supported by probable cause  
7 to believe a *criminal* violation has occurred, and (2) probable cause must be determined  
8 by a judge, not an ICE enforcement officer. Doc. 14 at 6-8, 12-13. Neither argument is  
9 likely to succeed or raises serious questions.

### 10 1. Probable Cause of Removability Is Sufficient.

11 Plaintiff asserts that all arrests must be “based on probable cause to believe that  
12 the individual has committed a crime.” Doc. 14 at 6 (quoting *Bailey v. United States*, 568  
13 U.S. 186, 192 (2013)). This certainly is the general rule in the criminal context, *Bailey*,  
14 568 U.S. at 192, but arrests for civil reasons are also constitutionally permissible. *See*,  
15 *e.g.*, *Maag v. Wessler*, 960 F.2d 773, 776 (9th Cir. 1991), *as amended on denial of reh’g*  
16 (Apr. 1, 1992) (upholding arrest based on probable cause of danger due to serious mental  
17 illness); *United States v. Phillips*, 834 F.3d 1176, 1181 (11th Cir. 2016) (“The Fourth  
18 Amendment does not require warrants to be based on probable cause of a crime, as  
19 opposed to a civil offense. Nothing in the original public meaning of ‘probable cause’ or  
20 ‘Warrants’ excludes civil offenses.”) (collecting cases).

21 Arrests based on probable cause of removability a civil immigration violation  
22 have been long recognized in the courts. *See Abel v. United States*, 362 U.S. 217, 230  
23 (1960) (“Statutes authorizing administrative arrest to achieve detention pending  
24 deportation proceedings have the sanction of time.”); *City of El Cenizo, Texas v. Texas*,  
25 890 F.3d 164, 187 (5th Cir. 2018) (“It is undisputed that *federal* immigration officers  
26 may seize aliens based on an administrative warrant attesting to probable cause of  
27 removability.”) (emphasis in original). And Plaintiff does not dispute that his ICE  
28 warrant is based on probable cause to believe that he is a removable alien.

1                                   **2. A Judicial Warrant Is Not Required.**

2           The INA expressly authorizes ICE to arrest and detain aliens pending removal  
3 decisions “on a warrant issued by the Attorney General.” *See* 8 U.S.C. § 1226. It does  
4 not require judicial approval of the warrant. The Supreme Court noted more than 50  
5 years ago that there is “overwhelming historical legislative recognition of the propriety of  
6 administrative arrest for deportable aliens.” *Abel*, 362 U.S. at 233. Plaintiff cites no  
7 authority suggesting that ICE must seek judicial warrants in order to arrest individuals  
8 suspected of being removable.<sup>3</sup>

9                                   **V. Injunctive Relief.**

10           Because Plaintiff has raised serious questions about whether Defendants’ actions  
11 are authorized under Arizona law, he may obtain a preliminary injunction if the balance  
12 of hardships tips sharply in his favor. *Shell Offshore, Inc.*, 709 F.3d at 1291. Forty-eight  
13 hours of unauthorized detention would impose a significant hardship on Plaintiff.<sup>4</sup> But  
14 Defendants would also face serious hardship if the Court ordered them to refrain from  
15 complying with ICE detainers. The injunction would interfere with their judgment as  
16 elected officials, would interfere with the Arizona legislature’s policy determination in  
17 S.B. 1070 that Arizona should cooperate with federal immigration enforcement, and  
18 might interfere with Arizona’s interest in preventing unlawful immigration, as recognized  
19 by the Supreme Court. *See Arizona*, 567 U.S. at 397-99.

20           Because both sides would face hardship if the Court ruled against them, the Court  
21 cannot find that the balance tips sharply in Plaintiff’s favor. As a result, Plaintiff cannot

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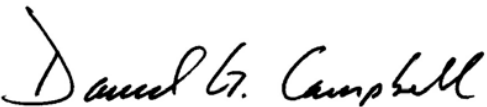
22  
23  
24           <sup>3</sup> The Court also notes that probable cause in a particular case can be established  
25 on the basis of the collective knowledge of all law enforcement officers involved,  
26 provided there is communication among the officers. *United States v. Villasenor*, 608  
27 F.3d 467, 475 (9th Cir. 2010); *United States v. Ramirez*, 473 F.3d 1026, 1032-33 (9th Cir.  
2007). Thus, state officers may act on valid probable cause determinations by federal  
28 officers. *See United States v. Martin Takatsy, et al.*, No. CR-17-08163-PCT-DGC, 2018  
WL 3221598, at \*6-8 (D. Ariz. July 2, 2018).

<sup>4</sup> Plaintiff claims that he will suffer irreparable harm from a violation of his  
constitutional rights, but, for reasons explained above, he has not raised serious questions  
on his Fourth Amendment claim.

1 obtain preliminary injunctive relief on the basis of the serious questions of state law he  
2 has raised.

3 **IT IS ORDERED** that Plaintiff's motion for a preliminary injunction (Doc. 14) is  
4 **denied.**

5 Dated this 5th day of July, 2018.

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11 David G. Campbell  
12 United States District Judge  
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**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Friday, August 24, 2018 8:53 AM  
**To:** (b) (6)  
**Subject:** FW: Trump's immigration policy gives me hope I may see my daughter again  
**Attachments:** ICE Letter.pdf; (b) (6) Overview for Hill Drop (4).pdf  
**Importance:** High

Good morning, Bob,

I hope you are well. I tried to call you yesterday about the below, but your voicemail would not accept any messages. Can you please let me know when a good time to talk might be over the next few business days?

Thanks,

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** Lori Handrahan (b) (6)  
**Sent:** Tuesday, July 24, 2018 10:58 AM  
**To:** Wiles, Morgan (OAG) <[mwiles@jmd.usdoj.gov](mailto:mwiles@jmd.usdoj.gov)>  
**Subject:** Trump's immigration policy gives me hope I may see my daughter again  
**Importance:** High

Dear Ms. Wiles,

Thank you so much for your kindness.

As mentioned, I was told to contact AG Sessions' Chief of Staff Matthew Whitaker as AG Sessions is taking a personal interest in cases where the criminal alien has falsely claimed abuse (under VAWA) and illegally obtain a green card.

According to NBC White House staffers are also looking for VAWA fraud cases  
<https://www.nbcwashington.com/investigations/White-House-Staffers-Meet-With-Citizens-Who-Say-They-Were-Victims-of-Marriage-Fraud-487699471.html>

My case has to be one of the strongest examples of how broken VAWA is and why it must be repealed. I would gladly testify to this. Here is an article I published with a bit of background -- **Trump's immigration policy gives me hope I may see my daughter again** <https://www.sundayguardianlive.com/news/trumps-immigration-policy-gives-hope-may-see-daughter>

I'm also attaching two documents with broad overview of my case. In additions I have several neat binder of supporting documents, police records, etc. which I can also provide.

My hope and my prayer is that AG Sessions may take action on my case.

Kindest,

*Lori Handrahan, Ph.D.*

[www.LoriHandrahan.com](http://www.LoriHandrahan.com)

*Washington DC*

(b) (6)

**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Monday, August 27, 2018 9:39 AM  
**To:** Bob Flores  
**Subject:** RE: Trump's immigration policy gives me hope I may see my daughter again

Let's plan on tomorrow afternoon. 2:00?

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** Bob Flores [REDACTED] (b) (6)  
**Sent:** Friday, August 24, 2018 12:06 PM  
**To:** Hamilton, Gene (OAG) <[gghamilton@jmd.usdoj.gov](mailto:gghamilton@jmd.usdoj.gov)>  
**Subject:** Re: Trump's immigration policy gives me hope I may see my daughter again  
**Importance:** High

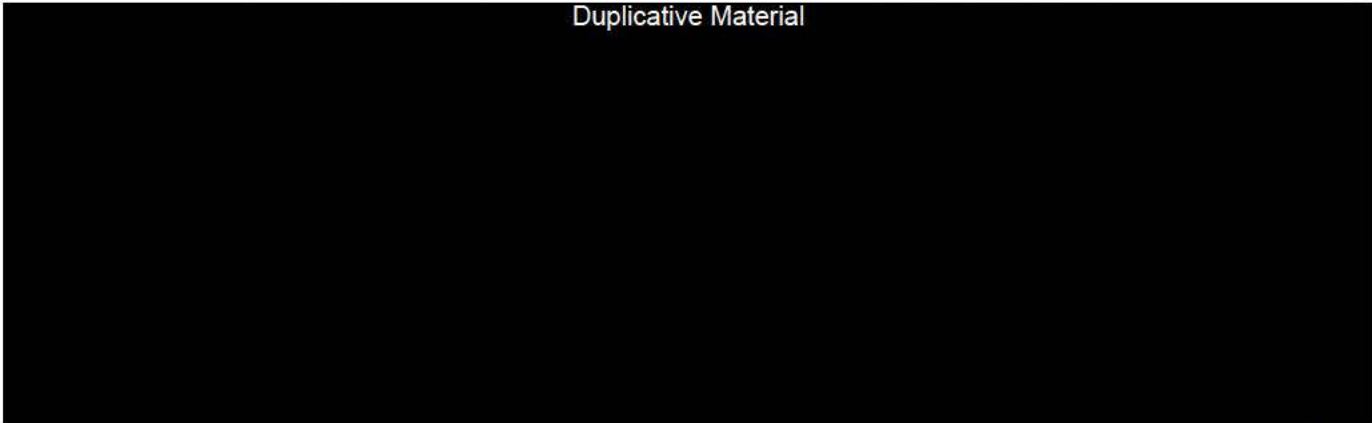
Gene, Good afternoon. Thanks for your efforts in making contact. I'm sorry I missed your call yesterday—([REDACTED] (b) (6)) I am available next week, Monday morning or afternoon, Tuesday afternoon, after 2pm, and Wednesday anytime. I trust that your schedule will line up with one of those times. Again, many thanks, Bob Flores

J. Robert Flores, Esq.

[REDACTED] (b) (6)  
[REDACTED]  
[REDACTED]  
[REDACTED]

On Aug 24, 2018, at 8:52 AM, Hamilton, Gene (OAG) <[Gene.Hamilton@usdoj.gov](mailto:Gene.Hamilton@usdoj.gov)> wrote:

Duplicative Material



**Hamilton, Gene (OAG)**

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**From:** Hamilton, Gene (OAG)  
**Sent:** Tuesday, September 4, 2018 10:24 PM  
**To:** Dimple Gupta  
**Subject:** RE: Hello from Dimple

Hi Dimple!

Thanks for the note. (b) (6)  
(b) (6) . Sure thing on the call. Let's connect on personal email:  
(b) (6)

Thanks for reaching out!

Gene P. Hamilton  
Counselor to the Attorney General  
U.S. Department of Justice

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**From:** Dimple Gupta (b) (6)  
**Sent:** Tuesday, September 4, 2018 2:45 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>  
**Subject:** Hello from Dimple

Gene:

I hope you are well. I know you must be swamped. I don't know how much we talked after the election.  
(b) (6)  
(b) (6) and was hoping I could pick your brain for some advice.  
If you have a few minutes to talk, I would be extremely grateful. My number is (b) (6)

Bes regards,  
Dimple  
(b) (6)





Speaking at the **Tuesday, October 30**, event will be the following CIS experts:

- **Todd Bensman**, Senior National Security Fellow
- **Dan Cadman**, Fellow
- **Andrew Arthur**, Resident Fellow in Law and Policy
- **Jessica Vaughan**, Director of Policy Studies
- **Steve Camarota**, Director of Research
- **Mark Krikorian**, Executive Director

The sessions will be off the record. Breakfast and lunch will be provided.

Immigration is voters' top political issue for the mid-terms and will undoubtedly remain at the center of the national discussion for the foreseeable future. We would like this seminar to help inform those engaged in that discussion. I hope you will join us.

- Mark Krikorian

**To RSVP please contact:**

Marguerite Telford

Director of Communications, Center for Immigration Studies

[mrt@cis.org](mailto:mrt@cis.org)

(202) 466-8185

On Mon, Oct 8, 2018 at 12:31 PM Marguerite Telford <[mrt@cis.org](mailto:mrt@cis.org)> wrote:

Gene -

The Center is planning an immigration seminar for October 30th at the NPC. As those informed on immigration leave the Hill to work for the Administration, we have found a need for immigration education for staffers. Also, as political appointees have started leaving the Administration to work outside the government, we have found a need to educate those at the agencies. We would love to have you speak at this event and speak about asylum reform, sanctuaries, immigration court . . . or anything you think is important.

Interested????? I would love to have you speak near the end of the day, but I am open to whatever works best for you.

Below is a draft invitation.

Marguerite

The Center for Immigration Studies is pleased to invite you to a day-long teaching seminar on immigration to be held at the National Press Club.

This invitation-only event is designed to provide legislative staffers and agency personnel with in-depth background in immigration issues. Our experts will go beyond the clichés, providing data, context, and

resources to equip individuals involved in immigration policy.

The interactive sessions will cover current legislation, national security, law enforcement, labor markets, fiscal costs, and the most recent statistics.

Speaking at the **Tuesday, October 30**, event will be:

- **Todd Bensman**, Senior National Security Fellow, Center for Immigration Studies
- **Dan Cadman**, Fellow, Center for Immigration Studies
- **Andrew Arthur**, Resident Fellow in Law and Policy
- **Jessica Vaughan**, Director of Policy Studies, Center for Immigration Studies
- **Steve Camarota**, Director of Research, Center for Immigration Studies
- **Mark Krikorian**, Executive Director, Center for Immigration Studies

The sessions will be off the record. Breakfast and lunch will be provided.

Immigration is voter's top political issue for the mid-terms and will undoubtedly remain at the center of the national discussion for the foreseeable future. We would like this seminar to help inform those engaged in that discussion. I hope you will join us.

To RSVP or for more information, contact Marguerite Telford, our Director of Communications, at [mrt@cis.org](mailto:mrt@cis.org).

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Marguerite Telford  
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Washington, DC 20006  
(202) 466-8185 fax: (202) 466-8076  
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