

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CITY OF EL CENIZO, TEXAS, ET AL.,	§	
Plaintiffs	§	
	§	
v.	§	Case No. 5:17-cv-404-OG
	§	
STATE OF TEXAS, ET AL.,	§	
Defendants	§	

BRIEF OF *AMICI CURIAE*
THE EPISCOPAL DIOCESE OF TEXAS, THE EPISCOPAL DIOCESE OF
THE RIO GRANDE, THE REV. DR. ERIK K.J. GRONBERG, THE REV. DR.
JOEL N. MARTINEZ, THE REV. DR. RAY TIEMANN, THE REV. DR.
SCOTT JONES, TEXAS IMPACT, THE REV. CHUCK FREEMAN, THE
REV. SALLIE SAMPSELL WATSON, AND THE REV. ANDY SHELTON
IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION
AND PERMANENT INJUNCTION

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INTRODUCTION

The Episcopal Diocese Of Texas, The Episcopal Diocese Of The Rio Grande, The Rev. Dr. Erik K.J. Gronberg, The Rev. Dr. Joel N. Martinez, The Rev. Dr. Ray Tiemann, The Rev. Dr. Scott Jones, Texas Impact, The Rev. Chuck Freeman, The Rev. Sallie Sampsell Watson, and The Rev. Andy Shelton respectfully file this brief as *Amici Curiae* in support of the Plaintiffs' motions for preliminary and permanent injunctive relief.

If allowed to come into effect, SB-4 would cause immediate, irreparable injury to the immigrant communities and the larger Hispanic community, which the *Amici* serve and represent, and immediate, irreparable injury to the Churches' work with those communities.

STATEMENT OF INTEREST OF THE EPISCOPAL DIOCESE OF TEXAS

The Episcopal Diocese of Texas opposed enactment of SB-4. Bishop C. Andrew Doyle of the Diocese joined 200 other religious leaders in opposing SB-4 before it was enacted. Bishop Doyle has continued to oppose SB-4 now that it has become law. *See* Attachment A.

The Diocese expresses its vision in these words: "As followers of Jesus Christ, we are One Church within the Anglican Communion and The Episcopal Church. All are sought and embraced in worship, mission and ministry in a spirit of mutual love and respect." The core values of the Diocese include a missionary emphasis, education and leadership, meeting human needs, and responsive stewardship.

The Diocese of Texas consists of all Episcopal congregations in the southeastern quartile of Texas, encompassing 49,489 square miles. It includes 57 Texas counties and the cities of Austin, Beaumont, Galveston, Houston, and Waco. The church has 79,509 members and 154 congregations.¹

¹ The Diocese notes that Plaintiffs City of Houston, Travis County (and its sheriff), and Intervenor Plaintiff City of Austin are within the bounds of the Diocese.

There are very substantial immigrant and Hispanic populations within the Diocese. Because of immigration, the Houston metropolitan area, where more than 100 languages are spoken in the schools, has eclipsed New York and Los Angeles as the most racially and ethnically diverse region in the United States.² There are about 6.8 million residents in the area.

Harris County is one of the major destinations of migrants from Honduras, Guatemala, and El Salvador.³ Approximately 20% of the residents in the greater metropolitan Houston region, served by the Diocese, are immigrants, principally from Mexico, Vietnam, El Salvador, Guatemala, and Honduras. About one-third of those immigrants (mostly from Mexico, El Salvador, Guatemala, and Honduras) are unauthorized.⁴ Of the region, approximately 42 percent of the population overall is of Hispanic or Latino origin.⁵ Similar patterns exist in Travis County, where about 34 percent of the population is Hispanic or Latino.⁶

The Diocese has a long history of serving the immigrant and non-immigrant Hispanic community, including undocumented immigrants. The Diocese has a Commission on Hispanic Ministry, comprised of clergy and lay persons who are ministry leaders in predominately Hispanic congregations within the Diocese. The Commission also provides leadership and assistance to other parishes with Hispanic congregants and organizes an annual conference on

² “Fact Sheet: Immigrants in Houston,” Center for Public Policy Priorities (2016), http://forabettertexas.org/images/EO_2016_Factsheet_Immigrants_HOU.pdf; “Houston ISD: Did You Know?,” *Houston Family Magazine* (Dec. 30, 2014), <https://www.houstonfamilymagazine.com/features/houston-isd-did-you-know/>.

³ Gabriel Lesser and Jeanne Batalova, “Central American Immigrants in the United States,” Migration Policy Institute (April 5, 2017), <http://www.migrationpolicy.org/article/central-american-immigrants-united-states>.

⁴ Randy Capps, Michael Fix, and Chiamaka Nwosu, “A Profile of Immigrants in Houston, the Nation's Most Diverse Metropolitan Area,” Migration Policy Institute (March 2015), <http://www.migrationpolicy.org/-research/profile-immigrants-houston-nations-most-diverse-metropolitan-area>.

⁵ Quick Facts, U.S. Census Bureau (July 1, 2016), <https://www.census.gov/quickfacts/fact/table/harriscountytexas/PST120216>.

⁶ Quick Facts, U.S. Census Bureau (July 1, 2016), <https://www.census.gov/quickfacts/fact/table/traviscountytexas/PST120216>.

Hispanic lay ministry. A significant number of undocumented immigrants are members of parishes or recipients of diocesan ministry and services; some are actively involved in parish leadership positions.

Various parishes of the Diocese have worked with local law enforcement authorities with regard to their relationships with the immigrant community; and diocesan parishioners and clergy have traveled to Sacred Heart Catholic Church in McAllen to work with Sister Norma Pimental to assist immigrants arriving there from Honduras, Guatemala, and El Salvador, fleeing horrific violence or unable to provide for their families in their homelands. The Diocese assisted many of those immigrants to settle in the Harris County region and in Travis County.

In addition, a number of parishes within the Diocese have presented legal forums for undocumented migrants over the last year. The forums advise them of their rights and prepare Powers of Attorneys for their children so that, for example, if children come home from school and their parents have been arrested for deportation, the children will have a properly designated guardian to take care of them. Many of those children, of course, were born in the United States and are citizens.

The Diocese of Texas also participates in Episcopal Migration Ministries (EMM), the refugee resettlement and immigrant advocacy program of the Episcopal Church. EMM carries out the ministry it began over 60 years ago to relieve the burden of the world's suffering through refugee resettlement and assistance to migrants. It is one of ten U.S. resettlement agencies working in a public-private partnership with the U.S. government.

EMM resettles 2,500-3,500 refugees each year through its network of 33 affiliate offices in 27 dioceses of the Episcopal Church. At the heart of the ministry are Episcopal parishes and other faith communities serving refugees in a variety of ways, including contributions, advocacy, volunteering and co-sponsorship.

EMM partners with affiliates, along with dioceses, faith communities, and volunteers across the United States to welcome refugees from conflict zones across the globe. In the Episcopal Diocese of Texas, EMM partners with affiliates, Interfaith Ministries for Greater Houston and Refugee Services of Texas-Austin, and the Diocese itself in resettling refugees within the Diocese.

Although economic necessity often drove earlier migration from Mexico and Central America (much like the European migration through Ellis Island), in recent years, significant numbers of migrants from Honduras, Guatemala, and El Salvador have fled to the United States because of high levels of terrible violence that plague their countries. This region, known as Central America's Northern Triangle is among the most violent in the world. The murder rate in El Salvador, for example, is twenty times that of the United States.⁷

Not only is violence pervasive in those countries' marginalized communities, extortion is widespread. Salvadorans pay an estimated \$400 million a year in extortion fees, while Hondurans pay around \$200 million and Guatemalans an estimated \$61 million. According to a Guatemalan human rights organization, between January and July 2014, at least 700 people were killed for failing to pay extortion fees.⁸

People are fleeing community-level violence that often is personal and direct. They face real and specific threats from street gangs, extortionists, drug traffickers, and from domestic abuse, and may become potential targets if the United States returns them to their countries. Women and children, in particular, in these countries are victims of extortion, abuse,

⁷ "Five Facts About Migration from Central America's Northern Triangle," Washington Office on Latin America (January 15, 2016), <https://www.wola.org/.../five-facts-about-migration-from-central-americas-northern-triangle/>. See also Kirk Semple, "Fleeing Gangs, Central American Families Surge Toward U.S.," *New York Times* (Nov. 13, 2016), https://www.nytimes.com/2016/11/13/world/americas/fleeing-gangs-central-american-families-surge-toward-us.html?_r=0.

⁸ *Id.*

rape, murder, and gang-related violence. In many communities, people face explicit threats against their lives for reasons that may include bearing witness to a crime, attempting to leave a gang, or failing to pay an extortion fee.⁹

A 2015 report by the United Nations High Commissioner for Refugees (UNHCR) found that women in particular face a “startling” degree of violence in the Northern Triangle and Mexico, including rape, assault, extortion, and threats by armed criminal groups. Sixty-four percent of women interviewed for the study cited targeted threats or attacks as one of their primary motivations for fleeing their communities.¹⁰

Although there are no official records of how many migrants deported from the United States have been killed upon return to their home countries, one study has estimated that more than 80 returnees have been murdered in El Salvador, Guatemala, and Honduras between January 2014 and October 2015.¹¹

Although many migrants would have valid claims of asylum, allowing them legal status in the United States, they are left to navigate asylum proceedings by themselves. American law does not provide for appointed attorneys at such hearings, if the asylum-seeker is too poor to hire an attorney, as indeed they all are. There are some non-profit pro bono organizations, but they can serve only a very small fraction of potential asylum-seekers.

Asylum-seekers have to prepare their cases by themselves for their immigration hearings, a virtually impossible task for them to do on their own, given their lack of English fluency, level

⁹ *Id.*

¹⁰ “Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico,” United Nations High Commissioner for Refugees (October 2015), <http://www.unhcr.org/5630f24c6.html>.

¹¹ “US government deporting Central American migrants to their deaths,” *The Guardian* (Oct. 12, 2015), <https://www.theguardian.com/us-news/2015/oct/12/obama-immigration-deportations-central-america>.

of literacy, unfamiliarity with U.S. legal processes, and inherent distrust of legal procedures (given their experience with corrupt institutions in their countries of origin).

There are also cultural issues. Women, for example, in a strange and fearful situation, are not forthcoming about sexual violence they have experienced, even though being forthcoming in these painful matters would benefit their asylum claim. An attorney would be able to work with them on this issue, if they had one.

The lack of proper and meaningful assistance at an immigration hearing means losing the asylum claim and deportation back to where they came from, facing again the prospect of imminent violence, if not death.¹²

These are people to whom the clergy and people of the Diocese minister, according to their moral and religious dictates; and it is these people, and the larger community, whom the Diocese seeks to protect from the arbitrary and capricious SB-4. SB-4 is an unjust law.

STATEMENT OF INTEREST OF THE OTHER AMICI CURIAE

The Episcopal Diocese of the Rio Grande encompasses 154,000 square miles of far west Texas, from the Pecos River to the border with Mexico along the Rio Grande, and all the State of New Mexico. In Texas, the diocese includes El Paso, Fort Stockton, Marfa, Alpine, and Terlingua. The Rt. Rev. Michael Vono serves as Bishop of the Diocese of the Rio Grande and its 63 congregations, and spiritual leader for the 15,000 members of the diocese.

The Rev. Dr. Erik K.J. Gronberg is Bishop for Northern Texas-Northern Louisiana Synod of the Evangelical Lutheran Church in America. The Synod's geographical area includes northern Texas, generally north of a line from Marshall to Midland/Odessa to the New Mexico border. There are more than 25,000 members in the 106 congregations in the synod.

¹² “‘You Don’t Have Rights Here’: US Border Screening and Returns of Central Americans to Risk of Serious Harm,” Human Rights Watch (Oct. 16, 2014), <https://www.hrw.org/report/2014/10/16/you-dont-have-rights-here/us-border-screening-and-returns-central-americans-risk>.

The Rev. Dr. Joel N. Martinez, Bishop (retired), Rio Texas Conference of the United Methodist Church. The Conference spans South Texas, from Austin to the border, and extends west to San Angelo and east to Victoria.

The Rev. Dr. Ray Tiemann is Bishop of the Southwestern Texas Synod, a region of the Evangelical Lutheran Church in America, which supports 135 south Texas congregations and worshiping communities, from Austin to the Rio Grande Valley.

The Rev. Dr. Scott Jones is Bishop of the Texas Annual Conference of the United Methodist Church, which is one of the eleven annual (regional) conferences in the South Central Jurisdiction of the United Methodist Church. It is comprised of 700 congregations across East Texas, including in and around Houston, Galveston, Beaumont, Texarkana, Longview, Tyler, College Station – and everywhere in between.

Texas Impact is a statewide religious grassroots network whose members include individuals, congregations, and governing bodies of the Christian, Jewish, and Muslim faiths. Texas Impact exists to advance state public policies that are consistent with universally held social principles of the Abrahamic traditions. Bee Moorhead is its Executive Director.

The Rev. Chuck Freeman is Executive Director, Texas Unitarian Universalist Justice Ministry, a statewide justice ministry that raises the voice of Unitarian Universalist values in the public arena and seeks to have those values enacted into legislation and promulgated in public policy.

The Rev. Sallie Sampsell Watson is General Presbyter of the Mission Presbytery, which consists of 138 Presbyterian churches and fellowships in South Central Texas. Geographically, it stretches from the Rio Grande Valley to Del Rio, into the Hill Country, including Austin, San Antonio, Victoria, and Corpus Christi. The Presbytery includes over 300 Teaching Elders and approximately 23,425 lay members.

The Rev. Andy Shelton is Director of Chapel for the Christian Church (Disciples of Christ) at Brite Divinity School in Fort Worth.

The combined geographical ministry area of these *Amici* covers the entire State of Texas. Rather than each describing in detail the factual implications of SB-4 for their regions, they adopt those set out above by the Episcopal Diocese of Texas as typical and representative of their respective jurisdictions and regions. They also note that their ministry area encompasses regions and jurisdictions served by the Plaintiffs and other supporting parties in this case.

ARGUMENT AND AUTHORITIES

The *Amici* do not submit new legal authority to the Court since the Plaintiffs and other supporting *amici* have more than adequately briefed the law as to why SB-4 is unconstitutional.

Because these *Amici* believe that Plaintiffs are likely to prevail on the merits and the harm to Plaintiffs and the Hispanic and immigrant communities of denying the injunction would be grave and irreparable, they join in urging the Court to preliminarily enjoin SB-4 so that the Court can deliberately assess the law's legality without unsettling the *status quo* and thereafter grant a permanent injunction against enforcement of SB-4.

One of the most pernicious aspects of SB-4 is that it protects an officer, who, for whatever motivation or misguided belief, decides to pursue interrogation of a detainee's immigration status and then turn that person over to Immigration and Customs Enforcement (ICE). This could be for something as minor as a broken taillight or expired inspection sticker. SB-4 similarly protects rogue officers, who may be motivated by racial, ethnic, or anti-immigrant bias, and makes a pretext traffic stop.

There are more than 200 moving violations under Texas law,¹³ which presents an officer with a wide variety of possibilities for stopping a driver. Even then, the officer only needs probable cause to stop someone, a discretionary call on the officer's part. The officer might be mistaken ultimately (or claim mistake), but could still stop someone with impunity and, under SB-4 ("show me your papers"), ask for proof of legal status in the country.

I. SB-4 WOULD ADVERSELY AFFECT IMMIGRANT FAMILIES, BREAKING UP SOME OF THEM

The *Amici* believe that protecting family integrity has moral, religious, and social parameters, which SB-4 undermines and militates against.

SB-4 creates the real possibility that parents will be arrested and deported, leaving their children behind to be cared for by the state's Child Protective Services, an agency underfunded, under fire, and subject to a scathing federal court ruling of not properly caring for children in its custody.¹⁴ This would be a serious detriment and grave consequence for the children.

To make matters even more unjust, the children themselves may be United States citizens, having been born here, and, upon reaching majority age, could petition for legal status for the parents. SB-4 does not respect this equity, and allows a single officer, acting on his or her own discretion (even out of a biased animus), to cause this kind of havoc in a family's life.

Nor does SB-4 respect other equities, such as length of time in the community, contributions to children's school, work history, good criminal justice record, or religious practices. SB-4 summarily overrides them all. The law is not just.

¹³ Chart: "Moving Violations [37 TAC § 15.89(b)]," Texas Municipal Courts Education (2017), <http://www.tmcec.com/resources/charts/> (<http://texreg.sos.state.tx.us/fids/201403910-1.html>).

¹⁴ Marissa Evans, "Report says Child Protective Service workers are overloaded, urges overhaul," *Texas Tribune* (Nov. 4, 2016), <https://www.texastribune.org/2016/11/04/special-masters-recommend-dfps-overhaul/>.

II. SB-4 WOULD SUBSTANTIALLY DISRUPT THE RELIGIOUS LIVES OF PEOPLE IN THE IMMIGRANT COMMUNITY

Since the time the governor signed SB-4, parishes in the Diocese of Texas have begun to report a diminished number of migrant persons attending church services. The number of persons who attend services will surely decrease significantly, if SB-4 goes into effect. They will fear apprehension going to/from church for something as minor as a traffic violation.¹⁵ This not only will affect attendance at regular church services, but also attendance at special religious events, such as baptisms, quinceañeras, weddings, and funerals.

Migrant parishioners report their fear that police, under SB-4, will stage officers near churches to detain and question them. ICE agents have done this in the past, from time to time.¹⁶ And some people have declined to attend the parish “know your rights” legal forums, mentioned above, out of fear that ICE will detain them.

Not only will SB-4 adversely affect and irreparably harm the religious lives of migrants by intimidating them from attending church services, events, and activities; but it will also adversely affect other members of parish congregations who depend on the religious leadership of these migrants.

Freedom to practice one’s religion is a fundamental human right, and people should be able to practice their religion without fear that they may be apprehended at their place of worship or while on the way to their place of worship or from their place of worship. SB-4 certainly opens the probability of this happening.

¹⁵ See Liz Robbins, “For the Undocumented, a Broken Headlight Can Lead to Deportation,” *New York Times* (July 18, 2017), https://www.nytimes.com/2017/07/18/nyregion/driving-illegal-immigration-trump-administration.html?_r=0 (two people with their five children stopped for speeding on the way to church).

¹⁶ A similar phenomenon is occurring with regard to local schools throughout Texas; parents sometimes keep their children home out of fear of being stopped by ICE when they accompany their children to school.

III. SB-4 WOULD ALLOW AND CONDONE ILLEGAL RACIAL AND ETHNIC PROFILING

Unlawful, pervasive profiling has long been a problem in law enforcement agencies, especially in the context of ill-trained officers or those who have a bias regarding race, ethnicity, or immigrant status.¹⁷

SB-4 would shield officers who operate according to those biases, regardless of acceptable police practices, and subject people at large to questioning about their status in the United States and then detention, if the officer sees fit. SB-4 protects the officers discretion, even if founded on illegal bias or profiling.

Given the wide variety of immigrants throughout the state from so many different continents, virtually the general population is subject to a “show me your papers” demand by any officer who detains them, although, typically, unlawful profiling affects Hispanic and African American communities to a much greater extent.

Moreover, if someone does not have the proof the officer deems sufficient, the officer could detain the individual, even if that person is a citizen (even though it is actually unlawful to detain a citizen in that context). This is not a far-fetched possibility; indeed, it already happens all too often.¹⁸ SB-4 will exacerbate the probability of this happening all the more.

Case law compounds the situation even further, and makes it more precarious, because it shields the officer with qualified immunity. An officer may violate someone’s constitutional rights but not be liable to suit for doing so, if he/she acted in “good faith,” which the courts have

¹⁷ Karen S. Glover, *Racial Profiling: Research, Racism, and Resistance (Issues in Crime and Justice)*, Rowman & Littlefield Publishers (2009); David A. Harris, “U.S. Experiences with racial and ethnic profiling: history, current issues, and the future,” 14 CRITICAL CRIMINOLOGY 213-39 (Sept. 2006).

¹⁸ See Eyder Peralta, *You Say You’re An American, But What If You Had To Prove It Or Be Deported?*, National Public Radio (Dec. 22, 2016), 12:29 PM), <http://www.npr.org/sections/thetwo-way/2016/12/22/504031635/you-say-you-re-an-american-butwhat-if-you-had-to-prove-it-or-be-deported#foot1>.

interpreted very broadly as not acting unreasonably under the circumstances.¹⁹ SB-4 gives the officer, even a rogue officer with bias, both a pretext to profile and a shield from a federal civil rights lawsuit, even if the profiling was unconstitutional. To use Lord Acton's maxim, power corrupts; and absolute power corrupts absolutely.

SB-4 leaves an aggrieved citizen in the ironic situation of having a right without a remedy. In that situation, abuse by police officers goes unfettered. Racial and ethnic profiling has been a bane on American society; and SB-4 will sanction it to an even greater extent.

IV. SB-4 WOULD ADVERSELY AFFECT PUBLIC SAFETY IN THE COMMUNITY AT LARGE AND ESPECIALLY IN THE IMMIGRANT COMMUNITY

In addition to the legal authorities and arguments that Plaintiffs and related parties have put before the Court on this point, the *Amici* would specifically adopt the arguments urged in the brief of *Amicus Curiae* Anti-Defamation League (ADL), particularly those focusing on the relationship of law enforcement entities with the immigrant and Hispanic communities and SB-4's severe adverse impact on that relationship, to the grave detriment of those communities' safety and well-being.

SB-4 would immediately and irreparably undermine cooperation and trust between law enforcement officials and immigrant and minority communities, which is critical to public safety and community policing.

Because SB-4 essentially commandeers Plaintiffs local law enforcement agencies to act as immigration officers, it would destroy relationships of trust that those agencies, in

¹⁹ Alan K. Chen, "Qualified Immunity Limiting Access to Justice and Impeding Development of the Law, 41 HUMAN RIGHTS 1 (2015), American Bar Ass'n, https://www.americanbar.org/publications/human_rights_magazine_home/2015--vol--41-/vol--41--no--1--lurking-in-the-shadows--the-supreme-court-s-qui/qualified-immunity-limiting-access-to-justice-and-impeding-devel.html; John C. Jeffries, "What's Wrong with Qualified Immunity," 62 FLA.L.REV. 851 (2010).

collaboration with civil rights organizations, religious institutions, and community groups, have spent years to painstakingly develop.

No injunction or other remedy at law or equity will ever repair or rebuild that trust once it is broken, to the detriment of public safety. A relationship of trust is the linchpin of the cooperation necessary for people to report crimes and provide information essential to solving crime and protecting the public.

Under SB-4, undocumented immigrants, citizens, and immigrants with lawful status will live with a well-founded fear that police will report their immigration information—or that of a family member or friend—to ICE, resulting in potential detention and deportation. This fear is already operative and is undermining the reporting of rape and violent crimes.²⁰

In the experience of the law enforcement agencies that have either spoken out or joined this case, making local police officers *de facto* immigration agents would make it impossible for Texans from mixed-status families or communities with significant numbers of migrants to interact with police in an atmosphere of trust and without fear that they themselves, their families, friends, work colleagues, or neighbors, will be deported. They will be motivated not to report crimes or serve as witnesses. They will fear they themselves being mistaken as undocumented, or will fear drawing police attention to their friends, fellow workers, and neighbors. Public safety will suffer as a consequence.

This unfortunately will be especially true of domestic violence situations; spouses and children will become silent victims of awful violence and drawn into a quiet vortex of abuse.

²⁰ Subsequent to the filing of the ADL *amicus curiae* brief, which discusses this issue in depth, as do other pleadings and briefs, *Time* magazine published a piece concerning the adverse impact of ratcheted-up immigration enforcement on crime reporting in Hispanic communities across the country (including a reference to the statistics provided by Houston Police Chief Art Acevedo and cited by ADL and others). See Maya Rhodan, “Going after the ‘really bad dudes,’” *Time* (July 10 – July 17, 2017), p.12; <http://time.com/4838708/going-after-the-really-bad-dudes/> (June 29, 2017).

This not a hypothetical conjecture, but a concrete reality, as Plaintiffs and *Amicus* ADL have pointed out with research studies. Undocumented migrants are significantly less likely to report crimes committed against them.

SB-4 drives a wedge of fear between police officers and the people whom they protect. As a result, crime will increase, not decrease.

CONCLUSION AND PRAYER FOR RELIEF

For these reasons and for those set out in the pleadings and briefs of Plaintiffs and supporting parties, SB-4 will inflict irreparable harm on the communities these Amici serve and represent, if this Court does not enjoin its implementation. The Constitution and laws of the United States, as well as justice and the public interest, require the granting of a preliminary injunction and, thereafter, a permanent injunction against enforcement of SB-4.

These *Amici Curiae* ask that the Court do so.

Dated: July 30, 2017

Respectfully submitted,

/s/ James C. Harrington
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ATTORNEY FOR *AMICI CURIAE*

CERTIFICATE OF SERVICE

I certify that on July 30, 2017, I served all counsel of record with a copy of this document via the Court's CM/ECF system.

/s/ James C. Harrington
James C. Harrington

ATTACHMENT A



The Episcopal Diocese of Texas
Office of the Bishop

June 16, 2017

Dear Sisters and Brothers in Christ:

As you know all too well, there has been much controversy and fear in the community generated by the “anti-sanctuary” law (Senate Bill 4) that will take effect September 1, 2017.

As your bishop, I signed a letter to Gov. Greg Abbott on May 17, 2017, along with 200 other Texas religious leaders, condemning the law as “anti-immigrant” and contrary to the biblical principles for which we stand as Christians. The law is contrary to the moral imperative that we love our neighbor, welcome the immigrant, and care for the most vulnerable among us. This law represents an anti-immigrant agenda that is born out of fear and promoted out of a sense of privilege, jeopardizing justice for everyone.

SB-4 is the harshest anti-immigrant bill passed by a state legislature in recent years. The law will force state, local, and campus police to serve as immigration enforcement officers and mandate that they hold immigrants in custody for Immigration Customs Enforcement (ICE), no matter the equities of the situation. This law takes away the right of local police to set their own public safety priorities and commitments to protect immigrants who are victims or witnesses of crime.

The law will institutionalize racial profiling; and it will encourage discrimination against people of color, separate families, send a message that immigrants are unwelcome, and bring fear to children, families, and entire communities. Texas is the first state to mandate compliance with ICE detainer requests and conscript local police to enforce immigration laws.

I assure you that, despite SB-4, our church will continue to build welcoming communities across Texas. Texans are a hospitable, kind, and welcoming people. We lament this law’s attempt to spread fear among us. We will continue to stand with our prophetic voice against SB-4. As our sacred texts remind us, “When a stranger resides with you in your land, you shall not do wrong to that person. The stranger who resides with you shall be to you as the native among you, and you shall love the stranger as yourself.” Leviticus 19:33-34.

We will continue to explore ways to resist this law as a Christian community. A large number of cities and counties in the state have filed suit, asking the federal court to enjoin and prohibit the enforcement of SB-4. We don’t know how the litigation will come out; but our diocese will file an amicus curia brief in the case, advising the judge of our opposition to this law; and I will invite other bishops in Texas to join me.

I have asked the diocesan Commission on Hispanic Ministry to prepare a long-term proactive plan to address this issue and will keep you advised of the progress of that plan.

Let us continue to pray for the immigrants in our community and discern together how the Gospel of Jesus calls to respond.

Faithfully,

C. Andrew Doyle, D.D.
IX Bishop of Texas

CAD/set



The Episcopal Diocese of Texas
Office of the Bishop

16 de Junio de 2017

Hermanas y Hermanos en Cristo:

Como ustedes saben muy bien, ha habido mucha controversia y temor generado por la ley "anti-santuario" (Senate Bill 4), que entrará en vigor el 1º de septiembre de 2017.

Como su obispo, firmé una carta al gobernador Greg Abbott el 17 de mayo, junto con otros 200 líderes religiosos de Texas, condenando esta ley como "anti-inmigrante" y en contra de los principios bíblicos cristianos. La ley viola el imperativo moral de que amemos a nuestro prójimo, demos la bienvenida al inmigrante, y nos preocupemos por los más vulnerables entre nosotros. Esta ley representa una agenda anti-inmigrante que nace del temor y se promueve a partir de un sentimiento de privilegio, poniendo en peligro la justicia para todos.

Esta ley anti-inmigrante es la más severa aprobada en los últimos años por una legislatura estatal. Obligar a la policía estatal, local, y de la universidad a servir como agentes de cumplimiento de la ley de inmigración y el mandato de detener y retener a los inmigrantes bajo custodia para la Agencia Federal de Inmigración (ICE) sin importar la justicia de la situación. Esta ley elimina el derecho de las policías locales a establecer sus propias prioridades de seguridad pública y compromisos para proteger a los inmigrantes que son víctimas o testigos de delitos.

La ley institucionalizará el perfil racial. Fomentará la discriminación contra las personas de color, separará familias, enviará un mensaje de que los inmigrantes no son bienvenidos, y traerá miedo a comunidades enteras. Texas es el primer estado en mandar cumplir con las demandas de retención de ICE y reclutar a la policía local para hacer cumplir las leyes de inmigración.

A pesar de la SB-4, les aseguro que seguiremos construyendo comunidades acogedoras en Texas. Los tejanos son un pueblo hospitalario y amable. Lamentamos el intento de esta ley de difundir el miedo entre nosotros. Seguiremos siendo firmes con nuestra voz profética contra la SB-4. Como nos recuerdan nuestros textos sagrados: "No hagan sufrir al extranjero que viva entre ustedes. Trátenlo como a uno de ustedes; ámenlo, pues es como ustedes," (Levítico 19: 33-34).

Continuaremos explorando maneras de resistir esta ley como una comunidad cristiana. Un gran número de ciudades y condados del estado han presentado una demanda, pidiendo a la corte federal que prohíba la ejecución de la SB-4. No sabemos cómo saldrá el litigio; pero nuestra diócesis presentará un *amicus curiae* en el caso, aconsejando al juez de nuestra oposición a esta ley. Yo invitaré a otros obispos en Texas que se unan a mí.

He pedido a la Comisión del Ministerio Hispano que prepare un plan proactivo de largo plazo para abordar esta cuestión. Les mantendremos informados del progreso de ese plan. Continuemos orando por los inmigrantes en nuestra comunidad y discerniendo juntos cómo el Evangelio de Jesús nos llama a responder.

Fielmente,

El Rvdmo. C. Andrew Doyle
IX Obispo de Texas