Meeting Date: January 13, 2026
Agenda Item No. 8
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From: Kristin Vent
To: FGG, Public Comment
Cc: Potter, Andrew
Subject: [External] Supplemental Written Comment for Item 8 – January 13, 2026 BOS Meeting (eComment submitted)
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First, under the Supremacy Clause of the U.S. Constitution, federal immigration law fully occupies the field, as established in Arizona v. United States (567 U.S. 387, 2012). Local policies that undermine or create obstacles to federal enforcement—such as barring access—are impliedly preempted and invalid, even if they don't directly conflict, per Hines v. Davidowitz (312 U.S. 52, 1941). Critics rightly argue that San Diego's proposed rule ventures beyond mere non-cooperation into active interference with federal authority.

Second, states and localities have no reserved power under the Tenth Amendment to enact policies contrary to federal preferences in immigration matters, as affirmed in Kansas v. Garcia (589 U.S. 191, 2020). Requiring a judicial warrant for entry disregards ICE's administrative authority under the Immigration and Nationality Act, potentially violating provisions like 8 U.S.C. § 1324 on anti-harboring or §1373 on information sharing. The Second Circuit's ruling in City of New York v. US DOJ (951 F.3d 84, 2020) further suggests that conditions tied to §1373, such as those on federal grants, are valid—implying localities cannot fully opt out without facing consequences.

Third, ICE's administrative warrants are sufficient to authorize entry for federal purposes under 8 C.F.R. § 287.5. Demanding a more stringent judicial process lacks legal basis and treats federal agents like state police, which undermines national uniformity. As the Supreme Court held in McCulloch v. Maryland (17 U.S. 316, 1819), states and their subdivisions cannot retard, impede, or burden federal operations.

Fourth, federal enforcement operates independently and does not require local permission, as seen in United States v. Texas (97 F.4th 268, 5th Cir. 2024). If access is barred, ICE can seek compulsion through federal courts, rendering the local restriction ineffective. Historical precedents, such as enforcement of the Fugitive Slave Act, illustrate that states cannot nullify federal duties through non-cooperation.

Finally, policies like this expose the County to significant risks of liability and override. They could lead to lawsuits for Fourth Amendment violations if detentions occur without cause, but more critically, federal mechanisms—such as 287(g) agreements or direct interventions—can completely override and neutralize local restrictions, violating principles of dual sovereignty by prioritizing local over federal priorities.

In conclusion, this ordinance invites costly legal challenges and potential loss of federal partnerships essential for public safety. I respectfully ask the Board to reject it.

Kristin Vent

San Diego County Resident