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6

Assigned for All Purposes Including Trial To:

Hon. L. Brooks Anderholt

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Imperial  
**04/20/2026 at 01:32:20 PM**  
By: Melissa Saldana, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF IMPERIAL  
10

11 JOEY SCOTT,  
12 Petitioner,  
13 v.  
14 COUNTY OF IMPERIAL,  
15 Respondent.  
16

Case No. ECU004693

**VERIFIED PETITION FOR  
DECLARATORY RELIEF AND WRIT OF  
MANDATE UNDER THE CALIFORNIA  
PUBLIC RECORDS ACT**

**[Gov't Code § 7923.000]**

1 **INTRODUCTION**

2 1. This Verified Petition for Declaratory Relief and Writ of Mandate seeks to enforce  
3 the rights of the public and Petitioner Joey Scott, an independent journalist who covers policing,  
4 inequality and justice, to disclosure of public records in the possession of Respondent County of  
5 Imperial. The records at issue are contracts and communications between the County and the  
6 federal Department of Homeland Security (“DHS”) or its components Customs and Border  
7 Protection (“CBP”) or Immigration and Customs Enforcement (“ICE”). The records are of  
8 compelling public concern, yet the County refused to disclose them for no valid reason.

9 2. The California Constitution and Public Records Act guarantee access to any public  
10 record in the County’s possession unless the County can prove that the record falls within an  
11 express statutory exemption.

12 3. In refusing Scott’s requests, the County cited no exemption recognized by the  
13 Public Records Act. Instead, it denied his requests based on the “Supremacy Clause of the United  
14 States Constitution” and “Comity doctrine.” Neither of those standing alone is a valid basis for  
15 withholding the requested records.

16 4. The County also instructed Petitioner to redirect his request to DHS or ICE. That,  
17 too, was unlawful. Under the Public Records Act, the County is required to disclose public records  
18 in its possession regardless of who created them or whether they can be obtained from another  
19 agency. (*Becerra v. Superior Court* (2020) 44 Cal.App.5th 897, 918). Also, the County “may not  
20 allow another party to control the disclosure of information that is otherwise subject to disclosure”  
21 under the Public Records Act. (Gov. Code, § 7921.005.)

22 5. Despite a letter from Scott’s counsel explaining that the County was violating the  
23 Public Records Act by withholding the requested records, the County continues to refuse  
24 disclosure. Indeed, the County never responded to the letter at all.

25 6. To bring the County into compliance with California law and vindicate Petitioner’s  
26 and the people’s right of access to public records, this Petition should be granted.

27  
28

1 **PARTIES**

2 7. Petitioner Scott is a freelance journalist and documentary photographer who covers  
3 policing, inequality, and injustice. Scott is a person under Government Code section 7920.520 and  
4 a member of the public under Government Code section 7920.515.

5 8. Respondent County of Imperial is a local agency under Government Code section  
6 7920.510 that is in possession of the records requested by Scott and located in Imperial County.

7 **JURISDICTION AND VENUE**

8 9. According to Government Code section 7923.000, “[a]ny person may institute a  
9 proceeding for injunctive or declarative relief, or for a writ of mandate ... to enforce that person’s  
10 right under” the Public Records Act “to inspect or to receive a copy of any public record or class  
11 of public records.”

12 10. According to Government Code section 7923.100, “[w]henver it is made to  
13 appear, by verified petition to the superior court of the county where the records or some part  
14 thereof are situated, that certain public records are being improperly withheld from a member of  
15 the public, the court shall order the officer or other person charged with withholding the records to  
16 disclose those records or show cause why that person should not do so.”

17 11. The relief sought by Petitioner is authorized under Government Code sections  
18 7923.000 and 7923.100, Code of Civil Procedure sections 1060 and 1085, and Article 1, section  
19 3(b) and Article VI, section 10 of the California Constitution.

20 12. Venue is proper under Code of Civil Procedure sections 394 and 395 and  
21 Government Code section 7923.100. Petitioner is informed and believes that the records to which  
22 he seeks access are in Imperial County and that the acts and events giving rise to the claim  
23 occurred in Imperial County.

24 **FACTUAL BACKGROUND**

25 13. By email to Deputy County Counsel Jose Luis Fuentes-Roman on February 5,  
26 2026, Scott requested from the County copies of the following public records: “purchase orders,  
27 contracts, invoices, and statements of work for any financial transactions made to the county from  
28 the Department of Homeland Security, Customs and Border Protection, and ICE” from “2018 to

1 today's date." This request is referred to herein as the "Contracts Request." A true and correct  
2 copy of the Contracts Request and subsequent related correspondence is attached hereto as  
3 **Exhibit A.**

4 14. On behalf of the County, Fuentes-Roman replied to the Contracts Request on  
5 February 12, 2026, "We are going to need more time with your request as we are waiting for BP  
6 and custom to reply to use [sic] about your request for their documents. BP and custom take their  
7 time to respond to us. As soon as I hear from the Federal government I will let you know."

8 15. Scott replied by email on the same date to ask, "Can you cite the legal statute that  
9 requires you to get their permission?"

10 16. In response, Fuentes-Roman further replied to the Contracts Request on behalf of  
11 the County, "The Supremacy Clause of the United States Constitution. Article VI, Clause 2, and  
12 Comity doctrine."

13 17. On February 12, 2026, through the Muckrock web platform, Scott requested from  
14 the County copies of "all emails and their attachments about the department's use of its juvenile  
15 detention facilities to secure custody, care, and safekeeping of federal prisoners at the Imperial  
16 County Probation & Corrections Department, including CBP's youth detainees," from "January 1,  
17 2023 to today's date." This request is referred to herein as the "Emails Request." A true and  
18 correct copy of the Emails Request is attached hereto as **Exhibit B.**

19 18. On behalf of the County, Fuentes-Roman replied to the Emails Request, "We are  
20 in receipt of your request via electronic mail as of 2/12/2026. Pursuant to the Federal Government  
21 agency in charge of these records you are to do a FOIA request to DHS, ICE. The Supremacy  
22 Clause of the United States Constitution. Article VI, Clause 2, FOIA, and Comity doctrine." A  
23 true and correct copy of said reply is attached hereto as **Exhibit C.**

24 19. On information and belief, by letter dated February 19, 2026 and emailed to  
25 Fuentes-Roman, Scott's counsel explained why the County could not lawfully withhold the  
26 records sought in the Contracts Request and the Emails Request on the grounds asserted by the  
27 County. A true and correct copy of said letter is attached hereto as **Exhibit D.**

28

1           20.     On information and belief, the County has never responded to said letter, despite a  
2 follow-up email from Scott’s counsel to Fuentes-Roman on February 26, 2026.

3           21.     The County has never disclosed to Scott the records sought in the Contracts  
4 Request and the Emails Request, which are in the County’s possession and control.

5           22.     The California Constitution and Public Records Act require the County to disclose  
6 any public record in its possession or control on request except to the extent that the County can  
7 prove that a record is expressly exempt from disclosure by the terms of the Act. (Cal. Const., art. I,  
8 § 3, subd. (b)(1), (7); Gov. Code §§ 7920.510, subd. (b), 7920.525, subd. (a), 7922.000, 7922.530,  
9 subd. (a); *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 616.)

10          23.     Under the Public Records Act, “A state or local agency may not allow another  
11 party to control the disclosure of information that is otherwise subject to disclosure pursuant to  
12 this division.” (Gov. Code, § 7921.005.)

13          24.     The records sought in the Contracts Request and the Emails Request are subject to  
14 disclosure under the Public Records Act and Article I, section 3(b) of the California Constitution.

15          25.     In responding to the Contracts Request and the Emails Request, the County cited  
16 no valid exemption recognized by the Public Records Act. Standing alone, neither the Supremacy  
17 Clause nor any “comity doctrine” can justify withholding the requested records.

18          26.     The County’s refusal to disclose the records sought in the Contracts Request and  
19 the Emails Request violates the Public Records Act and Article I, section 3(b) of the California  
20 Constitution.

21          27.     The County’s violations of law set forth above will continue unless and until it is  
22 commanded by this Court to produce the public records requested by Scott and to not engage in  
23 such further violations of law by a declaratory judgment declaring its conduct unlawful.  
24 Additionally, absent injunctive relief, the County will continue to withhold public records as it has  
25 done here, resulting in great and irreparable injury to Scott and the public at large by depriving  
26 them of immediate access to information vital to the public interest and necessary for self-  
27 government. Scott has no adequate remedy at law because the relief he seeks does not consist of  
28 monetary compensation but rather the enforcement of its statutory and constitutional rights of

1 access, and the harm he has suffered through the County’s refusal to disclose public records under  
2 California law cannot be compensated through an award of damages.

3 **CAUSE OF ACTION**

4 **(Unlawful Refusal to Disclose Public Records)**

5 28. Petitioner realleges and incorporates by this reference paragraphs 1 through 27  
6 above as though fully set forth herein.

7 29. The Public Records Act provides that “access to information concerning the  
8 conduct of the public’s business is a fundamental and necessary right of every person in this  
9 state.” (Gov. Code, § 7921.000.)

10 30. The records sought by Scott are public records as defined in Government Code  
11 section 7920.530 because they concern the conduct of public business and are necessary for Scott  
12 the public to assess the County’s relationship with DHS and its components ICE and CBP.

13 31. The records sought by Scott are subject to disclosure under the Public Records Act  
14 and Article I, section 3(b) of the California Constitution.

15 32. The County’s refusal to disclose the records sought by Scott violates the Public  
16 Records Act and Article I, section 3(b) of the California Constitution.

17 33. The County cannot show that the records sought by Scott are exempt from  
18 disclosure.

19 34. Scott has no plain, speedy, and adequate remedy to obtain the public records he has  
20 requested, other than the declaratory and writ relief sought by this Petition. Scott is entitled to  
21 institute proceedings for a writ of mandate and for declaratory and injunctive relief to enforce the  
22 right to obtain the records he requested. Further, the case should proceed consistent with the  
23 requirement that Public Records Act cases be scheduled “with the object of securing a decision as  
24 to the matters at issue at the earliest possible time.” (Gov. Code, § 7923.005.)

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Petitioner prays as follows:

27 1. That the Court grant the Petition for Writ of Mandate and order the County to  
28 disclose all of the records sought in the Contracts Request and the Emails Request;



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**VERIFICATION**

I, Joey Scott, am the Petitioner in this action.

I have read the foregoing Verified Petition for Declaratory Relief and Writ of Mandate under the California Public Records Act. I have personal knowledge of the facts stated therein and verify that they are true, except for facts stated on information and belief, and as to such facts, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 16, 2026 at Los Angeles, California.

  
\_\_\_\_\_  
JOEY SCOTT

**Exhibit A**  
**Contracts Request**

**From:** Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)>

**Date:** February 12, 2026 at 10:35:54 AM PST

**To:** [joey@jscott.cc](mailto:joey@jscott.cc)

**Subject:** RE: PRA-163/193

Dear Joey,

The Supremacy Clause of the United States Constitution. Article VI, Clause 2, and Comity doctrine.

JLF

**From:** [joey@jscott.cc](mailto:joey@jscott.cc) <[joey@jscott.cc](mailto:joey@jscott.cc)>

**Sent:** Thursday, February 12, 2026 10:31 AM

**To:** Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)>

**Subject:** Re: PRA-163/193

**CAUTION:** This email originated outside our organization; please use caution.

Hello

Can you cite the legal statute that requires you to get their permission? Or the language in the contracts? This is the first time I've experienced this issue.

Thank you!

Sent from my iPhone

On Feb 12, 2026, at 9:50 AM, Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)> wrote:

Dear Joey,

We are going to need more time with your request as we are waiting for BP and custom to reply to use about your request for their documents. BP and custom take their time to respond to us. As soon as I hear from the Federal government I will let you know.

Jose Luis Fuentes-Roman

CA Bar # 192236

Deputy County Counsel

Imperial County California  
County Administration Center  
940 Main Street, Suite 205  
El Centro, California 92243

Desk: 442-265-1136

Fax: 760-353-9347

[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)

**From:** Jose Luis Fuentes  
**Sent:** Thursday, February 5, 2026 5:20 PM  
**To:** 'J Scott' <[joey@jscott.cc](mailto:joey@jscott.cc)>  
**Subject:** RE: PRA-163/193

Dear Joey,

Good late afternoon. I am out until Monday. I check with probation and get back to you next week.

JLF

**From:** J Scott <[joey@jscott.cc](mailto:joey@jscott.cc)>  
**Sent:** Thursday, February 5, 2026 3:24 PM  
**To:** Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)>  
**Subject:** Re: PRA-163/193

**CAUTION:** This email originated outside our organization; please use caution.

Hey!

Here is what I need:

Copies of purchase orders, contracts, invoices, and statements of work for any financial transactions made to the county from the Department of Homeland Security, Customs and Border Protection, and ICE.

Please search 2018 to today's date.

I have attached a copy from the federal government for reference.

Thank you,  
Joey Scott

Sent from my iPhone

On Dec 29, 2025, at 5:08 PM, Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)> wrote:

Dear Joey,

Happy end of the afternoon on Monday. I received your request from Imperial County Auditor/Controller. As I mentioned below, Probation is the department that would have what you are looking for but they do not have said documents. The County Auditor/Controller does not have said documents.

What is in the below documents that you are looking for- so I can understand if I can help in narrowing down what you are looking for since the documents below do not exist in our Probation department. Perhaps the information you want exist without us having to go and create the information. But I cannot help if I do not know what exact information you are seeking. We know that the below titles do not exist, so we do not have them.

Make it a great afternoon.

Jose Luis Fuentes-Roman  
CA Bar # 192236  
Deputy County Counsel  
Imperial County California  
County Administration Center  
940 Main Street, Suite 205  
El Centro, California 92243

Desk: 442-265-1136

Fax: 760-353-9347

[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)

**From:** Jose Luis Fuentes

**Sent:** Monday, December 8, 2025 11:13 AM

**To:** 'J Scott' <[joey@jscott.cc](mailto:joey@jscott.cc)>

**Subject:** RE: PRA-163

Dear Joey,

Happy start of the week. Each department for the most part handles their own contract. Probation would handle what you are looking for, but for our county, Probation does not have:

1. RFI: Requests for Information.
2. SSN: Sources Sought Notices.
3. RFP: Requests for Proposals.
4. RFQ: Request for Quotes
5. RTEP: Request for Task Execution Plan
6. PWS: Performance work statement (I meant PWS, PDWS)

Make it a great Monday late morning.

JLF

**From:** J Scott <[joey@jscott.cc](mailto:joey@jscott.cc)>

**Sent:** Monday, December 8, 2025 8:59 AM

**To:** Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)>

**Subject:** Re: PRA-163

**CAUTION:** This email originated outside our organization; please use caution.

Hey!

Is there somewhere else in the county I send the request? What department handles things like contracts?

Thank you!

On Fri, Dec 5, 2025 at 4:29 PM Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)> wrote:

Dear Joey,

TGIF. As promised, I have not forgotten about you. I have been working with Probation Department. The response is that a diligent search has been made for the specific records listed below, but no records have been found.

Make it a great Friday evening.

JLF

**From:** J Scott <[joey@jscott.cc](mailto:joey@jscott.cc)>

**Sent:** Wednesday, November 26, 2025 9:16 AM

**To:** Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)>

**Subject:** Re: PRA-163

**CAUTION:** This email originated outside our organization; please use caution.

Hey!

Thank you Jose for chatting with me.

The documents or forms may be called different things. If could search for them, this is typically what is required for a service provider to apply for or accept federal contracts:

1. RFI: Requests for Information.
2. SSN: Sources Sought Notices.
3. RFP: Requests for Proposals.
4. RFQ: Request for Quotes
5. RTEP: Request for Task Execution Plan
6. PWS: Performance work statement (I meant PWS, PDWS)

Thank you! Please enjoy your days off.

- Joey

On Tue, Nov 25, 2025 at 4:52 PM Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)> wrote:

Dear Joey,

Happy late Tuesday afternoon.

Let me investigate this and see if we have anything. Thank you for the government link. The link does not tell me what department is obtaining federal funds. But since Probation is the department, you are interested in and juvenile records, I will narrow my search since that is manageable.

Excuse my ignorance but what are: RFI, RTEP, PDWS?

I am out until next Tuesday, December 2. I will pick this up on December 2 and hopefully by the end of the week on December 5 let you know if we have anything to disclose or not.

Make it a wonderful thanksgiving.

Jose Luis Fuentes-Roman  
CA Bar # 192236  
Deputy County Counsel  
Imperial County California  
County Administration Center  
940 Main Street, Suite 205  
El Centro, California 92243

Desk: 442-265-1136

Fax: 760-353-9347

[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)

**From:** [joey@jscott.cc](mailto:joey@jscott.cc) <[joey@jscott.cc](mailto:joey@jscott.cc)>

**Sent:** Tuesday, November 25, 2025 12:03 PM

**To:** Jose Luis Fuentes <[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)>

**Cc:** Weston Rowland <[rowlandweston@gmail.com](mailto:rowlandweston@gmail.com)>

**Subject:** PRA-163

**CAUTION:** This email originated outside our organization; please use caution.

Hello, Per our phone call, I've narrowed the search to be more clear and specific. Below are the federal contracts the county probation department has with DHS related to detention services:

<https://www.usaspending.gov/recipient/75665f38-d47d-5b02-a76b-f33ebea52a94-C/all>

I am requesting the records the county has filled out as required for contracts with the federal government:

1. Task orders, RFI, RTEP, PDWS and accompanying documentation that can include written studies, proposals, and pricing statements
2. Invoices related to the contracts
3. Audits done by the federal government, including, period of performance reviews

I will keep my request to just the above records. Ignore the rest of my request for now.

If this needs to go to another department, please let me know.

If rejected, please provide federal law/code that you cited that would prevent this release.

Also, regarding Gov.Code § 7922.000, the public interest far outweighs the necessity to not release the records. The records are related to your county's involvement with the federal government and the detainment of juveniles. Recently a detainee died within your facility. The public has a right to know what your role is in housing detainees.

Thank you  
Joey Scott

Sent from my iPhone

--

Joey Scott

he / him

Freelance Journalist

[www.joeyscott.xyz/about](http://www.joeyscott.xyz/about)

**Exhibit B**  
**Emails Request**

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Hello,

I am seeking all emails and their attachments about the department's use of its juvenile detention facilities to secure custody, care, and safekeeping of federal prisoners at the Imperial County Probation & Corrections Department, including CBP's youth detainees.

Search emails in the inboxes of employees at both the adult and juvenile probation offices and search these domains:

@dhs.gov

@cbp.dhs.gov

@ice.dhs.gov

@tms.treas.gov

Non-case sensitive keyword search:

"detainee"

"detainees"

"detainee lodging"

"population levels"

"youth"

"transfer"

Search January 1, 2023 to today's date.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Joey Scott

**Exhibit C**  
**Reply to Emails Request**

Dear 2215960,

We are in receipt of your request via electronic mail as of 2/12/2026. Pursuant to the Federal Government agency in charge of these records you are to do a FOIA request to DHS, ICE. The Supremacy Clause of the United States Constitution. Article VI, Clause 2, FOIA, and Comity doctrine.

Jose Luis Fuentes-Roman  
CA Bar # 192236  
Deputy County Counsel  
Imperial County California  
County Administration Center  
940 Main Street, Suite 205  
El Centro, California 92243

Desk: 442-265-1136

Fax: 760-353-9347

[joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)

**Exhibit D**  
**2/19/26 Letter**



David Loy, Legal Director  
dloy@firstamendmentcoalition.org  
Direct: 1.619.701.3993

February 19, 2026

**VIA ELECTRONIC MAIL**

Jose Luis Fuentes-Roman, Esq.  
Deputy County Counsel, Imperial County  
Email: [joseluisfuentes@co.imperial.ca.us](mailto:joseluisfuentes@co.imperial.ca.us)

Re: Public Record Requests by Joey Scott

Dear Mr. Fuentes-Roman:

I represent independent journalist Joey Scott, who has made requests for public records to Imperial County that seek, among other things, copies of the County's contracts with or communications with the federal Department of Homeland Security or its components Customs and Border Protection or Immigration and Customs Enforcement. I understand from your correspondence with him that the County has denied his requests based on the "Supremacy Clause of the United States Constitution" and "Comity doctrine."

I write to explain why the County's denial of Mr. Scott's requests on that ground violates the California Public Records Act and to request immediate disclosure of all records sought by Mr. Scott. If the County does not comply, it may face litigation under the Public Records Act that would result in an order compelling disclosure and an award of attorney fees. Please ensure that all records requested by Mr. Scott are preserved until further notice.

As you know, the Public Records Act requires the County to disclose any public record on request unless the record is expressly exempt from disclosure by the terms of the Act. (Gov. Code §§ 7920.510, subd. (b), 7920.525, subd. (a), 7922.000, 7922.530, subd. (a); *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 616.)

The County's denial of Mr. Scott's request cites no exemption that justifies withholding the records he seeks. At best, the reference to the Supremacy Clause might be taken as implicitly attempting to invoke Government Code section 7927.705, which provides that the Public Records Act "does not require disclosure of records, the disclosure of which is exempted or prohibited pursuant to federal or state law." That provision "is not an independent exemption" but "merely incorporates other prohibitions" that allow or require the withholding of public records. (*Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272, 1283.)

The Supremacy Clause by itself is not a law that creates an exemption from disclosure. As the Supremacy Clause states, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (U.S. Const., art. VI, cl. 2.) The Public Records Act does not violate the U.S. Constitution on its face. *L.A. Police Dep't v. United Reporting Publ'g Corp.*, 528 U.S. 32, 40

(1999). The issue is therefore whether any other federal law allows or requires the County to withhold the records requested by Mr. Scott.

The Supremacy Clause “makes ‘Law of the Land’ only ‘Laws of the United States which shall be made in Pursuance [of the Constitution].” (*Printz v. United States* (1997) 521 U.S. 898, 924, emphasis added.) If an otherwise valid federal law is adopted, it can prevail over contrary state law. (See, e.g., *Picayune Rancheria of Chukchansi Indians v. North Fork Rancheria of Mono Indians* (2025) 117 Cal.App.5th 91, 112, fn. 6 [“The laws of the United States ‘shall be the supreme Law of the Land,’ notwithstanding anything to the contrary in the Constitution or laws of any state.”] [quoting U.S. Const., art. VI, cl. 2].)

For example, if a federal law restricts disclosure of records, it might preempt a state statute to the contrary. (See *Rim of the World Unified School Dist. v. Superior Court* (2002) 104 Cal.App.4th 1393, 1399 [“Thus, we conclude that FERPA preempts section 48918, in that section 48918 requires the public disclosure of student expulsion records while FERPA conditions the receipt of federal funds on protecting students and their parents from disclosure of this very type of record.”].)

However, in the absence of a federal law on point, the Supremacy Clause by itself does not create any right or impose any duty to withhold public records. Perhaps a federal agency or official would prefer that the County not disclose the requested records, but the Supremacy Clause demands compliance only with *laws* of the United States, not mere wishes.

Absent a valid federal law to the contrary, states “retain substantial sovereign authority under our constitutional system,” *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991), including the power to determine the conditions under which public records of state or local agencies must be disclosed. California has adopted the Public Records Act, which the County is bound to follow. To withhold public records based on the mere wish of a third party, federal agency or otherwise, violates a core principle of the Public Records Act: “A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this division.” (Gov. Code, § 7921.005.) Any asserted “comity” between federal and state or local governments cannot justify violating the plain language of the Public Records Act.

Please ensure that the records requested by Mr. Scott are disclosed immediately. This letter may not make all applicable arguments; all rights are reserved. Thank you very much for your attention to this matter, and please let me know if you have any questions.

Sincerely,

FIRST AMENDMENT COALITION



David Loy  
Legal Director