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**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF UTAH  
 CENTRAL DIVISION**

Utah Coalition of La Raza, et al.,  
 Plaintiffs,

v.

Gary R. Herbert, et al.,  
 Defendants.

**DECLARATION OF DANIEL  
 ARGUETTA**

Case No. 2:11-cv-00401-BCW  
 Judge: Brooke C. Wells

## Declaration of Daniel Argueta

I, Daniel Argueta, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.
2. I am the co-founder of the Salt Lake City Brown Berets (“SLC Brown Berets”). The SLC Brown Berets are connected to a national Brown Berets organization, but we are an autonomous organization. The national Brown Berets was founded in 1967 and our local chapter was founded in 2006.
3. The mission of the SLC Brown Berets is to empower and educate youth in underprivileged communities. We are a grassroots organization that is funded by the community through donations and fundraising events. We put on youth programs such as low-rider workshops for elementary and junior high school kids. We also provide food for the afterschool FACE movement program at Kearns High School and plan a community barbeque where we provide free food and entertainment to members of the community.
4. SLC Brown Berets has approximately 30 members – they are mostly Latino, but there are also Pacific Islanders and Caucasian members. Our members are mostly youth and some of them identify as LGBT (lesbian/gay/bisexual/transgender). Our members have mixed immigration statuses. Some are U.S. citizens, some are legal residents, and about 10% percent of them are undocumented. We found out that some are undocumented through conversations. We work with various organizations such as M.E.Ch.A, queer students of

color, and the Salt Lake City DREAM Team. Between 300 to 500 people attend our community events and 20 to 30 students participate in our mentoring program.

5. Every member of the Brown Berets has stories of being racially profiled, regardless of their immigration status.
6. HB 497 has forced the SLC Brown Berets to change our organizational activities and divert resources from our organizational goals. We've had to spend 100% of our time this year entirely on addressing concerns about HB 497. We've done "street organizing" to give printed materials on HB 497 to members of the community, and held community forums to discuss the new law. If HB 497 had not been introduced and passed, we would have held more programs in elementary schools, worked on more afterschool programs, and expanded to other schools besides Kearns.
7. One of the SLC Brown Beret's goals this year was to create a scholarship for high school students. We have been behind on this work because our organization was entirely focused on HB 497. Any money we wanted to put into the scholarship fund has gone instead into public education explaining the impact of HB 497 and fighting HB 497. The goal of our organization is to work with all underrepresented communities but because of HB 497 we've been focusing only on the immigrant community. This year, we had planned to focus also on women's issues and LGBT issues. For instance, we wanted to hold a unity rally with the LGBT community to bring more awareness to the issues and show how immigration and LGBT issues are interlocking. But we were not able to put on the rally because we've had to focus all our resources on fighting HB 497.

8. Some members have already stopped participating in our events because they're afraid of being associated with the SLC Brown Berets. They feel the SLC Brown Berets are under a microscope for standing up against HB 497 and that the police could retaliate by harassing them about their immigration status. They are afraid to participate in our events because they are afraid the police may show up and ask them for their papers.
  
9. There was an incident at Thanksgiving Point during a Sutherland Institute immigration debate at the end of 2010. There were 10-15 Latino youth on the side of the event waiting to thank the speakers. The private security that Thanksgiving Point hired asked us to leave. We were not wearing anything that identified us as a group. We were just there to listen. The security didn't tell us why they wanted us to leave. Only Latinos got kicked out. We called the police to report this incident. One SLC Brown Beret left the event because he didn't want the police to question him about his status. He couldn't fill out a police report for this reason. He hasn't participated in any of our events since then. Our organization is concerned that HB 497 will have a further chilling effect on participation at our activities. Less people will show up out of fear that the police will be at our events. People will also be afraid to report crime out of fear that they will be questioned about their immigration status.
  
10. A lot of people say they would like to participate in SLC Brown Berets, but they are undocumented and afraid of the police. There are members who are documented or U.S. born, but they have expressed concerns about being labeled as undocumented or being asked for their papers. Caucasian members are concerned as well because they are

worried about the profiling that will happen to the Latino population. They are concerned that HB 497 will be the state sanctioning and legalization of racial profiling. HB 497 has increased everyone's fears -- a lot of students who are undocumented have told us they are afraid of getting profiled by the police even if they're not doing anything wrong.

11. Our members have said HB 497 makes them afraid to be pulled over because of their appearance. One of our members has been pulled over and asked for his papers in the past. The Sheriff's Department pulled him over. They said he looked like someone they were looking for and asked him for his papers. He thinks this was due to racial profiling because he wasn't doing anything wrong.

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

EXECUTED this Fifth day of May, 2011 in Salt Lake City, Utah.



Daniel Argueta