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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 MICHAEL
 PICARDI**

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

Declaration of Michael Picardi

I, Michael Picardi, 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 and current Executive Director of Coalition of Utah Progressives ("CUP").
3. CUP's mission is "To Protect the Unprotected." Our mission statement says, "By countering mis-information and promulgating facts and truth while advocating actions, groups, representatives and legislation that reflect PROGRESSIVE views and true Democratic values of justice and equality for all, CUP advocates policy principles and practices that prohibit and prevent discrimination based on race, ethnicity, religion, national origin, sex, sexual orientation, gender identity, expression or ability." CUP is the go-to media source for the opinions and facts of the Progressive Community on any and all issues in Utah.
4. CUP's membership of 30-40 people is approximately 15% undocumented. The rest are citizens or have some type of immigration status. Our members are mostly Caucasian.
5. The Coalition of Utah progressives was formed in the Summer of 2010 to begin to bring like-minded individuals and organizations together to work on common issues and problems. Our first concern was Immigration reform. Hosting a Peoples' Summit on Immigration at Centro Civico de Mexicano in late August, CUP brought together a diverse yet cooperating group of individuals and organizations to begin the process of educating, not only the general public, but our legislators as well. Our next action revolved around the political donations to Utah Governor Herbert's re-election campaign and the awarding of contracts from his office to his supporters. Of major concern was and is a \$13 million dollar pay out to the losing bidder on the I-15 UDOT contract in Utah County. Having demonstrated that the "Governor's Mansion Was Not For Sale", CUP requested that the Attorney General investigate. This is still an ongoing issue as the Attorney General's office has declined and directed CUP to the Lt. Governor's office for Election matters.
6. CUP was also present at the One Nation rally in Washington DC this past October along

with other progressives calling on the government to come together to work for the American people and not their political parties.

7. Our ongoing focus is now on the Legislature Session here in Utah as well as the ongoing issues affecting those who are dis-advantaged.
8. CUP spent a lot of time monitoring the 2011 Legislative session because the Legislative session this year has been one of punitive bills to attempt to put a stranglehold on the citizens of Utah. There were no fewer than 14 bills introduced dealing with the manufactured “problem” of the undocumented. In a not so veiled attempt to follow in the footsteps of Arizona, Utah Republicans went on a witch hunt. Blaming everything from “identity theft” to the economic problems facing the state, their use of the immigrant population as the scapegoat, reached a fever pitch.
9. Because of this climate, CUP introduced Senate Joint Resolution 18 calling for a moratorium on immigration bills. We want the state government to focus on federal Comprehensive Immigration Reform rather than spending time on state initiatives that are only symbolic. The legislature should look at what is happening to children, rather than demonizing immigrants.
10. CUP’s membership is concerned about the immigration bills being unconstitutional and the fiscal responsibility for local law enforcement. Police Chief Burbank said there is no money to implement Senate Bill 497. If he is forced to implement it, money will have to be shifted from elsewhere. This means there will be less police doing their job, which is to maintain public safety.
11. Utah Attorney General Shertliff began a taskforce to stop crimes within the Latino community. This taskforce began because of concern that immigrants are getting targeted for fraud and other crimes such as smuggling and identity theft. The taskforce has been working with people to get them to trust law enforcement. CUP’s concern is that after HB 497 is implemented immigrants will no longer trust law enforcement. Immigrants will stop coming forward to report crimes and crimes will skyrocket. People will be afraid of coming forward to report crimes because they fear they will be asked for their documents.
12. Our members have told us that they will be too afraid to come to our events if HB 497 takes effect. The police are always at the rallies and if HB 497 takes effect, the

police will have a license to ask for documents. People we spoke to in the immigrant community have also said this. We host community meetings and three or four people have said this in those meetings. They are afraid that the police will be waiting around the corner for them at the rallies and will ask them for their documents. Attendance at our events has already been affected by Latinos being afraid to show up, and attendance will be even lower if HB 497 takes effect.

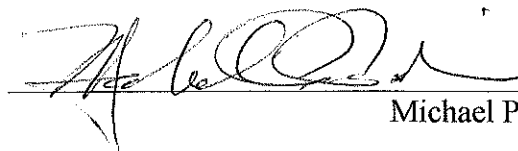
13. I have heard people reporting that immigrants are getting asked to pay money for the guest worker permits described in HB 116. Two of our members have heard this from the community. I heard this from other advocates, who said they have gotten calls from immigrants who were approached to put their names on a list to apply for the permits. One person said there was an ad on Spanish radio soliciting people to apply for the permits.
14. CUP hasn't been able to work on our organizational priorities because we've been pushing against these immigration bills for the entire legislative session. We were testifying once or twice a week, every week of the leg session (which is 45 days long). We were at every hearing related to an immigration bill. It takes two to three hours per legislative session to testify. We also sent emails to people, organized rallies, and held four press conferences. We used our financial resources to pay consultants to draft Senate Resolution 18. We also paid experts to testify.
15. One of CUP's original goals this year was to go after the \$13 million payout to the Governor. We were going to the Attorney General's office to pursue this as an issue of public funds. But we put this work aside because of the immigration bills. We wanted to support unions in Wisconsin and to work on a moratorium on the death penalty, but couldn't do either of these projects because we were focused on the immigration bills.
16. Now that the immigration bills have become law, CUP continues to spend most of its organizations resources on these laws. We're spending time now informing people about the bills. We're trying to put a coalition together to educate the public about them. I'm spending 8 to 10 hours per week getting information, spreading the information, and going to meetings. This is about half of the time I spend on CUP's work.
17. This year, one of CUP's key organizational priorities was to start a project like "Out of the Closet" where we open a thrift store that raises money and benefits AIDs work. This

is a key organizational priority because it would help us generate funding so that we can become self-sufficient and not depend on donations or foundations. I set up a thrift store before. It's a good way to give back to the community, help the environment through recycling, and to support CUP's efforts. We've studied this and feel it's the best way in the current economy to raise funds. But during the legislative session I could only work on this a little. I had planned to set up meetings to get the store going and right now I don't have time to do this. I wanted the store to be up and running by now. But now it's been put on the back burner. We're about a 4 months behind on schedule and at this point I don't know when it will open.

18. CUP members are concerned that HB 497 will increase racial profiling. There was a rally where the Police Chief of Ogden said racial profiling doesn't happen. But that is an area known to be an area heavy on racial profiling. The police will target certain cars that look more run-down and areas where immigrants leave clubs at night.
19. There is larger police presence on the Westside, where the Latino community lives. I have seen the police sitting in their cars at night looking for people. CUP members are worried that if HB 497 goes into effect, the police will ask Latinos for their papers even if there has been no crime committed. The police will use traffic stops as an excuse to ask people who look Latino for their papers.
20. One CUP member who is Caucasian told me that the police came to his door. The police asked his wife, who is undocumented, for her papers. The police arrested her and turned her over to Immigration and Customs Enforcement. He is worried that the police will use SB 497 as a license to do this to even more immigrants.

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

EXECUTED this 28 day of April, 2011 in Salt Lake City, Utah.


Michael Picardi