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*Attorneys for Amicus Curiae* ASIAN AMERICAN JUSTICE CENTER  
a member of the Asian American Center for Advancing Justice

*\*Pro hac vice* motion pending

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

<p>Utah Coalition of La Raza; Service Employees International Union; Workers’ United Rocky Mountain Joint Board; Centro Civico Mexicano; Coalition of Utah Progressives; Latin American Chamber of Commerce; Salt Lake City Brown Berets; Jane Doe #1; John Doe #1; Milton Ivan Salazar-Gomez; Eliana Larios; Alicia Cervantes; John Doe #2</p> <p>Plaintiffs.</p> <p>v.</p> <p>Gary R. Herbert, Governor of the State of Utah, in his official capacity; Mark Shurtleff, Attorney General of the State of Utah, in his official capacity,</p> <p>Defendants.</p>	<p>Case No. 2:11-cv-00401-BCW</p> <p><b>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF THE ASIAN AMERICAN JUSTICE CENTER AND OTHER AMICI CURIAE FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION</b></p>
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## MEMORANDUM OF POINTS AND AUTHORITIES

The organizations filing the Proposed Brief (collectively “Amici”) represent a wide variety of communities of color, faith, and of individuals, all united in pursuit of tolerance and equality. They request leave to file the *Amicus Curiae* brief in support of Plaintiff’s Motion for Preliminary Injunction (Docket Number 36), which was filed on May 6, 2011. Amici’s Proposed Brief, which is lodged concurrently with this Motion, addresses actual harms that will result from enforcement of HB 497’s provisions.

### I. INTERESTS OF AMICI

As shown here and in Exhibit 1 to this Memorandum of Law,<sup>1</sup> the organizations filing this Motion have a unique perspective on harms to communities of color that would ensue from discriminatory treatment. This litigation is of immense importance not only within the boundaries of Utah, but may shape future decisions regarding immigration issues in other states and localities nationwide. As the legal topics covered in this case have ramifications that extend beyond the present case itself, the organizations filing this Motion request leave to file the proposed brief, which they firmly believe will provide further critical insight beyond that of which parties and counsel can otherwise provide.

Amici represent a diverse group of organizations and individuals. All of the groups represented pursue a united mission for the equal treatment of individuals regardless of skin color. Amici have a combined interest in enjoining the enforcement of HB 497 because of the devastating effect that the statute has on all people, regardless of immigration status, who may appear “foreign” in any way, and because of the potential the statute has to subject these individuals to investigation and detention by law enforcement officials on those grounds.

The Asian American Justice Center (“AAJC”), a member of the Asian American

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<sup>1</sup> Exhibit 1 to this Memorandum of Law is fully incorporated herein and further describes the individual organizations filing this Motion.

Center for Advancing Justice, is a national non-profit, non-partisan organization working to advance the human and civil rights of Asian Americans and build and promote a fair and equitable society for all.

The following organizations have expressed support as fellow amici for the Proposed Brief: Arab Community Center for Economic and Social Services, Asian American Institute, Asian Law Caucus, Asian Pacific American Labor Alliance AFL-CIO, Asian Pacific American Legal Center, Coalition for Humane Immigrant Rights of Los Angeles, Comunidades Unidas, Heartland Alliance's National Immigrant Justice Center, Inclusion Center for Community and Justice, Lawyers' Committee for Civil Rights Under Law, Japanese American Citizens League, National Asian Pacific American Bar Association, National Asian Pacific American Women's Forum, National Council of La Raza, National Guestworker Alliance, National Korean American Service & Education Consortium, National Tongan American Society, New Orleans Workers' Center for Racial Justice, Organization of Chinese Americans, Rights Working Group, and South Asian Americans Leading Together

## **II. AMICI'S PARTICIPATION IS RELEVANT AND ESSENTIAL**

Amici's Proposed Brief is relevant because it presents empirical information highlighting the harmful effects that enforcement of such legislation will have not only on minorities within Utah, but on the community as a whole. The enforcement of HB 497's provisions will disproportionately affect communities of color by promoting a policy of racial profiling and corroding public safety within the state by severing bonds of trust between law enforcement and communities of color. Amici's Proposed Brief places HB 497 in perspective alongside other laws that have been struck down because their application disparately impacted certain minority groups. Amici's brief also brings to attention the disparate harms that will befall communities of color, including increased risk of racial

profiling due to lack of training of local law enforcement on immigration enforcement matters and the chilling effect HB 497 will have on public safety within Utah. The Proposed Brief also addresses HB 497 within a historical context highlighting Supreme Court decisions striking down or refusing to apply statutes aimed at excluding minority groups from the rights of the majority. Such arguments and data have not been fully included in Plaintiffs' Motion for Preliminary Injunction but they support a conclusion of irreparable harm.

### **III. CONCLUSION**

For the foregoing reasons, Amici respectfully request leave to file their Proposed *Amicus Curiae* Brief.

DATED: May 27, 2011

Respectfully submitted,

DORSEY & WHITNEY LLP

By: /s/ Milo Steven Marsden  
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## CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Dated: May 27, 2011

Signed: /s/ Katherine J. Santon

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