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

UTAH COALITION OF LA RAZA, *et al.*

Plaintiff,

v.

GARY HERBERT, *et al.*

Defendant.

**[LODGED]
 BRIEF OF THE UNITED
 MEXICAN STATES AS
 AMICUS CURIAE
 IN SUPPORT OF PLAINTIFFS'
 COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF**

Case No. 2:11-cv-00401 BCW

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INTEREST OF THE *AMICUS CURIAE*

The United Mexican States (“Mexico”) herein expresses its grave concerns over The Illegal Immigration Enforcement Act, Utah House Bill 497, 2011 Leg., Gen. Sess. (Utah 2011) (“HB 497”), and underscores the importance of preliminarily enjoining HB 497 and of declaring it unconstitutional in its entirety.

HB 497 substantially and inappropriately burdens the consistent sovereign-to-sovereign relations between Mexico and the United States of America (“U.S.”), interfering with the strategic diplomatic interests of the two countries and encouraging an imminent threat of state-sanctioned bias or discrimination. Under Article 5(a) of the Vienna Convention on Consular Relations, to which both countries are signatories, Mexico has a right to protect the interests of its nationals within the limits of international law.¹ Mexico seeks to ensure that its citizens present in the U.S. are accorded the human and civil rights granted under the U.S. Constitution, and affirms that HB 497 threatens the human and civil rights of its nationals.

The enactment of HB 497, like the enactment of Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Chapter 113 (Ariz. 2010), as amended (“SB 1070”), was closely followed at the highest levels of the Mexican government,² as well as by Mexicans and Americans in Utah and the U.S. The issues raised herein are of great importance to the people of Mexico, including the millions of Mexican workers, tourists and students recently admitted to the U.S.,³ those already

¹ Vienna Convention on Consular Relations art. 5, Apr. 24, 1963, 596 U.N.T.S. 261.

² See, e.g., Embassy of Mexico, *Press Release on the Passing of Immigration Laws in Utah* (March 16, 2011), <http://embamex.sre.gob.mx/usa/index.php/home/13-press-releases-2011/507-embassy-of-mexico-press-release-on-the-passing-of-immigration-laws-in-utah>.

³ Office of Immigration Statistics, *2009 Yearbook of Immigration Statistics*, August 2010, http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2009/ois_yb_2009.pdf; U.S. Department of Transportation, *Border Crossing/Entry Data*, June 1, 2010, <http://www.bts.gov/programs/>

present in the U.S., the countless millions whose daily lives and jobs depend on international trade, and those who may also be affected by immigration policies. Mexico respectfully submits that if HB 497 is allowed to take effect it will have a significant and long lasting adverse impact on U.S.–Mexico bilateral relations, and on Mexican citizens and other people of Latin American descent present in Utah.

ARGUMENT

1. HB 497 Dangerously Contributes to a Patchwork of Laws That Impede Effective and Consistent Diplomatic Relations

The U.S. Supreme Court has long made clear that “state actions that directly interfere[] with the operation of a federal program” are preempted.⁴ As affirmed by Deputy Secretary of State James B. Steinberg, “U.S. federal immigration law incorporates foreign relations concerns by providing a comprehensive range of tools for regulating entry and enforcement.”⁵ Mexico relies upon this consideration of its concerns in conducting diplomatic relations with the U.S. on the various bilateral matters impacted by U.S. immigration law. In direct opposition to this uniform U.S. program, HB 497, SB 1070 and the other bills spurred by the avalanche of “copycat” legislation create a dangerous patchwork of inconsistent state immigration laws. Already, at least 24 U.S. states introduced a “copycat bill,” and while about half were not

international/transborder/TBDR_BC/TBDR_BC_Index.html.

⁴ *Chamber of Commerce v. Whiting*, No. 09-115, 2011 U.S. LEXIS 4018, at *11 (U.S. May 26, 2011); *see also* The Federalist No. 42 (James Madison)(concerning regulation of intercourse with foreign nations)(“If we are to be one nation in any respect, it clearly ought to be in respect to other nations.”); The Federalist No. 4 (John Jay)(concerning dangers from foreign force and influence).

⁵ Declaration of James B. Steinberg ¶ 5, July 2, 2010, *United States v. Arizona*, No. 2:10-cv-01413-SRB (D. Ariz. July 6, 2010).

enacted in this legislative session, the attempts continue in several states.⁶ On May 13, 2011, for example, Georgia enacted another “copycat” immigration bill, House Bill 87.⁷ But while these laws are all characterized as “copycat anti-immigration laws,” their provisions differ in a significant manner. These differences create a complex and perilous legal patchwork.

Furthermore, like Utah, various states are also introducing immigration bills that are not modeled after Arizona’s SB 1070.⁸ As a result, such legislative agendas could result in a mix of disparate laws across the U.S., creating an environment of uncertainty, making it nearly impossible for Mexican nationals to understand their rights and obligations in each U.S. state, and significantly harming the ability of the federal governments of both nations to address issues of international importance.

The dangers inherent in having a contradictory patchwork of immigration laws have crystallized with the enactment of HB 497. Even though HB 497 was inspired by SB 1070,⁹ unlike Arizona’s bill, HB 497 mandates all police officers to inspect the identification documents of all people they stop, detain or arrest, whereas Arizona’s bill only requires that the officer inspect the identification documents of persons if they have “reasonable suspicion” to believe

⁶ As of April 22, 2011, 13 states had active “copycat” bills. Seth Freed Wessler, *A Year After SB 1070, the Deportation Pipeline Still Begins in Washington*, Colorlines, April 25, 2011, http://colorlines.com/archives/2011/04/a_year_after_sb_1070_the_deportation_pipeline_still_begins_in_washington.html; Hatty Lee, *Arizona SB 1070 Copycats Fall Flat in Most State Legislatures*, Colorlines, March 31, 2011, http://colorlines.com/archives/2011/03/arizona_sb_1070_copycats_fall_flat_in_most_state_legislatures.html.

⁷ Georgia General Assembly, *HB 87 - Illegal Immigration Reform and Enforcement Act of 2011* (last visited May 20, 2011), http://www1.legis.ga.gov/legis/2011_12/sum/hb87.htm (“HB 87”).

⁸ *Arizona SB 1070 Copycats Fall Flat in Most State Legislatures*, *supra* note 7.

⁹ See Julia Preston, *Utah G.O.P. Adopts Immigration Alternative*, New York Times, March 6, 2011, http://www.nytimes.com/2011/03/07/us/07utah.html?_r=1.

such persons are in the country unlawfully.¹⁰ Furthermore, unlike Arizona’s bill, HB 497 permits police officers to reject identification documents or statements about citizenship based only on the officer’s “reasonable suspicion” that the documents or statements are false;¹¹ not to mention the fact that HB 497 is only one bill in the so-called “Utah solution” package of bills, which widely differs from Arizona’s SB 1070.¹² As the Ninth Circuit recognized just recently, “the threat of 50 states layering their own immigration enforcement rules on top of INA also weighs in favor of preemption.”¹³ Similarly, Georgia’s bill also differs from SB 1070 and HB 497, and conflicts with federal law.¹⁴ President Obama reaffirmed the importance of avoiding this immigration patchwork. He said of Georgia’s bill: “It is a mistake for states to try to do this piecemeal. We can’t have 50 different immigration laws around the country. Arizona tried this, and a federal court already struck them down.”¹⁵ Mexico stresses that this contradictory patchwork is “detrimental to the robust relationship that Mexico and the United States have built

¹⁰ HB 497 §§ 3, 4; SB 1070 § 2.

¹¹ HB 497 §§ 3, 4.

¹² Under one bill, Utah would be able to grant work permits to undocumented immigrants who reside in Utah beginning in 2013. H.B. 116, 2011 Leg., Gen. Sess. (Utah 2011). Another bill would give Utahans the right to sponsor foreign individuals to live in Utah. H.B. 469, 2011 Leg., Gen. Sess. (Utah 2011). *See also* Preston, *supra* note 10; *Governor Herbert Signs Immigration Reform Legislation*, Utah.gov, March 15, 2011, http://www.utah.gov/governor/news_media/article.html?article=4435.

¹³ *United States v. Arizona*, No. 10-16645, 2011 U.S. App. LEXIS 7413, at *34 (9th Cir. Ariz. Apr. 11, 2011).

¹⁴ For example, under Georgia’s bill, a law enforcement officer is not required to confirm lawful presence prior to an arrest, but is authorized to do so if the officer has “probable cause” to believe the suspect has committed a criminal offense. HB 87 § 8. In Arizona, officers need only to have “reasonable suspicion” that a person is an illegal immigrant to be required to confirm the person’s immigration status. SB 1070 § 2. *See also* chart titled “A Comparison of Select Arizona, Georgia, and Federal Immigration Control Statutes” in *2011 Upcoming Session Issues*, Senate Research Office, <http://www.senate.ga.gov/sro/Documents/UpcomingIssues/LegIssues11.pdf>.

¹⁵ Jeremy Redmond, *Obama Blasts Georgia’s Bill Targeting Illegal Immigrants*, Cox Newspapers, April 28, 2011, <http://timesfreepress.com/news/2011/apr/28/obama-blasts-georgia-bill-targeting-illegal-immigr/>.

as partners and neighbors in such important issues as enhancing economic competitiveness and trade, cooperating against transnational organized crime, promoting clean energy and combating climate change, and creating a more modern and efficient border.”¹⁶

HB 497 undermines the U.S. government’s approach of weighing multiple competing considerations and choosing among priorities in order to develop an overall effective foreign policy strategy. The U.S. seeks support of foreign governments through a “delicately-navigated balance of interests across the entire range of U.S. national policy goals[,]” including immigration policy.¹⁷ Laws like SB 1070 and HB 497 undermine U.S. foreign policy and thereby “endanger [the] ability to negotiate international arrangements and to seek bilateral, regional or multilateral support across a range of . . . non-immigration concerns.”¹⁸ These inconsistent laws and obligations across federal and state levels negatively impact bilateral negotiations between the U.S. and Mexico on a variety of foreign policy fronts. Through its embassy, Mexico denounced this dangerous patchwork and “reiterates the commitment of the Mexican federal government to comprehensive solutions and shared responsibility with regard to migration.”¹⁹

Mexico has a legitimate interest in preventing U.S. states from affecting bilateral relations. The roots of cooperation between the U.S. and Mexico run deep and wide. The executive and legislative branches of the two countries, every federal agency, and dozens of state and local governments collaborate directly with their counterparts across the border on issues as

¹⁶ *Press Release on the Passing of Immigration Laws in Utah*, *supra* note 3.

¹⁷ Decl. James Steinberg ¶ 12, *supra* note 6.

¹⁸ *Id.* ¶ 14.

¹⁹ *Press Release on the Passing of Immigration Laws in Utah*, *supra* note 3.

diverse as emergency preparedness and free trade facilitation.²⁰ Because the bilateral cooperation is extensive, it is essential for the U.S.–Mexico bilateral relations that each sovereign is able to approach discussions with a consistent front.

2. HB 497’s Intrusion in International Affairs Impedes International Relations and Bilateral Collaboration

In order to conduct effective diplomatic negotiations with the U.S., countries such as Mexico need and depend on consistent and reliable bilateral relations. *Amicus Curiae* cannot effectively collaborate with the U.S. to address inherently international matters, such as immigration, trade and security, if U.S. political subdivisions establish their own requirements conflicting not only with each other, but also with the U.S. government’s efforts, priorities and commitments.

Through HB 497, Utah directly interferes with the U.S. Department of State’s ability to conduct foreign affairs and policy. As was the case with Arizona’s SB 1070,²¹ even prior to going into effect, HB 497 is already straining U.S.–Mexico relations. Mexico’s embassy to the U.S. affirmed that “the Government of Mexico is concerned about the adverse impact initiatives such as Utah’s HB 497 may have on the breadth and scope of our bilateral relationship [with the U.S.].”²² Furthermore, the embassy ascertains that “Utah’s actions on this specific issue [immigration] are detrimental to the robust relationship that Mexico and the United States have

²⁰ Andrew Selee, Christopher Wilson, & Katie Putnam, *The United States and Mexico: More than Neighbors*, Woodrow Wilson Institute for Scholars (May 2010), note 9, at 13-14, available at http://wilsoncenter.org/topics/pubs/WWC_MI_More-Than-Neighbors-2010-update.pdf.

²¹ See *Meet the Press with Secretary Clinton* [Transcript], May 2, 2010, available at <http://secretaryclinton.wordpress.com/2010/05/02/meet-the-press/>.

²² Embassy of Mexico, *Statement by the Embassy of Mexico on Lawsuit Filed Against HB 497 in Utah*, May 3, 2011, <http://embamex.sre.gob.mx/usa/index.php/home/13-press-releases-2011/512-statement-by-the-embassy-of-mexico-on-lawsuit-filed-against-hb-497-in-utah->.

built as partners and neighbors in such important issues as enhancing economic competitiveness and trade, cooperating against transnational organized crime, promoting clean energy and combating climate change, and creating a more modern and efficient border.”²³

a. HB 497 Will Severely Hinder Mexico-U.S. Trade and Tourism

Mexico is greatly concerned about the possible repercussions of HB 497 on trade and commercial relations with the U.S. and Utah. Growth in U.S.–Latin-American trade has historically outpaced all other regions.²⁴ The interaction of labor markets, tourism, business travel and student migration is of great importance to both economies.²⁵

To enhance economic trade and collaboration, the governments of the U.S. and Mexico have pursued trade liberalization through collaborative multilateral, regional and bilateral negotiations, resulting in advantageous multifaceted economic relationships.²⁶ Diplomacy is crucial to such efforts. Like Arizona’s SB 1070, HB 497 impedes collaboration; together, the bills push “nations that work together and trade” to “mutual recrimination, which has been so

²³ *Id.*

²⁴ J. F. Hornbeck, *U.S.-Latin America Trade: Recent Trends and Policy Issues*, Congressional Research Service, at 1 (Sept. 3, 2009), available at <http://www.fas.org/sgp/crs/row/98-840.pdf>.

²⁵ Press Release, The White House, *Remarks by President Obama and President Calderón of Mexico at Joint Press Availability*, May 19, 2010, available at <http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-president-calder-n-mexico-joint-press-availability>. A Federal Reserve Bank of San Francisco study estimates that immigration from 1990 to 2007 into the U.S. increased U.S. economic efficiency and productivity resulting in a 6.6% to 9.9% increase in real income per U.S. worker. Giovanni Peri, *The Effect of Immigrants on U.S. Employment and Productivity*, Economic Letter, Federal Reserve Bank of San Francisco, at 10 (August 30, 2010), available at <http://www.frbsf.org/publications/economics/letter/2010/el2010-26.html>. See also Tamar Jacoby, *Immigration Nation*, 85 *Foreign Affairs* 50, 54-58 (2006).

²⁶ Hornbeck, *supra* note 25, at 5; M. Angeles Villarreal, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*, Congressional Research Service (Mar. 31, 2010), at 16-18, available at <http://www.fas.org/sgp/crs/row/RL32934.pdf>.

useless and damaging in previous times.”²⁷ Strained diplomatic relations substantially impede the ability of the U.S. and Mexico to collaboratively develop, enhance and maintain commercial exchange critical to both of their economies.

b. HB 497 Derails Efforts Towards a Uniform Legal Framework that Ensures the Secure, Orderly and Legal Movement of People

With over 11 million nationals residing in the U.S.²⁸ and millions more admitted to the U.S. as tourists and travelers each year,²⁹ Mexico has a significant interest in ensuring the secure, orderly and legal movement of its nationals in and through the U.S. The Obama Administration recognizes the need for collaboration with Mexico as one of its five guiding immigration principles.³⁰ Safe and orderly migration conditions can only be achieved through comprehensive, nationwide U.S. immigration policy.

The effects of U.S.–Mexico migration to labor markets, tourism, business travel, and education is of great importance to both countries.³¹ It is due to the benefits of international

²⁷ Press Release, The White House, *Remarks by President Calderón of Mexico at Official Arrival Ceremony*, May 19, 2010, available at <http://www.whitehouse.gov/the-press-office/remarks-president-calder-n-mexico-official-arrival-ceremony>. See also *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 770 (2004) (removing blockade to cross-border trucking); and Villarreal, *supra* note 27, at 20-24 (discussing Mexico-U.S. trade issues).

²⁸ Pew Hispanic Center, *Statistical Portrait of the Foreign-Born Population in the United States 2009* (last visited May 31, 2011), <http://pewhispanic.org/files/factsheets/foreignborn2009/Table%205.pdf>.

²⁹ During 2009, the U.S. admitted over 6 million Mexican citizens under non-immigrant visas and approximately 58 million people admitted across the U.S.–Mexico border. Office of Immigration Statistics, *2009 Yearbook of Immigration Statistics*, August 2010, http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2009/ois_yb_2009.pdf; U.S. Department of Transportation, *Border Crossing/Entry Data*, June 1, 2010, http://www.bts.gov/programs/international/transborder/TBDR_BC/TBDR_BC_Index.html.

³⁰ The White House, *Immigration* (last visited June 10, 2010), <http://www.whitehouse.gov/issues/immigration>.

³¹ *Id.*; see also Jacoby, *supra* note 26, at 54-58 (noting that foreign labor has complemented, not competed with, the U.S. labor force).

collaboration in these areas, that the U.S. and Mexico recognize the importance of having a national immigration framework that ensures the secure, orderly and legal movement of people into and across the U.S.³² HB 497 institutes an independent state immigration enforcement system that not only derails bilateral economic, social and security efforts, but imperils efforts at a comprehensive solution for immigration policy. Mexico cannot effectively cooperate with the U.S. when Utah interferes with the sovereigns' efforts of both sovereign countries.

3. HB 497 Poses a Risk of Harassment by Law Enforcement to Mexican Citizens

Discriminatory enforcement of the law has adverse legal, social, economic and political implications. Mexico has a legitimate interest in ensuring that its citizens are not deprived of international and constitutional protections or subjected to hostile attitudes or action by U.S. state actors of the society at large.

Although HB 497 has been enacted with race-neutral language that “[a] law enforcement officer may not consider race, color, or national origin,”³³ Mexico is deeply concerned that the application of HB 497 by local law enforcement and Utah’s officers who, like local officials in Arizona, will have the power to make arrests of any individual whom they have “reasonable” cause to believe is a criminal or an alien,³⁴ could lead to harassment of Mexican citizens and individuals of Hispanic appearance alike. In light of the continuous growth of the Hispanic and Mexican–American population in the United States,³⁵ especially in the Western part of the

³² See *Remarks by Presidents Obama and Calderón*, *supra* note 26.

³³ HB 497 § 76-9-1003(5).

³⁴ *Id.*

³⁵ See Pew Hispanic Center, *Census 2010: 50 Million Latinos: Hispanics Account for More Than Half of Nation’s Growth in Past Decade*, March 24, 2011, <http://pewhispanic.org/files/reports/140.pdf>.

country, Mexico is concerned and simply unsure how HB 497 can be applied in a race-neutral manner.

Indeed local law enforcement officials in Utah and across the country have reached the same conclusion. HB 497 creates a complicated system of mandatory and permissive immigration status verifications that invites racial profiling and discriminatory enforcement.³⁶ The overly complex interpretation of HB 497, in conjunction with the potential liability faced for limiting enforcement of federal immigration law, “makes it extremely difficult to monitor or eliminate racial bias in citizen contacts” and encourages law enforcement officers to exercise the widest possible latitude when applying the law.³⁷ Officers will “inevitably rely upon race and ethnicity” in order to be sure they have investigated absolutely anyone who may be undocumented.³⁸ Even Chris Burbank, Chief of Police of the Salt Lake City Police Department, is concerned that the complexity of HB 497 will cause “officers in neighboring cities and counties [to] inquire into immigration status in all situations or [to exercise] discretion based on race, appearance or manner of speaking.”³⁹ HB 497 places a burden on police officers to determine the veracity of individual’s statements without providing for training, thus inviting racial profiling and discrimination.⁴⁰

³⁶ Gascón Decl. 1:26-27; Gonzales Decl. 2:24-28.

³⁷ Gascón Decl. 2:3-4 (recognizing “it will be extremely difficult, if not impossible, for law enforcement officers in Utah to understand and differentiate between what HB 497 requires them to do and what it permits them to do”); 2:10-14; Burbank Decl. 2:20-21; Burbank Decl. 2:12-13.

³⁸ Gascón Decl. 2:16-17.

³⁹ Burbank Decl. 2:20-21.

⁴⁰ Gonzales Decl. 3:8-10.

The Ninth Circuit has noted that the “use of race and ethnicity for such purposes [as a criterion in government decision-making] has been severely limited.”⁴¹ The Appeals court acknowledged that “[t]he Hispanic population of the nation and of the Southwest and Far West in particular, has grown enormously — at least five-fold in the four [border] states referred to in the Supreme Court’s decision [Arizona, California, New Mexico and Texas].”⁴² Even at border check stops, the Ninth Circuit explained that

at this point in our nation’s history, and given the continuing changes in our ethnic and racial composition, Hispanic appearance is, in general, of such little probative value that it may not be considered as a relevant factor where particularized or individualized suspicion is required . . . [to be used] in determining which particular individuals among the vast Hispanic populace should be stopped by law enforcement officials on the lookout for illegal aliens.⁴³

In fact, recent preliminary demographic information establishes that minorities represent more than 50% of the population in Hawaii, New Mexico, California and Texas.⁴⁴ Being Latino has as much to do today with being a U.S. citizen, as it does with being an immigrant. Given the growing numbers of the Hispanic population, it is imperative that immigration enforcement be carried out in a way that is fair to all individuals regardless of their ethnic origin. Mexico has a strong interest in ensuring that its citizens are protected in this regard. For example, one commentator noted that a former Utah immigration bill, which permitted state law enforcement

⁴¹ *United States v. Montero-Camargo*, 208 F.3d 1122, 1143 (9th Cir. 2000) (citing *Adarand Constructors v. Peña*, 515 U.S. 200 (1995); *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989)).

⁴² *Montero-Camargo*, 208 F.3d at 1133-34 n.22. The court instructed that race “may be considered when the suspected perpetrator of a specific offense has been identified as having such an appearance.”

⁴³ *Id.* at 1134.

⁴⁴ Hope Yen, *Minority Population Growing, Census Says*, Associated Press, June 11, 2010, available at http://www.boston.com/news/nation/washington/articles/2010/06/11/minority_population_growing_census_says/.

to identify and detain individuals whose immigration status may be in question, led to chilling effects on crime reporting by both Whites and Latinos.⁴⁵ This “allows criminal activity to transpire unchecked[,]”⁴⁶ greatly obstructing the international fight against transnational organized crime.

“[T]he interest of the cities, counties and states, no less than the interests of the people of the whole nation, imperatively requires that federal power in the field affecting foreign relations be left entirely free from local interference.”⁴⁷ HB 497 poses an imminent threat to U.S.–Mexico bilateral relations. *Amicus* has a compelling interest in consistent relations among sovereigns, and in the Court preliminarily enjoining HB 497 and declaring it unconstitutional in its entirety.

CONCLUSION

For the foregoing reasons, *Amicus Curiae* respectfully requests that this Court preliminarily enjoin HB 497, and declare it unconstitutional in its entirety.

⁴⁵ Phillip Atiba Goff, Liana Maris Epstein, Chris Burbank, & Tracie L. Keese, *Deputizing Discrimination?*, The Consortium for Police Leadership in Equity, May 3, 2010 (on file with authors); see also Liana Maris Epstein and Phillip Atiba Goff, *Safety or Liberty?: The Bogus Trade-Off of Cross-Deputization Policy*, 00 *Analyses of Soc. Issues & Pub. Pol’y* 1 (2011); see also Chris Burbank, Phillip Atiba Goff & Tracie L. Keese, *Policing Immigration: A Job We Do Not Want*, Huffington Post, June 7, 2010, http://www.huffingtonpost.com/chief-chris-burbank/policing-immigration-a-jo_b_602439.html.

⁴⁶ Epstein, *Safety or Liberty?* at 8-9, *supra* note 47, noting also that “non-White officers,” who play crucial liaison roles within their own racial and ethnic communities, would be more likely to quit their jobs if such cross-deputation immigration laws are enacted.

⁴⁷ *United States v. Arizona*, 2011 U.S. App. LEXIS 7413, at *34 (quoting *Hines v. Davidowitz*, 312 U.S. 52, 63 (1941)); see also The Federalist No. 42 and The Federalist No. 4.

DATED this 7th day of June, 2011.

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I hereby certify that on this 7th day of June 2011, I electronically filed the foregoing **[LODGED] BRIEF OF THE UNITED MEXICAN STATES AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** with the Clerk of the Court using the CM/ECF system, which sent notification to the following:

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