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6 THE HONORABLE JOHN C. COUGHENOUR
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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT SEATTLE
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16 **STATE OF WASHINGTON; STATE OF**
17 **ARIZONA; STATE OF ILLINOIS; and STATE OF**
18 **OREGON,**

19 **Plaintiffs,**

20 **v.**

21 **DONALD TRUMP, in his official capacity as**
22 **President of the United States; U.S. DEPARTMENT**
23 **OF HOMELAND SECURITY; BENJAMINE**
24 **HUFFMAN, in his official capacity as Acting**
25 **Secretary of Homeland Security; U.S. SOCIAL**
26 **SECURITY ADMINISTRATION; MICHELLE**
27 **KING, in her official capacity as Acting**
28 **Commissioner of the Social Security Administration;**
29 **U.S. DEPARTMENT OF STATE; MARCO RUBIO,**
30 **in his official capacity as Secretary of State; U.S.**
31 **DEPARTMENT OF HEALTH AND HUMAN**
32 **SERVICES; DOROTHY FINK, in her official**
33 **capacity as Acting Secretary of Health and Human**
34 **Services; U.S. DEPARTMENT OF JUSTICE;**
35 **JAMES MCHENRY, in his official capacity as**
36 **Acting Attorney General; U.S. DEPARTMENT OF**
37 **AGRICULTURE; GARY WASHINGTON, in his**
38 **official capacity as Acting Secretary of Agriculture;**
39 **and the UNITED STATES OF AMERICA,**

40 **Defendants.**

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44 NO. 2:25-cv-00127
45 UNOPPOSED MOTION FOR
46 LEAVE TO FILE BRIEF OF *AMICI*
47 *CURIÆ LOCAL GOVERNMENTS*
48 AND LOCAL GOVERNMENT
49 OFFICIALS IN SUPPORT OF
50 PLAINTIFFS' MOTION FOR A
51 PRELIMINARY INJUNCTION

52
53 Noting Date: January 28, 2025

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56 UNOPPOSED MOTION FOR LEAVE TO
57 FILE BRIEF OF *AMICI CURIÆ LOCAL*
58 *GOVERNMENTS AND LOCAL GOVERNMENT*
59 *OFFICIALS*
60 NO. 2:25-cv-00127

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63
64 **BRADLEY BERNSTEIN SANDS LLP**
65 2800 FIRST AVENUE, SUITE 326
66 SEATTLE, WA 98121
67 206.337.6551

Proposed *Amici Curiae* Local Governments and Local Government Officials move for leave to file an amicus brief in support of Plaintiffs' motion for preliminary injunction. In furtherance of the motion, Proposed *Amici* state as follows:

1. Proposed *amici* are local governments and local government officials representing 72 jurisdictions across 24 states.

2. They support Plaintiffs' motion for a preliminary injunction because they, too, will be harmed by the Executive Order that is the subject of Plaintiffs' lawsuit.

3. This Court "ha[s] broad discretion to admit amicus briefing [...] to assist a case of general public interest." *Sec. & Exch. Comm'n v. Bittrex Inc.*, No. 2:23-CV-00580-RSM, 2023 WL 4866373, at *1 (W.D. Wash. July 31, 2023) (granting leave to file where brief provides "assistance in framing the facts and law of this case").

4. The proposed brief will assist the Court in its consideration of the pending motion, because local governments face immediate harms from the Order that overlap with yet are distinct from the harms individuals, organizations, and states must confront.

5. Among other things, local governments must manage the administrative confusion that the Order will create. Because many local governments issue birth certificates, they will need to develop new systems to ascertain the citizenship of children born in their local hospitals and within city or county lines.

6. The Order also forces Proposed *Amici* to develop new protocols for any programs requiring citizenship verification, because traditional birth certificates will no longer suffice as proof of citizenship. Local communities will also contend with the personal impact to their

community members, such as restrictions on federally funded health care coverage, child services, and educational benefits.

7. Counsel for proposed *amici* have conferred with counsel for the parties. Plaintiffs and Defendants both consent to the request for leave to file.

8. A true and correct copy of the proposed brief has been submitted with this motion.

CONCLUSION

For the foregoing reasons, Proposed Local Government *Amici* respectfully request the Court grant the motion for leave to file the attached brief.

Dated: January 28, 2025

Respectfully submitted,

/s/ Heidi B. Bradley
Heidi B. Bradley, WSBA No. 35759
BRADLEY BERNSTEIN SANDS LLP
2800 First Avenue, Suite 326
Seattle, WA 98121
206-337-6551
hbradley@bradleybernstein.com

Katherine Courtney (*pro hac vice forthcoming*)
Public Rights Project
490 43rd Street, #115
Oakland, CA 94609
katiec@publicrightsproject.org

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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BRIEF OF *AMICI CURIAE LOCAL
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GOVERNMENT OFFICIALS*
NO. 2:25-cv-00127

BRADLEY BERNSTEIN SANDS LLP
2800 FIRST AVENUE, SUITE 326
SEATTLE, WA 98121
206.337.6551

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	GOVERNMENTS AND LOCAL		2800 FIRST AVENUE, SUITE 326
	GOVERNMENT OFFICIALS		SEATTLE, WA 98121
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STATEMENT OF INTEREST

2 *Amici* are local governments and local government officials representing 72 jurisdictions
 3 across 24 states.¹ *Amici* write in strong support of Plaintiffs' motion for a preliminary injunction
 4 because of the immense harms the Executive Order entitled "Protecting the Meaning and Value
 5 of American Citizenship," ("Order")—the subject of Plaintiffs' lawsuit—will cause if allowed
 6 to go into effect.

7 Since the enactment of the Fourteenth Amendment, it has been well understood that
 8 children born "in the United States, and subject to the jurisdiction thereof," are American citizens.
 9 U.S. CONST. Amend. 14, § 1. With very limited exceptions (such as for children of foreign
 10 diplomats not subject to U.S. "jurisdiction") that is true regardless of the immigration status of
 11 their parents. This bedrock understanding of citizenship is reflected in our communities. Children
 12 born on our soil attend our schools. When they are sick, they obtain services through local health
 13 providers. If they are neglected and abused, our child protective services step forward to help
 14 them. When they are victims of a crime, they are entitled to the full panoply of victim rights
 15 afforded to any resident. If they *commit* a crime, they are "subject to the jurisdiction" of our state
 16 and federal laws and can be punished just like any other member of our community.
 17

19 As they grow older, those who are Americans by virtue of birth serve our Nation (and our
 20 communities) with distinction. They serve in our military and shed blood for our country. They
 21 are our frontline workers, medical providers, and law enforcement personnel. They start
 22

23
 24

¹ No party or party's counsel authored this brief in whole or in part. No party or party's
 25 counsel contributed money intended to fund preparation or submission of this brief. A list of all
amici is listed at Appendix A.

1 businesses, teach schoolchildren, and contribute to our local and national economies. They
 2 become leaders in our communities, across a variety of sectors. And when the time comes, they
 3 start American families of their own. Like all “citizens *by birth or choice*,” those born on
 4 American soil “concentrate [their] affections” in “the name of American.”²

5 The Order thus stands at odds not just with the Constitution, but with our American
 6 values. It rejects the contributions of “citizens by birth,” who have helped to build—and defend—
 7 our Nation and our local communities. At the local level, the Order undercuts our social fabric
 8 and cohesion by creating a permanent class of people with unequal rights. If allowed to go into
 9 effect, the Order will cause residents to be restricted from full participation in the community.
 10 They will be unable to vote, serve on juries, receive federal financial aid for higher education,
 11 and run for office. Their participation will be further restricted by lack of work authorization,
 12 ineligibility for certain federal benefits, and risk of deportation. These direct effects will cause
 13 broader harms, including to local economies, education rates, and public health outcomes.
 14

15 *Amici* write separately because local governments face immediate harms from the Order
 16 that overlap with yet are distinct from the harms individuals, organizations, and states must
 17 confront. Among other things, local governments must manage the administrative confusion
 18 created by the Order. Because some local governments issue birth certificates, they will need to
 19 develop new systems to ascertain the citizenship of children born in their local hospitals and
 20 within city or county lines. The Order also forces *amici* to develop new protocols for any
 21
 22

24
 25 ² George Washington, FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED STATES
 (Sept. 19, 1796) (emphasis added).

1 programs requiring citizenship verification, because traditional birth certificates will no longer
 2 suffice as proof of citizenship. Local communities will also contend with the personal impact to
 3 their community members, such as restrictions on federally funded health care coverage, child
 4 services, and educational benefits. As a result, many local governments will be forced to fund
 5 such services themselves, further draining already scant local resources.
 6

7 ARGUMENT

8 The Order seeks to ignore the text of the U.S. Constitution, overrule binding Supreme
 9 Court precedent, and set aside an Act of Congress, through unilateral executive action. This Court
 10 should not permit it to stand.

11 *Amici* cities, counties, and representatives come before this Court to protect their
 12 community members and their own interests by supporting Plaintiffs' request for an injunction
 13 against the President's executive order. It is difficult to imagine a more compelling circumstance
 14 for the issuance of nationwide relief. The Order reflects a unilateral attempt to alter the
 15 Constitution by attacking a bedrock legal tenet on which this country is built. “[P]laintiffs,”
 16 moreover, “have demonstrated that they are likely to prevail on the merits,” and in the absence
 17 of a preliminary injunction they will suffer irreparable injury. *Ashcroft v. Am. Civ. Lib. Union*,
 18 542 U.S. 656, 666 (2004). In particular, the Order threatens to cause administrative confusion
 19 and burden, financial harm to state and local governments directly, and immeasurable harm to
 20 individuals living in *amici*’s jurisdictions. Declining to enter an injunction in this matter will
 21 impose grave harm to the public interest and to the very fabric of our country.
 22

24 I. PLAINTIFFS ARE HIGHLY LIKELY TO SUCCEED ON THE MERITS

25 In addition to creating an unworkable citizenship system in practical terms, the Order is

1 a flagrant attack on a pillar of American law. It contradicts the plain text of the U.S. Constitution
 2 and violates the Immigration and Nationality Act (“INA”), as codified by 8 U.S.C. § 1401(a).
 3 The Order also runs headlong into more than a century of Supreme Court precedent holding that
 4 babies born on U.S. soil are citizens, regardless of the immigration status of their parents. *United*
 5 *States v. Wong Kim Ark*, 169 U.S. 649, 693 (1898). Existing law creates only a very narrow
 6 exception, for children born to diplomats and passengers on foreign vessels who are not subject
 7 to prosecution under U.S. law for crimes committed in the United States. *See also Plyler v. Doe*,
 8 457 U.S. 202, 215 (1982) (holding that undocumented children are “within [the] jurisdiction” of
 9 a State). No unilateral act of the President can overcome such clearly established law.

10
 11 To start, the text of the Constitution is unambiguous. As such, the “judicial inquiry is
 12 complete.” *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 98 (2003) (internal quotations omitted).
 13 The Citizenship Clause is enshrined in the Fourteenth Amendment, Section 1: “All persons born
 14 or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the
 15 United States and of the State wherein they reside.” U.S. CONST. Amend. 14, § 1. More than a
 16 century ago, the Supreme Court definitively concluded that this clause includes the children of
 17 immigrants born on U.S. soil:

18
 19 The Fourteenth Amendment affirms the ancient and fundamental rule of
 20 citizenship by birth within the territory, in the allegiance and under the protection
 21 of the country, including all children here born of resident aliens [...] The
 22 Amendment, *in clear words and in manifest intent*, includes the children born
 23 within the territory of the United States of all other persons, of whatever race or
 24 color, domiciled within the United States. Every citizen or subject of another
 25 country, while domiciled here, is within the allegiance and the protection, and
 26 consequently subject to the jurisdiction, of the United States.

27
 28 *Wong Kim Ark*, 169 U.S. at 693 (emphasis added). That inescapable conclusion has been
 29

1 affirmed multiple times by the Supreme Court in the more than 125 years since the decision. *See*,
 2 *e.g.*, *INS v. Rios-Pineda*, 471 U.S. 444, 446 (1985) (unanimously noting undocumented resident
 3 “had given birth to a child, who, born in the United States, was a citizen of this country”). The
 4 Order ignores both the plain language of the Fourteenth Amendment and the Supreme Court’s
 5 affirmation of its meaning.

6 Additionally, Congress has made clear, through the INA, that birthright citizenship is
 7 enshrined into federal law. Enacted in 1952, the INA provides that any “person born in the United
 8 States, and subject to the jurisdiction thereof” is a “citizen[] of the United States at birth.” 8
 9 U.S.C. § 1401(a)). The INA mirrors the text of the Fourteenth Amendment and should be
 10 afforded the same meaning as the Citizenship Clause was understood to have at the time of
 11 enactment. *See Shapiro v. United States*, 335 U.S. 1, 16 (1948); *see also Hecht v. Malley*, 265
 12 U.S. 144, 153 (1924) (Congress “must be considered to have adopted also the construction given
 13 by this Court to such language, and made it a part of the enactment.”). Thus, for this Order to be
 14 given effect, it must be permitted to override the settled understanding of *both* the Constitution
 15 and a federal statute. That cannot be.

16 **II. A NATIONWIDE INJUNCTION IS NECESSARY TO PROTECT THE
 17 PUBLIC INTEREST**

18 *Amici* fully support Plaintiffs’ request for a nationwide injunction, as any other form of
 19 relief would be inadequate. The harms to Plaintiffs, state and local governments, and individuals
 20 are immediate and significant. As soon as the Order’s attempt to rewrite the Constitution goes
 21 into effect, children and families will be immediately deprived of access to needed benefits. State
 22 and local governments issuing birth certificates will need to find new ways for parents to establish
 23

1 proof of citizenship for their children. Likewise, localities will be forced to create new procedures
 2 to confirm citizenship for participation in a host of activities, including certain benefits programs.
 3 The impacts will be felt not just in this district, but across the country. The scope of the harm,
 4 the clarity of the violation, and the need for uniform rules regarding citizenship counsel in favor
 5 of a nationwide injunction.
 6

7 **A. Immediate Economic Harms to Communities from Stripped Benefits**

8 The Order throws public benefit structures into chaos because of their close
 9 connection to citizenship status. As a result, families will be deprived of resources needed to
 10 support their children. These common-sense and often necessary benefits make it possible for
 11 children and families to thrive and contribute to the community without fear of hunger, lack of
 12 housing, or inability to access health care. If these benefits are cut off, local governments and
 13 community-based groups will be left to fill in the gaps through the delivery of direct services.
 14

15 Major benefit programs, including Medicaid, CHIP, SNAP, and TANF, are funded in
 16 whole or part by the federal government and regularly administered by state and/or local
 17 governments. Per federal rules, funding or reimbursement is only available to U.S. citizens and
 18 qualified immigrants, such as lawful permanent residents, refugees, and asylum recipients.
 19 8 U.S.C. §§ 1611(a), (c)(1)(B); 1641(b). Individuals with status from work visas, student visas,
 20 or tourist visas are generally not considered “qualified” immigrants for purposes of these
 21 programs. *See* 8 U.S.C. § 1641(b). Nor are individuals who lack any legal status.³ *Id.*
 22

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 24

 25 ³ The Pew Charitable Trusts, MAPPING PUBLIC BENEFITS FOR IMMIGRANTS IN THE STATES
 (Sept. 24, 2014), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/09/>

1 Accordingly, the Order would strip newborns and young children born on U.S. soil of crucial
 2 public benefits. Before now, such children—born and residing in the United States—would be
 3 immediately eligible for, at a minimum, health care through CHIP and SNAP benefits for
 4 nutrition needs if their family met the income qualifications. But if the Order goes into effect,
 5 those benefits will be snatched away from countless children.
 6

7 The immediate harms will be significant. Families will struggle to make ends meet. Some,
 8 on tight budgets, will be forced to pay for their children’s healthcare out-of-pocket, increasing
 9 the risk of experiencing housing instability or other forms of economic harm. Localities, as the
 10 unit of government closest to the ground, will be forced to pick up the pieces and address these
 11 cascading harms. Just as disturbing, some families may become reluctant to utilize any
 12 government services *at all* (due to fear of removal) which can have its own public health
 13 consequences.
 14

15 At this point, the sheer breadth of the Order bears some emphasis. Though the rhetoric
 16 surrounding the Order has focused on undocumented noncitizen parents, the Order would deny
 17 U.S. citizenship—and the associated public benefits—not just to children of undocumented
 18 immigrants, but to those whose parents are present in our communities on work or student visas.
 19 In communities that maintain institutions of higher education, countless children of such higher-
 20 education students would be ineligible for basic programs to ensure their health and well-being.
 21 The same is true for communities whose local economies depend on those who are present in our
 22
 23

24 mapping-public-benefits-for-immigrants-in-the-states; Center on Budget and Policy Priorities, A
 25 QUICK GUIDE TO SNAP ELIGIBILITY AND BENEFITS (Sept. 30, 2024),
<https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>.

1 country on work visas. The Order also creates the absurd possibility that while a parent may have
 2 the legal right to remain in this country, their child born on American soil may be at risk of
 3 deportation. Such family separation would inevitably wreak untold havoc in communities. Of
 4 course, the Citizenship Clause applies categorically to “*all* persons born . . . in the United
 5 States, and subject to the jurisdiction thereof.” U.S. CONST. Amend. 14, § 1 (emphasis added).
 6 But in seeking to rewrite the Constitution, the Order will impose severe, unconstitutional harm
 7 not just on the children of undocumented parents, but on countless families that came to this
 8 country through accepted means.

10 In all events, local governments, among others, will be left to fill in the gaps. Where tight
 11 budgets permit it, jurisdictions may provide resources to their residents above and beyond federal
 12 baselines and regardless of immigration status. *Amici* might create separate programs to support
 13 the children that the Order leaves behind, which will impose additional costs to cash-strapped
 14 local governments and their residents. To be clear: local governments which fill these gaps will
 15 be forced to do more with less. Public health clinics, either run by or funded in part by *amici*,
 16 will lose important funding streams such as Medicaid reimbursements. Economic uncertainty
 17 and the loss of public insurance coverage may cause these families to rely even more on public
 18 health services, further straining the system.

20 And the consequences of the Order will radiate outwards not just into *amici*’s healthcare
 21 systems, but into their schools as well. Federal law requires schools to provide services to
 22 students with disabilities under the Individuals with Disabilities in Education Act (IDEA). 20
 23 U.S.C. § 1412(a)(1). But again: the funding stream for special-education services relies partially
 24 on federal reimbursement for children who are citizens or otherwise “qualified aliens.” Schools

receive partial reimbursement from the federal government to support students with special needs who qualify for Medicaid.⁴ Under the Order, schools will lose this funding for impacted students and will again be forced to fill these funding gaps to continue providing mandated services to students in their districts. Similarly, *amici* who administer foster care programs and rely on federal Title IV-E funds for foster care expenses, will be forced to bear the financial burden to provide these life-altering services.⁵

Over forty years ago, in *Plyler*, the Supreme Court held that states could not bar undocumented schoolchildren from their public schools. In so doing, the Supreme Court cautioned against the creation of “a permanent caste of undocumented resident aliens . . . denied the benefits that our society makes available to citizens and lawful residents.” 457 U.S. at 218–19. The Court recognized that “a State may withhold its beneficence from” undocumented adults, “whose very presence within the United States is the product of their own unlawful conduct.” *Id.* at 219. But it emphasized that the denial of benefits to “*children*” of undocumented persons “does not comport with fundamental conceptions of justice.” *Id.* at 220 (emphasis added). “Visiting condemnation on the head of an infant,” the Court continued, “is illogical and unjust.” *Id.* (quoting *Weber v. Aetna Casualty & Surety Co.*, 406 U.S. 164, 175 (1972) (cleaned up)). After

⁴ The Centers for Medicare and Medicaid Services, DELIVERING SERVICES IN SCHOOL-BASED SETTINGS: A COMPREHENSIVE GUIDE TO MEDICAID SERVICES AND ADMINISTRATIVE CLAIMING (2023), <https://www.medicaid.gov/medicaid/financial-management/downloads/sbs-guide-medicaid-services-administrative-claiming.pdf>.

⁵ Tracy Vericker, Daniel Kuehn, and Randy Capps, The Urban Institute, TITLE IV-E FUNDING: FUNDED FOSTER CARE PLACEMENTS BY CHILD GENERATION AND ETHNICITY (May 2007), <https://www.urban.org/sites/default/files/publication/46271/311461-Title-IV-E-Funding-Funded-Foster-Care-Placements-by-Child-Generation-and-Ethnicity.PDF>.

1 all, “no child is responsible for his birth, and penalizing the … child is an ineffectual—as well as
 2 unjust—way of deterring the parent.” *Id.*

3 When children are needlessly penalized and denied access to benefits, the harm is felt not
 4 just by the child, but by the community writ large. Speaking to the educational benefits at issue
 5 in *Plyler*, the Court reiterated that “education provides the basic tools by which individuals might
 6 lead economically productive lives *to the benefit of us all.*” *Id.* at 221 (emphasis added). “We
 7 cannot ignore,” the Court emphasized, “the significant social costs borne by our Nation when
 8 select groups are denied the means to absorb the values and skills upon which our social order
 9 rests.” *Id.* Denying children needed benefits, the Court concluded, would ultimately lead to the
 10 creation of a permanent “underclass”—the existence of which will invariably fray “the fabric of
 11 our society.” *Id.* at 219, 221.

12 The Order at issue here is at least as damaging to the “fabric of our society” as the
 13 restriction at issue in *Plyler*. In unilaterally seeking to rewrite the Constitution, the Order will
 14 deny an “underclass” of children benefits relating not just to their education, but to their health
 15 and their basic security as well. The Order, moreover, would strip citizenship (and benefits) not
 16 just from the children of undocumented adults, but also from children whose parents present in
 17 our country to work or pursue an education. Such draconian outcomes are wholly incompatible
 18 with “fundamental conceptions of justice.” *Id.* at 220. And if the Order goes into effect, entire
 19 communities will suffer. Local governments should not be forced to bear the burden of repairing
 20 the “fabric of our society” that will be so irreparably damaged by the Order.

21 **B. Immediate Administrative Burdens to Local Governments**

22 In addition to imposing draconian harms on children, families, and communities,

1 the Order threatens to upend existing local administration of programs as well as the issuance of
 2 birth certificates. Typically—and reflecting the bedrock understanding that all children born in
 3 the United States and subject to its jurisdiction are citizens—proof of citizenship can be satisfied
 4 with a birth certificate demonstrating that a child was born in America.⁶ However, any future
 5 instance where citizenship verification is required will demand more information for all
 6 individuals. Local governments routinely provide birth certificates for children born within their
 7 jurisdiction.⁷ Birth certificates note the place of birth, which until now has sufficed to prove
 8 natural-born citizenship, but they do not document the citizenship of the parents. Under the
 9 Executive Order, a birth certificate, which is created by local or state governments, would no
 10 longer prove citizenship.

12 With a birth certificate no longer proving citizenship, existing systems will fail. Even
 13 children who are born to citizens or lawful permanent resident parents, and are thus born U.S.
 14

15
 16
 17 ⁶ See, e.g., USCIS, HOW DO I GET MY PROOF OF CITIZENSHIP?,
 18 <https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf> (“If you were born in the
 19 United States, you do not need to apply to USCIS for any evidence of citizenship. Your birth
 20 certificate issued where you were born is proof of your citizenship.”); U.S. Department of State,
 21 GET CITIZENSHIP EVIDENCE FOR A U.S. PASSPORT, <https://travel.state.gov/content/travel/en/passports/how-apply/citizenship-evidence.html> (listing a birth certificate as the only
 acceptable primary documentation of citizenship for a first-time passport applicant born in the
 United States).

22 ⁷ See, e.g., BIRTH RECORDS OR DEATH CERTIFICATES FROM THE COOK COUNTY CLERK’S
 23 OFFICE, [Cook County, Illinois,](https://www.chicago.gov/city/en/depts/other/provdrs/cccco/svcs/get_vital_records.html)
 24 https://www.chicago.gov/city/en/depts/other/provdrs/cccco/svcs/get_vital_records.html, and HOW TO REQUEST A BIRTH OR DEATH CERTIFICATE, Kansas City, Missouri
 25 <https://www.kcmo.gov/city-hall/departments/health/how-to-request-a-birth-or-death-certificate>.

1 citizens under the Order, would lack sufficient documentation to verify their citizenship.⁸ States
 2 and local governments will need to change the information provided on birth certificates or
 3 develop a process to verify citizenship, which will require time and expense. As a result, the
 4 Order will cause massive administrative dysfunction. For example, when a city resident applies
 5 for a federal public benefits program, *amici* may be involved in verifying the citizenship of
 6 applicants, either by (until now) checking the applicant's birth certificate or through "SAVE"
 7 (Systematic Alien Verification for Entitlements), a fee-based federal program that confirms the
 8 immigration status and/or the naturalized/acquired U.S. citizenship of a person not born in the
 9 United States.⁹ This additional verification system is set up only for individuals who were born
 10 in another country.¹⁰ With U.S. birth certificates no longer proving citizenship, if the Order goes
 11 into effect, local governments will functionally have no way to verify citizenship for a large
 12 majority of eligible residents.
 13

14 **C. The Need for Nationwide Relief**

15 As *amici* have detailed above, the legal problems with the Order are significant
 16

17
 18
 19 ⁸ For example, even the acceptable *secondary* evidence of citizenship for a U.S. passport
 20 application must be evidence that the person was born in the United States. U.S. Department of
 21 State, GET CITIZENSHIP EVIDENCE FOR A U.S. PASSPORT, <https://travel.state.gov/content/travel/en/passports/how-apply/citizenship-evidence.html>.

22 ⁹ The FY2025 cost for non-federal agency searches is \$1.50. U.S. Citizenship and
 23 Immigration Services, TRANSACTION CHARGES, <https://www.uscis.gov/save/about-save/transaction-charges>.

24 ¹⁰ The system's accepted forms of identification include documents issued to persons who
 25 immigrate into the U.S., such as an Alien Registration Number, Arrival or Departure Record,
 visa information, or a naturalization certificate. U.S. Citizenship and Immigration Services,
 VERIFICATION PROCESS, <https://www.uscis.gov/save/about-save/save-verification-process>.

1 and the harms extend well beyond this district and the parties to the litigation. Nationwide relief
 2 is most appropriate here.

3 To start, it would make little sense for relief to be limited given the need for uniformity.
 4 Issues of immigration and citizenship are national in scope. *See, e.g., Arizona v. United States*,
 5 132 S. Ct. 2492, 2494 (2012) (recognizing the federal government has “constitutional power to
 6 ‘establish an uniform Rule of Naturalization’”) (citing U.S. CONST. ART. I, § 8, cl. 4).
 7 Additionally, limited relief would create a strange divergence of rights across the country. As
 8 this case (and other cases) winds its way through the courts, some people would be subject to the
 9 Order while others are not, absent nationwide relief. Such a scenario would only add to the
 10 administrative burden imposed by the Order. Those determining citizenship based on place of
 11 birth would need to know when and where someone was born and then determine if they were
 12 protected by an injunction from this or another court at that moment in time. *See also HIAS v.*
 13 *Trump*, 985 F.3d 309, 326-27 (4th Cir. 2021) (affirming nationwide injunction when agencies
 14 “place[d] refugees throughout the country”).

17 Many of the jurisdictions represented in this coalition of local governments and officials
 18 are not located in states where attorneys general or other parties are pursuing a case to enjoin the
 19 Order. Nevertheless, *amici*’s communities will suffer greatly from the Order. As outlined above
 20 (Part II.A), loss of federal benefits will have serious economic security and public health impacts.
 21 Absent nationwide relief, our jurisdictions may need to bring additional lawsuits, intervene in
 22 existing actions, or take other steps to ensure protection for our governments and our
 23 communities. That would be inefficient for our communities and the judiciary. Finally, the
 24 federal government suffers no prejudice from a nationwide injunction. After all, it has recognized
 25

1 birthright citizenship at least since ratification of the 14th Amendment.

2 **CONCLUSION**

3 For the foregoing reasons and for the reasons provided by Plaintiffs, *amici* respectfully
4 request this Court issue a preliminary injunction and enjoin the Order from going into effect.

5

6 Dated: January 28, 2025

7

8 Respectfully submitted,
9 /s/ Heidi B. Bradley
10 Heidi B. Bradley, WSBA No. 35759
11 BRADLEY BERNSTEIN SANDS LLP
12 2800 First Avenue, Suite 326
Seattle, WA 98121
hbradley@bradleybernstein.com
206-337-6551

13 Katherine Courtney (*pro hac vice forthcoming*)
14 Public Rights Project
15 490 43rd Street, #115
Oakland, CA 94609
katiec@publicrightsproject.org

ADDITIONAL COUNSEL

YIBIN SHEN
City Attorney
2263 Santa Clara Avenue, Room 280
Alameda, CA 94501
*Attorney for the City of Alameda,
California*

MARY B. RICHARDSON-LOWRY
Corporation Counsel of the City of Chicago
121 N. LaSalle Street, Room 600
Chicago, IL 60602
Attorney for the City of Chicago, Illinois

ATLEEN KAUR
City Attorney
Guy C. Larcom City Hall
301 East Huron, 3rd Floor
Ann Arbor, MI 48104
*Attorney for the City of Ann Arbor,
Michigan*

ZACHARY M. KLEIN
Columbus City Attorney
77 N. Front Street, 4th Floor
Columbus, OH 43215
Attorney for the City of Columbus, Ohio

DEBORAH THOMAS
Acting City Attorney
P.O. Box 1546
Austin, TX 78767
Attorney for the City of Austin, Texas

KATIE MCLOUGHLIN
Acting City Attorney
1437 Bannock Street, Room 353
Denver, CO 80202
*Attorney for the City and County of Denver,
Colorado*

EBONY M. THOMPSON
Acting City Solicitor
Baltimore City Department of Law
100 N. Holliday Street
Baltimore, MD 21202
*Attorney for the City of Baltimore,
Maryland*

CHRISTINA SANCHEZ
El Paso County Attorney
320 S. Campbell Street, Suite 200
El Paso, TX 79901
Attorney for the County of El Paso, Texas

ANN ANDERSON
Town Attorney
405 Martin Luther King Jr. Boulevard
Chapel Hill, NC 27514
*Attorney for Mayor Jessica C. Anderson
and the Town of Chapel Hill, North
Carolina*

KRISTYN ANDERSON
City Attorney
City Hall, Room 210
350 S. Fifth Street
Minneapolis, MN 55415
*Attorney for the City of Minneapolis,
Minnesota*

BRIEF OF AMICI CURIAE LOCAL
GOVERNMENTS AND LOCAL
GOVERNMENT OFFICIALS
NO. 2:25-cv-00127

1 JOHN P. MARKOV
2 County Attorney
3 Office of the County Attorney
101 Monroe Street, 3rd Floor
Rockville, MD 20850
4 *Attorney for Montgomery County,
Maryland*

5 ALAN SEEWALD
6 City Solicitor
7 One Roundhouse Plaza, Suite 304
Northampton, MA 01060
8 *Attorney for the City of Northampton,
Massachusetts*

9 RYAN RICHARDSON
10 City Attorney
11 One Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612
12 *Attorney for the City of Oakland, California*

13 SUSANA ALCALA WOOD
14 City Attorney
15 915 I Street, Fourth Floor
Sacramento, CA 95814
16 *Attorney for City of Sacramento, California*

LYNDSEY M. OLSON
City Attorney
400 City Hall & Court House
15 W. Kellogg Boulevard
St. Paul, MN 55102
5 *Attorney for the City of St. Paul, Minnesota*

TONY LOPRESTI
County Counsel
70 W. Hedding Street East Wing, 9th Floor
San José, CA 95110
8 *Counsel for the County of Santa Clara,
California*

DOUGLAS T. SLOAN
City Attorney
1685 Main Street, Room 310
Santa Monica, CA 90401
9 *Attorney for the City of Santa Monica,
California*

MIKE RANKIN
City Attorney
PO Box 27210
Tucson, AZ 85726-7210
10 *Attorney for the City of Tucson, Arizona*

LAUREN LANGER
City Attorney
Best Best & Krieger LLP
300 S. Grand Avenue, 25th Floor
Los Angeles, CA 90071
11 *Attorney for City of West Hollywood,
California*

12 BRIEF OF AMICI CURIAE LOCAL
13 GOVERNMENTS AND LOCAL
14 GOVERNMENT OFFICIALS
15 NO. 2:25-cv-00127

16 BRADLEY BERNSTEIN SANDS LLP
2800 FIRST AVENUE, SUITE 326
SEATTLE, WA 98121
206.337.6551

Appendix A – List of *Amici Curiae*

Local Governments

City of Alameda, California

City of Ann Arbor, Michigan

City of Austin, Texas

City of Baltimore, Maryland

Town of Chapel Hill, North Carolina

City of Chicago, Illinois

City of Columbus, Ohio

City and County of Denver, Colorado

County of El Paso, Texas

City of Minneapolis, Minnesota

County of Monterey, California

County of Montgomery, Maryland

City of Northampton, Massachusetts

City of Oakland, California

City of Sacramento, California

City of St. Paul, Minnesota

ounty of Santa Clara, Califor

City of Santa Monica, California

Travis County, Texas

Travis County, Texas

1 City of Tucson, Arizona

2 City of West Hollywood, California

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BRIEF OF *AMICI CURIAE* LOCAL
GOVERNMENTS AND LOCAL
GOVERNMENT OFFICIALS
NO. 2:25-cv-00127

18

BRADLEY BERNSTEIN SANDS LLP
2800 FIRST AVENUE, SUITE 326
SEATTLE, WA 98121
206.337.6551

Local Government Leaders

Brenda Adams
Supervisor, Town of Canaan, New York

Elizabeth Alcantar
Mayor, City of Cudahy, California

Valarie Bachelor
District 6 Director, Oakland Unified School District, California

Katjana Ballantyne
Mayor, City of Somerville, Massachusetts

Nikki Fortunato Bas
Supervisor, Alameda County Board of Supervisors, California

Brian Beck
Councilmember, City of Denton, Texas

Sarah Benatar
Treasurer, Coconino County, Arizona

Johana Bencomo
Mayor Pro Tem, City of Las Cruces, New Mexico

Nancy Metayer Bowen
Vice Mayor, City of Coral Springs, Florida

Jennifer Brouhard
Board Director, Oakland Unified School District, California

Lisa Brown
Clerk and Register of Deeds, Oakland County, California
Rowena Brown
Councilmember, City of Oakland, California

Jackie Butler
Precinct 1 Commissioner, El Paso County, Texas

Chris Canales
Councilmember, City of El Paso, Texas

1 Dolores Ortega Carter
2 *Treasurer, Travis County, Texas*

3 Alma Castro
4 *Councilmember, City of Santa Fe, Mexico*

5 Markus Ceniceros
6 *Board Member, Littleton Elementary School District, Arizona*

7 Michael Chameides
8 *Supervisor, Columbia County Board of Supervisors, New York*

9 John Clark
10 *Mayor, Town of Ridgway, Colorado*

11 Laura Conover
12 *County Attorney, Pima County, Arizona*

13 Alison Coombs
14 *Councilmember At-Large, City of Aurora, Colorado*

15 Rock Copeland
16 *Councilmember, Erie County, Pennsylvania*

17 Christine Corrado
18 *Councilmember, Town of Brighton, New York*

19 Becky Corran
20 *Councilmember, City of Las Cruces, New Mexico*

21 Kara Davis
22 *District Attorney, Wasco County, Oregon*

23 Olgy Diaz
24 *Councilmember, City of Tacoma, Washington*

25 Leslie Dippel
26 *Executive Attorney, Travis County, Texas*

27 Katrina Doughty
28 *Board Director, Multnomah Education Service District, Oregon*

1 Dennis Michael Dvorchak
2 *Supervisor, Town of Hillsdale, New York*

3 Jack Eckblad
4 *District 4 Supervisor, Milwaukee County Board of Supervisors, Wisconsin*

5 Bubba Fish
6 *Councilmember, City of Culver, California*

7 Sommer Foster
8 *Township Trustee, Township of Canton, Michigan*

9 Vanessa Fuentes
10 *Mayor Pro Tem, City of Austin, Texas*

11 Adrian Garcia
12 *Precinct 2 Commissioner, Harris County, Texas*

13 Alyssa Garza
14 *Deputy Mayor Pro Tem, City of San Marcos, Texas*

15 Delia Garza
16 *Attorney, Travis County, Texas*

17 Kelly Girtz
18 *Mayor, Athens-Clarke County Unified Government, Georgia*

19 Caroline Gomez-Tom
20 *District 14 Supervisor, Milwaukee County Board of Supervisors, Wisconsin*

21 Leanne Greenberg
22 *Governing Board Member, Osborn School District, Arizona*

23 Jonathan Guzmán
24 *Vice Chair, Lawrence School Committee, Massachusetts*

25 Dan Hall
26 *Councilmember, City of Santa Monica, California*

27 Beau Harbin
28 *Legislator, Cortland County, New York*

Bear Heiser
Mayor Pro Tem, City of Kyle, Texas

Iliana Holguin
Commissioner, El Paso County, Texas

Tistrya Houghtling
Supervisor, Town of New Lebanon and Columbia County, New York

Christopher Jaramillo
Board President, Norristown Area School District, Pennsylvania

Clay Lewis Jenkins
Judge, Dallas County, Texas

Lawrence Kestenbaum
Clerk and Register of Deeds, Washtenaw County, Michigan

Nick Komives
Councilmember, City of Toledo, Ohio

Phillip Kramer
Mayor, Franklin Township, New Jersey

Jerald Lentini
Director, Manchester City Board of Directors, Connecticut

Jessie Lopez
Councilmember, City of Santa Ana, California

Quinton Lucas
Mayor, Kansas City, Missouri

Neil Makhija
Commissioner, Montgomery County, Pennsylvania

Alexander Marion
Auditor, City of Syracuse, New York

Heber Marquez
Mayor Pro Tem, City of Maywood, California

URIAE LOCAL 22 BRADLE

1 Diana McFarland
2 *Board Member, Sun Prairie Area School District, Wisconsin*

3 Lisa McIntyre
4 *Board Member, Northville Public Schools, Michigan*

5 Yasmine-Imani McMorrin
6 *Councilmember, City of Culver, California*

7 Jessica McParlin
8 *Chief Deputy Treasurer, Sandoval County, New Mexico*

9 Andrew Meindl
10 *Alderman, City of Wauwatosa, Wisconsin*

11 Ryan Mello
12 *County Executive, Pierce County, Washington*

13 Christian Menefee
14 *County Attorney, Harris County, Texas*

15 William Moehle
16 *Supervisor, Town of Brighton, New York*

17 Sarah Moore
18 *Councilmember, City of Fayetteville, Arkansas*

19 Melissa Novoa
20 *Board Director, Norristown Area School District, Pennsylvania*

21 Amelia Parker
22 *Councilmember, City of Knoxville, Tennessee*

23 Ingrid Parker
24 *Board Director, Norristown Area School District, Pennsylvania*

25 Michael Payne
26 *Councilmember, City of Charlottesville, Virginia*

27 Isabel Piedmont-Smith
28 *Councilmember, City of Bloomington, Indiana*

Veronica Pillar
Legislator, Tompkins County, New York

Jaqueline "Jack" Porter
Commissioner, City of Tallahassee, Florida

Kony Serrano Portillo
Councilmember, Town of Edmonston, Maryland

Idelma Quintana
Commissioner, City of Hollywood, Florida

E. Dalia Racine
District Attorney, Douglas County, Georgia

Amanda Rodriguez
Councilmember, City of San Marcos, Texas

Michael Rodriguez
Alderperson, City of Chicago, Illinois

Kim Roney
Councilmember, City of Asheville, North Carolina

Ricardo Samaniego
Judge, El Paso County, Texas

Eli Savit
Prosecuting Attorney, Washtenaw County, Michigan

Elaine Schaefer
Councilmember, Delaware County, Pennsylvania

Steve Schroeder
Board Member, Sun Prairie Area School District, Wisconsin

Michael Siegrist
Clerk, Canton Township, Michigan

Monica Taylor
Council Chair, Delaware County, Pennsylvania

1 Clifford Thompson
2 *Board Director, Oakland Unified School District, California*

3 Jeronimo Vasquez
4 *Supervisor, Coconino County, Arizona*

5 Anissa Welch
6 *Mayor, City of Milton, Wisconsin*

7 Braxton White
8 *Commissioner, Clarion County, Pennsylvania*

9 Robin Wilt
10 *Councilmember, Town of Brighton, New York*

11 Jamila H. Winder
12 *Commissioner, Montgomery County, Pennsylvania*

13 Randall Woodfin
14 *Mayor, City of Birmingham, Alabama*

15 Chuy Zárate
16 *Trustee, Round Rock Independent School District, Texas*

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

**STATE OF WASHINGTON; STATE OF
ARIZONA; STATE OF ILLINOIS; and STATE OF
OREGON,**

Plaintiffs,

v.

**DONALD TRUMP, in his official capacity as
President of the United States; U.S. DEPARTMENT
OF HOMELAND SECURITY; BENJAMINE
HUFFMAN, in his official capacity as Acting
Secretary of Homeland Security; U.S. SOCIAL
SECURITY ADMINISTRATION; MICHELLE
KING, in her official capacity as Acting
Commissioner of the Social Security Administration;
U.S. DEPARTMENT OF STATE; MARCO RUBIO,
in his official capacity as Secretary of State; U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; DOROTHY FINK, in her official
capacity as Acting Secretary of Health and Human
Services; U.S. DEPARTMENT OF JUSTICE;
JAMES MCHENRY, in his official capacity as
Acting Attorney General; U.S. DEPARTMENT OF
AGRICULTURE; GARY WASHINGTON, in his
official capacity as Acting Secretary of Agriculture;
and the UNITED STATES OF AMERICA,**

Defendants.

NO. 2:25-cv-00127
[PROPOSED] ORDER GRANTING
UNOPPOSED MOTION OF *AMICI*
LOCAL OFFICIALS FOR LEAVE
TO FILE BRIEF IN SUPPORT OF
PLAINTIFFS' PRELIMINARY
INJUNCTION

[PROPOSED] ORDER GRANTING
UNOPPOSED MOTION OF *AMICI*
NO. 2:25-cv-00127

BRADLEY BERNSTEIN SANDS LLP
2800 FIRST AVENUE, SUITE 326
SEATTLE, WA 98121
206.337.6551

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF *AMICI* LOCAL
OFFICIALS FOR LEAVE TO FILE BRIEF IN SUPPORT OF PLAINTIFFS'
PRELIMINARY INJUNCTION**

Before the Court is the unopposed motion of local elected officials for leave to file a brief as amicus curiae in support of Plaintiffs' Motions for a Preliminary Injunction. Good cause appearing therefore, the motion is GRANTED.

SO ORDERED.

Dated this ____ day of _____, 2025

**HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE**

Presented by:

/s/ Heidi B. Bradley

Heidi B. Bradley, WSBA No. 35759
BRADLEY BERNSTEIN SANDS LLP
2800 First Avenue, Suite 326
Seattle, WA 98121

hbradley@bradleybernstein.com

206-337-6551