

IN THE SUPREME COURT OF THE GREAT STATE OF DIXIE  
PETITION FOR A WRIT OF CERTIORARI  
IN RE EXECUTIVE ORDER 007: SENSIBLE IMMIGRATION POLICIES

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*Petition submitted by Mr. Adith\_MUSG*

## I. QUESTIONS PRESENTED

1. Does Executive Order 007 violate the Supremacy clause of the United States Constitution?

## II. TABLE OF AUTHORITIES AND SOURCES

### *Cases*

1. [Arizona et. al. v. United States](#) (2012)
2. [United States v. Central State](#) (2018)

### *Statutes*

1. [8 U.S.C. §1373](#)
2. Article I, Section 8 of the United States Constitution
3. Article VI, Clause 2 of the United States Constitution

### *Executive Orders*

1. [E.O. 007: Sensible Immigration Policies](#) (Tripplyons18, 3/29/21)
2. [E.O. 043: Protection of Civil Rights](#) (iGotzDaMastaPlan, 10/24/17)

## III. FACTS

- A. On the 29th of March, 2021, Dixie Governor Tripplyons18 issued Executive Order 007: Sensible Immigration Policies (hereafter referred to as the “Executive Order”).

The Executive Order:

1. Forbids law enforcement officers from pursuing undocumented immigrants with the intent to investigate their legal status, unless they are suspected of a violent crime.
2. Forbids law enforcement officers from cooperating with the Immigration and Customs Enforcement Agency to enforce federal immigration law.

3. Subjects law enforcement officers who violate the Executive Order with punishments such as termination of employment, loss of employee benefits, and monetary fines.
- B. 8 U.S.C. §1373 forbids the restriction of state entities from sharing information on the legal status of an immigrant with a federal entity.

## IV. ANSWERING QUESTIONS PRESENTED

### 1. Does Executive Order 007 violate the Supremacy clause of the United States Constitution?

In order for the Supremacy clause to be violated, there must be

- i) A federal statute exercising supremacy over a state's laws
- ii) A State action interfering with the enforcement or functioning of said federal statute.

In this scenario, we have both: 8 U.S.C. §1373 and Executive Order 007.

8 U.S.C. §1373(b) says the following:

*Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:*

1. *Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.*
2. *Maintaining such information.*
3. ***Exchanging such information with any other Federal, State, or local government entity.***

Executive Order 007 says the following:

*Law enforcement officers **shall not aid, assist, offer** [sic] assistance, **communicate with,** or otherwise help any agent or employee of the Immigrations and Customs Enforcement agency of the federal government, **or any agency of the federal government** intent on **enforcing federal immigration law similar to the manner in which the Immigrations and Customs Enforcement Agency does.***

It stands to reason that the exchange of information regarding an immigrant's legal status between the U.S. Immigrations and Customs Enforcement (ICE) and Dixie state and local police [as protected by 8 U.S.C. §1373(b)] constitutes communication between these two parties.

Hence the Executive Order comes into conflict with 8 U.S.C. §1373(b).

The Supremacy Clause (Article VI, Clause 2) of the United States Constitution is as follows.

*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

*Arizona v. United States* held that the Supremacy Clause gave Congress the power to preempt state immigration law, and that the Tenth Amendment gave Congress authority to “establish an uniform Rule of Naturalization”, which has been done in the passing of 8 U.S.C. §1373(b).

*United States v. Central State* dealt with the same exact issue the Petitioner brings forward to the Court, with Governor iGotzDaMastaPlan issuing [Executive Order 043: Protection of Civil Rights](#), which was subsequently struck and considered void “*until such time that it is narrowly and appropriately tailored to the circumstances where the State may exercise authority in such a way that it does not impede valid constitutional exercises of power by the Federal Government.*”

Executive Order 007: Sensible Immigration Policies faces the same flaw as Executive Order 043, in that both fly in the face of 8 U.S.C. §1373(b). By argument of precedent, the Supremacy clause, and the Tenth Amendment, Executive Order 007 should face the same fate as Executive Order 043.

Since 8 U.S.C. §1373(b) was passed by Congress, and since it comes into conflict with Executive Order 007, the Executive Order is preempted and is therefore unconstitutional.

## **V. REMEDIES SOUGHT**

The Petitioner seeks that:

1. The petition be granted, and;
2. The Court reviews the constitutionality of the Executive Order.

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Submitted to the Supreme Court of the State of Dixie by Mr. Adith\_MUSG on the 31st of March, 2021