

Case No. 19-1990

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, ET AL.,

Plaintiffs and Appellees,

v.

DONALD J. TRUMP, ET AL.,

Defendants and Appellants.

Appeal from the U.S. District Court for the District of Maryland,
Nos. 17-cv-00361, 17-cv-02921; 17-cv-02969 (Chuang, J.)

**Unopposed Motion for Leave to File *Amici Curiae* Brief by
Advocates for Youth; Bend the Arc: A Jewish Partnership for Justice;
Chicago Lawyers' Committee for Civil Rights under Law; Freedom from
Religion Foundation; Judge David L. Bazelon Center for Mental Health Law;
Lambda Legal Defense and Education Fund; Mississippi Center for Justice;
National Center for Lesbian Rights; National Urban League; People for the
American Way Foundation; Southern Coalition for Social Justice; and
Washington Lawyers' Committee for Civil Rights and Urban Affairs
In Support of Appellees and for
Affirmance of Denial of Motion to Dismiss Constitutional Claims**

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On behalf of *Amici* Advocates for Youth, Bend the Arc: A Jewish Partnership for Justice, Chicago Lawyers' Committee for Civil Rights Under Law, Freedom From Religion Foundation, Judge David L. Bazelon Center for Mental Health Law, Lambda Legal Defense and Education Fund, Mississippi Center for Justice, National Center for Lesbian Rights, National Urban League, People for the American Way Foundation, Southern Coalition for Social Justice, and Washington Lawyers' Committee for Civil Rights and Urban Affairs, we seek the Court's permission to file a brief of *amici curiae* in support of Appellees.

The parties consent to the filing of the proposed *amici* brief, which accompanies this motion.

As set forth below, *amici* are national and regional civil rights groups interested in the promotion of civil liberties throughout the country, and elimination of discrimination in whatever form:

1. The Advocates for Youth (Advocates) is a non-profit organization that helps young people make informed and responsible decisions about their reproductive and sexual health. For more than three decades, Advocates has partnered with youth leaders, adult allies, and youth-serving organizations to advocate for effective adolescent reproductive and sexual health programs and policies. In 2017, Advocates launched the Muslim youth Leadership Council (MyLC). MyLC is a yearlong Leadership Council dedicated to bringing together

young Muslim-identifying people in the United States and furthering their goals of becoming leaders within their communities and beyond. Each year MyLC recruits and trains 15-20 young people who advocate for the inclusion of young Muslim-identifying people in the planning, implementation, and evaluation of Reproductive Justice related programming and policies at the local, state, and federal levels.

2. Bend the Arc: A Jewish Partnership for Justice is the nation's leading progressive Jewish voice empowering Jewish Americans to be advocates for the nation's most vulnerable. Bend the Arc mobilizes Jewish Americans beyond religious and institutional boundaries to create justice and opportunity for all, through bold leadership development, innovative civic engagement, and robust progressive advocacy.

3. The Chicago Lawyers' Committee for Civil Rights (CLCCR) is a non-profit public interest law organization founded in 1969. CLCCR works to secure racial equity and economic opportunity for all. CLCCR provides legal representation through partnerships with the private bar, and collaborates with grassroots organizations and other advocacy groups to implement community-based solutions that advance civil rights. In all practice areas, including education equity, fair housing, economic opportunity, hate crime prevention, and voting rights, CLCCR advocates for immigrants who have been subject to racially-discriminatory governmental practices and policies. CLCCR's goal is to ensure

that America fulfills its promise of democracy and equal justice for all.

4. The Freedom From Religion Foundation (FFRF), a national nonprofit organization based in Madison, Wisconsin, is the largest association of freethinkers, representing over 32,000 atheists, agnostics, and other freethinking American citizens. FFRF has members in every state, the District of Columbia, and Puerto Rico. FFRF's dual purposes are to educate the public on matters relating to nontheism, and to protect the constitutional separation between state and church. FFRF's interest in this case arises from its position that the Trump Administration's history of excluding from entry to the United States immigrants and non-immigrants from selected majority-Muslim countries violates the Establishment Clause of the First Amendment, which FFRF works to protect and defend. The ability of people of any religion and no religion to travel, to gather and to communicate freely in the United States is necessary for the open dissemination of ideas, for free speech, free inquiry, free association, and freedom of conscience.

5. The Judge David L. Bazelon Center for Mental Health Law is a national public interest organization founded in 1972 to advance the rights of individuals with mental disabilities. The Bazelon Center advocates for laws and policies that provide people with mental disabilities the opportunities and resources they need to participate fully in their communities. The Americans with Disabilities Act and other anti-discrimination laws are central to its litigation and

policy advocacy. People with disabilities commonly face discrimination based on myths and stereotypes, and the eradication of such discrimination is among the Bazelon Center's primary goals.

6. Lambda Legal Defense and Education Fund is a national impact-litigation, public-policy, and advocacy organization committed to achieving full recognition of the civil rights of those who are lesbian, gay, bisexual, or transgender or living with HIV—including many who are Muslim and face increased discrimination because of the challenged Executive Order. Through its decades of work on behalf of historically persecuted people, Lambda Legal has deep knowledge of the corrosive effect of government measures that single out marginalized groups for mistreatment. Lambda Legal has also worked to vindicate protections afforded by the Establishment Clause to those treated unequally based on religious beliefs and affiliations, and has a long-standing interest in access to immigration and asylum for individuals who are LGBT or living with HIV. Lambda Legal has participated as counsel or amicus curiae in the Supreme Court and lower courts in numerous cases addressing First Amendment, Equal Protection, and other civil-rights bulwarks for LGBT people. For example, Lambda Legal has served as party counsel in *Romer v. Evans*, 517 U.S. 620 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003); and *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), and participated as an amicus in asylum cases such as *Hernandez-*

Montiel v. INS, 225 F.3d 1084 (9th Cir. 2000) and *Velasquez-Banegas v. Lynch*, 846 F.3d 258 (7th Cir. 2017).

7. The Mississippi Center for Justice (MCJ) is a non-profit public interest law organization founded in 2003 in Jackson, Mississippi and committed to advancing racial and economic justice. Supported and staffed by attorneys and other professionals, the Center develops and pursues strategies to combat discrimination and poverty statewide. One of amicus' original areas of interest involved predatory loan practices directed at migrant poultry workers, and MCJ has remained concerned about the plight of Mississippi's growing immigrant population for the last decade, particularly in the areas of access to healthcare, education, housing, and fair lending. More recently, MCJ has been coordinating legal assistance for the 680 poultry workers who were picked up in ICE raids in central Mississippi on August 7, 2019.

8. The National Center for Lesbian Rights (NCLR) is a national nonprofit legal organization dedicated to protecting and advancing the civil rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. Since its founding in 1977, NCLR has played a leading role in combating discrimination and securing fair and equal treatment for LGBT people and their families in cases across the country involving constitutional and civil rights. NCLR has a particular interest in

protecting the rights of LGBT immigrants and other immigrants to this country. Since 1994, NCLR's Immigration Project has provided free legal assistance to thousands of LGBT immigrants nationwide through, among other services, direct representation of immigrants in impact cases and individual asylum cases and advocacy for immigration and asylum policy reform.

9. Established in 1910, the National Urban League is the Nation's oldest and largest community based movement devoted to empowering African Americans to enter the economic and social mainstream. Today, the National Urban League, headquartered in New York City, spearheads the non-partisan efforts of its local affiliates. There are 90 local affiliates of the National Urban League located in 36 states and the District of Columbia providing direct services to more than 2 million people nationwide through programs, advocacy, and research. The National Urban League advances the guarantee of civil rights for the underserved in America by actively working to eradicate all barriers to equal participation in all aspects of American society, whether political, economic, social, educational or cultural.

10. People For the American Way Foundation (PFAWF) is a nonpartisan civic organization established to promote and protect civil and constitutional rights, including religious liberty and freedom from discrimination. Founded in 1981 by a group of civic, educational, and religious leaders, PFAWF now has hundreds of

thousands of members nationwide. Over its history, PFAWF has conducted extensive education, outreach, litigation, and other activities to promote these values. PFAWF strongly supports the principle that it violates the First Amendment and civil rights precepts for the government to take action that, effectively or on its face, harms one particular religious group. This is especially important because of the additional harm such government opprobrium can and has caused, and with respect to particularly vulnerable populations like immigrants, as in this case.

11. The Southern Coalition for Social Justice (SCSJ) is a non-profit public interest law organization founded in 2007 in Durham, North Carolina. SCSJ partners with communities of color and economically disadvantaged communities in the South to advance their political, social, and economic rights through the combination of legal advocacy, research, organizing, and communications. Originally, one of amicus' primary practice areas was immigrants' rights, which remains important to its mission. SCSJ frequently advocates on behalf of immigrants who have been subject to racially-discriminatory governmental practices, and promotes the application of basic human rights principles to policies affecting migrant communities.

12. The Washington Lawyers' Committee for Civil Rights and Urban Affairs is a non-profit civil rights organization established to eradicate

discrimination and poverty by enforcing civil rights laws through litigation. In furtherance of this mission, the Washington Lawyers' Committee has dedicated resources to protecting the rights of immigrant populations in the Washington, D.C. area; particularly newcomers and non-English speakers, who are often discriminated against on the basis of their religious background or national origin, and who are often unaware of their legal rights and protections.

This case, which seeks to enjoin President Trump's September 24, 2017 Executive Order, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats" is important, and the participation of the Civil Rights Organizations is desirable. The *Amici* are national and regional civil rights groups interested in the promotion of civil liberties throughout the country, and elimination of discrimination in whatever form. *Amici's* proposed brief argues that the public interest weighs heavily in favor of enjoining President Trump's Executive Order, as the Order improperly promotes social categorization and stereotyping that endangers the lives and well-being of individuals of the Muslim faith.

The attached proposed *amici* brief complies with the type-volume limitation for an *amicus* brief on the merits, because it contains less than half of the 13,000 words allotted for Appellants' opening brief.

DATED: December 2, 2019

Respectfully submitted,

/s/ Alan R. Kabat

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CERTIFICATE OF COMPLIANCE

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it uses a proportionally spaced typeface (Times New Roman) in 14-point.

/s/ Alan R. Kabat

Alan R. Kabat

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Alan R. Kabat

Alan R. Kabat