

EXHIBIT D

1:17-CV-00480-CBA Petition in E.D. of N.Y
A.G. Eric Schneiderman. Doc 39-1 pp.8-9, 23

measures to keep radical Islamic terrorists out of the United States . . . We don't want them here.”⁵

19. The Executive Order on its face favors refugee applicants belonging to “minority religions” in the applicant’s country of origin. President Trump has admitted that the purpose of this provision is to favor Christians over other persons of other religions.

20. During an interview on Christian Broadcast News on January 27, 2017, President Trump stated that Christian refugee applicants would receive priority: “[Christians] have been horribly treated. Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair, everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them.”⁶

21. President Trump’s close associates confirmed that the proposed ban on individuals from particular areas was simply a method for implementing President Trump’s Muslim ban. On January 28, 2017, the day after the signing of the Executive Order, Rudolph Giuliani, a close advisor to President Trump, was asked whether the ban had anything to do with religion. Mr. Giuliani replied, “I’ll tell you the whole history of it. So when [President Trump] first announced it, he said ‘Muslim ban.’ He called me up. He said, ‘Put a commission together.

⁵ Dan Merica, *Trump Signs Executive Order to Keep Out “Radical Islamic Terrorists*, CNN (Jan. 30, 2017), <http://www.cnn.com/2017/01/27/politics/trump-plans-to-sign-executive-action-on-refugees-extreme-vetting/>.

⁶ Dan Brody, *President Trump Says Persecuted Christians Will Be Given Priority as Refugees*, CBS News, The Brody File (Jan. 27, 2017), <http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees>.

Show me the right way to do it legally.’ And what we did was, we focused on, instead of religion, *danger* — the areas of the world that create danger for us.”⁷

22. In addition to the Muslim ban, President Trump has proposed several other measures targeted specifically at Muslims.

23. During an interview on November 16, 2015, President Trump stated, “You’re going to have to watch and study the mosques, because a lot of talk is going on at the mosques.” When asked in the same interview whether he would consider shutting down mosques, he responded, “I would hate to do it, but it’s something that you’re going to have to strongly consider.”⁸

24. On November 20, 2015, during an interview, President Trump was asked whether he would create a database to track Muslims in the United States. He responded, “I would certainly implement that. Absolutely.” When asked whether Muslims would be legally obligated to register with that database, he stated, “They have to be—they have to be.”⁹

25. The First Amendment’s Establishment Clause forbids the government from favoring or disfavoring particular religions.

26. Despite this prohibition, Defendants have repeatedly demonstrated through their actions and statements, *see supra* ¶¶ 9-24, their intent to discriminate against Muslims on the basis of religion.

⁷ Available at Amy B. Wang, *Trump asked for a “Muslim Ban,” Giuliani Says – and Ordered a Commission to do it “Legally,”* Wash. Post (Jan. 29, 2016), https://www.washingtonpost.com/news/the-fix/wp/2017/01/29/trump-asked-for-a-muslim-ban-giuliani-says-and-ordered-a-commission-to-do-it-legally/?utm_term=.c6c40237e00d.

⁸ *Trump: We Must Watch and Study Mosques*, MSNBC (Nov. 16, 2015), <http://www.msnbc.com/morning-joe/watch/trump-we-must-watch-and-study-mosques-567563331864>.

⁹ Vaughn Hillyard, *Donald Trump’s Plan for a Muslim Database Draws Comparison to Nazi Germany*, NBC News (Nov. 20, 2015), <http://www.nbcnews.com/politics/2016-election/trump-says-he-would-certainly-implement-muslim-database-n466716>.

Petitioners moved the Court to clarify that its January 28, 2017 order is nationwide in scope and order the Respondents to enforce the stay of removal.

CLAIMS FOR RELIEF

First Cause of Action (Fifth Amendment-Equal Protection)

77. The NYAG realleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Complaint.

78. The Due Process Clause of the Fifth Amendment prohibits the federal government from denying equal protection of the laws.

79. The Executive Order was motivated by animus and a desire to harm a particular group, as demonstrated by statements made by Defendants concerning their intent and their proposed applications of those provisions.

80. The terms and application of the Executive Order are arbitrary and cannot be sufficiently justified by federal interests.

81. Sections 3 and 5 of the Executive Order target individuals for discriminatory treatment based on their country of origin and/or religion, without lawful justification.

82. For example, Section 3 of the Executive Order suspends entry into the U.S. even of persons holding valid visas to live, work, and study in the U.S. The specific process for applying for each of these visas differs by category, but applicants are always rigorously screened—often by multiple agencies of the U.S. government—before a visa can be approved. The Petition in this case describes the procedures required by the Iraqi Special Immigrant Visa (SIV) program, and the extensive screening applied to Petitioner Hameed Khalid Darweesh between his application for an SIV on or about October 1, 2014 and the visa issuance on January 20, 2017. *See* Petition ¶¶ 23-30.