

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Pars Equality Center, Iranian American
Bar Association, National Iranian
American Counsel, Public Affairs
Alliance of Iranian Americans, Inc., et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Civil Action No. 1:17-cv-255 (TSC)

Electronically Filed

Hon. Tanya S. Chutkan

**Proposed Brief Amicus Curiae of
Howard University School of Law Civil Rights Clinic on Behalf of Law Professors
In Support of Plaintiffs Pars Equality Center, et. al.**

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Amici curiae, the Howard University School of Law Civil Rights Clinic,¹ along with 50 law professors (listed in Appendix B), submit this proposed brief as *amici curiae* in support of the Plaintiffs in this case. *Amici* all share a common interest in ensuring that the President's March 6 Executive Order does not have an adverse impact on the diversity that strengthens the learning environment at institutions of higher education. We respectfully submit this brief in support of Plaintiffs in the belief that any analysis of the constitutionality of the discriminatory impact of the March 6 Executive Order must take into account the impact upon Muslim students and scholars and the American institutions of higher education that serve them. The CRC urges the Court to award the relief requested by Plaintiffs.²

STATEMENT OF INTEREST

Amici curiae are the Howard University School of Law Civil Rights Clinic and interested law professors. As one of the oldest among historically black colleges and universities, Howard University School of Law has long placed the defense of human rights, equality, and dignity at the heart of its educational practice. While Howard is often referred to as one of the nation's premier historically Black universities, the University's mission has always been to provide a premier education to all regardless of race,

¹ Counsel obtained consent from the Lawyer's Committee for Civil Rights to file this amicus brief. The views expressed by Howard University School of Law's Civil Rights Clinic are not necessarily those of Howard University or the School of Law.

² No party or party's counsel authored this brief in whole or in part or contributed money intended to fund preparing or submitting this brief. No person, other than *amici*, their members, or counsel, contributed money intended to fund preparing or submitting this brief.

nationality, ethnic origin or gender. Our history and experience in student diversity has also been driven by the clear-eyed acknowledgement that institutions of higher education only flourish when there is diversity of thought and ideas, which is facilitated through diverse scholars, faculty, staff and students.

Howard University School of Law Civil Rights Clinic along with interested law professors serve the unique role of providing this Court with the irreparable harm that the Executive Order will have, and is currently having, on our institutions. Specifically, the Executive Order impacts the strength and mission of institutions of higher education through its diminishment of the diversity and number of international students and scholars, and its legitimization of anti-Muslim suspicion and antagonism which has led to an increase in hate crimes at institutions of higher learning.

ARGUMENT

As the U.S. Supreme Court has held, a petitioner seeking a preliminary injunction must demonstrate that “he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). With this brief, *Amici* seek to provide important insight into how the March 6, 2017 Executive Order *Protecting the Nation From Foreign Terrorist Entry Into The United States* (hereinafter “Executive Order”) inflicts irreparable harm on the plaintiffs, as well as American institutions of higher education, by restricting the free exchange of ideas and persons across borders and by legitimizing anti-Muslim suspicion and antagonism that has led to increased hate incidents and violence against Muslim-

American and foreign Muslim faculty, staff and students on university and college campuses across the country. 82 Fed. Reg. 13, 209. *Amici* also seek to demonstrate that the public interest lies firmly in support of injunctive relief, as America thrives when foreign scholars and students are able to freely exchange ideas across borders with U.S. students and scholars in American institutions of higher learning free from antagonism and violence.

I. The Executive Order Inflicts Irreparable Harm by Diminishing the Strength and Mission of American Institutions of Higher Education which thrive on diversity and the free exchange of ideas across borders, including from students and scholars from Muslim-majority countries.

A. Diverse Students and Scholars from Muslim-majority Countries Contribute to the Free Exchange of Ideas that Strengthen Institutions of Higher Education in the United States.

American colleges and universities regularly rank among the highest in the world³ and attract students and scholars from around the world because of their global reputation for excellence and inclusion. The free exchange of ideas, students and scholars across borders is a hallmark of American higher education and is essential for U.S. colleges and universities to maintain excellence in their teaching, scholarship and research and to provide a diverse and comprehensive academic experience for students. As the Supreme Court has recognized, U.S. colleges and universities have a compelling interest in obtaining the educational benefits that flow from a diverse student body. *Grutter v. Bollinger*, 539 U.S. 306, 343 (2005) (holding that diversity is a compelling interest that can justify the

³ See *World Univ. Rankings 2016-2017*, Times Higher Educ., <https://www.timeshighereducation.com/world-university-rankings/2017world-ranking#> (last visited Mar. 25, 2017).

narrowly tailored use of race in selecting applicants for admission to public universities and that the University of Michigan law school's race-conscious admissions program was sufficiently tailored to achieve that goal). These educational benefits include preparing students for an increasingly global marketplace through exposure to widely diverse people, cultures, ideas and viewpoints.⁴

The Executive Order temporarily banning travel into the United States from nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen undermines American universities' ability to attract and admit students and scholars from Muslim-majority nations and threatens their mission to prepare students for a global marketplace through exposure to scholars and students from every region of the planet, including from Muslim-majority nations. The Executive Order also threatens American colleges and universities' ability to conduct the best research, to produce the best scholarship, and to provide the best instruction by drawing from faculty and scholars from every region of the planet, including from Muslim-majority nations.

During the 2015-16 academic year, 108,227 international students and scholars from the Middle East and North African ("MENA") region studied, researched and taught at American universities and colleges.⁵ This was slightly more than ten percent of the 1,043,839 international students and scholars at United States colleges and universities in

⁴ *Id.* at 330.

⁵ Institute of International Education, *International Student Totals by Place of Origin 2014/15-2015/16*, Open Doors Data (2016), <http://iie.org/Research-and-Publications/Open-Doors/Data/International-Students/All-Places-of-Origin/2014-16>.

the 2015-16 academic year.⁶ MENA countries covered by the travel ban collectively sent 15,165 students and scholars to the U.S. – 12,269 Iranians, 1,514 Libyans, 783 Syrians, and 599 Yemenis. The other two listed countries, Somalia and Sudan, respectively sent 35 and 253 international participants to the United States out of the 7,690 visiting students and scholars from the East African region. All of the listed countries are Muslim-majority countries, so the travel ban has an outsized impact upon the presence of foreign Muslim students and scholars at American institutions of higher learning.⁷

The impact of a decline in international students and scholars at American institutions of higher learning cannot be overstated. International students and scholars contribute to the international diversity and inclusion that defines the American educational experience. International students and scholars contribute to enhanced knowledge and global understanding through their teaching, scholarship, research, and contributions both inside and outside of the classroom. The presence of internationally diverse scholars and students on U.S. campuses facilitates important academic discussion, exploration, and understanding that can only occur through exposure to individuals with varying, cultural, religious and national backgrounds, and life experiences. Interactions with diverse faculty

⁶ *Id.*

⁷ According to CIA World Factbook, the Muslim populations are estimated as follows: Iran - 82 million (99.4%); Libya - 6.3 million (96.6%); Syria – 16.6 million (97%); and Yemen – 27 million (99.1%). The CIA World Factbook does not have the specific percentage of the population that practices Islam in Somali and Sudan, as it is the official religion of these nations. One can presumptively estimate Muslim populations to be around 10 million and 36 million respectively. CIA, *The World Factbook*, CIA.gov <https://www.cia.gov/library/publications/the-world-factbook/> (last updated as of Mar. 28, 2017).

and scholars provides the opportunity for students and faculty alike to have their assumptions challenged and to expand their understanding through exposure to people with beliefs different from their own.

For example, Iranian-American Howard University School of Law Student, **SR** astutely notes her concern that:

many Americans are not exposed to different cultures. The travel ban only further prevents Americans from being exposed to an educational experience that could diminish their fear and ignorance about an entire culture and religion.⁸

In an era where ideological and violent conflicts abound around the planet, greater exposure to people with beliefs different from one's own is needed to contribute to global cross-cultural understanding.

B. The Executive Order Has Adversely Impacted U.S. Colleges and Universities' Research, Capital, and Recruitment of Talented Students and Scholars.

Uncertainty regarding whether the 90-day ban will become permanent has caused students and scholars who otherwise might come to the United States to reconsider their options. In a recent survey conducted by the American Association of Collegiate Registrars and Admissions Officers ("AACRAO"), nearly forty percent of 250 surveyed colleges and universities reported a decrease in applications from international students, with the highest declines in applications from students from the Middle East.⁹ Thirty-nine percent of

⁸ Statement in Appendix A.

⁹ AACRAO, *Trending Topics Survey: International Applicants for Fall 2017- Institutional and Applicant Perceptions*, 1 (Mar. 13, 2017), <http://www.aacrao.org/docs/default-source/TrendTopic/Immigration/intl-survey-results-released.pdf>

surveyed institutions report a decline in undergraduate applications for Fall 2017 from the Middle East and thirty-one percent of institutions report a decline in graduate applications for Fall 2017 from the Middle East.¹⁰

International student recruitment professionals report a great deal of concern from students and families around the globe, with seventy-nine percent of the concerns raised from the Middle East.¹¹ For example, Muslim Howard University School of Law Student, FS astutely notes his concern that:

As a Muslim student at Howard Law School, I had suggested to the administration to allow me to recruit other students from Muslim majority countries. Now, I cannot do that because, in all honesty, I do not want them to live in the U.S. with the fear of not being able to travel.¹²

Nearly half of graduate schools have reported a drop in international students and the President of the Council of Graduate Schools stated that graduate deans are describing a “chilling effect” on applications.¹³

The timing of the Executive Order had a damaging impact on both the size of the applicant pool and the yield of admitted applicants. The January 27 Executive Order was announced as deadlines approached for many graduate programs and the March 6 Executive Order was instituted just as applicants were making enrollment decisions prior

¹⁰ *Id.* at 2.

¹¹ *Id.*

¹² Statement in Appendix A.

¹³ Stephanie Saul, *Amid Trump Effect Fear, 40% of Colleges See Dip in Foreign Applicants*, New York Times (Mar. 16, 2017), <https://mobile.nytimes.com/2017/03/16/us/international-students-us-colleges-trump.html>.

to the April 15 deadline.¹⁴ The AACRAO survey stated that among the most frequently raised concerns by international applicants and their families are: (1) a perception that the climate in the U.S. is now less welcoming to students from other countries, (2) concerns that benefits and restrictions around visas could change around the ability to travel, re-enter after travel, and obtain employment, and (3) concern that the travel ban will expand to include additional countries.¹⁵

The anti-immigrant and anti-Muslim rhetoric of the Trump presidential campaign and the issuance of the Executive Orders, are the source of these concerns, the corollary drop in applications and the anticipated drop in international student enrollment. If American universities are unable to guarantee international students and scholars that they will be able to obtain visas and re-enter the United States after going abroad to visit family or to conduct research and attend symposia, American universities will be unable to attract the best foreign talent and will struggle to maintain the diversity of experience and expertise that make U.S. institutions of higher education world class leaders.

The travel ban has already created problems for many foreign-born medical students hoping to come to the United States or to return to the United States to continue their post-medical school training in residency programs at U.S. medical institutions. Match Day, where medical students learn where they will go for their residency, occurred on Friday, March 17, one day after the Executive Order was scheduled to take effect. Of the 42,000

¹⁴ *Id.*

¹⁵ AACRAO, *supra* note 9, at 2.

applicants for the 32,000 U.S. medical residency positions, all except 6,000 are foreign nationals, which means that *six out of seven* applicants are foreign nationals.¹⁶ The Chair and CEO of the National Residency Match Program (NRMP), a non-profit that organizes the match between students and hospitals, released a statement saying that the “consequences of the [January 27] Executive Order are far-reaching for match students and the upheaval is extensive.”¹⁷ They expressed concern that foreign medical students with valid visas would be delayed or not admitted at borders.¹⁸ The same concern applies to newly matched residents who must apply for a visa or seek to renew a visa. Most of the three to five year long residency programs begin on July 1, and many U.S. medical institutions fear that the Executive Order will prevent foreign students from beginning their residencies on time.¹⁹ Similarly, Indiana University-Purdue University Indianapolis planned to welcome the first class of Iranian graduate students to their campus as part of a new engineering program, established in partnership with the University of Tehran, but they had to put the program on hold because the students could not secure visas.²⁰

¹⁶ Kathleen Struck, *'Match Day' For Foreign Medical Students Runs Into US Travel Ban*, VOA News (Mar. 18, 2017), <http://www.voanews.com/a/us-medical-residency-programs-trump-travel-ban/3771735.html>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Collin Binkley, *Travel Ban Throws Research, Academic Exchange Into Turmoil*, AP News (Jan. 31, 2017), <http://bigstory.ap.org/article/43b52752391f45c8a416ec6f8928a02c/travel-ban-throws-research-academic-exchange-turmoil>.

In addition to negatively impacting international students and scholars who visit universities for the entire academic year, the Executive Order also negatively impacts academic researchers who participate in academic exchanges that are crucial to fulfilling the research mission of American institutions of higher learning. The Executive Order prevents foreign scholars and students studying and teaching in the United States from participating in foreign research and academic exchanges, out of fear that they will be unable to re-enter the country. More than 43,000 academics and researchers, including over 31,000 US faculty members, 62 Nobel Laureates, 521 Members of the National Academies of Sciences, Engineering, and the Arts, and 142 winners of the Pulitzer Prize, MacArthur Fellowship, Fields Prize and other prestigious academic awards signed a petition making their view clear that the Executive Order limits “collaborations with researchers from these nations by restricting entry of these researchers to the U.S. and can potentially lead to the departure of many talented individuals who are current and future researchers and entrepreneurs in the U.S.”²¹

Many U.S. scholars fear that the gains that the United States has made with research in the Middle East will be undermined by the Executive Order.²² Research with scholars in the Middle East is wide-ranging. The National Institutes of Health reports that U.S. and Iranian researchers have teamed up to study cancer, heart disease, hepatitis, and opiate

²¹ *Academics Against Immigration Executive Order*, <https://notoimmigrationban.com/> (last visited Mar. 26, 2017).

²² Binkley, *supra* note 20.

addiction.²³ An HIV researcher at Harvard Medical School reports that the Executive Order has placed her critical collaboration with Iranian counterparts into question, as well as the ability of an Iranian colleague to teach at Harvard Medical School next year.²⁴ Students at Columbia Law School’s Human Rights Clinic have been working with researchers at a think tank in Yemen to study the health consequences of civil war. They planned to move their conference from New York to Canada because Yemeni researchers would not be able to attend.²⁵ International scholars have also advocated the boycott of academic conferences held in the United States, in solidarity with those impacted by the restrictions. Shortly after the January Executive Order, 3,000 international scholars signed a pledge committing themselves to boycott academic conferences held in the United States during the pendency of the Administration ban.²⁶ By March 6, the day that the new Executive Order was released, more than 6,600 international scholars had joined the call for a boycott.²⁷ Nicholas Dirks, the Chancellor of the University of California-Berkeley, believes that the ban gives an advantage to countries that compete with the United States

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Elizabeth Reddin, *In Protest of Trump Entry Ban, Some Scholars are Boycotting U.S.-Based Conferences*, Inside Higher Education (Jan. 31, 2017), <https://www.insidehighered.com/news/2017/01/31/protest-trump-entry-ban-some-scholars-are-boycotting-us-based-conferences>.

²⁷ “In Solidarity with People Affected by the ‘Muslim Ban’: Call for an Academic Boycott of International Conferences Held in the US,” https://docs.google.com/forms/d/e/1FAIpQLSeNN_2HHREt1h-dm_CgWpFHw8NDPGLCkOwB4ILRFtKFJqI25w/viewform (last visited Mar. 26, 2017).

for scholars and “allowing them to replace [the United States] as the prime destination for the most talented students and researchers would cause irreparable damage and help them to achieve their goal of global leadership.”²⁸

The Executive Order also has a negative economic impact on U.S. institutions of higher education, and by extension the United States. According to a report by the Brookings Institution, foreign students contributed \$56.5 Billion in tuition and \$39.1 Billion in living expenses from 2001-2012.²⁹ A Study by NAFSA: Association of International Educators determined that international students contributed \$32.8 Billion to the U.S. economy, and supported 400,000 jobs in the 2015-16 academic year.³⁰ The report also assessed that every seven international students supported the creation of approximately three U.S. jobs.³¹ Iranian students, the largest contingent of the listed countries, contributed \$386 Million to the U.S. economy during the 2015-16 academic year.³² The barring of international students and scholars from the listed Muslim-Majority

²⁸ Reddin, *supra* note 26.

²⁹ Neil G. Ruiz, *The Geography of Foreign Students in U.S. Higher Education: Origins and Destinations*, Metropolitan Policy Program at Brookings Institution, 9 (August 2014), https://www.brookings.edu/wp-content/uploads/2014/08/foreign_students_final.pdf.

³⁰ NAFSA: Association of International Educators, *NAFSA International Student Economic Value Tool*, NAFSA.org, http://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/NAFSA_International_Student_Economic_Value_Tool (last visited March 26, 2017).

³¹ *Id.*

³² Institute of International Education, *Open Doors Fact Sheet: Iran*, Open Doors Data, (2016), <http://www.iie.org/Research-and-Publications/Open-Doors/Data/Fact-Sheets-by-Country/2016#.WNV9kqK1tPY> (last visited Mar. 26, 2017).

countries, and the corollary decline in attendance from other international students and scholars, will deny much needed tuition to U.S. colleges and universities and much needed expenditures to the U.S. real estate, transportation, retail, dining, telecommunications, and health insurance sectors.

C. The Executive Order Adversely Impacts American Higher Education's Crucial Role in Building Mutual Cross-Cultural Understanding Which Enhances Friendly Relations Between Nations.

The Executive Order also undermines American higher education's crucial role in building mutual cross-cultural understanding between peoples and nations. When governments have hostile relations, educational exchange and collaboration builds bridges among those countries' citizens and can become the basis for future diplomatic engagement.³³ Among the six countries included in the Executive Order, the United States has hostile relations with the Governments of Syria, Iran and Sudan.³⁴ The governments that the United States recognizes in Libya, Yemen, and Somalia lack full control over those countries, and the U.S. has strained relations with the competing regimes that seek to

³³ Sara Custer, *US State Department Endorses 'Education Diplomacy'*, Pie News (July 10, 2015), <https://thepienews.com/news/us-state-department-endorses-education-diplomacy>.

³⁴ Hostile relations between U.S. and Syria, Iran, and Sudan have lasted for decades. *See e.g.*, George Baghdadid, *U.S.-Syria Relations: Rollercoaster Diplomacy*, CBS News (May 24, 2010) <http://www.cbsnews.com/news/us-syria-relations-rollercoaster-diplomacy> (reporting bilateral hostilities with Syria since 2004); BBC, *US-Iran relations: A brief guide* (Nov. 24, 2014) <http://www.bbc.com/news/world-middle-east-24316661> (noting the tensions between the U.S. and Iran since the Iranian Revolution and U.S. Embassy-Tehran hostage crisis of 1979); Jeffrey Gettleman, *United States to Lift Sudan Sanctions*, N.Y. Times (Jan 13, 2017) <https://www.nytimes.com/2017/01/13/world/africa/sudan-sanctions.html> (noting nearly twenty years of hostile relations between the U.S. and Sudan).

overthrow the legally recognized governments.³⁵

It is precisely because of the U.S. government's tensions with the Iranian, Syrian and Sudanese governments, and the U.S. government's opposition to hostile regimes that control wide swaths of Libya, Yemen, and Somalia, that banning educational exchange with students and scholars from these countries is particularly short-sighted. U.S. engagement with these nations' scholars and students can help to build bridges that will lead to improved state to state and citizen to citizen interaction in the future. America has educated world leaders from nations identified in the travel ban. Shukri Ghanem, who served as the Prime Minister to Libya from 2003 to 2006, earned his PhD from the Fletcher School of Law and Diplomacy at Tufts University in Massachusetts.³⁶ Abdul-Aziz Abdul-Ghani, the former Prime Minister of Yemen, studied political science at Colorado College.³⁷

³⁵ Relations have been strained between the U.S. and Libya, Yemen, and Somalia for many years. *See, e.g., US-Libya Relations Contentious During Gadhafi's Leadership*, VOA News (Oct. 19, 2011) <http://www.voanews.com/a/us-libya-relations-were-contentious-during-gadhafis-leadership-132260478/146937.html> (citing a "rocky" relationship between the U.S. and Libya for four decades); Jackie Northam, *As Yemen's War Worsens, Questions Grow About The U.S. Role*, NPR (Oct. 11, 2016) <http://www.npr.org/sections/parallels/2016/10/11/497563923/u-s-reconsiders-support-of-saudi-led-coalition-in-yemen-conflict> (describing U.S.-Yemen relations as "increasingly embroiled"); Conor Gaffey, *A Short History of Somali-U.S. Relations*, Newsweek (Aug. 10, 2016) <http://www.newsweek.com/short-history-somali-us-relations-489125> (noting decades of U.S. military intervention and struggle in Somalia).

³⁶U.S. Dep't of State, *Foreign Students Yesterday, World Leaders Today*, <https://www.csustan.edu/sites/default/files/OIE/documents/yedterdaysinternationalstudents.pdf> (last visited Mar. 24, 2017).

³⁷ *Id.*

American institutions have helped sculpt the international landscape by educating world leaders and Nobel laureates. Kofi Annan, renowned U.N. Secretary General, completed his undergraduate economics work at Macalester College in St. Paul, Minnesota.³⁸ Mr. Annan was a joint recipient of the 2001 Nobel Peace Prize, for his work “for a more peaceful world.”³⁹ Juan Manuel Santos, currently serving as the President of Colombia, earned his BA from University of Kansas and MPA from Harvard.⁴⁰ Mr. Santos was the sole recipient of the 2016 Nobel Peace Prize, for his “resolute efforts to bring [Colombia’s] more than 50-year-long-civil war to an end.”⁴¹

Further, an American education has had a profound impact on prominent world leaders from Muslim-majority countries. Benazir Bhutto, who served as Prime Minister to Pakistan from 1993 to 1996, was the first woman to head a Muslim majority nation.⁴² She earned her BA in comparative government at Harvard University, later describing the experience as “the very basis for [her] belief in democracy.”⁴³ Former President of

³⁸ United Nations, *Former Secretary-General: Kofi Annan*, UN.org, <https://www.un.org/sg/en/formersg/annan.shtml> (last visited Mar. 24, 2017).

³⁹ Nobel Media AB, *The Nobel Peace Prize 2001*, Nobelprize.org, https://www.nobelprize.org/nobel_prizes/peace/laureates/2001 (last visited Mar. 24, 2017).

⁴⁰ Monica Lungu, *Where Have the World Leaders Pursued Their Higher Education*, MastersPortal.eu (Apr. 27, 2016), <http://www.mastersportal.eu/articles/1724/where-have-the-world-leaders-pursued-their-higher-education.html>.

⁴¹ Nobel Media AB, *The Nobel Peace Prize 2016*, Nobelprize.org, http://www.nobelprize.org/nobel_prizes/peace/laureates/2016 (last visited Mar. 24, 2017).

⁴² New York Times, *Not Forgotten: Obituaries*, N.Y. Times (June 21, 2016), <https://www.nytimes.com/interactive/projects/cp/obituaries/archives/benazir-bhutto>.

⁴³ Harvard Crimson, *Benazir Bhutto '73 Assassinated*, TheCrimson.com (Dec. 27, 2007), <http://www.thecrimson.com/article/2007/12/27/benazir-bhutto-73-assassinated-pakistani->

Indonesia Susilo Bambang Yudhoyono earned his master's degree at Webster University.⁴⁴ He served as Chairman of the Democratic Party and later as head of the Global Green Growth Institute, an international organization promoting economic growth and environmental sustainability.⁴⁵ Former President of Bangladesh Iajuddin Ahmed earned both his masters and PhD at the University of Wisconsin.⁴⁶ Numerous high-ranking Afghani officials have sought an American education.⁴⁷

Further, academic institutions play a role in supporting academic freedom and protecting scholars who are agents of change targeted by corrupt regimes in their home countries. For example, Scholars At Risk (“SAR”) is an international network of higher education institutions dedicated to protecting scholars and promoting academic freedom around the world. SAR partners with higher education institutions to find temporary

opposition.

⁴⁴ U.S. Dep’t of State, *Foreign Students Yesterday*, *supra* note 36.

⁴⁵ Global Green Growth, *Press Release: President of Indonesia Yudhoyono announced as next GGGI Assembly President and Council Chair at GGGI Leaders’ Gathering*, GGGI.org (Sept. 23, 2014), <http://gggi.org/president-of-indonesia-yudhoyono-announced-as-next-gggi-assembly-president-and-council-chair-at-gggi-leaders-gathering>.

⁴⁶ Bangladesh Ministry of Foreign Affairs, *President’s Life Sketch Prof. Dr. Iajuddin Ahmed*, WebArchive.org, <https://web.archive.org/web/20070810115053/http://www.mofa.gov.bd/president.htm> (last visited Mar. 24, 2017).

⁴⁷ *E.g.*, Vice-President Hedayat Amin-Arsala, Southern Illinois University; Minister of Higher Education Amir Shah Hasanyar, Colorado State University; Minister of Transport Enayatullah Qasemi, Baltimore University; Minister of Health Amin Fatemi, Boston University; Ambassador to the United States H. E. Ishaq Shahryar, University of California at Santa Barbara; former Prime Minister Abdul Zahir, Columbia University. U.S. Dep’t of State, *Foreign Students Yesterday*, *supra* note 36.

assignments for scholars facing grave threats so that their ideas are not lost, and they can keep working until conditions improve in their home countries.⁴⁸ Since 2000, SAR has provided sanctuary to more than 700 scholars.⁴⁹ SAR has supported scholars from throughout the Middle East and Africa, including countries covered on the travel ban – in recent years, Iranian scholars constituted 25% of scholars receiving support from SARS and Syrian scholars comprised 21% of the scholars receiving support.⁵⁰

Higher Education Institutions' critical role in healing violent conflict was summarized by SAR Executive Director Robert Quinn as he described a conference of MENA universities in Amman, Jordan:

this was a room full of skilled, dedicated people from all around the Arab world, motivated by a shared, positive vision for the region; a vision where young people interact with counterparts in other Arab countries and around the world, and build a brighter future based on knowledge. What made this all the more inspiring is that the conference was going on precisely on the days when Islamic State militants were advancing toward the Iraqi city of Mosul, killing indiscriminately along the way... I would spend hours in the conference with heroic professionals working for a totally different, positive vision, practically invisible...accelerating movement in this direction is essential to humanity's well-being, and perhaps even to our survival, and the higher education community has a vital role to play, I would say a responsibility.⁵¹

⁴⁸ Scholars at Risk Network, *About*, Scholarsatrisk.org, <https://www.scholarsatrisk.org/about> (last visited Mar. 27, 2017).

⁴⁹ Scholars at Risk Network, *Protection*, Scholarsatrisk.org, <https://www.scholarsatrisk.org/protection> (last visited Mar. 27, 2017).

⁵⁰ Scholars at Risk Network, *Getting Involved Handbook*, 2 (Apr. 15, 2016), https://www.scholarsatrisk.org/wp-content/uploads/2016/05/Getting_Involved.pdf; *see also* Scholars at Risk Network, *A Future For Syria's Scholars*, Scholarsatrisk.org, <https://www.scholarsatrisk.org/a-future-for-syrias-scholars> (last visited Mar. 27, 2017).

⁵¹ Remarks by Robert Quinn, SAR Executive Director, "We Leave Our Guns At the Door: The Essential Role of Higher Education" (Mar. 25, 2015), <https://forumea.org/wp-content/uploads/2014/09/RQuinn-Forum-on-Education-Abroad-26MAR2015.pdf>.

The Executive Order would bar U.S. academic institutions from fulfilling this critical role and from providing crucial support to threatened scholars and students who can become positive change agents in their home countries.

The United States has previously witnessed the impact of a restricted visa policy on institutions of higher education. NAFSA reports that after September 11th, the U.S. experienced successive declines in international student attendance in 2003-2005, following several years of 5-6% international student increases prior to September 11th.⁵² In the NAFSA's assessment, the visa restrictions sent a message to international students that they were not wanted.⁵³ In this instance, no recent terrorist attack or threat has occurred which warrants this overly restrictive banning of international students and scholars from the designated Muslim-majority countries.

Finally, although the Executive Order includes a waiver provision, the waiver provision is discretionary and provides no assurance that individuals from listed countries will be able to enter the United States to study, teach, or research at a U.S. institutions of higher learning. The relevant waiver provision only permits the entry, on a case-by-case basis and *at the discretion* of consular officers and U.S. Customs and Border Protection officials, of individuals who have previously been admitted to the United States for an

⁵²NAFSA: Association of International Educators, *Restoring U.S. Competitiveness for International Students and Scholars* (June 2006), http://www.nafsa.org/uploadedfiles/nafsa_home/resource_library_Assets/public_policy/restoring_u.s.pdf.

⁵³ *Id.*

extended period of work, study, or other long term activity and they seek to resume that activity.⁵⁴ The provision appears only to apply to individuals who were located outside of the United States and had an existing visa at the time that the March 6 Executive Order took effect. For such individuals, the discretionary nature of the waiver provision does not guarantee that they will be able to re-enter the United States to resume their academic study, research or teaching. Further, the waiver provision is unavailable to students and academics who did not have a visa at the time that the Executive Order took effect, effectively barring any new students and scholars hoping to come the United States after March 16, 2017, and during the pendency of the Executive Order.

II. The Executive Order Inflicts Irreparable Harm by Legitimizing Anti-Muslim Suspicion and Antagonism That Has Led to Increased Hate Incidents and Violence Against Muslim-American and Foreign Muslim Faculty, Staff and Students on University and College Campuses Across the Country.

There has been a rise in hate incidents against Muslim Americans in the United States; particularly on college and university campuses. Unfortunately, the Executive Order reverses the basic principle that discrimination against Muslims is unlawful and an unacceptable cultural norm. The impact of the Executive Order's stigmatizing and legitimating effect on discriminatory societal norms is apparent nationwide and specifically on U.S. university and college campuses with the increase in discrimination and harassment of Muslim students, faculty, and staff.

⁵⁴ Exec. Order No. 13,780, 82 Fed. Reg. 13,209 § 3(c) (Mar. 6, 2017), <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>.

The travel ban continues a national narrative begun during the Trump presidential campaign that validates discriminatory behavior. Legal norms reinforce cultural norms and community practices. Cultural norms that are legitimized through the law entrench ideas and give community members the “the sense of being natural and part of the way things are or should be.”⁵⁵ In the United States, progress towards equality has begun within the courts to dismantle deep discriminatory cultural norms and community practices codified in the law.⁵⁶ In anti-discrimination jurisprudence, courts have recognized the legitimating power the law has to reinforce discriminatory norms. Thus, one of the steps in combatting deeply held discriminatory societal norms starts with invalidating discriminatory *de jure* laws.

The Supreme Court case *Korematsu* is an example of an overly broad discriminatory Executive Action, justified on national security grounds, that marks a shameful time in American history. In 1942, the president issued Executive Order No. 9066 pursuant to his national security authority while at war with Japan.⁵⁷ This order authorized the president

⁵⁵ Muna Ndulo, *African Customary Law, Customs, and Women's Rights*, 18.1 Ind. J. Global Legal Stud. 87, 90 (2011), <http://scholarship.law.cornell.edu/facpub/187>.

⁵⁶ See generally, *State of Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938) (allowing in-state tuition for African-American students); *Sipuel v. Bd. of Regents of Univ. of Okl.*, 332 U.S. 631 (1948) (allowing African Americans to enroll in law school); *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483 (1954) (“Brown I”), sub nom. *Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955) (“Brown II”) (eliminating discrimination in schools based on race); *Loving v. Virginia*, 388 U.S. 1 (1967) (eliminating discrimination in marriage based on race); *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75 (1998) (recognizing discrimination in workplace based on same-sex harassment); *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (extending marital rights to same-sex couples).

⁵⁷ National Archives and Records Administration, 7 Fed. Reg. 1407 (Feb. 25, 1942).

to take “*every possible* protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities.” *Korematsu v. United States*, 323 U.S. 214, 217 (1944).

Pursuant to this order, Mr. Korematsu was prosecuted for his failure to follow Exclusion Order No. 34 “which directed that after May 9, 1942, all persons of Japanese ancestry should be excluded [from an area in California].” *Id.* at 215–16. The Supreme Court upheld the executive actions as part of the President’s authority as Commander In Chief to protect the national security of the country. *Id.*

In Justice Murphy’s dissenting opinion, he insightfully mentions:

This exclusion of “all persons of Japanese ancestry, both alien and non-alien,” from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over “the very brink of constitutional power” and falls into the ugly abyss of racism.

Id. at 233. Justice Murphy noted that that group characteristics were not correlated or related to “the dangers of invasion, sabotage and espionage.” *Id.* at 239–40. Rather, the Executive Order and Exclusion Order:

reasons appear, instead, to be largely an accumulation of much of the *misinformation, half-truths and insinuations* that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by independent studies made by experts in these matters.

Id. at 239–40. *Korematsu* is instructive to this case in that it is direct evidence of when deep discriminatory cultural norms and community practices are unjustifiably codified into

the law based upon *misinformation, half-truths and insinuations* directed at individuals from Muslim majority countries.

The travel ban continues a narrative that began during the Presidential campaign that validates hate speech and violence against Muslim Americans and International Muslim students in the United States based on misinformation, half-truths, and insinuations. During Trump's Presidential campaign, he made several statements indicating that he intended to implement a Muslim travel ban:

- Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on. Trump declared in December 2015.⁵⁸
- Former Mayor Rudy Giuliani stated "So when (Trump) first announced it, he said, 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.'"⁵⁹

The Executive Order implements Trump's campaign statements and demonstrates the promulgation of misinformation, half-truths and insinuations about Muslims. These statements adversely impact the diversity and learning environment on university and college campuses and are used to legitimize hate incidents against Muslim Americans.

Researchers at California State University, San Bernardino documented the rise in

⁵⁸ Donald J. Trump Statement On Preventing Muslim Immigration, (Dec. 2015), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration> (last visited Mar. 27, 2017).

⁵⁹ Amy Wang, *Trump asked for a 'Muslim ban,' Giuliani says — and ordered a commission to do it 'legally'*, Washington Post, (Jan. 29 2017), 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=.9541ebd63d8b.

hate crimes across the country, specifically examining hate crimes against Muslims.⁶⁰

“The Federal Bureau of Investigations defines a hate crime as a ‘criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender or gender identity.’”⁶¹

California State University researchers found that the surge in hate crimes against Muslims in the U.S. to be manifold including recent terrorist attacks, divisive political rhetoric, and the political climate which “has taken an extremist ideology into the mainstream of our political machine.”⁶² Since the election of President Trump, “in the ten days following the election, there were almost 900 reports of harassment and intimidation from across the nation. Many harassers invoked Trump’s name during assaults, making it clear that the outbreak of hate stemmed in large part from his electoral success.”⁶³

The number of hate groups in the United States rose to 917 in 2016 from 892 in 2015. The most dramatic increase was in the number of anti-Muslim hate groups, which jumped to 101 in 2016 from 34 in 2015.⁶⁴ “Hate crimes, including attacks against American Jews and Muslims, spiked in several key U.S. cities in 2016, underscoring an upsurge that

⁶⁰ Masood Farivar, *Hate Crimes in US Rising, Particularly in Big Cities*, VOA News (Mar. 09, 2017), <http://www.voanews.com/a/us-hate-crimes-rising-particularly-in-big-cities/3756604.html>.

⁶¹ *Id.* (citing FBI, *2015 Hate Crime Statistics*, Uniform Crime Reporting, <https://ucr.fbi.gov/hate-crime/2015>).

⁶² Farivar, *supra* note 60.

⁶³ Southern Poverty Law Center Report, *Ten Days After Harassment and Intimidation in the Aftermath of the Election*, 4 (Nov. 2016), https://www.splcenter.org/sites/default/files/com_hate_incidents_report_final.pdf.

⁶⁴ Farivar, *supra* note 60.

started during the presidential campaign and has continued unabated, according to data collected by researchers at California State University, San Bernardino.”⁶⁵

University and college campuses across the nation have been a common venue for hate incidents.⁶⁶ In a study by the Southern Poverty Law Center,⁶⁷ the center found that the most common venue for hate incidents was schools—both secondary and higher education institutions.⁶⁸ The report found 140 incidents out of 843 of targeted hate incidents since Trump was elected occurred in schools. Further, the report specifically focuses in on the type of discrimination noting that 49 or 6% of incidents nationwide were anti-Muslim hate incidents and 293 or 32% nationwide were anti-immigrant sentiment hate incidents.⁶⁹ The report specifically cites that:

Muslim women wearing hijabs have been particularly vulnerable to threats and assault. Women reported being grabbed by their hijab, including a San Jose State University student who was choked and fell when a man pulled her head scarf from behind in a parking garage.⁷⁰

A narrative of hate against any minority serves to only embolden individuals whose

⁶⁵ *Id.*

⁶⁶ Southern Poverty Law Center Report, *supra* note 63, at 13; Caitlin Dickerson & Stephanie Saul, *Campuses Confront Hostile Acts Against Minorities After Donald Trump’s Election*, N.Y. Times, Nov. 10, 2016.

⁶⁷ The Southern Poverty Law Center acknowledges that some incidents of hate incidents are falsely reported. Southern Poverty Law Center Report, *supra* note 63.

⁶⁸ *Id.* at 5.

⁶⁹ *Id.* at 7, 10.

⁷⁰ *Id.* at 10.

false perceptions are based on discriminatory misinformation. The promulgation of this narrative results in the rise of fear. Other minority groups not specifically targeted have also been subjected to hate incidents. For example, due to a lack of cultural awareness, those espousing hate often mistakenly target non-Muslim minorities (i.e. violence against Sikhs, ostensibly because of turbans). On March 15, 2017, an “Indian-American IT engineer employed by a US company was fatally shot and his Indian colleague wounded by a white man who thought they were Middle Easterners and who was heard telling them to ‘get out of my country’ at the time of the shooting.”⁷¹ Regrettably, these discriminatory incidents against Muslim Americans on campuses are on the rise in the wake of nationwide university efforts to promote diversity and acceptance of cultural differences.⁷²

The rise in hate crimes has sparked nationwide campus protests in solidarity with Muslim students and widespread support within campus communities to assuage fears of uncertainty.⁷³ Muslim students are afraid that the Executive Order and Trump’s rhetoric against Muslims has empowered individuals to act on their discriminatory beliefs.⁷⁴ The

⁷¹ Raj Halder, *Indian Americans won’t be safe as long as the White House is inciting fear*, Washington Post (Mar. 14, 2017), https://www.washingtonpost.com/posteverything/wp/2017/03/14/indian-americans-wont-be-safe-as-long-as-the-white-house-is-inciting-fear/?utm_term=.36316116187e.

⁷² Dickerson, *supra* note 66 (stating “a year after students at campuses nationwide pushed for greater sensitivity toward cultural differences...just last year, a wave of anti-racism protests broke out on campuses across the country. In response, many universities cracked down on students’ insensitivity, and some fired school administrators. But this week, students began to worry that all their work was fruitless with Mr. Trump’s election success. To many, Mr. Trump is the champion of anti-political correctness and embodies the opposition to “safe spaces”).

⁷³ *Id.*

⁷⁴ *Id.*

protests supporting Muslims demonstrate that campuses communities recognize how disturbing and destructive anti-Muslim rhetoric and hate incidents are to the learning environment which thrives on diversity.

Since the President's Executive Order, college and university campuses across the country have been protesting and issuing statements in opposition to the discriminatory travel in solidarity with Muslim members of the campus communities and the diversity that Muslims bring to academia.⁷⁵ The students' chants demonstrate the rallying behind immigrant communities in statements ranging from "Student solidarity" to "No hate, no fear! Refugees are welcome here!"⁷⁶ In addition, the administrators at several universities and colleges have adopted sanctuary policies to protect immigrant students from immigration authorities.⁷⁷ The extensive actions taken at institutions of higher education

⁷⁵ Samantha Grasso, *NYC students walk out in protest of Trump, DeVos, Muslim ban*, The Daily Dot, (Feb. 7, 2017), <https://www.dailydot.com/irl/nyc-student-walkout-protest-trump-muslim-ban> (With painted signs and popular chants, high school and college students rallied at Foley Square in lower Manhattan around noon, denouncing Trump's decisions against banning immigrants from seven Muslim-majority countries.); *see e.g.*, Hannah Natanson & Claire E. Parker, *Faust, Administrators Criticize Immigration Order*, The Harvard Crimson, (Jan. 30, 2017), <https://www.thecrimson.com/article/2017/1/30/faust-immigration-email> (Harvard Students); Alexandra Kurland, *GU Students Protest Trump's Muslim Ban* (Feb. 26, 2017) <http://guprogressive.com/gu-students-protest-trumps-muslim-ban> (George Washington University students); Joel Brown, *Hundreds Protest Trump's Immigration Ban at Marsh Plaza Rally* (Jan. 31, 2017) <https://www.bu.edu/today/2017/rally-against-trump-muslim-immigration-ban> (Boston University students); Margaux MacColl, *Students host 'walkout' to protest Muslim Ban* (Feb. 1, 2017), <http://www.northbynorthwestern.com/story/students-host-walkout-to-protest-muslim-ban> (Northwestern University Students).

⁷⁶ Brown, *supra* note 75.

⁷⁷ Julia Preston, *Campuses Wary of Offering Sanctuary to Undocumented Students*, N.Y. Times (Jan. 26, 2017), https://www.nytimes.com/2017/01/26/education/edlife/sanctuary-for-undocumented-students.html?utm_source=AOL&utm_medium=readMore&utm_campaign=partner.

demonstrate the value placed on maintaining diversity and acknowledging the importance of diversity in contributing to an innovative learning environment for scholars, faculty, staff and students on campuses.

CONCLUSION

For all of the foregoing reasons, the Executive Order irreparably harms Muslim and Muslim-American students and scholars and U.S. institutions of higher education and we encourage the Court to grant Plaintiff's Request for a preliminary injunction.

Respectfully submitted,

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/s/ Karla M. McKanders

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Dated: March 28, 2017

⁷⁸ We are grateful to Jennifer Breaux, Chelsea Daniels, Ashley Beard and the Members of the Howard University School of Law Muslim Law Student's Association for their contributions to this submission. The views expressed by Howard University School of Law's Civil Rights Clinic are not necessarily those of Howard University or the School of Law.

APPENDIX A – STUDENT IMPACT STATEMENTS

CD – Howard University School of Law Student

The impact of the travel ban on my educational experience has been profound. There is a certain level of trust a person must have in their government. I, as a Muslim American student, am denied this trust because of the ban. Being a first generation American on my father's side of the family, the value of that birthright has never been lost on me. While some of my family members have naturalized, there was a sense among my first generation cousins and me that our American-ness is absolute. The travel ban has diminished this belief. This shift has had a devastating impact on my educational experience and makes me feel as if my efforts in my legal education seem futile.

In a little more than a year, Inshallah, I will take an oath to protect the U.S. Constitution that the President of the United States is trying to keep from protecting me. In my pursuit of life and liberty, I cannot fathom the idea of a barrier to being able to see loved ones who live abroad and are from Muslim majority countries. My grandmother is very elderly and recently widowed, she also lives in Tehran. The ban does not allow her to visit me. The ban prohibits from applying to immigrate to the United States to be with her children and grandchildren. Time is not something in which families with elderly relatives have the luxury. Also, my cousins, who have been Dutch citizens since childhood are prohibited from traveling to the U.S. because of where they were born. Family unity is destroyed under the ban.

It is more heartbreaking that I cannot easily visit Iran. As the daughter of an Iranian father, I cannot enter Iran without an Iranian passport, as I am considered an Iranian citizen by virtue of my paternal lineage. In acquiring an Iranian passport, I would place myself into limbo and jeopardy to not be able to re-enter the United States. Or be subject to harsh questioning to come back to my home country. Under these circumstances, I cannot exercise my right to obtain dual citizenship. In this context, obtaining dual citizenship equals discrimination when coming back home after travel abroad. It is sickening.

As a student, I must reconsider pursuing opportunities to study abroad and work. The ramifications on my career are many.

This ban is not simply about religion; this is an amalgamation of how the Trump administration feels about people who represent the ethnic idea of a religion, and the political assumptions Trump wishes to place on certain countries. Every day is a struggle to emerge from the despair of this forced isolation from my own relatives, and concentrate on my studies. I have no doubt students were similarly affected when the USSR decided to build the Berlin wall.

As far as the representation of Muslim students being impacted at my school, this is a more complex question to address, because I have not yet seen the immediate impact of that in the presence of Muslims in the student body alone. However, the general message being catapulted into every single non-Muslim person who is not connected to the seven banned countries is being confronted with images that are not indicative of the people in these countries. Since Trump's election, my significant other and I have been confronted both verbally and physically because of the immutable racial uniform we wear. The

message delivered to the community both on campus and off, is that there are six threatening countries who are members of a threatening religion.

FS – Howard University School of Law Student

The last year of law school is difficult enough. For me, I had to organize my wedding on top of that. In this equation, my identity as a Muslim student has become central to my experience. Trump's travel ban put any formal wedding plans on hold because I could not book food, venues and tickets if my closest family and friends could not come. Some of my family are ethnically Sudanese, while my likely best man was born in Syria. In the middle of the semester, my wife and I quickly gathered together some local friends and family within the United States and held a civil marriage. Throughout these plans, I kept an eye on the news: like me, my family are Canadian Muslims not from one of the countries listed. But we had heard of Moroccan-Canadians being denied entry, so we were all scared. Remarkably, we had some solace in the fact that one of our family member visiting from Canada is a white non-Muslim—which we felt increased our family's chances of being allowed into the US.

Today, my wife and I cannot visit those families for fear that if I leave the US, I will not be able to get back in to finish my education. The recent spike in attacks against Muslims and candidate Trump's anti-Muslim rhetoric leaves no doubt in my mind that this is a Muslim Ban and that I will be harassed if I leave and try to reenter the United States. My Sudanese family member, who is himself a medical fellow in specialist training in Ohio, is not leaving the United States during holidays for fear of not being allowed back in.

Finally, as a Muslim student at Howard Law School, I would enjoy having other Muslims at school for a richer, more personal educational experience. I asked the administration to allow me to share my experience with other students from Muslim majority for student recruitment. Now, I cannot do that because, in all honesty, I do not want them to live in the United States with the fear of not being able to travel. A smaller number of Muslims means that I do not have the peers that can help me bring the social justice ideas of Islam into the fight for civil rights in the US. I cannot share my experience and beliefs with my non-Muslim classmates because the Trump administration has demonized Islam. As a law student and eventually as a lawyer, I can help search for ideas to reduce radicalization in Islamic and in Christian communities, something that can be useful to the US. But now I feel that I am guilty without doing anything wrong. This makes me sad.

ZK – Howard University School of Law Student:

A decrease in Muslim student representation would devastate my education and my experiences. Since the horrendous attacks on 9/11, I have struggled with my self-identity in America as a Muslim Indian-American. However, I woke up to the reality that if I do not live unapologetically Muslim in America then neither I nor will any of my fellow Muslims be able to leave peacefully in the U.S. If there is a decrease in the Muslim student representation the entirety of the Howard University student body would be adversely affected. If there are no Muslims to talk and dispel the lies presented in pop-culture and media conglomerates, than the only available information would be false information spoken as truth. If you take the lies as truths than this would invariably lead to prejudicial and [my greatest fear] almost Holocaust-Genocidal treatments of anyone claiming the Islamic faith. In this posited scenario I would have to either denounce my faith or live a life of secrecy that would lead me to self-hatred and a path of destruction. A representation of Muslim students personally helps me feel loved, accepted, and united with all members of the Howard University student body.

SR – Howard University School of Law Student:

As an Iranian-American who was born in the United States, the travel ban does not impact me personally, but it does impact a great deal of people that I know and has the potential to disrupt my educational opportunities. I am concerned about the unpredictability of the whole situation. Part of my educational experience definitely comes from traveling. I learn a lot and see a lot when I visit other countries. Being afraid to travel because of the travel ban prevents me from being able to fulfill this area of my education and experience what the world has to offer.

The travel ban also impacts the diversity that is a cornerstone of my institution and a modern society. America is revered for being a melting pot of different cultures and that is what makes us so special. As an Iranian-American I love being one of the many ingredients in the melting pot—I like teaching others about my culture and answering their curious questions because they are genuine people interested in learning and becoming cultured. I am one of these people as well, I love learning about people and their cultures and as an American I like many other am uneducated on certain Middle eastern cultures and the Islamic religion. Decreasing the Muslim Student representation would impact me because the best ways of learning about cultures is through the stories and experiences of the people and I as well as other Americans would be deprived of the cultural education that comes from it.

At the same time, I am concerned for the American people, as many Americans may not be exposed to different cultures. The travel ban only further prevents Americans from being exposed to an educational experience that could diminish their fear and ignorance

about an entire culture and religion.

As an Iranian I would not want to live in a place where the people are afraid of me and my people and others that come from the same area and practice the same religion. Fear of a people turns into harassment of the people and that treatment makes them not want to immerse themselves in the culture of where they live. This would have a negative effect on my educational experience because there are so many places I would avoid going, and so many things I would avoid doing--everything is an educational experience and I would miss out on so much because I would be afraid of being harassed by ignorant people who think my people are evil because they never got to learn about our culture. And, as someone who was born an American and against the current state of Iran, I do not know where I would go.

LA – Howard University School of Law Student:

The travel ban has impacted my ability to be focused and mentally present in my classes. Being a first generation Iraqi-American Muslim student, my family has been directly impacted by the travel ban. Today, much of my family is scattered overseas in various Middle Eastern and European countries. Beginning in the 1970s, my relatives began leaving Arab countries due to violence, conflict, and experiences of persecution. My parents found safety, stability, liberty, and opportunities in America. Unfortunately, nearly forty years after coming to this country, the recent executive orders pose a direct threat to the same safety, stability, liberty, and opportunities that greeted my family so many years ago.

The Executive Orders effectively ban all persons from the named Muslim-majority countries, not based on any specific threat(s), but rather based solely upon national origin. Further, there appears to be no justifiable foundation for the inclusion of the countries named in the ban and the exclusion of certain other Muslim-majority countries. The effect of the Trump administration's cherry picking of Muslim countries has led to fear, uncertainty, and instability for all Arabs.

There are so many questions and fears raised by the Executive Orders: What will be next? What factors will trigger the inclusion or exclusion of a country in the ban? Will it apply to American citizens and visa holders whose country of origin is one of these Muslim countries? Are these individuals able to travel? Can they re-enter the U.S.? Will they be detained? If today they are free to travel, what is the likelihood of that changing over night while they are out of the country?

I know these questions very well, because my father, an American citizen who happened to be born in Iraq, had plans to visit his elderly mother whose health is failing and lives in Iraq. These are the questions I contemplate. These are the questions my family faces.

This travel ban is an insult to all those who fall under its purview - whether they remain in the countries named in the ban or are fortunate enough to already have American citizenship. It presumes that all individuals are a threat to the safety of this country based entirely on national origin and religion. It unjustly and unfairly paints me, and all those like me, as terror threats without any basis in reality. It enhances the ability of others who buy into this rhetoric to discriminate against, discredit, and belittle Arab Americans. Thus, every good quality or contribution to society made by an individual who falls under this ban is effectively undermined by the presumption the ban makes about the individual.

If there are any doubts as to whether fear, hostility, and hate against Muslims exist, make no mistake that the experiences of Muslims in this country reflect those sentiments from others. Immediate family members have shared stories of co-workers' attitudes suddenly changing following the travel ban and long glares on the subway. More often the comments are played off as 'jokes' and I have been on the receiving end of them more times than I can count: "Better hope Trump doesn't deport you next!" Sadly, such comments are not "jokes," they could very easily become reality for many.

I am the daughter of an Iraqi-American immigrant. I am an Iraqi-American. I am a law student. I am not a terror threat. My family members are not terrorists. This travel ban must be stopped.

As a student, a decrease in Muslim student representation would be detrimental to my educational experience. Muslim students add diversity to the classroom, sharing their views and ideas which are often informed by their unique experiences. In the context of the study of law, Muslim law students are particularly needed for purposes such as the one at present - to ensure that the government is held to the limitations imposed by the Constitution so that the rights of individuals are protected from the exact infringement and abuses imposed by the travel ban. Who better to challenge Constitutional violations than those directly affected by them? Who can we count on to care? To deny educational opportunities to otherwise qualified students, based on religion or national origin, is contrary to the American way. The effect of excluding Muslim students from the educational sphere serves only to limit their access to information, their knowledge, and ultimately their power to effect change. In this way, the government may continue to trample on the rights of these individuals who will become voiceless and ineffectual.

Appendix B - Signatories*

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Pars Equality Center, Iranian American
Bar Association, National Iranian
American Counsel, Public Affairs
Alliance of Iranian Americans, Inc., et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Civil Action No. 1:17-cv-255 (TSC)

Electronically Filed

Hon. Tanya S. Chutkan

**Supplemental Signatories to Proposed Brief
Amicus Curiae of
Howard University School of Law Civil Rights Clinic on Behalf of Law Professors
In Support of Plaintiffs Pars Equality Center, et. al.**

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SUPPLEMENT TO APPENDIX B – SIGNATORIES

The Society of American Law Teachers (“SALT”) joins as a signatory to the Howard University School of Law Civil Rights Clinic on Behalf of Law Professors amicus curie brief in support of Plaintiffs Pars Equality Center, et. al.. SALT joins this brief as an organization comprised of law professors who have experienced the benefits of diversity first-hand in their teaching, research and scholarship. SALT was founded in 1973; its membership includes law professors, deans, librarians, and administrators from law schools across the country. SALT has been working for more than 40 years to improve the legal profession, the law academy and expand the power of law to underserved communities. SALT engages in work within and beyond the law school to advance social justice. Sara Rankin, Co-President, Society of American Law Teachers

ADDITIONAL SIGNATORIES*

1. Frances Ansley, Professor Emeritus, College of Law Distinguished Professor of Law, University of Tennessee, College of Law
2. Dorothea Beane, Professor of Law, Stetson College of Law
3. Richard A. Boswell, Professor of Law & Associate Dean for Global Programs, University of California, Hastings College of Law
4. Patricia A. Broussard, Professor, Florida A&M University College of Law
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9. Elizabeth Keyes, Assistant Professor, University of Baltimore School of Law

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11. Carrie Leonetti, Professor, University of Oregon, College of Law
12. Briana Lynn Rosenbaum, Associate Professor, University of Tennessee, College of Law
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14. Alice Thomas, Associate Professor, Howard University, School of Law

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