

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL
oag.dc.gov



FOR IMMEDIATE RELEASE: Wednesday, April 19, 2017



Contact: Rob Marus, Communications Director: (202) 724-5646; robert.marus@dc.gov
Andrew Phifer, Public Affairs Specialist: (202) 741-7652; andrew.phifer@dc.gov

Attorney General Racine Continues to Lead Fight Against Second Version of Trump Travel Ban, Joining Amicus Brief in 4th Circuit

Coalition of 17 AGs Urge Court to Uphold Ruling Declaring Scaled-Back Ban Unconstitutional

WASHINGTON, D. C. – Attorney General Karl A. Racine has again joined a large coalition of his counterparts in filing a friend-of-the-court brief opposing the latest version of President Trump’s travel and immigration ban. Attorney General Racine and his counterparts from 16 states today filed the brief in the United States Court of Appeals for the Fourth Circuit, urging the court to uphold a lower court’s ruling that struck down the ban as unconstitutionally motivated by anti-Muslim sentiment.

The states’ brief summarizes why the decision should stand, including:

- Overwhelming and un rebutted evidence of anti-Muslim animus behind the original ban and its scaled-back version;
- The lack of evidence of a national security rationale for either ban; and
- The significant harms that the ban would cause the states, their residents, and their institutions.

“We will continue to oppose this executive order because it continues to run counter to some of our most important constitutional principles and most deeply held national values, including equal protection of the laws and religious freedom for all,” Attorney General Racine said. **“We in the District are proud to stand together with these states in defense of the Constitution.”**

In the brief, the attorneys general share with the court the considerable harms that would occur if the ban is allowed to go into effect, including harm to state colleges, universities, and medical institutions; reduced tax revenues and damage to state economies; harm to the medical care of residents; harm to each state’s antidiscrimination laws; and harms to religious freedom protections found in state constitutions.

Connect with us online:

oag.dc.gov | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

In urging the court to affirm the existing preliminary injunction against the ban, the attorneys general write:

“The Amici States urge the Court to affirm the preliminary injunction because (1) the district court correctly determined that Plaintiffs are likely to succeed in showing that § 2(c) has the purpose of excluding Muslims and therefore violates the Establishment Clause of the First Amendment; (2) the balance of hardship tilts decidedly in Plaintiffs’ favor because Defendants failed to adduce any evidence that they would be harmed by temporarily preserving the status quo that existed before EO-2; and (3) the public interest—including the interests of the States and their residents—strongly favors enjoining an unconstitutional executive order that fulfills the President’s campaign promise to prevent Muslims from entering the country.”

This amicus brief in support of affirmance was co-authored by Virginia Attorney General Mark R. Herring and Maryland Attorney General Brian E. Frosh and joined by Attorney General Racine and the attorneys general of California, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, and Washington state.

Attorney General Racine thanked his counterpart in Virginia for his tireless efforts to fight the travel bans. **“Attorney General Herring has exhibited extraordinary leadership in protecting Virginia citizens, residents, businesses, and hospitals against the substantial harmful impacts this ban would have on all Virginians,”** he said.

Last month, [Attorney General Racine was part of a 17-state coalition urging the Fourth Circuit](#) to reject the Trump Administration’s request to stay the district court injunction currently preventing the ban from going into effect. In urging the court to continue the current injunction against the ban, the amici made it clear that the administration is unlikely to win its appeal; the public interest strongly favors a continued injunction against the stay; the administration has not demonstrated the required “irreparable harm” that would entitle it to a stay; and states and their residents will face significant harm if the ban goes into effect.

A copy of the brief is attached.

Connect with us online:

oag.dc.gov | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)