

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

PARS EQUALITY CENTER,
IRANIAN AMERICAN BAR ASSOCIATION,
PUBLIC AFFAIRS ALLIANCE OF IRANIAN
AMERICANS, INC., *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Civil Action No. 1:17-cv-255

Hon. Tanya S. Chutkan

**PLAINTIFFS' SUPPLEMENTAL SUBMISSION IN SUPPORT
OF PROPOSED PRELIMINARY INJUNCTION**

Since the Court heard oral argument on Plaintiffs' Motion for Preliminary Injunction on November 2, 2017, there have been several developments that further support expeditious entry of the requested injunction.

1. On December 4, 2017, the Supreme Court granted the Government's applications to stay the preliminary injunctions entered by the District of Maryland and District of Hawaii. Exs. 1 & 2.

2. Nothing in the Supreme Court's orders addresses the legality of President Trump's October 24, 2017 Executive Order, "Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities" ("October 24 Executive Order"), or the October 23, 2017 Memorandum to the President implementing the October 24 Executive Order ("October 23 Memorandum") (collectively, "October Refugee Ban"). To Plaintiffs' knowledge, no court has ruled on the legality of the October Refugee Ban, which Plaintiffs seek to enjoin in their Third Amended Complaint, ECF No. 123 (filed Nov. 3, 2017).

3. Nor do the Supreme Court's orders preclude the entry of relief by this or any other court regarding the legality of President Donald J. Trump's September 24, 2017 Proclamation, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States By Terrorists or other Public-Safety Threats" ("September 24 Proclamation").

4. The Supreme Court made clear in its orders that litigation is to proceed with appropriate dispatch in the lower courts. *See* Exs. 1 & 2.

5. As detailed in previous briefing and substantiated by live testimony and numerous, detailed affidavits, Plaintiffs will experience irreparable harm if the Travel Ban goes into effect. In particular, as alleged in the Third Amended Complaint (ECF No. 123), discussed in the Motion for Preliminary Injunction (ECF No. 107-1), and the Supplemental Memorandum in Support of the Motion for Preliminary Injunction (ECF No. 117):

- Mohammed Jahanfar and Jane Doe #1 will be unable to get married to their visa-seeking fiancés and live with them in the United States. ECF No. 107-1 Ex. 7. ¶ 50; Ex. 12 ¶ 33.
- Jane Doe #13 and her fiancé will either have to postpone their wedding plans or get married without her parents present because they cannot get a tourist visa. ECF No. 107-1, Ex. 14 ¶¶ 25-27.
- Mohammad Reza Shaeri will be separated from his wife indefinitely. ECF No. 107-1, Ex. 8 ¶ 25.
- Montra Yazdani, Jane Doe #14, and Jane Doe #15 will be separated from their parents for extended periods of time and unable to spend regular time with them, rely on their help in raising families, or care for them as they age. ECF No. 107-1, Ex. 5 ¶¶ 12, 28; Ex. 15 ¶¶ 20-21; Ex. 16 ¶¶ 7-8.
- Jane Doe #4, an Iranian citizen who was granted asylum in the United States in 2016, and is unable to return to Iran due to feared religious persecution, will be unable to have her parents travel to the United States to visit. She will be separated from them indefinitely. ECF No. 107-1, Ex. 13 ¶¶ 3, 17.
- Shiva Hissong, Sepideh Ghajar, John Doe #1, and John Doe #10 will be separated indefinitely from their close family members, who will be unable to travel to the United States to visit. ECF No. 107-1, Ex. 4 ¶ 29; Ex. 6. ¶ 20; Ex. 9 ¶ 15; Ex. 11 ¶ 48.

- John Doe #1's wife will be unable to apply for a work authorization. John Doe #1 and his wife will be unable to leave the country for fear their visas will not be renewed. ECF No. 107-1, Ex. 9 ¶¶ 15-19.
- John Doe #9 will be unable to accept his job offer and fulfill his dream of living in the United States and creating a better life for himself and his family in this country. ECF No. 107-1, Ex. 10 ¶ 11.
- Reza Zoghi, an Iranian political dissident, will be unable to have his refugee application approved, notwithstanding the fact that he had been through the SAO and medical screening, medical orientation, has a U.S. sponsor, and was awaiting his travel documentation when the Travel Ban was announced. ECF No. 117 ¶ 5(a).
- Jane Doe #8, a lesbian refugee, and Jane Doe #9, a transgender refugee—both of whom fled Iran after being assaulted and discriminated against on the basis of their sexual orientation—will be unable to have their refugee applications approved, notwithstanding the fact that they were referred to the U.S. Refugee Assistance Program by the U.N. High Commission on Refugees. ECF No. 117 ¶ 5(b), (c).

6. The extensive factual record developed in this case will assist the D.C. Circuit and Supreme Court in reviewing this matter of national importance.

7. During oral argument on November 2, 2017, Government counsel discounted the evidence of statements of anti-Muslim animus from the President, stating, that “whatever statement they want to point to from the President can’t be enough to impugn this entire process.” 11/2/17 Hr’g Tr. 65. Recent statements from the White House have confirmed the anti-Muslim basis for the most recent Executive Order. In particular:

- On November 29, the President re-tweeted three anti-Muslim videos disseminated by an British far-right ultra-nationalist organization. *See* Ex. 3.
- When asked at a press conference later that day whether “President Trump thinks Muslims are a threat to the U.S.,” the White House spokesman explicitly tied the Travel Ban to an anti-Muslim aim, responding that “[t]he President has addressed these issues with the travel order that he issued earlier this year.” CBS News, *White House Trump’s Muslim tweet by mentioning travel ban*, Nov. 29, 2017. Ex. 4.

CONCLUSION

For the foregoing reasons and those stated in Plaintiffs' prior submissions, this Court should proceed with appropriate dispatch to enter a preliminary injunction against the discriminatory provisions of the September 24 Proclamation, as well as discriminatory provisions of the October Refugee Ban.

Dated: December 5, 2017

Respectfully submitted,

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EXHIBIT 1

(ORDER LIST: 583 U.S.)

MONDAY, DECEMBER 4, 2017

ORDER IN PENDING CASE

17A560 TRUMP, PRESIDENT OF U.S., ET AL. V. INT'L REFUGEE ASSISTANCE, ET AL.

The application for a stay presented to The Chief Justice and by him referred to the Court is granted, and the District Court's October 17, 2017 order granting a preliminary injunction is stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Fourth Circuit and disposition of the Government's petition for a writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the petition for a writ of certiorari, this order shall terminate when the Court enters its judgment.

In light of its decision to consider the case on an expedited basis, we expect that the Court of Appeals will render its decision with appropriate dispatch.

Justice Ginsburg and Justice Sotomayor would deny the application.

EXHIBIT 2

(ORDER LIST: 583 U.S.)

MONDAY, DECEMBER 4, 2017

ORDER IN PENDING CASE

17A550 TRUMP, PRESIDENT OF U.S., ET AL. V. HAWAII, ET AL.

The application for a stay presented to Justice Kennedy and by him referred to the Court is granted, and the District Court's October 20, 2017 order granting a preliminary injunction is stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Ninth Circuit and disposition of the Government's petition for a writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the petition for a writ of certiorari, this order shall terminate when the Court enters its judgment.

In light of its decision to consider the case on an expedited basis, we expect that the Court of Appeals will render its decision with appropriate dispatch.

Justice Ginsburg and Justice Sotomayor would deny the application.

EXHIBIT 3

**Donald J. Trump** 
[@realDonaldTrump](#)

Tweets
36.5K

Following
45

Followers
44M

Likes
23

Moments
6

 Donald J. Trump Retweeted

**Jayda Fransen**  [@JaydaBF](#) · Nov 28

VIDEO: Islamist mob pushes teenage boy off roof and beats him to death!


1:42 [http://www.foxnews.com](#)

 16K  18K  28K

**Donald J. Trump** 
[@realDonaldTrump](#)

Tweets
36.5K

Following
45

Followers
44M

Likes
23

Moments
6

 Donald J. Trump Retweeted

**Jayda Fransen**  [@JaydaBF](#) · Nov 29

VIDEO: Muslim Destroys a Statue of Virgin Mary!


0:25

 12K  19K  28K



Donald J. Trump ✓
@realDonaldTrump

Tweets

36.5K

Following

45

Followers

44M

Likes

23

Moments

6

Donald J. Trump Retweeted



Jayda Fransen ✓ @JaydaBF · Nov 28

VIDEO: Muslim migrant beats up Dutch boy on crutches!



0:35

15K

20K

28K

POLITICS

Trump Shares Inflammatory Anti-Muslim Videos, and Britain's Leader Condemns Them

By PETER BAKER and EILEEN SULLIVAN NOV. 29, 2017

WASHINGTON — President Trump touched off another racially charged furor on Wednesday by sharing videos from a fringe British ultranationalist group purportedly showing Muslims committing acts of violence, a move that was swiftly condemned by Britain's prime minister as well as politicians across the spectrum.

The videos Mr. Trump retweeted were titled: “Muslim migrant beats up Dutch boy on crutches!” “Muslim Destroys a Statue of Virgin Mary!” and “Islamist mob pushes teenage boy off roof and beats him to death!” But the assailant in one of them was not a “Muslim migrant” and the other two showed four-year-old events with no explanation.

No modern American president has promoted inflammatory content of this sort from an extremist organization. Mr. Trump's two most recent predecessors, George W. Bush and Barack Obama, both made a point of avoiding public messages that were likely to be seen as anti-Muslim and could exacerbate racial and religious animosities, arguing that the war against terrorism was not a war against Islam.

But Mr. Trump has shown little such restraint, targeting Muslims with a broad brush, including when he claimed on the campaign trail last year that “Islam hates us” and when he called for a “total and complete shutdown” of Muslims coming to the

United States. Since taking office, he has sought to block visitors from select Muslim-majority nations and engaged in a long-distance feud with the Muslim mayor of London, whom he branded weak on terrorism.

The messages came at a time when Mr. Trump has been lashing out at an array of perceived adversaries, including the National Football League, CNN, NBC and Democratic leaders. He referred to a senator as “Pocahontas” this week in front of Navajo veterans he was honoring. In a meandering speech in St. Charles, Mo., on Wednesday, Mr. Trump labeled North Korea’s leader a “sick puppy,” asserted that welfare recipients lived better than some people with jobs, noted that his wealthy friends “love their children” and insisted that he did not like some bankers even though he was making their job “easy for them.”

Mr. Trump’s unbridled talk of Muslim violence thrilled some conservative supporters who see him as a truth teller breaking from the shackles of political correctness, but it alarmed mainstream political leaders in the United States and Britain, who deemed it reckless and counterproductive.

Senator Jeff Flake, Republican of Arizona, who has broken with Mr. Trump, called the postings “highly inappropriate” and added, “I hope he takes them down and doesn’t do it again.”

Senator Lindsey Graham, Republican of South Carolina, who lately has been an ally of the president, said Mr. Trump was “legitimizing religious bigotry” with the Twitter posts. “We need Muslim allies in the war on terror,” he said. “I can only imagine how some of our Muslim allies must feel when the president gives legitimacy to it.”

The reaction was sharp in London, where Prime Minister Theresa May, the leader of the Conservative Party, denounced the president for sharing material posted by Jayda Fransen, the deputy leader of Britain First, the ultranationalist group. “It is wrong for the president to have done this,” Mrs. May’s office said in a statement. “Britain First seeks to divide communities by their use of hateful narratives that peddle lies and stoke tensions. They cause anxiety to law-abiding people.”

David Lammy, a Labour Party member of Parliament, echoed that on Twitter. “Trump sharing Britain First,” he wrote. “Let that sink in. The President of the United

States is promoting a fascist, racist, extremist hate group whose leaders have been arrested and convicted. He is no ally or friend of ours.”

Late in the day, Mr. Trump pushed back against the prime minister. “Theresa,” he wrote on Twitter, initially getting her handle wrong, “don’t focus on me, focus on the destructive Radical Islamic Terrorism that is taking place within the United Kingdom.”

Sarah Huckabee Sanders, the White House press secretary, defended the president’s tweets, saying he was talking about the need for national security and military spending.

“The threat is real,” she told reporters. “The threat needs to be addressed. The threat has to be talked about, and that’s what the president is doing in bringing that up.”

Some activists on the right expressed appreciation for the blunt talk about the threat from Islamic extremists. “It’s a pretty major undercurrent for all of American politics since 2001, as it should be,” said Mark Krikorian, the executive director of the Center for Immigration Studies, which advocates less immigration. “That’s not news. He just expresses that stuff in the most unfiltered, guy-ranting-in-the-bar” way.

The first video distributed by Mr. Trump to his nearly 44 million followers on Wednesday showed a teenage boy attacking another and was presented as footage of a “Muslim migrant” beating a Dutch boy.

But according to local officials, both boys are Dutch. The clip was taken in Monnickendam, a small town in the North Holland province of the Netherlands, in May and shows a teenager punching and kicking another boy holding a crutch. Marleen van Fessem, a spokeswoman for the local public prosecutor’s office, confirmed the 16-year-old boy who was arrested after the video came to light was “born and raised in the Netherlands.”

The Embassy of the Netherlands in Washington then chided Mr. Trump. “Facts do matter,” it replied to the president on Twitter.

The two additional videos were taken in 2013, one in Syria, the other in Egypt, and are provided with no explanation of the political turmoil taking place in those countries

at the time, and with no details on the extremist affiliations of one of the men in the video.

The president's decision to share them was in keeping with his habit of disseminating information he has not verified even as he attacks news organizations for producing "fake news." Two White House aides, who asked not to be identified because they were not authorized to speak publicly, said Mr. Trump found the videos himself. Aides said they believed he spotted one on the Twitter feed of Ann Coulter, the conservative commentator.

In an email later in the day, Ms. Coulter said that while she was still "annoyed" that Mr. Trump had not yet built the border wall he promised, "I LOVE the president's tweets!" Responding to the British criticism, she said, "Maybe between blathering about the values of 'tolerance and respect,' poor Theresa May might want to ask herself whether the Muslims the U.K. is importing at breakneck speed share these 'values of tolerance and respect.'"

Britain First was partly founded in 2011 by James Dowson, a far-right activist who left the group in 2014 and supported Mr. Trump during the 2016 presidential campaign. The organization calls itself a "patriotic" political party, but has been criticized by human rights activists as an extremist group that seeks to bait Muslims.

Ms. Fransen, who has previously been charged in Britain with "religious aggravated harassment," thanked Mr. Trump for promoting her message. "I'm facing prison for criticising Islam," she wrote on Twitter. "Britain is now Sharia compliant. I need your help!"



THE PRESIDENT OF THE UNITED STATES, DONALD TRUMP, HAS RETWEETED THREE OF DEPUTY LEADER JAYDA FRANSEN'S TWITTER VIDEOS! DONALD TRUMP HIMSELF HAS RETWEETED THESE VIDEOS AND HAS AROUND 44 MILLION FOLLOWERS! GOD BLESS YOU TRUMP! GOD BLESS AMERICA! OCS [@JaydaBF](#) [@realDonaldTrump](#)

7:05 AM - Nov 29, 2017

967

2,137

3,975

In the United States, Mr. Trump's tweets were welcomed by a former Ku Klux Klan leader, David Duke, who wrote on Twitter: "Thank God for Trump! That's why we love him!"



David Duke
[@DrDavidDuke](#)

Trump retweets video of crippled white kid in Europe being beaten by migrants, and white people being thrown off a roof and then beaten to death, He's condemned for showing us what the fake news media WON'T. Thank God for Trump! That's why we love him!

9:33 AM - Nov 29, 2017

1,098

898

2,063

But they undercut efforts by Mr. Trump's own administration to dispel the impression that he is anti-Muslim. Jared Kushner, the president's son-in-law and senior adviser, had expressed hope that his success at building alliances with leaders from Saudi Arabia and other Arab nations in recent months had put that perception behind them, according to White House officials.

James K. Glassman, who as under secretary of state under Mr. Bush was charged with promoting American ideals around the world, said Mr. Trump was "simply playing into the hands of terrorists."

“New recruits are attracted not by some phony version of Islam,” he said, “but by adolescent fantasies of sado-masochism and power and by the idea of being part of a global conflict that’s transfixed and frightened the rest of the world. The president’s retweet just reinforces the narrative. Not good.”

Craig M. Considine, a lecturer at Rice University and the author of several books on Muslims in the West, called the tweets an effort to stir up intolerance of Muslims in Western countries and build a case for driving them out. “He’s playing on this fear, whipping up the fear,” Mr. Considine said. “It is completely reckless.”

Peter Baker and Eileen Sullivan reported from Washington. Reporting was contributed by Megan Specia, Maggie Haberman, Laurie Goodstein and Mike McIntire from New York; Dan Bilefsky from London; Jonathan Martin and Thomas Kaplan from Washington; and Jim Tankersley from St. Louis.

A version of this article appears in print on November 30, 2017, on Page A1 of the New York edition with the headline: Trump Sets Off Furor in Sharing Extremist Videos.

EXHIBIT 4



NEWS

SHOWS

VIDEO

CBSN

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By KATHRYN WATSON / CBS NEWS / November 29, 2017, 3:25 PM

White House defends Trump's Muslim tweet by mentioning travel ban

48 Comments / Share / Tweet / Stumble / Email

Last Updated Nov 29, 2017 4:17 PM EST

White House deputy press secretary Raj Shah on Wednesday defended the president's decision to **retweet anti-Muslim videos** from a far-right British account by saying the president has consistently prioritized national security, including through his travel order.

The response to a reporter's question aboard Air Force One undermines the government's repeated argument to challenges against its various travel ban versions that the ban had nothing to do with religion. In the past, courts have shot down previous versions of the travel ban because the ban was perceived as discriminatory based on religion.

"Does President Trump think Muslims are a threat to the U.S.?" a reporter asked, in light of the president's early-morning retweets.

Shah said, "The president has addressed these issues with the travel order that he issued earlier this year, and the companion proclamation. There are plenty of Muslim-majority nations whose citizens can come to the U.S. without travel restrictions. But those that pose public safety or terrorism threats, for our worldwide security review that was overseen by the Department of Homeland Security, is why there were certain travel restrictions put in place," Shah responded.

The White House transcript said Shah said "No," before adding the president has addressed these issues, although that was not picked up by audio.

Asked repeatedly in various ways about the retweeted videos, Shah continued to emphasize the president's focus on national security over the course of years. The president will talk about that focus in tweets and speeches, he said.

Early Wednesday morning, Mr. Trump retweeted videos originally tweeted by Jayda Fransen, deputy leader of the far-right United Kingdom party "**Britain First**," which aligns itself with an anti-Islam, anti-immigration agenda. The violent videos and images appear to be anti-Islamic in nature.

Shah said he wasn't sure if the president was aware of the source of the tweets.

"A lot of folks want to focus on videos," Shah said. "We want to focus on the issues. It's about safety, it's about security." Shah also said.

When a reporter pointed out Mr. Trump retweeted videos, Shah responded, "Yeah, but he's raising the issues."

White House press secretary Sarah Sanders responded similarly earlier in the day, dismissing the videos while saying the threat to American security posed by extremists is real.

Shah also shot down a New York Times story that reported Mr. Trump has privately doubted the authenticity of the "Access Hollywood" tape in which he discusses grabbing women by their private parts, even though Mr. Trump apologized for saying such things last year. The New York Times also reported aides said the president has used behind-doors conversations to revive the debate over the authenticity of former President Barack Obama's birth certificate.

"On the New York Times story there are a number of inaccuracies in that report," Shah said. "Each of the issues that it brings up the president for quite some time now has addressed. Nothing has changed on his views."

When asked what the inaccuracies are, Shah would not elaborate, only adding again that the views of the president and his staff have not changed from the 2016 campaign.

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48 Comments / Share / Tweet / Stumble / Email



Kathryn Watson

Kathryn Watson is a politics reporter for CBS News Digital.

SHOW COMMENTS +

General Information

Court	United States District Court for the District of Columbia; United States District Court for the District of Columbia
Federal Nature of Suit	Other Statutes - Administrative Procedure Act/Review or Appeal of Agency Decision[899]
Docket Number	1:17-cv-00255