



## Legislation Text

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Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the United States Supreme Court in *State of Hawaii and Ismail Elshikh. v. Donald J. Trump, et al.*.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Mayor Taylor, Councilmembers Smith, Krapohl, Warpehoski, Eaton and Grand

Whereas, On January 27, 2017, President Donald J. Trump issued Executive Order No. 13,769 entitled, "Protecting the Nation from Foreign Terrorist Entry in the United States" (82 Fed. Reg. 8977 (January 27, 2017));

Whereas On March 6, 2017, the President issued another Executive Order, No. 13,780, identically entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (82 Fed. Reg. 13209 (March 6, 2017), which revokes Executive Order No. 13,769 upon taking effect;

Whereas, The Executive Order, commonly referred to as a travel ban, restricts the entry of foreign nationals from specified countries and suspends entrants from the United States refugee program for specified periods of time;

Whereas, The State of Hawaii and Ismail Elshikh sought a nationwide temporary restraining order prohibiting enforcement of the travel ban in the United States District Court for the District of Hawaii ( *State of Hawaii and Ismail Elshikh. v. Donald J. Trump, et al.* CV No. 17-00050 DKW-KSC), which was granted;

Whereas, The District Court of Hawaii on March 29, 2017 converted the temporary restraining order into a preliminary injunction, reiterating its earlier findings that Hawaii and Dr. Elshikh would likely suffer irreparable injury if the requested relief was not granted;

Whereas, The federal Defendants appealed, with further proceeding before the Court of Appeals for the Ninth Circuit and thereafter the Supreme Court of the United States;

Whereas, A Coalition was formed by some of the largest cities and counties in the United States, including the cities of Chicago (IL), Los Angeles (CA), New York City (NY) and Philadelphia (PA), (the "Coalition"), which participated as *amici curiae* in *State of Hawaii and Ismail Elshikh. v. Donald J. Trump, et al.* (Case No. 17-15589, Court of Appeals for the Ninth Circuit) supporting the lower court decision that sections 2 and 6 of the Executive Order violate the Establishment Clause and that the deference to the claimed national security rationale for the Order was not warranted;

Whereas, The participating *Amici* cities are profoundly opposed to Executive Order as unconstitutional;

Whereas, The Executive Order endangers our community by undermining the trust and cooperation between local law enforcement and immigrant communities;

Whereas, The Executive Order impacts the life of our community by casting a shadow of doubt over ongoing efforts to work in coordination with everyone in our ethnically diverse community;

Whereas, The Coalition seeks to expand the list of local government *amici* prior to its filing deadline of September 8, 2017 before the United States Supreme Court;

Whereas, Ann Arbor City Council is committed to continue to building a welcoming and safe community, where all immigrants and refugees are welcomed, accepted, and integrated; and to encourage business leaders, civic groups, community institutions, and residents to join in a community-wide effort to adopt policies and practices that promote integration, inclusion and equity; and

Whereas, As an *amici curiae* the City of Ann Arbor has valuable experience to share with the Court on the economic and public benefits that it and its residents have experienced as ethnically diverse community;

RESOLVED, That the City of Ann Arbor shall request, through its City Attorney, to be listed as a supporting municipality to the *amicus* brief to be filed on behalf of the Coalition in *State of Hawaii and Ismail Elshikh. v. Donald J. Trump, et al.* in defense of the District Court's preliminary injunction in the matter;

RESOLVED, That a certified copy of this resolution be provided to legal counsel coordinating communications support to the Coalition, as evidence of the City's support in the matter; and

RESOLVED, That the City Attorney be authorized to take any other actions necessary to implement this Resolution.

Sponsored by: Councilmembers Smith, Krapohl and Mayor Taylor