

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HAMEED KHALID DARWEESH and  
HAIDER SAMEER ABDULKHALEQ  
ALSHAWI,

No. 17 Civ. 00480

on behalf of the themselves and others similarly  
situated,

Petitioners,

-against-

DONALD TRUMP, President of the United  
States; U.S. DEPARTMENT OF HOMELAND  
SECURITY (“DHS”); U.S. CUSTOMS AND  
BORDER PROTECTION (“CBP”); JOHN  
KELLY, Secretary of DHS; KEVIN K.  
MCALEENAN, Acting Commissioner of CBP;  
and JAMES T. MADDEN, New York Field  
Director, CBP,

Respondents.

**BRIEF OF *AMICI CURIAE* VETS FOR AMERICAN IDEALS, NO ONE LEFT BEHIND,  
VOTE VETS, AND COMMON DEFENSE**

**IN SUPPORT OF PETITIONERS**

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## CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1, *amici curiae* state that they do not have parent corporations and that no publicly held corporation owns 10 percent or more of any stake or stock in *amici curiae*.

### INTEREST OF *AMICI*<sup>1</sup>

*Amici* sought leave of the Court to file this *amicus* brief. Dkt. No. 64. The Court granted permission on February 13, 2017.

*Amicus* Vets for American Ideals is a nonpartisan group of veterans who share the belief that America is strongest when its policies and actions match its ideals. Vets for American Ideals was founded by Scott Cooper, a U.S. Marine who served five tours in Iraq, two in Afghanistan, one in Europe, and one in the Western Pacific. Its motto is: “We raised our right hands and pledged to support and defend the Constitution. That commitment does not stop.” Historically, Vets for American Ideals has focused on saving the Special Immigrant Visa program (SIV) for interpreters and translators who served with the U.S. military, protecting refugees, and countering Islamophobia.<sup>2</sup>

*Amicus* No One Left Behind is a veterans organization dedicated to helping Afghan and Iraqi combat interpreters with Special Immigrant Visas (SIVs) resettle safely in the United States, including by providing assistance with navigating the SIV process and by helping with housing, employment, and cultural adaptation upon arrival in the United States.<sup>3</sup>

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<sup>1</sup> No counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than the undersigned counsel contributed financially to its preparation or submission.

<sup>2</sup> *Vets for American Ideals*, <https://www.vfai.org/> (last visited Feb. 14, 2017).

<sup>3</sup> *No One Left Behind*, <http://www.nooneleft.org/> (last visited Feb. 14, 2017).

*Amicus* Vote Vets was started in 2006 and is backed by more than 500,000 veterans, military family members, and their supporters. The mission of VoteVets is to use public issue campaigns to give a voice to veterans on matters of national security, veterans' care, and every day issues that affect the lives of those who served, and their families.<sup>4</sup>

*Amicus* Common Defense is a diverse, grassroots organization of U.S. veterans who are fighting to preserve the core values they swore to uphold and defend. Together, they vow to protect our communities from hate and violence, to serve on the front lines for social, economic, and environmental justice, and to champion a truly equitable and representative democracy.<sup>5</sup>

### **THE EXECUTIVE ORDER ENDANGERS AMERICAN SOLDIERS AND THEIR LOCAL ALLIES**

American veterans, including *amici curiae* and their members, were swift to condemn President Trump's Executive Order. That is because veterans, who have served on the front lines in the fight against ISIS, Al Qaeda, and other U.S. enemies, are personally and deeply aware that American military efforts depend on local allies from Iraq and the other six countries covered by the Executive Order. These veterans also know that these local allies are vulnerable to attack by our enemies precisely because they have assisted us. They have seen their friends, their interpreters, and their partners killed, tortured, and terrorized for the help they have given to the United States. These veterans promised to help their local allies by bringing them to safety in the United States. They are committed to keeping that promise.

Based on their experience on the ground, these veterans are convinced that a ban on all nationals from the countries designated in the Executive Order is contrary to the American

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<sup>4</sup> *Vote Vets*, <http://www.votevets.org/> (last visited Feb. 14, 2017).

<sup>5</sup> *Common Defense*, <http://www.commondefensepac.org/> (last visited Feb. 14, 2017).

ideals that they fought for and will endanger U.S. troops. The ban will make it more difficult to retain and recruit critical local allies. And because the ban is a powerful propaganda and recruiting tool, the ban will swell the ranks of the enemy.

*Amici* have a unique perspective due to their service on the front lines of the fight against ISIS and other extremist organizations. In particular, *amici*'s perspective is relevant to the Court's determination that there will be irreparable harm to American soldiers and their allies in the absence of an injunction, that the balance of the equities tips in Petitioners' favor, and that an injunction is in the public interest—all issues this Court will consider in ruling on the Petitioners' request for a preliminary injunction. *See Am. Civ. Liberties Union v. Clapper*, 785 F.3d 787, 825 (2d Cir. 2015).

With all of the respect and deference that their service has earned them, these veterans respectfully request that the Court consider this *amicus* brief and that this Court act to protect American soldiers, stand up for their local allies, and enjoin this ban that is detrimental to foreign nationals and American soldiers alike.

**A. The U.S. Military Depends on Local Allies Who Risk Their Lives**

Armed forces have always depended heavily on the local population of the country in which they are operating. That is even more true today as the American military is fighting non-traditional wars that are dominated by terrorists and insurgents who prey on and exploit the local population. On today's battlefields in Iraq, Afghanistan, and elsewhere, local allies are critical to the success of U.S. military missions. They give essential assistance to American soldiers as translators and interpreters. They provide invaluable human intelligence to American military intelligence operatives. And they drive the trucks, cook the food, clean the toilets, and do all of the other countless tasks that are necessary to allow the American military to function.

Paul Rieckhoff, an Iraq veteran and the founder and Chief Executive Officer of Iraq and Afghanistan Veterans of America (“IAVA”), said at a recent press conference: “The most effective weapon I had in Iraq was my interpreter. Not my gun.”<sup>6</sup>

Brandon Friedman, another Iraq veteran, remembered how Hameed Khalid Darweesh, one of the Petitioners who served as an interpreter for U.S. forces, worked in the field side-by-side with him and his fellow soldiers; while the American soldiers would be suited up in body armor, Mr. Darweesh risked his life wearing only jeans and a baseball cap. He did that for ten years.<sup>7</sup>

Matt Zeller, founder of No One Left Behind, remembered how his translator saved his life by killing two Taliban fighters who were attacking him, saying “he had my back in a way I only thought an American soldier would.”<sup>8</sup> Captain Zack Iscol similarly testified on behalf of his Iraqi interpreter Khalid Abood al-Khafajee in a Senate hearing in 2007: “I feel that I was able to bring 30 Marines back to their families alive. Some of them may have been pretty beat-up, but they were alive. And that was down to Abood. I don’t know how I could repay him for that. I’ll be indebted to him for the rest of my life.”<sup>9</sup>

But while the U.S. military would be vulnerable without the support of these local allies, these local allies are themselves vulnerable targets precisely because of their association with American forces. “As ISIS, Al Qaeda, and the Taliban have persisted throughout the

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<sup>6</sup> Press Conference, Vets for American Ideals Facebook (Feb. 2, 2017, 4:03 pm), <https://www.facebook.com/Vets4AmerIdeals/videos/1790327564624996/>.

<sup>7</sup> Vera Bergengruen, *Veterans angry Trump refugee ban includes Iraq interpreters who risked their lives*, McClatchyDC (Jan. 29, 2017, 2:44 pm), <http://www.mcclatchydc.com/news/nation-world/national/national-security/article129472524.html#storylink=cpy>.

<sup>8</sup> Matt Zeller & Janis Shinwari, *We’re Leaving Afghan Allies Behind to Die*, CNN (July 16, 2014), <http://www.cnn.com/2014/07/16/opinion/zeller-shinwari-afghan-interpreter-visas/>.

<sup>9</sup> Paul Lewis, *Marine’s Bid to Pierce Refugee Logjam*, Washington Post (Sept. 2, 2007), <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/01/AR2007090101184.html>.

Middle East, they have frequently targeted civilians who have cooperated with Coalition Forces.”<sup>10</sup>

Iraqi translator Farah Marcolla’s house was burned down, her father was kidnapped, and her husband was murdered.<sup>11</sup> While Ms. Marcolla eventually received a visa to come to the United States after waiting seven years, her family remains in Baghdad, waiting for permission to come. “Every day their lives are in danger,” she says. “They have to change their address, move from place to place. They live in the unknown.”<sup>12</sup>

Captain Allen Vaught said the interpreters who worked for him in Iraq “had a mark on their head for working with U.S. forces.” Of the five interpreters he worked with, two were executed by militia groups, two were saved by coming to the U.S., and one remains in the refugee screening process.<sup>13</sup>

Army First Class Private Elisabeth D. Keene fought to bring her Iraqi interpreter to the U.S. after insurgents searching for him killed his stepbrother instead, by gouging out his eyes with a power drill.<sup>14</sup>

Zakariya Al Sagheer, an Iraqi engineer who had a construction contract with the U.S. Army, was kidnapped, interrogated, and beaten on his way home from work on an Army

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<sup>10</sup> Press Release, Vietnam Veterans of America, VVA Urges President to Make Exception for Iraqi and Afghan Interpreters (Jan. 30, 2017), <https://vva.org/wp-content/uploads/2017/01/VVA-Press-Release-6-17-2.pdf>.

<sup>11</sup> Joyce Hackel, *Translators who worked for the US military in Iraq wonder if their American dream is slipping away*, Public Radio International (Jan. 29, 2017, 5:15 pm), <https://www.pri.org/stories/2017-01-26/translators-who-worked-us-military-iraq-wonder-if-their-american-dream-slipping>; Stephanie Ott, *What happens to Iraqis who worked with the US military?*, Al Jazeera (Feb. 1, 2017), <http://www.aljazeera.com/indepth/features/2017/02/muslim-ban-closing-door-170201050223763.html>.

<sup>12</sup> Hackel, *supra* at n.11.

<sup>13</sup> Johnathan Allen & Ned Parker, *Trump refugee order dashes hopes of Iraqis who helped the U.S.*, Reuters (Jan. 27, 2017, 9:49 pm), <http://www.reuters.com/article/us-usa-trump-immigration-iraq-idUSKBN15C036>.

<sup>14</sup> Kristina Wong, *Iraqi interpreters feel frightened and ‘fooled’ as U.S. visa program ends*, The Washington Times (Sept. 26, 2013), <http://www.washingtontimes.com/news/2013/sep/26/iraqi-interpreters-feel-frightened-and-fooled-as-u/>.

base by insurgents who “threatened to execute us for betraying our countrymen.”<sup>15</sup> After he was rescued by American soldiers, he and his family fled Iraq and eventually received permission to come to the United States, but his sister and her family remain in danger in Iraq awaiting permission to immigrate.<sup>16</sup>

According to one study, “over 75,000 Iraqis and Afghans . . . are persecuted for their assistance to the United States.”<sup>17</sup>

### **B. The Executive Order Harms U.S. Allies on the Ground**

American veterans are aware of the debt of loyalty and gratitude they owe their local allies. They have worked tirelessly to lobby for legislative change to create programs for these allies to find refuge in the United States. They have helped their allies navigate the bureaucracy of this system, often for years, and they have welcomed them into their homes when they have finally arrived. The Executive Order harms these allies by foreclosing their ability to find refuge in the United States.

In the wake of President Trump’s Executive Order on January 27, 2017, veterans were swift to denounce the ban. “You will find military veterans unified in support of this; it’s not partisan,” said Iraq veteran Brandon Friedman.<sup>18</sup>

In response to the outcry and outrage expressed by veterans and by the Pentagon, the Trump administration announced on February 2, 2017 that it would exempt Iraqi Special

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<sup>15</sup> Zakariya Al Sagheer, *I’m, an Iraqi who risked my life for America. Trump’s visa ban puts my family in grave danger*, Vox (Feb. 9, 2017), <http://www.vox.com/first-person/2017/2/9/14500576/trump-immigration-ban-iraq-siv>.

<sup>16</sup> *Id.*

<sup>17</sup> People We Serve: U.S.-Affiliated Iraqi and Afghan Wartime Allies, Urban Justice Center International Refugee Assistance Project (IRAP) (2016), <https://refugeerights.org/who-we-serve/>.

<sup>18</sup> Bergengruen, *supra* at n.7.

Immigrant Visa (SIV) holders from the ban.<sup>19</sup> The SIV program is open to eligible Iraqi and Afghan nationals who have worked directly with the U.S. armed forces.<sup>20</sup>

Veterans welcomed that change, but were quick to point out that it addresses only a small part of the problem. Very few Iraqis are covered by this exemption because the Iraqi SIV program was closed to new applications as of September 30, 2014.<sup>21</sup> The SIV program is small, covering approximately 800 individuals and their families.<sup>22</sup>

The majority of Iraqis who assisted the United States and are threatened are not eligible for the SIV program, but instead have to apply to come to the United States through the Iraqi Direct Access Program, which includes approximately 58,000 people.<sup>23</sup> The Direct Access Program is broader than the SIV program and includes eligible Iraqis who worked for the U.S. military, Coalition forces, the U.S. government, U.S. contractors, U.S. media, and U.S. nongovernmental organizations, as well as their spouses, sons, daughters, parents, and siblings (and the same family members of someone who has received a SIV).<sup>24</sup> The Direct Access Program does not have the time limitation of the SIV program, so it is the only remaining viable way for all Iraqis who worked for the U.S. military to come to the United States if they did not meet the 2014 deadline to apply for the SIV program. All of these people remain subject to the ban.<sup>25</sup>

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<sup>19</sup> David Zucchino, *Visa Ban Amended to Allow Iraqi Interpreters Into U.S.*, N.Y. Times (Feb. 2, 2017), [https://www.nytimes.com/2017/02/02/world/middleeast/trump-visa-ban-iraq-interpreters.html?\\_r=0](https://www.nytimes.com/2017/02/02/world/middleeast/trump-visa-ban-iraq-interpreters.html?_r=0).

<sup>20</sup> Special Immigrant Visas (SIVs) for Iraqi and Afghan Translators/Interpreters, Bureau of Consular Affairs, U.S. Department of State, <https://travel.state.gov/content/visas/en/immigrate/iraqi-afghan-translator.html>.

<sup>21</sup> Press Release, Urban Justice Center International Refugee Assistance Project, IRAP Stands with Iraqi Allies of the United States Affected By Executive Order (Feb. 1, 2017), <https://refugeerights.org/wp-content/uploads/2017/02/IRAP-STANDS-WITH-IRAQI-ALLIES-AFFECTED-BY-EXECUTIVE-ORDER-Press-Release-Feb-01-2017.pdf>; Special Immigrant Visas, *supra* at n.22.

<sup>22</sup> Bergengruen, *supra* at n.7.

<sup>23</sup> *Id.*

<sup>24</sup> U.S. Refugee Admissions Program (USRAP) Direct Access Program for U.S.-Affiliated Iraqis Fact Sheet, U.S. Department of State (Mar. 11, 2016), <https://www.state.gov/j/prm/releases/factsheets/2016/254650.htm>.

<sup>25</sup> IRAP Press Release, *supra* at n.21.

At a recent press conference, IAVA's CEO Paul Rieckhoff emphasized the shortcomings of the SIV exemption, explaining that most Iraqi refugees coming into the U.S. are not coming through the SIV program.<sup>26</sup> Scott Cooper of Vets for American Ideals echoed his concerns and pointed out: "Those not eligible for SIV are just as vulnerable." Cooper recalled one Iraqi friend not eligible for the SIV program: "He wasn't an interpreter, he was the guy who cleaned the toilets. But he is just as brave and just as important to the war effort, and wanted to come here."<sup>27</sup> Now, because of this ban, that dream is shattered.

**C. The Reality on the Ground: This Executive Order Endangers American Soldiers on the Front Lines**

The unified outcry from veterans against the Executive Order is rooted in three principal beliefs: first, that a ban on Muslim immigrants is immoral and un-American, contrary to the very beliefs for which these veterans fought; second, that the ban directly endangers American soldiers serving on the front lines by making it more difficult to recruit and retain critical local allies; and third, that the ban is a propaganda and recruiting gift to ISIS and other U.S. enemies, which will make the fight all the more dangerous and difficult for U.S. forces.

***The Ban is Un-American***

American veterans are loyal to their local allies who fought side-by-side with them and are still there in the trenches with their fellow American soldiers who remain deployed. These veterans strongly believe that is un-American to ask these allies to sacrifice for our security but not consider theirs, to break the promises of safety that we made to them, and to turn our backs on them in their hour of need. Veterans and their allies recognize that a ban on

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<sup>26</sup> VFAI Press Conference, *supra* at n.6.

<sup>27</sup> Nona Tepper, *Veterans still angry at Trump's treatment of Iraqis who served U.S. war effort*, The Sacramento Bee (Feb. 2, 2017, 4:47 pm), <http://www.sacbee.com/news/nation-world/national/article130453574.html#storylink=cpy>.

Muslims is deeply offensive to Muslim and non-Muslim veterans alike who see it as the very kind of blatant religious discrimination we decry in our enemies.

American veterans have said:

- Army Capt. Matthew Ball: “The ban is terrible. It’s terrible for what it says about our country. It’s terrible for what it says to our allies who we fight with overseas. It’s terrible for what it does to real people, struggling to flee terrorism in their home countries, who now have nowhere to go.”<sup>28</sup>
- Marine veteran and former Afghan refugee Ajmal Achekzai: “I appreciate what America has done [for] my family. My mom would have been a widow or I would have been an orphan if it wasn’t for the refugee program. When I heard that people who can’t protect themselves aren’t able to be protected as refugees here, that hit me extremely hard.”<sup>29</sup>
- John Rowan, National President of Vietnam Veterans of America: “America must fulfill her promise to Iraqi and Afghan nationals who served alongside U.S. troops that we promised safe harbor to — not only because it is a moral necessity — but because it sends a message that America keeps its promises to its allies.”<sup>30</sup>
- Matt Zeller, No One Left Behind: “The only difference between me and the [Iraqi interpreter] who saved my life is that I am a one tour combat vet and that guy is an eight tour combat vet who has saved the lives of five different Americans.”<sup>31</sup>
- Scott Cooper, Vets for American Ideals: “Leaving our allies behind when they are in grave danger will have devastating consequences for our global reputation and our goals in the Middle East. More personally, many veterans can point to a moment when one of our foreign allies saved our lives—often by taking up arms against our common enemies. They acted because they believed in America, in our mission, and in the promise that was given.”<sup>32</sup>

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<sup>28</sup> Julie Watson, *Veterans protest travel ban, saying it hurts interpreters*, Associated Press (Jan. 30, 2017, 11:34 pm), <http://bigstory.ap.org/article/8513336c48cd46aabf557555863e8fa1/veterans-protest-travel-ban-saying-it-hurts-interpreters>.

<sup>29</sup> Talal Ansari, *Here’s What Muslim American Veterans Think Of Trump’s Refugee Ban*, BuzzFeed News (Jan. 29, 2017, 5:03 pm), [https://www.buzzfeed.com/talalansari/heres-what-muslim-american-veterans-think-of-trumps-refugee?utm\\_term=.wlaG4dedQl#.fk8lPOAOdx](https://www.buzzfeed.com/talalansari/heres-what-muslim-american-veterans-think-of-trumps-refugee?utm_term=.wlaG4dedQl#.fk8lPOAOdx).

<sup>30</sup> VVA Press Release, *supra* at n.10.

<sup>31</sup> Press Conference, No One Left Behind Facebook (Feb. 2, 2017, 4:22 pm), <https://www.facebook.com/NoOneLeftBehindUS/videos/759408947543205/>.

<sup>32</sup> Open Letter from Scott Cooper, Founder, Vets for American Ideals & Director, Human Rights First, to President Donald J. Trump (Jan. 29, 2017), <http://www.humanrightsfirst.org/sites/default/files/VFAI%20Open%20Letter.pdf>.

### ***The Ban Will Make it Harder to Recruit Essential Allies***

Veterans believe that the ban not only endangers American values and morals, but also endangers their brothers and sisters who remain deployed today and who will deploy in the future. These veterans are deeply aware of how dependent U.S. forces are on their local allies. They are acutely concerned that this ban will make keeping those allies and recruiting new ones difficult or impossible. That will make American soldiers in the field less safe.

In their own words:

- Paul Rieckhoff, IAVA: “If you’re a young infantryperson on the ground in Iraq right now and you’re trying to move the ball forward, trying to do your job, you probably have an Iraqi standing next to you. That’s a brother and sister in arms, and when that Iraqi hears that America will not protect him or her, they’re going to have second thoughts about standing with America.”<sup>33</sup>
- Matt Zeller, No One Left Behind: “The very people we asked to help us fight are now hunting them down and killing them as an example to the world that America does not keep its promise and as a message to people who might one day want to partner with us that if they stand with us, that too will be a death sentence. We’re trying to prevent the absolute degradation of our credibility abroad.”<sup>34</sup>
- Captain Ahmed Adnan al-Musawe, commander of an infantry unit of the Iraqi Army’s counterterrorism force: “If America doesn’t want Iraqis because we are all terrorists, then America should send its sons back to Iraq to fight the terrorists themselves.”<sup>35</sup>
- Jason Gorey, COO of No One Left Behind: “I am very concerned that my brothers and sisters who are involved in future conflicts will not be able to find interpreters willing to serve with and protect them.”<sup>36</sup>
- Peter Kauffmann, former Navy intelligence officer and senior adviser to VoteVets: “[T]his policy will make it harder for U.S. intelligence and military personnel to do their jobs effectively. It is a fundamental reality . . . that Muslims play a key role in the fight

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<sup>33</sup> Nikki Wentling, *Veterans take to Capitol Hill to protest immigration ban*, Stars & Stripes (Feb. 2, 2017), <https://www.stripes.com/news/veterans-take-to-capitol-hill-to-protest-immigration-ban-1.452234>.

<sup>34</sup> No One Left Behind Press Conference, *supra* at n. 33.

<sup>35</sup> Zucchini, *supra* at n.19.

<sup>36</sup> Tim Mak, *The Iraqi Heroes Left Behind By Trump's Immigration Ban*, The Daily Beast (Jan. 28, 2017, 9:01 pm), <http://www.thedailybeast.com/articles/2017/01/28/the-iraqi-heroes-left-behind-by-trump-s-immigration-ban.html>.

against radical terrorists. For intelligence officers, this policy cripples their ability to collect reliable HUMINT, a . . . term for information provided by human sources.”<sup>37</sup>

- Steve Miska, retired Army Colonel, who spent 40 months and three deployments in Iraq: “The people we need to accomplish the mission are nervous, and rightly so, that our country is going to turn our backs on them.”<sup>38</sup>

### ***The Ban Will Help Our Enemies***

Veterans who have been on the front lines in combat against ISIS, Al Qaeda, and other American enemies are deeply concerned that the ban is a gift to these enemies who seek to radicalize both foreign nationals and Americans. The ban feeds into and legitimizes propaganda that America is waging a “war on Islam.” By empowering our enemies and swelling their ranks, the ban makes the work of American soldiers in the field more dangerous and more difficult.

In the words of the veterans themselves:

- Veteran Brandon Friedman: “It’s a huge propaganda coup for ISIS.”<sup>39</sup>
- Paul Rieckhoff, IAVA: “This dangerous Executive Order compromises the safety of our troops and sets a precedent that jeopardizes the American military’s ability to fight threats like ISIS for years to come. Furthermore, this Executive Order only adds fuel to anti-American propaganda and radical recruiting efforts worldwide.”<sup>40</sup>
- Open letter to President Trump from VoteVets: “Our mission in Iraq, and the ongoing mission of ours to defeat ISIS, is dependent on people on the ground knowing that we value them more than the enemy. When your administration forces seniors with health problems, mothers, kids, and more to turn around at the airport and fly home, or worse, detain them, the message in the Middle East is clear—America sees no value in Muslim lives. ISIS and other terrorists could not dream of a better message to supercharge their recruiting.”<sup>41</sup>

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<sup>37</sup> Peter Kauffmann, *President Trump’s immigration ban only weakens America’s effort to fight terrorism*, N.Y. Daily News (Jan. 29, 2017, 11:40 pm), <http://www.nydailynews.com/news/politics/trump-immigration-ban-weakens-fight-terrorism-article-1.2959198>.

<sup>38</sup> Michael R. Gordon & Eric Schmitt, *Trump’s Immigration Order Jolts Iraqis, U.S.’s Top Allies Against ISIS*, N.Y. Times (Jan. 29, 2017), <https://www.nytimes.com/2017/01/29/us/politics/donald-trump-immigration-order-iraq.html>.

<sup>39</sup> Bergengruen, *supra* at n.7.

<sup>40</sup> Press Release, Iraq and Afghanistan Veterans of America (IAVA), Action Targeting Refugees Endangers Troops, National Security (Jan. 30, 2017), <https://iava.org/press-release/action-targeting-refugees-endangers-troops-national-security/>.

<sup>41</sup> Open Letter from Michael J. Zaccaria, John Kulas, Stephen Moyer, Alan Petz, Paul T. Bennethum, Peter K. Pelayic, Donald Martinez, John B. Tallyn, Major General (Ret.) Paul Eaton, Jon Soltz, David Tucker & Joshua

- General Talib al Kenani, commander of the elite American-trained counter terrorist forces that have been leading the fight against ISIS for two years: “We thought we were partners with our American friends, and now we realize that we’re just considered terrorists.”<sup>42</sup>
- Kyle Dykstra, veteran of the Army’s 82nd Airborne Division and deployed twice to Afghanistan before being discharged and becoming a State Department diplomatic security agent in Iraq: “This spits in the face of almost 16 years of cooperation with Muslim allies across the world. They can die for our security, but we can’t extend that same security to them now.”<sup>43</sup>
- Lyndon Bilal, national commander of the Muslim American Veteran Association and a US Navy veteran: “It’s also empowering to terrorist organizations like ISIS and ISIL, who now have justification to what they’re calling a ‘War against the West.’”<sup>44</sup>

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Brandon, to President Donald J. Trump (Jan. 30, 2017), <http://www.votevets.org/press/veterans-write-trump-demand-reversal-on-executive-order>.

<sup>42</sup> Charlie D’Agata, *Iraqi general who works with American military kept from visiting U.S.*, CBS News (Jan. 30, 2017, 7:30 pm), <http://www.cbsnews.com/news/iraqi-general-who-works-with-american-military-kept-from-visiting-u-s/>.

<sup>43</sup> Dan, Lamothe, *Among veterans, raw responses to Trump’s effort to block refugees and others from Muslim countries*, The Washington Post (Jan. 29, 2017), [https://www.washingtonpost.com/news/checkpoint/wp/2017/01/29/among-veterans-raw-responses-to-trumps-effort-to-block-refugees-and-others-from-muslim-countries/?utm\\_term=.047a4c09dab1](https://www.washingtonpost.com/news/checkpoint/wp/2017/01/29/among-veterans-raw-responses-to-trumps-effort-to-block-refugees-and-others-from-muslim-countries/?utm_term=.047a4c09dab1).

<sup>44</sup> Ansari, *supra* at n.29.

## CONCLUSION

No one knows better than America's veterans what it takes to keep this country safe. They stand united in their condemnation of this Executive Order. *Amici* Vets for American Ideals, No One Left Behind, Vote Vets, and Common Defense, and all of the veterans they represent, respectfully urge this Court to enjoin the Executive Order.

Dated: February 16, 2017  
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