



## PRESS RELEASE

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### **Attorney General Frosh Continues to Lead Fight Against Muslim Ban on Appeal**

*~ Frosh and fellow state attorneys general urge Fourth Circuit to uphold district court ruling that struck down the second, scaled-back version of President Trump's Muslim ban ~*

**BALTIMORE, MD (April 19, 2017)**—Following their amicus brief opposing the Trump administration's request for a stay that would allow the second iteration of its Muslim ban to take effect, Maryland Attorney General Brian E. Frosh has again joined a coalition of 17 states filing a new amicus brief urging the Fourth Circuit Court of Appeals to uphold the district court ruling that struck down the ban as unconstitutional. The states' brief explains the reasons that the district court's decision should not be overturned on appeal, including the overwhelming and unrebutted evidenced of anti-Muslim animus, the lack of evidence of a national security rationale, and the significant harms that the ban would cause the states, their residents, and their institutions.

**"We believe that President Trump's second executive order is still a Muslim ban, and we will continue to fight the Administration's appeal of the district court's ruling that it was, in fact, unconstitutional,"** said Attorney General Frosh. **"The travel ban is a policy that is un-American and unconstitutional – and makes us less safe, not more safe. It makes us less competitive and will harm Maryland's universities and our economy."**

The states 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, and harm to each state's antidiscrimination laws and protections for religious freedom found in the Constitution of each of the filing states.

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 Attorney General Frosh and Virginia Attorney General Mark R. Herring and joined by the attorneys general of California, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

Previously, Attorney General Frosh 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 states made it clear that the Trump administration is unlikely to win their appeal; the public interest strongly favors a continued injunction against the stay; the Trump 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 full amicus brief can be found [here](#).