

No. 17-1351

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2,  
*Plaintiffs – Appellees,*

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTORY OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; DANIEL R. COATS, in his official capacity as director of National Intelligence,  
*Defendants – Appellants.*

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On Appeal from the United States District Court for the District of Maryland  
(8:17-cv-00361-TDC)

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**HISTORY PROFESSORS AND SCHOLARS’ MOTION FOR LEAVE TO  
FILE *AMICI CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS-APPELLEES**

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*Amici curiae* respectfully move the Court under Rule 29(a) of the Federal Rules of Appellate Procedure for leave to file a brief in support of Plaintiffs-Appellees. A copy of the proposed brief is attached as Exhibit A to this motion. The parties have consented to timely filed amicus briefs in this matter.

**I. AMICI CURIAE**

*Amici curiae* are professors who are experts in U.S. and world history.

Amici are the following:

Professor Katherine Benton-Cohen  
Professor Michael Berkowitz  
Professor Lila Corwin Berman  
Professor Alicia Schmidt Camacho  
Professor Margot Canaday  
Professor John M. Efron  
Professor Crystal N. Feimster  
Professor David Scott FitzGerald  
Professor Estelle B. Freedman  
Professor Sharon Gillerman  
Professor Glenda E. Gilmore  
Professor Kelly Lytle Hernandez  
Professor Susannah Heschel  
Professor Jonathan M. Hess  
Professor Matthew Frye Jacobson  
Professor Karl Jacoby  
Professor Benjamin H. Johnson  
Professor Thomas Laqueur  
Professor Erika Lee  
Professor Paul Lerner  
Professor Michael A. Meyer  
Professor Samuel Moyn  
Professor David N. Myers

Professor Khalil Gibran Muhammad  
Professor Mae M. Ngai  
Professor A. Naomi Paik  
Professor Stephen Pitti  
Professor Todd Presner  
Professor Geoffrey Robinson  
Professor Sarah Stein  
Professor Alan Steinweis  
Professor Elliot Young

They are acting on their own behalf and not on behalf of any organizations with which they are associated. No party's counsel authored the brief in whole or in part, and no person other than counsel for *amici* contributed money that was intended to fund preparing or submitting this brief.

## **II. AMICI SHOULD BE PERMITTED TO SUBMIT THEIR BRIEF**

*Amici*'s brief offers historical examples to demonstrate the discriminatory intent behind the criminal reporting requirements in Section 11 of the Executive Order, which in turn demonstrate the unconstitutional nature of the provision in the Executive Order (Section 2(c)) that was enjoined by the district court. *Amici* submit that concrete examples of actual experience with race- or national origin-based criminal reporting like that in Section 11 illustrate that such measures both cause discriminatory effect and are motivated by discriminatory animus, and thus are precisely the types of invidious actions that the United States Constitution is meant to guard against. The inclusion of such unlawfully discriminatory measures

