



1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Led by the Muslim Bar Association of New York, *amici* respectfully move for leave to file  
3 the attached memorandum as *amici curiae* in the above-captioned matter in support of Plaintiffs’  
4 Motion for a Preliminary Injunction. *Amici* are 58 American religious or religiously-affiliated  
5 organizations who represent a wide array of faiths and denominations and include congregations and  
6 houses of worship, as well as professional, civil liberties, and immigrant rights groups who work  
7 with or represent faith communities (“Religious Organizations”).<sup>1</sup> Counsel for both Plaintiffs and  
8 Defendants have consented to filing of the attached *amici* brief.

10 **STATEMENT OF INTEREST AND ARGUMENT**

11 The Religious Organizations’ motion for leave to file as *amici curiae* should be granted  
12 because their proposed submission provides a unique perspective on the separation-of-powers issues  
13 before the Court. The president’s border wall initiative targets a disfavored group, namely Mexican  
14 and Central American immigrants arriving through the U.S. border with Mexico. The president’s  
15 incursion into Congress’s constitutionally mandated appropriations authority to target a vulnerable  
16 group, if permitted, threatens the religious liberties of *amici*, because it would create a precedent that  
17 this and future presidents could use to reward or punish particular religious groups based on political  
18 expedience. This president has already targeted certain groups represented by *amici*, including  
19 Muslims, immigrants, and refugees of different faiths. *Amici* are therefore justly concerned that this  
20 president or future presidents will unconstitutionally target them by exploiting the appropriations  
21 power.  
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23

24 Section A of the *amici* brief details the importance of the Appropriations Clause in protecting  
25 individual liberties, including religious liberty. Section B demonstrates that the Defendants’

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27 <sup>1</sup> For a list of *amici* and their individual interests, see Appendix A to the proposed *amici* brief.

1 attempted diversion of funds violates the Appropriations Clause because it was rejected by Congress  
2 and is not authorized by the relevant statutes. Section C highlights the rhetoric and policies the  
3 president has used to target immigrants for political purposes, culminating in the current  
4 unconstitutional attempt to fund a border wall. Section D explains the threat presented to *amici* if  
5 the Court permits the president to trample on the protections afforded by the separation of powers.  
6

### 7 CONCLUSION

8 For the foregoing reasons, the Religious Organizations' consent motion for leave to file the  
9 attached memorandum as *amici curiae* should be granted.

10 Dated: New York, New York  
11 May 1, 2019

12 Respectfully submitted,

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