

# DECLARATION OF AARON LAVINE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON and  
STATE OF MINNESOTA,

Plaintiffs,

v.

CIVIL ACTION NO. 2:17-cv-00141-JLR

DONALD TRUMP, in his official  
capacity as President of the United  
States; U.S. DEPARTMENT OF  
HOMELAND SECURITY; JOHN F.  
KELLY, in his official capacity as  
Secretary of the Department of  
Homeland Security; REX W.  
TILLERSON, in his official capacity  
as Acting Secretary of State; and the  
UNITED STATES OF AMERICA,

Defendants.

**CITY OF ITHACA, NEW YORK DECLARATION OF  
IMMEDIATE AND IRREPARABLE HARM**

Pursuant to 28 U.S.C. § 1746(2), I, Aaron O. Lavine, hereby declare as follows:

1. I am the City Attorney for the City of Ithaca (“City”), 108 East Green Street, Ithaca, New York. I have been employed in this capacity since January 2012.

2. The City of Ithaca is located in the Finger Lakes region of New York State with an estimated population of approximately 30,788.

3. As the City Attorney, I advise and represent the City, including its elected officials, boards, departments, and staff, in all matters of concern to the City.

4. I have reviewed the March 6, 2017, Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” and the prior Executive Order of

1 January 27, 2017, entitled “Protecting the Nation from Terrorist Entry into the United States”. I  
2 have personal knowledge of the matters set forth herein.

3 5. The City of Ithaca has long affirmed its commitment to, regardless of  
4 nationality or citizenship status, creating a climate of welcome and inclusiveness, protecting  
5 and preserving the values of democracy and freedom, and respecting the human dignity and  
6 human rights of all persons.  
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8 6. The City of Ithaca has a long history of embracing refugees fleeing persecution  
9 and violence, and, as recently as June 1, 2016, the Mayor and Common Council welcomed  
10 future refugees to join the community and reaffirmed the City’s commitment to refugees that  
11 already made their home in Ithaca.  
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13 7. Despite its relatively small size, the City of Ithaca relies both economically and  
14 socially on its foreign-born population and the free movement of academia and tourists from  
15 all parts of the world.  
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17 8. Seventeen percent of the City’s overall population is foreign born.

18 9. The metropolitan Ithaca area is home to three educational institutions, all of  
19 which serve and accept international students and rely on the work of foreign-born teachers,  
20 researchers, and other academic professionals.  
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22 10. The largest of these institutions, Cornell University, owns 56% of the real estate  
23 within the City of Ithaca<sup>1</sup>. Based on reports provided to me by the Vice President for  
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26 <sup>1</sup> See Bill Chaisson, *Cornell Compared: Ithaca Mayor Calls Out His Alma Mater on Financial Contribution*, Ithaca Times (Feb. 15, 2014), [http://www.ithaca.com/news/cornell-compared-ithaca-mayor-calls-out-his-alma-mater-on/article\\_e8e56ab4-93e9-11e3-90ed-0019bb2963f4.html](http://www.ithaca.com/news/cornell-compared-ithaca-mayor-calls-out-his-alma-mater-on/article_e8e56ab4-93e9-11e3-90ed-0019bb2963f4.html)

1 University Relations, Joel M. Malina, Cornell University educates over 22,000 students  
2 annually and employs nearly 10,000 people on its Ithaca campus.<sup>2</sup>

3 11. I have reviewed reports from Cornell University Vice President Malina  
4 indicating that 10.1% of Cornell University's undergraduate student body is comprised of  
5 international students, and at least 40.3% of its graduate and professional students are  
6 international. Over 5% of Cornell University's faculty and 26.4% of other academic employees  
7 and postdocs are international.<sup>3</sup>

9 12. Cornell University has a substantive impact on the local economy. Based on my  
10 review of reports provided by Vice President Malina, I note that Cornell maintains a payroll of  
11 nearly \$800 million, and estimates \$211 million in student spending and \$72 million in visitor  
12 spending in the metropolitan Ithaca area. By its report, Cornell University spends over \$160  
13 million in purchasing and construction projects locally, and over \$12 million in contributions  
14 paid to area governmental organizations, including taxes and municipal fees, and other non-  
15 profits. I further note that Cornell estimates that the university draws over \$300 million in  
16 federal, state and corporate research funding to the local economy.<sup>4</sup>

18 13. The confusion and chilling effect of the recent Executive Orders is of great  
19 concern to the City of Ithaca. Substantial local economic benefits realized by Ithaca are  
20 dependent on Cornell University's ability to conduct its global academic and scholarly  
21 initiatives, and its standing and reputation as an international academic institution.  
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24 <sup>2</sup> <http://universityrelations.cornell.edu/files/2017/02/CornellEconomicImpact2016-1ad9n0o.pdf>  
25 <sup>3</sup> [http://irp.dpb.cornell.edu/tableau\\_visual/diversity-composition-dashboard](http://irp.dpb.cornell.edu/tableau_visual/diversity-composition-dashboard) (Cornell's international  
26 student and staff data does not include foreign-born students and employees who are naturalized citizens or  
permanent residents.)

<sup>4</sup> <http://universityrelations.cornell.edu/files/2017/02/CornellEconomicImpact2016-1ad9n0o.pdf>

1           14. Immigrants and foreign visitors also significantly contribute to the City of  
2 Ithaca's business and cultural community. The City's economic dependence on the movement  
3 of international visitors and immigrants is evidenced by the City's traveler data for the  
4 metropolitan Ithaca area.

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6           15. In preparing this declaration, I reviewed flight data provided by the Ithaca  
7 Tompkins Regional Airport from 2015-2016. The Ithaca Tompkins Regional Airport saw a  
8 total of 21,140 travelers with foreign destinations or origins, comprised of 211 different  
9 countries, and accounting for 11% of the airport's travel.

10           16. In preparing this declaration, I reviewed tourism data provided by Peggy  
11 Coleman, Vice President of Tourism and Community Relations for the Ithaca/Tompkins  
12 County Convention and Visitors Bureau. Data from 2016 indicates that over 19% of visitors to  
13 the City's downtown visitor center reported living outside of the United States. For all visitor  
14 centers within Tompkins County in 2016, 15% reported living outside the United States. Vice  
15 President Coleman informed me that the Tompkins County Chamber of Commerce estimates  
16 that this percentage conservatively translates into 8,400 individual foreign visitors to the Ithaca  
17 area.  
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19           17. In preparing this declaration, I reviewed information provided by Jennifer  
20 Tavares, President of the Tompkins County Chamber of Commerce. Chamber of Commerce  
21 2015 traveler spending data shows that visitors to the greater Ithaca area spent approximately  
22 \$195,406,000 on lodging, recreation, restaurants, and other tourist amenities, constituting a  
23 sizeable portion of the regional economy. In a panel discussion hosted by the Chamber on  
24 March 6, 2017, President Tavares also expressed that would-be foreign tourists have contacted  
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1 the Chamber of Commerce to inform her that President Trump's executive orders have caused  
2 them to cancel plans to attend and visit Ithaca-regional events and attractions.

3 18. In preparing this declaration, I reviewed United States Bureau of Labor  
4 Statistics data for the Ithaca region. In 2016, the region saw the greatest payroll increases in the  
5 following three sectors: Education and health services, Professional and business services, and  
6 Leisure and hospitality.<sup>5</sup> As evidenced by the reports and data I have reviewed in preparing this  
7 declaration, any or all of the payroll gains seen in these sectors may be impacted by the March  
8 6, 2017 Executive Order.  
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10 19. Although already home to various refugee communities, in 2017, the City of  
11 Ithaca was poised, for the first time, to serve as a formal reception site for the arrival of  
12 refugees to the United States. In preparing this declaration, I instructed my office to consult  
13 with the Program Director for Catholic Charities Tompkins/Tioga Immigrant Services  
14 Program. The Program Director reported to us that her program was recently awarded a  
15 Department of State grant to help resettle 50 refugees from Syria, among other countries, in the  
16 City of Ithaca. Arrangements for the arrival of at least three refugee families were impeded as a  
17 direct result of the January 2017 Executive Order.<sup>6</sup> The Program Director advised us that the  
18 March 6, 2017 Executive Order has further delayed the arrival of these families by at least four  
19 months, and that a reduction in resettlement numbers could jeopardize the status of Ithaca as a  
20 reception site, even for refugees from countries other than those named in the Executive Order.  
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23 20. By hindering the flow of international visitors and foreign born residents to and  
24 from Ithaca, the City stands to lose millions from tourism and other visitor spending, threatens  
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26 <sup>5</sup> [https://www.bls.gov/regions/new-york-new-jersey/summary/blsummary\\_ithaca.pdf](https://www.bls.gov/regions/new-york-new-jersey/summary/blsummary_ithaca.pdf)

<sup>6</sup> Jolene Almendarez, *Reports: Refugee families set to arrive in Ithaca indefinitely stalled*, Ithaca Voice (Jan. 31, 2017), <https://ithacavoice.com/2017/01/reports-refugee-families-set-arrive-ithaca-indefinitely-stalled/>

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the City's economy and workforce generally, and jeopardizes Ithaca's core values as a small city supportive and welcoming of global ideas and unity through multiculturalism.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10<sup>th</sup> day of March, 2017



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