

SECOND DECLARATION OF AARON LAVINE

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

STATE OF WASHINGTON; STATE
OF CALIFORNIA; STATE OF
MARYLAND; COMMONWEALTH
OF MASSACHUSETTS; STATE OF
NEW YORK; and STATE OF
OREGON,

Plaintiffs,

v.

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

Defendants.

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

**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.

1 4. By declaration dated March 10, 2017, I set forth the various ways in which the
2 City of Ithaca had been harmed by the travel restrictions created by the March 6, 2017, Executive
3 Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States," and
4 the earlier Executive Order of January 27, 2017 entitled "Protecting the Nation from Terrorist
5 Entry into the United States." Since then, I have reviewed the Presidential Proclamation issued
6 on September 24, 2017 ("Proclamation") that expanded and further defined the scope of the
7 March 6, 2017 Executive Order. I have personal knowledge of the matters set forth herein.
8

9 5. Based on the foregoing and on personal knowledge, it is apparent that the City of
10 Ithaca continues to be adversely impacted by the terms of the Proclamation. The economy and
11 demographics of the City of Ithaca have not changed in any material way since my March 10th
12 declaration. The travel ban to be implemented pursuant to the Proclamation also has not
13 eliminated the concerns set forth in my March 10th declaration which are repeated herein.
14

15 6. The City of Ithaca has long affirmed its commitment to, regardless of nationality
16 or citizenship status, creating a climate of welcome and inclusiveness, protecting and preserving
17 the values of democracy and freedom, and respecting the human dignity and human rights of all
18 persons.
19

20 7. Despite its relatively small size, the City of Ithaca relies both economically and
21 socially on its foreign-born population and the free movement of academia and tourists from all
22 parts of the world.

23 8. Seventeen percent of the City's overall population is foreign-born.
24
25
26

1 9. The metropolitan Ithaca area is home to three educational institutions, all of
2 which serve and accept international students and rely on the work of foreign-born teachers,
3 researchers, and other academic professionals.

4 10. The largest of these institutions, Cornell University, owns 56% of the real estate
5 within the City of Ithaca¹. Based on reports provided to me by the Vice President for University
6 Relations, Joel M. Malina, Cornell University educates over 22,000 students annually and
7 employs nearly 10,000 people on its Ithaca campus.²

8 11. I have reviewed reports from Cornell University Vice President Malina indicating
9 that 10.1% of Cornell University's undergraduate student body is comprised of international
10 students, and at least 40.3% of its graduate and professional students are international. Over 5%
11 of Cornell University's faculty, and 26.4% of other academic employees and post-doctoral
12 students are international.³

13 12. Cornell University has a substantive impact on the local economy. Based on my
14 review of reports provided by Vice President Malina, Cornell maintains a payroll of nearly \$800
15 million, and estimates \$211 million in student spending and \$72 million in visitor spending in
16 the metropolitan Ithaca area. By its report, Cornell University spends over \$160 million in
17 purchasing and construction projects locally, and over \$12 million in contributions paid to area
18 governmental organizations, including taxes and municipal fees, and other non-profits. I further
19
20
21
22

23 ¹ See Bill Chaisson, *Cornell Compared: Ithaca Mayor Calls Out His Alma Mater on Financial*
24 *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

25 ² <http://universityrelations.cornell.edu/files/2017/02/CornellEconomicImpact2016-1ad9n0o.pdf>

26 ³ http://irp.dpb.cornell.edu/tableau_visual/diversity-composition-dashboard (Cornell's international student and staff data does not include foreign-born students and employees who are naturalized citizens or permanent residents.)

1 note that Cornell estimates that the university draws over \$300 million in federal, state, and
2 corporate research funding to the local economy.⁴

3 13. The confusion and chilling effect of the recent Executive Orders and ensuing
4 Presidential Proclamation is of great concern to the City of Ithaca. Substantial local economic
5 benefits realized by Ithaca are dependent on Cornell University's ability to conduct its global
6 academic and scholarly initiatives, and its standing and reputation as an international academic
7 institution.
8

9 14. Immigrants and foreign visitors also significantly contribute to the City of
10 Ithaca's business and cultural community. The City's economic dependence on the movement
11 of international visitors and immigrants is evidenced by the City's traveler data for the
12 metropolitan Ithaca area.
13

14 15. I have reviewed flight data provided by the Ithaca Tompkins Regional Airport
15 from 2015-2016, which saw a total of 21,140 travelers with foreign destinations or origins,
16 comprised of 211 different countries, and accounting for 11% of the airport's travel.

17 16. I have reviewed tourism data provided by Peggy Coleman, Vice President of
18 Tourism and Community Relations for the Ithaca/Tompkins County Convention and Visitors
19 Bureau. Data from 2016 indicates that over 19% of visitors to the City's downtown visitor center
20 reported living outside of the United States. For all visitor centers within Tompkins County in
21 2016, 15% reported living outside the United States. Vice President Coleman informed me that
22 the Tompkins County Chamber of Commerce estimates that this percentage conservatively
23 translates into 8,400 annual individual foreign visitors to the Ithaca area.
24
25

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

1 17. I have reviewed information provided by Jennifer Tavares, President of the
2 Tompkins County Chamber of Commerce. Chamber of Commerce 2015 traveler spending data
3 from shows that visitors to the greater Ithaca area spent approximately \$195,406,000 on lodging,
4 recreation, restaurants, and other tourist amenities, constituting a sizeable portion of the regional
5 economy. In a panel discussion hosted by the Chamber on March 6, 2017, President Tavares
6 also expressed that would-be foreign tourists have contacted the Chamber of Commerce to
7 inform her that President Trump's Executive Orders have caused them to cancel plans to attend
8 and visit Ithaca-regional events and attractions.
9

10 18. I have reviewed United States Bureau of Labor Statistics for the Ithaca region. In
11 2016, the region saw the greatest payroll increases in the following three sectors: Education and
12 health services, Professional and business services, and Leisure and hospitality.⁵ As evidenced
13 by the reports and data I reviewed in preparing this declaration, any or all of the payroll gains
14 seen in these sectors would certainly be impacted by the March 6, 2017 Executive Order.
15

16 19. Although already home to various refugee communities, in 2017, the City of
17 Ithaca was poised, for the first time, to serve as a formal reception site for the arrival of refugees
18 to the United States. In preparing my March 10 declaration, I instructed my office to consult
19 with the Program Director for Catholic Charities Tompkins/Tioga Immigrant Services Program.
20 The Program Director reported to us that her program was recently awarded a Department of
21 State grant to help resettle 50 refugees from Syria, among other countries, in the City of Ithaca.
22 Arrangements for the arrival of at least three refugee families have been impeded as a direct
23
24
25
26

⁵ https://www.bls.gov/regions/new-york-new-jersey/summary/blssummary_ithaca.pdf

1 result of the January 2017 Executive Order.⁶ The Program Director further advised us that a
2 reduction in resettlement numbers could jeopardize the status of Ithaca as a reception site, even
3 for refugees from countries other than those named in the Executive Order.

4 20. By hindering the flow of international visitors and foreign born residents to and
5 from Ithaca, the City stands to lose millions from tourism and other visitor spending, threatens
6 the City's economy and workforce generally, and jeopardizes Ithaca's core values as a small city
7 supportive and welcoming of global ideas and unity through multiculturalism.
8

9
10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on this 11th day of October, 2017

12
13 

14 Aaron O. Lavine
15 City Attorney
16 City of Ithaca
17 108 E. Green St.
18 Ithaca, NY 14850
19 (607) 274-6504
20 Attorney for Svante L. Myrick,
21 Mayor of Ithaca
22
23
24
25

26 ⁶ 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/>