

No. 17-15589

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

STATE OF HAWAI'I and ISMAIL ELSHIKH,

Plaintiffs-Appellees,

vs.

DONALD TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

Civil Action No. 1:17-cv-00050-
DKW-KJM

The Honorable Derrick K. Watson

**MOTION FOR LEAVE TO FILE BRIEF OF EPISCOPAL BISHOPS AS
AMICI CURIAE IN SUPPORT OF APPELLEES AND AFFIRMANCE
OF THE DISTRICT COURT OF HAWAI'I**

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Pursuant to Federal Rule of Appellate Procedure 29 and Circuit Rule 29-3, the Rt. Rev. Gladstone B. Adams III, Bishop Provisional of the Episcopal Church of South Carolina; the Rt. Rev. Laura J. Ahrens, Bishop Suffragan of the Episcopal Church of Connecticut; the Rt. Rev. Marc Handley Andrus, Bishop of the Diocese of California; the Rt. Rev. Patrick Bell, Bishop of the Diocese of Eastern Oregon; the Rt. Rev. Barry L. Beisner, Bishop of the Diocese of Northern California; the Rt. Rev. Ian T. Douglas, Bishop Diocesan of the Episcopal Church of Connecticut; the Rt. Rev. Dan Edwards, Bishop of the Diocese of Nevada; the Rt. Rev. Thomas Ely, Bishop of the Diocese of Vermont; the Rt. Rev. Mary Gray-Reeves, Bishop of the Diocese of El Camino Real; the Rt. Rev. Scott Hayashi, Bishop of the Diocese of Utah; the Rt. Rev. Mark Lattime, Bishop of the Diocese of Alaska; the Rt. Rev. Dorsey W.M. McConnell, Bishop of the Diocese of Pittsburgh; the Rt. Rev. Robert O'Neill, Bishop of the Diocese of Colorado; the Rt. Rev. Rayford Ray, Bishop of the Diocese of Northern Michigan; the Rt. Rev. David Rice, Bishop of the Diocese of San Joaquin; and the Rt. Rev. Gregory Rickel, Bishop of the Diocese of Olympia (also known as the Episcopal Church of Western Washington) respectfully move for leave to file an *amicus curiae* brief in support of Plaintiffs-Appellees. All parties consented to the submission of amici briefs in this case. *Amici* state as follows:

1. Amici curiae are 15 bishops of the Episcopal Church (collectively, the “Bishops”).

2. Among the central tenets of the Episcopal Church are to welcome and assist strangers, especially those who are poor, sick, and most in need of help, to provide a safe haven for those seeking freedom from oppression, and to uphold the dignity of every human being. To that end, the Church has an active global missionary program and a refugee resettlement program here in the United States, together known as the Episcopal Migration Ministries (“EMM”). Since 1988, EMM and its network of affiliate partners have aided and welcomed more than 50,000 refugees into the United States. Helping refugees is one of the ways in which Episcopalians honor their baptismal covenant with God.

3. The Bishops earnestly believe the President’s recently revised executive order, dated March 6, 2017, impedes the ability of Episcopalians to practice their faith and keep their baptismal covenant with God.

4. The Episcopal Diocese of Olympia operates a local affiliate of the EMM from its Refugee Resettlement Office (“RRO”) in South Seattle. It receives and assists refugees from all over the world, including from each of the 7 countries targeted by the first executive order. The RRO provides extensive services to refugees, including coordinating the arrival of refugees

and providing housing assistance, basic household needs, job training, language tutoring, microenterprise loans, and savings programs.

5. The Bishops' ongoing work at the RRO has been completely disrupted since the issuance of the first executive order. The revised executive order exacerbates the harm to the Diocese and the refugees it serves. The RRO has lost significant resources in the chaos and continues to expend valuable resources responding to families in crisis due to the executive orders.

6. Both as leaders in the Episcopal Church and as members of the broader faith community, the Bishops have a deep interest in preserving this country's special status as a safe haven for refugees and in protecting the fundamental principle of religious tolerance enshrined in the United State Constitution.

7. The proposed *amicus brief*, attached to the motion as EXHIBIT A, explains that, since its inception, the United States has been a safe haven for victims of religious oppression in part because religious tolerance is a value enshrined in our Constitution through the Establishment Clause. The President's original executive order and his recently-revised order directly contradict those values, and in doing so undermine America's longstanding and special status as a place of refuge for the world's most vulnerable populations.

CONCLUSION

Amici respectfully request that this Court grant them leave to file the *amicus* brief attached hereto.

RESPECTFULLY SUBMITTED this 19th day of April, 2017.

HILLIS CLARK MARTIN & PETERSON P.S.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on the 19th day of April, 2017. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED this 19th day of April, 2017.

HILLIS CLARK MARTIN & PETERSON P.S.

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