

No. 17-1351

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

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

**UNOPPOSED MOTION OF THE SOUTHEASTERN LEGAL
FOUNDATION, INC. TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF APPELLANTS AND REVERSAL**

Southeastern Legal Foundation (SLF) respectfully moves for leave to file the attached amicus brief in support of appellants. Because all parties have consented to the filing of its brief, SLF does not believe this motion is technically necessary. *See* Fed. R. App. P. 29(a)(2). But because some amici have expressed doubts about whether this appeal is the “initial consideration of a case on the merits,” Fed. R. App. P. 29(a)(1), SLF files this motion out of an abundance of caution.

SLF has a direct interest in this important case. SLF is a nonprofit, public-interest law firm and policy center. Founded in 1976, SLF is dedicated to advocating for individual liberties in the courts of law and public opinion. SLF’s interest in this case stems from its profound commitment to protecting America’s legal heritage.

That heritage includes the separation of powers—a critical safeguard of individual liberty. In its decision enjoining Executive Order 13,780, the district court undermined the separation of powers by overriding the President’s assessment of national security.

SLF submits that its brief will be helpful to the Court in its consideration of this appeal. SLF’s brief addresses one particularly disturbing aspect of the decision below: the district court’s reliance on random statements from the 2016 presidential campaign to discern the Order’s “real purpose.” Consulting these statements intrudes on the prerogative of the Executive Branch by allowing individuals outside the Article II hierarchy to speak for the President. Worse still, the district court consulted these inappropriate sources to overturn the President’s national-security judgments and to question his fundamental character. None of this bodes well for the separation of powers. SLF’s brief will address the propriety of considering this type of evidence under the Establishment Clause—an issue that one court has suggested is decisive for appellees’ claim. *See Aziz v. Trump*, No. 11-cv-116, 2017 WL 580855, at *9 (E.D. Va. Feb. 13, 2017).

For these reasons, SLF respectfully asks this Court to grant its motion.

Respectfully submitted,

/s/ William S. Consovoy

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March 31, 2017

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limits because it contains 345 words, excluding the parts exempted by Rule 32(f). This motion complies with the typeface and type-style requirements because it was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

March 31, 2017

/s/ William S. Consovoy

CERTIFICATE OF SERVICE

I certify that on March 31, 2017, this motion was served on all parties or their counsel of record through the CM/ECF system.

March 31, 2017

/s/ William S. Consovoy