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 15 *Former U.S. Government Officials*

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 17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 OAKLAND DIVISION

20 STATE OF CALIFORNIA, et al.,
 21 Plaintiffs,
 22 vs.
 23 DONALD J. TRUMP, President of the
 United States, in his official capacity, et al.,
 24 Defendants.

Case No. 4:19-cv-00872-HSG

**CONSENT MOTION OF FORMER
 U.S. GOVERNMENT OFFICIALS FOR
 LEAVE TO FILE MEMORANDUM AS
 AMICI CURIAE IN SUPPORT OF
 PLAINTIFFS' MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Judge: Hon. Haywood S. Gilliam, Jr.
 S.J. Hearing Date: November 20, 2019
 Time: 10:00 a.m.
 Courtroom: 2, 4th Floor

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Former U.S. Government Officials respectfully move for leave to file the attached brief as
3 *amici curiae* in the above-captioned matter, in support of Plaintiffs’ Motion for Summary
4 Judgment. *Amici* are listed in the Appendix to the attached brief. Counsel for Plaintiffs and
5 Defendants have consented to *Amici*’s proposed filing.

6 **STATEMENT OF INTEREST AND ARGUMENT**

7 *Amici curiae* are sixty former officials in the U.S. government who have worked on
8 national security and homeland security issues from the White House as well as agencies across
9 the Executive Branch. They have served in senior leadership roles in administrations of both
10 major political parties, and collectively they have devoted a great many decades to protecting the
11 security interests of the United States. They have held the highest security clearances, and
12 participated in the highest levels of policy deliberations on a broad range of issues. These
13 include: immigration, border security, counterterrorism, military operations, and our nation’s
14 relationship with other countries, including those south of the U.S. border.

15 *Amici* respectfully submit this brief because, in their professional opinion, there is no
16 factual basis for the declaration of a national emergency for the purpose of circumventing the
17 appropriations process and reprogramming billions of dollars in funding to construct a wall at the
18 southern border, as directed by the Presidential Proclamation of February 15, 2019. The Court
19 granted *Amici* permission to, and *Amici* did file, a brief in support of Plaintiffs’ Motion for a
20 Preliminary Injunction. *See* Consent Motion for Leave to File Amicus Brief (ECF No. 115).
21 *Amici* now seek leave to file a brief in support of Plaintiffs’ Motion for Partial Summary
22 Judgment for the same reasons. *Amici* submit that their brief will be helpful to the Court, given
23 *Amici*’s unique and directly relevant perspective of having lived and worked through national
24 emergencies across Presidential administrations over a period of decades. The points in this brief
25 are an updated version of those in a declaration that most of the *amici* joined and that was
26 submitted into the Congressional Record on February 25, 2019.

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CONCLUSION

For the foregoing reasons, the Consent Motion should be granted, and *Amici*'s attached memorandum should be filed with the Court.

Dated: October 18, 2019

Respectfully Submitted,

By: /s/ Kathleen R. Hartnett
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