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 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**

16 STATE OF CALIFORNIA, *et al.*,
 17 Plaintiffs,
 18 v.
 19 DONALD J. TRUMP, President of the United
 States, in his official capacity, *et al.*,
 20 Defendants.
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Case No.: 4:19-cv-00872-HSG
**CONSENT MOTION FOR LEAVE TO
 FILE BRIEF OF FORMER MEMBERS
 OF CONGRESS AS *AMICI CURIAE* IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR PRELIMINARY INJUNCTION**

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Amici curiae are a bipartisan group of more than 100 former Members of the House of
3 Representatives, both Republicans and Democrats. They respectfully move for leave to file the
4 attached brief in the above-captioned matter. Plaintiffs and defendants consent to *amici*'s motion.
5 A copy of the proposed brief and a proposed order are attached. A full listing of *amici* appears in
6 Appendix A of the proposed brief.

7 **STATEMENT OF INTEREST**

8 *Amici*'s motion should be granted because, as former members of Congress and as citizens
9 of our Nation, they have a strong interest in preventing Executive Branch overreach from degrading
10 Congress's unique and important role in America's tripartite system of separated powers. *Amici*
11 have served an aggregate of approximately 1,500 years in Congress, hail from 36 States, and include
12 21 former Members from the states of the Ninth Circuit. *Amici* disagree on many issues of policy
13 and politics. Some *amici* believe that a wall along the Southern Border is in the national interest.
14 Others do not. But all *amici* agree that the Executive Branch is undermining the separation of powers
15 by proposing to spend tax dollars to build a border wall that Congress repeatedly and emphatically
16 refused to fund. Rarely in our Nation's history has the Executive Branch launched such an assault
17 on Congress's exclusive legislative powers. In the statement quoted above and many others like it,
18 the President's essential rationalization for unilateral Executive Branch action is that Congress has
19 refused to authorize his requested appropriation. This subversion of Article I has caused, and
20 continues to cause, grave harm to the House as an institution. If this Court refuses to address the
21 merits or supports the Administration's usurpation of congressional authority, the unchecked
22 expansion of the Executive's power at the expense of the Legislative Branch will threaten our
23 democracy. Each of the *amici* swore an oath to protect the Constitution; each has seen firsthand how
24 the separation of powers safeguards the rights of the American people; and each firmly believes that
25 defending Congress's power of the purse is essential to preserving democracy's promise that
26 Americans' hard-earned tax dollars are spent in accordance with the will of the people.

1 Dated: May 1, 2019

ARNOLD & PORTER KAYE SCHOLER LLP

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26 **Application for admission pro hac vice*
27 *forthcoming*

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the date of electronic filing.

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