

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROY COCKRUM, et al.,

Plaintiffs,

v.

DONALD J. TRUMP FOR PRESIDENT,
INC., et al.,

Defendants.

Case No. 1:17-cv-1370-ESH

Date: December 8, 2017

**MOTION FOR LEAVE OF FORMER NATIONAL SECURITY OFFICIALS
AS AMICI CURIAE IN SUPPORT OF NEITHER PARTY**

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Proposed amici curiae, a group of former national security officials identified below, respectfully submit this motion seeking leave to file under Local Civil Rule 7(o) the accompanying amicus curiae brief attached as an exhibit in support of neither party in the above-captioned case.

1. This Court has recognized that district courts have “inherent authority” from Rule 29 of the Federal Rules of Appellate Procedure to “appoint or deny *amici*.” *Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008) (citation omitted). “Accordingly, it is solely within the discretion of the Court to determine the fact, extent, and manner of participation by the amicus.” *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (citation omitted). An amici curiae brief is appropriate at the trial court level when amici participation is beneficial to the Court. *See Cobell*, 246 F. Supp. 2d at 62 (“An amicus curiae, defined as ‘friend of the court,’ ... does not represent the parties but participates only for the benefit of the Court.”) (citation omitted). This Court has recognized that amici submitting briefs that are “helpful and of interest to the Court in the instant litigation” should be given leave to file. *Cobell*, 246 F. Supp. 2d at 62; *see also Ellsworth Assocs., Inc. v. United States*, 917 F. Supp. 841, 846 (D.D.C. 1996) (“[A] court may grant leave to appear as an *amicus* if the information offered is timely and useful.”) (citation and internal quotations omitted). Furthermore, a court may approve a motion to file an amicus curiae brief “when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Jin*, 557 F. Supp. 2d at 137 (citation omitted). Local Civil Rule 7(o)(3) provides that an “*amicus* brief shall be filed within such time as the Court may allow.”

2. Proposed amici curiae are former national security, foreign policy and intelligence officials with decades of experience in Russian security and intelligence practices. They have

served at senior levels in the administrations of Presidents of both parties, including in senior roles in the intelligence agencies of the United States. They have devoted decades to combating the threats the United States faces in a dynamic and dangerous world. Amici do not take a position on the specific allegations in the Complaint in this case. They write instead to offer their unique expertise and perspective, informed by their decades of work inside the U.S. government on intelligence and foreign policy matters involving the Russian government, on a specific question of national security that is relevant to and may bear on the Court’s consideration of this case—whether and how Russia uses local actors inside a country to facilitate “active measures” or disinformation campaigns.

3. Proposed amici are:
 - a. John O. Brennan served as Director of the Central Intelligence Agency from 2013 to 2017. He previously served as Deputy National Security Advisor for Homeland Security and Counterterrorism and Assistant to the President from 2009 to 2013.
 - b. William J. Burns served as Deputy Secretary of State from 2011 to 2014. He previously served as Under Secretary of State for Political Affairs from 2008 to 2011, and as U.S. Ambassador to Russia from 2005 to 2008.
 - c. Michael Carpenter served as Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia from 2015 to 2017. He previously served as a foreign policy advisor to Vice President Joe Biden and as Director for Russia at the National Security Council.
 - d. James Clapper served as U.S. Director of National Intelligence from 2010 to January 20, 2017.
 - e. Philip H. Gordon served as Assistant Secretary of State for European and Eurasian Affairs from 2009 to 2013. He also served as Special Assistant to the President and White House Coordinator for the Middle East, North Africa and the Gulf; and Director for European Affairs at the National Security Council.
 - f. Avril D. Haines served as Deputy National Security Advisor to the President of the United States from 2015 to January 20, 2017. From 2013 to 2015, she served as Deputy Director of the Central Intelligence Agency.
 - g. Steven L. Hall retired from the Central Intelligence Agency in 2015 after 30 years of running and managing intelligence operations in Eurasia and Latin America. Mr. Hall

was responsible for CIA Russian operations, overseeing intelligence operations in the countries of the former Soviet Union and the former Warsaw Pact.

- h. General (ret.) Michael V. Hayden, USAF, served as Director of the Central Intelligence Agency from 2006 to 2009. From 1995 to 2005, he served as Director of the National Security Agency.
- i. Michael McFaul served as U.S. Ambassador to the Russian Federation from January 2012 to February 2014. Before becoming ambassador, he served for three years as a special assistant to the president and senior director for Russian and Eurasian Affairs at the National Security Council.
- j. Michael J. Morell served as Acting Director of the Central Intelligence Agency in 2011 and from 2012 to 2013; as Deputy Director of the Central Intelligence Agency from 2010 to 2013; and as a career official from 1980 onward. His duties included briefing Presidents George W. Bush and Barack Obama.
- k. Stephen Sestanovich served from 1997 to 2001 as ambassador-at-large and special adviser to the Secretary of State for the new independent states (including Russia) of the former Soviet Union. Earlier, he served as senior director for policy development (from 1985 to 1987); director of political-military affairs from (1984 to 1985) at the National Security Council.
- l. John Sipher retired in 2014 after a 28-year career in the Central Intelligence Agency's National Clandestine Service. John served multiple overseas tours as Chief of Station and Deputy Chief of Station in Europe, Asia, Southeast Asia, the Balkans, and South Asia.
- m. Julianne Smith served as Deputy National Security Advisor to Vice President Joe Biden from 2012 to 2013. Before her post at the White House, she served for three years as the Principal Director for European and NATO Policy in the Office of the Secretary of Defense in the Pentagon.
- n. Strobe Talbott served as Deputy Secretary of State from 1994 to 2001.

4. Counsel for proposed amici sought the consent of counsel for the Plaintiffs and the Defendants for the relief requested by this Motion. Counsel for the Plaintiffs consented to the relief requested by this Motion. Counsel for the Defendants consented to this motion on the condition that it was filed by December 8, 2017, and the Court approves the Defendants' motion for an extension of time for their reply brief on their motion to dismiss to December 29, 2017.

5. This Motion seeking leave to file the attached amicus curiae brief in support of Plaintiffs, is filed well in advance of the close of briefing on defendants' motion to dismiss and any hearing by this Court, and so does not unduly delay the Court's ability to rule on any matter.

6. Proposed amici therefore respectfully request leave to file an amicus brief in support of neither party.

Dated: December 8, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Phillip Spector, hereby certify that on December 8, 2017, the foregoing document was filed and served through the CM/ECF system.

Respectfully submitted,

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