

1 THE HONORABLE JAMES L. ROBART

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5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 STATE OF WASHINGTON, et al.,

9 Plaintiffs,

10 v.

11 DONALD TRUMP, in his official capacity as
12 President of the United States; U.S.
13 DEPARTMENT OF SECURITY; JOHN F.
14 KELLY, in his official capacity as Secretary of
15 the Department of Homeland Security; REX
16 W. TILLERSON, in his official capacity as
17 Secretary of State; and the UNITED STATES
18 OF AMERICA,

19 Defendants.

No. 2:17-cv-00141-JLR

**MOTION FOR LEAVE TO FILE
AMICUS BRIEF BY
WASHINGTON STATE LABOR
COUNCIL**

Noted for Consideration:
March 14 , 2017

19 **I. INTRODUCTION & RELIEF REQUESTED**

20 The Washington State Labor Council (“WSLC”) respectfully requests the Court grant it
21 leave to file the *amicus* brief attached hereto as **Exhibit A**.

22 **II. IDENTITY AND INTEREST OF *AMICUS CURIAE***

23 The WSLC is a state-wide labor council comprising more than 600 local unions, and it
24 represents more than 450,000 rank-and-file union members working in Washington State.
25 Declaration of Jeff Johnson (“Johnson Declaration”), ¶ 2. It is widely considered to be the
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1 “voice of labor” in Washington State. *Id.* WSLC has a strong interest in advocating for the
2 liberty interests of Washington State workers. *Id.*

3 The WSLC provides many services to its affiliated unions. Johnson Declaration, ¶ 3.
4 The Council has a focus on legislative advocacy, political action, communication through its
5 website “The Stand,” supporting affiliated unions’ organizing drives by rallying community
6 leaders and elected officials, and programs that provide affiliate and direct worker assistance like
7 dislocated worker assistance, increasing student awareness about apprenticeship programs within
8 community and technical colleges, Project Help, education and training for union members, and
9 assistance for unions with contract and economic research. *Id.*

10
11 On March 6, 2017, President Donald Trump issued an Executive Order titled “Protecting
12 the Nation from Foreign Terrorist Entry into the United States,” which like his previous order
13 subject of this litigation bans all refugees from entering the country for 120 days and bans non-
14 immigrants from six majority-Muslim countries from entering the U.S. for 90 days. The order
15 further fans the flames of racism, xenophobia, and anti-Islamism and ignores the fact that
16 America was built by immigrants and refugees and they will continue to play a part in the values
17 upon which we define America. Johnson Declaration ¶ 4.

18
19 Among WSLC’s affiliated unions, unions who have signed a Solidarity Charter with the
20 WSLC, and other labor allies are unions whose members are directly impacted by the most
21 recent Executive Order, because they are non-immigrant temporary workers from one of the six
22 banned countries whose ability to travel into and out of the United States is prohibited outright or
23 whose inability to re-enter the United States after traveling will put their livelihoods in jeopardy.
24 Therefore, although the new Executive Order no longer covers Iraq or affects lawful permanent
25 residents, its effect on members who are temporary or one-entry visa holders is just as harmful as
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1 the first Executive Order. The new order will also continue the adverse effect on union members
2 who wish to reunite with family members who are in the process of applying for visitor or
3 student visas or residency status and will be delayed during the 90-day hiatus. Johnson
4 Declaration, ¶ 6.

5
6 The members of unions affiliated or allied with WSLC affected by the ban include
7 hospitality workers, retail employees, health-care industry workers, laborers, factory workers,
8 and state, county and municipal employees, among others. These union members are
9 exceptionally diverse, comprised of an array of races, nationalities and religions. Many of these
10 union members are immigrants from the six countries affected by the Executive Order or are
11 non-immigrants whose heritage is from one or more of those six countries. A significant
12 proportion of these members identify as Muslim and are American citizens, lawful permanent
13 residents or lawful visitors. *Id.*

14
15 The negative policies the United States government establishes concerning immigrants,
16 non-immigrant visitors, and refugees of certain national origins or religions reflects the attitudes
17 the government has of its own citizens of those same national origins and religions: that they are
18 less valued, less than equal. Such policies cause harm to our unions' members that cannot be
19 undone. Johnson Declaration, ¶ 7.

20 21 **III. ARGUMENT**

22 WSLC seeks leave to file an *amicus* brief on the impacts of the most recent Executive
23 Order on the members of unions across a wide range of industries and the irreparable harm
24 suffered by those workers in Washington if the Executive Order is not enjoined. The foregoing
25 facts establish the interest of the labor community in the outcome of this proceeding. WSLC will
26 offer additional evidence of irreparable harm to individuals working and residing in Washington,

1 further establishing that the elements for temporary injunctive relief are met. WSLC will offer
2 some additional authority supporting, but not duplicating, the arguments made by the State of
3 Washington in support of its Motion for a Temporary Restraining Order.

4 **IV. CONCLUSION**

5 For the foregoing reasons, the Court should exercise its discretion to grant WSLC leave
6 to file the *amicus* brief attached hereto as **Exhibit A**.

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8 RESPECTFULLY SUBMITTED this 14th day of March, 2017.

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Counsel for the Washington State Labor Council

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 14th day of March, 2017, I caused the foregoing Motion for
3 Leave to File *Amicus* Brief by Washington State Labor Council, Declaration of Jeff Johnson,
4 Joint Declaration of Madeleine K. Albright et al., and proposed order to be filed with the Court
5 using the cm/ecf system, which will automatically provide notification of such filing to:
6

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