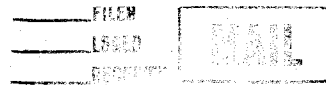


UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE



MAR 16 2017

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

STATE OF WASHINGTON, *et al*)
Plaintiffs)
v.)
DONALD J. TRUMP, *et al*,)
Defendants)

No. 17 cv 0141 (JLR)

**MOTION FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE*,
RAISING POLITICAL QUESTION NONJUSTICIABILITY,
FROM PROFESSOR VICTOR WILLIAMS OF
THE AMERICA FIRST LAWYERS ASSOCIATION,
IN SUPPORT OF PRESIDENT DONALD J. TRUMP**

Victor Williams,
Appearing *Pro Se*

America First Lawyers Association
www.americafirstlawyers.com
5209 Baltimore Ave,
Bethesda, MD 20816
(301) 951-9045
americafirstlawyers@gmail.com

Comes now Professor Victor Williams seeking leave of the Court to file an *amicus* brief (attached). Prospective Amicus asks this Court to exercise its discretion and inherent authority to allow the filing. *Skokomish Indian Tribe v. Goldmark*, No. C13-5071JLR, 2013 WL 5720053, at *1 (W.D. Wash. Oct. 21, 2013) (quoting *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)). (“District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if 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.’”) The proposed brief, tailored to the new Executive Order signed March 6, 2017, has unique information and perspective that can help the Court beyond the help that the lawyers for the parties have thus far provided.

UNIQUE CONTRIBUTION OF THE AMICUS BREIF

Prospective *Amicus* offers that the proffered brief will make a valuable contribution to the existing briefing in this case as it presents an alternatively focused theory asserting that the claims against the president’s January 27, 2017 executive order raise a nonjusticiable political question.

Amicus respectfully argues that the Court does not have subject matter jurisdiction in this matter. And Amicus further respectfully suggests that this

Court has an obligation to examine this subject matter deficiency, in full, before proceeding further in this adjudication.

If a case presents a political question, the judiciary lacks subject matter jurisdiction to decide that question. *See* Victor Williams, *Travel Ban Challenges Present a Non-Reviewable Political Question*, JURIST - Forum, Feb.15, 2017. <http://jurist.org/forum/2017/02/Victor-Williams-travel-ban.php>

There are no judicially manageable standards by which the Court can endeavor to assess the President's interpretation of classified and military intelligence and his resulting decision—based on that intelligence—whether to restrict entry of foreign-soil aliens visiting from certain terrorist-breeding nations. The decision was made by the Chief Executive and Commander-in-Chief in prosecution of the war on terror and in establishing war-related foreign policy.

**STATEMENT OF IDENTITY, INTEREST
AND AUTHORITY OF *AMICUS***

Motion respectfully seeking leave of the Court to file this *amicus curiae* brief. Appealing to the Court's broad discretion to allow such a filing. *Amicus* avers his significant interest in this case and suggests that the proffered brief will be of unique assistance to the Court. Professor Victor Williams is a Washington, D.C. attorney and law professor with over twenty years' experience -- formerly

affiliated as fulltime faculty with both the Catholic University of America's Columbus School of Law and the City University of New York's John Jay College of Criminal Justice. Professor Williams has particular knowledge and expertise regarding the text, history, and interpretation of Article II and Article III of the U.S. Constitution with many scholarly and popular publications. He earned his J.D. from the University of California-Hastings College of the Law. After completing an externship with both Ninth Circuit Judge Joseph Sneed and Eleventh Circuit Judge Gerald Bard Tjoflat and a two-year clerkship with Judge Brevard Hand of the Southern District of Alabama, Williams did advanced training in federal jurisdiction and international law (LL.M.) from Columbia University's School of Law and in economic analysis of the law (LL.M.) from George Mason University's Scalia School of Law.

In past, Professor Victor Williams has been granted leave to file *amicus* briefs in other lower courts as well as by the U.S. Supreme Court. Professor Williams has published scholarship and commentary that offered strong support for the constitutional discretion and prerogatives of the past four presidents (without regard to their party affiliation). Professor Williams zealously advocated for timely Senate confirmation of the judicial and executive nominees of both George W. Bush and Barack Obama. Although these past presidents often pursued

Victor Williams, *Trump Will Bring Return to Rule of Law and Economic Growth*, THE HILL, Nov. 6, 2016. <http://thehill.com/blogs/pundits-blog/presidential-campaign/304291-trump-will-bring-return-to-rule-of-law-and-economic> , Victor Williams, *Law Professor Now Proudly in Basket of Deplorables*, THE HILL, Sept. 20, 2016, <http://thehill.com/blogs/pundits-blog/presidential-campaign/296783-law-prof-once-an-obama-supporter-now-in-basket-of> , and *Inside the Beltway: 'Lawyers for Trump' Founded*” WASH. TIMES, July 4, 2016.

The campaign group has now transformed into the “America First Lawyers Association” (www.americafirstlawyers.com) which Professor Williams chairs, to advance the Trump administration’s “America first” nominations, policies, and programs. See e.g. Victor Williams, *D.C. Law Professor Makes Case for Sessions’ Senate Confirmation*, STREET INSIDER, Jan. 9, 2017, <http://markets.financialcontent.com/streetinsider/news/read/33555004>

CONCLUSION

The Court's inquiry is barred by the patent political question, and any assertion by that such inquiry is necessary to a second-order statutory analysis would not make the inquiry or the first-order controversy justiciable.

Both technical and prudential understandings of the political question doctrine require this Court to reject further review of this matter.

Submitted on March 14, 2017

Victor Williams,
Appearing *Pro Se*

America First Lawyers Association
www.americafirstlawyers.com
5209 Baltimore Ave,
Bethesda, MD 20816
(301) 951-9045
americafirstlawyers@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2017, the foregoing motion with proposed brief was filed with the Clerk of this Court using the U.S. Mail/or Commercial Carrier (as *pro se* prospective *Amicus* is not a registered ECF user of this Court) and served on parties by electronic transmission using the email addresses registered with their ECF accounts.

/s/Victor Williams, *pro se*

America First Lawyers Association

www.americafirstlawyers.com

5209 Baltimore Ave,

Bethesda, MD 20816

(301) 951-9045

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Lawyers and Law Professors Advancing the Trump/Pence "America First" Movement

3-14-2017

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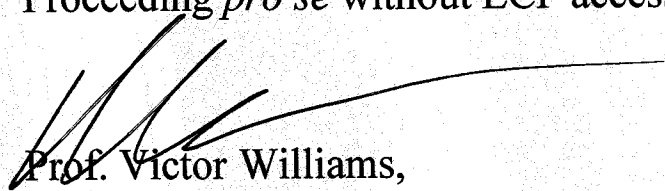
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Phone: 206-370-8400

Please find enclosed a motion and proposed *amicus* brief for the named pending case. (original and one copy).

Proceeding *pro se* without ECF access, I thus file in paper form.


Prof. Victor Williams,
Appearing as an individual, *Pro Se*

Prof. Victor Williams, Chair

americafirstlawyers@gmail.com

301-951-9045

www.americafirstlawyers.com

5209 Baltimore Ave
Bethesda, MD 20816

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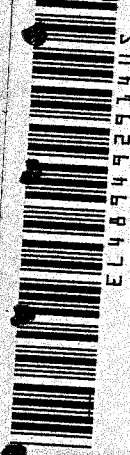


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