

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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BY

STATE OF WASHINGTON § CASE NUMBER C17-0141JLR
et al.,
Plaintiffs, § AMICUS CURIAE BRIEF IN
DONALD J. TRUMP, et al., § RESPONSE TO JUDGE ROBERT'S
Defendants, § TEMPORARY RESTRAINING
ORDER

1. The Northern Cheyenne Nation, the Yamassee Mund Bareefan Nation, the Sec Am Tek Tek Tribe (SATTT), the Washitaw Nation and other Native American Indian bands, communities, clans, tribes and nations, hereinafter "Tribes," file this amicus curiae brief in behalf of the protection, safety and security of Indian country United States of America which is foremost in the mind of President Donald J. Trump ("the President).

2. The Temporary Restraining Order ("TRO") issued by Judge James L. Robart was in response to the President's Executive Order temporarily banning the entry of certain citizens from several Middle East countries known to have ties with extremists, jihadists and terrorists. The President did not impose the ban upon Saudi Arabia, Pakistan, India, Malaysia and Indonesia, the home of hundreds of millions of Muslims because these nation states are known to have no ties with terrorists, jihadists and extremists.

3. It is the contention and belief of the Tribes that the President exercised his

power of issuing the temporary ban, in the interests of national security, based on federal law Title 8 United States Code § (f) which provides that:

8 USC, Section (f): Suspension of entry or imposition of restrictions by President

*Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate. Whenever the Attorney General finds that a commercial airline has failed to comply with regulations of the Attorney General relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Attorney General may suspend the entry of some or all aliens transported to the United States by such airline. (**our emphasis**)*

This law imposes no exclusions, exceptions, limitations, constraints or restraints upon the President and it cannot be said to be repugnant to the supreme law of the land, the United States Constitution.

4. It is also the Tribes contention and belief that Judge Robart's TRO has no merit because the President did not cause irreparable harm or tip the balance of equities in the public interest. The public interest which affects all

Americans, permanent residents and visitors to Indian country United States of America is the very reason the President took urgent measures to issue the temporary ban in order to protect our borders from overt or covert attacks by our enemies.

5. In conclusion, we like to remind learned judge that this is Indian country according to Title 18 United States Code § 1151. It is important that the learned judge understand its import because it provides that:

Except as otherwise provided in sections 1154 and 1156 of this title, the term "Indian country", as used in this chapter, means

(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,

(b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and

(c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. (emphasis ours)

(June 25, 1948, ch. 645, 62 Stat. 757; May 24, 1949, ch. 139, § 25, 63 Stat. 94.)

We trust the Court will give prominence and traction to sub-section (c) of Title 18 United States Code § 1151 which clearly states in no uncertain

terms that the federal court in western Washington is in Indian country unless the court is able to evidence extinguishment of Indian title as proven by the King County Assessor. The point we are making is that the President was also recognizing sacrosanct Indian country in the context of immigration into our land and soil when our consent and permission was *not sought* after Pedro Scotto and others arrived after 1492. It is still not too late for the President to preserve, protect and propagate the sanctity of Indian country.

We respectfully ask that Your Honor reverses the TRO in the interests of the safety, security and sanctity of Indian country based on the doctrine of *jus cogens*. We further believe that the President had to make a political decision which Your Honor has unwittingly usurped, and unfortunately this smacks of judicial activism. Your Honor ought to iron out the wrinkles as a jurist, not create new cloth from the existing fabric. Your Honor's TRO has thus violated the doctrine of the separation of powers.

Respectfully submitted, this 8th day of January 2017.

A handwritten signature in black ink, appearing to read 'Silver Cloud Musafir', with a horizontal line drawn underneath it.

Silver Cloud Musafir

Tribal Chief / Chief Judge

Cc: President Donald J. Trump

CERTIFICATE OF MAILING

I, Dr. William A. Sassman, Clerk of the Court aver and attest that I have this 8th day of February 2017, caused to be mailed via certified mail through the United States Postal Service a certified copy of this amicus curiae brief to **Judge James L Robart** to the following address:

United States District Court of Western Washington, 700 Stewart Street,
Seattle, Washington 98101.

William A. Sassman



Dr. William A Sassman, Clerk of the Traditional Court of Equity, Northern
Cheyenne Nation



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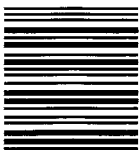
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