

1 Kathleen R. Hartnett (SBN 314267)  
2 BOIES SCHILLER FLEXNER LLP  
3 1999 Harrison Street, Suite 900  
4 Oakland, CA 94612  
5 Telephone: (510) 874-1000  
6 Facsimile: (510) 874-1460  
7 Email: khartnett@bsflp.com

Harold Hongju Koh (*pro hac vice forthcoming*)  
RULE OF LAW CLINIC  
Yale Law School  
127 Wall Street, P.O. Box 208215  
New Haven, CT 06520  
Telephone: (203) 432-4932  
Email: harold.koh@ylsclinics.org

8 Phil Spector (*pro hac vice forthcoming*)  
9 MESSING & SPECTOR LLP  
10 1200 Steuart Street, #2112  
11 Baltimore, MD 21230  
12 Telephone: (212) 277-8173  
13 Email: ps@messingspector.com

14 *Counsel for Amici Curiae Former U.S. Government Officials*

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 SIERRA CLUB and SOUTHERN BORDER  
19 COMMUNITIES COALITION,

20 Plaintiffs,

21 vs.

22 DONALD J. TRUMP, President of the  
23 United States, in his official capacity, et al.,

24 Defendants.

Case No. 4:19-cv-00892-HSG

**BRIEF OF FORMER U.S. GOVERNMENT  
OFFICIALS AS *AMICI CURIAE* IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR A PRELIMINARY INJUNCTION**

Judge: Hon. Haywood S. Gilliam, Jr.  
P.I. Hearing Date: May 17, 2019  
Time: 10:00 a.m.  
Courtroom: 2, 4th Floor

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**INTEREST OF *AMICI CURIAE*<sup>1</sup>**

*Amici curiae*, listed in the Appendix to this brief, are sixty-two former officials in the U.S. government who have worked on national security and homeland security issues from the White House as well as agencies across the Executive Branch. They have served in senior leadership roles in administrations of both major political parties, and collectively they have devoted a great many decades to protecting the security interests of the United States. They have held the highest security clearances, and participated in the highest levels of policy deliberations on a broad range of issues. These include: immigration, border security, counterterrorism, military operations, and our nation's relationship with other countries, including those south of the U.S. border.

*Amici* respectfully submit this brief because, in their professional opinion, there is no factual basis for the declaration of a national emergency for the purpose of circumventing the appropriations process and reprogramming billions of dollars in funding to construct a wall at the southern border, as directed by the Presidential Proclamation of February 15, 2019.

**ARGUMENT**

On February 15, 2019, the President declared a "national emergency" for the purpose of diverting appropriated funds from previously designated uses to build a wall along the southern border. *Amici* are aware of no emergency that remotely justifies such a step. The President's actions are at odds with the overwhelming evidence in the public record, including the administration's own data and estimates. *Amici* have lived and worked through national emergencies and support the President's power to mobilize the Executive Branch to respond quickly in genuine national emergencies. But under no plausible assessment of the evidence is there a national emergency today that entitles the President to tap into funds appropriated for other purposes to build a wall at the southern border, which will take many years to complete. To *Amici*'s knowledge, the President's assertion of a national emergency here is unprecedented, in

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<sup>1</sup> *Amici* affirm that no counsel for any party authored this brief in whole or in part; no party or party's counsel contributed money intended to fund preparing or submitting the brief; and no person, other than *amici*, their members, and counsel, contributed money that was intended to fund preparing or submitting this brief. The views expressed by Yale Law School's legal clinics are not necessarily those of the Yale Law School.

1 that he seeks to address a situation: (1) that has been enduring, rather than one that has arisen  
 2 suddenly; (2) that in fact has improved over time rather than deteriorated; (3) by reprogramming  
 3 billions of dollars in funds in the face of clear congressional intent to the contrary; and (4) with  
 4 assertions that are rebutted not just by the public record, but by his agencies' own official data,  
 5 documents, and statements.

6 **I. Illegal border crossings have been near historic lows.**

7 According to the administration's own data, the numbers of apprehensions at the southern  
 8 border through the end of fiscal year 2018 were near forty-year lows.<sup>2</sup> There was a modest  
 9 increase in apprehensions in 2018, but that total was in line with the number of apprehensions  
 10 only two years earlier,<sup>3</sup> and the overall trend continued to exhibit a dramatic decline over the last  
 11 fifteen years in particular. The number of undetected unlawful entries at the southern border also  
 12 fell from about 851,000 to nearly 62,000 between fiscal years 2006 to 2016, the most recent year  
 13 for which data are publicly available.<sup>4</sup> The United States hosts what is estimated to be the  
 14 smallest number of undocumented immigrants since 2004.<sup>5</sup> And, in recent years, the majority of  
 15 currently undocumented immigrants entered the United States legally, but overstayed their visas,<sup>6</sup>  
 16 a problem that will not be addressed by a declaration of an emergency along the southern border.

17 **II. The recent increase in crossings does not present a national emergency.**

18 The last couple of months have seen a sharp rise in the number of individuals apprehended  
 19

20 <sup>2</sup> U.S. Border Patrol, Southwest Border Sectors,  
 21 <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-apps-fy1960-fy2018.pdf>.

22 <sup>3</sup> *Id.* (noting 396,579 southwest border apprehensions during FY 2018, 408,870 during FY 2016,  
 23 and 479,371 in FY 2014); *see also* U.S. Customs & Border Protection, Total Illegal Alien  
 24 Apprehensions by Month, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-total-monthly-apps-sector-area-fy2018.pdf> (466,623 southwest border apprehensions during CY  
 25 2018, 442,940 during CY 2016, and 458,745 during CY 2014).

26 <sup>4</sup> U.S. Dep't of Homeland Security, Dep't of Homeland Security Border Security Metrics  
 27 Report 13 (May 1, 2018),  
 28 [https://www.dhs.gov/sites/default/files/publications/BSMR\\_OIS\\_2016.pdf](https://www.dhs.gov/sites/default/files/publications/BSMR_OIS_2016.pdf).

<sup>5</sup> Jeffrey S. Passel & D'Vera Cohn, *U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade*, Pew Res. Ctr. (Nov. 27, 2018).

<sup>6</sup> Richard Gonzales, *For 7th Consecutive Year, Visa Overstays Exceeded Illegal Border Crossings*, NPR (Jan. 16, 2019, 7:02 PM) (noting "that from 2016-2017, people who overstayed their visas accounted for 62 percent of the newly undocumented, while 38 percent had crossed a border illegally").



1 at the southern border relative to previous years. This change is due to an increase in the number  
 2 of families and unaccompanied children turning themselves in to border officials for asylum.  
 3 Family units and unaccompanied children comprised 67 percent of apprehensions at the southern  
 4 border in March 2019, compared to 9 percent in March 2012.<sup>7</sup> Further, many asylum seekers are  
 5 forced to seek asylum *between* ports of entry, where they are counted as apprehensions, because  
 6 this administration has placed a strict cap on asylum entrants *at* ports of entry. These events have  
 7 placed a great strain on the capacity of our border system—which is equipped to address  
 8 individuals who are covertly crossing the border for work, rather than families and children  
 9 openly seeking asylum—and will require an investment of resources. But the administration  
 10 cannot explain how this rise and redirection of asylum seekers presents a security emergency,  
 11 much less a situation that would be solved with a wall.

12 **III. There is no evidence of a terrorist or national security emergency at the**  
 13 **southern border.**

14 There is no reason to believe there is a terrorist or national security emergency at the  
 15 southern border that could justify the President’s proclamation.

16 a. This administration’s own most recent Country Report on Terrorism, released only  
 17 five months ago, found that “there was no credible evidence indicating that international terrorist  
 18 groups have established bases in Mexico, worked with Mexican drug cartels, or sent operatives  
 19 via Mexico into the United States.”<sup>8</sup> Since 1975, there has been only one reported incident in  
 20 which immigrants who had crossed the southern border illegally attempted to commit a terrorist  
 21 act. That incident occurred more than twelve years ago, and involved three brothers from  
 22 Macedonia who had been brought into the United States as children more than twenty years  
 23 earlier.<sup>9</sup>

24 \_\_\_\_\_  
 25 <sup>7</sup> U.S. Customs & Border Protection, United States Border Patrol Southwest Family Unit Subject  
 26 and Unaccompanied Alien Children Apprehensions Fiscal Year 2016,  
 27 <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016> (last  
 visited Apr. 9, 2019); U.S. Customs and Border Protection, Southwest Border Migration FY  
 2019, (<https://www.cbp.gov/newsroom/stats/sw-border-migration>) (last visited Apr. 9, 2019).

<sup>8</sup> U.S. Dep’t of State, Country Reports on Terrorism 2017, at 205 (Sept. 2018).

<sup>9</sup> See Alex Nowrasteh, *Trump’s Wall Will Not Stop Terrorism*, Cato Inst. (Dec. 18, 2018).

1           b.       Although the White House has claimed, as an argument favoring a wall at the  
2 southern border, that almost 4,000 known or suspected terrorists were intercepted at the southern  
3 border in a single year,<sup>10</sup> this assertion has since been widely and consistently repudiated,  
4 including by this administration's own Department of Homeland Security.<sup>11</sup> The overwhelming  
5 majority of individuals on terrorism watchlists who were intercepted by U.S. Customs and Border  
6 Patrol were attempting to travel to the United States by air;<sup>12</sup> of the individuals on the terrorist  
7 watchlist who were encountered while entering the United States during fiscal year 2017, only 13  
8 percent traveled by land.<sup>13</sup> And for those who have attempted to enter by land, only a small  
9 fraction do so at the southern border. Between October 2017 and March 2018, forty-one foreign  
10 immigrants on the terrorist watchlist were intercepted at the northern border.<sup>14</sup> Only six such  
11 immigrants were intercepted at the southern border.<sup>15</sup>

12           **IV.    There is no emergency related to violent crime at the southern border.**

13           Nor can the administration justify its actions on the grounds that the incidence of violent  
14 crime on the southern border constitutes a national emergency. Factual evidence consistently  
15 shows that unauthorized immigrants have no special proclivity to engage in criminal or violent  
16 behavior. According to a Cato Institute analysis of criminological data, undocumented  
17 immigrants are 49 percent *less likely* to be incarcerated nationwide than are native-born citizens.<sup>16</sup>  
18

19 <sup>10</sup> See *Congressional Border Security Briefing: A Border Security and Humanitarian Crisis*,  
20 White House (Jan. 4, 2019); Holly Rosenkrantz, *Sanders Repeats Claim on Terrorists at the  
21 Border Refuted by Administration's Own Data*, CBS News (Jan. 7, 2019, 3:28 PM). Vice  
22 President Mike Pence made similar statements during his appearance on ABC the next week. See  
23 Betsy Klein, *Pence Misleadingly Cites Some Statistics to Push Trump Border Wall*, CNN (Jan. 8,  
24 2019, 5:46 PM).

25 <sup>11</sup> See U.S. Dep't of Homeland Security, *Myth/Fact: Known and Suspected Terrorists/Special  
26 Interest Aliens* (Jan. 7, 2019); see also, e.g., Brett Samuels, *Conway: Sarah Sanders Made  
27 'Unfortunate Misstatement' About Terror Suspects at Border*, Hill (Jan. 8, 2019, 10:30 AM).

28 <sup>12</sup> See U.S. Dep't of Homeland Security, *supra* note 11.

<sup>13</sup> See Press Release, Dep't of Homeland Security, DOJ, DHS Report: Three Out of Four  
Individuals Convicted of International Terrorism and Terrorism-Related Offenses were Foreign-  
Born (Jan. 16, 2018).

<sup>14</sup> See Julia Ainsley, *Only Six Immigrants in Terrorism Database Stopped by CBP at Southern  
Border from October to March*, NBC News (Jan. 7, 2019, 4:10 PM).

<sup>15</sup> See *id.*

<sup>16</sup> Michelangelo Landgrave & Alex Nowrasteh, *Criminal Immigrants: Their Numbers,  
Demographics, and Countries of Origin*, Cato Inst. (Mar. 15, 2017).

1 A recent longitudinal study across all fifty states and the District of Columbia that  
 2 examined the period between 1990 and 2014 found a “generally negative” relationship between  
 3 the presence of undocumented immigrants and violent crime.<sup>17</sup> And in Texas, the state with the  
 4 best data availability, undocumented immigrants were found to have a first-time conviction rate  
 5 32 percent below that of native-born Americans,<sup>18</sup> and the conviction rates of unauthorized  
 6 immigrants for violent crimes such as homicide and sex offenses were also below those of native-  
 7 born Americans.<sup>19</sup> Meanwhile, overall rates of violent crime in the United States have declined  
 8 significantly over the past 25 years, falling 49 percent from 1993 to 2017.<sup>20</sup> And violent crime  
 9 rates in the country’s 30 largest cities decreased on average by 2.7 percent in 2018 alone, further  
 10 undermining any suggestion that recent crime trends currently warrant the declaration of a  
 11 national emergency.<sup>21</sup>

12 **V. There is no human or drug trafficking emergency that can be**  
 13 **addressed by a wall at the southern border.**

14 The administration has claimed that the presence of human and drug trafficking at the  
 15 border justifies its emergency declaration. But there is no evidence of any such sudden crisis at  
 16 the southern border that necessitates a reprogramming of appropriations to build a border wall.

17 a. The overwhelming majority of opioids that enter the United States across a land  
 18 border are carried through legal ports of entry in personal or commercial vehicles, not smuggled  
 19 through unauthorized border crossings.<sup>22</sup> A border wall would not stop these drugs from entering  
 20

21 <sup>17</sup> Michael T. Light & Ty Miller, *Does Undocumented Immigration Increase Violent Crime?*, 56  
 22 *Criminology* 370 (2018).

23 <sup>18</sup> Michaelangelo Landgrave & Alex Nowrasteh, *Criminal Immigrants in 2017: Their Numbers,*  
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25 <sup>19</sup> Alex Nowrasteh, *Criminal Immigrants in Texas: Illegal Immigrant Conviction and Arrest*  
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27 <sup>20</sup> John Gramlich, *5 Facts About Crime in the U.S.*, Pew Res. Ctr. (Jan. 3, 2019).

28 <sup>21</sup> Ames Grawert & Cameron Kimble, *Crime in 2018: Updated Analysis*, Brennan Ctr. for Just.  
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<sup>22</sup> *2018 National Drug Threat Assessment*, U.S. Dep’t of Just. Drug Enforcement Admin. (2018).  
 Ninety percent of heroin seizures at U.S. borders and more than 85 percent of cocaine and  
 methamphetamine seizures occur at ports of entry, where drugs can be smuggled in personal  
 vehicles or hidden among legal commercial goods in tractor trailers. Joe Ward & Anjali Singhvi,  
*Trump Claims There Is a Crisis at the Border. What’s the Reality?*, N.Y. Times (Jan. 11, 2019).

1 the United States. Nor would a wall stop drugs from entering via other routes, including  
 2 smuggling tunnels, which circumvent such physical barriers as fences and walls,<sup>23</sup> and  
 3 international mail (which is how high-purity fentanyl, for example, is usually shipped from China  
 4 directly to the United States).<sup>24</sup>

5 b. Likewise, illegal crossings at the southern border are not the principal source of  
 6 human trafficking victims. About two-thirds of human trafficking victims served by nonprofit  
 7 organizations that receive funding from the relevant Department of Justice office are U.S.  
 8 citizens, and even among non-citizens, most trafficking victims usually arrive in the country on  
 9 valid visas.<sup>25</sup> None of these instances of trafficking could be addressed by a border wall. And the  
 10 three states with the highest per capita trafficking reporting rates are not even located along the  
 11 southern border.<sup>26</sup>

12 **VI. This proclamation will only exacerbate the humanitarian concerns**  
 13 **that do exist at the southern border.**

14 There are real humanitarian concerns at the border, but they largely result from the current  
 15 administration's own deliberate policies towards migrants. For example, the administration has  
 16 used a "metering" policy to turn away the families fleeing extreme violence and persecution in  
 17 their home countries, forcing them to wait indefinitely at the border to present their asylum cases,  
 18 and has adopted a number of other punitive steps to restrict those seeking asylum at the southern  
 19 border. These actions have forced asylum-seekers to live on the streets or in makeshift shelters  
 20 and tent cities with abysmal living conditions, and limited access to basic sanitation has caused  
 21 outbreaks of disease and death. This state of affairs is a consequence of choices this  
 22 administration has made, and erecting a wall will do nothing to ease the suffering of these people.

23 <sup>23</sup> See Gustavo Solis, *Drug Smuggling, and the Endless Battle To Stop It*, USA Today.

24 <sup>24</sup> 2018 National Drug Threat Assessment, *supra* note 22, at 33.

25 <sup>25</sup> Jenna Krajeski, *The Hypocrisy of Trump's Anti-Trafficking Argument for a Border Wall*, New  
 27 Yorker (Feb. 5, 2019).

26 <sup>26</sup> Holly Yan, *The Deadly Toll of Human Smuggling and Trafficking in the U.S.*, CNN (July 28,  
 28 2017, 3:45 PM).

1           **VII. Redirecting funds for the claimed “national emergency” will**  
 2           **undermine U.S. national security and foreign policy interests.**

3           In the face of a nonexistent threat, redirecting funds for the construction of a wall along  
 4 the southern border will *undermine* national security by needlessly pulling resources from  
 5 Department of Defense programs that are responsible for keeping our troops and our country safe  
 6 and running effectively.

7           a.       Repurposing funds from the defense construction budget will drain money from  
 8 critical defense infrastructure projects, possibly including improvement of military hospitals,  
 9 construction of roads, and renovation of on-base housing.<sup>27</sup>

10          b.       The proclamation will divert resources away from military priorities in a manner  
 11 that is likely to degrade troop readiness and effectiveness.<sup>28</sup> In fact, in a March 2019  
 12 memorandum, General Robert Neller, the Commandant of the Marine Corps, warned that the  
 13 “Marine Corps faces fiscal challenges without precedent” and that the transfer of troops and  
 14 funding to the southern border was contributing to “unacceptable risk to Marine Corps combat  
 15 readiness and solvency.” General Neller warned that fiscal pressures would cause the Marine  
 16 Corps to cancel or scale back training exercises “at a time when we are attempting to double  
 17 down on strengthening alliances and attracting new partners.” As “Marines rely on the hard,  
 18 realistic training provided by these events . . . the experience lost by these units at a critical time  
 19 in their preparation cannot be recouped.”<sup>29</sup>

20          c.       In addition, the administration’s unilateral, provocative actions are heightening  
 21 tensions with our neighbors to the south, at a moment when we need their help to address a range  
 22 of Western Hemisphere concerns. These actions are placing friendly governments to the south

23 \_\_\_\_\_  
 24 <sup>27</sup> Claudia Grisales, *Trump Declares Emergency on Southern Border, Opens Battle Over Use of*  
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25 <sup>28</sup> Leo Shane III, *Democrats Want To Know Why Active-Duty Troops Are Still on the Southern US*  
*Border*, Mil. Times (Jan. 29, 2019); Thomas Gibbons-Neff & Helene Cooper, *Impact of Border*  
 26 *Deployments Is Felt by Troops at Home and Away*, N.Y. Times (Dec. 24, 2018); Ashley Roque,  
*Readiness Questions Abound, the Pentagon Prepares To Send Thousands of Additional Troops to*  
*Border*, Jane’s Defence Wkly. (Jan. 29, 2019).

27 <sup>29</sup> Memorandum from Gen. Robert Neller, Commandant, U.S. Marine Corps, to Richard V.  
 28 Spencer, Sec’y, U.S. Navy (Mar. 18, 2019), <https://www.latimes.com/nation/politics/la-marine-corps-commandant-memos-20190321-story.html>.

1 under impossible pressures and driving partners away. They have especially strained our  
2 diplomatic relationship with Mexico, a relationship that is vital to regional efforts ranging from  
3 critical intelligence and law enforcement partnerships to cooperative efforts to address the  
4 growing tensions with Venezuela. Additionally, the proclamation could well lead to the  
5 degradation of the natural environment in a manner that could only contribute to long-term  
6 socioeconomic and security challenges.

7 d. Finally, by declaring a national emergency for domestic political reasons with no  
8 compelling reason or justification from his senior intelligence and law enforcement officials, the  
9 President has further eroded his credibility with foreign leaders, both friend and foe. Should a  
10 genuine foreign crisis erupt, this lack of credibility will materially weaken this administration's  
11 ability to marshal allies to support the United States, and will embolden adversaries to oppose us.

12 **VIII. The situation at the border does not require the use of the armed forces,**  
13 **and a wall is unnecessary to support the use of the armed forces.**

14 *Amici* understand that the administration is also claiming that the situation at the southern  
15 border “requires use of the armed forces,” and that a wall is “necessary to support such use” of  
16 the armed forces. These claims are implausible.

17 a. Historically, our country has deployed National Guard troops at the border solely  
18 to assist the Border Patrol when there was an extremely high number of apprehensions, together  
19 with a particularly low number of Border Patrol agents. But currently, even with retention and  
20 recruitment challenges, the Border Patrol is at historically high staffing and funding levels, and  
21 apprehensions—measured in both absolute and per-agent terms—are near historic lows.<sup>30</sup>

22 b. Further, as noted above, the composition of southern border crossings has shifted  
23 such that families and unaccompanied minors now account for the majority of immigrants  
24 seeking entry at the southern border; these individuals do not present a threat that would need to  
25 be countered with military force.

26 c. Just last month, when asked what the military is doing at the border that couldn't

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28 <sup>30</sup> Alex Nowrasteh, *Sending Troops to the Border Is Unnecessary and Dangerous*  
Cato Inst. (Apr. 4, 2018).

1 be done by the Department of Homeland Security if it had the funding for it, a top-level defense  
 2 official responded, “[n]one of the capabilities that we are providing [at the southern border] are  
 3 combat capabilities. It’s not a war zone along the border.”<sup>31</sup> Finally, it is implausible that  
 4 hundreds of miles of wall across the southern border are somehow necessary to support the use of  
 5 armed forces. *Amici* are aware of no military- or security-related rationale that could remotely  
 6 justify such an endeavor.

7 **IX. There is no basis for circumventing the appropriations process with a**  
 8 **declaration of a national emergency at the southern border.**

9 *Amici* do not deny that our nation faces real immigration and national security challenges.  
 10 But as the foregoing demonstrates, these challenges demand a thoughtful, evidence-based  
 11 strategy, not a manufactured crisis that rests on falsehoods and fearmongering. In a briefing  
 12 before the Senate Intelligence Committee on January 29, 2019, less than one month before the  
 13 Presidential Proclamation, the Directors of the CIA, DNI, FBI, and NSA testified about numerous  
 14 serious current threats to U.S. national security, but none of the officials identified a security  
 15 crisis at the U.S.-Mexico border. In a briefing before the House Armed Services Committee the  
 16 next day, Pentagon officials acknowledged that the 2018 National Defense Strategy does not  
 17 identify the southern border as a security threat.<sup>32</sup> Leading legislators with access to classified  
 18 information<sup>33</sup> and the President’s own statements<sup>34</sup> have strongly suggested, if not confirmed, that  
 19 there is no evidence supporting the administration’s claims of an emergency. And it is reported  
 20 that the President made the decision to circumvent the appropriations process and reprogram  
 21 money without the Acting Secretary of Defense having even started to consider where the funds  
 22

23 <sup>31</sup> Heather Timmons, *The US Border Situation Isn’t a National Emergency, Pentagon Officials*  
 24 *Tell Congress*, Quartz (Jan. 29, 2019).

25 <sup>32</sup> *See id.*

26 <sup>33</sup> *See, e.g.*, Press Release, Sen. Lamar Alexander, Statement on National Emergency  
 27 Announcement (Feb. 15, 2019); Press Release, Sen. Susan Collins, Statement on Reports  
 28 President Trump Will Declare National Emergency To Fund More Border Walls (Feb. 14, 2019);  
 Press Release, Sen. Mitt Romney, Statement on Spending, Border Security Deal (Feb. 14, 2019).

<sup>34</sup> *Remarks by President Trump on the National Security and Humanitarian Crisis on our*  
*Southern Border*, White House (Feb. 15, 2019) (“I didn’t need to do this. But I’d rather do it  
 much faster.”).

1 might come from,<sup>35</sup> suggesting an absence of consultation and internal deliberations that in  
2 *Amici*'s experience are necessary and expected before taking a decision of this magnitude.

3 **CONCLUSION**

4 For the foregoing reasons, *Amici* respectfully submit that there is no factual basis for the  
5 declaration of a national emergency for the purpose of circumventing the appropriations process  
6 and reprogramming billions of dollars in funding to construct a wall at the southern border, as  
7 directed by the Presidential Proclamation of February 15, 2019.

8 Dated: May 2, 2019

Respectfully Submitted,

9  
10 By: /s/ Kathleen R. Hartnett

Kathleen R. Hartnett (SBN 314267)  
BOIES SCHILLER FLEXNER LLP  
1999 Harrison Street, Suite 900  
Oakland, CA 94612  
Telephone: (510) 874-1000  
Facsimile: (510) 874-1460  
Email: khartnett@bsflp.com

15 Harold Hongju Koh (*pro hac vice forthcoming*)  
RULE OF LAW CLINIC  
Yale Law School  
127 Wall Street, P.O. Box 208215  
New Haven, CT 06520  
Telephone: (203) 432-4932  
Email: harold.koh@ylsclinics.org

20 Phil Spector (*pro hac vice forthcoming*)  
MESSING & SPECTOR LLP  
1200 Steuart Street, #2112  
Baltimore, MD 21230  
Telephone: (212) 277-8173  
Email: ps@messingspector.com

24 *Attorneys for Amici Curiae Former U.S.  
Government Officials*

27 \_\_\_\_\_  
28 <sup>35</sup> Noah Gray, *Acting U.S. Defense Secretary Will Review Programs To Cut for Wall Funding*,  
CNN (Feb. 17, 2019).



**APPENDIX - List of *Amici Curiae***

1  
2 1. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee  
3 and naturalized American citizen, she served as U.S. Permanent Representative to the United  
4 Nations from 1993 to 1997. She has also been a member of the Central Intelligence Agency  
5 External Advisory Board since 2009 and of the Defense Policy Board since 2011, in which  
6 capacities she has received assessments of threats facing the United States.

7 2. Jeremy B. Bash served as Chief of Staff of the U.S. Department of Defense from  
8 2011 to 2013, and as Chief of Staff of the Central Intelligence Agency from 2009 to 2011.

9 3. John B. Bellinger III served as the Legal Adviser to the U.S. Department of State  
10 from 2005 to 2009. He previously served as Senior Associate Counsel to the President and Legal  
11 Adviser to the National Security Council from 2001 to 2005.

12 4. Daniel Benjamin served as Ambassador-at-Large for Counterterrorism at the U.S.  
13 Department of State from 2009 to 2012.

14 5. Antony Blinken served as Deputy Secretary of State from 2015 to 2017. He  
15 previously served as Deputy National Security Advisor to the President from 2013 to 2015.

16 6. John O. Brennan served as Director of the Central Intelligence Agency from 2013  
17 to 2017. He previously served as Deputy National Security Advisor for Homeland Security and  
18 Counterterrorism and Assistant to the President from 2009 to 2013.

19 7. R. Nicholas Burns served as Under Secretary of State for Political Affairs from  
20 2005 to 2008. He previously served as U.S. Ambassador to NATO and as U.S. Ambassador to  
21 Greece.

22 8. William J. Burns served as Deputy Secretary of State from 2011 to 2014. He  
23 previously served as Under Secretary of State for Political Affairs from 2008 to 2011, as U.S.  
24 Ambassador to Russia from 2005 to 2008, as Assistant Secretary of State for Near Eastern Affairs  
25 from 2001 to 2005, and as U.S. Ambassador to Jordan from 1998 to 2001.

26 9. Johnnie Carson served as Assistant Secretary of State for African Affairs from  
27 2009 to 2013. He previously served as the U.S. Ambassador to Kenya from 1999 to 2003, to  
28 Zimbabwe from 1995 to 1997, and to Uganda from 1991 to 1994.

1           10.     James Clapper served as U.S. Director of National Intelligence from 2010 to 2017.

2           11.     David S. Cohen served as Under Secretary of the Treasury for Terrorism and  
3 Financial Intelligence from 2011 to 2015 and as Deputy Director of the Central Intelligence  
4 Agency from 2015 to 2017.

5           12.     Eliot A. Cohen served as Counselor of the U.S. Department of State from 2007 to  
6 2009.

7           13.     Bathsheba N. Crocker served as Assistant Secretary of State for International  
8 Organization Affairs from 2014 to 2017.

9           14.     Ryan Crocker served as U.S. Ambassador to Afghanistan from 2011 to 2012, as  
10 U.S. Ambassador to Iraq from 2007 to 2009, as U.S. Ambassador to Pakistan from 2004 to 2007,  
11 as U.S. Ambassador to Syria from 1998 to 2001, as U.S. Ambassador to Kuwait from 1994 to  
12 1997, and U.S. Ambassador to Lebanon from 1990 to 1993.

13           15.     Thomas Donilon served as National Security Advisor to the President from 2010  
14 to 2013.

15           16.     Jen Easterly served as Special Assistant to the President and Senior Director for  
16 Counterterrorism from 2013 to 2016.

17           17.     Nancy Ely-Raphel served as Senior Adviser to the Secretary of State and Director  
18 of the Office to Monitor and Combat Trafficking in Persons from 2001 to 2003. She previously  
19 served as the U.S. Ambassador to Slovenia from 1998 to 2001.

20           18.     Daniel P. Erikson served as Special Advisor for Western Hemisphere Affairs to  
21 the Vice President from 2015 to 2017, and as Senior Advisor for Western Hemisphere Affairs at  
22 the U.S. Department of State from 2010 to 2015.

23           19.     John D. Feeley served as U.S. Ambassador to Panama from 2015 to 2018. He  
24 served as Principal Deputy Assistant Secretary for Western Hemisphere Affairs at the U.S.  
25 Department of State from 2012 to 2015.

26           20.     Daniel F. Feldman served as Special Representative for Afghanistan and Pakistan  
27 at the U.S. Department of State from 2014 to 2015.

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1           21. Jonathan Finer served as Chief of Staff to the Secretary of State from 2015 to  
2 2017, and Director of the Policy Planning Staff at the U.S. Department of State from 2016 to  
3 2017.

4           22. Jendayi Frazer served as Assistant Secretary of State for African Affairs from  
5 2005 to 2009. She served as U.S. Ambassador to South Africa from 2004 to 2005.

6           23. Suzy George served as Executive Secretary and Chief of Staff of the National  
7 Security Council from 2014 to 2017.

8           24. Phil Gordon served as Special Assistant to the President and White House  
9 Coordinator for the Middle East, North Africa and the Gulf from 2013 to 2015, and Assistant  
10 Secretary of State for European and Eurasian Affairs from 2009 to 2013.

11           25. Chuck Hagel served as Secretary of Defense from 2013 to 2015, and previously  
12 served as Co-Chair of the President's Intelligence Advisory Board. From 1997 to 2009, he served  
13 as U.S. Senator for Nebraska, and as a senior member of the Senate Foreign Relations and  
14 Intelligence Committees.

15           26. Avril D. Haines served as Deputy National Security Advisor to the President from  
16 2015 to 2017. From 2013 to 2015, she served as Deputy Director of the Central Intelligence  
17 Agency.

18           27. Luke Hartig served as Senior Director for Counterterrorism at the National  
19 Security Council from 2014 to 2016.

20           28. General (ret.) Michael V. Hayden, USAF, served as Director of the Central  
21 Intelligence Agency from 2006 to 2009. From 1995 to 2005, he served as Director of the National  
22 Security Agency.

23           29. Kathleen H. Hicks served as Principal Deputy Under Secretary of Defense for  
24 Policy from 2012 to 2013, and as Deputy Under Secretary of Defense for Strategy, Plans, and  
25 Forces from 2009 to 2012.

26           30. Heather A. Higginbottom served as Deputy Secretary of State for Management  
27 and Resources from 2013 to 2017.

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1           31. Christopher R. Hill served as Assistant Secretary of State for East Asian and  
2 Pacific Affairs from 2005 to 2009. He also served as U.S. Ambassador to Macedonia, Poland, the  
3 Republic of Korea, and Iraq.

4           32. Roberta Jacobson served as U.S. Ambassador to Mexico from 2016 to 2018. She  
5 previously served as Assistant Secretary of State for Western Hemisphere Affairs from 2011 to  
6 2016.

7           33. Gil Kerlikowske served as Commissioner of Customs and Border Protection from  
8 2014 to 2017. He previously served as Director of the Office of National Drug Control Policy  
9 from 2009 to 2014.

10          34. John F. Kerry served as Secretary of State from 2013 to 2017.

11          35. Prem Kumar served as Senior Director for the Middle East and North Africa at the  
12 National Security Council from 2013 to 2015.

13          36. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency  
14 from 2000 to 2004 and as Acting Director in 2004. His duties included briefing President-elect  
15 Bill Clinton and President George W. Bush.

16          37. Lisa O. Monaco served as Assistant to the President for Homeland Security and  
17 Counterterrorism and Deputy National Security Advisor from 2013 to 2017. Previously, she  
18 served as Assistant Attorney General for National Security from 2011 to 2013.

19          38. Janet Napolitano served as Secretary of Homeland Security from 2009 to 2013.  
20 She served as the Governor of Arizona from 2003 to 2009.

21          39. James D. Nealon served as Assistant Secretary for International Engagement at the  
22 U.S. Department of Homeland Security from 2017 to 2018. He served as U.S. Ambassador to  
23 Honduras from 2014 to 2017.

24          40. James C. O'Brien served as Special Presidential Envoy for Hostage Affairs from  
25 2015 to 2017. He served in the U.S. Department of State from 1989 to 2001, including as  
26 Principal Deputy Director of Policy Planning and as Special Presidential Envoy for the Balkans.

27          41. Matthew G. Olsen served as Director of the National Counterterrorism Center  
28 from 2011 to 2014.

1           42.     Leon E. Panetta served as Secretary of Defense from 2011 to 2013. From 2009 to  
2 2011, he served as Director of the Central Intelligence Agency.

3           43.     Anne W. Patterson served as Assistant Secretary of State for Near Eastern Affairs  
4 from 2013 to 2017. Previously, she served as the U.S. Ambassador to Egypt from 2011 to 2013,  
5 to Pakistan from 2007 to 2010, to Colombia from 2000 to 2003, and to El Salvador from 1997 to  
6 2000.

7           44.     Thomas R. Pickering served as Under Secretary of State for Political Affairs from  
8 1997 to 2000. He previously served as Ambassador to El Salvador from 1983 to 1985, and as  
9 U.S. Permanent Representative to the United Nations from 1989 to 1992.

10          45.     Amy Pope served as Deputy Homeland Security Advisor and Deputy Assistant to  
11 the President from 2015 to 2017.

12          46.     Samantha J. Power served as U.S. Permanent Representative to the United Nations  
13 from 2013 to 2017. From 2009 to 2013, she served as Senior Director for Multilateral and Human  
14 Rights at the National Security Council.

15          47.     Jeffrey Prescott served as Deputy National Security Advisor to the Vice President  
16 from 2013 to 2015, and as Special Assistant to the President and Senior Director for Iran, Iraq,  
17 Syria and the Gulf States from 2015 to 2017.

18          48.     Nicholas Rasmussen served as Director of the National Counterterrorism Center  
19 from 2014 to 2017.

20          49.     Alan Charles Raul served as Vice Chairman of the Privacy and Civil Liberties  
21 Oversight Board from 2006 to 2008. He previously served as General Counsel of the U.S.  
22 Department of Agriculture from 1989 to 1993, General Counsel of the Office of Management and  
23 Budget in the Executive Office of the President from 1988 to 1989, and Associate Counsel to the  
24 President from 1986 to 1989.

25          50.     Dan Restrepo served as Special Assistant to the President and Senior Director for  
26 Western Hemisphere Affairs at the National Security Council from 2009 to 2012.

27          51.     Susan E. Rice served as U.S. Permanent Representative to the United Nations from  
28 2009 to 2013 and as National Security Advisor to the President from 2013 to 2017.

1           52.     Anne C. Richard served as Assistant Secretary of State for Population, Refugees,  
2 and Migration from 2012 to 2017.

3           53.     Eric P. Schwartz served as Assistant Secretary of State for Population, Refugees,  
4 and Migration from 2009 to 2011. From 1993 to 2001, he was responsible for refugee and  
5 humanitarian issues at the National Security Council, ultimately serving as Special Assistant to  
6 the President for National Security Affairs and Senior Director for Multilateral and Humanitarian  
7 Affairs.

8           54.     Andrew J. Shapiro served as Assistant Secretary of State for Political-Military  
9 Affairs from 2009 to 2013.

10          55.     Wendy R. Sherman served as Under Secretary of State for Political Affairs from  
11 2011 to 2015.

12          56.     Vikram J. Singh served as Deputy Special Representative for Afghanistan and  
13 Pakistan from 2010 to 2011 and as Deputy Assistant Secretary of Defense for Southeast Asia  
14 from 2012 to 2014.

15          57.     Dana Shell Smith served as U.S. Ambassador to Qatar from 2014 to 2017.  
16 Previously, she served as Principal Deputy Assistant Secretary of Public Affairs.

17          58.     Jeffrey H. Smith served as General Counsel of the Central Intelligence Agency  
18 from 1995 to 1996. He previously served as General Counsel of the Senate Armed Services  
19 Committee.

20          59.     Jake Sullivan served as National Security Advisor to the Vice President from 2013  
21 to 2014. He previously served as Director of Policy Planning at the U.S. Department of State  
22 from 2011 to 2013.

23          60.     Strobe Talbott served as Deputy Secretary of State from 1994 to 2001.

24          61.     Linda Thomas-Greenfield served as Assistant Secretary for the Bureau of African  
25 Affairs from 2013 to 2017. She previously served as U.S. Ambassador to Liberia and Deputy  
26 Assistant Secretary for the Bureau of Population, Refugees, and Migration from 2004 to 2006.

27          62.     Arturo A. Valenzuela served as Assistant Secretary of State for Western  
28 Hemisphere Affairs from 2009 to 2011. He previously served as Special Assistant to the President

1 and Senior Director for Inter-American Affairs at the National Security Council from 1999 to  
2 2000, and as Deputy Assistant Secretary of State for Mexican Affairs from 1994 to 1996.

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