UNITED STATES DISRICT COURT

EASTERN DISTRICT OF VIRGINA

TAREQ AZIZ, *et al*,
Petitioners

v. No. 1:17-cv-0116(LMB/TCB)

DONALD TRUMP, President of the United States, et al.,
Respondents

MOTION FOR LEAVE TO FILE AN *AMICUS* BRIEF RAISING POLITICAL QUESTION NONJUSTICIABILITY, A BRIEF FROM *AMICUS CURAIE* PROFESSOR VICTOR WILLIAMS, OF THE AMERICA FIRST LAWYERS ASSOCATION, 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
americanfirstlawyers@gmail.com

Comes now Professor Victor Williams seeking leave of the Court to file an *Amicus* Brief in support of the Respondent President Donald J. Trump respectfully asserting that this Court does not have subject matter jurisdiction in this matter as the case presents a nonjusticiable political question. Amicus further respectfully suggests that this Court has an obligation to *sua sponte* examine this subject matter deficiency, void its preliminary injunction, and dismiss the action.

INTEREST OF PROSPECTIVE *AMICUS*

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 City University of New York's John Jay College of Criminal Justice and the Catholic University of America's Columbus School of Law. Williams has advanced training in federal jurisdiction and international law (LL.M. Columbia University's School of Law) and in economic analysis of the law (LL.M. George Mason University's Scalia School of Law). Professor Williams has particular knowledge and expertise regarding the text, history, and interpretation of Article II and Article III of the U.S. Constitution.

Since his undergraduate law studies (J.D. University of California-Hastings College of the Law), Professor Williams has 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).

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. Prospective *Amicus* asked for party consent to this filing through email with the Virginia Attorney General declining and Justice Department not responding.

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 *sua sponte* 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

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

Presenting just one argument: 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 Court's inquiry is barred by the patent political question, and any assertion by the Court or Petitioner that such is necessary to a related statutory analysis would not make the inquiry or the controversy justiciable.

But both technical and prudential understandings of the political question doctrine requires this Court to reject review of this matter.

Submitted on February 25, 2017

Victor Williams,
Appearing *Pro Se*
America First Lawyers Association
www.americafirstlawyers.com
5209 Baltimore Ave,
Bethesda, MD 20816
(301) 951-9045
americanfirstlawyers@gmail.com

CERTIFICATE OF SERVICE

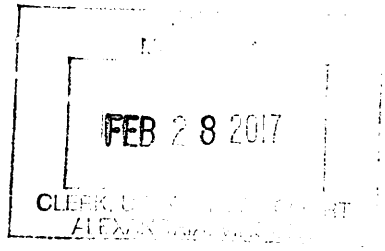
I hereby certify that on February 25, 2017, the foregoing motion with proposed brief was filed with the Clerk of this Court using the U.S. Mail (as *pro se* prospective *Amicus* is not a registered ECF user) and served on parties of record also using U.S. Mail.

Victor Williams, *pro se*

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

UNITED STATES DISRICT COURT

EASTERN DISTRICT OF VIRGINA



TAREQ AZIZ, *et al*,
Petitioners

v. No. 1:17-cv-0116(LMB/TCB)

DONALD TRUMP, President of the United States, et al.,
Respondents

RAISING POLITICAL QUESTION NONJUSTICIABILITY, A BRIEF FROM *AMICUS CURAIE* PROFESSOR VICTOR WILLIAMS, OF THE AMERICA FIRST LAWYERS ASSOCATION, 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
americanfirstlawyers@gmail.com

CERTIFICATE AS TO PARTIES & RELATED CASES

A. Parties and Amici. All parties, interveners, and amici appearing in this Court are listed in party briefing except that this brief is filed on behalf of Professor Victor Williams in support of President Donald Trump, *et al.*

B. Related Cases. Other related cases of which *Amicus* is aware are referenced in the briefing offered by parties.

Dated: February 25, 2017

/s/Victor Williams p*ro se*

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

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Cases: **Page(s)**

TABLE OF AUTHORITIES (continued)

Constitutions/Statutes/Executive Orders **Page(s):**

Other

STATEMENT OF AUTHORSHIP AND FINANCIAL CONTRIBUTION

This brief is offered by *Amicus* as an individual. *Amicus* affiliation is offered only for informational purposes. No party's counsel authored this brief in whole or in part, and no party, nor other person, contributed money intended to fund the preparation or submission of this brief.

STATEMENT OF IDENTITY, INTEREST AND AUTHORITY OF *AMICUS*

In attached Motion, leave of the Court is requested to file this Brief. 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. Prospective *Amicus* asked for party consent to this filing through email with the Virginia Attorney General declining and DOJ not responding. 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 City University of New York's John Jay College of Criminal Justice and the Catholic University of America's Columbus School of Law. Williams has advanced training in federal jurisdiction and international law (LL.M. Columbia University's School of Law) and in economic analysis of the law (LL.M. George Mason University's Scalia School of Law). Professor Williams has particular knowledge and expertise regarding the text, history, and interpretation of Article II and Article III of the U.S. Constitution.

Since his undergraduate law studies (J.D. University of California-Hastings College of the Law), Professor Williams has 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). These past presidents quite often pursued policy ends at odds with Professor Williams' personal policy preferences.

But now, Professor Williams' ultimate policy preference to always "put America first" is clearly reflected in President Trump's agenda and early actions.

Professor Williams was an early primary supporter of candidate Donald Trump. In spring 2016, Professor Williams launched a disruptive legal action, after obtaining "competitor candidate standing" as a write-in candidate in several late primary states, to challenge the ballot eligibility of (naturally-born Canadian) Ted Cruz. (www.victorwilliamsforpresident.com).

After Senator Cruz withdrew from the GOP primary, Professor Williams also withdrew from the primary race, formerly endorsed Donald Trump, and founded an independent campaign Super PAC (GOP Lawyers Super PAC) rallying Lawyers and Law Professors (www.goplawyers.com) to support Donald Trump in the general election.

The campaign group has now transformed into, and rebranded as, the "America First Lawyers Association" (www.americafirstlawyers.com), which Professor Williams chairs, to support Trump administration "America first" nominations, policies, and other efforts.

/s/ Victor Williams,

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

ARGUMENT

Amicus respectfully argues that the Court does not have subject matter jurisdiction in this matter. This Court has an obligation to *sua sponte* 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.

Offered in support of President Donald J. Trump, *et al*, this *Amicus* Brief endorses and incorporates DOJ's factual statement, background, and arguments particularly as to statutory interpretation. However, *Amicus* presents an alternatively focused theory asserting that the claims against the president's January 27, 2017 executive order raise a nonjusticiable political question.

In sum: 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 Court's inquiry is barred by the patent political question, and the Court's assertion that such is necessary to its related statutory analysis would not make the inquiry or the controversy justiciable.

Article II textually grants the president exclusive responsibility to implement war strategy and security-related foreign policy to defeat America's foreign enemies. In *Harisiades v. Shaughnessy*, the Supreme Court states that "any policy toward aliens is vitally and intricately interwoven" with both "war powers" and "foreign relations" conduct. 342 U.S. 580, 588-89 (1952). *See DaCosta v. Laird*, 471 F.2d 1146 (2nd Cir. 1973) and *Smith v. Reagan*, 844 F.2d 195 (4th Cir. 1988).

America is at war. The stated purpose of the president's challenged executive order is "to protect the American people from terrorist attacks from foreign nationals." Exec.Order No. 13769, 82 FED. REG. 8977 (January 27, 2017) (titled: *Protecting the Nation from Foreign Terrorist Entry into the United States*). The war action is taken by the Executive in his joint constitutional capacity as Commander-in-Chief and Chief Executive.

Traveling aliens present a particular threat of terrorism. The restricted traveling aliens come directly from foreign soil. The traveling aliens do not come from soil over which America has "plenary or exclusive jurisdiction." *Rasul v. Bush*, 542 U.S. 446 (2004). The assertion of judicial authority in the Guantanamo Bay line of cases is thus not -- in any way -- supportive of the Court's subject matter jurisdiction in this matter. *See Boumediene v. Bush*, 53 US 723 (2008).

Throughout our Republic's history, the Supreme Court has recognized that some issues are committed by the Constitution's text to the exclusive discretion of the elected political branches. When these political questions manifest, the judiciary must keep out of any such dispute, for it lacks jurisdiction to act in its prescribed and limited role as a court.

Congressman John Marshall, in 1800, warned his U.S. House colleagues that the political branches would be "swallowed-up by the judiciary" without such judicial self-restraint. Speech of the Honorable John Marshall (Mar. 7, 1800), 18 U.S. app. note I, at 16-17 (1820) (citied by *The Political Question Doctrine and the Supreme Court of the United States* (Nada Mourtada-Sabbah and Bruce E. Cain, eds.) 25 n. 10) 2007).

Three years later, Chief Justice John Marshall provided early guidance as to the "rule of law to guide the court in the exercise of its jurisdiction." Marshall offered this political question description: "By the constitution of the United States, the president is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience." *Marbury v. Madison,* 5 U.S. 137, 165 (1803).

Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit artfully explains that the doctrine acknowledges the Constitution's "assignment of exclusive decision making responsibility to the nonjudicial branches of the federal government." *Miami Nation of Indians v. Department of Interior*, 255 F.3d 342 (7th Cir. 2001). The president's war-strategy discretion to deny entry onto American soil of aliens coming from the foreign soil of terrorist-breeding nations "lies at the heart of the doctrine of 'political questions.'" Consider this further description by Judge Posner:

> The doctrine identifies a class of questions that either are not amenable to judicial resolution because the relevant considerations are beyond the courts' capacity to gather and weigh, or have been committed by the Constitution to the exclusive, unreviewable discretion of the executive and/or legislative — the so-called 'political' — branches of the federal government.

Id. (citations and references omitted).

Even more instructive is Judge Posner's strong statement regarding the "nature of the questions that the court would have to answer — which asks **whether the answers would be ones a federal court could give without ceasing to be a court**." *Id.* (emphasis added).

It follows from Judge Posner's analysis that President Donald Trump's Twitter reaction to judicial attempts to interfere with his constitutional authority was spot-on accurate. "The opinion of this so-called judge…is ridiculous and will be overturned!" Donald J. Trump (@RealDonaldTrump), Twitter (Feb. 4, 2017, 8:12 AM), https://twitter.com/realDonaldTrump?ref_src=twsrc%5Etfw.

When a court resolves to answer a patent political question, it ceases to be a court -- just as Judge Posner asserts. Judicial answers to patent political questions, even if offered in good faith, must indeed come from "so-called judges." For the jurists are not acting in their juridical capacity when pronouncing such orders and rulings. While such orders and rulings are still to be obeyed (and the America rule of law dictates that they be fully enforced even at the point of the U.S. Marshall's bayonet), such orders and rulings are extra-judicial in nature. They do not result from an act of judging. At best, they result from "so-called" judging. Amicus respectfully asserts that, at worst, such judicial interference with the Commander-in-Chief's decisions as to war strategy might retrospectively be seen as a historically dangerous usurpation of political authority. *See generally*, Stephen Dinan, *Lawyer Says Trump is Right to Chide Judge over "Ridiculous" Ruling*, WASH. TIMES, Feb. 6, 2017 (interview with *Amicus*), http://www.washingtontimes.com/news/2017/feb/6/lawyer-trump-right-chide-judge-ridiculous-ruling/.

Defending the nation against foreign enemies during a time of war is the highest mandate of the president, who is vested with all executive power by Article II, Section 1, and made Commander-in-Chief of the Army and Navy by Article II, Section 2. In carrying out these duties, the president has a most unique duty to protect the Republic and its citizens from potential harm from foreign alien enemies landing on our shores. Providing such Executive energy was a fundamental reason for the 1787 Constitution's replacement of the failed Articles of Confederation. Consider Alexander Hamilton's ratification argument in Federalist 23:

> The authorities essential to the common defense are these: to raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, *because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them.* The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defense.

Alexander Hamilton, "No. 23: The Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," in Clinton Rossiter, ed., *The Federalist Papers* (New York: Mentor, 1999), 148-53.

From *Marbury* forward, the judicial abstention theory has since developed to preclude judicial consideration in a variety of issues. *See e.g.*, *Colegrove v. Green*, 328 U.S. 549, 552–56 (1946) (legislative apportionment); *Coleman v. Miller*, 307 U.S. 433, 450 (1939)(constitutional amendment ratification challenge); *Luther v. Borden*, 48 U.S. (7 How.) 1, 40–43 (1849) (asserting of the Guarantee Clause); *Oetjen v. Central Leather Co.*, 246 U.S. 297, 303 (1918) (foreign relations).

In the modern case of *Baker v. Carr*, 369 U.S. 186 (1962), the Supreme Court identified six independent characteristics "[p]rominent on the surface of any case held to involve a political question," including:

> [1] a textually demonstrable commitment of the issue to a coordinate political department;
>
> [2] or a lack of judicially discoverable and manageable standards for resolving it;
>
> [3] or the impossibility of deciding without an initial policy determination of a kind clearly for non-judicial discretion;
>
> [4] or the impossibility of a court's undertaking of independent resolution without expressing lack of the respect due to coordinate branches of government;
>
> [5] or an unusual need for unquestioning adherence to the political decision already made;
>
> [6] or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

See Baker, 369 U.S. at 217.

It is widely recognized that only one criteria is needed for an abstention determination. *See Snider v. Kissinger*, 412 F.3d 190, 194 (D.C. Cir. 2005). But not one, not two, but all six *Baker* characteristics are patent in this Court's consideration of the challenge to the travel restriction.

If the Court goes beyond the textually-committed Article II authority of the president as Commander-in-Chief and Chief Executive, it will become lost in the densest of a modern political thicket. The Court will find no manageable standards to competently decide the challenge and will be forced to make initial policy determinations -- without the skills or information need for such determinations. *See El-Shifa v. United States*, *607 F.3d* 836 (D.C. Cir. 2010) (en banc).

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 visitors from certain terrorist-breeding nations. The Court's inquiry is barred by the patent political question, and the Court's assertion that such is necessary to its related statutory analysis does not make the inquiry or the controversy justiciable. *Id.at 843.*

Particularly for directly questioning the underlying motives of the newly elected President Donald Trump in deciding to implement the executive order,

some sister courts in similar challenges have already shown substantial respect due the political branch of government. Sadly, to some observers and commentators, it appears that such judicial disrespect against Donald Trump was purposeful. With little or no concern for "adherence" to the president's political decision already made, the Court will throw this nation into further chaos by further reviewing this challenge. And the Court will only add to the "multifarious pronouncements" of courts across the nation regarding the travel restriction. The Executive is engaged in a delicate military and foreign policy calculus—one that is severely disrupted by judicial intervention. Although it is the federal judiciary which suffers "embarrassment" from this intervention, it is the American people who suffer a greater danger of terrorist violence.

Further, it has already been shown that judicial declarations that contradicts President Trump's judgments on the travel restrictions "create doubts in the international community regarding the resolve of the United States to adhere to this position." *Lowry v. Regan*, 676 F. Supp. 333, 340 (D.D.C. 1987). *See also, Smith v. Reagan*, 844 F.2d 195, 199 (4th Cir. 1988).

Subsequent to *Baker*, the Supreme Court in *Nixon v. United States*, 506 U.S. 224 (1993) applied these *Baker* factors by instructing that the political question analysis begins by "determin[ing] whether and to what extent the issue is textually committed." 506 U.S. at 228. The Supreme Court rejected, as

nonjusticiable, a debenched federal judge's challenge to the Senate's exercise of its Article I, Section 3, Clause 6 "sole" duty to "try" all impeachments. The Court refused to review a procedurally problematic Senate impeachment trial process in which an "evidence committee" of only 12 senators heard testimony while 88 senators avoided jury duty. All 100 Senators were ultimately allowed to vote -- thumbs up or down -- rendering the final removal verdict. The Court determined that it did not have authority to review the shortcut Senate trial process used to strip U.S. District Judge Walter Nixon of his tenured office and salary. The Court explicitly ruled "the word 'try' in the Impeachment Trial Clause does not provide an identifiable textual limit on the authority which is committed to the Senate" *Id.* at 239. The nation's highest court would not attempt to impose a definition of the word "try" on the upper chamber or critique the shortcut manner in which the upper chamber transformed itself into the nation's High Court of Impeachment.

Neither should this Court review the president's exercise of his exclusive textual authority to implement war strategy and security-related foreign policy. Just as the Supreme Court did in the *Nixon*, this Court should readily determine that "there is no separate provision of the Constitution" that could be rationally argued, by any party with standing, to conflict with the President's textual "authority" to utilize his war powers. 506 U.S. at 237.

As an additional preliminary point of authority, *Goldwater v. Carter* is an example of the Supreme Court's most efficient political question determination. 444 U.S. 996 (1979). *Goldwater* involved a group of senators, led by Barry Goldwater, who sued President Jimmy Carter to challenge his abrogation of a United States treaty with Taiwan. The Supreme Court rejected the senators' attempt to interfere with an exclusive Executive authority. Without oral argument, the high court announced: "The petition for a writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to the District Court with directions to dismiss the complaint." *Id.* In a concurring statement, Associate Justice William Rehnquist explained: "[T]he basic question presented by the petitioners in this case is 'political' and therefore nonjusticiable." *Id.* at 1002. In cheering the Supreme Court's quick and final decision not to review the merits of the senators' challenge for fear it would "spawn legal consequences," Rehnquist's statement should now guide this Court :

> An Art. III court's resolution of a question that is 'political' in character can create far more disruption among the three coequal branches of Government than the resolution of a question presented in a moot controversy. Since the political nature of the questions presented should have precluded the lower courts from considering or deciding the merits of the controversy, the prior proceedings in the federal courts must be vacated, and the complaint dismissed.

Id. at 1005-06.

Perhaps less "domesticated" abstention advocacy is needed for this Court's self-restraint in this matter; "something greatly more flexible, something of prudence, not construction and not principle." The purest prudential strain of nonjusticiability still incubates in Alexander Bickel's THE LEAST DANGEROUS BRANCH: THE SUPREME COURT AT THE BAR OF POLITICS. Professor Bickel discussed political questions are those issues which ask the courts to evaluate policy and choose between outcomes – functions which the judiciary as an institution is functionally incompetent to carry out. In unmatched written aesthetic, Alexander Bickel offered a foundation instead of *Baker*-like criteria:

> In a mature democracy, choices such as this must be made by the executive..." Such is the foundation, in both intellect and instinct, of the political-question doctrine: the Court's sense of lack of capacity, compounded in unequal parts of (a) the strangeness of the issue and its intractability to principled resolution; (b) the sheer momentousness of it, which tends to unbalance judicial judgment; (c) the anxiety, not so much that the judicial judgment will be ignored, as that perhaps it should but will not be; (d) finally ("in a mature democracy"), the inner vulnerability, the self-doubt of an institution which is electorally irresponsible and has no earth to draw strength from.

Alexander Bickel, THE LEAST DANGEROUS BRANCH: THE SUPREME COURT AT THE BAR OF POLITICS 184 (Yale 1986).

When considering the danger that judicial restriction of the Executive's war powers poses for the security of the American people, it is disturbingly prescient that Professor Bickel addressed "the anxiety, not so much that the judicial judgment will be ignored but that it should but will not be."

And certainly today, our unelected judiciary, which has "no earth to draw strength from," would be both wise and prudent to stay out of the worsening and ugly mud-fight initiated by the ideological elites against Donald John Trump.

Admittedly, the late Yale University Law professor's prudential poetry unnerves the judge-centric consciousness so predominant in our age. All the more reason for this Court's deep consideration of its fundamental truths.

There is a related -- but separate –consideration for this Court: The nation's extreme need for finality in the president's alien vetting practices as a part of his war strategy. This need for finality weighs very heavily in favor of a political question determination. As Judge Steven Williams reasoned in 1991, when *Nixon v. United States* was before the D.C. Circuit: "-Although the primary reason for invoking the political question doctrine in our case is the textual commitment...the need for finality also demands it." *Nixon v. United States,* 938 F.2d 239, 245-46 (D.C. Cir. 1991)(citations omitted).

The cost of an unrestrained judiciary answering political questions is often chaos:

> If claims such as Nixon's were justiciable, procedural appeals from every impeachment trial would become routine....[F]or the impeachments that are anything but routine, those of presidents and chief justices, the intrusion of the courts would expose the political life of the country to months, or perhaps years, of chaos.

Id at 246.

Challenges to the president's Executive Order are now becoming "routine," with adjudications challenging the travel restriction ongoing in several sister circuits. It must be clearly seen that "the intrusion of the courts would expose the political life [and national security] of the country to months, or perhaps years, of [dangerous] chaos." *Id.*.

As Trump derangement syndrome appears virulently contagious among certain intellectual and political elites – particularly among lawyers who need only the federal court filing fee manifest their disorder -- finality in this area is needed to help retard future frivolous litigation against Donald Trump's governance.

Article II grants the president exclusive war powers and security-related foreign relations authorities "the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience." *Marbury v. Madison.* 5 U.S. 137, 165 (1803).

Attempts by the judiciary to interfere with President Trump's wartime exercise of his inherent authorities, in deciding whether to allow entry of foreign-soil aliens onto American soil, threaten a dangerous usurpation.

The president, not the judiciary, has the institutional competence make judgments about what specific actions are required in order for the Executive to fulfill his defense responsibilities during this unusual, ongoing war against radical Islamic terrorists. *See generally Al-Aulaqi v. Obama, 727 F. Supp.2d* 1 (D.D.C. 2010).

The challenges to President Donald John Trump's exercise of those exclusive authorities raise a nonjusticiable political question and are due for immediate dismissal.

Dated: February 25, 2017

/s/ Victor Williams, *pro se*
America First Lawyers Association
www.americafirstlawyers.com
5209 Baltimore Ave,
Bethesda, MD 20816
(301) 951-9045
americanfirstlawyers@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2017, the foregoing brief with motion was filed with the Clerk of this Court using the U.S. Mail (as *pro se* prospective *Amicus* is not a registered ECF user) and served on parties of record also using U.S. Mail.

/s/Victor Williams, *pro se*

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

2-25-2017

Original and 1 copy

Clerk's Office

Please find enclosed a motion and proposed Amicus brief for the named pending case.

Not holding a bar membership with this court and proceeding *pro se*, I am not able to access ECF filing so I file this in paper form.

Victor Williams,
Appearing *Pro Se*

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