

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

THE DISTRICT OF COLUMBIA AND  
THE STATE OF MARYLAND,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States of America,

Defendant.

Civil Action No. 8:17-cv-01596 (PJM)

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**MOTION FOR LEAVE TO FILE BRIEF OF FORMER NATIONAL SECURITY  
OFFICIALS AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO  
DEFENDANT'S MOTION TO DISMISS**

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Proposed amici curiae, a group of former national security officials identified below, respectfully submit this motion seeking leave to file the accompanying amicus curiae brief attached as an exhibit in support of Plaintiffs' opposition to Defendant's motion to dismiss in the above-captioned case.

1. This Court has recognized that a brief of amici curiae is appropriate at the trial level where "they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance." *American Humanist Ass'n v. Maryland-National Capital Park and Planning Com'n*, 303 F.R.D. 266, 269 (D.Md. 2014) (quoting *Bryant v. Better Business Bureau of Greater Md.*, 923 F. Supp. 720, 728 (D.Md. 1996)). District courts often look for guidance to Rule 29 of the Federal Rules of Appellate Procedure, which indicates that amici should state "the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case." Fed. R. App. P. 29(b)(2); see *Washington Gas Light Co. v. Prince George's County Council*, 2012 WL 832756, at \*3 F.Supp.2d (D.Md. 2012).

2. Proposed amici curiae are a group of former national security, foreign policy, and intelligence officials who have worked at the senior-most levels of the U.S. government for Presidents of both major political parties. As Executive Branch officials and through their decades of public service, amici are intimately familiar with the need for the Executive to act decisively, with one voice, on behalf of the nation. For the same reason, proposed amici understand the critical importance of—and while in office sought scrupulously to obey—rigorous ethical rules to protect against undue influence in the national security and foreign policy making process.

3. Proposed amici move to file this brief to offer the Court their unique perspective, based on their decades of service at the highest levels of national security policymaking, on the national security and foreign policy consequences of this case, which involves the interpretation of a constitutional provision that is at its core about the protection of our national security and foreign policy interests. They seek to explain why the ethical standards in the Foreign Emoluments Clause are essential to the national security and foreign policy interests of the United States, and why that national security and foreign policy need for such standards supports reading the Constitution's Foreign Emoluments Clause broadly enough to encompass private financial interactions with foreign governments. Such a reading would allow Congress the necessary oversight to ensure that no foreign influences improperly interfere with American policy, in a way that does not undercut, but rather supports the Executive's wise exercise of national security and foreign policy prerogative.

4. Proposed amici are:

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

b. Bruce Andrews served as Deputy Secretary of Commerce from 2014 to January 20, 2017.

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

d. Antony Blinken served as Deputy Secretary of State from 2015 to January 20, 2017. He previously served as Deputy National Security Advisor to the President of the United States from 2013 to 2015.

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

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

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

h. Daniel Feldman served as U.S. Special Representative for Afghanistan and Pakistan from 2014 to 2015, Deputy U.S. Special Representative for Afghanistan and Pakistan from 2009 to 2014, and previously Director for Multilateral and Humanitarian Affairs at the National Security Council.

i. Joshua A. Geltzer served as Senior Director for Counterterrorism at the National Security Council from 2015 to 2017. Previously, he served as Deputy Legal Advisor to the National Security Council and as Counsel to the Assistant Attorney General for National Security at the Department of Justice.

j. Suzy George served as Deputy Assistant to the President and Chief of Staff and Executive Secretary to the National Security Council from 2014 to 2017.

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

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

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

n. John F. Kerry served as Secretary of State from 2013 to January 20, 2017.

o. Prem Kumar served as Senior Director for the Middle East and North Africa on the National Security Council staff of the White House from 2013 to 2015.

p. James C. O'Brien served as Special Presidential Envoy for Hostage Affairs from 2015 to January 20, 2017. He served in the U.S. Department of State from 1989 to 2001, including as Principal Deputy Director of Policy Planning and as Special Presidential Envoy for the Balkans.

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

r. Kori Schake served as the Deputy Director for Policy Planning at the U.S. Department of State from December 2007 to May 2008. Previously, she was the director for Defense Strategy and Requirements on the National Security Council in President George W. Bush's first term.

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

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

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

v. James B. Steinberg served as Deputy National Security Adviser from 1996 to 2000 and as Deputy Secretary of State from 2009 to 2011.

5. Counsel for proposed amici sought the consent of counsel for the Plaintiffs and President Trump (the "Defendant") for the relief requested by this Motion. Counsel for the Plaintiffs consented to the relief requested by this Motion. Counsel for the Defendant took no position on the Motion for leave to file an amicus curiae brief.

6. Proposed amici therefore respectfully request leave to file an amicus brief in support of Plaintiffs' opposition to Defendants' motion to dismiss.

Dated: November 14, 2017

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Phillip Spector, hereby certify that on November 7, 2017, the foregoing document was filed and served through the CM/ECF system.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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