

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

DONALD TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF SECURITY; JOHN F.
KELLY, in his official capacity as Secretary of
the Department of Homeland Security; TOM
SHANNON, in his official capacity as Acting
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

No. 2:17-cv-00141-JLR

**MOTION FOR LEAVE TO FILE
AMICUS BRIEF BY
WASHINGTON STATE LABOR
COUNCIL**

Noted for Consideration:
February 2, 2017

I. INTRODUCTION & RELIEF REQUESTED

The Washington State Labor Council (“WSLC”) respectfully requests the Court grant it leave to file the amicus brief attached hereto as **Exhibit A**.

II. IDENTITY AND INTEREST OF AMICUS CURIAE

The WSLC is a state-wide labor council comprised of more than 600 local unions, and it represents more than 450,000 rank-and-file union members working in Washington State. Declaration of Jeff Johnson (“Johnson Dec.”), ¶ 2. It is widely considered to be the “voice of

1 labor” in Washington State. *Id.* WSLC has a strong interest in advocating for the liberty
2 interests of Washington State workers. *Id.*

3 The WSLC provides many services to its affiliated unions. Johnson Dec., ¶ 3. The
4 Council has a focus on legislative advocacy, political action, communication through its website
5 “The Stand,” supporting affiliated unions’ organizing drives by rallying community leaders and
6 elected officials, and programs that provide affiliate and direct worker assistance like dislocated
7 worker assistance, increasing student awareness about apprenticeship programs within
8 community and technical colleges, Project Help, education and training for union members, and
9 assistance for unions with contract and economic research. *Id.*

10
11 On January 30, 2017, the President of WSLC issued the following statement regarding
12 President Donald Trump’s Executive Order that bans all refugees from entering the country for
13 120 days, bans all refugees from Syria indefinitely, and bans immigrants and non-immigrants
14 from seven majority-Muslim countries from entering the U.S. for 90 days:
15

16 President Trump’s Executive Order on Friday *de facto* banning Muslims from
17 certain Middle Eastern countries from entering/re-entering the country for 90 days
18 went beyond the pale of common decency, human dignity, and further fans the
19 flames of racism, xenophobia, and anti-Islamism that he thoughtlessly spewed
20 during his campaign. Legal permanent residents, green card holders and vetted
21 refugees from certain Muslim countries — only countries where the Trump
22 Corporation has no business dealings — were detained at airports, refused entry,
23 and in some cases, sent back to the country they had just arrived from. This
24 reckless action further contributes to the rising attacks on Muslims and others in
25 America. The Southern Poverty Law Center reports a dramatic rise in hate
26 incidents over the past two years, now at 260,000 hate incidents a year. This
hateful and shameful Executive Order was met by thousands protesting at airports
across the country as well as an emergency stay against the Executive Order by a
federal judge.

As union members and as a labor movement we stand with immigrants and
refugees. We cannot and will not allow the president to pick us off one group at a
time. Another leader did this in the 1930s and 1940s with horrific consequences.

1 America was built by immigrants and refugees and they will continue to play a
2 part in the values upon which we define America.

3 Johnson Dec., ¶ 4.

4 Among WSLC’s affiliated unions, unions who have signed a Solidarity Charter with the
5 WSLC and other labor allies are unions whose members are directly impacted by the Executive
6 Order, because they are immigrants or non-immigrant temporary workers from one of the seven
7 banned countries whose ability to travel into and out of the United States is prohibited outright or
8 whose inability to re-enter the United States after travelling will put their livelihoods in jeopardy.
9 Johnson Dec., ¶ 5. Members are also affected because the ability of their families to travel into
10 the United States is prohibited temporarily or indefinitely, disrupting the members’ family ties,
11 personal freedoms and economic security. *Id.*

13 Moreover, as a representative of working people, WSLC is keenly aware that the United
14 States has a lamentable history of wrongfully using the nation’s immigration laws against labor,
15 for political purposes. Perhaps most famously, from February 1917 to November 1919, during
16 the notorious “Palmer Raids,” federal agents working at the direction of Attorney General A.
17 Mitchell Palmer deported more than 500 foreign citizens, including a number of prominent leftist
18 leaders, for reasons that are now generally understood to have been overtly political, i.e., to
19 eliminate (through deportation) the representatives and leaders of movements intended to
20 improve the lives and working conditions of blue-collar workers. *See generally* The Palmer
21 Raids (Labor Research Association 1948) (Robert W. Dunn, ed.).

23 **III. ARGUMENT**

24 WSLC seeks leave to file an amicus brief on the impacts of the Executive Order on the
25 members of unions across a wide range of industries and the irreparable harm suffered by those
26 workers in Washington if the Executive Order is not enjoined. The foregoing facts establish the

1 interest of the labor community in the outcome of this proceeding. WSLC will offer additional
2 evidence of irreparable harm to individuals working and residing in Washington, further
3 establishing that the elements for temporary injunctive relief are met. WSLC will offer some
4 additional authority supporting, but not duplicating, the arguments made by the State of
5 Washington in support of its Motion for a Temporary Restraining Order.
6

7 **IV. CONCLUSION**

8 For the foregoing reasons, the Court should exercise its discretion to grant WSLC leave
9 to file the amicus brief attached hereto as **Exhibit A**.

10 DATED this 2nd day of February, 2017.

11 s/Jennifer Robbins

12 Jennifer Robbins, WSBA No. 40861

13 s/Dmitri Iglitzin

14 Dmitri Iglitzin, WSBA No. 17673

15 s/Kathleen Phair Barnard

16 Kathleen Phair Barnard, WSBA No. 17896

17 Schwerin Campbell Barnard Iglitzin & Lavitt LLP

18 18 West Mercer Street, Ste 400

19 Seattle, WA 98119-3971

20 (206) 257-6003

21 *robbins@workerlaw.com*

22 *iglitzin@workerlaw.com*

23 *barnard@workerlaw.com*

24 *Counsel for the Washington State Labor Council*

DECLARATION OF SERVICE

I hereby declare under penalty of perjury under the laws of the state of Washington that on this 2nd day of February, 2017, I caused the foregoing Motion for Leave to File Amicus Brief by Washington State Labor Council to be filed with the Court using the cm/ecf system, which will automatically provide notification of such filing to:


Colleen M. Melody
Patricio A. Marquez
Marsha Chien
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104

Robert W. Ferguson
Anne E. Egeler
Noah G. Purcell
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

Jacob Campion
Attorney General of Minnesota
445 Minnesota Street, Suite 1100
St. Paul, MN 55101

Michelle R. Bennett
Arjun Garg
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530

Signed in Seattle, Washington, this 2nd day of February, 2017.



Jennifer Woodward, Paralegal