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NORTHERN DISTRICT OF CALIFORNIA

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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

8 )  
9 U.S. WECHAT USERS ALLIANCE, )  
10 CHIHUO INC., BRENT COULTER, )  
11 FANGYI DUAN, JINNENG BAO, ELAINE )  
12 PENG, and XIAO ZHANG, )

12 Plaintiff(s), )  
13 )  
14 )

14 vs. )  
15 )

15 DONALD J. TRUMP, in his official capacity )  
16 as President of the United States, and )  
17 WILBUR ROSS, in his official capacity as  
Secretary of Commerce,

18 Defendant(s).  
19

) Case Number: 3:20-cv-05910

**BRIEF OF *AMICUS CURIAE***  
**DIRK LANGER**

20 **INTRODUCTION AND STATEMENT OF INTEREST OF AMICUS CURIAE**

21 Dirk Langer respectfully submits this *amicus curiae* brief in support of the Plaintiff's Complaint  
22 For Declaratory and Injunctive Relief, related to the President's Executive Order 13943 from  
23 August 2020. Dirk Langer is a dual citizen of the United States of America and the Federal  
24 Republic of Germany, with a background in Electrical and Computer Engineering, with a Ph.D.  
25 in Robotics, a Technical Expert in his field, with more than 30 years of experience in the  
26 profession. Executive Order 13943, if enforced, could have a profound impact on the freedom to  
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1 communicate and would set a dangerous precedent by restricting access to the exchange and  
2 dissemination of information that might not otherwise be classified or confidential.

3  
4 **ARGUMENT**

5 **I. The Executive Order Attempts to Assert Control over the Ownership of Personal and**  
6 **Public Information.**

7 It is a well-established fact that electronic communication across international borders is  
8 monitored by governments of various countries, including the United States government. Since  
9 the 1980s, telephone and fax communications have been monitored, and in later years  
10 governments began to monitor internet-based communications. Users of the telephone and of  
11 Email or social media platforms are well aware that their communications are susceptible to  
12 interception by friendly or malign agencies. It is and always has been up to the user to take  
13 appropriate measures to safeguard his or her information. Personal data belongs to the person  
14 from whom it originates and, therefore, it is entirely the decision of the informed user whether to  
15 disclose his or her own personal data when using these various media platforms. This includes  
16 all personal communication to other entities. In issuing Executive Order 13943, the United  
17 States government attempts to assert control over the ownership of this personal data, including  
18 whether or how it can be used. This would set a dangerous precedent which would limit  
19 communication and the dissemination of private, as well as public, information.

20  
21 **II. The Government's Obligation and the Safeguarding of Information and National**  
22 **Security**

23 It is well known that there are security concerns associated with many spaces of the internet, and  
24 with computer systems in general. As such, it is the obligation of the government to issue a  
25 security warning to the public if the government becomes aware of a potential security threat.  
26 For example, the United States government's State Department issues travel advisories for  
27 regions in the world that pose a threat to the welfare or safety of an American traveler, and the  
28 level or degree of that threat. Having been provided with that information, a traveler is in a better

1 position to assess the consequences and make an informed decision about whether to travel to  
2 that region. Executive Order 13943 is a blanket ban on a large space of the internet, and as such  
3 it targets millions of users in the United States and billions of users globally. However, the  
4 United States government has not provided an explanation as to why its ban on the dissemination  
5 of personal data furthers the goal of national security.

6  
7 Different countries, often based on cultural differences, utilize different communication  
8 preferences and features for their social media and communication apps. And these country-  
9 specific social media platforms are used not only by the populations located within those  
10 countries, but by a country's diaspora who are present in the United States. These social media  
11 platforms include WeChat in China, LINE in Japan, KakaoTalk in Korea and WhatsApp in  
12 Germany, Greece, and others. A blanket ban on WeChat targets a specific community and  
13 people of a specific national origin in the United States for no apparent reason. It seems absurd  
14 that the U.S. government intends to apply this type of censorship in this instance when at the  
15 same time it denounces the same type of censorship when it is applied by other governments.

16  
17 National security is a paramount concern of governments. There are technological solutions such  
18 as encryption software that can be utilized to safeguard sensitive information which could  
19 jeopardize national security. The type of data displayed on a communication platform could be  
20 determined by the provider of the platform as well as the user of that platform, based on the level  
21 of security of that platform. This fact is well known to corporations and to most individuals.  
22 Potential users should always be made aware of the level of security associated with a particular  
23 platform.

24  
25 Therefore, the blanket ban perpetuated by Executive Order 13943 would not further the goal of  
26 national security and will instead divest millions of Americans, as well as people of other  
27 countries, to communicate freely.

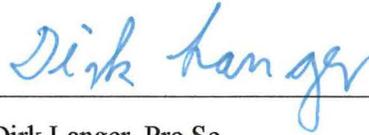
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**CONCLUSION**

For the foregoing reasons, Dirk Langer, Ph.D. and Technical Expert, respectfully requests that this court grant the Plaintiff's Petition for Declaratory and Injunctive relief.

Dated:

Respectfully submitted,



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Dirk Langer, Pro Se