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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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

13 Plaintiff(s),

14 vs.

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

19 Defendant(s).

) Case Number: 3:20-cv-05910-LB

DIRK LANGER
MOTION FOR LEAVE TO FILE
BRIEF OF *AMICUS CURIAE*

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22 **INTRODUCTION**

23 Dirk Langer respectfully moves for leave to file an *amicus curiae* brief in support of the
24 Plaintiff's Complaint For Declaratory and Injunctive Relief, related to the President's Executive
25 Order 13943 from August 2020. A copy of the proposed brief is attached to this Motion as
26 Exhibit A to this motion. Plaintiff has consented to the filing of this Motion and the
27 accompanying *amicus* brief.
28

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2 **IDENTITY AND INTEREST OF AMICUS CURIAE**

3 Dirk Langer is a dual citizen of the United States of America and the Federal Republic of
4 Germany, with a background in Electrical and Computer Engineering, a Ph.D. in Robotics, and
5 is a Technical Expert in his field, with more than 30 years of experience in the profession.
6 Executive Order 13943, if enforced, could have a profound impact on the freedom to
7 communicate and would set a dangerous precedent by restricting access to the exchange and
8 dissemination of information that might not otherwise be classified or confidential.

9
10 **REASONS WHY THE MOTION SHOULD BE GRANTED**

11 District courts have “broad discretion” to appoint *amicus curiae*. Hoptowit v. Ray, 682 F. 2d
12 1237, 1260 (9th Cir. 1982). “District courts frequently welcome *amicus* briefs from non-parties
13 concerning legal issues that have potential ramifications beyond the parties directly involved or
14 if the *amicus* has ‘unique information or a perspective that can help the court beyond the help
15 that the lawyers for the parties are able to provide.’” NGV Gaming, Ltd. V. Upstream Point
16 Molate, LLC, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting Cobell v. Norton, 246 F.
17 Supp. 2d 59, 62 (D.D.C.2003)). If permitted to file, Dirk Langer will fulfill “the classic role of
18 *amicus curiae* by assisting in a case of general public interest [and] supplementing the efforts of
19 counsel[.]” Miller-Wohl Co. v. Comm'r of Labor & Indus. State of Mont., 694 F.2d 203, 204
20 (9th Cir. 1982).

21
22 The Court should exercise its discretion to permit Dirk Langer to file the attached *amicus* brief.
23 Dirk Langer is familiar with the scope of the arguments presented by the parties and will not
24 unduly repeat those arguments. He will draw upon his knowledge of electronic communication
25 systems and social media, and his experience in the field, to demonstrate the irreparable harm the
26 Executive Order would cause unless enjoined by the Court.

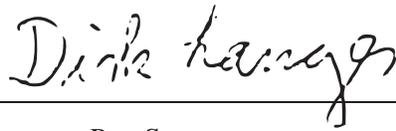
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CONCLUSION

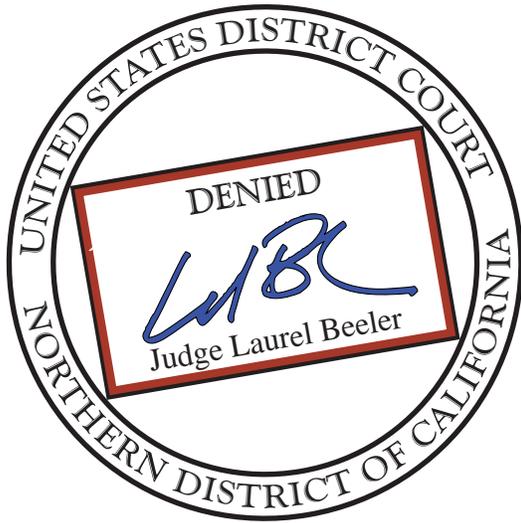
For the foregoing reasons, Dirk Langer, Ph.D. and Technical Expert, respectfully requests that this Court grant him leave to file the *amicus* brief, which is attached as Exhibit A.

Dated:

Respectfully submitted,

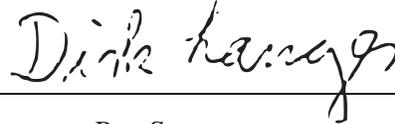


Dirk Langer, *Pro Se*



CERTIFICATE OF SERVICE

I, Dirk Langer, hereby certify that on the 10th day of September, 2020, I caused the foregoing document to be transmitted by Express Mail to the Clerk of the Court.



Dirk Langer, *Pro Se*

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EXHIBIT A

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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)	Case Number: 3:20-cv-05910-LB
9 U.S. WECHAT USERS ALLIANCE,)	
10 CHIHUO INC., BRENT COULTER,)	
11 FANGYI DUAN, JINNENG BAO, ELAINE)	BRIEF OF <i>AMICUS CURIAE</i>
PENG, and XIAO ZHANG,)	DIRK LANGER
)	IN SUPPORT OF PLAINTIFFS
12 Plaintiff(s),)	
)	
)	
14 vs.)	
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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
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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28

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 The Government's Opposition defends the Executive Order by stating that there are numerous
8 alternative avenues of communication available. However, different countries utilize different
9 communication preferences and features for their social media and communication apps, often
10 based on cultural differences. These country-specific social media platforms are used not only
11 by the populations located within those countries, but by a country's diaspora who are present in
12 the United States. These social media platforms include WeChat in China, LINE in Japan,
13 KakaoTalk in Korea and WhatsApp in Germany, Greece, and others. A blanket ban by the U.S.
14 government on WeChat targets a specific community and people of a specific national origin in
15 the United States for no apparent reason, and would apply the very type of censorship that it
16 denounces when applied by other governments. The U.S. government's argument that there is a
17 vast range of alternative apps available shows a complete lack of understanding of language and
18 culture. There is not a vast range of alternative communication tools that would encompass all
19 cross-border communications, because not all apps are available in other countries and, even if
20 they are, they may not be used because of cultural and language differences.

21
22 National security is a paramount concern of governments. There are technological solutions such
23 as encryption that can be utilized to safeguard sensitive information which could jeopardize
24 national security. The type of data displayed on a communication platform could be determined
25 by the provider of the platform as well as the user of that platform, based on the level of security
26 of that platform. This fact is well known to corporations and to most individuals. Potential users
27 should always be made aware of the level of security associated with a particular platform.
28

1 The purpose of national security is to protect the nation and the lives and safety of its citizens.
2 The goal of cybersecurity is to prevent access to critical civil and military infrastructure which
3 could threaten national security. The action sought here by the U.S. government in preventing
4 user access to these social media platforms is misplaced. How does, for example, the playfulness
5 of a cat or emojis posted on a WeChat account pose a national security threat, even if analyzed
6 by sophisticated artificial intelligence algorithms? The government, or any corporation or
7 business, can choose to remove WeChat from devices owned by them and, as a matter of internal
8 policy, prohibit their employees from using the App. An individual can make that same choice,
9 but that choice is for the individual to make. The government conflates the terms “privacy” and
10 “security” as justification for its action, as if a lack of privacy threatens security. It does not. A
11 user has no expectation of privacy when using these platforms. Indeed, the user’s purpose is for
12 the information to be seen. Technological innovation will progress even with a ban on these
13 platforms. So the ban would be ineffective in achieving the government’s goal of national
14 security, and would suppress an individual’s right to freely associate. The ban appears to be
15 merely a pretext for suppressing unfavorable political and social views.

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17 Therefore, the blanket ban perpetuated by Executive Order 13943 would not further the goal of
18 national security and will instead divest millions of Americans, as well as people of other
19 countries, from communicating freely.
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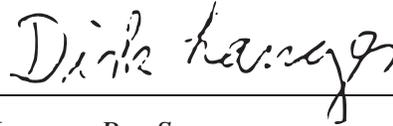
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CONCLUSION

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,



Dirk Langer, *Pro Se*