

July 31, 2024

Honorable Juan M. Merchan,
Acting Justice - Supreme Court, Criminal Term**Re: People v. Trump, Ind. No. 71543/23**

Dear Justice Merchan:

In light of the long-standing and extremely beneficial working relationship between Your Honor's daughter and Vice President Kamala Harris, who recently became the presumptive Presidential nominee of the Democrat Party, we respectfully submit this pre-motion letter to renew our request that the Court recuse itself. This letter can be deemed the motion, and we request permission to file a reply within one week of DANY's opposition. The recusal application is based on the state and federal Constitutions, Judiciary Law § 14, and 22 NYCRR §§ 100.2, 100.3. We incorporate by reference the other legal authorities and evidence submitted with President Trump's April 3, 2024 recusal motion.

President Trump is the Republican nominee and leading candidate in the 2024 Presidential election. Harris emerged as his presumptive opponent after it became apparent to the public that the Biden Administration's lawfare against President Trump was motivated by President Biden's alarming decline. Harris immediately framed her candidacy with a specific false reference to this case as a contest of "prosecutor vs. convicted felon." Your Honor has insisted on maintaining an unconstitutional Gag Order, backed by threats of imprisonment made during the trial, that prevents President Trump from responding fully to that inaccurate attack. Making matters worse, this week the Biden Administration unveiled an unprecedented plot to mount a political assault on the Supreme Court in response to the Presidential immunity ruling that is central to President Trump's pending motion. The Gag Order prevents President Trump from engaging in Constitutionally protected speech by drawing attention to the obvious connection between the Biden Administration and the prosecution team. No candidate for office, much less a Presidential candidate, has ever faced such an insidious prior restraint. As there is no threat to the integrity of the remaining proceedings from President Trump's protected political advocacy, the bias reflected in the Court's handling of this issue is manifest.

Your Honor's daughter has a long-standing relationship with Harris, including work for political campaigns. She has obtained—and stands to obtain in the future—extensive financial, professional, and personal benefits from her relationship with Harris. *See, e.g.*, Apr. 3, 2024 Blanche Aff. ¶¶ 2, 54. In 2019, Your Honor's daughter was publicly critical of President Trump's use of Twitter—a central issue in the pending Presidential immunity motion—and described a discussion on that topic with Your Honor that evidences prejudgment of President Trump's official-acts arguments. *Id.* ¶ 4. In 2020, Your Honor's daughter was openly hostile to President Trump on social media. *Id.* ¶ 55. Your Honor's daughter is a part owner and executive at Authentic Campaigns, Inc., which (1) was the top vendor for Harris's prior presidential campaign, based on disbursements of nearly \$5 million; (2) touted its subsequent work for the Biden-Harris campaign in connection with at least the 2020 election; and (3) made tens of millions of dollars by helping other politicians disseminate political advertisements based on this case. *E.g., id.* ¶¶ 53(b)-(c), 65. On October 20, 2023—during this case—Authentic posted an image of Harris to its Instagram account with the caption: "Happy Birthday to the MVP of MVPs. @ KamalaHarris! Here's a little throwback to when she stopped by our DC office to celebrate the launch of her presidential campaign in 2019. How far we've come." *Id.* ¶ 38 (emphasis added). According to FEC filings, Authentic has received over \$12 million in disbursements from Democrat and progressive politicians and PACs since January 2024. Although Authentic restricted its Twitter account following scrutiny of the recusal issue, the company's public Twitter profile currently features Harris. According to public reports around July 29, 2024, Authentic's founder—a partner and colleague of Your Honor's daughter—leads a group called "White Dudes for Harris," which has raised millions of dollars for Harris's current campaign against President Trump.

The Court's unjust and unconstitutional Gag Order continues to restrict President Trump's ability to respond to Harris and address these topics with the American people. Regardless of intent, decisions by Your Honor on the pending Presidential immunity motion and at any sentencing would benefit not only Harris but also the professional aspirations and financial status of Your Honor's daughter and Authentic—all in a manner consistent with the prohibited political contributions by Your Honor that led to a caution from the Commission on Judicial Conduct. Given the proximity to the election and the pernicious effect of the Gag Order, President Trump's concerns are not "hypothetical," as the Court asserted last August. Blanche Aff. Ex. 13. President Trump's second recusal motion was accompanied by evidence attached to a sworn affirmation and not, as Your Honor indicated in April of this year, "innuendos" and "unsupported speculation." Tr. 6. Recent developments are even more concrete, and the Court has not addressed any of these issues at a level of detail sufficient to repair the lack of public confidence in the integrity of these proceedings. Accordingly, President Trump respectfully requests that the Court address the actual conflict and appearances of impropriety by recusing itself prior to the resolution of the pending Presidential immunity motion.

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Respectfully Submitted,

/s/ Todd Blanche / Emil Bove

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