

IN THE SUPREME COURT OF THE UNITED STATES

No. 19-635

DONALD J. TRUMP, PETITIONER,

v.

CYRUS R. VANCE, JR., IN HIS OFFICIAL CAPACITY AS DISTRICT
ATTORNEY OF THE COUNTY OF NEW YORK, ET AL.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MOTION OF THE UNITED STATES
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT
AS AMICUS CURIAE AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioners and for divided argument, and requests that the United States be allowed ten minutes of argument time. Petitioners have agreed to cede ten minutes of argument time to the United States, and thus consent to this motion.

This case concerns a subpoena issued by state grand jury to a third-party custodian for the personal records of the sitting President of the United States. The United States has filed a

brief as amicus curiae supporting petitioner, arguing that such subpoenas must satisfy a heightened standard to be enforceable and that no such showing has been made here.

The United States has a substantial interest in the resolution of the issues presented in this case. The United States has an interest in safeguarding the prerogatives of the Office of the President. It also has an interest in protecting the autonomy of the federal government from potential interference by the States.

The United States participated in oral argument as amicus curiae in the Court's most recent case considering the President's amenability to suit or compulsory process. Clinton v. Jones, 520 U.S. 681 (1997). The United States' participation in oral argument therefore may be of material assistance to the Court.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

MARCH 2020