

IN THE SUPREME COURT OF THE UNITED STATES

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No. 19-715

DONALD J. TRUMP, ET AL., PETITIONERS,

v.

MAZARS USA, LLP, ET AL.

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No. 19-760

DONALD J. TRUMP, ET AL., PETITIONERS,

v.

DEUTSCHE BANK AG, ET AL.

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ON WRITS OF CERTIORARI TO THE  
UNITED STATES COURTS OF APPEALS  
FOR THE DISTRICT OF COLUMBIA AND SECOND CIRCUITS

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

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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 these cases 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.

These cases concern subpoenas issued by congressional committees to third-party custodians for the personal records of the sitting President of the United States. The United States has filed a brief as amicus curiae supporting petitioners, arguing that such subpoenas must satisfy a heightened standard to be enforceable. Specifically, the legislative purpose behind any investigation of the President and his information must be set forth with particularity; that stated purpose should be subject to heightened scrutiny of its legitimacy; and the President's personal information must be demonstrably critical to achieving that legitimate legislative purpose. In addition, the full chamber must unequivocally authorize a committee's issuance of such a subpoena, including by adopting the stated purposes.

The United States has a substantial interest in the resolution of the issues presented in these cases. The United States has an interest in safeguarding the prerogatives of the Office of the President. It also has an interest in ensuring the proper balance and separation of powers between the coordinate Branches of government, including by enforcing the limitations on a congressional committee's power to conduct investigations and

issue compulsory process. At the invitation of the courts of appeals, the United States filed briefs as amicus curiae in these cases below.

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