

IN THE
Supreme Court of the United States

DONALD J. TRUMP; THE TRUMP ORGANIZATION, INC.; TRUMP ORGANIZATION LLC; THE TRUMP CORPORATION; DJT HOLDINGS LLC; THE DONALD J. TRUMP REVOCABLE TRUST; TRUMP OLD POST OFFICE LLC

v.

MAZARS USA, LLP; COMMITTEE ON OVERSIGHT AND REFORM OF THE U.S. HOUSE OF REPRESENTATIVES

DONALD J. TRUMP; DONALD J. TRUMP, JR.; ERIC TRUMP; IVANKA TRUMP; DONALD J. TRUMP REVOCABLE TRUST; TRUMP ORGANIZATION, INC.; TRUMP ORGANIZATION LLC; DJT HOLDINGS LLC; DJT MANAGING MEMBER LLC; TRUMP ACQUISITION LLC; TRUMP ACQUISITION, CORP.

v.

DEUTSCHE BANK AG; CAPITAL ONE FINANCIAL CORPORATION; COMMITTEE ON FINANCIAL SERVICES OF THE U.S. HOUSE OF REPRESENTATIVES; PERMANENT SELECT COMMITTEE ON INTELLIGENCE OF THE U.S. HOUSE OF REPRESENTATIVES

On Writs of Certiorari to the United States Courts of Appeals
for the District of Columbia and Second Circuits

APPLICATION FOR IMMEDIATE ISSUANCE OF THE JUDGMENTS

To the Honorable John G. Roberts, Jr., Chief Justice of the United States:

1. Pursuant to Supreme Court Rule 45, respondent Committees of the U.S. House of Representatives respectfully request immediate issuance of the judgments in *Trump v. Mazars USA, LLP* and *Trump v. Deutsche Bank AG*, 591 U.S. — (2020) (Nos. 19-715, 19-760).

2. In April 2019, the Committee on Oversight and Reform issued a subpoena to the President's personal accounting firm, Mazars USA, LLP. *See slip op.* at 4. The Committee sought documents concerning the finances of the President and related entities pursuant to its legislative purpose in investigating the accuracy of the President's financial disclosures, potential conflicts of interest, and compliance with the Emoluments Clauses. *See id.* at 4-5.

3. In April 2019, the Committee on Financial Services issued subpoenas to Deutsche Bank and Capital One. *See id.* at 3. The Committee sought financial information of the President and related persons and entities pursuant to its legislative purpose in investigating whether current law and banking practices adequately guard against foreign money laundering and high-risk loans. *See id.* at 3-4.

4. In April 2019, the Permanent Select Committee on Intelligence issued a subpoena to Deutsche Bank. *See id.* at 4. The Committee sought financial information of the President and related persons and entities pursuant to its investigation of foreign financial leverage over President Trump, which will inform legislative reforms to safeguard national security and the integrity of U.S. elections. *See id.*

5. The Committees' investigations are ongoing, remain urgent, and have been impeded by the lack of finality in these litigations, which were initiated in April 2019.

6. On July 9, 2020, this Court remanded these cases to the courts of appeals to consider “[s]everal special considerations” that should inform the analysis of the Committees’ subpoenas. *Id.* at 18-20.

7. The Committees have sought expedition at every stage of this litigation. As this Court has stressed, litigation over Congressional subpoenas should “be given the most expeditious treatment by district courts,” and “courts of appeals have a duty to see that [such] litigation is swiftly resolved.” *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 511 n.17 (1975). The rationale for those directives—that “one branch of Government is being asked to halt the functions of a coordinate branch,” *id.*—counsels in favor of dispatch in the resolution of these cases by the courts below. After all, “[w]ithout information, Congress would be shooting in the dark, unable to legislate ‘wisely or effectively.’” Slip op. at 11 (quoting *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927)).

8. This Court’s judgments would ordinarily issue no earlier than August 3, 2020. *See* S. Ct. Rule 45.3. Under Rule 45.2 and 45.3, however, a Justice or the Court may shorten that time. *See, e.g.*, Order, *Adoptive Couple v. Baby Girl*, No. 13A7 (June 28, 2013) (Alito, J., in chambers); Order, *Boumediene v. Bush*, No. 07A1011 (June 19, 2008) (Kennedy, J., in chambers); *Montana v. Crow Tribe of Indians*, 484 U.S. 1039 (1988) (mem.); *City of W. Helena v. Perkins*, 459 U.S. 938 (1982) (mem.).

9. The House’s current term expires on January 3, 2021. Because the House “is not a continuing body,” *Eastland*, 421 U.S. at 512, the Committees’

window of opportunity to litigate the remands in these cases, then obtain and review the subpoenaed documents, evaluate their significance to potential or pending legislation, draft such legislation or amendments, and shepherd that legislation through the bicameral process diminishes by the day.

10. Immediate issuance of this Court's judgments would accelerate the proceedings in the lower courts so that the Committees may obtain the materials necessary to undertake any needed legislative reforms as quickly as possible to address, among other issues, conflicts of interest that threaten to undermine the Presidency, money-laundering and unsafe lending practices, and foreign interference in U.S. elections and any other ongoing threats to national security arising from President Trump's foreign financial entanglements.

11. The Committees do not intend to petition for rehearing under Rule 44.1. There is therefore no reason to delay issuance of this Court's judgments.

12. Petitioners have stated that they cannot take a position on this application until they review it and understand its basis. The Committees respectfully request that the Court expedite the time for petitioners to file any response.

13. Respondents Mazars USA, LLP, Deutsche Bank, and Capital One take no position with respect to this request.

For the foregoing reasons, the Committees respectfully request that the Court issue its judgments in these cases immediately.

Respectfully submitted,

Douglas N. Letter

Counsel of Record

Todd B. Tatelman

Megan Barbero

Josephine Morse

Adam A. Grogg

Jonathan B. Schwartz

OFFICE OF GENERAL COUNSEL

U.S. HOUSE OF REPRESENTATIVES

219 Cannon House Building

Washington, D.C. 20515

(202) 225-9700

douglas.letter@mail.house.gov

Lawrence S. Robbins

Roy T. Englert, Jr.

Alan D. Strasser

Jennifer S. Windom

D. Hunter Smith

Brandon L. Arnold

ROBBINS, RUSSELL, ENGLERT, ORSECK,

UNTEREINER & SAUBER LLP

2000 K Street NW, 4th Floor

Washington, D.C. 20006

(202) 775-4500

lrobbins@robbinsrussell.com

July 13, 2020