

INTEREST OF AMICI CURIAE¹

Amici are 16 former prosecutors, elected officials, other government officials, and constitutional lawyers who have collectively spent decades defending the Constitution, the interests of the American people, and the rule of law. As such, amici have an interest in the proper scope of executive power and the faithful enforcement of criminal laws enacted by Congress. Amici respectfully submit this brief to explain why the immunity defendant seeks in this case is inconsistent with our Constitution and would subvert the bedrock principle that no person is above the law.

Bradford A. Berenson served as Associate Counsel to the President in the George W. Bush Administration (2001-2003).

Gregory A. Brower served as U.S. Attorney for the District of Nevada in the George W. Bush and Obama Administrations, appointed by President George W. Bush (2008-2009).

Tom Campbell served as a Member of the U.S. House of Representatives (R-CA) (1989-1993, 1995-2001); and is the Doy and Dee Henley Distinguished Professor of Jurisprudence at the Chapman University Fowler School of Law.

¹ Amici submit this brief pursuant to Federal Rule of Appellate Procedure 29(a)(2). No counsel for a party authored this brief in whole or in part, and no person other than the amici curiae or their counsel made a monetary contribution intended to fund the preparation or submission of this brief. All parties consent to the filing of this brief.

Ty Cobb served as Special Counsel to the President in the Trump Administration (2017-2018); Senior Trial Counsel to Independent Counsel Judge Arlin Adams (1995); and Assistant U.S. Attorney for the District of Maryland (1980-1986).

Tom Coleman served as a Member of the U.S. House of Representatives (R-MO) (1976-1993).

George T. Conway III serves as Board President, Society for the Rule of Law; and he principally authored the brief for respondent opposing immunity in *Clinton v. Jones*, 520 U.S. 681 (1997).

John J. Farmer Jr. served as New Jersey Attorney General, appointed by Governor Christine Todd Whitman (1999-2002); Chief Counsel to Governor Whitman (1997-1999); Deputy Chief Counsel to Governor Whitman (1996-1997); Assistant U.S. Attorney for the District of New Jersey in the George H.W. Bush and Clinton Administrations (1990-1994); and Senior Counsel to the 9/11 Commission (2003-2004).

Patrick J. Fitzgerald served as U.S. Attorney for the Northern District of Illinois in the George W. Bush and Obama Administrations, appointed by President George W. Bush (2001-2012); and Special Counsel for the U.S. Department of Justice (2003-2007).

William Kristol served as Chief of Staff to Vice President Dan Quayle (1989-1993).

Philip Allen Lacovara served as Deputy Solicitor General in the Nixon Administration (1972-1973); Counsel to the Special Prosecutor, Watergate Special Prosecutor's Office (1973-1974); and drafted the brief for the United States and presented argument in *United States v. Nixon*, 418 U.S. 683 (1974).

John McKay served as U.S. Attorney for the Western District of Washington in the George W. Bush Administration (2001-2007).

Trevor Potter served as Chairman of the Federal Election Commission (1994); and Commissioner of the Federal Election Commission, appointed by President George H.W. Bush (1991-1995).

Claudine Schneider served as a Member of the U.S. House of Representatives (R-RI) (1981-1991).

Fern M. Smith served as Judge of the U.S. District Court for the Northern District of California, appointed by President Reagan (1988-2005); and as Director of the Federal Judicial Center (1999-2003).

Olivia Troye served as Special Advisor, Homeland Security and Counterterrorism to Vice President Mike Pence (2018-2020).

William F. Weld served as Governor of Massachusetts (1991-1997); U.S. Assistant Attorney General for the Criminal Division in the Reagan Administration (1986-1988); and U.S. Attorney for the District of Massachusetts in the Reagan Administration (1981-1986).