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July 7, 2020

Via NYSCEF

Hon. Hal B. Greenwald
Supreme Court of the State of New York, Dutchess County
10 Market Street
Poughkeepsie, NY 12601

Re: Robert S. Trump v. Mary L. Trump, Index No. 2020-51585

Dear Justice Greenwald:

The Reporters Committee for Freedom of the Press (the “Reporters Committee”) respectfully requests that the Court provide remote public access—via video or audio—to any hearing on the Court’s Order to Show Cause issued on June 30, 2020 in the above captioned matter, NYSCEF Doc. No. 19 (the “OSC”).¹ Though the Court’s OSC states “that no appearances shall be required on the return date” of July 10, 2020, Defendant Mary L. Trump requested oral argument in her recently filed opposition, *see* NYSCEF Doc. No. 104, and Defendant Simon & Schuster also requested oral argument in their recently filed amended opposition, *see* NYSCEF Doc. No. 80. Yesterday, counsel for Defendant Mary L. Trump reiterated that request in a letter to the Court. NYSCEF Doc. No. 119. Accordingly, in the event the Court holds a hearing, the Reporters Committee asks that members of the press and public be able to listen to and observe that proceeding.

The undersigned counsel for the Reporters Committee contacted counsel for the parties on July 3, 2020 regarding this request. Defendants do not oppose it. Counsel for Plaintiff did not respond.

The Reporters Committee understands that the Court is likely to conduct any such hearing remotely, in light of Covid-19 precautionary measures, making it impossible for members of the press and public to attend in person. However, the public need not—and should not—be excluded from the proceeding.

All judicial proceedings, both civil and criminal, are presumptively open to the public under longstanding New York law. *See* N.Y. Judiciary Law § 4 (“The sittings of every court within this state shall be public, and

¹ On June 30, 2020, the Reporters Committee, the Association of American Publishers, Inc., and PEN American Center, Inc. filed a notice of motion for leave to file an amicus curiae brief in support of Defendants’ opposition to the injunctive relief sought by the Plaintiff in this matter. *See* NYSCEF Doc. Nos. 46–48. The Reporters Committee thus has a particular interest in remote public access to any hearing on the OSC.

every citizen may freely attend the same.”); *see also Westchester Rockland Newspapers, Inc. v. Leggett*, 48 N.Y.2d 430, 437, 399 N.E.2d 518, 522 (1979) (“Justice must not only be done; it must be perceived as being done.”). Public access to judicial proceedings “enhances the quality and safeguards the integrity of the factfinding process,” “fosters an appearance of fairness,” and allows “the public to participate and serve as a check upon the judicial process—an essential component in our structure of self-government.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606 (1982).

State and federal judges in New York and around the country have used remote proceedings during the ongoing Covid-19 pandemic. And, in order to ensure public access to those proceedings, courts have live-streamed video or audio of remote proceedings or otherwise provided the public with access via telephone dial-in or videoconferencing platforms. Such measures are of particular importance for proceedings in which there is a significant public interest. *See, e.g., Giuffre v. Maxwell*, 1:15-cv-07433-LAP, ECF Nos. 1039, 1041 (S.D.N.Y. Mar. 30, 2020) (directing parties to publicly file teleconference information for hearing on unsealing documents with potential relevance to, *inter alia*, alleged criminal activity of Jeffrey Epstein).

The public interest in this case is significant. As the Reporters Committee and its co-amici outlined in their amicus brief in this case, the book that Plaintiff seeks to enjoin is a first-hand account that explores how the President of the United States became the man he is today, from the perspective of a member of his family.² Indeed, the purported subject matter of the book, the President’s interactions and financial transactions with his family, are matters of abiding public interest.³ Further, the book has already generated extensive media and public attention,⁴ as has this litigation.⁵

² *See* Memorandum of Law in Support of Petitioner’s Motion for Preliminary Injunction and Temporary Restraining Order at pp. 5–6.

³ *See* David Barstow et al., *Trump Engaged in Suspect Tax Schemes as he Reaped Riches from his Father*, N.Y. Times (Oct. 2, 2018), <https://perma.cc/SP7S-82ZJ>; *see also* Neil Vigdor and Alexandra Alter, *Trump’s Niece to Publish Book With ‘Harrowing’ Revelations*, N.Y. Times (June 15, 2020), <https://perma.cc/7T5A-V8B6> (reporting that Defendant Dr. Mary L. Trump will identify herself as the source for the reporting on President Trump’s financial activities in the October 2018 article).

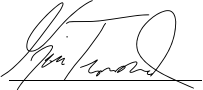
⁴ *See, e.g.,* Michael Kranish, *Mary Trump Once Stood Up to Her Uncle Donald. Now Her Book Describes a ‘Nightmare’ of Family Dysfunction*, Wash. Post (June 26, 2020), <https://perma.cc/VVL6-RATF>; Amazon Best Sellers, <https://perma.cc/8FFJ-HSJG> (last visited June 27, 2020) (showing the Book as the top seller on Amazon a month before release).

⁵ *See, e.g.,* Michael Kranish, *New York Court Sides with Publisher of Explosive Book by President Trump’s Niece*, Wash. Post (July 1, 2020), <https://perma.cc/4DTW-Q9ZZ?type=image>; Maggie Haberman and Alan Feuer, *New York Judge Blocks Publication of Trump Tell-All Until a July Hearing*, N.Y. Times (June 30, 2020), <https://perma.cc/L8R7-LZBF>.

For these reasons, the Reporters Committee respectfully requests that the Court provide remote public access to any OSC hearing in this matter. Thank you for your consideration of this request.

Respectfully submitted,

REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS

A handwritten signature in black ink, appearing to read 'Katie Townsend', written in a cursive style.

Katie Townsend
Legal Director

cc: Counsel of record (*via NYSCEF and email*)