

EXHIBIT D



U.S. Department of Justice

Special Counsel's Office

October 24, 2023

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Re: *United States v. Donald J. Trump*, Case No. 23-cr-257 (TSC)

Dear Counsel:

I write, in unclassified form, in response to your classified discovery letter dated October 15, 2023.

First: Regarding the query at the outset of your letter, we disagree with how you define the prosecution team. Your definition is overly broad. The prosecution team consists of the prosecutors of the Special Counsel's Office and law enforcement officers who are working on this case. The prosecution team does not include agencies and components whose personnel are not working on this case. To point out but a few of the exceedingly broad errors in your assertion, the prosecution team does not include the almost three million civilian, active duty, and reserve members of the Department of Defense; the 260,000 employees of the Department of Homeland Security (or its CISA component); or the Intelligence Community writ large. Furthermore, your attempt to serve Rule 17(c) subpoenas, ECF No. 99—definitionally reserved for non-party witnesses—on the House Select Committee's successor entity and a member of the White House Counsel's Office confirms your understanding that those entities are not members of the prosecution team.

Second: You requested 54 categories of documents. We noted in an email on October 18, 2023, that we did not anticipate producing anything additional in response to your requests. We confirm that now. To the extent the Government has not already produced responsive material, the requests do not call for material that is discoverable under Rule 16 of the Federal Rules of Criminal Procedure or any other discovery obligation.

We stand ready to confer with you or answer further questions. Please do not hesitate to contact us.

Respectfully,

JACK L. SMITH
Special Counsel

/s/ Thomas P. Windom

Thomas P. Windom

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Senior Assistant Special Counsels