No. 23-939

In the Supreme Court of the United States

DONALD J. TRUMP,

Petitioner,

v.

UNITED STATES,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR KANSAS REPUBLICAN PARTY AND 17 OTHER STATE AND TERRITORIAL REPUBLICAN PARTIES AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF THE *AMICI CURIAE*[1]

Amicus curiae, the Kansas Republican Party ("KRP"), is a Kansas nonprofit corporation and political party committee. As stated in its bylaws, its purpose is to promote the principles and objectives of the Republican Party and elect Republican candidates to office to the maximum extent provided for under Kansas law. Specifically, its purpose is: "to coordinate and unite the activities of Republicans in Kansas through recognized . . . committees under a central, statewide organization and serve as the official state affiliate of the Republican National Committee. The [KRP] is dedicated to the advancement of Republican candidates, policies and principles and shall aid in every way possible the Republican nominees selected in each partisan primary. The [KRP] seeks to advance Republican principles and beliefs by seeing them enacted as sound public policy. The Republican Party works to ensure its growth through voter registration and by attracting disenfranchised members of other political parties."

Its interests are to elect Republicans at the state, local and federal level and to protect its members access to those candidates who wish to represent the party. The KRP, along with the other *Amici* named below, all of whom are state Republican parties, seeks to be heard in this action to protect its stated interests as this matter. The matter before this Court is one of great significant to voters and citizens of all stripes and political parties. The President of the United States is the Commander in Chief and Chief Executive

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[1] No counsel for any party authored this brief in whole or in part. Only *amici curiae* funded its preparation and submission.

Officer of the United States Federal Government. This case stems from an open legal question: what is the scope of immunity afforded to the President when acting in his official capacity? As such, this is an issue of vital national importance, and correspondingly, an issue that is relevant and important to Republican voters represented by the *Amicus Curiae*.

Amici the KRP, the Alabama, Arizona, Colorado, Delaware, District of Columbia, Georgia, Illinois, Kentucky, Maine, Nebraska, Oklahoma, South Carolina, South Dakota, Virgin Islands, Virginia, West Virginia, and Wyoming Republican Parties also join this Brief and seek to be heard here, as a ruling adverse to Petitioner-Appellant would injure these other state parties because if this Court finds that the principle of absolute immunity does not extend to the Office of the President, this will severely weaken and diminish the stature and effectiveness of the Office of President of the United States, and hamper the administration of its duties. Further, such a finding would render the legal principles behind the doctrine of absolute immunity meaningless, affecting elected Democrat and Republican office holders alike.

INTRODUCTION AND SUMMARY OF ARGUMENT

This appeal arises from the criminal prosecution of the former President of the United States, Donald John Trump, on certain charges brought in the United States District Court for the District of Columbia. *See United States v. Trump*, No. 23-CR-257 (D.D.C. Dec. 1, 2023). President Trump asserted Presidential immunity as a complete defense. That argument was rejected by the District Court. President Trump subsequently appealed to the United States Court of Appeals for the District of Columbia, which upheld the ruling of the District Court determining that "functional policy considerations rooted in the structure of our government do not immunize former Presidents from federal criminal prosecution." *United States v. Trump*, 91 F.4th 1173, 1198 (D.C. Cir. 2024), *cert. granted*, No. (23A745), 2024 WL 833184 (U.S. Feb. 28, 2024).

In making such a determination, the Court of Appeals opined that "federal prosecution of a former President fits the case '[w]hen judicial action is needed to serve broad public interests' in order to 'vindicate the public interest in an ongoing criminal prosecution.' The risks of chilling Presidential action or permitting meritless, harassing prosecutions are unlikely, unsupported by history and 'too remote and shadowy to shape the course of justice.'" *Id.* (quoting *Nixon v. Fitzgerald*, 457 U.S. 731, 754, 102 S.Ct. 2690 (1982); *Clark v. United States*, 289 U.S. 1, 16, 53 S.Ct. 465 (1933)). But the Court of Appeals's decision is rooted in nebulous assertions and broad assumptions, seemingly reaching its conclusions under the guise of

public policy considerations, as opposed to foundational principles of law. The result of such reasoning is a rash political decision, as opposed to a well-reasoned legal one.

The United States Court of Appeals for the District of Columbia Circuit erred in determining that a President acting in his official capacity is not entitled to immunity.

ARGUMENT

I. Presidential Immunity Is Well Established In This Country

Our courts granting different levels of immunity to various government officials has become so standard that it strains credibility to imagine that the President does not enjoy some degree of immunity under our laws. For example, local law enforcement officers are entitled to qualified immunity, which "shields public officials . . . from damages actions unless their conduct was unreasonable in light of clearly established law." *See*, *e.g.*, *McLinn v. Thomas Cnty. Sheriff's Dep't*, 535 F.Supp.3d 1087, 1099 (D. Kan. 2021) (quoting *Cillo v. City of Greenwood Vill.*, 739 F.3d 451, 460 (10th Cir. 2013)). Similar protection is given to social workers acting on behalf of the state. *See*, *e.g.*, *Brooks v. Hinzman*, No. 13–CV–2410–EFM, 2015 WL 4041708 at *3-7 (D. Kan. July 1, 2015). This Court has stated that qualified immunity "provides ample protection to all but the plainly incompetent or those who knowingly violate the law.'" *Malley v. Briggs*, 475 U.S. 335, 341, 106 S.Ct. 1092 (1986). Importantly, even this lower level of immunity shields officers such that if it is not clearly established that the officer's conduct

would violate the Constitution, then the officer is not "subject to liability or, indeed, ***even the burdens of litigation***." *McLinn*, 535 F.Supp.3d at 1099, 1104 (but finding that a "reasonable officer in those circumstances would understand that [acting as he did] was contrary to [established law]") (emphasis added) (quoting *Brosseau v. Haugen*, 543 U.S. 194, 198, 125 S.Ct. 596 (2004)). If this level of protection is given to social workers and patrol deputies at the local level, it is difficult to imagine that the President is not entitled to an immunity that would, likewise, protect him from the burdens of litigating the matter.

As explained in more detail below, beyond entry level local law enforcement officers, many other government officials receive immunity. Prosecutors, for example, enjoy absolute immunity, as they did at common law. *See*, *e.g.*, *Imbler v. Pachtman*, 424 U.S. 409, 427, 96 S.Ct. 984 (1976). At the federal level, law enforcement agents, though not having absolute immunity, enjoy a level of immunity that shields them in all but the narrowest circumstances. *See generally Egbert v. Boule*, 596 U.S. 482, 142 S.Ct. 1793 (2022). Regardless of one's opinion on the propriety of absolute immunity, as with local officials, if patrol level Border Patrol agents enjoy such firm immunity, it is difficult to see why the President, who is the head of the same Executive Branch under which Border Patrol agents operate, would not enjoy at least the same level of protection. An examination of case law involving absolute immunity suggests as much.

A. Absolute Immunity

The Court of Appeals and the District Court erred in finding that a sitting President is not afforded immunity while acting is his official capacity.

Legal immunity is far from a novel concept. Rather, immunity is an important legal concept in American jurisprudence that has existed since the common law and has been incorporated in numerous aspects of civil and criminal law. Indeed, the *Amici* respectfully submit that the open legal question before this Court in not *whether* a President *should* be afforded immunity, but rather *what scope of immunity* a President is afforded when acting in his official capacity.

"Immunities come in various shapes and sizes." *Goldstein v. Galvin*, 719 F.3d 16, 24 (1st Cir. 2013). As this Court has explained, the defense of absolute immunity bars suit against "officials whose special functions or constitutional status requires complete protection from suit." *Harlow v. Fitzgerald*, 457 U.S. 800, 807, 102 S.Ct. 2727 (1982) (citing *Butz v. Economou*, 438 U.S. 478, 508-12, 98 S.Ct. 2894 (1978) (granting absolute immunity to executive officers engaged in adjudicative functions); *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099 (1978) (recognizing absolute immunity to judges for judicial functions); *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 95 S.Ct. 1813 (1975) (according absolute immunity to legislators for legislative functions)). As the Court has recognized, the purpose of absolute immunity "is not to protect an erring official, but to insulate the decision-making process from the

harassment of prospective litigation." *Westfall v. Erwin*, 484 U.S. 292, 295, 108 S.Ct. 580 (1988).

It has long been established, for example, that absolute immunity applies ***even when*** an official is "accused of ***acting maliciously and corruptly***" in exercising their judicial or prosecutorial functions. *Pierson v. Ray*, 386 U.S. 547, 554, 87 S.Ct. 1213 (1967) (emphasis added). Absolute immunity likewise endures "in the presence of 'grave procedural errors.'" *Nystedt v. Nigro*, 700 F.3d 25, 32 (1st Cir. 2012) (*quoting Stump v. Sparkman*, 435 U.S. 349, 359, 98 S.Ct. 1099 (1978)). The imperviousness of this protection is no accident: "[a]lthough this concept of absolute immunity allows some abuses of official power to go unredressed, it is necessary for the effective administration of government that government workers be able to perform their jobs without fear of liability." *Ricci v. Key Bancshares of Me., Inc.*, 768 F.2d 456, 462 (1st Cir. 1985). "If a public official's action is protected by absolute immunity, the doctrine provides that the public official with complete and total immunity from suit, ***irrespective of how egregious or unlawful the action may have been***." *Churchill v. Univ. of Colo. at Boulder*, 285 P.3d 986, 1000 (Colo. 2012) (en banc) (citing *Tobin for Governor v. Ill. State Bd. Of Elections*, 268 F.3d 517, 524 (7th Cir. 2001)).

Absolute immunity defeats a suit at the outset, so long as the official's actions were within the scope of the immunity. *See*, *e.g.*, *Sample v. City of Woodbury*, 836 F.3d 913 (8th Cir. 2016); *Larson v. State*, 254 P.3d 1073 (Alaska 2011); *Marvin v. Fitch*, 232 P.3d 425 (Nev. 2010); *Witzke v. City of Bismarck*, 718 N.W.2d

586 (N.D. 2006); *O'Connor v. Donovan*, 48 A.3d 584 (Vt. 2012). But least one Circuit has held that the scope of the immunity does not end at the boundaries of an official's authority. *See*, *e.g.*, *Tobin*, 268 F.3d at 524 (even if lawsuit is meritorious, "it cannot pierce the shield of absolute immunity because judicial officers are entitled to that immunity ***even when they act in error, maliciously, or in excess of their authority***.") (emphasis added).

Like qualified immunity, absolute immunity is a broad grant of immunity—not just from an award of damages, but from the burdens of litigation, generally. *Harrison v. Roitman*, 362 P.3d 1138 (Nev. 2015). Absolute immunity affords government officials, and those delegated governmental power, the ability to exercise their official powers without fear that their discretionary decisions may engender endless litigation. *City of Providence, Rhode Island v. Bats Global Markets, Inc.*, 878 F.3d 36 (2d Cir. 2017). Accordingly, it operates as a bar to a lawsuit, rather than as a mere defense against liability, and is effectively lost if a case is erroneously permitted to go to trial. *Scott v. Harris*, 550 U.S. 372, 127 S. Ct. 1769 (2007); *Mitchell v. Forsyth*, 472 U.S. 511, 105 S. Ct. 2806 (1985).

When absolute immunity applies, the claims should be dismissed without inquiry into the official's motives. *Powercorp Alaska, LLC v. Alaska Energy Auth.*, 290 P.3d 1173, 1184 (Alaska 2013). Officials who have absolute immunity never have to justify their actions in court, because they are spared the costs that litigation entails. *Brooks v. Clark County*, 828 F.3d 910, 916 (9th Cir. 2016). Because absolute

immunity includes the right to avoid trial, review after final judgment does not suffice. *Mandel v. O'Hara*, 576 A.2d 766, 781 (Md. 1990).

This Court has been sparing in granting absolute immunity but has recognized that "there are some officials whose special functions require a full exemption from liability." *Butz v. Economou*, 438 U.S. 478, 508, 98 S.Ct. 2894 (1978). Absolute immunity has been applied to various public officials, including "judges performing judicial acts within their jurisdiction," "prosecutors performing acts intimately associated with the judicial phase of the criminal process," and quasi-judicial officials with functions similar to judges or prosecutors. *Bettencourt v. Bd. of Regist. in Med. of Mass.*, 904 F.2d 772, 782 (1st Cir. 1990) (internal quotation marks omitted). Other examples of absolute immunity include that immunity afforded to witnesses in a jury trial or during grand jury testimony, even in the face of allegations of witnesses conspiring to present false testimony. *See Rehberg v. Paulk*, 566 U.S. 356, 369, 132 S. Ct. 1497 (2012).

In addition, this Court has long held that "legislative immunity is an analogue to the Speech and Debate Clause of the federal Constitution that reflects the importance that Anglo-American law traditionally has placed on protecting 'legislators acting within their traditional sphere' from being subject to suit." *Cushing v. Packard*, 30 F.4th 27, 36 (1st Cir. 2022) (quoting *Tenney v. Brandhove*, 341 U.S. 367, 376, 71 S.Ct. 783 (1951)). "This 'privilege' from suit is 'indispensabl[e]' to 'enable and encourage a representative of the public to discharge his public

trust with firmness and success.'" *Id*. This Court has noted: "Legislators are immune from deterrents to the uninhibited discharge of their legislative duty not for their private indulgence but for the public good." *Lake Country Ests., Inc. v. Tahoe Reg'l Plan. Agency*, 440 U.S. 391, 405, 99 S.Ct. 1171 (1979). Equally important is the privilege's function to guard against "judicial interference" by protecting legislators from courts' seeking to "inquire into the motives of legislators" and "uncover a legislator's subjective intent in drafting, supporting, or opposing proposed or enacted legislation." *La Union del Pueblo Entero v. Abbott*, 93 F.4th 310, 317 (5th Cir. 2024).

When making a determination regarding absolute immunity, the inquiry is "the nature of the function performed, not the identity of the actor who performed it." *Roberts v. Lau*, 90 F.4th 618, 620 (3d Cir. 2024). First, courts "ascertain just what conduct forms the basis for the plaintiff's cause of action"; then, they "determine what function (prosecutorial, administrative, investigative, or something else entirely) that act served." *Id.* at 625. To prevail at the motion-to-dismiss stage, the official must show that the conduct triggering the immunity "clearly appears on the face of the complaint." *Id.* Again, the immunity determination "is based on the function being fulfilled—not the title of the actor claiming immunity." *McCray v. Md. Dep't of Transp., Md. Transit Admin.*, 741 F.3d 480, 485 (4th Cir. 2014). Under the functional test for determining the applicability of absolute legislative immunity, "whether immunity attaches turns not on the official's identity, or even on the official's motive or intent, but on the nature of the act in question. In particular,

absolute legislative immunity attaches to all actions taken in the sphere of legitimate legislative activity." *State Emps. Bargaining Agent Coal. v. Rowland*, 494 F.3d 71 (2d Cir. 2007) (internal citations omitted). "[I]t is the general nature of the act that is determinative of the issue of immunity." *Cameron v. Seitz*, 38 F.3d 264, 272 (6th Cir. 1994) (despite unprofessional, immature, and retaliatory nature, decisions about pending cases, courtroom decorum, and monitoring of juvenile services department were judicial).

Thus, under these rubrics, the crux of the legal question is not whether a President should be afforded absolute immunity, but rather whether the former President, or any protected actor, was performing duties that fall within their scope of responsibilities.

B. Presidential Immunity

This Court should extend the doctrine of absolute immunity to the Office of the President to include not only civil matters, but criminal matters as well. Given the range of lower officials who enjoy absolute immunity, it is difficult to imagine that the highest office in the land would not require the same protections. This is consistent with this Court's prior decisions in the civil context.

In *Nixon v. Fitzgerald*, former President Richard Nixon was named in a lawsuit, brought by a former Department of the Air Force analyst, against various Defense Department officials and White House aides who were allegedly responsible for the analyst's dismissal. *Nixon v. Fitzgerald*, 457 U.S. 731, 731, 102 S. Ct. 2690, 2691 (1982). Former President Nixon asserted Presidential immunity as a complete defense.

The Court ruled that he, as a former President of the United States, was entitled to absolute immunity from damages liability predicated on his official acts. *Nixon*, 457 U.S. at 732. Although there is no blanket recognition of absolute immunity for all federal executive officials from liability for civil damages resulting from constitutional violations, certain officials require absolute exemption from liability because of the special nature of their responsibilities. Determination of the immunity of particular officials is guided by the Constitution, federal statutes, history, and public policy. *Nixon*, 457 U.S. at 732-33. This Court, in reaching its findings, argued:

> The President's absolute immunity is a functionally mandated incident of his unique office, rooted in the constitutional tradition of the separation of powers and supported by the Nation's history. Because of the singular importance of the President's duties, diversion of his energies by concern with private lawsuits would raise unique risks to the effective functioning of government. While the separation-of-powers doctrine does not bar every exercise of jurisdiction over the President, a court, before exercising jurisdiction, must balance the constitutional weight of the interest to be served against the dangers of intrusion on the authority and functions of the Executive Branch. The exercise of jurisdiction is not warranted in the case of merely private suits for damages based on a President's official acts.

Id. The Court went on to find:

> The President's absolute immunity ***extends to all acts within the 'outer perimeter' of his duties of office***, and that a rule of absolute immunity for the President does not leave the Nation without sufficient protection against his misconduct. There remains the constitutional remedy of impeachment, as well as the deterrent effects of constant scrutiny by the press and vigilant oversight by Congress. Other incentives to avoid misconduct may include a desire to earn reelection, the need to maintain prestige as an element of Presidential influence, and a President's traditional concern for his historical stature.

Id. (emphasis added). The reasoning of the *Nixon* Court is directly applicable to the case at hand.

"Under the Constitution and laws of the United States the President has discretionary responsibilities in a broad variety of areas, many of them highly sensitive. In many cases it would be difficult to determine which of the President's innumerable 'functions' encompassed a particular action." *Nixon*, 457 U.S. at 756. Indeed, the job of the Presidency has only gotten more complex, with an ever-increasing number of discretionary responsibilities. Further, as the *Nixon* Court noted:

> Courts traditionally have recognized the President's constitutional responsibilities and status as factors counseling judicial deference and restraint. For example, while courts generally have looked to the common law to determine the scope of an official's evidentiary privilege, we have recognized that the

> Presidential privilege is 'rooted in the separation of powers under the Constitution.'

United States v. Nixon, 418 U.S. 683, 708, 94 S.Ct. 3090, 3107 (1974). It is settled law that the separation-of-powers doctrine does not bar every exercise of jurisdiction over the President. *See, e.g., United States v. Nixon*, supra; *United States v. Burr*, 25 F.Cas. 187, 191, 196 (No.14,694) (CC Va.1807); *cf. Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 72 S.Ct. 863 (1952). But this Court's cases also have established that "a court, before exercising jurisdiction, must balance the constitutional weight of the interest to be served against the dangers of intrusion on the authority and functions of the Executive Branch." *Nixon*, 457 U.S. at 754.

In this instance, this Court should adhere to the principles articulated in *Nixon* and extend the principle of absolute immunity to include criminal cases. Such an extension would only serve to further the public interest and ensure the Office of the President is able to operate without fear of reprisal—all while still imposing the same checks and balances that are present in other cases of absolute immunity. As is the case in any legal proceeding where absolute immunity is asserted, the Court is charged with "defining the scope of an official's absolute privilege." *Id.* at 755. That charge is to ensure that "the sphere of protected action must be related closely to the immunity's justifying purposes." *Id.* This Court has held "that an official's absolute immunity should extend only to acts in performance of particular functions of his office." *Id.* (internal citations omitted). On the other hand, this Court has "refused to draw

functional lines finer than history and reason would support." *Id*. at 755-56 (citing *Spalding v. Vilas*, 161 U.S. 483, 498, 16 S.Ct. 631, 637 (1896) (privilege extends to all matters "committed by law to [an official's] control or supervision"); *Barr v. Matteo*, 360 U.S. 564, 575, 79 S.Ct. 1335, 1341 (1959) (fact "that the action here taken was within the outer perimeter of petitioner's line of duty is enough to render the privilege applicable"); *Stump v. Sparkman*, 435 U.S., at 363 & n.12, 98 S.Ct., at 1108 & n.12 (judicial privilege applies even to acts occurring outside "the normal attributes of a judicial proceeding")).

The reasoning in *Nixon* is certainly applicable in the criminal context, as well as civil:

> Because of the singular importance of the President's duties, diversion of his energies by concern with private lawsuits would raise unique risks to the effective functioning of government. As is the case with prosecutors and judges for whom absolute immunity now is established—a President must concern himself with matters likely to 'arouse the most intense feelings.' Yet, as our decisions have recognized, it is in precisely such cases that there exists the greatest public interest in providing an official 'the maximum ability to deal fearlessly and impartially with' the duties of his office. This concern is compelling where the officeholder must make the most sensitive and far-reaching decisions entrusted to any official under our constitutional system. Nor can the sheer prominence of the President's office be ignored. In view of the visibility of his office and the

> effect of his actions on countless people, the President would be an easily identifiable target for suits for civil damages. Cognizance of this personal vulnerability frequently could distract a President from his public duties, to the detriment of not only the President and his office but also the Nation that the Presidency was designed to serve.

Nixon, 457 U.S. at 751-53 (internal citations omitted). The same considerations that arise in a suit for civil damages against the President are present in the criminal context. To allow for the prosecution of a President for acting in his official capacity would have a chilling effect on the Presidency. Such an outcome could ultimately result in President's decision-making process being compromised for fear of reprisal or, in certain instances, could lead to a delay in a President taking decisive action, causing significant negative impacts to the health and wellbeing of the country of its citizens. Indeed, a President must have confidence that any decision made within the confines of his office, right or wrong, will not result in an adverse outcome simply because a group of individuals disagrees with the action taken.

Arguably, this concern is supported by current Department of Justice policy, which states sitting U.S. Presidents should not be criminally prosecuted. "In 1973, the Department concluded that the indictment or criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions. The Department's consideration of this issue in 1973 arose in two distinct legal contexts.

First, the Office of Legal Counsel ("OLC") prepared a comprehensive memorandum in the fall of 1973 that analyzed whether all federal civil officers are immune from indictment or criminal prosecution while in office, and, if not, whether the President and Vice President in particular are immune from indictment or criminal prosecution while in office. *See* Memorandum from Robert G. Dixon, Jr., Assistant Attorney General, Office of Legal Counsel, Re: Amenability of the President, Vice President and other Civil Officers to Federal Criminal Prosecution while in Office (Sept. 24, 1973) ("OLC Memo"). The OLC memorandum concluded that all federal civil officers except the President are subject to indictment and criminal prosecution while still in office; the President is uniquely immune from such process. A Sitting President's Amenability to Indictment & Crim. Prosecution, 24 U.S. Op. Off. Legal Counsel 222 (2000).

Both the 1973 memorandum and the 2000 memorandum support the *Amici*'s contention that criminal prosecution of a President, whether sitting or retired, should not be pursued except in the narrowest of circumstances. Further, if prosecution is pursued, it must be done only after a finding that the actions for which the President is being charged were conducted outside the official scope of the Presidents duties.

As noted in both case law and by the United States Attorney General, the prosecution of a President raises numerous significant constitutional, political, and policy concerns. Any approach should be done in a thoughtful and restrained manner.

II. The Trial Court Made Insufficient Findings To Apply The Law

As the cases above demonstrate, absolute immunity is not a novel concept in this county—nor is Presidential immunity. But, as described above, the applicability of these immunities depends, *inter alia*, on whether the official is acting within the scope of their office. Thus, here, whether President Trump is entitled to immunity for his actions on January 6, 2021 would depend on whether he was acting within the duties of his office while performing each of the acts for which he is being charged.

Unfortunately, it does not appear that the trial court conducted this analysis. Instead, it appears that the trial court only analyzed whether Presidential immunity exists at all, but failed to analyze whether the specific acts underlying the pending criminal action were within the scope of the President's duties. *See generally United States v. Trump*, No. 23-CR-257, Slip. Op. at 6-31 (D.D.C. Dec. 1, 2023). Without this analysis by the trial court, the appellate record is insufficient to allow this Court to review this analysis.

The *Amici*, therefore, urge this Court to overturn the lower decisions and return the matter to the trial court to determine, separately for each act for which he is being charged, whether President Trump was acting within his duties as President of the United States when he undertook such act.

CONCLUSION

The *Amici* respectfully urge this Court to find that President Trump was entitled to Presidential immunity shielding his actions while he was acting with the scope of his duties. The *Amici* further respectfully request that this Court return the matter to the trial court for further factual findings.

Respectfully submitted,

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