

BRENNA BIRD
ATTORNEY GENERAL

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The Honorable Letitia James
Attorney General of New York
Office of the New York State Attorney General
The Capitol Albany NY 12224-0341

Fani Willis
Fulton County District Attorney
136 Pryor St. SW, Room 300
Atlanta, Georgia 30303

Jack Smith
950 Pennsylvania Ave NW, Room B-206
Washington, D.C. 20530

Re: Cease and Desist Political Prosecutions of President Trump

Dear Attorney General James, District Attorney Willis, and Mr. Smith:

As the chief legal officers in our States, we write to strongly encourage you to discontinue your political prosecutions of President Trump. While each of these prosecutions should never have been brought in the first place, they now risk fomenting a Constitutional crisis. That is why the Attorneys General of Iowa, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia are calling on you to immediately stop these prosecutions.

Mr. Smith, a federal court has already dismissed your claims in one case due to your improper appointment. That appointment flouts both the Appointments Clause and Article II of the U.S. Constitution. Not only that, your prosecutions of President Trump—President Biden and Vice President Harris’s political rival—violated multiple Department of Justice policies. And the timing undermined the prosecutions’ legitimacy from the start. Indeed, the Supreme Court explained that yours was the “first criminal prosecution in our Nation’s history of a former President for actions taken during his presidency.” And it was not justified. On November 8, you asked the Court to indefinitely suspend deadlines while you figured out what to do in this unique circumstance. The answer is clear: you should drop the prosecution.

Attorney General James and Ms. Willis, the Office of Legal Counsel has for decades held the position that States and their subdivisions cannot prosecute the sitting President of the United States. In 2000, the Department of Justice under President Clinton explained why “criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions.” Just as federalism protects the States from unwarranted federal intrusion, the Constitution protects the President from state and local prosecutions that frustrate his constitutionally vested authority to implement national policy. All of that just buttresses common sense. Even putting aside the meritless claims that you have raised—and the ahistorical tactics you adopted in your attempt to prosecute the leader of an opposing political party—given the timing, there is no way that President Trump will be tried, convicted, or sentenced before taking office. A punitive damages award amounting to hundreds of millions of dollars imposed in a first-of-its-kind civil fraud trial fares no better. And once President Trump is again in office, continuing to attempt to prosecute or pursue the sitting President risks real harm to our federal system.

President of the United States is the most important job in the world. The President leads the free world. And America just gave President Trump a mandate to lead the United States to a brighter future. Prosecutions aimed at “self-promotion” are at no time appropriate. *Trump v. Vance*, 591 U.S. 786, 836 (2020) (Alito, J., dissenting). And for the sake of our nation, your prosecutions must now end.

Sincerely,



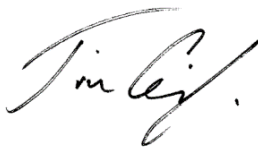
Brenna Bird
Attorney General of Iowa



Steve Marshall
Attorney General of Alabama



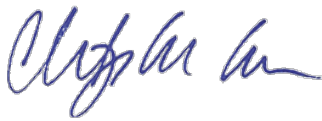
Treg Taylor
Attorney General of Alaska



Tim Griffin
Attorney General of Arkansas



Ashley Moody
Attorney General of Florida



Chris Carr
Attorney General of Georgia



Raúl R. Labrador
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