



The Center for Ethics and the Rule of Law (CERL) at Penn Law files amicus brief in the U.S. Supreme Court case *Trump v. Vance* supporting NY County's issuance of subpoenas for Trump's personal financial records

The case is likely the most important executive power and immunity case to be decided since *U.S. v. Nixon* and *Clinton v. Jones*

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(Philadelphia – March 5, 2020) – Claire Finkelstein, Penn law professor and CERL director, and Richard Painter, counsel of record and University of Minnesota Law School professor, yesterday filed an [amicus brief](#) in the U.S. Supreme Court supporting New York County District Attorney's issuance of subpoenas to President Trump's accounting firms for Trump's financial records as part of a state criminal investigation of the president's businesses.

In the brief, Finkelstein refuted the U.S. Solicitor General's argument that the president has absolute immunity under Article II of the U.S. Constitution, which would bar state and county prosecutors from criminally investigating and prosecuting Trump and his businesses.

"Such a claim of presidential immunity threatens to eliminate all accountability, not just for this president, but for all future presidents," said Finkelstein. "If the Supreme Court adopts the Solicitor General's interpretation, anyone occupying the office of the president would be beyond the reach of state and federal judicial processes."

District Attorney Cyrus Vance is conducting a criminal investigation of New York City-headquartered businesses beneficially owned by Trump. Vance subpoenaed Mazars and other accounting firms for financial documents, including tax returns, related to the businesses. The Second Circuit Court of Appeals and the U.S. District Court refused to block the subpoenas, and Trump petitioned the U.S. Supreme Court to review the lower courts' orders. The case is scheduled for oral argument later this month and will be decided by June.

Both Finkelstein and Painter believe that the Solicitor General's view of presidential authority threatens to erode the rule of law. According to Painter, "In the absence of a constitutional basis for the claim of absolute presidential immunity, the rights of states to investigate a sitting president who has longstanding business and residential ties to that state must remain undisturbed by the federal government, as required by the Tenth Amendment."

About Claire O. Finkelstein and the Center for Ethics and the Rule of Law (CERL)

Professor Finkelstein is the Algernon Biddle Professor of Law and Professor of Philosophy at the University of Pennsylvania Carey Law School and CERL's founder and faculty director. @COFinkelstein

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About Richard W. Painter

Richard W. Painter is the S. Walter Richey Professor of Corporate Law at the University of Minnesota. He served as the chief White House ethics lawyer in the George W. Bush administration and is a former vice-chair of Citizens for Responsibility and Ethics in Washington (CREW). @RWPUSA