

Twitter Thread by Zoe Tillman



Zoe Tillman

[@ZoeTillman](#)



New, with more to come: DOJ under Biden is keeping up the previous admin's effort to take over Trump's defense against a defamation lawsuit filed by writer E. Jean Carroll — an effort Biden criticized during the campaign.

First brief under new admin: <https://t.co/JihPuNXxHj>

Case 20-3977, Document 102, 06/07/2021, 3115486, Page7 of 31

INTRODUCTION AND SUMMARY OF ARGUMENT

Then-President Trump's response to Ms. Carroll's serious allegations of sexual assault included statements that questioned her credibility in terms that were crude and disrespectful. But this case does not concern whether Mr. Trump's response was appropriate. Nor does it turn on the truthfulness of Ms. Carroll's allegations. The case instead addresses whether the Federal Tort Claims Act (FTCA) and the Westfall Act apply to the President and the scope of their application—questions that implicate the institutional interests of the federal government. The district court's resolution of those issues was erroneous, and the government respectfully urges the Court to reverse the decision of the district court.

Story: DOJ is keeping up an effort to try to take over Donald Trump's defense against a defamation case filed by writer E. Jean Carroll — an effort Biden criticized as a candidate last fall.

Key phrase in tonight's brief? "institutional interests" <https://t.co/LTuq3vv58F>

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This is the latest case that tests DOJ's traditional role of defending the power and prerogatives of the executive branch — any executive branch, regardless of president. What's unusual is that Biden had weighed in on this case specifically.
<https://t.co/LTuq3vv58F>

DOJ says Trump's comments about Carroll — who accused him of raping her more than 20 years ago — were "crude and disrespectful." Notably, that language does not appear in DOJ's prev. brief filed 1/15. But DOJ says the case isn't about what's "appropriate" <https://t.co/LTuq3vv58F>

A federal district judge in Manhattan had rebuffed DOJ's effort last fall to substitute the US govt for Trump as the defendant. If the government ultimately wins, it would likely spell the end of Carroll's suit, since the US is immune against libel suits
<https://t.co/LTuq3vv58F>

Two big Qs in Carroll's case: 1) Is a president covered by the same protections against being sued that apply to fed employees? 2) Was Trump acting w/in scope of his job when he denied a rape allegation?

DOJ — under Trump and Biden — says yes to both.
<https://t.co/LTuq3vv58F>

DOJ strives to condemn Trump in as many ways as possible ("crude" "disrespectful" "unnecessary" "unwarranted" "inappropriate") while trying to stress that this isn't about Trump, but about making sure all officials get robust protection against being sued <https://t.co/LTuq3vv58F>

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DOJ also wrote that its effort to intervene in the case does not "turn on the truthfulness of Ms. Carroll's allegations"
<https://t.co/LTuq3vv58F>

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White House spox defers to DOJ re: Carroll's case, and says they weren't consulted.

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“This is in active litigation, and so we refer you to the Department of Justice concerning its court filings. The White House was not consulted by DOJ on the decision to file this brief or its contents. And while we are not going to comment on this ongoing litigation, the American people know well that President Biden and his team have utterly different standards from their predecessors for what qualify as acceptable statements.”