

EXHIBIT 17

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Now the World Can Read Mary Trump's Blistering Book About Her Uncle. Holding It Back Would Have Been Pure Censorship.

Public interest and free speech ruled the day, regardless of the author's confidentiality agreement

(Washington Post) -- No book is going to make much of a difference in the way President Trump is viewed by American voters.

The publishing industry has cranked out dozens, if not hundreds, of critical Trump-related volumes over the past four years, and still his base holds steady. His approval ratings sit, like Buddha under the fig tree, at 40 percent – apparently immovable despite the bungled handling of a global pandemic, reports of Russian bounties paid to kill U.S. soldiers or thousands of Trumpian lies.

Still, the new book by the president's niece, Mary Trump, is a matter of valid public concern, especially in an election year. And holding it back – as a New York State judge did earlier this week by issuing a temporary restraining order – would have amounted to censorship, the very thing that the First Amendment was written to prohibit.

That order was lifted Wednesday night by the state's appellate division, rightfully allowing publication and distribution to go forward.

It details "a nightmare of traumas, destructive relationships and a tragic combination of neglect and abuse," says publisher Simon & Schuster, including "the strange and harmful relationship between" her late father, Fred Trump Jr., and his brother, now the president of the United States.

The title certainly suggests some brutal conclusions: "Too Much and Never Enough: How My Family Created the World's Most Dangerous Man." What's more, we now know that Mary Trump was the primary source behind the New York Times's expose of the president's finances, which won a Pulitzer Prize in 2018.

In other words, this niece knows plenty and has decided not to pull her punches.

Her apparent breaking of that contract is "truly reprehensible," argues Charles Harder, the lawyer for yet another Trump brother, Robert, who sued to block the book's release, certainly as a stalking horse for the president.

Such contracts do matter, of course. If they're not enforced, they're meaningless.

But withholding publication of this book was never really about enforcing that agreement. It was about prior restraint – censorship – applied to Simon & Schuster, which was never a party to the family agreement and says it didn't even know it existed when it agreed to produce the book.

What's more, this isn't just any book, noted Katie Townsend, the legal director for the Reporters Committee for Freedom of the Press, which, along with other free-speech advocacy organizations, filed a brief arguing that restraining its publication is unconstitutional.

"This is what the First Amendment was designed to protect against," Townsend told me. As the brief puts it: "A restraint of just one day is an unacceptable affront" to constitutionally protected free speech, and "a restraint of more than a week, as this court has already ordered, is extraordinary."

Townsend and others liken the situation to the publication of the Pentagon Papers, the secret history of the Vietnam War, published in the 1970s by the New York Times and then the Washington Post. The documents were stolen from the Pentagon, but their provenance shouldn't have kept – and ultimately didn't keep – the newspapers from publication.

That may seem like a grandiose comparison, but it's apt.

Whatever the president's ability to hold his base steady amid the unceasing tornado winds, American citizens of all political leanings deserve to know the truth about him – especially in a crucial election year.

That the president wanted to stop its distribution is no surprise. But allowing that to hold sway was trouble in the making.

"Then you've opened a Pandora's box and created a monster," Townsend said. The kind of monster that conceivably could halt the publication of a news story – say, for example, the one about the Russian bounties on the heads of American soldier – because of purely political considerations.

In practical terms, it was probably too late to keep the book's revelations from seeping out. Simon & Schuster said that thousands of copies have already shipped. Those who have pre-ordered the book, blasting it into the stratosphere of best-sellerdom, might not have received their copies on time but chances were always excellent that we all would know exactly what's on the forbidden pages.

The case in some ways mirrors the U.S. Justice Department's failed suit to block the release of former Trump national security advisor John Bolton's scathing memoir, also published by Simon & Schuster, "The Room Where it Happened."

A federal judge ruled that, with many thousands of copies already distributed, stopping it would be futile. But he smacked Bolton for not following the government's pre-publication clearance rules.

Townsend said she finds it "head-spinning that in a matter of weeks there have been two attempts to suppress books" critical of the president. No one should dismiss the legitimate concerns here: the enforcement of a private contract in one case, and national security concerns in another. Those matters can still be litigated; in fact, the question of Mary Trump's contract remains before the court right now.

But four months before a presidential election, voters deserve to know everything possible about this president.

Whether that knowledge actually moves them – extremely unlikely – is not the point.

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