

# **EXHIBIT 9**

The New York Times | <https://nyti.ms/1gUGpOk>

## *Familiar Talk on Women, From an Unfamiliar Trump*

By Jason Horowitz

Aug. 18, 2015

The outspoken scion of the New York real estate developer Fred C. Trump stood on stage in Washington one day in 1992 and told a mostly female crowd of law enforcement agents to lighten up when it came to sexual harassment.

“Professional hypochondriacs,” the speaker said, were making it hard for “men to be themselves” and were turning “every sexy joke of long ago, every flirtation,” into “sexual harassment,” thus ruining “any kind of playfulness and banter. Where has the laughter gone?” As for boorish behavior, the best way to disarm it was with “humor and gentle sarcasm,” or better yet, that “potent weapon” of a “feminine exterior and a will of steel.”

The aversion to political correctness and the dispensing of unorthodox advice were straight from the playbook of Donald J. Trump, the Republican presidential candidate who has made a business, and now the beginnings of a political career, out of over-the-top oratory. But these particular Trumpisms came instead from his older sister, Maryanne Trump Barry.

A senior judge on the United States Court of Appeals for the Third Circuit who was appointed to the bench by Ronald Reagan and promoted by Bill Clinton, Ms. Barry, 78, would perhaps be the ideal person to argue in her brother’s defense as he faces familiar accusations of misogyny, if she would speak publicly.

Instead, Mr. Trump spoke for her, saying he had sought Ms. Barry’s counsel after the Fox News anchor Megyn Kelly asked him, in a widely watched debate, about his past remarks on women (“You’ve called women you don’t like ‘fat pigs,’ ‘dogs,’ ‘slobs’ and ‘disgusting animals’ ”). He was widely criticized for insinuating the next day that Ms. Kelly had been menstruating at the time. Mr. Trump denied that he had meant that.

His sister, he said in an interview, was supportive.

“She called me to say she’s very proud,” Mr. Trump said. “She said, ‘Just be yourself.’ Of course, I don’t know if that’s good advice, but she said, ‘Just be yourself and you do well, really well.’ ”

He added that Ms. Barry had a view of gender equality not unlike his own. “My sister has a very unique view on this, and — not so unique,” he said. “She feels that women are very smart and can be very tough and can be at least equal to men, and that women can fight very hard.”

Ms. Barry — whose husband, John J. Barry, was a politically connected New Jersey lawyer who counted Mr. Trump as one of his clients — now lives in a Fifth Avenue apartment in Manhattan overlooking Central Park. She declined to comment for this article.

“I have a sister who just doesn’t want to talk to reporters. Can you believe it?” Mr. Trump said, explaining that he had called his sister and suggested that she speak with an inquiring reporter. “I said: ‘Maybe they mixed us at birth. Maybe one of us got mixed up a little bit. Who knows.’ ”



Donald J. Trump with his older sister, Marianne Trump Barry, in Scotland in 2008. Ed Jones/Agence France-Presse — Getty Images

People close to Ms. Barry say she is decidedly not the mixed-up one in the family.

Although she did not start law school until after her son was in sixth grade, Ms. Barry has had a four-decade career as a prosecutor and federal judge, achieving a measure of celebrity independent of her brother. (“This is not the Trump Princess,” The Chicago Sun-Times wrote in 1989.) Some friends say they did not even know she was part of the famous family.

“There was a story in Time magazine or something, and a couple of the other lawyers come in and go, ‘Did you know Maryanne is a Trump?’ ” said Donald J. Volkert Jr., a former New Jersey Superior Court judge who became a close friend of Ms. Barry’s. “And I said, ‘What’s a trump?’ ”

Ms. Barry earned a reputation as a tough judge with a strong command of her courtroom. In 1989, as a district court judge in Essex County, N.J., she blocked a plea deal that would have freed two county detectives accused of protecting a drug dealer. She forced the case to trial, where the detectives were convicted and received 12- and 15-year jail terms. She presided over the conviction of Louis (Bobby) Manna, the Genovese crime family boss accused of trying to assassinate a rival, John Gotti. And in 1996, she chastised federal prosecutors for trying to deport a former deputy attorney general of Mexico, calling their efforts politically motivated, unconstitutional and “Kafkaesque.”

As an appellate judge for the Third Circuit — with chambers in Newark and jurisdiction over Delaware, New Jersey, Pennsylvania and the United States Virgin Islands — she has forcefully rebuked prosecutors and defense lawyers, but also trial judges she considered inept. And in 2000, still new to the appeals court, she wrote a 40-page unanimous decision calling a New Jersey law banning late-term abortions “unconstitutionally and incurably vague” and saying that it put an “undue burden” on women’s constitutionally protected right to the procedure.

Ms. Barry, who is tall and has a similar, if more abundant, coiffure of blond hair to her brother’s, has made it clear that she never felt in competition with him. She has also said that is a good thing.

“I knew better, even as a child, than to even attempt to compete with Donald,” she told New York magazine for a “power siblings” edition in 2002. “I wouldn’t have been able to win.”

The Trumps grew up in the wealthy Jamaica Estates section of Queens. Ms. Barry is the oldest of five siblings — three men and two women — and was especially close to her mother, Mary. After earning a master’s degree, she became a full-time mother living on Long Island before excelling in law school and as a prosecutor.

In 1982, when she was the highest-ranking woman in the United States attorney’s office in Newark, she married Mr. Barry. The next year, the Reagan administration reached out to Thomas Kean, New Jersey’s Republican governor, seeking his recommendation for a Federal District Court judgeship in the state.

“They wanted a woman, and they asked me if I had a good woman,” Mr. Kean said. He surveyed a sounding board of former New Jersey Supreme Court justices and legal counselors, and, he recalled, “every one of them recommended the same name, Maryanne Barry.”

On all of the documents Ms. Barry prepared for him, Mr. Kean said, she appeared as Maryanne Barry. Only as she was about to be appointed did he find out that she was a sister of Mr. Trump, who, Mr. Kean said, “never made a call recommending his sister.”

But that did not mean Mr. Trump kept entirely clear of the appointment process.

According to a person involved in the effort to appoint Ms. Barry, who discussed the clandestine strategy on the condition of anonymity, Mr. Trump had his lawyer, Roy M. Cohn, a politically connected former counsel to Senator Joseph R. McCarthy, lobby Edwin Meese III, then a senior White House aide, to put his sister on the bench.

“I’m no different than any other brother that loves his sister,” Mr. Trump said when asked about Mr. Cohn’s pressure on the Reagan administration. “My sister got the appointment totally on her own merit.”

Ms. Barry herself has given her brother some of the credit for her appointment. “There’s no question Donald helped me get on the bench,” she was quoted as saying in Gwenda Blair’s “The Trumps: Three Generations That Built an Empire.” “I was good, but not that good.”

Newspapers noted at the time that her brother was trying to break into the casino business in Atlantic City and raised the possibility of a conflict of interest.

“We never had a conflict,” Mr. Trump said in the interview. “She would recuse herself. I’d ask her not to, of course, but she would recuse herself.”

Known for chain smoking and driving a Jaguar, Ms. Barry also took pride in her after-work homemaking. “I do the laundry, I do the shopping, I do the dishes,” she told The Chicago Sun-Times in 1989.

Her comments about sexual harassment in 1992 were in character, her brother said.

“She had a case, and she was very angry because a man was being sued by a woman for saying something to the equivalent of, ‘Hi, honey, how ya doing,’ ” he said. “And she thought it was disgraceful” that “he said something that was a little bit cheeky” and his “life was ruined.”

In 1999, Mr. Clinton was having a hard time getting his appointments through the Senate, and he asked Senator Robert G. Torricelli of New Jersey to find a set of judges who could be confirmed. To balance out the Democratic appointments, Mr. Torricelli chose Ms. Barry.

Mr. Torricelli said that Mr. Trump, a frequent donor to his campaigns, had in no way influenced his decision. He said that he had called Mr. Trump, as “a courtesy,” only after making the choice, and that Mr. Trump had been appreciative.

In 2004, seven years before Ms. Barry assumed senior status on the Third Circuit court, Justice Sandra Day O’Connor of the United States Supreme Court presented her with an award, named after Justice O’Connor, that the Seton Hall University School of Law gives to women who excel in law and public service.

With her brother in attendance, Ms. Barry said, “I say to the women out there, remember how difficult it was for women like Justice O’Connor starting out.” She added, “Even though she graduated with top grades, she had to take a job as a legal secretary. Remember how far we have come.”