

July 20, 2016

**VIA FEDEX AND EMAIL (jgreenblatt@trumporg.com)**

Jason D. Greenblatt  
Executive Vice President and  
Chief Legal Officer  
The Trump Organization  
725 Fifth Avenue  
New York, NY 10022

Re: Your Letter to Tony Schwartz

Dear Mr. Greenblatt:

I write as counsel to Mr. Tony Schwartz in response to your letter to him dated July 18, 2016.

Your letter is nothing more than a transparent attempt to stifle legitimate criticism of the presumptive Republican nominee for the President of the United States. As Mr. Trump is aware, Mr. Schwartz is the credited co-author of Mr. Trump's "autobiography," *The Art of the Deal* (the "Book"). In that role, Mr. Schwartz was afforded an intimate view of Mr. Trump's business and personal dealings and is therefore uniquely well-positioned to discuss Mr. Trump's character—an issue that is of indisputably vital public importance. As Mr. Schwartz stated during the *Good Morning America* interview, which you quote from in your letter, he feels it is his "civic duty" to speak out about Mr. Trump's character, which he believes is incompatible with that expected of the Commander-in-Chief of this country.

Your letter alludes vaguely to "defamatory statements," "outright lies" and "downright fabrications," but you do not identify a single statement by Mr. Schwartz that is factually false, let alone defamatory. Instead, it is self-evident that Mr. Trump is most concerned with Mr. Schwartz's well-founded expressions of his own *opinion* of Mr. Trump's character, as well as Mr. Schwartz's accurately taking credit for the writing of *The Art of the Deal*, which you pointedly do not contest. Also, in Mr. Trump's eyes, Mr. Schwartz has been "very disloyal" in speaking out on these issues, as he is quoted saying to Mr. Schwartz in the recent *New Yorker* article by Jane Mayer.

The fact that Mr. Trump would spend time during the week of the Republican National Convention focused on settling a score with and trying to censor his co-author on a thirty-year-old book is, frankly, baffling, but only further underscores the very basis for Mr. Schwartz's

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criticisms. In any event, the demands you make in the letter are without any foundation in law or fact. Mr. Schwartz will not be returning any of the advance or royalties from the Book, and he has no intention of retracting any of his opinions about the character of the Republican nominee for the presidency, nor does he have any obligation or intention to remain silent about this issue going forward.

Setting aside your hyperbolic rhetoric, the sole statements by Mr. Schwartz that your letter cites are from the *Good Morning America* interview where he stated that he “suspect[s] there are quite a number of things that were false [in the Book],” and that the Book is “full of falsehoods.” Your attempt to argue that these statements constitute a breach of Mr. Schwartz’s obligations under the publishing agreement for the Book is utterly nonsensical on its face, even apart from the fact that you have wrenched the statements out of the context in which they were made.

As you yourself assert, “Mr. Trump was the source of all of the material in the Book.” Mr. Schwartz was under no obligation—contractual or otherwise—to demand changes to material in the Book that had been based directly on Mr. Trump’s statements. Mr. Schwartz has never suggested that he included material in the Book that he knew to be false at the time, nor did he do so. Any purported failure by Mr. Schwartz to be “accurate in the completion of [his] duties” would be entirely because of misleading statements by Mr. Trump.

The *non-sequitur* attacks on Mr. Schwartz throughout the rest of your letter are similarly baseless. You assert that Mr. Trump was the “inspiration” for the material in the Book and the reason for the Book’s “great success,” which Mr. Schwartz has never disputed. However, you carefully avoid addressing the core claim (which has been fully backed up by the former head of Random House, publisher of the Book) that Mr. Schwartz, and not Mr. Trump, *wrote the Book in its entirety*. Mr. Schwartz’s statements to that effect are not “rewrit[ing] history.” To the contrary, they are fully accurate and backed up by the record.

You also state that Mr. Schwartz “pleaded with Mr. Trump” over the past 28 years to provide more work. In fact, it was Mr. Schwartz who turned down the offer to work with Mr. Trump on another book (as reported in the *New Yorker* article). Further, as Mr. Trump is well aware, the two men have—apart from a brief phone call about a year ago—not spoken or corresponded for at least 25 years. Mr. Schwartz certainly never “pleaded” for anything from Mr. Trump.

Your letter does contain one accurate statement. Mr. Schwartz is indeed “attempting to influence the public” by speaking out. Mr. Schwartz would be the first to acknowledge that he is doing exactly that, and he will not be bullied into silence on this issue by outlandish and baseless legal demands.

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This letter is without waiver of any of Mr. Schwartz's rights, remedies or defenses, all of which are expressly reserved.

Sincerely,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read "Elizabeth A. McNamara", with a long, sweeping horizontal line extending to the right.

Elizabeth A. McNamara