

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE MEDIA APPLICATION FOR  
AUDIOVISUAL ACCESS TO TRIAL  
PROCEEDINGS IN UNITED STATES  
OF AMERICA V. DONALD J. TRUMP

Case No. 23-mc-99-TSC

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Pending before this Court is the Media Coalition’s Application for Audiovisual Access (ECF 1) to the trial proceedings in *United States v. Trump*, No. 23-cr-257. In opposing that Application, the Government asserts that it “is clearly foreclosed under Rule 53 of the Federal Rules of Criminal Procedure.” Opp. at 1 (ECF 16). The Media Coalition therefore respectfully submits, as supplemental authority, a Public Advisory that the D.C. Circuit issued regarding oral argument held on January 9, 2024 in *United States v. Trump*, No. 23-3228. The argument concerned Defendant Trump’s appeal from the denial of his motion to dismiss on the basis of presidential immunity, and as the Public Advisory notes, the D.C. Circuit ensured that “audio of the oral arguments [was] live streamed on the Court’s YouTube channel.” That allowed, in real time, the public to hear and the press to report on a criminal proceeding of exceptional importance to the nation, including, *inter alia*, this extraordinary exchange between Trump’s counsel and Judge Florence Y. Pan:

Judge Pan: I asked you a yes or no question. Could a president who ordered SEAL Team 6 to assassinate a political rival, who was not impeached, would he be subject to criminal prosecution?

Counsel: If he were impeached and convicted first.

Judge Pan: So your answer is no.

See <https://www.youtube.com/watch?v=PEQ1aToavl8> at 8:35 – 8:54; *see also, e.g.*,

<https://www.c-span.org/video/?532581-1/district-columbia-circuit-court-oral-arguments->

[president-trumps-immunity-claims](#) (carrying the Court’s live streaming audio).

The Media Coalition brings this Public Advisory to the Court’s attention because – to the benefit of the public and the court itself, and without objection from the Government – the D.C. Circuit provided contemporaneous audio access to a criminal appellate proceeding even though the D.C. Circuit, too, is subject to Rule 53. Fed. R. Crim. P. 1(a)(1) (“These rules govern the procedure in all criminal proceedings in the United States district courts, the United States courts of appeals, and the Supreme Court of the United States.”). The Media Coalition therefore urges this Court to follow the lead of the D.C. Circuit and, at a minimum, provide live streaming audio of the criminal trial proceedings in *United States v. Trump* as well.

Dated: January 23, 2024

Respectfully submitted,

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<sup>1</sup> The Media Coalition includes E.W. Scripps Company (operator of Court TV), as well as Advance Publications, Inc., American Broadcasting Companies, Inc. d/b/a ABC News, The Associated Press, Bloomberg L.P., Cable News Network, Inc., Dow Jones & Company, Inc., publisher of The Wall Street Journal, Los Angeles Times Communications LLC, National Association of Broadcasters, National Cable Satellite Corporation d/b/a C-SPAN, National Press Photographers Association, News/Media Alliance, The New York Times Company, POLITICO LLC, Radio Television Digital News Association, Society of Professional Journalists, TEGNA Inc., Univision Networks & Studios, Inc., and WP Company LLC d/b/a The Washington Post. Reuters News & Media Inc. has filed notice that it also joins the Media Coalition’s Application.

# United States Court of Appeals

District of Columbia Circuit  
Washington, D.C. 20001-2866

Mark J. Langer  
Clerk

General Information  
(202) 216-7000

## FOR IMMEDIATE RELEASE

December 22, 2023

### **Public Advisory – January 9, 2024 Oral Arguments in No. 23-3228, United States of America v. Donald J. Trump**

**Argument Date & Time:** Tuesday, January 9, 2024, at 9:30 a.m.

**Courtroom:** Oral arguments will be heard in Courtroom 31 on the Fifth Floor.

**Overflow Courtroom:** An audio-video feed of the oral arguments will be broadcast to an overflow courtroom (location to be announced), if needed. All rules pertaining to Courtroom 31 (e.g., restrictions on the use of electronic devices) apply to the overflow courtroom as well.

**Public Seating:** Public seating is limited and will be on a first-come, first-seated basis.

**Reserved Media Seating:** There will be a limited number of seats set aside for the media. Media will be seated on a first-come, first-seated basis until all the media seating is filled. Media representatives may then use the public seating line. There will also be a Media Room on the Fifth Floor where members of the media can watch the audio-video feed of the oral arguments and use laptops and other electronic devices. The same rules that apply to the District Court's Media Room will apply to the Court of Appeal's Media Room ([Media Policy](#)).

**Reserved Seating for the Parties:** There will be a limited number of seats set aside for the arguing attorneys. The arguing attorneys have a point of contact to handle their reserved seating allocations. Persons with reserved seating should be at the courtroom no later than 8:45 a.m.

**Line Standers:** Only individuals who actually plan to attend the oral arguments will be allowed to line up inside the courthouse for the arguments. "Line standers" are not permitted. No one will be allowed to hold spaces for other individuals.

**Live Streaming:** The audio of the oral arguments will be live streamed on the Court's YouTube channel. To minimize congestion on the Court's website, the public is encouraged to go directly to the YouTube channel by using this link:

<https://www.youtube.com/USCourtsCADC>

**Courthouse Entrances:** The 3<sup>rd</sup> Street Entrance the John Marshall Park Entrance will open to the public at 7:00 a.m.

**Security Screening:** Individuals attending the oral arguments should allow sufficient time to pass through security screening. Please keep in mind that there may be activity in the District Court that could affect how long it takes to clear security screening. For more information, see our [Security Screening Policy](#).

**Use of Electronic Devices:** All visitors are expected to follow the [Electronic Device Policy](#) of the Court.

**Press Conferences and Media Interviews:** Press conferences and media interviews may not be conducted inside the courthouse and annex. Press conferences are typically held in front of the courthouse on the plaza facing Constitution Avenue. For more information, see our [Media Policy](#).

**Audio Recording:** An audio recording of the oral arguments will be available by 3:00 p.m. on January 9, 2024.

For more information, contact the Clerk's Office at [WebInformation@cad.uscourts.gov](mailto:WebInformation@cad.uscourts.gov) or 202-216-7300.