

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

August 1, 2024

Ms. Loren Merchan
President
Authentic Campaigns Inc.
321 N. Clark St.
Suite 730
Chicago, IL 60654

Dear Ms. Merchan:

The Committee on the Judiciary is conducting oversight of politically motivated prosecutions by state and local officials. Last year, New York County District Attorney (DANY) Alvin Bragg—who campaigned for office on the promise of prosecuting President Donald J. Trump—used a convoluted and novel legal theory to indict President Trump on charges that federal officials had previously declined. The Committee has heard expert testimony explaining Bragg’s abuse of prosecutorial authority and detailing the conflicts of interest of the presiding judge, Judge Juan Merchan.¹ Experts have raised substantial concerns with Judge Merchan, your father, refusing to recuse himself from President Trump’s case despite your work on behalf of President Trump’s political adversaries and the financial benefit that your firm, Authentic Campaigns Inc., could receive from the prosecution and conviction.² Accordingly, as the Committee continues its oversight, we believe you possess records that will inform legislative reforms to address the weaponization of judicial system.

Since 2019, you have been closely involved in presidential campaigns for both President Biden and Vice President Harris. In 2019, you served as the director of digital persuasion for then-presidential candidate Harris’s campaign while simultaneously serving as Vice President at

¹ See H. COMM. ON THE JUDICIARY, 118TH CONG., *LAWFARE: HOW THE MANHATTAN DISTRICT ATTORNEY’S OFFICE AND A NEW YORK STATE JUDGE VIOLATED THE CONSTITUTIONAL AND LEGAL RIGHTS OF PRESIDENT DONALD J. TRUMP* (2024); *Hearing on the Weaponization of the Federal Government, Before the H. Comm. on the Judiciary*, 118th Cong. (May 15, 2024); *Hearing on the Manhattan District Attorney’s Office Before the H. Comm. on the Judiciary*, 118th Cong. (2024); *Hearing on the Weaponization of the Federal Government: Before the H. Comm. on the Judiciary*, 118th Cong. (July 9, 2024).

² *Hearing on the Weaponization of the Federal Government: Before the H. Comm. on the Judiciary*, 118th Cong. (July 9, 2024) (testimony of former Judge John H. Wilson) (“When a judge’s daughter raised tens of millions of dollars based on a case before her father, it would seem very narrow of the Judicial Ethics Committee to believe that the outcome of the case would have no impact on her business.”).

Ms. Loren Merchan

August 1, 2024

Page 2

Authentic Campaigns, a “Chicago-based progressive political consulting firm.”³ During your time working on behalf of Vice President Harris, Authentic Campaigns received over \$7 million in compensation for its services.⁴ According to your now-deleted LinkedIn, after Vice President Harris dropped out of the Democrat primary, you were promoted to President of Authentic Campaigns.⁵

Authentic Campaigns then conducted work for the 2020 Biden-Harris campaign, which included “digital paid media, design and development, social media, mobile messaging, [and] artificial intelligence.”⁶ According to Authentic Campaigns’ website, Authentic Campaigns sought to “[h]arness the potential of conversation AI for presidential campaign marketing to connect the Biden campaign with undecided voters in crucial swing states, particularly those unreachable through traditional means due to COVID-19 restrictions.”⁷ According to public records, the Biden-Harris campaign paid Authentic Campaigns just over \$2 million in a one-month period for its work.⁸

On April 4, 2023, Manhattan District Attorney Alvin Bragg indicted President Trump with 34 counts of falsifying business records.⁹ Since the indictments, two of Authentic Campaigns’ top clients—Representative Adam Schiff and the Senate Majority PAC—have raised “at least \$93 million in campaign donations” while referencing the indictments in their solicitation emails.¹⁰ Notably, according to one report, Representative Schiff’s campaign for U.S. Senate has received “\$20 million in aid since he began soliciting donations off the presumptive GOP presidential front-runner’s unprecedented 34-count indictment last April.”¹¹ The Senate Majority PAC similarly has “pocketed \$73.6 million since it also began firing off fundraising emails following the ex-president’s indictment.”¹² At a minimum, there is a perception that you and Authentic Campaigns could profit considerably from President Trump’s prosecution in a forum overseen by your father.

³ Jon Levine & Rich Calder, *Dem clients of daughter of NY judge in Trump hush-money trial raised \$93M off the case*, N.Y. POST (Mar. 30, 2024); Mia Cathell (@MiaCathell), TWITTER (Apr. 4, 2023, 3:13 PM), <https://x.com/MiaCathell/status/1643331072069976068>.

⁴ Vendor/Recipient Profile: Authentic Campaigns for the 2020 Election Cycle, OPEN SECRETS (last visited July 31, 2024); Mia Cathell (@MiaCathell), Twitter (Apr. 4, 2023, 3:13 PM), <https://x.com/MiaCathell/status/1643331072069976068>.

⁵ Mia Cathell (@MiaCathell), Twitter (Apr. 4, 2023, 3:13 PM), <https://x.com/MiaCathell/status/1643331072069976068>.

⁶ Biden/Harris 2020 Campaign: A Conversational AI Case Study, AUTHENTIC (last visited July 31, 2024).

⁷ *Id.*

⁸ Vendor/Recipient Profile: Authentic Campaigns for the 2020 Election Cycle, Open Secrets (last visited July 31, 2024) (The first payment from Biden for President was made on October 8, 2020 and the last payment was made on November 3, 2020.).

⁹ Press Release, District Attorney Bragg Announces 34-Count Felony Indictment of Former President Donald J. Trump, N.Y. Cnty. Dist. Att’y Off. (Apr. 4, 2023).

¹⁰ Jon Levine & Rich Calder, *Dem clients of daughter of NY judge in Trump hush-money trial raised \$93M off the case*, N.Y. POST (Mar. 30, 2024); Contributions to Schiff for Senate, U.S. FED. ELEC. COMM. (last visited July 31, 2024).

¹¹ *Id.*

¹² *Id.*

In testimony to the Committee, experts have explained how Judge Merchan made several errors before and during President Trump’s trial that violated due process, infringed upon his First Amendment rights, and prevented him from receiving a fair trial. Among other fundamental errors, Judge Merchan admitted into evidence plainly inadmissible, irrelevant, and prejudicial testimony against President Trump, while limiting President Trump’s ability to rebut it.¹³ Judge Merchan issued a gag order to prohibit President Trump from making statements about the judge’s family members, including you and your political advocacy work on behalf of Democrats.¹⁴ Judge Merchan refused to recuse himself, despite his close ties to Democrat-aligned interests and the likelihood that your political advocacy firm could benefit financially from his rulings.¹⁵ Judge Merchan’s bias was so obvious that one former federal prosecutor, a left-wing legal analyst, disagreed forcefully with Judge Merchan’s decision not to recuse, stating that he “absolutely should have recused himself[.]”¹⁶

Judge Merchan’s conflicts of interest and biases in the case against President Trump, the Republican nominee in the upcoming 2024 presidential election, implicate serious federal interests.¹⁷ Congress has a specific and manifestly important interest in preventing politically motivated prosecutions of current and former presidents, especially in venues in which real or perceived biases exist. The House is currently considering legislation, informed by the Committee’s oversight, that would remedy politically motivated local prosecutions by allowing a current or former president to remove the case to a more neutral forum in federal court.¹⁸ If such a measure were in place at the time, Judge Merchan would not have presided over President Trump’s trial.

As we continue our oversight of politically motivated prosecutions by state and local officials, we believe that you may possess records relevant to our work, particularly whether the House should move forward with the removal legislation discussed above. We ask, therefore, that you provide the following documents and information:

1. All contracts and invoices referring or relating to work performed by Authentic Campaigns for or on behalf of the Biden for President campaign, the Harris for President campaign, or the Democratic National Committee for the period January 1, 2023, to the present;

¹³ See H. COMM. ON THE JUDICIARY, 118TH CONG., LAWFARE: HOW THE MANHATTAN DISTRICT ATTORNEY’S OFFICE AND A NEW YORK STATE JUDGE VIOLATED THE CONSTITUTIONAL AND LEGAL RIGHTS OF PRESIDENT DONALD J. TRUMP (2024)

¹⁴ *Id.*

¹⁵ Priscilla DeGregory, *NY judge denies Trump’s bid for recusal in ‘hush money’ case, says he’s ‘certain’ he can be impartial*, N.Y. Post (Aug. 14, 2023).

¹⁶ Kaitlin Lewis, *Judge Merchan Should Have Recused Himself Over Biden Donation: Analyst*, NEWSWEEK (June 10, 2024) (quoting senior CNN legal analyst Elie Honig).

¹⁷ See H. COMM. ON THE JUDICIARY, 118TH CONG., LAWFARE: HOW THE MANHATTAN DISTRICT ATTORNEY’S OFFICE AND A NEW YORK STATE JUDGE VIOLATED THE CONSTITUTIONAL AND LEGAL RIGHTS OF PRESIDENT DONALD J. TRUMP (2024).

¹⁸ H.R. 2553, 118th Cong. (2023).

Ms. Loren Merchan

August 1, 2024

Page 4

2. All documents and communications between or among Authentic Campaigns or any of its employees, agents, or representatives, the Biden for President campaign, or the Harris for President campaign referring or relating to the indictment, prosecution, or conviction of President Donald J. Trump for the period April 1, 2023, to the present;
3. All documents and communications referring or relating to any work performed by Authentic Campaigns that refers to the indictment, prosecution, or conviction of President Donald J. Trump for the period April 1, 2023, to the present.
4. All documents and communications between or among Authentic Campaigns or any of its employees, agents, or representatives and Judge Juan Merchan or any of his employees or representatives referring or relating to the indictment, prosecution, or conviction of President Donald J. Trump for the period April 1, 2023, to the present.

Please provide the information requested as soon as possible but no later than 5:00 p.m. on August 8, 2024. The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”¹⁹ Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction over criminal justice matters in the United States.²⁰

If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

¹⁹ See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citation marks omitted).

²⁰ *Id.*