August 6, 2026

The Honorable John Thune
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Re: Blanche's documents do not solve problems with *Trump v. IRS* or his nomination

Dear Leader Thune and Leader Schumer:

This weekend, at the behest of senators concerned about the unprecedented and collusive *Trump v. Internal Revenue Service* (IRS) "settlement agreement" entered under his leadership, Acting Attorney General Todd Blanche published two documents purporting to limit that agreement and its associated orders. Congress must not be fooled by Blanche's latest attempt to shut down legitimate, fundamental and persistent concerns about his nomination for Attorney General of the United States. We, the undersigned organizations, urge you to oppose Blanche's nomination.

Contrary to Blanche's representations, the documents he published are both legally and practically insufficient to restrain the Trump administration's implementation of the egregious terms of the *Trump v. IRS* agreement.

- **Blanche's documents have no legal impact.** The *Trump v. IRS* "settlement agreement," by its terms, "may be modified only with the written agreement of the Parties." Neither document Blanche published this week is a written agreement between the *Trump v. IRS* parties—one is signed by Blanche alone, and the other bears no signature. As such, they have no legal impact. As conceded by Blanche himself in response to Senator Cornyn's questions during his nomination hearing, absent a written modification agreement, President Trump could sue to attempt to enforce the terms of the "settlement" as written. Blanche's new documents do not change that fact.

- **Blanche's documents do not stop the Trump administration from paying out January 6th insurrectionists and Trump allies.** The president has shown, time and again, his interest in proceeding with payouts to convicted January 6th defendants and allies. Blanche's documents do not close off any of the multiple routes to this goal. As one prominent supporter of the fund proclaimed, Blanche's documents "can be undone after Tuesday," enabling the administration to simply restart the fund as is.

Or, as Senator Tillis has acknowledged, President Trump could simply "create a new fund" to enable payouts. The documents also do nothing to restrain the administration from paying out January 6th defendants and Trump allies by secretly settling claims under the Federal Tort Claims Act. Indeed, under Blanche's leadership, Department of Justice officials are reportedly exploring how they can support claims against the government and "expedite payments without requiring an expensive and lengthy process that might draw attention."

- **Blanche's documents do not solve the unprecedented grant of immunity to President Trump issued in Blanche's May 19 order.** Blanche's documents state DOJ's purported interpretation that his May 19 order affects only the named parties in *Trump v. IRS* and claim that this order applies only retroactively. But the administration could still advance a different interpretation in court, and Blanche's statement does not limit President Trump's arguments should he seek to enforce this grant of immunity.

  Even if this statement was enforceable, it does not purport to address other glaring and fundamental issues with the May 19 order's grant of immunity. That extraordinary grant extends far beyond an ordinary settlement of claims related to the underlying case. Where previously, the IRS's approach had been to audit presidents' tax returns every year, the May 19 order immunizes at least Trump, his sons and the Trump Organization from all such audits and tax-related probes through the date of issuance. It's no coincidence that Blanche does not purport to limit this aspect of the order—it alone could absolve Trump of potential tax penalties of more than $100 million. And the order goes far further, barring "**any and all claims**" that "have been or could have been" asserted by the defendants on the wholly unrelated topics of "Lawfare and/or Weaponization" and "any matters currently pending or that could be pending" otherwise. The potential scope of this grant of immunity is unclear—"Lawfare and/or Weaponization" are vaguely defined and "any matters" entirely undefined.

Blanche's nomination has drawn broad public opposition for good reason—his record as acting attorney general and deputy attorney general confirms that he acts, first and foremost, in the president's interest, rather than that of the American people. Indeed, the court in *Trump v. IRS* raised serious concerns that "[i]nstead of either recusing because of [his] previous representations [of President Trump] or vigorously defending this lawsuit as required to do so by DOJ policies and procedures," Blanche "agreed to a 'settlement' involving a staggering amount of money potentially benefitting former clients." Blanche's ineffective and misleading documents purporting to limit that "settlement" demonstrate his continued commitment to pleasing

President Trump first. For this and many other reasons, Blanche is not suited to serve as attorney general.

We urge you to oppose Blanche's nomination.

Sincerely,

Citizens for Responsibility and Ethics in Washington
Common Cause
Constitutional Accountability Center
Defend the Vote Action Fund
Democracy Defenders Action
End Citizens United
Faithful Voter Project
Indivisible
Lawyers for Good Government
The Leadership Conference for Civil and Human Rights
NAACP Legal Defense & Educational Fund, Inc.
National Black Justice Collective
National Council of Negro Women, Inc.
National Women's Law Center Action Fund
People For the American Way
Public Citizen
RepresentUs
The Sikh Coalition
The Workers Circle