

EXHIBIT “40”

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ON HER GUARD

Letitia James—the daughter of former sharecroppers who is now a legal dynamo—prepares to speak at a New York City press conference in September. PHOTOGRAPHS BY MARK PETERSON.


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WHY LETITIA JAMES IS TAKING ON TRUMP, THE NRA, AND MORE

New York's first Black attorney general has used her office to go after political big game.

BY JIMMIE BRIGGS
PHOTOGRAPHY BY MARK PETERSON
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On a hot Monday morning in August, Letitia James sat in front of her television in her house in Brooklyn, watching Postmaster General Louis DeJoy's appearance before the U.S. House Oversight Committee. The often-contentious proceedings were being held because of widespread bipartisan concerns that the postal service's ability to adequately process mail-in ballots for November's elections was being compromised—possibly to give the president a political advantage. Under meticulous and eviscerating questioning by Democratic legislators, DeJoy gave responses ("I'll submit that I know very little about postage stamps") that at times veered toward the absurd.

To James, however, the hearings were deadly serious. New York's first Black attorney general—and the first woman of color elected to statewide office—had DeJoy in her crosshairs. And yet even as she took a break from her TV viewing to talk with me, she gave no indication that the next day she would take part in a federal lawsuit in D.C. against DeJoy, the United States Postal Service, and Donald Trump, asserting that recent sweeping mail-service changes amounted to voter disruption. Nor would she let on that her office—that very afternoon—would escalate its fraud investigation of the Trump Organization for allegedly inflating the value of assets to obtain loans and tax breaks. She would ask a New York State Supreme Court judge to compel the company to turn over requested materials and to demand direct testimony from Eric Trump, the president's son, who'd previously declined to appear for a scheduled session with James's team of prosecutors. (Her office also has gone after the Trump family charity, leveling charges of "persistently illegal conduct.")

This was classic Letitia James. Holding her cards close. Holding the powerful to account. Holding firm to her core principles. While she stayed mum about DeJoy that morning, she *did* express her dogged dismay at what she considers the Trump administration's disregard for legal boundaries. "No one, not even the president of the United States," James insisted, "can use the law to advance his or her own political agenda. It's that simple. If individuals want to critique me, that's fine. It's about the rule of law and standing up for what's right. We've seen this federal government use the law to advance a political agenda on countless occasions."

TAKING A STAND

In Lower Manhattan, James joins fellow officials opposed to political moves to curtail the efforts of U.S. census workers.

PHOTOGRAPHS BY MARK PETERSON.

For three decades, 62-year-old Letitia "Tish" James, from her home base in Brooklyn, has been a towering presence in New York City and state politics. (It helps that she stands close to six feet tall.) As a public defender, councilwoman, New York City public advocate—and now state attorney general—she's maintained what she calls a "unique perspective on the lives of people of color, working-class people. I view the world through a lens of struggle, so I'm particularly attuned to what is happening, not only in New York, but all across the nation. It keeps me humble."

But the inverse of humility is pride. And she's been proudly defiant in her ongoing "struggle." She has taken on predatory residential-housing landlords. Fought to have school buses equipped with air-conditioning. Helped bring gender equity policy into law. Pushed for nondisclosure of salary history in hiring processes. Undertook a quixotic cage match against Brooklyn's Atlantic Yards project—which led to the construction of the popular Barclays Center. Through it all, she has never shied away from a confrontation if she believed she was right.

Now she's squaring off against two of her biggest legal foes to date—the president and the National Rifle Association—vaulting her into the national limelight. "Since I've taken office [as A.G.], she says, "we have filed about 50 lawsuits against

the federal government to challenge these unlawful attacks [on civil rights]. And just because you have animus towards immigrants; or don't believe in reproductive rights; see women as second-class citizens; or don't believe that climate change is real—because you don't believe in science—doesn't excuse you from trying to circumvent the law. What's right is right. What's wrong is wrong. It's black and white, contained in the U.S. Constitution. I urge anyone who is critiquing my performance and my office to pick up a copy of the Constitution.”

Her efforts to dissolve the NRA have drawn ire across the political spectrum, with some detractors claiming she harbors a vendetta against a group she described in a 2018 *Ebony* article as a “terrorist” organization. James dismisses accusations of partisanship or a hidden agenda. “The litigation we have initiated has nothing to do with my personal views, and it has nothing to do with the Second Amendment,” she explains. “The fact is, New York State has jurisdiction. The supervisory offices of the NRA are incorporated in the state. The alleged illegality came to our attention as a result of public accounts. We initiated a nine-month investigation, and then I decided we had a responsibility to ensure that the mission of the NRA was being carried out according to its own bylaws, as well as those of the state and the U.S. We are seeking the dissolution of the NRA and the barring of four individuals—including executive vice president Wayne LaPierre—from serving in any capacity for the organization, as well as a full accounting of monies that had been donated to [the NRA] that we believe were diverted. When we are able to get restitution, those resources will get redistributed to similar organizations with similar missions.”

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One of eight children born to former sharecroppers from Virginia and South Carolina, Tish James has had a career that has been marked by recognizing opportunity, overriding obstacles—and the unexpected. Following the July 2003 murder of New York City councilman James Davis—whose seat Letitia James had unsuccessfully sought in the general election—she was compelled to run again when a mysterious note was slipped under the door of her home, encouraging her to revive her candidacy and replace the slain politician. After winning, she has said, she resolved to live a life grounded in service.

“I’m a big girl, a mature woman,” the churchgoing James asserts matter-of-factly. “I’ve been subject to attacks all my life and my armor of faith keeps me. I know I can continue to build on the stage I am on now. God is still working on me. I don’t keep score. And wake up every day with the fire in my belly. It’s not about me, it’s about serving others.” When asked to identify a single case that, over the years, stands out as a hallmark of her work as a legal advocate, she points to her victory last June that barred ICE officers from making arrests in New York state courthouses.

And what will she take on as her next act? “I don’t know what comes after this role,” says James, who has been discussed as a possible successor to New York City mayor Bill de Blasio. “My life has been organic, and I’ve been blessed with whatever comes my way. When the next thing comes, we’ll just step up and hit it out of the park, as we always do. I’ve been underestimated my whole life, and I overperformed each and every time because I’ve got a wonderful team that believes in my view of the world.” Again: that flip side of humility.

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BY EMILY JANE FOX



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