EXHIBIT Q

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	Civ. No. 20-1580 (RCL)
v.	:	
	:	
JOHN R. BOLTON,	:	
	:	
Defendant.	:	
	:	
	:	
	:	
	:	

DECLARATION OF JONATHAN KARP

Jonathan Karp, pursuant to 28 U.S.C. §1746, declares as follows:

1. I am the Chief Executive Officer of Simon & Schuster, Inc. ("Simon & Schuster").

2. I make this declaration in connection with the Government's Emergency Application for a Temporary Restraining Order and Motion for a Preliminary Injunction.

3. I have personal knowledge of the facts set forth herein, and I would be competent to testify to these facts if called as a witness.

4. I have more than thirty years of experience in book publishing. Prior to joining Simon & Schuster, I served as editor in chief at Random House, and later as publisher and editor in chief of Twelve, an imprint I founded that was part of the Hachette Book Group. In 2010, I left Twelve to become executive vice-president and publisher of Simon & Schuster's adult publishing division. In 2018, I became president of that division. I remained in that position until May of this year, at which point I became Simon & Schuster's CEO. Prior to entering book

publishing, I worked as a journalist, including at the *Washington Post*, the *Miami Herald* and the *Providence Journal*.

5. Simon & Schuster is one of the nation's preeminent publishing houses. Over the course of the last two decades, it has published many significant works dealing with matters of national security, including memoirs by important figures in the country's national security leadership. These books include, among others, *Bush at War* by Bob Woodward (2002), *Against All Enemies: Inside America's War On Terror* by Richard A. Clarke (2004), *State of War: The Secret History of the CIA and the Bush Administration* by James Risen (2006), *Hard Choices: A Memoir* by Hillary Rodham Clinton (2014), *Every Day Is Extra* by John Kerry (2018), and *Tough Love: My Story of the Things Worth Fighting For* by Susan Rice (2019).

6. I have personally been involved with the publication of at least three books that underwent a prepublication review process by the U.S. government: *The Threatening Storm: The Case for Invading Iraq* by Kenneth M. Pollack (2002), *Hard Choices: A Memoir* by Hillary Rodham Clinton (2014), and *Every Day Is Extra* by John Kerry (2018).

7. In September 2019, Simon & Schuster was approached by representatives of Ambassador John Bolton about publishing a memoir recounting his experiences working in the Trump Administration. This was shortly after Ambassador Bolton's departure from his position as National Security Advisor, a position he held from April 2018 to September 2019.

8. Ambassador Bolton is a highly regarded foreign policy expert, who has held senior positions in the federal Government in both law enforcement and national security. He has served in the administration of every Republican president since President Ronald Reagan, including as United State Ambassador to the United Nations under President George W. Bush.

He has also written extensively on foreign policy, including a book published by Simon & Schuster and numerous articles, and has worked as an expert commentator on Fox News.

9. On September 25, 2019, Simon & Schuster entered into a publication agreement with Ambassador Bolton. From that point on, I have been the principal person at Simon & Schuster responsible for overseeing publication of the book, which is entitled *The Room Where It Happened: A White House Memoir* (the "Book"). In the agreement, Ambassador Bolton warrants and represents, in relevant part, that neither "publication or sale" of the Book would "violate[] any federal or state statute or regulation thereunder, nor is it in any other matter unlawful."

10. The Book provides an insider's account of Ambassador Bolton's tenure in the Trump Administration. As has been widely reported, the Book is highly critical of President Trump and his national security decision-making. In particular, the Book details the basis for Ambassador Bolton's view that, in managing foreign policy, President Trump routinely puts his own interest in being reelected ahead of the national security interests of the United States. Based on my decades of publishing experience, I have absolute confidence that the Book is a matter of utmost public importance.

11. In late December 2019, representatives of Ambassador Bolton informed Simon & Schuster that he had elected to submit the Book to the National Security Council ("NSC") for prepublication review. As Ambassador Bolton's attorney, Charles J. Cooper, explained in correspondence to the NSC dated December 30, 2019, however, "Ambassador Bolton has carefully sought to avoid any discussion in the manuscript of sensitive compartmented information ('SCI') or other classified information, and we accordingly do not believe that prepublication review is required." A copy of Mr. Cooper's December 30, 2019 correspondence

to the NSC is attached as Exhibit D to the Declaration of Matthias Mitman submitted by the Government.

12. Mr. Cooper is a highly respected attorney and public servant. Among other things, he served as a law clerk to Justice William H. Rehnquist and as Assistant Attorney General in the Office of Legal Counsel from 1985 to 1988 under President Reagan.

13. On January 26, 2020, based on Ambassador Bolton's and his representatives' expectations concerning the anticipated course of the prepublication review process, Simon & Schuster set an initial publication date for the Book of March 17, 2020.

14. On March 4, 2020, however, Simon & Schuster pushed back the publication date to May 12, 2020, because Ambassador Bolton informed us that the prepublication review process remained ongoing.

15. On April 27, 2020, representatives of Ambassador Bolton confirmed to Simon & Schuster that he had been told by the career professional at the NSC responsible for reviewing the Book that she had completed her review and that the changes he had agreed to make to it following her advice and guidance were satisfactory. Specifically, Ambassador Bolton's representatives told Simon & Schuster that the NSC had informed Ambassador Bolton that he had successfully made the final change to the Book that it had requested.

16. The Government's Complaint confirms those representations to Simon & Schuster by Ambassador Bolton and his representatives about the conclusion of the prepublication review process. The Complaint states, at Paragraphs 45-46, that, on April 27, 2020, Ellen Knight, the NSC's Senior Director for Records, Access and Information Security Management, accepted Ambassador Bolton's last edit and "was of the judgment that the manuscript draft did not contain classified information." The Complaint also states that Ms.

Knight came to that conclusion after working with Ambassador Bolton on the prepublication review process for four months.

17. Shortly after the NSC's conclusion was communicated to it, Simon & Schuster took the necessary steps to formally accept the final version of the manuscript that Ambassador Bolton submitted, as provided under the terms of their publication agreement. Once Simon & Schuster formally accepted the manuscript for publication, and initiated the publication process, Ambassador Bolton lost any authority/ability he otherwise may have had to prevent or delay the Book's publication.

18. In addition, after the NSC's conclusion was communicated to it, Simon & Schuster set June 23, 2020 as the new publication date and began the process of readying the Book for publication. That process involves, among other things, printing copies of the book, processing orders, and shipping ordered copies to retailers and wholesalers to be available to customers by the publication date.

19. On May 22, 2020, Simon & Schuster began the shipment process. More than 200,000 copies of the Book have already been shipped domestically. This includes shipments to retail booksellers large and small, from large national chains and online entities to a host of small, independent, booksellers. Similarly, Simon & Schuster has shipped thousands of copies of the Book to booksellers around the world, including in Continental Europe, India and the Middle East.

20. Simon & Schuster no longer maintains control of the copies of the Book that have been shipped to the large national chains, online retailers, and small independent booksellers referenced in the previous paragraph of this Declaration. Once Simon & Schuster shipped them in response to a purchase order, title to the physical copies passed to the retailer or wholesaler.

21. In addition, the practice of many online booksellers is to ship preordered copies in advance of the publication date so that the books arrive on, or very shortly after, the day they first become available for purchase at brick-and-mortar stores. As a result, I have been advised that certain online retailers have already shipped preordered copies of the Book to some of their customers.

22. Separate from the copies shipped for sale, virtually every major media organization in the United States possesses at least one copy of the Book. Beginning on June 5, 2020, Simon & Schuster sent copies to most of the major print, broadcast, and cable news outlets around the country. Since the Government filed its Complaint, the *New York Times*, the *Washington Post*, and CNN have all published lengthy news reports disclosing the contents of the Book in great detail, including that President Trump asked Chinese President Xi Jinping to help him with his reelection bid by increasing agricultural purchases from United States farmers. Those news reports are available here, https://www.nytimes.com/2020/06/17/us/politics/bolton-book-trump-impeached.html, here, https://www.washingtonpost.com/politics/trump-asked-chinas-xi-to-help-him-win-reelection-according-to-bolton-book/2020/06/17/d4ea601c-ad7a-11ea-868b-93d63cd833b2_story.html, and here, https://www.cnn.com/2020/06/17/politics/bolton-book-what-we-learned/index.html. And, yesterday, the *Wall Street Journal* published an extensive excerpt from the Book, which can be found here: https://www.wsj.com/articles/john-bolton-the-scandal-of-trumps-china-policy-11592419564.

23. I have read the Book in its entirety. Although I do not consider myself an expert in national security matters, based on my review, it seems inconceivable to me that it contains any information that is properly classified or that would otherwise harm national security. To be

sure, the Book contains information that is likely to be highly embarrassing to the Administration and the President, but my understanding is that embarrassment alone is not sufficient reason to classify information. I am, therefore, not at all surprised that, nearly two months ago, Ms. Knight, the career professional responsible for reviewing the Book at the NSC, concluded similarly.

24. I understand that the Government now claims that it later developed concerns about classified material in the Book. But, the Complaint's description of the process that led to those concerns provides every reason to be skeptical. In the Complaint, the Government admits, at Paragraphs 51-52, that, after Ms. Knight determined that the Book contained no classified information, and communicated that conclusion to Ambassador Bolton, Michael Ellis, the NSC's Senior Director for Intelligence, was recruited to restart the prepublication review process, which had already significantly delayed the Book's publication. In my experience with the Government's prepublication review processes, such intervention is, at best, highly unusual. As an analysis published yesterday in the *Washington Post* explains, Mr. Ellis is a political operative, not a career professional, and he has a documented history of politicizing intelligence and classification issues. That analysis can be found here: https://www.washingtonpost.com/politics/2020/06/17/trump-official-said-john-boltons-book-contained-no-classified-info-then-trump-loyalists-intervened/.

25. The many public statements President Trump has made about the Book further reinforce my belief that the Trump Administration's actual objective is to shield the President from an unflattering portrait of his leadership and not to protect the national security interests of the United States. Just this morning, the President tweeted that he has apparently sought to prevent the Book's publication because it "is made up of lies & fake stories." And, earlier this

week, the President stated, in response to a question about why he would seek to prevent the Book's publication, that he "consider[s] every conversation with me as president to be highly classified."

26. For all these reasons, I cannot help but conclude that President Trump has politicized the prepublication review process, including through this lawsuit, and that he is using it as a pretext to prevent the release of information of immense interest to the public that he fears could be damaging to his prospects for reelection.

27. I understand that, in its court papers, the Government seeks to enjoin Simon & Schuster, a non-party to this action, from distributing additional copies of the Book and to force it to take steps to secure from its accounts the return of those copies that have already been shipped. As set out in this Declaration, Simon & Schuster has virtually no ability to comply with such an injunction because more than 200,000 copies of the Book have already been shipped, including to retail purchasers from online booksellers; copies of the Book are already in the possession of virtually every major news organization in the United States, some of which have already published detailed accounts of the Book's contents; and Simon & Schuster no longer has control over any of those copies. More importantly, the Government's effort to secure an injunction against Simon & Schuster, the non-party publisher of a book that addresses matters of the utmost public concern, is a transparent attempt to circumvent the First Amendment's heavy presumption against prior restraints. Whatever the legal ramifications of the various non-disclosure agreements referenced in the Complaint may be for Ambassador Bolton, they are irrelevant to Simon & Schuster's First Amendment right to publish.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 18, 2020

Jonathan Karp