

C A M P A I G N F O R ACCOUNTABILITY

September 15, 2016

BY EMAIL

Raymond Hulser
Chief, Public Integrity Section
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-2001

Re: Request for Investigation of Donald J. Trump

Dear Mr. Hulser:

Two weeks ago Campaign for Accountability (CfA) wrote you requesting that the Public Integrity Section investigate Donald J. Trump to determine if he violated 18 U.S.C. § 1001 and § 104 of the Ethics in Government Act, 5 U.S.C. App. § 104, by knowingly making material false statements in two financial disclosure forms he submitted in July 2015 and May 2016 in connection with his presidential campaign. Publicly available information indicates that, on both forms, Mr. Trump may have falsely represented the value of certain of his assets and the income some of those assets generated..

Just today, *Newsweek* published the results of its in-depth examination of the Trump organization's extensive foreign business ties to "global financiers, foreign politicians and even criminals[.]"¹ The article details how Donald Trump and his family have been enriched by the millions of dollars his overseas contractual business relationships have generated. Significantly, the article notes, "[n]one of Trump's overseas contractual business relationships examined by *Newsweek* were revealed in his campaign's financial filings with the Federal Election Commission, nor was the amount paid to him by his foreign partners." *Id.*

Once again, Mr. Trump appears to have violated the Ethics in Government Act, which mandates of each presidential candidate a "full and complete statement" of specified categories of assets, income, gifts, and liabilities for the candidate, the candidate's spouse, and each dependent child. 5 U.S.C. App. §§ 101(c), 102. Mr. Trump's failure to comply fully with these requirements by apparently omitting millions of dollars of income from foreign business interests not only appears to violate the Act, but implicates directly the very reason Congress imposed these reporting requirements on candidates for office: to "provide[] a mechanism for determining actual or potential conflicts between our public responsibilities and [the candidate's]

¹ Kurt Eichenwald, How the Trump Organization's Foreign Business Ties Could Upend U.S. National Security, *Newsweek* (September 14, 2016), available at <http://www.newsweek.com/2016/09/23/donald-trump-foreign-business-deals-national-security-498081.html>.

private interests and activities.”² The reporting process is the mechanism Congress put in place to “to protect the authorized functions of governmental departments and agencies[.]”³

Further, as the *Newsweek* article highlights, the vast and intricate web of Mr. Trump’s overseas business relationships, which include business dealings with individuals who have interests directly inimical to those of the United States, ensures that if Mr. Trump is elected President, “almost every foreign policy decision he makes will raise serious conflicts of interest and ethical obligations.”⁴ Were it not for the *Newsweek* exposé, the government would have no way to guard against these conflicts, given Mr. Trump’s apparent failure to comply with the reporting requirements of the Ethics in Government Act.

These latest revelations add to the argument that Mr. Trump did not comply with the mandatory reporting requirements imposed on every presidential candidate and apparently violated the prohibition against “knowingly and willfully fil[ing] any false information that section 102 requires.” 5 U.S.C. App. § 104(a). *See also* 18 U.S.C. § 1001(a) (making it a criminal offense to “knowingly and willfully . . . make[] or use[] any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.”).

All of this highlights the need for an immediate investigation of Mr. Trump for apparent violations of 18 U.S.C. § 1001 and § 104 of the Ethics in Government Act, 5 U.S.C. App. § 104. The very significant public interests the financial disclosure system serves are at serious risk.

Sincerely,



Anne L. Weismann
Executive Director

² Instructions for Completing OGE Form 278, Scope of Disclosure.

³ *United States v. Gilliland*, 312 U.S. at 93-94.

⁴ Eichenwald, *Newsweek*, Sept. 14, 2016.