



May 22, 2019

AnnaLou Tirol  
Acting Chief, Public Integrity Section  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington D.C. 20530

Dear Chief Tirol:

The Campaign Legal Center requests that the Department of Justice exercise its authority to investigate whether several individuals violated the Federal Election Campaign Act (“FECA”) foreign national contribution ban at 52 U.S.C. § 30121 and the “straw donor” ban at 52 U.S.C. § 30122.

The attached complaint, filed this date with the Federal Election Commission (“FEC”) details the relevant facts establishing reason to believe that that dozens of foreign nationals have made contributions to federal and local political committees, in violation of 52 U.S.C. § 30121, and have done so in the names of other persons, in violation of the straw donor ban at 52 U.S.C. § 30122.

For over two years, Chinese nationals residing in China have been invited to U.S. fundraisers for committees including the Trump Victory Fund, a joint fundraising committee between Donald J. Trump for President, Inc., and the Republican National Committee (“RNC”), often at a six-figure cost. The invitations offer attendees an opportunity to attend fundraisers where admission is generally contingent on making a contribution and/or offer attendees an opportunity to take a picture with the President of the United States, a privilege only afforded to contributors who give or raise substantial amounts. Published reports and photographs posted on social media indicate that multiple Chinese nationals who participated in these excursions have gained admission to U.S. fundraisers, and some have appeared in photographs with the President.

Although RNC officials and excursion organizers have described Chinese nationals participating in these events as “guests” of U.S. nationals who contributed the necessary sums, it is not plausible that dozens of wealthy U.S. nationals are routinely making contributions of up to \$50,000 using their own funds, and then passing the perks associated with that contribution to a Chinese tourist who paid a travel firm many times that amount. Instead, it is far more likely that

U.S. nationals are being reimbursed for their contributions using some portion of the funds paid by Chinese nationals participating in these political tourism packages.

The FBI has reportedly opened an investigation into whether one of the respondents, Li Juan “Cindy” Yang, and her associates have facilitated straw donor contributions or “illegally funneled money from China into the president’s re-election effort.”<sup>1</sup> However, as the complaint describes, these patterns of activity stretch beyond Yang and her associates.

Although the FEC has exclusive jurisdiction over civil enforcement of the campaign finance laws, 52 U.S.C. § 30109(a), the Department of Justice has its own separate responsibility to enforce the campaign finance laws against “knowing and willful” violations. 52 U.S.C. § 30109(d); *see generally* FEDERAL PROSECUTION OF ELECTION OFFENSES (8th ed. Dec. 2017) (DOJ HANDBOOK). These activities implicate at least two “of the principal prohibitions of FECA,” namely the prohibitions against “Donations from foreign nationals” (52 U.S.C. § 30121) and against “contributions through conduits” (52 U.S.C. § 30122). DOJ HANDBOOK at 12-13.

The Handbook also takes note of the fact that Congress increased criminal penalties for campaign finance violations as part of the Bipartisan Campaign Reform Act of 2002 (BCRA). As the Handbook states, at 150-51:

BCRA significantly enhanced the criminal penalties for knowing and willful violations of the Federal Election Campaign Act. BCRA did so in response to identified anti-social consequences, namely, corruption and the appearance of corruption arising from FECA violations, and their adverse effect on the proper functioning of American democracy....

Accordingly, all willful FECA violations that exceed the applicable jurisdictional floor specified in the Act’s criminal provision should be considered for federal prosecution....

Respectfully submitted,

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<sup>1</sup> Jay Weaver, Nicholas Nehamas, Caitlin Ostroff & Sarah Blaskey, *Feds Open Foreign-Money Investigation Into Trump Donor Cindy Yang*, MIAMI HERALD (May 9, 2019), <https://www.miamiherald.com/news/politics-government/article230217729.html>.

Enclosures