

July 22, 2016

Honorable Loretta E. Lynch  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530

Dear Attorney General Lynch:

Democracy 21 and the Campaign Legal Center request that the Department of Justice exercise its authority to investigate whether the principal campaign committee of Republican presidential candidate Donald J. Trump, Donald J. Trump for President, Inc. (“Trump committee”), has engaged in knowing and willful violations of the federal campaign finance laws.

Based on numerous published reports, it appears that the Trump committee has solicited contributions from foreign nationals, in violation of the ban on soliciting any contribution in connection with a federal, state, or local election from a foreign national, 52 U.S.C. § 30121(a)(2), as well as the general ban on candidates soliciting funds from prohibited sources (*e.g.*, foreign nationals) in connection with an election for Federal office. 52 U.S.C. § 30125(e).

Published reports further indicate that the Trump campaign committee has knowingly and willfully committed these violations by continuing to send illegal fundraising solicitations to foreign nationals after it was made aware of the illegal conduct.

On June 29, 2016, the Campaign Legal Center and Democracy 21 [filed a complaint](#) with the Federal Election Commission (FEC) alleging that the Trump committee had violated the foreign solicitation ban by sending multiple fundraising emails to foreign political leaders, in at least four different countries, at their official foreign government email addresses. We attach a copy of that complaint here and incorporate by reference the allegations made in that complaint.

The FEC complaint sets forth strong grounds to believe that the Trump committee violated the ban on soliciting contributions from foreign nationals by emailing solicitations to foreign nationals in Iceland, Scotland, Britain and Australia, requesting that they make contributions to the Trump presidential campaign.

As set forth in the complaint, numerous published reports from these countries contain credible evidence that multiple foreign parliamentarians received multiple solicitations for campaign contributions from the Trump committee at their official foreign government email addresses. The FEC has interpreted the statutory foreign national ban to apply to solicitations made “knowingly.” 11 C.F.R. § 110.20(g).

As the complaint describes, Donald J. Trump for President “knowingly” violated the foreign national solicitation ban since it was aware that the fundraising emails were sent to official foreign government email accounts (which end in a foreign domain such as .is, .uk, and .au), and the foreign press had raised questions about the solicitations. After the complaint was filed on June 29, there can be no question that the Trump committee has been made aware of the ban on solicitations from foreign nationals, and of the allegations that it was violating the ban.

The FEC complaint generated significant press attention in the United States and abroad. On or around the date the complaint was filed, multiple news outlets reported on the allegations that the Trump committee had violated the law by emailing fundraising solicitations to foreign nationals, and contacted the Trump committee to seek comment on the complaint. For example:

- *Washington Post*: “Trump’s campaign did not respond to requests for comment on the complaints to the FEC or questions about why emails were sent to foreign lawmakers.”<sup>1</sup>
- *CNN*: “The Trump campaign did not respond to a request for comment on the complaint.”<sup>2</sup>
- *BBC*: “The Trump campaign did not immediately respond to BBC requests for a comment.”<sup>3</sup>
- *Bloomberg*: “The Trump campaign didn't respond to a request for comment.”<sup>4</sup>
- *The Guardian*: “Trump’s campaign did not return a request for comment.”<sup>5</sup>

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<sup>1</sup> Sean Sullivan and Max Bearak, “Trump Fundraising Emails Overseas Prompt Complaints Here and Abroad,” *Washington Post*, June 30, 2016, available at [https://www.washingtonpost.com/politics/trump-fundraising-emails-overseas-prompt-complaints-here-and-abroad/2016/06/29/ad66a1e2-3e0a-11e6-80bc-d06711fd2125\\_story.html](https://www.washingtonpost.com/politics/trump-fundraising-emails-overseas-prompt-complaints-here-and-abroad/2016/06/29/ad66a1e2-3e0a-11e6-80bc-d06711fd2125_story.html).

<sup>2</sup> Tal Kopan, “Complaint Filed About Trump Fundraising Emails,” *CNN*, June 29, 2016, available at <http://www.cnn.com/2016/06/29/politics/donald-trump-fundraising-foreign-emails/index.html>.

<sup>3</sup> Anthony Zurcher, “US election: Trump's emails to British MPs cause uproar,” *BBC*, June 30, 2016, available at <http://www.bbc.com/news/world-us-canada-36599724>

<sup>4</sup> Bill Allison, “Trump Campaign Broke Law by Soliciting Foreign Donations, Groups Allege,” *Bloomberg*, June 29, 2016, available at <http://www.bloomberg.com/politics/articles/2016-06-29/trump-campaign-broke-law-by-soliciting-foreign-donations-complaint-alleges>.

- *Associated Press*: “Trump campaign spokeswoman Hope Hicks did not immediately respond to a request for comment.”<sup>6</sup>
- *U.S. News & World Report*: “The campaign has not responded to requests for comment.”<sup>7</sup>
- *International Business Times*: “Trump has yet to confirm or deny whether the fundraising emails came from his campaign. A representative did not reply to multiple requests for comment.”<sup>8</sup>

Further, under FEC rules, the Trump committee would have been sent a copy of the complaint by no later than July 7, 2016, since the FEC must send any respondent named in a complaint a copy of the complaint and other materials within five business days of receiving such a complaint. 52 U.S.C. § 30109(a)(1), 11 CFR 111.5(a).

Yet, notwithstanding the fact that the Trump committee was made aware of the law on this matter, published reports indicate that it has continued to solicit contributions from foreign nationals.

A report in *The Hill* dated July 16, 2016 states:

Donald Trump’s campaign is still soliciting illegal donations from foreign individuals—including members of foreign governments at their official email addresses—weeks after the campaign was put on notice by watchdog groups.

Foreign members of parliament from the United Kingdom and Australia confirmed to *The Hill* that they received fundraising solicitations as recently as July 12—two weeks after a widely publicized FEC complaint issued on June 29 by non-partisan watchdogs Democracy 21 and the Campaign Legal Center. . . .

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<sup>5</sup> Lauren Gambino, “Trump campaign may have broken law by seeking foreign political donations,” *The Guardian*, June 29, 2016, available at <https://www.theguardian.com/us-news/2016/jun/29/trump-campaign-donations-foreign-politicians>.

<sup>6</sup> Laurie Kellman, “Foreign Politicians to Trump: Stop ‘Begging’ for Money,” *Associated Press*, June 29, 2016, available at <http://bigstory.ap.org/article/fde6a878b87b4b4c958c948279aad066/foreign-politicians-trump-stop-begging-money>.

<sup>7</sup> Gabrielle Levy, “Complaint Claims Trump Illegally Solicited Donations from Foreign MPs,” *U.S. News & World Report*, June 29, 2016, available at <http://www.usnews.com/news/articles/2016-06-29/complaint-claims-trump-illegally-solicited-donations-from-foreign-mps>.

<sup>8</sup> Ned Resnikoff, Money In Politics: Did Donald Trump Break Campaign Finance Rules? Group Files Complaint Over Allegations Of Fundraising Abroad,” *International Business Times*, June 29, 2016, available at <http://www.ibtimes.com/political-capital/money-politics-did-donald-trump-break-campaign-finance-rules-group-files-complaint>.

Terri Butler, a progressive Parliament member in Australia, told *The Hill* in a telephone interview Friday night that she was surprised to continue receiving fundraising solicitations from the Trump campaign at her official government email address.

She shared several of these emails, including one dated July 12 asking her to make a “generous contribution” to the Trump campaign.<sup>9</sup>

On July 15, 2016, the online news outlet *WhoWhatWhy* similarly reported:

The FEC must inform the campaign of a complaint within five business days. That means that Trump’s team knew no later than July 7 that it had improperly solicited funds from non-Americans.

However, *WhoWhatWhy* has found that it continued to send fundraising emails to foreigners as recently as July 12.

*WhoWhatWhy* has been in contact with five foreign lawmakers, who have received at least seven different solicitations for contributions since the complaint was filed.<sup>10</sup>

The *WhoWhatWhy* article provided several examples of the fundraising emails sent to foreign nationals after July 7:

July 7 email from Donald Trump to Bob Blackman, an MP in the UK: “Please stand with me today with a \$10, \$20, \$35, \$50, \$100, or \$200 special contribution, or more if you can.”

July 7 email from Brad Parscale, Digital Director for Trump’s campaign, to Gai Brodtmann, an MP in Australia, and Kirsty Blackman, an MP in the UK: “Every dollar that comes through the doors will be yet another nail in the coffin for Crooked Hillary’s campaign and ensure she never sees the inside of the White House ever again.

July 11 email from Donald J. Trump, Jr. to Peter Bottomley, an MP in the UK: “Peter—the clock is ticking. Contribute \$3 now to be automatically entered to win a VIP trip to the Republican National Convention.”

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<sup>9</sup> Jonathan Swan and Harper Neidig, “Trump campaign solicits illegal foreign donations despite warnings,” *The Hill*, July 16, 2016, available at <http://thehill.com/homenews/campaign/288031-trump-campaign-solicits-illegal-foreign-donations-despite-warnings>.

<sup>10</sup> Sara Sirota, “Trump Brazenly Defies Law Forbidding Campaigns From Asking Foreigners for Donations,” *WhoWhatWhy*, July 15, 2016, available at <http://whowhatwhy.org/2016/07/15/trump-brazenly-defies-law-forbidding-campaigns-asking-foreigners-donations/>.

July 12 email from Eric Trump to Terri Butler, an MP in Australia: “We must stand with my father in this fight for America’s future. Please stand with my father and our campaign today by making a generous contribution.”<sup>11</sup>

### **The Department Should Investigate Whether the Trump Committee Has Committed Knowing and Willful Violations of the Foreign National Solicitation Ban**

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” criminal violations of the law. 52 U.S.C. § 30109(d); *see generally* FEDERAL PROSECUTION OF ELECTION OFFENSES (7<sup>th</sup> ed. May 2007) (DOJ HANDBOOK).

Indeed, the DOJ HANDBOOK lists the foreign national contribution ban as one of the “heartland provisions” of the campaign finance laws that warrants criminal prosecution. *Id.* at 152 (“American elections should be shielded against foreign influence”).

The DOJ HANDBOOK states that “FECA violations become potential crimes when they are committed knowingly and willfully, that is, by an offender who knew what the law forbade and violated it notwithstanding that knowledge.” *Id.* at 14.

As noted, the FEC has interpreted the statutory foreign national ban to apply to solicitations made “knowingly.” A solicitation is made “knowingly” if the person is “aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.” 11 C.F.R. § 110.20(a)(4)(iii). A solicitation is also made “knowingly” if a person is “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national.” *Id.* § 110.20(a)(4)(ii)..

After the filing of the FEC complaint against the Trump committee on June 29, at least eight major news outlets contacted the committee seeking comment about its foreign fundraising emails in light of the allegations made in the complaint. And on or before July 7, the Trump committee would have been sent a formal copy of the complaint.

Thus, shortly after the June 29 filing of the complaint, any additional foreign national solicitations would indisputably be made “knowingly,” since the Trump committee had been made “aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited ... is a foreign national” and was “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited ... is a foreign national.” *See* 11 C.F.R. § 110.20(a)(4).

After receiving inquiries from major news outlets about foreign fundraising solicitations, and after receiving a formal complaint forwarded by the FEC alleging violations of the foreign solicitation ban, even an *unreasonable* person would have concluded that there is a substantial

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<sup>11</sup> *Id.*

probability that the committee's fundraising appeals were being sent to foreign nationals, in violation of the law.

Indeed, after being confronted with such facts, to continue sending fundraising solicitations to foreign nationals--much less foreign elected officials--would be a knowing and willful violation of the law. Yet news reports indicate that the Trump committee continued to send at least seven different fundraising solicitations to at least five different foreign politicians after having been made aware of the fact that the campaign was sending illegal foreign national solicitations.

This continuing refusal to comply with the ban on such solicitations makes the Committee's ongoing violation of the law a knowing and willful violation, within the jurisdiction of the Department of Justice.

Therefore, based on published reports, there is reason to believe that Donald J. Trump for President has repeatedly, knowingly and willfully solicited contributions from foreign nationals, in violation of the foreign national solicitation ban at 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g), and the ban on candidates soliciting any funds subject to a "prohibition" under FECA, 52 U.S.C. § 30125(e)(1)(A).

The Department should conduct an investigation and take appropriate action in light of these apparently knowing and willful violations of the law by the Trump Committee.

Respectfully submitted,

*/s/ J. Gerald Hebert*

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*/s/ Fred Wertheimer*

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Democracy 21

Copy to:

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