

VIA FIRST CLASS MAIL

June 4, 2018

Hon. Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-001

AnnaLou Tirol
Acting Chief, Public Integrity Section
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-001

Richard Pilger
Director, Election Crimes Branch
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-001

Dear Deputy Attorney General Rosenstein, Acting Chief Tirol, and Director Pilger:

Free Speech For People respectfully requests that the Department of Justice exercise its authority to investigate whether President Donald J. Trump, his authorized campaign committee, Donald J. Trump for President, Inc., Elliott Broidy, Michael Cohen, Real Estate Attorneys Group, and Essential Consultants, LLC violated reporting requirements and contribution limits and restrictions established under the Federal Election Campaign Act (FECA), 52 U.S.C § 30101 *et seq.*

Given that Attorney General Sessions recused himself from investigations of matters related in any way to the 2016 campaigns for President of the United States and may be involved in the 2020 presidential campaign, we have addressed this request to you rather than the Attorney General.

The attached complaint, filed on this date with the Federal Election Commission (FEC), details allegations based upon published reports and documents that meet the FEC's "reason to believe" standard for opening an investigation to determine "whether a violation in fact occurred and, if so, its exact scope."¹

The relevant facts, recounted in the complaint, establish a reason to believe that \$1.6 million in payments from Elliott Broidy to Shera Bechard that began in late 2017, constituted an unreported in-kind contribution to Donald J. Trump for President, Inc, and an unreported expenditure by the committee because the funds

¹ FEC, Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545 (Mar. 16, 2007).

were paid for the purpose of influencing the 2020 presidential election in violation of the campaign finance reporting requirements established by 52 U.S.C. § 30104(b).

If an investigation confirms that the payments were made by Mr. Broidy, at the request of Mr. Trump's personal attorney Michael Cohen, to cover up an alleged affair between Mr. Trump and Ms. Bechard for the purposes of influencing the 2020 presidential election, then Mr. Broidy made, and Donald J. Trump for President, Inc., received, an excessive in-kind contribution in violation of 52 U.S.C. § 30116(a)(1)(A).

According to published reports and documents in the public domain, there is also reason to believe that Mr. Broidy and Mr. Cohen attempted to disguise the source of the payments by funneling them through two different entities, Real Estate Attorneys Group and Essential Consultants, LLC. If an investigation confirms that Mr. Broidy and Mr. Cohen coordinated with Real Estate Attorneys Group and Essential Consultants, LLC to make an in-kind contribution to Donald J. Trump for President, Inc. in the name of another person, then these transactions violated 52 U.S.C. § 30122.

While the FEC has exclusive jurisdiction over civil enforcement of campaign finance laws, 52 U.S.C. § 30109(a), the Department of Justice has authority to enforce "knowing and willful" violations of campaign finance laws pursuant to 52 U.S.C. § 30109(d). Indeed, the Department of Justice has set forth a policy of considering prosecution in all cases of "knowing and willful" violations of FECA that exceed the applicable jurisdictional floor established by the Bipartisan Campaign Finance Reform Act of 2002 (BCRA).²

In addition, the Department of Justice is responsible for enforcing criminal code provisions including 18 U.S.C. § 1001, which prohibits anyone in any matter within the jurisdiction of the executive branch of government from knowingly and willfully falsifying, concealing or covering up any material fact; 18 U.S.C. § 2, which prohibits aiding and abetting offenses against the United States; 18 U.S.C. § 201, which prohibits bribery of public officials; 18 U.S.C. § 203, which prohibits compensation to officers in matters affecting the government; 18 U.S.C. § 371, which prohibits conspiring to commit offenses against the United States; and 18 U.S.C. § 1349, which prohibits attempting to conspire to commit offenses against the United States.

² Federal Prosecution of Election Offenses, 198-99 (7th ed. May 2007) (DOJ Handbook).

We urge the Department of Justice to investigate all possible violations of FECA and other federal laws that may be implicated by the allegations in the complaint.

Respectfully submitted,

Shanna M. Cleveland
Senior Counsel
Free Speech For People
1340 Centre St. #209
Newton, MA 02459
(617) 564-0672
scleveland@freespeechforpeople.org