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Washington, DC 20515

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January 6, 2017

The Honorable Chuck Grassley
Chairman
Senate Judiciary Committee
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Senate Judiciary Committee
United States Senate
Washington, DC 20510

Dear Chairman Grassley, Ranking Member Feinstein, and Members of the Senate Judiciary Committee:

Even before President-elect Donald Trump takes office, he has become embroiled in numerous scandals involving conflicts of interest stemming from his personal and family-associated business ties.¹ Mr. Trump's continued refusal to divest his assets and place them in a blind trust, or even completely disclose them, means that nearly every official and unofficial action he or his family takes will be tainted with suspicion. We face a situation where, without Mr. Trump addressing his conflicts of interest or taking the necessary steps to provide transparency and separate himself from any potential ethical misconduct, we cannot be certain that American interests are safe from subjugation or subversion. It is, therefore, vital that we can be assured the Department of Justice, which is charged with investigating conflicts of interest and enforcing the laws that prohibit them, has complete independence in this matter, and is able and willing to be aggressive in rooting-out any such corruption.

As you consider the nomination of Senator Jeff Sessions as Attorney General, I strongly urge you to raise these important questions regarding Mr. Trump's conflicts of interest and ascertain how Senator Sessions, as our country's top law enforcement officer and head of the Justice Department, intends to address these outstanding concerns and guarantee compliance with the law. If his responses fail to satisfy these concerns, I hope you will reject his nomination.

¹ See, e.g., Larry Buchanan & Karen Yourish, *The Array of Conflicts of Interest Facing the Trump Presidency*, N.Y. TIMES (Dec. 14, 2016), <http://www.nytimes.com/interactive/2016/12/01/us/politics/trump-conflict-of-interests.html>; Jeremy Venook, *Donald Trump Won't Divest From His Business Before Entering Office*, THE ATLANTIC (Dec. 16, 2016); Jill Disis, *Three Ways Donald Trump Already Faces a Conflict of Interest*, CNNMONEY (Dec. 15, 2016); Drew Harwell, *On the day Trump said he'd clarify his business dealings, his conflicts of interest look thornier than ever*, WASH. POST (Dec. 15, 2016).

Ethics experts from both sides of the political aisle agree: without complete disclosure and divestiture, Mr. Trump's administration will be ethically compromised from the start.² His foreign entanglements alone present a particularly grave danger to the nation,³ not to mention the potential for Mr. Trump and his associates to use, or appear to use, the Presidency for their own personal gain. While he has taken modest steps in recent weeks attempting to resolve certain conflicts, including closing his charitable foundation and terminating projects in several foreign countries,⁴ these half-measures cannot solve the fundamental conflict posed by his continued ownership interest in his businesses, or his children's management of those businesses. As noted in a recent letter to Mr. Trump from 29 scholars, good-government organizations, and former elected officials from across the ideological spectrum, he "cannot serve the country as president and also own a world-wide business enterprise, without seriously damaging the presidency."⁵

From the moment he takes the Oath of Office, President-elect Trump will likely be in violation of numerous federal conflict-of-interest laws, as well as of the emoluments clause of the U.S. Constitution.⁶ That is why it is vital that any nominee for Attorney General, commit to an independent investigation of Mr. Trump's conflicts, as well as the enforcement of whatever laws are determined to be violated.

Senator Sessions has recognized the need to eliminate his own financial conflicts of interest, and, reportedly, is taking steps to divest from certain assets.⁷ He must, in turn, demand a similar degree of accountability from the President of the United States, who, at minimum, should adhere to similar ethical and transparent standards.

Senator Sessions' nomination raises many other important concerns, including his troubling history with race⁸ and his extreme views on immigration,⁹ among others. All of these should be thoroughly explored. However, I hope you will also rigorously question him about the enforcement of our laws and the need to protect the integrity of our public institutions. Does Senator Sessions intend to investigate President-elect Trump's many conflicts of interest, and will he enforce the law as appropriate?

² Richard Painter & Norman Eisen, A Trump presidency would be ethically compromised, Wash. Post (Sept. 20, 2016)

³ Norman L. Eisen, Richard Painter, & Laurence H. Tribe, THE EMOLUMENTS CLAUSE: ITS TEXT, MEANING, AND APPLICATION TO DONALD J. TRUMP, The Brookings Institution (Dec. 16, 2016).

⁴ See Eric Lipton and Maggie Haberman, *Denying Conflict, Trump Family Tries to Resolve Potential Problems*, N.Y. TIMES (Dec. 24, 2016).

⁵ Letter from Ambassador (ret.) Norm Eisen, chief White House ethics lawyer, 2009-2011, Richard Painter, chief White House ethics lawyer, 2005-2007, et al to President-elect Donald J. Trump (Jan. 2, 2017), available at <http://www.democracy21.org/wp-content/uploads/2017/01/Letter-to-Trump-conflicts-of-interest-1-2-17.pdf>.

⁶ See *id.*; Memorandum from the Congressional Research Service, Jack Maskell, Legislative Attorney, American Law Division, *Conflict of Interest and "Ethics" Provisions That May Apply to the President* (Nov. 22, 2016), available at http://democrats-judiciary.house.gov/sites/democrats.judiciary.house.gov/files/wysiwyg_uploaded/CRS%20Memo.President%20conflict%20provisions.pdf.

⁷ Todd Ruger, *Sessions Plans to Divest Some Investments as AG*, ROLL CALL (Dec. 14, 2016).

⁸ Matt Apuzzo, *Specter of Race Shadows Jeff Sessions, Potential Trump Nominee for Cabinet*, N.Y. TIMES (Nov. 16, 2016).

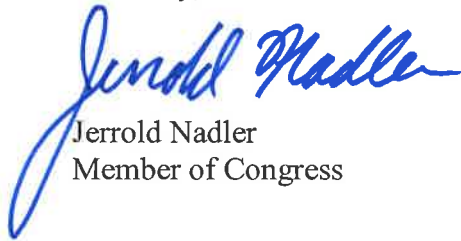
⁹ Seung Min Kim, *Immigration hard-liner Sessions could execute crackdown as AG*, POLITICO (Nov. 29, 2016).

The Department of Justice has a long and distinguished history of independence from the President, and adherence to the rule of law. As you consider Senator Sessions' nomination to lead the Department, you will have the unique opportunity to determine if he is truly committed to these values. Unless he makes clear that he will order a thorough and independent investigation of Mr. Trump's conflicts of interest, and commits to pursuing any violations of law that are uncovered, he should be deemed unfit for the office of Attorney General, and his nomination should be rejected.

Despite requests from Democrats on both the House Judiciary Committee and the House Oversight and Government Reform Committee to investigate President-elect Trump's financial conflicts of interest,¹⁰ the House of Representatives has taken no action on this matter. I hope you will take the opportunity presented from Senator Sessions' confirmation hearings to begin the process of ensuring that Mr. Trump's finances are transparent and adhere to the highest ethical standards.

As a senior member of the House Judiciary Committee, I look forward to working with you on a bicameral and bipartisan basis to ensure that the president is beholden only to the American people.

Sincerely,



Jerrold Nadler
Member of Congress

¹⁰ Letter from House Committee on the Judiciary Democrats to the Honorable Bob Goodlatte, Chairman, House Committee on the Judiciary (Nov. 30, 2016), *available at* https://democrats-judiciary.house.gov/sites/democrats.judiciary.house.gov/files/wysiwyg_uploaded/President%20Conflicts%20Letter.pdf; letter from House Committee on Oversight and Government Reform to the Honorable Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform (Nov. 28, 2016), *available at* https://www.washingtonpost.com/news/powerpost/wp-content/uploads/sites/47/2016/11/2016-11-28.EEC-et-al-to-Chaffetz-re-Trump-Conflict-of-Interests_0.pdf?tid=a_inl.