

Russell Steven Kussman, M.D., J.D.
Judge, Los Angeles Superior Court (Ret.)
1158 26th Street, #473
Santa Monica, California 90403

MUR # 7623

July 16, 2019

Via Federal Express

Office of the General Counsel
Federal Elections Commission
1050 First Street NE
Washington, D.C. 20463

2019 JUL 02 PM 12:35
OFFICE OF
GENERAL COUNSEL

re: Amended Verified Complaint – *Kussman v. Trump*

Dear Sir or Madam:

Pursuant to 52 U.S.C. §30109(a) and 11 C.F.R. §111.4(a), I attempted to file my Verified Complaint with you on or about June 27, 2019. I received correspondence from Jeff Jordan of your office that my notarization was defective, and the document needed to be re-filed with a proper notary affirmation. I have endeavored to correct the perceived defect and am now filing an Amended Verified Complaint (which has some minor, non-substantive changes/corrections compared to the original complaint).

Therefore, enclosed please find the original Amended Verified Complaint (with attachments) relating to the presidential election of 2016, which I am filing with the Federal Election Commission. It has been verified, sworn to, and notarized. I am also enclosing three (3) copies for your convenience.

I understand from the CFR and your guidelines that you will be giving notice to the Respondents. However, if this is incorrect, please let me know. I look forward to learning what recommendations you make to the Commission, and its subsequent actions.

Thank you for your attention to this matter.

Very Truly Yours,



Russell S. Kussman, M.D., J.D.

1 Russell S. Kussman
2 1158 26th Street, #473
3 Santa Monica, California 90403

4 **ENFORCEMENT DIVISION**
5 **FEDERAL ELECTION COMMISSION**

8 Russell S. Kussman,
9 Complainant,

10 vs.

11 Donald J. Trump, President of the
12 United States; Donald J. Trump, Jr.;
13 Paul Manafort; Jared Kushner; Donald
14 J. Trump for President, Inc.; The
15 Donald J. Trump Presidential
16 Campaign Committee 2016,

17 AND DOES 1 TO 100,
18 Respondents

Case No.:

AMENDED VERIFIED COMPLAINT

(with attachments)

Violations of 52 U.S.C. §30101, et. seq.; §30104;
§30121; §30116(f); §30109, etc.

Violations of 11 C.F.R. §100, et. seq.; §104, §106;
§109; §110; §111, etc.

Application for Injunctive Relief

52 U.S.C. §30109(a)(6)(A)&(B)
52 U.S.C. §30107(a)(6)
11 CFR §111.4; 11 CFR 111.19

19 **I. INTRODUCTION**

21 A century-and-a-half before the United States fought a revolution to throw off the
22 shackles of a tyrannical English King, John Winthrop gave a sermon declaring that the new
23 Massachusetts Bay Colony would be a "Shining City upon a Hill," providing a light to a
24 world longing for liberty. Over 300 years later, Ronald Reagan happily agreed, stating he
25 believed there was some "divine plan that placed this great continent between two oceans
26 to be sought out by those who were possessed of an abiding lover of freedom." Our
27 Founding Fathers were wary of foreign powers and foreign influence. They drafted a
28 Constitution that required the president to be a "natural born citizen" and barred foreigners
from holding certain offices. U.S. Constitution, Art. I, §2, para. 2 and § 3, para. 3; Art. II, §1,

1 para. 5. The founders were so distrustful of monarchies that they forbid the granting of any
2 "Titles of Nobility" in the new nation, and determined that no public servant "shall ... accept
3 any present, Emolument, Office, or Title of any kind whatsoever, from any King, Prince, or
4 foreign state." U.S. Constitution, Art. I, §9, para. 8.

5 The Monroe Doctrine drew a red line that set the tone for the years to come. The
6 United States would not interfere with matters outside the Americas, and it would expect
7 European countries to refrain from creating new colonies or meddling in the affairs of the
8 New World. In other words, Monroe said to the world, "stay out of our business."

9 The fierce desire of the new nation to protect its sovereignty and autonomy has been
10 a constant thread throughout our history. This has been especially true when it comes to
11 attempts by other countries to interfere with our elections. As the Chair of the Federal
12 Election Commission, Ellen Weintraub, said recently, "This is not a novel concept...our
13 Founding Fathers sounded the alarm about 'foreign interference, intrigue, and influence.'
14 They knew that when foreign governments seek to influence American politics, it is always
15 to advance their own interests, not America's." See, [https://www.msn.com/en-](https://www.msn.com/en-us/news/politics/fec-chair-responds-to-trump-saying-hed-accept-foreign-intel-on-opponent-it-is-illegal/ar-AACQjaT?ocid=spartandhp)

16 us/news/politics/fec-chair-responds-to-trump-saying-hed-accept-foreign-intel-on-opponent-
17 it-is-illegal/ar-AACQjaT?ocid=spartandhp
18 Prohibiting foreign nations and foreign nationals¹ from participating in our democracy
19 has been a long-standing principle in both our history and our jurisprudence, endorsed by
20 all branches of government. In 1966, Congress sought to limit foreign influence over
21 American elections by prohibiting agents of foreign governments and entities from making
22 contributions to candidates. See, Pub.L. No. 89-486, § 8, 80 Stat. 244, 248-49 (1966). In
23 1974, Congress expanded that ban and barred contributions to candidates from all "foreign
24 nationals," defined as all foreign citizens except lawful permanent residents of the United
25 States. See, Federal Election Campaign Act Amendments of 1974, Pub, L. No. 93-443, §
26 101(d), 88 Stat. 1263, 1267. In 2002, Congress passed, and President George W. Bush
27 signed, legislation that...strengthened the prohibition on foreign financial involvement in

28 ¹ "Foreign national" means a "foreign principal" as defined by 22 U.S.C. §611(b), which includes "a
government of a foreign country, a foreign political party, and a partnership, association, corporation,
organization, or other combination of persons organized under the laws of or having its principal place
of business in a foreign country. 52 U.S.C. §30121(b). The term is used in that sense throughout this
Complaint.

1 American elections. See Bipartisan Campaign Reform Act of 2002, Pub.L. No. 107-155,
2 §303, 116 Stat. 81, 96.²

3 Our judiciary has also recognized the danger of foreign interference and has followed
4 the lead of the legislative and executive branches. In *Bluman v. Federal Election*
5 *Commission* (2011) 800 F.Supp.2d 281, the court explained the “straightforward principle”
6 involved as follows:

7 “It is fundamental to the definition of our national political community that foreign
8 citizens do not have a constitutional right to participate in, and thus may be
9 excluded from, activities of democratic self-government. It follows, therefore, that
10 the United States has a compelling interest ... in limiting the participation of
11 foreign citizens in activities of American democratic self-government, and in
12 thereby preventing foreign influence of the U.S. political process.”

13 *Bluman, supra.* at 288 (Kavanaugh, J.), *aff’d*, 565 U.S. 1104 (2102).³

14 Our Supreme Court has weighed in, protecting the need to keep our elections free
15 from foreign influence. It opined in 1978 that “a State’s historical power to exclude aliens
16 from participation in its democratic political institutions [is] part of the sovereign’s obligation
17 to preserve the basic conception of a political community.” *Foley v. Connelie*, (1978) 435
18 U.S. 291, 295-296. The high court recognized that the “distinction between citizens and
19 aliens, though ordinarily irrelevant to private activity, is *fundamental to the definition and*
20 *government of a State...*” *Ambach v. Norwick* (1979) 441 U.S. 68, 75, cited by *Bluman,*
21 *supra.* at 287-288 [emphasis in original]. The court affirmed this basic tenet a few years
22 later, stating that the “exclusion of aliens from basic governmental processes is not a
23 deficiency in the democratic system but *a necessary consequence of the community’s*
24 *process of political self-definition.*” *Cabell v. Chavez-Salido* (1982) 454 U.S. 432, 439,
25 cited by *Bluman, supra.* at 288 [emphasis in original].

26 The courts have described the “compelling interest that justifies Congress in
27 restraining foreign nationals’ participation in American elections – namely, preventing
28

26 ² Throughout this Complaint, the aforementioned statutory scheme will be alternatively referred to as
27 “The Act” or “The Code” or the “Federal Election Campaign Act (‘FECA’)” or “the Election Code.”

28 ³ Part of the analysis in *Bluman* dealt with First Amendment considerations, which are not directly
relevant here.

1 foreign influence over the U.S. Government..." *Bluman, supra. at 290*. Simply put, our
2 national interest and security demand that "the right to govern is reserved to citizens."
3 *Foley, supra. at 297*.

4 In today's world, our sovereignty is threatened from many sides – Globalization of the
5 world economy; the rise of foreign powers with anti-democratic values and systems; the
6 power of international banking institutions and the escalation of trade disputes; worldwide
7 crypto-espionage that spies on governments and businesses; and migration of refugees,
8 are just some of the factors chipping away at American autonomy and independence. Yet
9 the problems caused by all these factors combined pale in comparison to the loss of
10 liberty, freedom, and independence we would suffer if we abandon the long-held principles
11 that have protected America from foreign domination since its founding. If we ignore, or
12 even minimize, the peril inherent in allowing foreign nationals to gain influence over our
13 elections; if we fail to appreciate that foreign interference in our elections could destroy our
14 democracy, and even threaten Western civilization as we know it, then government of the
15 people, by the people, and for the people, may yet perish from the earth.⁴

16 II. FACTUAL ALLEGATIONS

17 Pursuant to 52 USC §30109(a) and 11 CFR §111.4, Complainant files this Verified
18 Complaint alleging that Respondents, and each of them, violated numerous provisions of
19 the Federal Election Campaign Act of 1971, as amended, and related statutes (the "Act"),
20 and multiple provisions of the FEC regulations, as set forth in 11 CFR §§100, et. seq.

21 A. Preliminary Matters:

22 1. The allegations contained herein are made on information and belief,
23 unless stated otherwise in the text. Many of the allegations are based upon evidence,
24 facts, and findings of Special Counsel Robert Mueller III (hereinafter "Mueller" or "the SC"),
25 as set forth in his Report (hereinafter "Mueller Report" or "MR"), released on April 18,

26
27 ⁴ In a June 27, 2019 interview with the *Financial Times*, Russian President Vladimir Putin said, "the
28 liberal idea" – the dominant western ideology since the end of WWII – has "outlived its purpose" and
"has become obsolete." See, <https://www.ft.com/content/670039ec-98f3-11e9-9573-ee5cbb98ed36>

1 2016.⁵ In turn, the allegations in the report are based upon facts and evidence cited
2 therein, which were obtained during and through the Special Counsel's investigation.
3 Therefore, they have a sound factual foundation.⁶ The source of facts or allegations
4 obtained from other sources will be identified in the text.⁷

5 1A. The core functions of the Federal Election Commission ("FEC") include,
6 among other things, enforcing the campaign finance laws through audits, investigations,
7 and civil litigation. See, Guidelines for Complainants and Respondents on the FEC
8 Enforcement Process, p. 4.

9 2. Complainant reserves the right to amend his Complaint to add additional
10 allegations, facts, claims, and/or respondents in case additional evidence becomes
11 relevant or is discovered. He also reserves the right to add additional complainants, if
12 necessary and appropriate.

13 3. Complainant is an American citizen who is informed and believes, and
14 thereon alleges, that violations of the Federal Election Campaign Act including, but not
15 limited to, Title 52, Subtitle III – Federal Campaign Finance Act (52 U.S.C. §30101, et.
16 seq.), occurred during the 2016 presidential election campaign as a result of the acts,
17 behavior, and conduct of the respondents, and each of them.

18
19
20 ⁵ The full (redacted) Mueller Report can be accessed at It can be accessed on Kindle at
https://www.amazon.com/s?k=Mueller+report&rh=n%3A154606011&ref=nb_sb_noss

21 ⁶ The Mueller Report states that it "describes actions and events that the Special Counsel's office
22 found to be supported by evidence collected in [their] investigation." MR 2. However, the actual
23 underlying evidence has not been released by the Justice Department, even to Congress.

24 ⁷ When Attorney General William Barr concluded that the underlying evidence in the Mueller
25 Report did not reach the threshold to charge the president with obstruction of justice, he did not
26 review the underlying evidence upon which the report was based. Instead, he "accepted the
27 statements in the report as the actual record" and accepted them as accurate. He described this
28 approach as "standard practice in which officials of the Department of Justice often rely on the
characterization of the evidence uncovered during an investigation." See, AG Barr's sworn
testimony before the Senate Judiciary Committee on 5/1/2019 at <https://thehill.com/policy/national-security/441643-barr-says-he-didnt-review-underlying-evidence-of-mueller-report>

1 Complainant is also informed and believes, and thereon alleges, that
2 respondents, and each of them, are about to commit such violations again, and that they
3 are about to occur in the upcoming 2020 presidential election campaign. Complainant's
4 standing and statutory authority to file this complaint is set forth in 52 U.S.C. §30109(a), as
5 well as 11 C.F.R. §111.4 (a).

6 4. Respondent Donald J. Trump (hereinafter "Trump") is the President of the
7 United States and was the head of his 2016 election committee "Donald J. Trump
8 Presidential Campaign Committee 2016." Donald J. Trump, Jr. is President Trump's son;
9 Jared Kushner is the President's son-in-law; and Paul Manafort served as President
10 Trump's campaign chairman from June through August 2016.

11 https://en.wikipedia.org/wiki/Paul_Manafort

12 Complainant is informed and believes, and thereon alleges, that at all times
13 relevant hereto all respondents were agents or employees of Donald J. Trump and/or his
14 2016 Presidential Campaign Committee (the "committee"), and that each and every
15 respondent was acting as an agent of each and every other respondent, within the course
16 and scope of said agency.

17 5. As used herein, "Trump" refers to both the individual who is President of
18 the United States as well as his agents who worked for his 2016 campaign (including but
19 not limited to respondents herein) – unless identified differently in the text.

20 **B. President Trump and his campaign solicited, accepted, and received**
21 **contributions, donations, or other things of value from agents of the Russian**
22 **government during the 2016 Presidential campaign, in violation of 52 U.S.C.**
23 **30121(a) and 11 C.F.R. §110.9 and §110.20**

24
25 6. The Russian government interfered in the 2016 presidential election in a
26 "sweeping and systemic fashion" in an effort to influence the election 2016 in favor of
27 Trump and against Hillary Clinton. MR 1, 5, passim. There were two main operations.
28 First, a Russian entity carried out a social media campaign (the "Active Measures")

1 campaign) that favored presidential candidate Trump and disparaged presidential
2 candidate Clinton. This was spearheaded by the Internet Research Agency (IRA), which
3 was designed to provoke and amplify political and social discord in the United States and
4 sow discord in our political system through “information warfare.” MR 4. Second, a
5 Russian intelligence service conducted computer-intrusion operations (the “Hacking and
6 Dumping Operation”) against entities, employees, and volunteers working on the Clinton
7 Campaign and then released the stolen documents. MR 1. This operation was carried out
8 by the General Staff of the Russian Army (the “GRU”), which released the stolen emails
9 through the organization WikiLeaks. MR 4.

10 7. Numerous links between individuals tied to the Russian Government and
11 the Trump campaign were identified in the Special Counsel’s investigation. See, e.g., MR
12 1, 9, 65, 173. The Special Counsel’s investigation established that the Russian
13 government perceived it would benefit from a Trump presidency and worked to secure that
14 outcome. MR 1, 5. For its part, the Trump campaign “***showed interest***” in the materials
15 hacked by Russia and “***welcomed***” their potential damage to candidate Clinton. MR 4-5
16 [emphasis added].

17 8. The Special Counsel’s investigation also established multiple contacts
18 (“links”) between the Trump campaign and individuals tied to the Russian government (MR
19 66), who offered assistance to the campaign. MR 5, 173. Trump was “***receptive***” to these
20 offers in some instances and shied away in others. MR 173 [emphasis added].

21 9. The Special Counsel explicitly states in the Mueller Report that his
22 investigation “‘***established***’...that the [Trump] Campaign ***expected it would benefit***
23 ***electorally from information stolen and released through Russian efforts...***” MR 1-2,
24 5, 183 [emphasis added].

25 10. In looking to fulfill his mandate to investigate any coordination between
26 the Russian government and the Trump campaign, the Special Counsel sought to
27 determine whether Trump’s conduct was a violation of federal criminal law chargeable
28 under Department of Justice (“DOJ”) guidelines. MR 8. Since he could not prove there
had actually been an agreement (tacit or express) between Trump and the Russian
government (MR 2), the SC concluded he had not established that the Trump campaign
coordinated with them in their election interference activities. MR 2. This conclusion
rested on the SC’s express belief that proving coordination “require[d] ***more than*** the two

1 parties taking actions that were informed by or responsive to the other's actions or
2 interests.”⁸ MR 2 [emphasis added]. The SC takes pain to point out, however, that “[a]
3 statement that the investigation did not establish particular facts does not mean there was
4 no evidence of those facts.”⁹ MR 2.

5 10. Between approximately May 25, 2016 and June 1, 2016, GRU officers
6 accessed the mail server of the Democratic National Committee (“DNC”) from a GRU-
7 controlled computer leased inside the United States. During these connections, [GRU]
8 officers appear to have stolen thousands of emails and attachments, which were later
9 released by WikiLeaks in July 2016. MR 40-41.

10 11. On June 9, 2016, Donald J. Trump, Jr., Paul Manafort, and Jared
11 Kushner, among others, met with a Russian attorney (among others) in Trump Tower
12 expecting to receive derogatory information from the Russian government about Hillary
13 Clinton. Donald Trump Jr. had been told by an intermediary that the Russian “Crown
14 prosecutor” offered Trump some official documents and information that would incriminate
15 Clinton and her dealings with Russia as “part of Russia and its government’s support to
16 Mr. Trump.” MR 185. Donald Trump Jr. was also told that this involved “very high level
17 and sensitive information” that “would be very useful to [Trump Jr.’s] father.” *Id.* Donald
18 Trump, Jr. responded to this offer of assistance from Russia and its government by saying,
19

20 ⁸ As will be shown below, this mistaken belief was the loose thread that ultimately unraveled the
21 SC’s in-depth and otherwise meticulous investigation. In truth, proving coordination requires *less*
22 *than* proving conspiracy; two parties “taking actions that were informed by or responsive to the
23 other’s actions or interests” is sufficient. Under our election statutes, it is unlawful to solicit, accept
24 or receive things of value from foreign nationals that are designed to influence a federal election,
25 period. Full stop. Violations can occur without any coordination between the parties at all. See,
26 52 USC §30121(a). *A fortiori*, no agreement or conspiracy is necessary for wrongdoing to occur.

27 ⁹ The SC also points out that there were gaps in the information or testimony he did receive; that
28 he was unable to interview President Trump himself; and that some associates of the Trump
campaign deleted relevant communications using applications that feature encryption or that do
not provide for long-term retention of data or communications records. MR 10. Therefore, he
“[could not] rule out the possibility that the unavailable information would shed additional light on
(or cast in a new light) the events described in the report.” *Id.*

1 "if it's what you say, I love it..." MR 110, 113, 185. The meeting took place on June 9,
2 2016 and Kushner and Manafort were invited to attend.¹⁰

3 12. On June 14, 2016, just five days after the June 9 meeting in Trump
4 Tower, a cybersecurity firm and the DNC announced that Russian government hackers
5 had infiltrated the DNC and obtained access to opposition research on candidate Trump,
6 among other documents. MR 6. Also on June 14, 2016, @dcleaks (a Twitter account
7 used by the GRU) sent a direct message to @WikiLeaks, noting, "You announced your
8 organization was preparing to publish more Hillary's emails. We are ready to support you.
9 We have some sensitive information too, in particular, her financial documents. Let 's do it
10 together. What do you think about publishing our info at the same moment? Thank you."
MR 45.

11 13. The next day, June 15, 2016, the GRU, through its Guccifer 2.0
12 WordPress blog, began releasing to the public documents stolen from the DNC and DCCC
13 computer networks. MR 43. Releases were organized around thematic issues, such as
14 specific states (e.g., Florida and Pennsylvania) that were perceived as competitive in the
2016 U.S. presidential election. MR 43.

15 14. Complainant is informed and believes, and thereon alleges, that when
16 respondents (including but not limited to Donald Trump, Jr., Jared Kushner, and Paul
17 Manafort), met with Russian nationals on June 9, 2016 they knew the Russians had
18 promised to provide very high level and sensitive information (e.g., "opposition research")
19 on Hillary Clinton that would be damaging to her campaign and useful to Trump. This was
20 a "thing of value" to Trump. The law explicitly prohibits foreign nationals from expressly or
21 impliedly making such promises and/or providing such things of value in connection with
any federal campaign. 52 USC §30121(a)(1); 11 CFR §110.20(b).

22 15. The law also provides that it is unlawful for anyone to "solicit" a thing of
23 value from a foreign national in connection with a federal campaign.¹¹ 52 USC

24 ¹⁰ Manafort (unlike most in Trump's inner circle) was an experienced political operative with a long
25 history in election campaigns. In making arrangements for the June 9 meeting, he allegedly
26 warned the group that the meeting likely would not yield vital information and "they should be
27 careful." MR 115.

28 ¹¹ "Solicit" means to "ask, request, or recommend, explicitly or implicitly, that another person make
a contribution, donation, transfer of funds, or otherwise provide anything of value." Construed as

1 §30121(a)(2); 11 CFR §110.20(g). Here, Donald Trump, Jr. agreed to set up the meeting
2 in response to Russian promises to provide “dirt” on Hillary Clinton. By replying “I love it,”
3 Donald Trump, Jr. not only confirmed that the “dirt” was a “thing of value,” he also sent a
4 clear message soliciting that “thing of value” from the Russians. Complainant alleges that
5 the above conduct constitutes a knowing solicitation of a thing of value from a foreign
6 national, in violation of 52 UCS §30121(a)(2) and 11 CFR §110.20(g).

7 Complainant further alleges that no one in the Trump campaign notified the
8 FBI or any other law enforcement or national security agency about the June 9 Trump
9 Tower meeting, or any of the other Russian links and overtures described herein, that took
10 place during the 2016 campaign – even though they were illegal and designed to
11 undermine a federal election for president. In fact, the Trump campaign officials (identified
12 in paragraph 14, above) actually chose to participate in the meeting hoping to receive
13 something of value from the Russians, in violation of 52 USC §30121(a)(2) and 11 CFR
14 110.20(g). They attended knowingly and willfully.¹² This was a violation of 52 USC
15 30109(d)(1)(a) and gives rise to criminal penalties.

16 16. Trump himself did more than accept and receive the benefit of Russia’s
17 illegal interference. He actually invited it. He publicly solicited Russia’s help. Complainant
18 has personal knowledge of the following facts, and also is informed and believes that they
19 are true. Trump made Hillary Clinton’s “missing” emails a major issue in his presidential
20 campaign, publicly threatening to prosecute her if he were elected, and encouraging his
21 followers to chant “Lock her up!” at his campaign rallies. On July 27, 2016, Trump gave a
22 press conference in Florida at which he made the following remark: “Russia, if you’re
23 listening, I hope you’re able to find the 30,000 [Clinton] emails that are missing...”¹³

24 reasonably understood in the context in which it is made, “a solicitation contains a clear message
25 asking, requesting, or recommending that another person ... provide anything of value.” 11 CFR
26 300.2(m); 11 CFR §300.2(m).

27 ¹² The fact that Trump campaign chairman Paul Manafort warned the participants “they should be
28 careful” at the meeting further suggests they were aware that the meeting was likely to involve
illegal activity. MR 115.

¹³ By this time, the Trump campaign had had numerous contacts with individuals acting on behalf
of the Russian government in its efforts to help Trump get elected. MR 66 et. seq. Nevertheless,
at the Florida press conference, he characterized “this whole thing with Russia” as “total deflection”

1 17. Based upon information and belief, Complainant alleges that within
2 approximately 5 hours of Trump's statement soliciting Russia's assistance in finding the
3 so-called missing emails, GRU officers for the first time targeted Clinton's personal office.
4 MR 49; MR Part 2, p. 19, fn. 36. The Special Counsel did not find evidence of any GRU
5 attempts to compromise Clinton's accounts prior to that time. MR 49.

6 18. Complainant further alleges that the series of events described above in
7 paragraphs 14 through 17 demonstrate that Trump solicited assistance (e.g., things of
8 value) from foreign nationals bent on influencing the 2016 election in his favor, in violation
9 of 52 USC §30121(a)(2) and 11 CFR §110.20. In this context and under these
10 circumstances, his conduct must have been knowing and willful. Therefore, it gives rise to
11 substantial civil and criminal penalties pursuant to 52 USC §30109(a)(1).

12 19. Complainant further alleges that the series of events described above also
13 demonstrates that Trump and the Russian operatives were acting in cooperation,
14 consultation, or concert with each other during the 2016 campaign. Although not
15 necessary in order to prove wrongdoing, their actions fit the definition of "coordination"
16 found in the election regulations.¹⁴ (11 CFR 109.20(a)). They do not, however, fit the
17 definition of "conspiracy," since conspiracy requires an agreement between the parties.¹⁵

18 that was "farfetched" and "ridiculous." MR part 2, p. 18. And he repeated five times that "I have
19 nothing to do with Russia" (MR, part 2, p. 19), asserting that "the closest [he] came to Russia was
20 that Russians may have purchased a home or condos from him." *Id.*

21 ¹⁴ In the regulations, "coordinated" means "made in cooperation, consultation or concert with, or at
22 the request or suggestion of, a candidate, a candidate's authorized committee, or a political party
23 committee." 11 CFR §109.20 (a). An agreement or formal collaboration "is not required" in order to
24 meet the definition of coordination. 11 CFR §109.21(e).

25 ¹⁵ The SC points out that "coordination" – the term used in his Appointment Order – does not have
26 a settled definition in federal criminal law. But his team "understood" coordination to require an
27 agreement, just like conspiracy. MR 2. This is contrary to the definition in the regulations (11 CFR
28 109.20(a)), which states that no agreement or formal collaboration is required for parties to
coordinate their efforts. Cooperation, consultation, working in concert (or requesting or suggesting
that they do), is sufficient. 11 CFR §109.21(e). Since conspiracy requires an agreement but
coordination does not, the SC's focus on conspiracy in analyzing questions of joint criminal liability
(see, MR 2) widely missed the mark. A person can violate election law *with or without* conspiracy,
coordination, cooperation, acting in concert, or having an agreement. Especially where, as here,
soliciting, accepting, or receiving illegal assistance from foreign nationals *did* occur, the law was

1 20. On March 29, 2016, respondent Paul Manafort joined the Trump
2 campaign to serve as "Convention Manager," and was promoted to campaign chairman
3 and chief strategist on May 19. MR 134. Manafort had had previous dealings with
4 Konstantin Kilimnik, a Russian national who lived in Russia and Ukraine and was a
5 longtime Manafort employee. MR 132. Manafort's assistant Richard Gates suspected the
6 Kilimnik was a "spy." MR 134. The FBI assessed that Kilimnik had ties to Russian
7 intelligence. MR 133. Gates testified that in April 2016 and early May 2016 Manafort
8 instructed him to send the Trump campaign's internal polling data to Kilimnik, to share with
9 Ukrainians. MR 136. According to Gates, Manafort had him periodically send such polling
10 data to Kilimnik via WhatsApp; Gates then deleted the communications on a daily basis.
11 Id.

12 21. Kilimnik sent emails to U.S. associates and press contacts between late
13 July and mid-August of 2016 which referenced "internal polling," described the status of
14 the Trump Campaign and Manafort's role in it and assessed Trump's prospects for victory.
15 MR 137.

16 22. Manafort met twice with Kilimnik in person during the campaign period,
17 once in May and once in August. On May 7 in New York City, Manafort briefed Kilimnik on
18 the Trump campaign. MR 138. On July 31, Kilimnik wrote Manafort from Kiev, saying that
19 he needed "about two hours" for their meeting "because it was a long ... story to tell." The
20 second meeting took place at dinner in New York at the Grand Havana Club on August 2,
21 2016. MR 139.

22 23. At the dinner, at least three principal topics were discussed. The first
23 involved a plan for resolving the crisis in Ukraine. Manafort initially told investigators that
24 "if he had not cut off the discussion, Kilimnik would have asked Manafort to convince
25 Trump to come out in favor of the peace plan." MR 140. The second topic involved
26 Manafort briefing Kilimnik on the state of the Trump Campaign and Manafort's plan to win
27 the election. That briefing encompassed the campaign's messaging and its internal polling
28 data. According to Gates, it also included a discussion of "battleground" states such as

clearly violated. 52 USC §30121; 11 CFR 110.20(a-i). And since the violations were knowing and
willful, they give rise to criminal, as well as civil, liability. 52 USC §30121; 11 CFR 110.20(a-i)).

1 Michigan, Wisconsin, Pennsylvania, and Minnesota.¹⁶ MR 140. After the meeting, Gates
2 and Manafort left separately from Kilimnik because they wanted to avoid media reporting
3 on his connections to Kilimnik. MR 141.

4 24. Complainant alleges that the Manafort-Kilimnik meetings demonstrate that
5 Trump's campaign manager had links to a foreign national with ties to Russian intelligence,
6 and that the two of them shared information about the Trump campaign. This is further
7 compelling evidence that the Trump campaign unlawfully solicited, accepted, and received
8 election assistance (i.e., things of value) from foreign agents. Moreover, it demonstrates
9 that there were "links" between high-level Trump officials and Russians regarding
10 management of the campaign; that Trump officials shared secret and valuable polling data
11 with Russians; and that part of their discussions included a possible tit-for-tat arrangement
12 involving the Ukraine crisis. It also demonstrates that the Trump campaign coordinated
13 with a person who was thought to be part of Russian intelligence. MR 132 – 141. All of
14 these acts reveal conduct that violates both the letter and the spirit of campaign finance
15 law, as set forth in 52 USC 30121 and 11 CFR 110.20.

16 As already noted, neither coordination nor conspiracy with foreign nationals is
17 required in order for a campaign to run afoul of our election laws. But proof that the parties
18 cooperated with each other, consulted each other, or worked in concert with each other –
19 for which there is overwhelming, and largely unrefuted, evidence – is relevant to whether
20 respondent's unlawful acts were knowing and willful, thus giving rise to criminal penalties.

21 **C. In the 2016 campaign, Trump obtained valuable assistance from Russian
22 agents to help him in the election, but his campaign failed to file the required
23 reports regarding this assistance with the FEC, in violation of Election Law**

24 25. Complainant hereby realleges and incorporates by reference paragraphs
25 1 through 24, above.

26 26. Neither coordination nor conspiracy (nor "collusion"¹⁷) is required for an
27 American candidate to run afoul of campaign finance law. As the Chair of the Federal
28

¹⁶ The third topic involved financial disputes relating to Manafort's previous work in the region.

¹⁷ Like coordination, collusion is "not a specific offense or theory of liability found in the U.S. Code; nor is it a term of art in federal criminal law." MR 180. The SC decided that collusion "is largely

1 Elections Committee pointed out on June 13, 2019, it should go without saying that “it is
2 illegal for any person to solicit, accept, or receive anything of value from a foreign national
3 in connection with a U.S. election.” See, FEC Statement Regarding Illegal Contributions
4 from Foreign Governments, June 13, 2019. The Chair recognized that “when foreign
5 governments seek to influence American politics, it is always to advance their own
6 interests, not America’s.”¹⁸ Id. Perhaps it for this reason that Congress did not include a
7 “state of mind” requirement regarding the prohibition of foreign involvement. By its terms,
8 the Act does not require that a person must act knowingly or willfully in order to violate the
9 statute. Indeed, it does not even require a finding of negligence before finding a violation.
10 It is enough that a person solicited, accepted, or received a thing of value from a foreign
11 national.¹⁹ However, the penalties vary, depending on the extent of a person’s knowledge
12 of and/or involvement with prohibited acts. Here, the conduct of Trump and his campaign
13 reveals they not only violated the Act and its regulations, but they did so knowingly and
14 willfully.

15 27. Complainant further alleges that, even though coordination between
16 Trump and the Russians was not necessary in order to find unlawful conduct occurred,
17 numerous actions by Trump demonstrate that he and his campaign *did* coordinate their
18 activities with Russian operatives. The regulations state that coordination means “made in
19 *cooperation, consultation or concert with, or at the request or suggestion of, a candidate*
20 *[or] a candidate’s authorized committee...*” 11 CFR 109.20(a) [emphasis added]. As

21 synonymous with conspiracy as that crime is set forth in the general federal conspiracy statute, 18 USC
22 §371.” MR 180. Therefore, the SC’s office “evaluated potentially criminal conduct that involved the
23 collective action of multiple individuals *not under the rubric of ‘collusion,’ but through the lens of*
24 *conspiracy law.*” Id. [italics added]. This was a serious error that prevented the SC’s investigation from
25 fulfilling its purpose.

26 ¹⁸ The FEC chair also pointed out that “[e]lectoral intervention from foreign governments has been
27 considered unacceptable since the beginnings of our nation” and is not a “novel concept.” Citing a
28 1787 letter from John Adams to Thomas Jefferson, she explained that from the beginning “[o]ur
Founding Fathers sounded the alarm about ‘foreign Interference, Intrigue, an Influence.’” FEC
Statement, June 13, 2019.

¹⁹ The regulations, however, do require that the person act knowingly. 11 CFR 110.20. And before
charging the person with a crime, the Act requires both knowing and willful conduct. 52 USC 30109(d).

1 regards coordinated communications, the regulation expressly provides that an
2 “[a]greement or formal collaboration” is not required. 11 CFR 109.21(e).

3 28. Complainant alleges that much of the conduct described in Section B,
4 above, also reveals coordination between the Trump campaign and the Russians.

5 Examples include:

6 a. Between May 25, 2016 and June 1, 2016 Russian intelligence
7 personnel hacked the DNC mail server, stealing thousands of emails and attachments.
8 MR 40-41.

9 b. Prior to June 9, 2016, discussions, correspondence, and planning
10 for a Trump Tower meeting took place between Donald Trump, Jr. and various
11 intermediaries acting on behalf of the Russian government, who promised high level and
12 sensitive information on Clinton that would damage her campaign and be useful to Trump;

13 c. Donald Trump, Jr., Jared Kushner and Paul Manafort attended the
14 June 9, 2016 meeting in Trump Tower;

15 d. Five days after the June 9th meeting it was discovered that the
16 Russian government had hacked the DNC and the DCCC computer networks. And the
17 next day, the Russians began publicly releasing documents stolen from them. MR 41.

18 e. Paul Manafort, a high-ranking official of the Trump campaign, met
19 physically on at least two occasions with a Konstantin Kilimnik, who was thought to be a
20 Russian spy. They shared important inside information regarding the Trump campaign
21 and also discussed trying to resolve the crisis in Ukraine – a matter of great importance to
22 Russia.²⁰

23 f. On July 27, 2016, Trump publicly solicited Russia’s help in finding
24 “dirt” on Hillary Clinton (“Russia, if you’re listening...”). Within approximately 5 hours of
25 Trump’s statement hoping that Russia could find her “missing” emails, Russian officers
26 targeted Clinton’s office for the first time. MR Part 2, p. 19; MR 49.

27 29. Complainant alleges that the above examples of links between Trump and
28 Russia are more than sufficient to prove that Trump “cooperated, consulted, and/or acted
in concert” (i.e., “coordinated”) with Russian nationals in order to obtain important

²⁰ When Trump was asked at a press conference if he would recognize Crimea as Russian territory and consider lifting sanctions, he replied, “We’ll be looking at that. Yeah, we’ll be looking.” MR part 2, l. 19

1 information and other things of value to influence the 2016 election in Trump's favor. But
2 lest there be any doubt, Complainant alleges the following additional examples:

3 a. Donald Trump Jr. had numerous interactions with WikiLeaks
4 regarding the Russian hacking and dumping efforts. MR 59-60. In September and
5 October 2016, he exchanged multiple emails with WikiLeaks. For example, on October
6 12, WikiLeaks sent an email to Donald Trump, Jr. with a link (wlsearch.tk) that would help
7 Trump dig through leaked emails, and it also informed him that "we just released Podesta
8 emails Part 4." Two days later, Donald Trump Jr. publicly tweeted the wlsearch.tk link.
9 MR 59.

10 b. On October 7, 2016, the Washington Post published an *Access*
11 *Hollywood* video that captured comments by candidate Trump making graphic statements
12 about women. MR 58. The tape was widely expected to adversely affect the Trump
13 campaign. Less than an hour after the video's publication, WikiLeaks released the first set
14 of emails stolen by Russia from the account of Clinton Campaign chairman John Podesta.
15 Id. A Trump associate said he was convinced that his efforts had caused WikiLeaks to
16 release the emails when they did. MR 59.

17 c. After the election in November 2016, Russian Deputy Foreign
18 Minister Sergei Ryabkov said in an interview with the Interfax News Agency that "there
19 were contacts" with the Trump team "during the election campaign."

20 See, <https://www.nytimes.com/2016/11/11/world/europe/trump-campaign-russia.html>
21 Ryabkov's statement drew a swift denial from Trump spokesman Hope Hicks. See,
22 [https://www.washingtonpost.com/world/moscow-had-contacts-with-trump-team-during-
23 campaign-russian-diplomat-says/2016/11/10/28fb82fa-a73d-11e6-9bd6-
24 184ab22d218e_story.html?utm_term=.fe8cfc9b34d5](https://www.washingtonpost.com/world/moscow-had-contacts-with-trump-team-during-campaign-russian-diplomat-says/2016/11/10/28fb82fa-a73d-11e6-9bd6-184ab22d218e_story.html?utm_term=.fe8cfc9b34d5)

25 On Bloomberg News, a Russian Foreign Ministry spokesman said
26 staffers at the Russian Embassy in Washington met with members of Trump's campaign,
27 which she claimed was normal practice. According to the Russian Foreign Ministry, Hillary
28 Clinton's campaign refused similar requests for meetings with them. Id.

30. Complainant further alleges that the aforementioned examples of the
conduct of Trump and his campaign officials is compelling evidence that respondents not
only violated the prohibitions against obtaining things of value from foreign nationals in an
attempt to influence an American presidential campaign, but that they did so willfully and

1 knowingly,²¹ in coordination with agents of the Russian government.²²

2 31. Having received valuable assistance from Russians by coordinating with
3 them during the campaign,²³ Trump was required to report the receipt of that assistance to
4 the FEC.²⁴ 52 USC §§30104; see also, 11 CFR §104.1, et. seq. and 11 CFR 109.20(b).
5 Complainant alleges on information and belief that Trump did not report, and has not
6 reported, that his campaign received things of value from Russian nationals during the
7 election of 2016. The failure to file the required reports triggers liability under 52 USC
8 30104, et. seq. and 11 CFR 110.1, et. seq., among other election law provisions.
9 Complainant also alleges on information and belief that the failure to file the necessary
10 reports resulted in the Trump campaign concealing and/or covering-up its receipt of
11 unlawful assistance from a foreign power. Under those circumstances, respondents acted
12 knowingly and willfully, in violation of 52 USC §30109(d)(1)(A) and criminal penalties are
13 called for.
14
15

16
17 ²¹ Actual knowledge is not required. The regulations (11 CFR 110.20(a)(4)) define the term:

18 *Knowingly* means that a person must:

- 19 (i) Have actual knowledge that the source of the funds solicited, accepted or received is a
20 foreign national;
21 (ii) Be aware of facts that would lead a reasonable person to conclude that there is a substantial
22 probability that the source of the funds solicited, accepted or received is a foreign national; or
23 (iii) Be aware of facts that would lead a reasonable person to inquire whether the source of the
24 funds solicited, accepted or received is a foreign national, but the person failed to conduct a
25 reasonable inquiry.

26 ²² The Special Counsel identified and indicted numerous Russian operatives who were involved in
27 either the "hacking and dumping" operation" or the "social media" operation. (See, *United State of*
28 *America v. Netyksho*, filed 7/13/18 and *United States of America v. Internet Research Agency*, filed
2/16/18).

²³ After WikiLeaks began releasing the emails the Russians stole from Clinton and the DNC, Trump
frequently cited them at his rallies, exclaiming "I love WikiLeaks!"

²⁴ An expenditure that is coordinated with a third party must be reported as an expenditure made by the
candidate. 11 C.F.R. §109.20(b).

1 **D. Expeditious Injunctive Relief is necessary because President Trump now**
2 **says he believes obtaining things of value from foreign nationals to assist in**
3 **his re-election campaign is appropriate. In light of the upcoming presidential**
4 **campaign, he must be enjoined from doing so.**

5 32. Complainant realleges paragraphs 1 through 31, above, and incorporates
6 them herein by reference.

7 33. The Commission may take action when there is “probable cause to
8 believe that any person has committed, or is *about to commit*, a violation of [the] Act.” 52
9 USC §30109(a)(4)(i) [italics added]. The Act also gives the FEC authority to commence a
10 civil action seeking civil penalties as well as injunctive relief. 52 USC §30109(a)(6)(A); 52
11 USC §30107(a)(6); see, also, 11 CFR 111.19. And a court may grant “a permanent or
12 temporary injunction, restraining order, or other order ... upon a proper showing that the
13 person involved has committed, or *is about to commit* ... a violation of the Act...” 52 USC
14 30109(a)(6)(B)[italics added].

15 34. Complainant alleges, upon information and belief based upon President
16 Trump’s own words and admissions, that he “about to commit” a violation of the election
17 code and the regulations promulgated thereunder by soliciting, accepting, and/or receiving
18 things of value from foreign sources. This allegation is based in part on the following facts:

19 a. As demonstrated in the preceding sections, Trump and the other
20 respondents violated election law during his 2016 campaign by accepting, receiving,
21 and/or soliciting valuable assistance from Russian operatives;

22 b. Trump won the 2016 election and was sworn into office in January
23 2017.

24 c. Shortly prior to the filing of this Complaint, Trump expressly stated
25 that he sees no reason not to accept, receive, or solicit valuable assistance from foreigners
26 in the upcoming 2020 election. See, Partial Transcript of Trump interview with George
27 Stephanopolous, dated June 16, 2016, attached hereto as Attachment “A” and
28 incorporated by reference.

 d. In the aforementioned interview, Trump makes it clear that he
believes it is appropriate to accept damaging information on an opponent through “oppo
research,” even if it comes from a foreign source. *Id.*

1 e. When informed that the FBI Director says the FBI should be notified
2 of such overtures from a foreign source, Trump responded, "The FBI Director is wrong."
3 Id.

4 f. Trump now believes that "oppo research" from foreign countries is
5 not "interference," it is "information" that he would receive or accept. Id. He expressed no
6 concern that such "information" is intended to improperly and unlawfully influence an
7 election for federal office. 52 USC §30101(8)(A); 52 USC §30101(9)(A).²⁵

8 g. When Trump was directly asked "if this time around (i.e., the 2020
9 election) foreigners, if Russia, if China, if someone else offers [him] information on
10 opponents" he would accept it, he responded, "There's nothing wrong with listening" and "I
11 think I'd want to hear it." ²⁶ Id. (See, Attachment "A"). Since it is common knowledge
12 (publicly and repeatedly confirmed by U.S. Intelligence agencies) that Russia and other
13 nations *do* plan to interfere with the upcoming presidential campaign, this statement by
14 Trump threatens to undermine the integrity of the 2020 electoral process and, at the same
15 time, is an invitation to Russia and other maleficent foreign actors to do the same.

16 35. Trump recently launched his 2020 presidential campaign, which is about
17 to get underway. [https://www.nytimes.com/2019/05/31/us/politics/trump-reelection-
18 campaign-2020.html](https://www.nytimes.com/2019/05/31/us/politics/trump-reelection-campaign-2020.html)

19 36. Based upon the above facts, the FEC (or Complainant) will be able to
20 make a proper showing that Trump is "about to commit" violations of the Act as his
21 campaign gets underway (if he has not already done so).²⁷ Thus, injunctive relief is both
22 available and necessary. 52 USC §30109(a)(6)(B).

23 ²⁵ Our courts have identified the compelling interest Congress has in restraining foreign nationals'
24 participation in American elections – namely, *preventing foreign influence* over the U.S.
25 Government. *Bluman, supra.* at 290 (Kavanaugh, J., for three-judge court) [italics added].

26 ²⁶ Perhaps the president forgot his strenuous efforts to obstruct the investigation into possible
27 collusion between himself and Russia. See, MR part 2. After all the denials and disavowals, after
28 all the claims of a witch hunt and a hoax, it now turns out that it's okay to accept opposition
research from Russia or China (i.e., to collude with them).

²⁷ News reports have already disclosed that Trump's personal attorney Rudy Giuliani recently
traveled to Ukraine to try to influence a criminal investigation allegedly involving the son of Joe
Biden, one of Trump's major opponents. Surely, Giuliani was trying to solicit a thing of value from

1 37. Complainant alleges that immediate injunctive relief is necessary
2 because:

3 i. There is no adequate “remedy at law” (i.e., money damages) since, if
4 the violations occur again, they cannot be undone by court action. The only adequate,
5 effective remedy is prevention;

6 ii. Irreparable harm will be done if Trump is allowed to again obtain
7 unlawful assistance from foreign nationals, since once re-elected he would be sworn in as
8 president for another four years;

9 iii. The potential harm done to Trump, if any, by issuing an injunction
10 would be minimal, since being required to comply with the law cannot be considered an
11 unreasonable burden. But the potential harm done by *not* issuing an injunction is serious
12 and substantial – that is, the election of a president who achieved victory while secretly
13 obtaining illegal assistance from a foreign power promoting its interests, not America’s.²⁸

14 In balancing the equities, a court would find that ordering injunctive relief is
15 reasonable and prudent, and required for under the circumstances.

16 38. Complainant requests that the FEC institute a civil action seeking
17 injunctive relief as well as civil penalties, pursuant to 52 USC §30109(a)(6)(A) and 11 CFR
18 §111.19(b).²⁹ An court-ordered injunction would enjoin Trump and his campaign from
19 soliciting, accepting, or receiving assistance (i.e., anything of value) from foreign nationals
20 designed to influence the outcome of the election in 2020. It would merely be prohibitory,
21 requiring him to refrain from violating the law. In that sense, it would simply maintain the
22 (presumed) status quo through the 2020 election.

23 a foreign government in order to influence the outcome of the 2020 election in Trump’s favor.
24 (Shortly after news of the trip was reported, Giuliani discontinued his efforts).

25 ²⁸ Of course, this already happened in 2016. How serious and substantial the harm was is a
26 question beyond the scope of this Complaint. But there is no justification for allowing it to happen
27 again. One is reminded of the saying, “Fool me once, shame on you. Fool me twice, shame on
28 me.”

²⁹ Without the support of the FEC, Complainant may be required to file a petition in the U.S. District
Court. 52 USC §30109(a)(8)(A). And failing that, be obligated to “bring [his own]... a civil action to
remedy the violation[s] involved in the original complaint.” 52 USC §30109(a)(8)(C).

1 39. Based upon the facts and circumstances described above, Complainant
2 alleges that Trump and the other respondents knowingly and willfully committed violations
3 of provisions of the Act which involved the making, receiving, or reporting of contributions,
4 donations, and/or expenditures. Since this conduct is criminal under 52 USC §30109(d),
5 Complainant requests that the FEC refer the apparent violations to the Attorney General of
6 the United States pursuant to 52 USC §30109(a)(5)(C).

7 **III. PROCEDURAL CONTEXT**

8 A brief summary of the procedural posture of this matter is in order, so as to help the
9 Commission assess and evaluate both the facts and the inferences to be drawn therefrom.
10 And to distinguish the Commission's duties from the duties of both the DOJ and the
11 Congress of the United States.³⁰

12 A review of the procedural history will also provide perspective on how an original
13 counterintelligence investigation got distorted and morphed into a criminal investigation
14 with ambiguous parameters and mandates. It is important to explore how the Mueller
15 investigation got "side-tracked" into focusing on conspiracy as set forth in the federal
16 criminal code – rather than scrutinizing violations of election law. Election laws protect
17 broader principles bearing on national security, autonomy, and the very nature of our
18 democratic processes. The long, winding procedural journey that the Justice Department
19 embarked upon sheds light on how the SC's report – perhaps accurate and valid for what
20 its authors were allowed to accomplish – unfortunately missed the forest for the trees when
21 it came to providing to the nation what it needed to know.

22 **A. Summer 2016: The FBI begins a counterintelligence investigation into Russian 23 interference in the presidential election**

24 In the first half of 2016, the FBI became suspicious that the Russian government was
25 attempting to establish links to the Trump campaign and influence the outcome of the
26 upcoming presidential election in his favor. On July 31, 2016, "based on ... foreign

27 ³⁰ The FEC, of course, is not bound by the analyses or conclusions of the Special Counsel.
28 However, his report may assist the Commission in expeditiously reaching its own conclusions
regarding statutory and regulatory violations.

1 government reporting, the FBI opened an investigation into potential coordination between
2 the Russian government and individuals associated with the Trump campaign.” MR 1, 5-6.
3 The reasons for the FBI’s suspicion and investigation are set forth in the Special Counsel’s
4 report (MR 5-6) but are beyond the scope of this Complaint. They are controversial and
5 will not be reviewed in detail here.³¹

6 The counterintelligence investigation was disclosed by FBI Director James Comey in
7 his testimony before the House Intelligence Committee on March 20, 2017. MR 8. He
8 testified that he had “been authorized by the Department of Justice to confirm that the FBI,
9 as part of our counterintelligence mission, is investigating the Russian government’s efforts
10 to interfere in the 2016 presidential election, and that includes investigating the nature of
11 any *links* between individuals associated with the Trump campaign and the Russian
12 government and whether there was any coordination between the campaign and Russia’s
13 efforts...” MR 8 [italics added]. Comey added that “[a]s with any counterintelligence
14 investigation, this will also include an assessment of whether any crimes were committed.”
15 Id. Thus, the investigation began primarily as a counterintelligence inquiry looking into
16 possible foreign interference in our democratic processes and “links” to the Trump

16 ³¹ Much has been made of claims the FBI was “spying” on the Trump campaign, and that the initial
17 decisions regarding surveillance of the campaign were politically motivated, thereby invalidating
18 the entire investigation and the evidence it produced. This argument appears to rest on the legal
19 doctrine of “fruit of the poisonous tree.” In the criminal justice setting, evidence obtained through
20 improper or illegal police methods (the “poisonous tree”) can be excluded from criminal trials. But
21 this is an exclusionary rule designed to deter and/or punish police and investigators from using
22 improper or illegal methods – even if the evidence obtained is valid and compelling. The rule is
23 important, designed to protect and vindicate constitutional rights under the IVth Amendment. But it
24 does not apply here. This is not a criminal trial. Here, the body politic is concerned about that
25 happened during the 2016 election; whether the president’s election was obtained illegally and/or
26 fraudulently; whether foreign interference will happen again; and whether, even now, our national
27 security may be compromised.

28 If the evidence of links between Trump and Russia was obtained improperly, or solely with a
political motive, the public should know about it. Those who obtained evidence illegally should be
disciplined or otherwise held accountable. Perhaps laws or rules need to be changed to
discourage such conduct in the future. But if the evidence of Russian links to an American
president is otherwise valid, there is no reason to exclude it from Congressional or public
consideration. We should not condone surveillance or investigations by law enforcement that are
improper or unconstitutional. But in the political arena, where the integrity of our election process,
and democracy itself, is at risk, we discount evidence of electoral wrongdoing at our peril.

1 campaign – *not* as a criminal investigation looking at whether federal criminal laws were
2 broken.

3 B. May 2017: Trump fires FBI Director James Comey and a Special Counsel is
4 appointed

5 On May 9, 2017, Trump fired Director Comey. On May 17, 2017, Acting Attorney
6 General Rod Rosenstein appointed Robert Mueller III as Special Counsel. Rosenstein's
7 Appointment Order stated that he wanted to "ensure a full and thorough investigation of
8 the Russian government's efforts to interfere in the 2016 presidential election." (See,
9 Appointment of Special Counsel, Order No. 3915-2017, attached hereto as Attachment "B"
10 and incorporated by reference). The Order authorized Mueller to "conduct the
11 investigation confirmed by then-FBI Director James B. Comey in his testimony before [the
12 House Intelligence Committee]," including "any *links and/or coordination* between the
13 Russian government and individuals associated with the campaign of President Donald
14 Trump." *Id.* [italics added]. The Order does not say anything about conspiracy between
15 the Russians and the Trump campaign. But it did authorize the Special Counsel to
investigate "any matters that arose or may arise directly from the investigation." *Id.*

16 Rosenstein's Order also authorized the SC to investigate "any other matters within
17 the scope of 28 CFR §600.4(a)." *Id.* But section 600 has three subsections. Subsection
18 (a) gives a Special Counsel jurisdiction to "investigate and prosecute federal crimes
19 committed in the course of, and with the intent to interfere with, the Special Counsel's
20 investigation, such as perjury, obstruction of justice, destruction of evidence and
21 intimidation of witnesses." Subsection (b) says that "if, in the course of his or her
22 investigation the Special Counsel concludes that additional jurisdiction beyond ... [the]
23 original jurisdiction is necessary in order to fully investigate and resolve the matters
24 assigned, or to investigate new matters that come to light in the course of his or her
25 investigation, he or she shall consult with the Attorney General, who will determine
26 whether to include the additional matters within the Special Counsel's jurisdiction or assign
27 them elsewhere.." And subsection (c) applies when, in the course of a special counsel's
28 investigation he or she "determines that administrative remedies, civil sanctions or *other
governmental action outside the criminal justice system* might be appropriate." 28 CFR
600.4(c) [italics added].

1 In his initial Appointment Order, Rosenstein gave Mueller jurisdiction under
2 subsection (a) only. Several months later, on August 2, 2017, Rosenstein issued a
3 memorandum to Mueller (which was largely redacted prior to being released to the public).
4 The memorandum was entitled "The Scope of Investigation and Definition of Authority,"
5 and provided Mueller with a more specific description of his investigative authority. See,
6 Memorandum of August 2, 2017, attached hereto as Attachment "C" and incorporated by
reference. This memorandum was noteworthy in at least three respects:

7 -- *First*, it confirmed that the initial Appointment Order in May 2017 gave Mueller
8 jurisdiction to investigate allegations that Paul Manafort "committed a crime or crimes by
9 colluding with Russian government officials with respect to the Russian government's
10 efforts to interfere with the 2016 election for President of the United States, in violation of
11 United States law." See, Attachment "C". Rosenstein again says nothing about
12 "conspiracy," and nothing about whether an agreement between Trump and the Russians
13 was required in order for their conduct to be considered criminal. But he must believe
14 collusion is a federal crime – after all, he explicitly asks the SC to look into the allegations
15 that Manafort "*committed a crime or crimes by colluding*" with Russian government
officials.

16 However, Rosenstein fails to define "collusion." And according to Mueller, collusion
17 "is not a specific offense or theory of liability found in the U.S. Code; nor is it a term of art
18 in federal criminal law." MR 180. Absent a working definition, Mueller went ahead and
19 "applied the framework of conspiracy law, not the concept of 'collusion.'" MR 2.

20 This same problem existed regarding Mueller's definition of "coordination," which was
21 used in Rosenstein's initial Appointment Order." Mueller noted in his report that, "like
22 collusion, 'coordination' does not have a settled definition in federal criminal law." (MR 2)
23 As a result, his "office's focus in analyzing questions of joint criminal liability was on
24 conspiracy as defined by federal law." MR 2.

25 Special Counsel Mueller concluded that "collusion is largely synonymous with
26 conspiracy as that crime is set forth in the general federal conspiracy statute, 18 USC
27 §371." MR 180; MR 2. So even though the Acting Attorney General charged him with
28 looking into coordination and/or collusion, and never used the term conspiracy or said it

1 applied, Mueller chose to evaluate any potential joint criminal liability conduct “not under
2 the rubric of ‘collusion,’ but through the lens of conspiracy law.”³² MR 180.

3 Rosenstein and Mueller were using critical terms differently. The former thought
4 “collusion” was a crime; Mueller thought it could be a crime only if it encompassed an
5 agreement (i.e., a conspiracy) between the parties to commit the crime.³³ This led to
6 needless confusion and, ultimately, the SC’s failure to fully meet his mandate.³⁴

7 -- *Second*, Rosenstein’s August memorandum said that if Mueller determined that his
8 jurisdiction needed to be broadened beyond the May, 2017 Order so he could fully
9 investigate and resolve matters within his original jurisdiction or investigate new matters
10 that came to light in the course of his investigation, he “shall consult the (Acting) Attorney
11 General, who will determine whether to include the additional matters within the Special
12 Counsel’s jurisdiction or assign them elsewhere.” See, 28 CFR §600.4(b) and Rosenstein
13 memorandum, attached as Attachment “C.” This method of expanding the SC’s jurisdiction
14 is authorized by 28 CFR §300.4(b), which Rosenstein cited in his memorandum. It gave
15 Mueller the opportunity to seek broader jurisdiction if he thought it was warranted.

16 -- *Third*, Rosenstein’s Order and his memorandum gave Mueller jurisdiction to
17 proceed pursuant to subsections (a) and (b) of §600.4 *only*. It did not give him authority to
18 proceed pursuant to subsection (c). Subsection (c) says that “[i]f in the course of his or her
19 investigation the Special Counsel determines that administrative remedies, civil sanctions
20 or other governmental action outside the criminal justice system might be appropriate, he

21 ³² One can readily see that the initial counterintelligence investigation regarding Russian
22 interference and “links” to the Trump campaign metamorphosed into “coordination” between the
23 Russians and Trump; and then “collusion” between them, and then finally, “conspiracy.” Thus, the
24 bar was repeatedly raised higher and higher – until absent the most nefarious state of mind,
25 wrongdoing by Trump and his campaign could not be “established,” despite blatant and multiple
26 acts that violated laws designed to protect federal elections.

27 ³³ The SC said he did not establish that the contacts with Russia amounted to “an *agreement to*
28 *commit*” a violation of federal law; therefore, he did not charge any individual associated with the Trump
campaign with “*conspiracy to commit*” a federal offense. MR 181. As if simply violating the law or
committing the offense were not enough by themselves.

³⁴ As far as is publicly known, Mueller never asked Rosenstein to clarify what he meant by the
terms “coordination” or “collusion,” or to define them with any precision. Instead, the SC defined
them himself. But his definition was so high and narrow that a presidential candidate and his
associates were able to slip beneath it despite obvious acts of wrongdoing.

1 or she shall consult with the Attorney General with respect to the appropriate component to
2 take any necessary action.” 28 CFR §600.4(c) [italics added]. It goes on to say, “A
3 Special Counsel shall not have civil or administrative authority unless specifically granted
4 such jurisdiction by the Attorney General.” Id.

5 Rosenstein’s August memorandum makes no mention of subsection (c). Therefore,
6 if Mueller *did* determine that governmental action outside the criminal justice system
7 (impeachment?) was appropriate, he *was* not given authority to consult with anyone about
8 it. By denying Mueller even the limited authority available under subsection (c),
9 Rosenstein said implicitly that when it came to “governmental action outside the criminal
10 justice system,” Mueller should “not even think about it.”³⁵

11 But the Special Counsel had something to say on the topic. In his unprecedented
12 televised public statement to the nation on May 29, 2019, Mueller raised the issue directly.
13 He explained that he could not charge the president with a federal crime because he was
14 required to follow a long-standing Department of Justice policy holding that “the
15 Constitution requires a process *other than the criminal justice system* to formally accuse a
16 sitting president of wrongdoing.” See, SC’s Statement on Investigation into Russian
17 Interference in the 2016 Election, May 29, 2019 at
18 [https://www.justice.gov/opa/speech/special-counsel-robert-s-mueller-iii-makes-statement-
19 investigation-russian-interference](https://www.justice.gov/opa/speech/special-counsel-robert-s-mueller-iii-makes-statement-investigation-russian-interference)

20 It was apparent that Mueller had considered the possibility of going outside the
21 criminal justice system. By presenting the issue in his nationally televised statement, he
22 let the country know that because the Constitution requires a process *other than the
23 criminal justice system* to formally accuse a sitting president of wrongdoing, “[c]harging the
24 President with a crime was ... not an option we could consider.”³⁶ Id.

25 ³⁵ The SC was likewise denied the authority to determine if administrative remedies or civil
26 sanctions might be appropriate, as well. See, 28 CFR §600.4(c). This Complaint, however,
27 requests both administrative remedies and civil sanctions, as provided by law.

28 ³⁶ If the SC believed Trump had not committed a crime, there would have been no reason for him
to even mention methods “outside the criminal justice system” as a means to hold him
accountable. Methods “inside” the criminal justice system would have been adequate. Indeed, the
SC said that if he had confidence that the president clearly had not committed a crime, he would so
state. MR part 2, p. 8. Thus, Mueller’s televised statement implies he *did* determine that

1 C. April 2019: The Special Counsel issues his Report

2 After nearly two years of investigation, multiple guilty pleas and at least one jury
3 verdict, the SC completed his report. It was sent to the Attorney General in March 2019,
4 and a redacted version was released to the public on April 18, 2019. Its findings,
5 comments, and conclusions are referred to frequently in this Complaint, and its entire
6 contents are incorporated herein by reference.³⁷

7 The report is detailed, thorough, and compelling. It is divided into two parts: Part 1
8 deals with Russia's sweeping and systematic efforts to interfere with our 2016 presidential
9 election and its interactions with the Trump campaign during that time. Part 2 deals with
10 Trump's multiple obstructive efforts to derail or impede the investigation into the election.
11 The Mueller report is supported by innumerable citations and references to reliable
12 documentary and testimonial evidence. And its summary of the facts, and inferences to be
drawn from them, generally appear sound.

13 But as noted, the initial counterintelligence investigation had evolved into a criminal
14 investigation. The counterintelligence aspect of the investigation – its primary purpose –
15 seems to have fallen by the wayside.³⁸ The remaining investigation focused on whether
16 Trump or members of his campaign committed federal crimes – either by conspiring with
17 Russians or by attempting to obstruct the FBI's or the Special Counsel's investigations.
18 This raises a thorny issue because the regulations enabling a Special Counsel are not
19 designed to have him or her investigate counterintelligence matters. Rather, the regulation
20 states that he or she will be appointed when the Attorney General "determines that *criminal*
investigation of a person or matter is warranted..." 28 CFR 600.1 [italics added].

21 Counterintelligence is not covered.

22 governmental action outside the criminal justice system might be appropriate. But because of
23 Rosenstein's orders and DOJ policies, he was precluded from even consulting with the (Acting)
24 Attorney General about it.

25 ³⁷ As noted above, the (redacted) Mueller Report can be accessed at It can be accessed on Kindle
at https://www.amazon.com/s?k=Mueller+report&rh=n%3A154606011&ref=nb_sb_noss

26 ³⁸ Despite multiple requests by the House Intelligence Committee, the Department of Justice has
27 not publicly revealed what became of the counterintelligence investigation which started the
28 inquiry. It refuses to provide information or even say whether it is still open or has been closed.

1 Perhaps it is no wonder, then, that Mueller focused on the criminal aspect of this
2 matter, rather than pursuing the FBI's "counterintelligence mission" described by Director
3 Comey to Congress in March of 2017. But the counterintelligence mission looking for
4 foreign interference in our democracy was the primary reason the original investigation.
5 Arguably, it is far more important to discover foreign interference in an American
6 presidential campaign, and/or another country's potential undue influence over an
7 American president, than it is to discover whether particular individuals committed a
8 criminal violation of election law – as important as the latter may be.³⁹ Changing the
9 counterintelligence investigation into a criminal one, then determining that no action would
10 be recommended or taken unless the serious federal crime of conspiracy could be proven
beyond a reasonable doubt, was an invitation to ambiguity and confusion.

11 D. The law gives any person the right to file a Complaint with the FEC when they
12 believe a violation of the Act has occurred, and to petition the Federal District Court if he or
13 she is aggrieved by the Commission's subsequent action or inaction

14 Following the release of the redacted Mueller report, as well as public comments
15 made by the Justice Department and the Special Counsel, Complainant became
16 concerned. He believed critical issues were raised by the Trump campaign's conduct
17 during the election of 2016 and recognized the inapplicability of the Mueller Report to its
18 initial counterintelligence purpose. The report did make clear that numerous Russians had
19 broken our laws, interfered with the election, and compromised our democratic processes
20 (for which many of them were indicted) . And it also made clear that Trump and his
21 campaign operatives were intimately involved with Russia's malfeasance. But as thorough
22 as the Mueller report was in some regards, it did not adequately answer the question of
23 whether Trump or his campaign had violated our election laws and were criminally or civilly
24 liable; whether they are planning to do the same thing again in 2020; or whether a process
"outside the criminal justice system" would be appropriate under the circumstances.

25 Based upon the findings of the Mueller Report (which AG Barr relied upon to base
26 many of his conclusions as related to the Congress (see, supra.)), it is clear that Trump

27 ³⁹ It is well-recognized, for example, that national security concerns sometimes impede criminal
28 prosecutions when necessary under the circumstances.

1 unlawfully violated various provisions of the Act and the regulations – *regardless of*
 2 whether an agreement or conspiracy between Trump and the Russians could be proven in
 3 a criminal trial. Some of these violations call for civil sanctions and fines; some call for
 4 injunctive relief; some call for criminal charges; and some call for governmental action
 5 outside the criminal justice system. One way or another, they demonstrate that the
 6 election of 2016 was compromised by the unlawful acts of both the Russian government
 7 and President Trump and his campaign. If half the facts and findings contained in the
 8 Mueller Report are true, there can be no doubt about that.

9 Complainant recently discovered that the statutes provide that “any person who
 10 believes a violation of [the] Act ... has occurred may file a complaint with the Commission.”
 11 52 USC 30109(a)(1). The applicable regulation states: “Any person who believes a
 12 violation of any statute or regulation over which the Commission has jurisdiction *has*
 13 *occurred or is about to occur* may file a complaint in writing to the General Counsel of the
 14 Federal Election Commission...”⁴⁰ 11 CFR 111.4(a) [italics added].

15 This verified Complaint followed.

16 **IV. PRAYER FOR RELIEF** ⁴¹

17 Based upon the allegations set forth above and the applicable law, and for the
 18 reasons stated herein, Complainant requests that the Federal Election Commission take
 19 the following actions:

20 A. Determine that there is reason to believe (as well as probable cause to believe)
 21 that respondents, and each of them, have committed and/or are about to commit one or
 22 more violations of the Act, and that the Commission authorize its General Counsel to

23 ⁴⁰ In addition, Complainant learned that any party aggrieved by an order of the Commission dismissing
 24 a complaint ... or by a failure of the Commission to [timely] act on such a complaint... may file a petition
 25 with the United States District Court for the District of Columbia. 52 USC §30109(a)(8)(A). And if the
 26 court declares that the Commission’s dismissal or failure to act were contrary to law, it may direct the
 27 Commission to conform with the court’s declaration; failing which Complainant may bring, in his own
 28 name, a civil action to remedy the violation involved in the original complaint. 52 USC §30109(a)(8)(C).

⁴¹ Complainant understands that the Commission has an “Enforcement Priority System” using formal,
 pre-determined scoring criteria to allocate agency resources and assess whether particular matters
 warrant further administrative enforcement proceedings. The present matter scores extremely high on
 all criteria. Complainant will include a brief synopsis of these scores at the end of the attached
 Memorandum of Points and Authorities.

1 commence a civil action for relief in a federal district court of the United States. 52 USC
2 §30109(a)(6)(A).

3 B. Determine that as a result of the conduct of respondents, and each of them, there
4 is reason to believe (as well as probable cause to believe) that one or more violations of
5 election law regulations has occurred or is about to occur (11 CFR §111.4(a)), and that the
6 Commission authorize its General Counsel to commence a civil action for relief in an
7 appropriate court of the United States. 11 CFR §111.19(b);

8 C. Require respondents, and each of them, to pay a civil penalty for violations of the
9 Act in the amounts set forth in 52 USC §30109(a)(5)(A) and/or §30109(a)(5)(B); or,
10 alternatively, pay civil penalties pursuant to 11 CFR §111.24. (Assuming that the value of
11 the "sweeping and systematic" in-kind contributions by foreign nationals in this case are
12 estimated at a very conservative \$750,000, the civil penalty under §111.24(a)(1) would be
13 \$750,000; and under subsection 11 CFR §111.24(a)(2)(i) would be \$1,500,000).

14 D. Determine that as a result of the conduct of respondents, and each of them,
15 there is reason to believe (as well as probable cause to believe) that one or more knowing
16 and willful violations of the Act which is subject to 52 USC §30109(d) has occurred, and/or
17 is about to occur, and that the Commission refer such apparent violations to the Attorney
18 General of the United States for further proceedings. 52 USC 30109(a)(5)(C);

19 E. Institute a civil action for relief, seeking both civil penalties and a permanent or
20 temporary injunction, restraining order, or any other appropriate order in the District Court
21 of the United States (52 USC §30109(a)(6)(A)) enjoining respondents, and each of them,
22 from committing violations of the Act or its regulations during the presidential campaign of
23 2020 on the grounds that there has been a proper showing that respondents and each of
24 them have committed and/or are about to commit a violation of the Act. 52 USC
§30109(a)(6)(B);

25 F. Institute a civil action for relief, seeking civil penalties from respondents, and each
26 of them, for having committed knowing and willful violations of the Act pursuant to 52 USC
27 §30109(a)(6)(C). (Assuming that the value of the "sweeping and systematic" in-kind
28

1 contributions by foreign nationals in this case are estimated at a very conservative
2 \$750,000, the civil penalty under §30109(a)(6)(C) would be \$1,500,000); and,

3 G. Find that respondents, and each of them, knowingly and willfully committed one
4 or more violations of the Act which involved the making, receiving, or reporting of
5 contributions, donations, or expenditures and/or other things of value, subjecting them to
6 the fines under Title 18 of the U.S. Code [Crimes and Criminal Procedure] or imprisonment
7 for not more than 5 years, or both, as set forth in 52 USC §30109(d)(1)(A)(i).

8 **V. CONCLUSION**

9 As noted at the outset, this Complaint touches on matters at the heart of our nation.
10 We are at a crossroads moment in American history which will define the future of the
11 country. The Chair of the FEC stated recently, "Let me make something 100 percent clear
12 to the American public and anyone running for public office: It is illegal for any person to
13 solicit, accept, or receive anything of value from a foreign national in connection with a
14 U.S. election." Succinct and well-put. To maintain our sovereignty and autonomy, we
15 cannot allow foreign governments to undermine our democracy.

16 But lip-service to these high-minded platitudes and principles is not enough. To
17 honor them, we need to defend them. Or else we will lose them. It is said that as the
18 Constitutional Convention came to an end in Philadelphia a lady asked Benjamin Franklin
19 what kind of government we would have, a republic or a monarchy. He replied, "A
20 republic, madam, if you can keep it." In our long, great history – even during the Civil War
21 – Americans have never doubted the republican nature of their government. We have
22 always been sure, at our core, that we are a democratic nation. Until now.

23 Dated: 7/15/2019

RESPECTFULLY SUBMITTED,

24
25 Russell S. Kussman

26 I, Russell S. Kussman, hereby declare, swear, and affirm, under penalty of perjury
27 that the allegations, facts, and statements made in the above Amended Verified Complaint
28

1 are true of my own personal knowledge or I believe them to be true to the best of my
2 knowledge, information and belief. I have made a good faith effort to identify in the text
3 those items that are of my own personal knowledge; the remaining allegations are made
4 upon knowledge, information and belief. Sworn pursuant to 18 U.S.C. §1001.

5 Dated: 7/15/2019

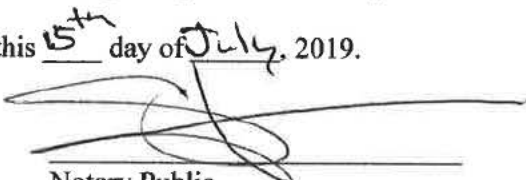
6 
7 Russell S. Kussman, Complainant

8
9
10 **COMMONWEALTH OF MASSACHUSETTS**

11 Suffolk ss.

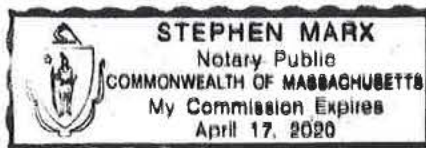
12 On this 15th day of July, 2019, before me, the undersigned notary public, personally appeared
13 Russell S. Kussman and proved to me through satisfactory evidence of identification, being driver's
14 license or other state or federal governmental document bearing a photographic image, ___ oath or
15 affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal
16 knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged
17 the foregoing Amended Verified Complaint to be signed by him voluntarily for its stated purpose.

18 Subscribed and sworn to before me this 15th day of July, 2019.

19 

20 Notary Public
21 *Qualified in the Commonwealth of Massachusetts*

22 My Commission Expires: April 17, 2020



Attachment A



Office of the Deputy Attorney General
Washington, D.C. 20530

ORDER NO. 3915-2017


APPOINTMENT OF SPECIAL COUNSEL
TO INVESTIGATE RUSSIAN INTERFERENCE WITH THE
2016 PRESIDENTIAL ELECTION AND RELATED MATTERS

By virtue of the authority vested in me as Acting Attorney General, including 28 U.S.C. §§ 509, 510, and 515, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election, I hereby order as follows:

- (a) Robert S. Mueller III is appointed to serve as Special Counsel for the United States Department of Justice.
- (b) The Special Counsel is authorized to conduct the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including:
 - (i) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and
 - (ii) any matters that arose or may arise directly from the investigation; and
 - (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).
- (c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters.
- (d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

Date

5/17/17


Rod J. Rosenstein
Acting Attorney General

Attachment C

(Public)



U. S. Department of Justice

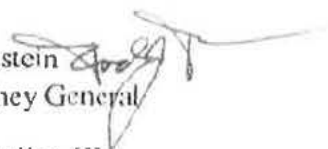
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 2, 2017

MEMORANDUM

FROM: Rod J. Rosenstein 
Acting Attorney General


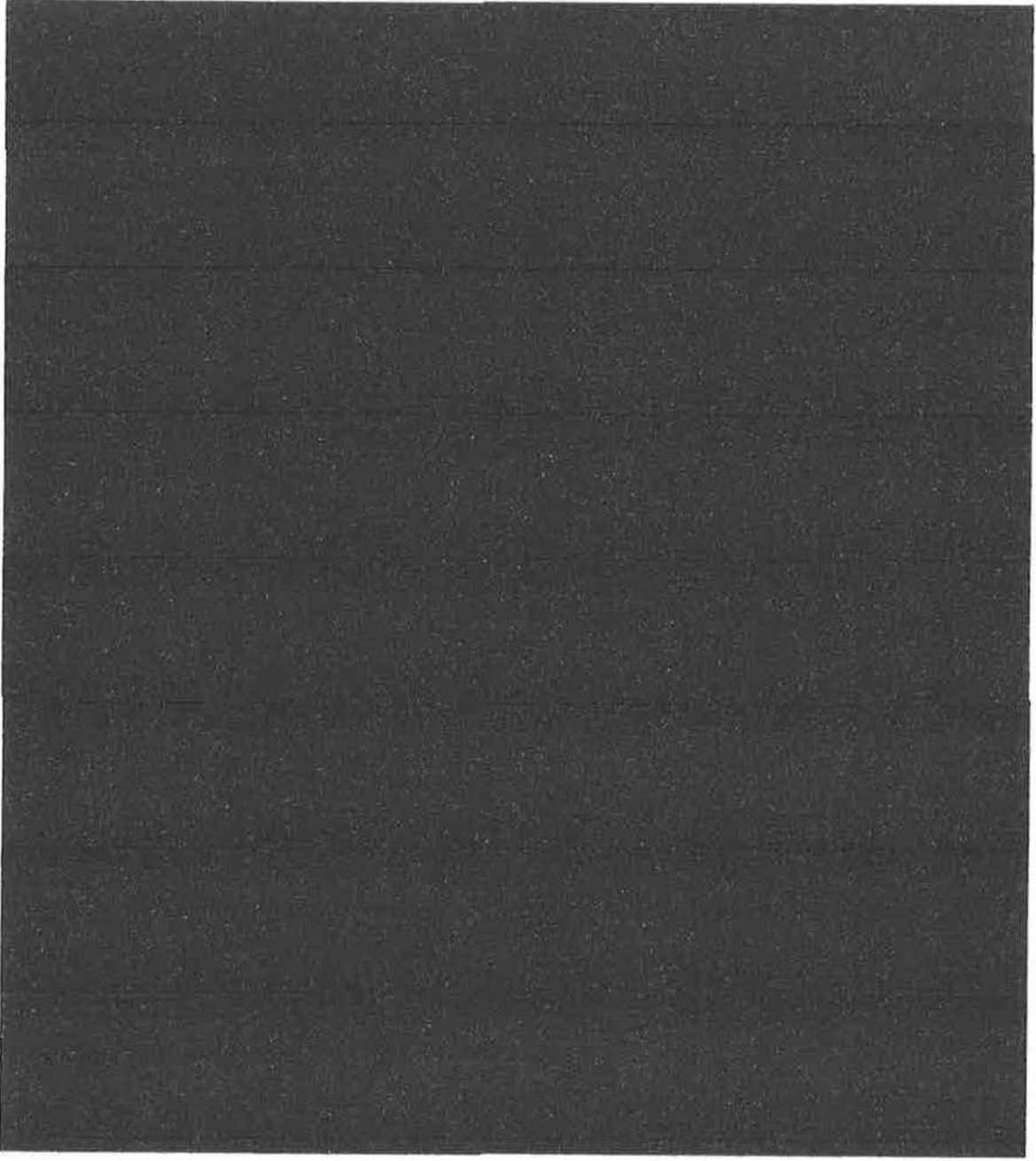
TO: Robert S. Mueller, III
Special Counsel


RE: The Scope of Investigation and Definition of Authority

On May 17, 2017, I issued an order entitled "Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters," appointing you to serve as Special Counsel for the United States Department of Justice. Order No. 3915-2017 (the Order). The Order authorized you to conduct "the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including: (1) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and (2) any matters that arose or may arise directly from that investigation" (the Investigation). Order ¶¶ (b)(i) and (ii).

The May 17, 2017 order was worded categorically in order to permit its public release without confirming specific investigations involving specific individuals. This memorandum provides a more specific description of your authority. The following allegations were within the scope of the Investigation at the time of your appointment and are within the scope of the Order:




- 
- Allegations that Paul Manafort:
 - Committed a crime or crimes by colluding with Russian government officials with respect to the Russian government's efforts to interfere with the 2016 election for President of the United States, in violation of United States law;
 - Committed a crime or crimes arising out of payments he received from the Ukrainian government before and during the tenure of President Viktor Yanukovich;
- 



You therefore have authority to continue and complete the investigation of those matters, and additional matters described in 28 C.F.R. § 600.4(a). For additional matters that otherwise may have arisen or may arise directly from the Investigation, you should consult my office for a determination of whether such matters should be within the scope of your authority.

If you determine that additional jurisdiction is necessary in order to fully investigate and resolve the matters assigned, or to investigate new matters that come to light in the course of your investigation, you should follow the procedures set forth in 28 C.F.R. § 600.4(b).



Kristina Portner

From: Jeff Jordan
Sent: Tuesday, July 09, 2019 9:16 AM
To:
Cc: Mary Beth deBeau; Kristina Portner
Subject: Complaint Concerning Kussman v. Trump

Mr. Kussman:

I attempted to call the number found in your complaint, but the line doesn't seem to be recording calls. Please note that your complaint appears to be deficient since you used the California Notary form for Acknowledgments versus the Affirmations form. The Act and Commission regulations require an affirmation or "sworn to" statement in the presence of a notary. We cannot determine that this requirement was followed in this instance. In your filing, the sworn statement is located on a separate page and the notary has his own sworn statement on the Acknowledgement page. The best way to cure this defect is to swear or affirm in the presence of the Notary and have the notary attest to the affirmation in his presence.

Please resubmit your filing and we will be happy to process it in the normal course.

Thank you,

Jeff S. Jordan
Assistant General Counsel
Complaints Examination and Legal Administration
Federal Election Commission
(202) 694-1552

**Russell Steven Kussman, M.D., J.D.
Judge, Los Angeles Superior Court (Ret.)
1158 26th Street, #473
Santa Monica, California 90403**

June 27, 2019

Via Federal Express

Office of the General Counsel
Federal Elections Commission
1050 First Street NE
Washington, D.C. 20463

re: Verified Complaint – *Kussman v. Trump*

Dear Sir or Madam:

Pursuant to 52 U.S.C. §30109(a) and 11 C.F.R. §111.4(a), enclosed please find the Complaint I am filing with the Federal Election Commission relating to the presidential election of 2016. The Complaint has been verified, sworn to, and notarized. I am also enclosing three (3) copies for your convenience.

I understand from the CFR and your guidelines that you will be giving notice to the Respondents. However, if this is incorrect, please let me know. Also, kindly advise me if the Complaint does not comply with the statutory and/or regulatory requirements, so I can make any necessary changes and/or corrections. Otherwise, I look forward to learning what recommendations you make to the Commission, and its subsequent actions.

Thank you for your attention to this matter.

Very Truly Yours,



Russell S. Kussman, M.D., J.D.

1 Russell S. Kussman
 2 1158 26th Street, #473
 3 Santa Monica, California 90403

4
 5 **ENFORCEMENT DIVISION**
 6 **FEDERAL ELECTION COMMISSION**

7
 8 Russell S. Kussman,
 9 Complainant,

Case No.:

10 vs.

VERIFIED COMPLAINT

(with attachments)

11 Donald J. Trump, President of the
 12 United States; Donald J. Trump, Jr.;
 13 Paul Manafort; Jared Kushner; Donald
 14 J. Trump for President, Inc.; The
 15 Donald J. Trump Presidential
 16 Campaign Committee 2016,

Violation of 52 U.S.C. §30101, et. seq.
 Violation of 11 C.F.R. §100, et. seq.

AND DOES 1 TO 100,

Application for Injunctive Relief

52 U.S.C. §30109(a)(6)(A)&(B)
 52 U.S.C. §30107(a)(6)
 11 CFR §111.4; 11 CFR 111.19

17 Respondents

18
 19 **I. INTRODUCTION**

20
 21 A century-and-a-half before the United States fought a revolution to throw off the
 22 shackles of a tyrannical English King, John Winthrop gave a sermon declaring that the new
 23 Massachusetts Bay Colony would be a "Shining City upon a Hill," providing a light to a
 24 world longing for liberty. Over 300 years later, Ronald Reagan happily agreed, stating he
 25 believed there was some "divine plan that placed this great continent between two oceans
 26 to be sought out by those who were possessed of an abiding lover of freedom." Our
 27 Founding Fathers were wary of foreign powers and foreign influence. They drafted a
 28 Constitution that required the president to be a "natural born citizen" and barred foreigners
 from holding certain offices. U.S. Constitution, Art. I, §2, para. 2 and § 3, para. 3; Art. II, §1,

1 para. 5. The founders were so distrustful of monarchies that they forbid the granting of any
2 "Titles of Nobility" in the new nation, and determined that no public servant "shall ... accept
3 any present, Emolument, Office, or Title of any kind whatsoever, from any King, Prince, or
4 foreign state." U.S. Constitution, Art. I, §9, para. 8.

5 The Monroe Doctrine drew a red line that set the tone for the years to come. The
6 United States would not interfere with matters outside the Americas, and it would expect
7 European countries to refrain from creating new colonies or meddling in the affairs of the
8 New World. In other words, Monroe said to the world, "stay out of our business."

9 The fierce desire of the new nation to protect its sovereignty and autonomy has been
10 a constant thread throughout our history. This has been especially true when it comes to
11 attempts by other countries to interfere with our elections. As the Chair of the Federal
12 Election Commission, Ellen Weintraub, said recently, "This is not a novel concept...our
13 Founding Fathers sounded the alarm about 'foreign interference, intrigue, and influence.'
14 They knew that when foreign governments seek to influence American politics, it is always
15 to advance their own interests, not America's." See, [https://www.msn.com/en-
16 us/news/politics/fec-chair-responds-to-trump-saying-hed-accept-foreign-intel-on-opponent-
17 it-is-illegal/ar-AACQjaT?ocid=spartandhp](https://www.msn.com/en-us/news/politics/fec-chair-responds-to-trump-saying-hed-accept-foreign-intel-on-opponent-it-is-illegal/ar-AACQjaT?ocid=spartandhp)

18 Prohibiting foreign nations and foreign nationals¹ from participating in our democracy
19 has been a long-standing principle in both our history and our jurisprudence, endorsed by
20 all branches of government. In 1966, Congress sought to limit foreign influence over
21 American elections by prohibiting agents of foreign governments and entities from making
22 contributions to candidates. See, Pub.L. No. 89-486, § 8, 80 Stat. 244, 248-49 (1966). In
23 1974, Congress expanded that ban and barred contributions to candidates from all "foreign
24 nationals," defined as all foreign citizens except lawful permanent residents of the United
25 States. See, Federal Election Campaign Act Amendments of 1974, Pub, L. No. 93-443, §
26 101(d), 88 Stat. 1263, 1267. In 2002, Congress passed, and President George W. Bush
27 signed, legislation that...strengthened the prohibition on foreign financial involvement in
28

¹ "Foreign national" means a "foreign principal" as defined by 22 U.S.C. §611(b), which includes "a government of a foreign country, a foreign political party, and a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country. 52 U.S.C. §30121(b). The term is used in that sense throughout this Complaint.

1 American elections. See Bipartisan Campaign Reform Act of 2002, Pub.L. No. 107–155, §
2 303, 116 Stat. 81, 96.²

3 Our judiciary has also recognized the danger of foreign interference and has followed
4 the lead of the legislative and executive branches. In *Bluman v. Federal Election*
5 *Commission* (2011) 800 F.Supp.2d 281, the court explained the “straightforward principle”
6 involved as follows:

7 “It is fundamental to the definition of our national political community that foreign
8 citizens do not have a constitutional right to participate in, and thus may be
9 excluded from, activities of democratic self-government. It follows, therefore, that
10 the United States has a compelling interest ... in limiting the participation of
11 foreign citizens in activities of American democratic self-government, and in
12 thereby preventing foreign influence of the U.S. political process.”

13 *Bluman, supra.* at 288 (Kavanaugh, J.), *aff’d*, 565 U.S. 1104 (2102).³

14 Our Supreme Court has weighed in, protecting the need to keep our elections free
15 from foreign influence. It opined in 1978 that “a State’s historical power to exclude aliens
16 from participation in its democratic political institutions [is] part of the sovereign’s obligation
17 to preserve the basic conception of a political community.” *Foley v. Connelie*, (1978) 435
18 U.S. 291, 295-296. The high court recognized that the “distinction between citizens and
19 aliens, though ordinarily irrelevant to private activity, is *fundamental to the definition and*
20 *government of a State...*” *Ambach v. Norwick* (1979) 441 U.S. 68, 75, cited by *Bluman,*
21 *supra.* at 287-288 [emphasis in original]. The court affirmed this basic tenet a few years
22 later, stating that the “exclusion of aliens from basic governmental processes is not a
23 deficiency in the democratic system but a *necessary consequence of the community’s*
24 *process of political self-definition.*” *Cabell v. Chavez-Salido* (1982) 454 U.S. 432, 439,
25 cited by *Bluman, supra.* at 288 [emphasis in original].

26 The courts have described the “compelling interest that justifies Congress in
27 restraining foreign nationals’ participation in American elections – namely, preventing
28

29 ² Throughout this Complaint, the aforementioned statutory scheme will be alternatively referred to as
30 “The Code” or “The Act” or “The Election Code.”

31 ³ Part of the analysis in *Bluman* dealt with First Amendment considerations, which are not directly
32 relevant here.

1 foreign influence over the U.S. Government...” *Bluman, supra.* at 290. Simply put, our
2 national interest and security demand that “the right to govern is reserved to citizens.”
3 *Foley, supra.* at 297.

4 In today's world, our sovereignty is threatened from many sides – Globalization of the
5 world economy; the rise of foreign powers with anti-democratic values and systems; the
6 power of international banking institutions and the escalation of trade disputes; worldwide
7 crypto-espionage that spies on governments and businesses; and migration of refugees,
8 are just some of the factors chipping away at American autonomy and independence. Yet
9 the problems caused by all of these factors combined pale in comparison to the loss of
10 liberty, freedom, and independence we would suffer if we abandon the long-held principles
11 that have protected America from foreign domination since its founding. If we ignore, or
12 even minimize, the peril inherent in allowing foreign nationals to gain influence over our
13 political processes; if we fail to appreciate that foreign interference in our elections could
14 destroy our democracy, and even threaten Western civilization as we know it, then
15 government of the people, by the people, and for the people, may yet perish from the
16 earth.⁴

17 **II. FACTUAL ALLEGATIONS**

18 **A. Preliminary Matters:**

19 1. The allegations contained herein are made on information and belief,
20 unless stated otherwise in the text. Many of the allegations are based upon evidence,
21 facts, and findings of Special Counsel Robert Mueller III (hereinafter “Mueller” or “the SC”),
22 as set forth in his Report (hereinafter “Mueller Report” or “MR”), released on April 18,
23 2016.⁵ In turn, the allegations in the report are based upon facts and evidence cited
24 therein, which were obtained during and through the Special Counsel’s investigation.

25 ⁴ In a June 27, 2019 interview with the *Financial Times*, Russian President Vladimir Putin said “the
26 liberal idea” – the dominant western ideology since the end of WWII – has “outlived its purpose” and
27 “has become obsolete.” See, <https://www.ft.com/content/670039ec-98f3-11e9-9573-ee5cbb98ed36>

28 ⁵ The full (redacted) Mueller Report can be accessed at It can be accessed on Kindle at
https://www.amazon.com/s?k=Muller+report&rh=n%3A154606011&ref=nb_sb_noss

1 Therefore, they have a sound factual foundation.⁶ The source of facts or allegations
2 obtained from other sources will be identified in the text.⁷

3 1A. The core functions of the Federal Election Commission (“FEC”) include,
4 among other things, enforcing the campaign finance laws through audits, investigations,
5 and civil litigation. See, Guidelines for Complainants and Respondents on the FEC
6 Enforcement Process, p. 4.

7 2. Complainant reserves the right to amend his Complaint to add additional
8 allegations, facts, claims, and/or respondents in case of the discovery of evidence. He
9 also reserves the right to add additional complainants, if necessary and appropriate.

10 3. Complainant is an American citizen who is informed and believes, and
11 thereon alleges, that violations of the Election Code, including, but not limited to, Title 52,
12 Subtitle III – Federal Campaign Finance Act (52 U.S.C. §30101, et. seq.), occurred during
13 the 2016 presidential election campaign as a result of the acts, behavior, and conduct of
14 the respondents, and each of them.

15 Complainant is also informed and believes, and thereon alleges, that
16 respondents, and each of them, are about to commit such violations again, and that they
17 are about to occur in the upcoming 2020 presidential election campaign. Complainant’s
18 standing and statutory authority to file this complaint is set forth in 52 U.S.C. §30109(a), as
19 well as 11 C.F.R. §111.4 (a).

21 ⁶ The Mueller Report states that it “describes actions and events that the Special Counsel’s office
22 found to be supported by evidence collected in [their] investigation.” MR 2. However, the actual
23 underlying evidence has not been released by the Justice Department, even to Congress.

24 ⁷ When Attorney General William Barr concluded that the underlying evidence in the Mueller
25 Report did not reach the threshold to charge the president with obstruction of justice, he did not
26 review the underlying evidence upon which the report was based. Instead, he “accepted the
27 statements in the report as the actual record” and accepted them as accurate. He described this
28 approach as “standard practice in which officials of the Department of Justice often rely on the
characterization of the evidence uncovered during an investigation.” See, AG Barr’s sworn
testimony before the Senate Judiciary Committee on 5/1/2019 at [https://thehill.com/policy/national-
security/441643-barr-says-he-didnt-review-underlying-evidence-of-mueller-report](https://thehill.com/policy/national-security/441643-barr-says-he-didnt-review-underlying-evidence-of-mueller-report)

1 4. Respondent Donald J. Trump (hereinafter "Trump") is the President of the
2 United States and was head of his 2016 election committee "Donald J. Trump Presidential
3 Campaign Committee 2016." Donald J. Trump, Jr. is President Trump's son; Jared
4 Kushner is the President's son-in-law; and Paul Manafort served as President Trump's
5 campaign chairman from June through August 2016.

6 https://en.wikipedia.org/wiki/Paul_Manafort

7 All of the above respondents were agents or employees of Donald J. Trump
8 and/or his 2016 Presidential Campaign Committee (the "committee"). Complainant is
9 informed and believes, and thereon alleges, that at all times relevant hereto, each and
10 every respondent was acting as an agent of each and every other respondent, within the
11 course and scope of said agency.

12 5. As used herein, "Trump" refers to both the individual who is President of
13 the United States as well as his agents who worked on his 2016 campaign (including but
14 not limited to respondents herein) – unless identified differently in the text.

15 **B. President Trump and his campaign solicited, accepted, and received**
16 **contributions, donations, or other things of value from agents of the Russian**
17 **government during the 2016 Presidential campaign, in violation of 52 U.S.C.**
18 **30121(a) and 11 C.F.R. §110.9 and §110.20**⁸
19

20 6. The Russian government interfered in the 2016 presidential election in a
21 "sweeping and systemic fashion" in an effort to influence the election 2016 in favor of
22 Trump and against Hillary Clinton. MR 1, 5, passim. There were two main operations.
23 First, a Russian entity carried out a social media campaign (the "Active Measures")

24
25 ⁸ It is not complainant's intent to list all facts and evidence supporting the allegations that Trump
26 and his campaign solicited, accepted, or received things of value from foreign nationals in violation
27 of both the Act and the regulations. There is overwhelming evidence in that regard. After all, part
28 1 of the Mueller Report alone is nearly 200 pages long. But these illustrative examples are more
than sufficient to show that civil and criminal violations occurred, and that they require action by the
Federal Election Commission.

1 campaign) that favored presidential candidate Trump and disparaged presidential
2 candidate Clinton. This was spearheaded by the Internet Research Agency (IRA), which
3 was designed to provoke and amplify political and social discord in the United States and
4 sow discord in our political system through "information warfare." MR 4. Second, a
5 Russian intelligence service conducted computer-intrusion operations (the "Hacking and
6 Dumping Operation) against entities, employees, and volunteers working on the Clinton
7 Campaign and then released the stolen documents. MR 1. This operation was carried out
8 by the General Staff of the Russian Army (the "GRU"), which released the stolen emails
9 through the organization WikiLeaks. MR 4.

10 7. Numerous links between individuals tied to the Russian Government and
11 the Trump campaign were identified in the Special Counsel's investigation. See, e.g., MR
12 1, 9, 65, 173. The Special Counsel's investigation established that the Russian
13 government perceived it would benefit from a Trump presidency and worked to secure that
14 outcome. MR 1, 5. For its part, the Trump campaign "showed interest" in the materials
15 hacked by Russia and "welcomed" their potential damage to candidate Clinton. MR 4-5
16 [emphasis added].

17 8. The Special Counsel's investigation also established multiple contacts
18 ("links") between the Trump campaign and individuals tied to the Russian government (MR
19 66), who offered assistance to the campaign. MR 5, 173. Trump was "receptive" to these
20 offers in some instances and shied away in others. MR 173 [emphasis added].

21 9. The Special Counsel explicitly states in the Mueller Report that his
22 investigation "'established'...that the [Trump] Campaign expected it would 'benefit'
23 electorally from information stolen and released through Russian efforts..." MR 1-2,
24 5, 183 [emphasis added].

25 10. In looking to fulfill his mandate to investigate any coordination between
26 the Russian government and the Trump campaign, the Special Counsel sought to
27 determine whether Trump's conduct was a violation of federal criminal law chargeable
28 under Department of Justice ("DOJ") guidelines. MR 8. Since he could not prove there
had actually been an agreement (tacit or express) between Trump and the Russian
government (MR 2), the SC concluded he had not established that the Trump campaign
coordinated with them in their election interference activities. MR 2. This conclusion
rested on the SC's express belief that proving coordination "require[d] **more than** the two

1 parties taking actions that were informed by or responsive to the other's actions or
2 interests."⁹ MR 2 [emphasis added]. The SC takes pain to point out, however, that "[a]
3 statement that the investigation did not establish particular facts does not mean there was
4 no evidence of those facts."¹⁰ MR 2.

5 10. Between approximately May 25, 2016 and June 1, 2016, GRU officers
6 accessed the mail server of the Democratic National Committee ("DNC") from a GRU-
7 controlled computer leased inside the United States. During these connections, [GRU]
8 officers appear to have stolen thousands of emails and attachments, which were later
9 released by WikiLeaks in July 2016. MR 40-41.

10 11. On June 9, 2016, Donald J. Trump, Jr., Paul Manafort, and Jared
11 Kushner, among others, met with a Russian attorney (among others) in Trump Tower
12 expecting to receive derogatory information from the Russian government about Hillary
13 Clinton. Donald Trump Jr. had been told by an intermediary that the Russian "Crown
14 prosecutor" offered Trump some official documents and information that would incriminate
15 Clinton and her dealings with Russia as "part of Russia and its government's support to
16 Mr. Trump." MR 185. Donald Trump Jr. was also told that this involved "very high level
17 and sensitive information" that "would be very useful to [Trump Jr.'s] father." Id. Donald
18 Trump, Jr. responded to this offer of assistance from Russia and its government by saying,
19

20 ⁹ As will be shown below, this mistaken belief was the loose thread that ultimately unraveled the
21 SC's in-depth and otherwise meticulous investigation. In truth, proving coordination requires **less**
22 **than** the two parties "taking actions that were informed by or responsive to the other's actions or
23 interests." Under our election statutes, it is unlawful to solicit, accept or receive things of value
24 from foreign nationals that are designed to influence a federal election, period. Full stop. Such
25 violations can occur without any coordination between the parties at all. See, 52 USC §30121(a).
26 *A fortiori*, no agreement or conspiracy is necessary for wrongdoing to occur.

27 ¹⁰ The SC also points out that there were gaps in the information or testimony he did receive; that
28 he was unable to interview President Trump himself; and that some associates of the Trump
campaign deleted relevant communications using applications that feature encryption or that do
not provide for long-term retention of data or communications records. MR 10. Therefore, he
"[could not] rule out the possibility that the unavailable information would shed additional light on
(or cast in a new light) the events described in the report." Id.

1 "if it's what you say, I love it..." MR 110, 113, 185. The meeting took place on June 9,
2 2016 and Kushner and Manafort were invited to attend.¹¹

3 12. On June 14, 2016, just five days after the June 9 meeting in Trump
4 Tower, a cybersecurity firm and the DNC announced that Russian government hackers
5 had infiltrated the DNC and obtained access to opposition research on candidate Trump,
6 among other documents. MR 6. Also on June 14, 2016, @dcleaks (a Twitter account
7 used by the GRU) sent a direct message to @WikiLeaks, noting, "You announced your
8 organization was preparing to publish more Hillary's emails. We are ready to support you.
9 We have some sensitive information too, in particular, her financial documents. Let 's do it
10 together. What do you think about publishing our info at the same moment? Thank you."
11 MR 45.

12 13. The next day, June 15, 2016, the GRU, through its Guccifer 2.0
13 WordPress blog, began releasing to the public documents stolen from the DNC and DCCC
14 computer networks. MR 43. Releases were organized around thematic issues, such as
15 specific states (e.g., Florida and Pennsylvania) that were perceived as competitive in the
16 2016 U.S. presidential election. MR 43.

17 14. Complainant is informed and believes, and thereon alleges, that when
18 respondents (including but not limited to Donald Trump, Jr., Jared Kushner, and Paul
19 Manafort), met with Russian nationals on June 9, 2016 they knew the Russians had
20 promised to provide very high level and sensitive information (e.g., "opposition research")
21 on Hillary Clinton that would be damaging to her campaign and useful to Trump. This was
22 a "thing of value" to Trump. The law explicitly prohibits foreign nationals from expressly or
23 impliedly making such promises and/or providing such things of value in connection with
24 any federal campaign. 52 USC §30121(a)(1); 11 CFR §110.20(b).

25 15. The law also provides that it is unlawful for anyone to "solicit" a thing of
26 value from a foreign national in connection with a federal campaign.¹² 52 USC

27 ¹¹ Manafort (unlike most in Trump's inner circle) was an experienced political operative with a long
28 history in election campaigns. In making arrangements for the June 9 meeting, he allegedly
warned the group that the meeting likely would not yield vital information and "they should be
careful." MR 115.

¹² "Solicit" means to "ask, request, or recommend, explicitly or implicitly, that another person make
a contribution, donation, transfer of funds, or otherwise provide anything of value." Construed as

1 §30121(a)(2); 11 CFR §110.20(g). Here, Donald Trump, Jr. agreed to set up the meeting
2 in response to Russian promises to provide “dirt” on Hillary Clinton. By replying “I love it,”
3 Donald Trump, Jr. not only confirmed that the “dirt” was a “thing of value,” he also sent a
4 clear message soliciting that “thing of value” from the Russians. Complainant alleges that
5 the above conduct constitutes a knowing solicitation of a thing of value from a foreign
6 national, in violation of 52 UCS §30121(a)(2) and 11 CFR §110.20(g).

7 Complainant further alleges that no one in the Trump campaign notified the
8 FBI or any other law enforcement or national security agency about the June 9 Trump
9 Tower meeting, or any of the other Russian links and overtures described herein, that took
10 place during the 2016 campaign – even though they were illegal and designed to
11 undermine a federal election for president. In fact, the Trump campaign officials (identified
12 in paragraph 14, above) actually chose to participate in the meeting hoping to receive
13 something of value from the Russians, in violation of 52 USC §30121(a)(2) and 11 CFR
14 110.20(g). They attended knowingly and willfully.¹³ This was a violation of 52 USC
15 30109(d)(1)(a) and gives rise to criminal penalties.

16 16. Trump himself did more than accept and receive the benefit of Russia’s
17 illegal interference. He actually invited it. He publicly solicited Russia’s help. Complainant
18 has personal knowledge of the following facts, and also is informed and believes that they
19 are true. Trump made Hillary Clinton’s “missing” emails a major issue in his presidential
20 campaign, publicly threatening to prosecute her if he were elected, and encouraging his
21 followers to chant “Lock her up!” at his campaign rallies. On July 27, 2016, Trump gave a
22 press conference in Florida at which he made the following remark: “Russia, if you’re
23 listening, I hope you’re able to find the 30,000 [Clinton] emails that are missing...”¹⁴

24 reasonably understood in the context in which it is made, “a solicitation contains a clear message
25 asking, requesting, or recommending that another person ... provide anything of value.” 11 CFR
26 300.2(m); 11 CFR §300.2(m).

27 ¹³ The fact that Trump campaign chairman Paul Manafort warned the participants “they should be
28 careful” at the meeting further suggests they were aware that the meeting was likely to involve
illegal activity. MR 115.

¹⁴ By this time, the Trump campaign had had numerous contacts with individuals acting on behalf
of the Russian government in its efforts to help Trump get elected. MR 66 et. seq. Nevertheless,
at the Florida press conference, he characterized “this whole thing with Russia” as “total deflection”

1 17. Based upon information and belief, Complainant alleges that within
2 approximately 5 hours of Trump's statement soliciting Russia's assistance in finding the
3 so-called missing emails, GRU officers for the first time targeted Clinton's personal office.
4 MR 49; MR Part 2, p. 19, fn. 36. The Special Counsel did not find evidence of any GRU
5 attempts to compromise Clinton's accounts prior to that time. MR 49.

6 18. Complainant further alleges that the series of events described above in
7 paragraphs 14 through 17 demonstrate that Trump solicited assistance (e.g., things of
8 value) from foreign nationals bent on influencing the 2016 election in his favor, in violation
9 of 52 USC §30121(a)(2) and 11 CFR §110.20. In this context and under these
10 circumstances, his conduct must have been knowing and willful. Therefore, it gives rise to
11 substantial civil and criminal penalties pursuant to 52 USC §30109(a)(1).

12 19. Complainant further alleges that the series of events described above also
13 demonstrates that Trump and the Russian operatives were acting in cooperation,
14 consultation, or concert with each other during the 2016 campaign. Although not
15 necessary in order to prove wrongdoing, their actions fit the definition of "coordination"
16 found in the election regulations.¹⁵ (11 CFR 109.20(a)). They do not, however, fit the
17 definition of "conspiracy," since conspiracy requires an agreement between the parties.¹⁶

18 that was "farfetched" and "ridiculous." MR part 2, p. 18. And he repeated five times that "I have
19 nothing to do with Russia" (MR, part 2, p. 19), asserting that "the closest [he] came to Russia was
20 that Russians may have purchased a home or condos from him." *Id.*

21 ¹⁵ In the regulations, "coordinated" means "made in cooperation, consultation or concert with, or at
22 the request or suggestion of, a candidate, a candidate's authorized committee, or a political party
23 committee." 11 CFR §109.20 (a). An agreement or formal collaboration "is not required" in order to
24 meet the definition of coordination. 11 CFR §109.21(e).

25 ¹⁶ The SC points out that "coordination" – the term used in his Appointment Order – does not have
26 a settled definition in federal criminal law. But his team "understood" coordination to require an
27 agreement, just like conspiracy. MR 2. This is contrary to the definition in the regulations (11 CFR
28 109.20(a)), which states that no agreement or formal collaboration is required for parties to
coordinate their efforts. Cooperation, consultation, working in concert (or requesting or suggesting
that they do), is sufficient. 11 CFR §109.21(e). Since conspiracy requires an agreement but
coordination does not, the SC's focus on conspiracy in analyzing questions of joint criminal liability
(see, MR 2) widely missed the mark. A person can violate election law *with or without* conspiracy,
coordination, cooperation, acting in concert, or having an agreement. Especially where, as here,
soliciting, accepting, or receiving illegal assistance from foreign nationals *did* occur, the law was

1 20. On March 29, 2016, respondent Paul Manafort joined the Trump
2 campaign to serve as "Convention Manager," and was promoted to campaign chairman
3 and chief strategist on May 19. MR 134. Manafort had had previous dealings with
4 Konstantin Kilimnik, a Russian national who lived in Russia and Ukraine and was a
5 longtime Manafort employee. MR 132. Manafort's assistant Richard Gates suspected the
6 Kilimnik was a "spy." MR 134. The FBI assessed that Kilimnik had ties to Russian
7 intelligence. MR 133. Gates testified that in April 2016 and early May 2016 Manafort
8 instructed him to send the Trump campaign's internal polling data to Kilimnik, to share with
9 Ukrainians. MR 136. According to Gates, Manafort had him periodically send such polling
10 data to Kilimnik via WhatsApp; Gates then deleted the communications on a daily basis.
11 Id.

12 21. Kilimnik sent emails to U.S. associates and press contacts between late
13 July and mid-August of 2016 which referenced "internal polling," described the status of
14 the Trump Campaign and Manafort's role in it, and assessed Trump's prospects for victory.
15 MR 137.

16 22. Manafort met twice with Kilimnik in person during the campaign period,
17 once in May and once in August. On May 7 in New York City, Manafort briefed Kilimnik on
18 the Trump campaign. MR 138. On July 31, Kilimnik wrote Manafort from Kiev, saying that
19 he needed "about two hours" for their meeting "because it was a long ... story to tell." The
20 second meeting took place at dinner in New York at the Grand Havana Club on August 2,
21 2016. MR 139.

22 23. At the dinner, at least three principle topics were discussed. The first
23 involved a plan for resolving the crisis in Ukraine. Manafort initially told investigators that
24 "if he had not cut off the discussion, Kilimnik would have asked Manafort to convince
25 Trump to come out in favor of the peace plan." MR 140. The second topic involved
26 Manafort briefing Kilimnik on the state of the Trump Campaign and Manafort's plan to win
27 the election. That briefing encompassed the campaign's messaging and its internal polling
28 data. According to Gates, it also included a discussion of "battleground" states such as

clearly violated. 52 USC §30121; 11 CFR 110.20(a-i). And since the violations were knowing and willful, they give rise to criminal, as well as civil, liability. 52 USC §30121; 11 CFR 110.20(a-i).

1 Michigan, Wisconsin, Pennsylvania, and Minnesota.¹⁷ MR 140. After the meeting, Gates
2 and Manafort left separately from Kilimnik because they wanted to avoid media reporting
3 on his connections to Kilimnik. MR 141.

4 24. Complainant alleges that the Manafort-Kilimnik meetings demonstrate that
5 Trump's campaign manager had links to a foreign national with ties to Russian intelligence,
6 and that the two of them shared information about the Trump campaign. This is further
7 compelling evidence that the Trump campaign unlawfully solicited, accepted, and received
8 election assistance (i.e., things of value) from foreign agents. Moreover, it demonstrates
9 that there were "links" between high-level Trump officials and Russians regarding
10 management of the campaign; that Trump officials shared secret and valuable polling data
11 with Russians; and that part of their discussions included a possible tit-for-tat arrangement
12 involving the Ukraine crisis. It also demonstrates that the Trump campaign coordinated
13 with a person who was thought to be part of Russian intelligence. MR 132 – 141. All of
14 these acts reveal conduct that violates both the letter and the spirit of campaign finance
15 law, as set forth in 52 USC 30121 and 11 CFR 110.20.

16 As already noted, neither coordination nor conspiracy with foreign nationals is
17 required in order for a campaign to run afoul of our election laws. But proof that the parties
18 cooperated with each other, consulted each other, or worked in concert with each other –
19 for which there is overwhelming, and largely unrefuted, evidence – is relevant to whether
20 respondent's unlawful acts were knowing and willful, thus giving rise to criminal penalties.

21 **C. In the 2016 campaign, Trump obtained valuable assistance from Russian**
22 **agents to help him in the election, but his campaign failed to file the required**
23 **reports regarding this assistance with the FEC, in violation of Election Law**

24 25. Complainant hereby realleges and incorporates by reference paragraphs
25 1 through 24, above.

26 26. Neither coordination nor conspiracy (nor "collusion"¹⁸) is required for an
27 American candidate to run afoul of campaign finance law. As the Chair of the Federal

28 ¹⁷ The third topic involved financial disputes relating to Manafort's previous work in the region.

¹⁸ Like coordination, collusion is "not a specific offense or theory of liability found in the U.S. Code; nor is it a term of art in federal criminal law." MR 180. The SC decided that collusion "is largely

1 Elections Committee pointed out on June 13, 2019, it should go without saying that “it is
2 illegal for any person to solicit, accept, or receive anything of value from a foreign national
3 in connection with a U.S. election.” See, FEC Statement Regarding Illegal Contributions
4 from Foreign Governments, June 13, 2019. The Chair recognized that “when foreign
5 governments seek to influence American politics, it is always to advance their own
6 interests, not America’s.”¹⁹ Id. Perhaps it for this reason that Congress did not include a
7 “state of mind” requirement regarding the prohibition of foreign involvement. By its terms,
8 the Act does not require that a person must act knowingly or willfully in order to violate the
9 statute. Indeed, it does not even require a finding of negligence before finding a violation.
10 It is enough that a person solicited, accepted, or received a thing of value from a foreign
11 national.²⁰ However, the penalties vary, depending on the extent of a person’s knowledge
12 of and/or involvement with prohibited acts. Here, the conduct of Trump and his campaign
13 reveals they not only violated the Act and its regulations, but they did so knowingly and
14 willfully.

15 27. Complainant further alleges that, even though coordination between
16 Trump and the Russians was not necessary in order to find unlawful conduct occurred,
17 numerous actions by Trump demonstrate that he and his campaign *did* coordinate their
18 activities with Russian operatives. The regulations state that coordination means “made in
19 *cooperation, consultation or concert with, or at the request or suggestion of, a candidate*
20 *[or] a candidate’s authorized committee...*” 11 CFR 109.20(a) [emphasis added]. As

21 synonymous with conspiracy as that crime is set forth in the general federal conspiracy statute, 18 USC
22 §371.” MR 180. Therefore, the SC’s office “evaluated potentially criminal conduct that involved the
23 collective action of multiple individuals *not under the rubric of ‘collusion,’ but through the lens of*
24 *conspiracy law.*” Id. [italics added]. This was a serious error that prevented the SC’s investigation from
25 fulfilling his purpose.

26 ¹⁹ The FEC chair also pointed out that “[e]lectoral intervention from foreign governments has been
27 considered unacceptable since the beginnings of our nation” and is not a “novel concept.” Citing a
28 1787 letter from John Adams to Thomas Jefferson, she explained that from the beginning “[o]ur
Founding Fathers sounded the alarm about ‘foreign Interference, Intrigue, an Influence.’” FEC
Statement, June 13, 2019.

²⁰ The regulations, however, do require that the person act knowingly. 11 CFR 110.20. And before
charging the person with a crime, the Act requires both knowing and willful conduct. 52 USC 30109(d).

1 regards coordinated communications, the regulation expressly provides that an
2 “[a]greement or formal collaboration” is not required. 11 CFR 109.21(e).

3 28. Complainant alleges that much of the conduct described in Section B,
4 above, also reveals coordination between the Trump campaign and the Russians.

5 Examples include:

6 a. Between May 25, 2016 and June 1, 2016 Russian intelligence
7 personnel hacked the DNC mail server, stealing thousands of emails and attachments.

8 MR 40-41.

9 b. Prior to June 9, 2016, discussions, correspondence, and planning
10 for a Trump Tower meeting took place between Donald Trump, Jr. and various
11 intermediaries acting on behalf of the Russian government;

12 c. Donald Trump, Jr., Jared Kushner and Paul Manafort attended the
13 June 9, 2016 meeting in Trump Tower;

14 d. Five days after the June 9th meeting it was discovered that the
15 Russian government had hacked the DNC and the DCCC computer networks. And the
16 next day, the Russians began publicly releasing documents stolen from them. MR 41.

17 e. Paul Manafort, a high-ranking official of the Trump campaign, met
18 physically on at least two occasions with a Konstantin Kilimnik, who was thought to be a
19 Russian spy. They shared important inside information regarding the Trump campaign
20 and also discussed trying to resolve the crisis in Ukraine – a matter of great importance to
21 Russia.²¹

22 f. On July 27, 2016, Trump publicly solicited Russia's help in finding
23 “dirt” on Hillary Clinton (“Russia, if you’re listening....”). Within approximately 5 hours of
24 Trump's statement hoping that Russia could find her “missing” emails, Russian officers
25 targeted Clinton's office for the first time. MR Part 2, p. 19; MR 49.

26 29. Complainant alleges that the above examples of links between Trump and
27 Russia are more than sufficient to prove that Trump “cooperated, consulted, and/or acted
28 in concert” (i.e., “coordinated”) with Russian nationals in order to obtain important

²¹ When Trump was asked at a press conference if he would recognize Crimea as Russian territory and consider lifting sanctions, he replied, “We'll be looking at that. Yeah, we'll be looking.” MR part 2, l. 19

1 information and other things of value to influence the 2016 election in Trump's favor. But
2 lest there be any doubt, Complainant alleges the following additional examples:

3 a. Donald Trump Jr. had numerous interactions with WikiLeaks
4 regarding the Russian hacking and dumping efforts. MR 59-60. In September and
5 October 2016, he exchanged multiple emails with WikiLeaks. For example, on October
6 12, WikiLeaks sent an email to Donald Trump, Jr. with a link (wlsearch.tk) that would help
7 Trump dig through leaked emails, and it also informed him that "we just released Podesta
8 emails Part 4." Two days later, Donald Trump Jr. publicly tweeted the wlsearch.tk link.
9 MR 59.

10 b. On October 7, 2016, the Washington Post published an *Access*
11 *Hollywood* video that captured comments by candidate Trump making graphic statements
12 about women. MR 58. The tape was widely expected to adversely affect the Trump
13 campaign. Less than an hour after the video's publication, WikiLeaks released the first set
14 of emails stolen by Russia from the account of Clinton Campaign chairman John Podesta.
15 Id. A Trump associate said he was convinced that his efforts had caused WikiLeaks to
16 release the emails when they did. MR 59.

17 c. After the election in November 2016, Russian Deputy Foreign
18 Minister Sergei Ryabkov said in an interview with the Interfax News Agency that "there
19 were contacts" with the Trump team "during the election campaign."
20 See, <https://www.nytimes.com/2016/11/11/world/europe/trump-campaign-russia.html>
21 Ryabkov's statement drew a swift denial from Trump spokesman Hope Hicks. See,
22 [https://www.washingtonpost.com/world/moscow-had-contacts-with-trump-team-during-](https://www.washingtonpost.com/world/moscow-had-contacts-with-trump-team-during-campaign-russian-diplomat-says/2016/11/10/28fb82fa-a73d-11e6-9bd6-184ab22d218e_story.html?utm_term=.fe8cfc9b34d5)
23 [campaign-russian-diplomat-says/2016/11/10/28fb82fa-a73d-11e6-9bd6-](https://www.washingtonpost.com/world/moscow-had-contacts-with-trump-team-during-campaign-russian-diplomat-says/2016/11/10/28fb82fa-a73d-11e6-9bd6-184ab22d218e_story.html?utm_term=.fe8cfc9b34d5)
24 [184ab22d218e_story.html?utm_term=.fe8cfc9b34d5](https://www.washingtonpost.com/world/moscow-had-contacts-with-trump-team-during-campaign-russian-diplomat-says/2016/11/10/28fb82fa-a73d-11e6-9bd6-184ab22d218e_story.html?utm_term=.fe8cfc9b34d5)

25 On Bloomberg News, a Russian Foreign Ministry spokesman said
26 staffers at the Russian Embassy in Washington met with members of Trump's campaign,
27 which she claimed was normal practice. According to the Russian Foreign Ministry, Hillary
28 Clinton's campaign refused similar requests for meetings with them. Id.

30. Complainant further alleges that the aforementioned examples of the
conduct of Trump and his campaign officials is compelling evidence that respondents not
only violated the prohibitions against obtaining things of value from foreign nationals in an
attempt to influence an American presidential campaign, but that they did so willfully and

1 knowingly,²² in coordination with agents of the Russian government.²³

2 31. Having received valuable assistance from Russians by coordinating with
3 them during the campaign,²⁴ Trump was required to report the receipt of that assistance to
4 the FEC.²⁵ See, 11 CFR 100 et. seq.; 11 CFR 109.20(b). Complainant alleges on
5 information and belief that Trump did not report, and has not reported, that his campaign
6 received things of value from Russian nationals during the election of 2016. The failure to
7 file the required reports triggers liability under 52 USC 30104, et. seq. and 11 CFR 110.1,
8 et. seq., among other election law provisions. Complainant also alleges on information
9 and belief that the failure to file the necessary reports resulted in the Trump campaign
10 concealing and/or covering-up its receipt of unlawful assistance from a foreign power.
11 Under those circumstances, respondents acted knowingly and willfully, in violation of 52
12 USC §30109(d)(1)(A) and criminal penalties are called for.
13
14
15

16
17 ²² Actual knowledge is not required. The regulations (11 CFR 110.20(a)(4)) define the term:

18 *Knowingly* means that a person must:

- 19 (i) Have actual knowledge that the source of the funds solicited, accepted or received is a
20 foreign national;
21 (ii) Be aware of facts that would lead a reasonable person to conclude that there is a substantial
22 probability that the source of the funds solicited, accepted or received is a foreign national; or
23 (iii) Be aware of facts that would lead a reasonable person to inquire whether the source of the
24 funds solicited, accepted or received is a foreign national, but the person failed to conduct a
25 reasonable inquiry.

26 ²³ The Special Counsel identified and indicted numerous Russian operatives who were involved in
27 either the "hacking and dumping" operation" or the "social media" operation. (See, *United State of*
28 *America v. Netyksho*, filed 7/13/18 and *United States of America v. Internet Research Agency*, filed
2/16/18).

²⁴ After WikiLeaks began releasing the emails the Russians stole from Clinton and the DNC, Trump
frequently cited them at his rallies, exclaiming "I love WikiLeaks!"

²⁵ An expenditure that is coordinated with a third party must be reported as an expenditure made by the
candidate. 11 C.F.R. §109.20(b).

1 **D. Expeditious Injunctive Relief is necessary because President Trump now**
2 **says he believes obtaining things of value from foreign nationals to assist in**
3 **his re-election campaign is appropriate. In light of the upcoming presidential**
4 **campaign, he must be enjoined from doing so.**

5 32. Complainant realleges paragraphs 1 through 31, above, and incorporates
6 them herein by reference.

7 33. The Commission may take action when there is “probable cause to
8 believe that any person has committed, or is *about to commit*, a violation of [the] Act.” 52
9 USC §30109(a)(4)(i) [italics added]. The Act also gives the FEC authority to commence a
10 civil action seeking civil penalties as well as injunctive relief. 52 USC §30109(a)(6)(A); 52
11 USC §30107(a)(6); see, also, 11 CFR 111.19. And a court may grant “a permanent or
12 temporary injunction, restraining order, or other order ... upon a proper showing that the
13 person involved has committed, or *is about to commit* ... a violation of the Act...” 52 USC
14 30109(a)(6)(B)[italics added].

15 34. Complainant alleges, upon information and belief based upon President
16 Trump’s own words and admissions, that he “about to commit” a violation of the election
17 code and the regulations promulgated thereunder by soliciting, accepting, and/or receiving
18 things of value from foreign sources. This allegation is based in part on the following facts:

19 a. As demonstrated in the preceding sections, Trump and the other
20 respondents violated election law during his 2016 campaign by accepting, receiving,
21 and/or soliciting valuable assistance from Russian operatives;

22 b. Trump won the 2016 election and was sworn into office in January
23 2017.

24 c. Shortly prior to the filing of this Complaint, Trump expressly stated
25 that he sees no reason not to accept, receive, or solicit valuable assistance from foreigners
26 in the upcoming 2020 election. See, Partial Transcript of Trump interview with George
27 Stephanopolous, dated June 16, 2016, attached hereto as Attachment “A” and
28 incorporated by reference.

 d. In the aforementioned interview, Trump makes it clear that he
believes it is appropriate to accept damaging information on an opponent through “oppo
research,” even if it comes from a foreign source. Id.

1 e. When informed that the FBI Director says the FBI should be notified
2 of such overtures from a foreign source, Trump responded, "The FBI Director is wrong."
3 Id.

4 f. Trump now believes that "oppo research" from foreign countries is
5 not "interference," it is "information" that he would receive or accept. Id. He expressed no
6 concern that such "information" is intended to improperly and unlawfully influence an
7 election for federal office. 52 USC §30101(8)(A); 52 USC §30101(9)(A).²⁶

8 g. When Trump was directly asked "if this time around (i.e., the 2020
9 election) foreigners, if Russia, if China, if someone else offers [him] information on
10 opponents" he would accept it, he responded, "There's nothing wrong with listening" and "I
11 think I'd want to hear it." ²⁷ Id. (See, Attachment "A"). Since it is common knowledge
12 (publicly and repeatedly confirmed by U.S. Intelligence agencies) that Russia and other
13 nations *do* plan to interfere with the upcoming presidential campaign, this statement by
14 Trump threatens to undermine the integrity of the 2020 electoral process and, at the same
15 time, is an invitation to Russia and other maleficent foreign actors to do the same.

16 35. Trump recently launched his 2020 presidential campaign, which is about
17 to get underway. [https://www.nytimes.com/2019/05/31/us/politics/trump-reelection-](https://www.nytimes.com/2019/05/31/us/politics/trump-reelection-campaign-2020.html)
18 [campaign-2020.html](https://www.nytimes.com/2019/05/31/us/politics/trump-reelection-campaign-2020.html)

19 36. Based upon the above facts, the FEC (or Complainant) will be able to
20 make a proper showing that Trump is "about to commit" violations of the Act as his
21 campaign gets underway (if he has not already done so).²⁸ Thus, injunctive relief is both
22 available and necessary. 52 USC §30109(a)(6)(B).

23 ²⁶ Our courts have identified the compelling interest Congress has in restraining foreign nationals'
24 participation in American elections – namely, *preventing foreign influence* over the U.S.
25 Government. *Bluman, supra.* at 290 (Kavanaugh, J., for three-judge court) [italics added].

26 ²⁷ Perhaps the president forgot his strenuous efforts to obstruct the investigation into possible
27 collusion between himself and Russia. See, MR part 2. After all the denials and disavowals, after
28 all the claims of a witch hunt and a hoax, it now turns out that it's okay to accept opposition
research from Russia or China (i.e., to collude with them).

²⁸ News reports have already disclosed that Trump's personal attorney Rudy Giuliani recently
traveled to Ukraine to try to influence a criminal investigation allegedly involving the son of Joe
Biden, one of Trump's major opponents. Surely, Giuliani was trying to solicit a thing of value from

1 37. Complainant alleges that immediate injunctive relief is necessary
2 because:

3 i. There is no adequate “remedy at law” (i.e., money damages) since, if
4 the violations occur again, they cannot be undone by court action. The only adequate,
5 effective remedy is prevention;

6 ii. Irreparable harm will be done if Trump is allowed to again obtain
7 unlawful assistance from foreign nationals, since once re-elected he would be sworn in as
8 president for another four years;

9 iii. The potential harm done to Trump, if any, by issuing an injunction
10 would be minimal, since being required to comply with the law cannot be considered an
11 unreasonable burden. But the potential harm done by *not* issuing an injunction is serious
12 and substantial – that is, the election of a president who achieved victory while secretly
13 obtaining illegal assistance from a foreign power promoting its interests, not America's.²⁹

14 In balancing the equities, a court would find that ordering injunctive relief is
15 reasonable and prudent, and required for under the circumstances.

16 38. Complainant requests that the FEC institute a civil action seeking
17 injunctive relief as well as civil penalties, pursuant to 52 USC §30109(a)(6)(A) and 11 CFR
18 §111.19(b).³⁰ An court-ordered injunction would enjoin Trump and his campaign from
19 soliciting, accepting, or receiving assistance (i.e., anything of value) from foreign nationals
20 designed to influence the outcome of the election in 2020. It would merely be prohibitory,
21 requiring him to refrain from violating the law. In that sense, it would simply maintain the
22 (presumed) status quo through the 2020 election.

23 a foreign government in order to influence the outcome of the 2020 election in Trump's favor.
24 (Shortly after news of the trip was reported, Giuliani discontinued his efforts).

25 ²⁹ Of course, this already happened in 2016. How serious and substantial the harm was is a
26 question beyond the scope of this Complaint. But there is no justification for allowing it to happen
27 again. One is reminded of the saying, “Fool me once, shame on you. Fool me twice, shame on
28 me.”

³⁰ Without the support of the FEC, Complainant may be required to file a petition in the U.S. District
Court. 52 USC §30109(a)(8)(A). And failing that, be obligated to “bring [his own]... a civil action to
remedy the violation[s] involved in the original complaint.” 52 USC §30109(a)(8)(C).

1 39. Based upon the facts and circumstances described above, Complainant
2 alleges that Trump and the other respondents knowingly and willfully committed violations
3 of provisions of the Act which involved the making, receiving, or reporting of contributions,
4 donations, and/or expenditures. Since this conduct is criminal under 52 USC §30109(d),
5 Complainant requests that the FEC refer the apparent violations to the Attorney General of
6 the United States pursuant to 52 USC §30109(a)(5)(C).

7 **III. PROCEDURAL CONTEXT**

8 A brief summary of the procedural posture of this matter is in order, so as to help the
9 Commission assess and evaluate both the facts and the inferences to be drawn therefrom.
10 And to distinguish the Commission's duties from the duties of both the DOJ and the
11 Congress of the United States.³¹

12 A review of the procedural history will also provide perspective on how an original
13 counterintelligence investigation got distorted and morphed into a criminal investigation
14 with ambiguous parameters and mandates. It is important to explore how the Mueller
15 investigation got "side-tracked" into focusing on conspiracy as set forth in the federal
16 criminal code – rather than scrutinizing violations of election law. Election laws protect
17 broader principles bearing on national security, autonomy, and the very nature of our
18 democratic processes. The long, winding procedural journey that the Justice Department
19 embarked upon sheds light on how the SC's report – perhaps accurate and valid for what
20 its authors were allowed to accomplish – unfortunately missed the forest for the trees when
it came to providing to the nation what it needed to know.

21 A. Summer 2016: The FBI begins a counterintelligence investigation into Russian 22 interference in the presidential election

23 In the first half of 2016, the FBI became suspicious that the Russian government was
24 attempting to establish links to the Trump campaign and influence the outcome of the
25

26 ³¹ The FEC, of course, is not bound by the analyses or conclusions of the Special Counsel.
27 However, his report may assist the Commission in expeditiously reaching its own conclusions
28 regarding statutory and regulatory violations.

1 upcoming presidential election in his favor. On July 31, 2016, “based on ... foreign
2 government reporting, the FBI opened an investigation into potential coordination between
3 the Russian government and individuals associated with the Trump campaign.” MR 1, 5-6.
4 The reasons for the FBI’s suspicion and investigation are set forth in the Special Counsel’s
5 report (MR 5-6) but are beyond the scope of this Complaint. They are controversial and
6 will not be reviewed in detail here.³²

7 The counterintelligence investigation was disclosed by FBI Director James Comey in
8 his testimony before the House Intelligence Committee on March 20, 2017. MR 8. He
9 testified that he had “been authorized by the Department of Justice to confirm that the FBI,
10 as part of our counterintelligence mission, is investigating the Russian government’s efforts
11 to interfere in the 2016 presidential election, and that includes investigating the nature of
12 any *links* between individuals associated with the Trump campaign and the Russian
13 government and whether there was any coordination between the campaign and Russia’s
14 efforts...” MR 8 [italics added]. Comey added that “[a]s with any counterintelligence
15 investigation, this will also include an assessment of whether any crimes were committed.”
16 Id. Thus, the investigation began primarily as a counterintelligence inquiry looking into

16 ³² Much has been made of claims the FBI was “spying” on the Trump campaign, and that the initial
17 decisions regarding surveillance of the campaign were politically motivated, thereby invalidating
18 the entire investigation and the evidence it produced. This argument appears to rest on the legal
19 doctrine of “fruit of the poisonous tree.” In the criminal justice setting, evidence obtained through
20 improper or illegal police methods (the “poisonous tree”) can be excluded from criminal trials. But
21 this is an exclusionary rule designed to deter and/or punish police and investigators from using
22 improper or illegal methods – even if the evidence obtained is valid and compelling. The rule is
23 important, designed to protect and vindicate constitutional rights under the IVth Amendment. But it
24 does not apply here. This is not a criminal trial. Here, the body politic is concerned about that
25 happened during the 2016 election; whether the president’s election was obtained illegally and/or
26 fraudulently; whether foreign interference will happen again; and whether, even now, our national
27 security may be compromised.

28 If the evidence of links between Trump and Russia was obtained improperly, or solely with a
political motive, the public should know about it. Those who obtained evidence illegally should be
disciplined or otherwise held accountable. Perhaps laws or rules need to be changed to
discourage such conduct in the future. But if the evidence of Russian links to an American
president is otherwise valid, there is no reason to exclude it from Congressional or public
consideration. We should not condone surveillance or investigations by law enforcement that are
improper or unconstitutional. But in the political arena, where the integrity of our election process,
and democracy itself, is at risk, we discount evidence of electoral wrongdoing at our peril.

1 possible foreign interference in our democratic processes and “links” to the Trump
2 campaign – *not* as a criminal investigation looking at whether federal criminal laws were
3 broken.

4 B. May 2017: Trump fires FBI Director James Comey and a Special Counsel is
5 appointed

6 On May 9, 2017, Trump fired Director Comey. On May 17, 2017, Acting Attorney
7 General Rod Rosenstein appointed Robert Mueller III as Special Counsel. Rosenstein’s
8 Appointment Order stated that he wanted to “ensure a full and thorough investigation of
9 the Russian government’s efforts to interfere in the 2016 presidential election.” (See,
10 Appointment of Special Counsel, Order No. 3915-2017, attached hereto as Attachment “B”
11 and incorporated by reference). The Order authorized Mueller to “conduct the
12 investigation confirmed by then-FBI Director James B. Comey in his testimony before [the
13 House Intelligence Committee],” including “any *links and/or coordination* between the
14 Russian government and individuals associated with the campaign of President Donald
15 Trump.” Id. [italics added]. The Order does not say anything about conspiracy between
16 the Russians and the Trump campaign. But it did authorize the Special Counsel to
investigate “any matters that arose or may arise directly from the investigation.” Id.

17 Rosenstein’s Order also authorized the SC to investigate “any other matters within
18 the scope of 28 CFR §600.4(a).” Id. But section 600 has three subsections. Subsection
19 (a) gives a Special Counsel jurisdiction to “investigate and prosecute federal crimes
20 committed in the course of, and with the intent to interfere with, the Special Counsel’s
21 investigation, such as perjury, obstruction of justice, destruction of evidence and
22 intimidation of witnesses.” Subsection (b) says that “if, in the course of his or her
23 investigation the Special Counsel concludes that additional jurisdiction beyond ... [the]
24 original jurisdiction is necessary in order to fully investigate and resolve the matters
25 assigned, or to investigate new matters that come to light in the course of his or her
26 investigation, he or she shall consult with the Attorney General, who will determine
27 whether to include the additional matters within the Special Counsel’s jurisdiction or assign
28 them elsewhere..” And subsection (c) applies when, in the course of a special counsel’s
investigation he or she “determines that administrative remedies, civil sanctions or *other*

1 *governmental action outside the criminal justice system* might be appropriate.” 28 CFR
2 600.4(c) [italics added].

3 In his initial Appointment Order, Rosenstein gave Mueller jurisdiction under
4 subsection (a) only. Several months later, on August 2, 2017, Rosenstein issued a
5 memorandum to Mueller (which was largely redacted prior to being released to the public).
6 The memorandum was entitled “The Scope of Investigation and Definition of Authority,”
7 and provided Mueller with a more specific description of his investigative authority. See,
8 Memorandum of August 2, 2017, attached hereto as Attachment “C” and incorporated by
reference. This memorandum was noteworthy in at least three respects:

9 -- *First*, it confirmed that the initial Appointment Order in May 2017 gave Mueller
10 jurisdiction to investigate allegations that Paul Manafort “committed a crime or crimes by
11 colluding with Russian government officials with respect to the Russian government’s
12 efforts to interfere with the 2016 election for President of the United States, in violation of
13 United States law.” See, Attachment “C”. Rosenstein again says nothing about
14 “conspiracy,” and nothing about whether an agreement between Trump and the Russians
15 was required in order for their conduct to be considered criminal. But he must believe
16 collusion is a federal crime – after all, he explicitly asks the SC to look into the allegations
17 that Manafort “*committed a crime or crimes by colluding*” with Russian government
officials.

18 However, Rosenstein fails to define “collusion.” And according to Mueller, collusion
19 “is not a specific offense or theory of liability found in the U.S. Code; nor is it a term of art
20 in federal criminal law.” MR 180. Absent a working definition, Mueller went ahead and
“applied the framework of conspiracy law, not the concept of ‘collusion.’” MR 2.

21 This same problem existed regarding Mueller’s definition of “coordination,” which was
22 used in Rosenstein’s initial Appointment Order.” Mueller noted in his report that, “like
23 collusion, ‘coordination’ does not have a settled definition in federal criminal law.” (MR 2)
24 As a result, his “office’s focus in analyzing questions of joint criminal liability was on
conspiracy as defined by federal law.” MR 2.

25 Special Counsel Mueller concluded that “collusion is largely synonymous with
26 conspiracy as that crime is set forth in the general federal conspiracy statute, 18 USC
27 §371.” MR 180; MR 2. So even though the Acting Attorney General charged him with
28 looking into coordination and/or collusion, and never used the term conspiracy or said it

1 applied, Mueller chose to evaluate any potential joint criminal liability conduct “not under
2 the rubric of ‘collusion,’ but through the lens of conspiracy law.”³³ MR 180.

3 Rosenstein and Mueller were using critical terms differently. The former thought
4 “collusion” was a crime; Mueller thought it could be a crime only if it encompassed an
5 agreement (i.e., a conspiracy) between the parties to commit the crime.³⁴ This led to
6 needless confusion and, ultimately, the SC’s failure to fully meet his mandate.³⁵

7 -- *Second*, Rosenstein’s August memorandum said that if Mueller determined that his
8 jurisdiction needed to be broadened beyond the May, 2017 Order so he could fully
9 investigate and resolve matters within his original jurisdiction or investigate new matters
10 that came to light in the course of his investigation, he “shall consult the (Acting) Attorney
11 General, who will determine whether to include the additional matters within the Special
12 Counsel’s jurisdiction or assign them elsewhere.” See, 28 CFR §600.4(b) and Rosenstein
13 memorandum, attached as Attachment “C.” This method of expanding the SC’s jurisdiction
14 is authorized by 28 CFR §300.4(b), which Rosenstein cited in his memorandum. It gave
15 Mueller the opportunity to seek broader jurisdiction if he thought it was warranted.

16 -- *Third*, Rosenstein’s Order and his memorandum gave Mueller jurisdiction to
17 proceed pursuant to subsections (a) and (b) of §600.4 *only*. It did not give him authority to
18 proceed pursuant to subsection (c). Subsection (c) says that “[i]f in the course of his or her
19 investigation the Special Counsel determines that administrative remedies, civil sanctions
20 or *other governmental action outside the criminal justice system* might be appropriate, he

21 ³³ One can readily see that the initial counterintelligence investigation regarding Russian
22 interference and “links” to the Trump campaign metamorphosized into “coordination” between the
23 Russians and Trump; and then “collusion” between them, and then finally, “conspiracy.” Thus, the
24 bar was repeatedly raised higher and higher – until absent the most nefarious state of mind,
25 wrongdoing by Trump and his campaign could not be “established,” despite blatant and multiple
26 acts that violated laws designed to protect federal elections.

27 ³⁴ The SC said he did not establish that the contacts with Russia amounted to “an *agreement to*
28 *commit*” a violation of federal law; therefore, he did not charge any individual associated with the Trump
campaign with “*conspiracy to commit*” a federal offense. MR 181. As if simply violating the law or
committing the offense were not enough by themselves.

³⁵ As far as is publicly known, Mueller never asked Rosenstein to clarify what he meant by the
terms “coordination” or “collusion,” or to define them with any precision. Instead, the SC defined
them himself. But his definition was so high and narrow that a presidential candidate and his
associates were able to slip beneath it despite obvious acts of wrongdoing.

1 or she shall consult with the Attorney General with respect to the appropriate component to
2 take any necessary action.” 28 CFR §600.4(c) [italics added]. It goes on to say, “A
3 Special Counsel shall not have civil or administrative authority unless specifically granted
4 such jurisdiction by the Attorney General.” *Id.*

5 Rosenstein’s August memorandum makes no mention of subsection (c). Therefore,
6 if Mueller *did* determine that governmental action outside the criminal justice system
7 (impeachment?) was appropriate, he *was* not given authority to consult with anyone about
8 it. By denying Mueller even the limited authority available under subsection (c),
9 Rosenstein said implicitly that when it came to “governmental action outside the criminal
10 justice system,” Mueller should “not even think about it.”³⁶

11 But the Special Counsel had something to say on the topic. In his unprecedented
12 televised public statement to the nation on May 29, 2019, Mueller raised the issue directly.
13 He explained that he could not charge the president with a federal crime because he was
14 required to follow a long-standing Department of Justice policy holding that “the
15 Constitution requires a process *other than the criminal justice system* to formally accuse a
16 sitting president of wrongdoing.” See, SC’s Statement on Investigation into Russian
17 Interference in the 2016 Election, May 29, 2019 at
18 [https://www.justice.gov/opa/speech/special-counsel-robert-s-mueller-iii-makes-statement-
19 investigation-russian-interference](https://www.justice.gov/opa/speech/special-counsel-robert-s-mueller-iii-makes-statement-investigation-russian-interference)

20 It was apparent that Mueller had considered the possibility of going outside the
21 criminal justice system. By presenting the issue in his nationally televised statement, he
22 let the country know that because the Constitution requires a process *other than the
23 criminal justice system* to formally accuse a sitting president of wrongdoing, “[c]harging the
24 President with a crime was ... not an option we could consider.”³⁷ *Id.*

25 ³⁶ The SC was likewise denied the authority to determine if administrative remedies or civil
26 sanctions might be appropriate, as well. See, 28 CFR §600.4(c). This Complaint, however,
27 requests both administrative remedies and civil sanctions, as provided by law.

28 ³⁷ If the SC believed Trump had not committed a crime, there would have been no reason for him
to even mention methods “outside the criminal justice system” as a means to hold him
accountable. Methods “inside” the criminal justice system would have been adequate. Indeed, the
SC said that if he had confidence that the president clearly had not committed a crime, he would so
state. MR part 2, p. 8. Thus, Mueller’s televised statement implies he *did* determine that

1 C. April 2019: The Special Counsel issues his Report

2 After nearly two years of investigation, multiple guilty pleas and at least one jury
3 verdict, the SC completed his report. It was sent to the Attorney General in March 2019,
4 and a redacted version was released to the public on April 18, 2019. Its findings,
5 comments, and conclusions are referred to frequently in this Complaint, and its entire
6 contents are incorporated herein by reference.³⁸

7 The report is detailed, thorough, and compelling. It is divided into two parts: Part 1
8 deals with Russia's sweeping and systematic efforts to interfere with our 2016 presidential
9 election and its interactions with the Trump campaign during that time. Part 2 deals with
10 Trump's multiple obstructive efforts to derail or impede the investigation into the election.
11 The Mueller report is supported by innumerable citations and references to reliable
12 documentary and testimonial evidence. And its summary of the facts, and inferences to be
drawn from them, generally appear sound.

13 But as noted, the initial counterintelligence investigation had evolved into a criminal
14 investigation. The counterintelligence aspect of the investigation – its primary purpose –
15 seems to have fallen by the wayside.³⁹ The remaining investigation focused on whether
16 Trump or members of his campaign committed federal crimes – either by conspiring with
17 Russians or by attempting to obstruct the FBI's or the Special Counsel's investigations.
18 This raises a thorny issue because the regulations enabling a Special Counsel are not
19 designed to have him or her investigate counterintelligence matters. Rather, the regulation
20 states that he or she will be appointed when the Attorney General "determines that *criminal*
investigation of a person or matter is warranted..." 28 CFR 600.1 [italics added].
21 Counterintelligence is not covered.

22 governmental action outside the criminal justice system might be appropriate. But because of
23 Rosenstein's orders and DOJ policies, he was precluded from even consulting with the (Acting)
24 Attorney General about it.

25 ³⁸ As noted above, the (redacted) Mueller Report can be accessed at It can be accessed on Kindle
at https://www.amazon.com/s?k=Muller+report&rh=n%3A154606011&ref=nb_sb_noss

26 ³⁹ Despite multiple requests by the House Intelligence Committee, the Department of Justice has
27 not publicly revealed what became of the counterintelligence investigation which started the
28 inquiry. It refuses to provide information or even say whether it is still open or has been closed.

1 Perhaps it is no wonder, then, that Mueller focused on the criminal aspect of this
2 matter, rather than pursuing the FBI's "counterintelligence mission" described by Director
3 Comey to Congress in March of 2017. But the counterintelligence mission looking for
4 foreign interference in our democracy was the primary reason the original investigation.
5 Arguably, it is far more important to discover foreign interference in an American
6 presidential campaign, and/or another country's potential undue influence over an
7 American president, than it is to discover whether particular individuals committed a
8 criminal violation of election law – as important as the latter may be.⁴⁰ Changing the
9 counterintelligence investigation into a criminal one, then determining that no action would
10 be recommended or taken unless the serious federal crime of conspiracy could be proven
11 beyond a reasonable doubt, was an invitation to ambiguity and confusion.

11 D. The law gives any person the right to file a Complaint with the FEC when they
12 believe a violation of the Act has occurred, and to petition the Federal District Court if he or
13 she is aggrieved by the Commission's subsequent action or inaction

14 Following the release of the redacted Mueller report, as well as public comments
15 made by the Justice Department and the Special Counsel, Complainant became
16 concerned. He believed critical issues were raised by the Trump campaign's conduct
17 during the election of 2016, and recognized the inapplicability of the Mueller Report to its
18 initial counterintelligence purpose. The report did make clear that numerous Russians had
19 broken our laws, interfered with the election, and compromised our democratic processes
20 (for which many of them were indicted) . And it also made clear that Trump and his
21 campaign operatives were intimately involved with Russia's malfeasance. But as thorough
22 as the Mueller report was in some regards, it did not adequately answer the question of
23 whether Trump or his campaign had violated our election laws and were criminally or civilly
24 liable; whether they are planning to do the same thing again in 2020; or whether a process
25 "outside the criminal justice system" would be appropriate under the circumstances.

25 Based upon the findings of the Mueller Report (which AG Barr relied upon to base
26 many of his conclusions as related to the Congress (see, supra.)), it is clear that Trump

27 ⁴⁰ It is well-recognized, for example, that national security concerns sometimes impede criminal
28 prosecutions when necessary under the circumstances.

1 unlawfully violated various provisions of the Act and the regulations – *regardless of*
2 whether an agreement or conspiracy between Trump and the Russians could be proven in
3 a criminal trial. Some of these violations call for civil sanctions and fines; some call for
4 injunctive relief; some call for criminal charges; and some call for governmental action
5 outside the criminal justice system. One way or another, they demonstrate that the
6 election of 2016 was compromised by the unlawful acts of both the Russian government
7 and President Trump and his campaign. If half the facts and findings contained in the
8 Mueller Report are true, there can be no doubt about that.

9 Complainant recently discovered that the statutes provide that “any person who
10 believes a violation of [the] Act ... has occurred may file a complaint with the Commission.”
11 52 USC 30109(a)(1). The applicable regulation states: “Any person who believes a
12 violation of any statute or regulation over which the Commission has jurisdiction *has*
13 *occurred or is about to occur* may file a complaint in writing to the General Counsel of the
14 Federal Election Commission...”⁴¹ 11 CFR 111.4(a) [*italics added*].

15 This verified Complaint followed.

16 **IV. PRAYER FOR RELIEF**

17 Based upon the allegations set forth above and the applicable law, and for the
18 reasons stated herein, Complainant requests that the Federal Election Commission take
19 the following actions:

20 A. Determine there is probable cause to believe that respondents, and each of them,
21 have committed and/or are about to commit one of more violations of the Act (52 USC
22 §30109(a)(4)(i), and that the Commission authorize its General Counsel to commence a
23 civil action for relief in a federal district court of the United States. 52 USC
24 §30109(a)(6)(A);

25 ⁴¹ In addition, Complainant learned that any party aggrieved by an order of the Commission dismissing
26 a complaint ... or by a failure of the Commission to [timely] act on such a complaint... may file a petition
27 with the United States District Court for the District of Columbia. 52 USC §30109(a)(8)(A). And if the
28 court declares that the Commission's dismissal or failure to act were contrary to law, it may direct the
Commission to conform with the court's declaration; failing which Complainant may bring, in his own
name, a civil action to remedy the violation involved in the original complaint. 52 USC §30109(a)(8)(C).

1 B. Determine that as a result of the conduct of respondents, and each of them, there
2 is probable cause to believe that one or more violations of election law regulations has
3 occurred or is about to occur (11 CFR §111.4(a)), and that the Commission authorize its
4 General Counsel to commence a civil action for relief in an appropriate court of the United
5 States. 11 CFR §111.19(b);

6 C. Require respondents, and each of them, to pay a civil penalty for violations of the
7 Act in the amounts set forth in 52 USC §30109(a)(5)(A) and/or §30109(a)(5)(B);

8 D. Determine that as a result of the conduct of respondents, and each of them,
9 there is probable cause to believe that one or more knowing and willful violations of the Act
10 which is subject to 52 USC §30109(d) has occurred, and/or is about to occur, and that the
11 Commission refer such apparent violations to the Attorney General of the United States.
12 52 USC 30109(a)(5)(C);

13 E. Institute a civil action for relief, seeking both civil penalties and a permanent or
14 temporary injunction, restraining order, or any other appropriate order in the District Court
15 of the United States (52 USC §30109(a)(6)(A)) enjoining respondents, and each of them,
16 from committing violations of the Act or its regulations during the presidential campaign of
17 2020 on the grounds that there has been a proper showing that respondents and each of
18 them have committed and/or are about to commit a violation of the Act (52 USC
19 §30109(a)(6)(B);

20 F. Institute a civil action for relief, seeking civil penalties from respondents, and each
21 of them, for having committed knowing and willful violations of the Act pursuant to 52 USC
22 §30109(a)(6)(C); and,

23 G. Find that respondents, and each of them, knowingly and willfully committed one
24 or more violations of the Act which involved the making, receiving, or reporting of
25 contributions, donations, or expenditures and/or other things of value, subjecting them to
26 the fines and criminal penalties set forth in 52 USC §30109(d)(1)(A);
27
28

1 **V. CONCLUSION**

2 As noted at the outset, this Complaint touches on matters at the heart of our republic.
 3 We are at a crossroads moment in American history which will define the future of the
 4 nation. The Chair of the FEC stated recently, "Let me make something 100 percent clear
 5 to the American public and anyone running for public office: It is illegal for any person to
 6 solicit, accept, or receive anything of value from a foreign national in connection with a
 7 U.S. election." Succinct and well-put. To maintain our sovereignty and autonomy, we
 8 cannot allow foreign influences to undermine our democracy.

9 But lip-service to these high-minded platitudes and principles is not enough. To
 10 honor them, we need to defend them. Or we lose them. It is said that as the
 11 Constitutional Convention came to an end in Philadelphia a lady asked Benjamin Franklin
 12 what kind of government we would have, a republic or a monarchy. He replied, "A
 13 republic, madam, if you can keep it." In our long, great history – even during the Civil War
 14 – Americans have never doubted the republican nature of its government. We have
 15 always been sure, at our core, that we are a democratic nation. Until now.

16 RESPECTFULLY SUBMITTED,

17 Dated: 6/28/2019

18 

19 _____
 Russell S. Kussman

20
 21
 22 I, Russell S. Kussman, hereby declare under penalty of perjury that the allegations
 23 made in the above Complaint are either true to my own personal knowledge or I believe
 24 them to be true based upon information and belief. I have made a good faith effort to
 25 identify in the text those items that are of my own personal knowledge; the remaining
 26 allegations are made on information and belief.

27 Dated: 6/28/2019

28 

Russell S. Kussman

Attachment A

Interview with George Stephanopolous on ABC News, June 16, 2019

TRUMP: Okay, let's put yourself in a position: you're a congressman, somebody comes up and says, "Hey I have information on your opponent." Do you call the FBI?

STEPHANOPOULOS: (inaudible) if it's coming from Russia you do.

TRUMP: I'll tell you what: I've seen a lot of things over my life. I don't think in my whole life I've ever called the FBI. In my whole life. You don't call the FBI. You throw somebody out of your office, you do whatever you—

STEPHANOPOULOS: Al Gore got a stolen briefing book. He called the FBI.

TRUMP: Well, that's different. A stolen briefing book. This isn't a (inaudible). This is somebody who said "We have information on your opponent." Oh, let me call the FBI. Give me a break, life doesn't work that way.

STEPHANOPOULOS: The FBI Director says that's what should happen.

TRUMP: The FBI Director is wrong. Because, frankly, it doesn't happen like that in life. Now, maybe it will start happening. Maybe today you think differently, but two or three years ago, if somebody comes into your office with oppo research--they call it oppo research--with information that might be good or bad or something, but good for you, bad for your opponent, you don't call the FBI. I would guarantee you that 90 percent, could be 100 percent of the congressmen or the senators over there, have had meetings, if they didn't they probably wouldn't be elected, on negative information about their opponent—

STEPHANOPOULOS: From foreign countries?

TRUMP: They don't pro--possibly. Possibly. But they don't call the FBI. You don't call the FBI every time some--you hear something that maybe--. Now, you see the people. The meeting, it also sounds to me, I don't know anything about that meeting, but it sounds to me like it was a big nothing. That meeting was a big nothing...

...

STEPHANOPOULOS: Your campaign this time around, if foreigners, if Russia, if China, if someone else offers you information on opponents, should they accept it or should they call the FBI?

TRUMP: I think maybe you do both. I think you might want to listen, I don't, there's nothing wrong with listening. If somebody called from a country, Norway, "We have information on your opponent." Oh, I think I'd want to hear it.

STEPHANOPOULOS: You want that kind of interference in our elections?

TRUMP: It's not an interference, they have information. I think I'd take it. If I thought there was something wrong, I'd go maybe to the FBI. If I thought there was something wrong. But when somebody comes up with oppo research, right, that they come up with oppo research. Oh, let's call the FBI. The FBI doesn't have enough agents to take care of it, but you go and talk honestly to congressmen, they all do it, they always have. And that's the way it is. It's called oppo research.

STEPHANOPOULOS: Surprising. Thank you.

TRUMP: Thank you. Okay. Fine.

Attachment B



Office of the Deputy Attorney General
Washington, D.C. 20530

ORDER NO. 3915-2017

APPOINTMENT OF SPECIAL COUNSEL
TO INVESTIGATE RUSSIAN INTERFERENCE WITH THE
2016 PRESIDENTIAL ELECTION AND RELATED MATTERS

By virtue of the authority vested in me as Acting Attorney General, including 28 U.S.C. §§ 509, 510, and 515, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election, I hereby order as follows:

- (a) Robert S. Mueller III is appointed to serve as Special Counsel for the United States Department of Justice.
- (b) The Special Counsel is authorized to conduct the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including:
 - (i) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and
 - (ii) any matters that arose or may arise directly from the investigation; and
 - (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).
- (c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters.
- (d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

Date

5/17/17

Rod J. Rosenstein
Acting Attorney General

Attachment C

(Public)



U. S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 2, 2017

MEMORANDUM

FROM: Rod J. Rosenstein 
Acting Attorney General


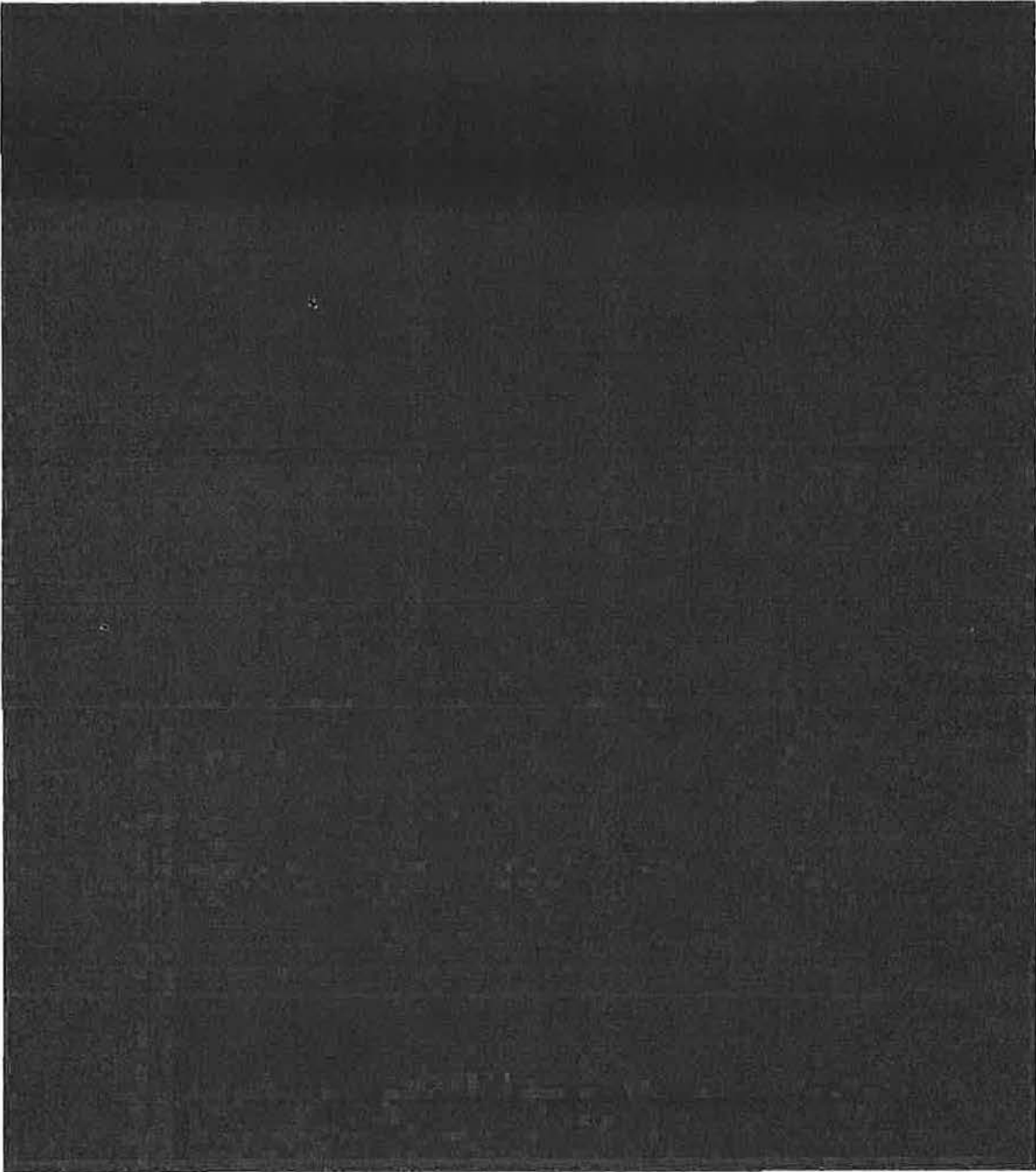
TO: Robert S. Mueller, III
Special Counsel

RE: The Scope of Investigation and Definition of Authority

On May 17, 2017, I issued an order entitled "Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters," appointing you to serve as Special Counsel for the United States Department of Justice. Order No. 3915-2017 (the Order). The Order authorized you to conduct "the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including: (1) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and (2) any matters that arose or may arise directly from that investigation" (the Investigation). Order ¶¶ (b)(i) and (ii).

The May 17, 2017 order was worded categorically in order to permit its public release without confirming specific investigations involving specific individuals. This memorandum provides a more specific description of your authority. The following allegations were within the scope of the Investigation at the time of your appointment and are within the scope of the Order:



- 
- Allegations that Paul Manafort:
 - Committed a crime or crimes by colluding with Russian government officials with respect to the Russian government's efforts to interfere with the 2016 election for President of the United States, in violation of United States law;
 - Committed a crime or crimes arising out of payments he received from the Ukrainian government before and during the tenure of President Viktor Yanukovich;
- 

[REDACTED]

You therefore have authority to continue and complete the investigation of those matters, and additional matters described in 28 C.F.R. § 600.4(a). For additional matters that otherwise may have arisen or may arise directly from the investigation, you should consult my office for a determination of whether such matters should be within the scope of your authority.

If you determine that additional jurisdiction is necessary in order to fully investigate and resolve the matters assigned, or to investigate new matters that come to light in the course of your investigation, you should follow the procedures set forth in 28 C.F.R. § 600.4(b).

[REDACTED]

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

On 06-28-2019 before me, Christian Mena Notary Public
(Here insert name and title of the officer)

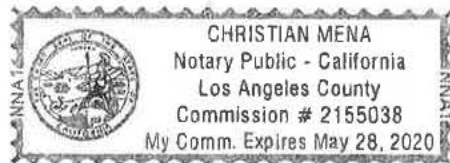
personally appeared Russell S. Kuzman
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)
Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

(Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a **different** acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a **different** document. :
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.