

Congress of the United States
Washington, DC 20515

February 27, 2018

Christopher Wray
Director of the FBI
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Wray:

Thank you for your public service. We are asking you to investigate whether certain individuals or companies violated federal election laws in connection with Donald Trump's campaign for President by making large monetary payments to silence women alleging affairs with Mr. Trump. As Members of Congress, we are troubled by these payments because they are evidence of moral failings by the President. As former prosecutors, we believe these payments may be felonies.

Michael Cohen, Mr. Trump's longtime lawyer and a former Executive Vice President of the Trump Organization, has admitted to paying \$130,000 out of his own pocket to pornographic film actress Stephanie Clifford (a.k.a. Stormy Daniels), who allegedly had an affair with Trump.¹ The payment was made in October 2016 purportedly to keep her silent about the affair. The *New York Times* has reported that Stormy Daniels "is one of at least two women who claimed to have had affairs with Mr. Trump but who were kept silent through legal agreements."² The second questionable payment is to former *Playboy* centerfold model Karen McDougal.

American Media Inc., the owner of *National Enquirer*, allegedly paid \$150,000 to Ms. McDougal on August 5, 2016, to buy her silence.³ The CEO and Chairman of A.M.I., David Pecker, describes Trump as "a personal friend."⁴ According to the *The New Yorker*, "purchasing a story in order to bury it is a practice that many in the tabloid industry call 'catch and kill.'"⁵ The company does not deny killing Ms. McDougal's story, nor does it deny purchasing her story. Jerry George, a former editor at A.M.I., stated that Pecker protected Trump and that "we never printed a word about Trump without his approval."⁶

¹ Maggie Haberman, "Michael D. Cohen, Trump's Longtime Lawyer, Says He Paid Stormy Daniels Out Of His Own Pocket," *New York Times*, Feb 13, 2018.

² *Id.*

³ Joe Palazzolo, Michael Rothfeld, and Lukas Alpert, "National Enquirer Shielded Donald Trump From Playboy Model's Affair Allegation," *Wall Street Journal*, Nov 4, 2016.

⁴ Ronan Farrow, "Donald Trump, A Playboy Model, And A System For Concealing Identity," *The New Yorker*, February 16, 2018.

⁵ *Id.*

⁶ *Id.*

Payments to silence individuals with negative information about then-candidate Trump may violate federal election laws. The Federal Election Campaign Act (FECA) prevents companies, other than through a political action committee, from contributing to a federal campaign and puts a strict \$5,400 limit for individual contributions. A contribution is defined as “anything of value given, loaned or advanced to influence a federal election.”⁷ Such contributions also include in-kind contributions. As the FEC states, “An expenditure made by any person or entity in cooperation, consultation or concert with, or at the request or suggestion of, a candidate’s campaign is also considered an in-kind contribution to the candidate.”⁸

Mr. Cohen’s \$130,000 payment and A.M.I.’s \$150,000 payment far exceed the contribution limits set forth in FECA. Mr. Cohen is Trump’s longtime lawyer and the CEO of A.M.I. is a personal friend of Trump. It is reasonable to assume Cohen and A.M.I., or their staffs, may have communicated with then-candidate Trump or his campaign prior to making these large monetary payments. If the expenditures were made “in cooperation, consultation or concert with, or at the request or suggestion of, a candidate’s campaign,” then those expenditures were illegal. Under FECA, if the violation aggregates to more than \$25,000, then the penalty is a fine and imprisonment of up to 5 years. 2 U.S.C. §§ 437g(d)(1)(A).

There is more than sufficient evidence in the publicly available reporting to establish a potential violation of federal election laws. We request that you open an investigation into whether any federal laws were violated by Mr. Trump, his campaign, and any individuals and companies associated with the above-described large monetary payments.

Sincerely,



Ted W. Lieu
Member of Congress



Kathleen Rice
Member of Congress

⁷ <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-types/>

⁸ <https://www.fec.gov/help-candidates-and-committees/filing-reports/in-kind-contributions/>

CC:
Lisa J. Stevenson, Acting General Counsel, Federal Election Commission