

October 11, 2019

Hon. Geoffrey S. Berman  
U.S. Attorney SDNY  
United States Attorney's Office  
1 St. Andrew's Plaza  
New York City, NY 10007

Dear U.S. Attorney Berman:

On September 23, 2019, Common Cause mailed to U.S. Attorney General William P. Barr, and filed with the Federal Election Commission (FEC), the attached complaint detailing relevant facts establishing reason to believe that President Donald J. Trump, Rudolph "Rudy" Giuliani, Lev Parnas, Igor Fruman and others knowingly solicited, or provided substantial assistance in the solicitation of, a contribution from foreign nationals, in violation of the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101, et seq. by urging Ukrainian officials to pursue investigations for the purpose of influencing the 2020 presidential election candidacy of Joe Biden.

On September 26, the U.S. House of Representatives Intelligence Committee released a declassified whistleblower complaint that had been filed in August with the Inspector General of the Intelligence Community reporting an "urgent concern" that President Trump had been "using the power of his office to solicit interference from a foreign country in the 2020 U.S. Election." The whistleblower complaint further stated: "Attorney General Barr appears to be involved as well."

Given Attorney General Barr's involvement in this matter, Attorney General Barr should be recused from investigation of the campaign finance law violations alleged in Common Cause's complaint.

Yesterday your office announced it has charged Lev Parnas, Igor Fruman and others with conspiring to violate the FECA straw and foreign donor bans—violations separate from those alleged in Common Cause's September 23 complaint.

Common Cause requests that the U.S. Attorney's Office for the Southern District of New York exercise its authority to investigate the additional possible violations of campaign finance and other laws by Parnas and Fruman, as well as possible violations by President Trump, Giuliani and others, as alleged in the attached complaint.

Respectfully submitted,



Common Cause, by

Paul S. Ryan

Vice President, Policy and Litigation

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Washington, DC 20005

(202) 833-1200

Copy to:

Rebekah Donaleski, Assistant U.S. Attorney, Criminal Division

Nicolas Roos, Assistant U.S. Attorney, Criminal Division



September 23, 2019

Hon. William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530-0001

Dear Attorney General Barr:

Common Cause requests that the Department of Justice exercise its authority to investigate whether President Donald J. Trump solicited a contribution from foreign nationals, and whether Rudolph “Rudy” Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) solicited, or provided substantial assistance in the solicitation of, a contribution from foreign nationals, in violation of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, et seq.

Specifically, the attached complaint, filed on this date with the Federal Election Commission (FEC), details the relevant facts establishing reason to believe that President Trump knowingly violated FECA’s ban on soliciting a contribution from a foreign national in connection with a federal election, 52 U.S.C. § 30121(a)(2), by “repeatedly pressur[ing] the president of Ukraine to investigate Joe Biden’s son ... urging Volodymyr Zelensky about eight times to work with Rudy Giuliani on a probe that could hamper Mr. Trump’s potential 2020 opponent.”

Further, the attached complaint details the relevant facts establishing reason to believe that Rudy Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) violated the federal law ban on soliciting a contribution from a foreign national and/or the ban on providing “substantial assistance in the solicitation, making, acceptance, or receipt of a contribution” by a foreign national in connection with a federal election, 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(h), by meeting with Ukrainian officials and urging them to pursue investigations for the purpose of influencing the 2020 presidential election candidacy of Joe Biden.

Although the Federal Election Commission (FEC) has exclusive jurisdiction over civil enforcement of the campaign finance laws, 52 U.S.C. § 30109(a), the Department of Justice has its own separate responsibility to enforce the campaign finance laws against “knowing and willful” violations. 52 U.S.C. § 30109(d); see *generally* FEDERAL PROSECUTION OF ELECTION OFFENSES (8<sup>th</sup> ed. December 2017) (DOJ HANDBOOK). The DOJ HANDBOOK takes particular note of the fact that Congress increased criminal penalties for campaign finance violations as part of the Bipartisan Campaign Reform Act of 2002 (BCRA). As the Handbook states, at pp. 151-52:

The BCRA amendments to FECA in 2002 significantly enhanced the criminal penalties for willful violations of FECA. BCRA did so in response to identified anti-social consequences, namely, corruption and the appearance of corruption arising from FECA violations, and the consequent adverse effect on the proper functioning of American democracy.

These issues are addressed comprehensively in the Supreme Court's decision in *McConnell v. Fed. Election Comm'n*, 540 U.S. 93 (2003). Accordingly, all willful FECA violations that exceed the applicable jurisdictional floor specified in the Act's criminal provision should be considered for federal prosecution under one or more of the prosecutive theories presented above.

The DOJ HANDBOOK notes there "are significant enhancements for FECA violations involving a foreign national or foreign government," as discussed in Chapter Six of the handbook.

In addition to the violations of the Federal Election Campaign Act alleged in the attached complaint, the Department of Justice is responsible for enforcing 18 U.S.C. § 1001, which prohibits anyone in any matter within the jurisdiction of the executive branch of government from knowingly and willfully falsifying, concealing or covering up any material fact—*i.e.*, prohibits a candidate for federal office from causing an incomplete or incorrect disclosure report to be filed with the FEC in order to cover up a material fact. The Department of Justice is likewise responsible for enforcing criminal code provisions that prohibit aiding and abetting offenses against the United States, 18 U.S.C. § 2, conspiring to commit offenses against the United States, 18 U.S.C. § 371, and attempting to conspire to commit offenses against the United States, 18 U.S.C. § 1349.

We urge the Department of Justice to investigate all possible violations of the Federal Election Campaign Act and other federal laws in this matter.

Respectfully submitted,



Common Cause, by

Paul S. Ryan

Vice President, Policy and Litigation

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Washington, DC 20005

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Copy to:

Brian A. Benczkowski, Assistant Attorney General, Criminal Division

AnnaLou Tirol, Acting Chief, Public Integrity Section



**BEFORE THE FEDERAL ELECTION COMMISSION**

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Washington, DC 20005  
(202) 833-1200

PAUL S. RYAN  
805 Fifteenth Street, NW, Suite 800  
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v.

MUR No. \_\_\_\_\_

PRESIDENT DONALD J. TRUMP  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

RUDOLPH "RUDY" GIULIANI  
c/o Giuliani Partners LLC  
5 Times Square, 24th Floor  
New York, NY 10036

VICTORIA TOENSING  
c/o diGenova & Toensing, LLP  
1776 K Street NW, Suite 737  
Washington, DC 20006

LEV PARNAS  
7670 La Corniche Circle  
Boca Raton, FL 33433

IGOR FRUMAN  
83 Wood Lane  
Woodmere, NY 11598

JOHN AND/OR JANE DOE(S), unknown person(s) who solicited, and/or provided substantial assistance in the solicitation of, one or more contributions from foreign nationals in connection with a federal election

## COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that President Donald J. Trump (FEC ID P80001571) solicited a contribution from foreign nationals, and that Rudolph “Rudy” Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) solicited, or provided substantial assistance in the solicitation of, a contribution from foreign nationals, in violation of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*
2. Specifically, based on published reports, complainants have reason to believe that President Trump, directly and through his agents, violated FECA’s ban on soliciting a contribution from a foreign national in connection with a federal election, 52 U.S.C. § 30121(a)(2), by “repeatedly pressur[ing] the president of Ukraine to investigate Joe Biden’s son ... urging Volodymyr Zelensky about *eight times* to work with Rudy Giuliani on a probe that could hamper Mr. Trump’s potential 2020 opponent.”<sup>1</sup>
3. Further, based on published reports, complainants have reason to believe that Rudy Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) violated the federal law ban on soliciting a contribution from a foreign national and/or the ban on providing

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<sup>1</sup> Alan Cullison, Rebecca Ballhaus and Dustin Volz, “Trump Repeatedly Pressed Ukraine President to Investigate Biden’s Son,” THE WALL STREET JOURNAL, Sept. 20, 2019 (updated Sept. 21, 2019) (emphasis added), available at <https://www.wsj.com/articles/trump-defends-conversation-with-ukraine-leader-11568993176?shareToken=stde3f8759f32e415285ffed603e98f9b1>.



“substantial assistance in the solicitation, making, acceptance, or receipt of a contribution” by a foreign national in connection with a federal election, 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(h), by meeting with Ukrainian officials and urging them to pursue investigations in connection with the 2020 U.S. presidential election and for the purpose of influencing the 2020 presidential election candidacy of Joe Biden.<sup>2</sup>

4. “If the Commission, upon receiving a complaint ... has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] ... [t]he Commission shall make an investigation of such alleged violation ....” 52 U.S.C. § 30109(a)(2); see also 11 C.F.R. § 111.4(a).
5. “A ‘reason to believe’ finding followed by an investigation would be appropriate when a complaint credibly alleges that a significant violation may have occurred, but further investigation is required to determine whether a violation in fact occurred and, if so, its exact scope.” FEC, Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545 (March 16, 2007).

## **FACTS**

6. Donald J. Trump is president of the United States and is a candidate seeking reelection in 2020.<sup>3</sup>

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<sup>2</sup> Josh Dawsey, Paul Sonne, Michael Kranish and David L. Stern, “How Trump and Giuliani pressured Ukraine to investigate the president’s rivals,” WASHINGTON POST, Sept. 20, 2019, *available at* [https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b\\_story.html](https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b_story.html).

<sup>3</sup> Donald J. Trump, FEC Form 2: Statement of Candidacy, Amended June 21, 2019, *available at* <https://docquery.fec.gov/pdf/821/201906219150344821/201906219150344821.pdf>.



7. Rudy Giuliani is an attorney licensed to practice in New York<sup>4</sup> and a member of President Trump's legal team.<sup>5</sup> Giuliani has recently stated: "My only client is the president of the United States[.] He's the one I have an obligation to report to, tell him what happened."<sup>6</sup>
8. Victoria Toensing, Lev Parnas and Igor Fruman are political operatives who reportedly have worked with and for President Trump and Rudy Giuliani in interactions with Ukraine nationals.<sup>7</sup>
9. Joseph "Joe" Biden is former vice president of the United States and is a candidate seeking election to the office of president in 2020.<sup>8</sup>
10. On September 20, 2019, *The Wall Street Journal* reported that "President Trump in a July phone call repeatedly pressured the president of Ukraine to investigate Joe Biden's son ... urging Volodymyr Zelensky about *eight times* to work with Rudy Giuliani on a probe that could hamper Mr. Trump's potential 2020 opponent."<sup>9</sup> The article continued:

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<sup>4</sup> New York State Unified Court System, Rudolph William Giuliani, Registration Number 1080498, see <http://lapps.courts.state.ny.us/attorney/AttorneyDetails?attorneyid=%2FQkkCCn2%2FSLTHXigP4tAdw%3D%3D>.

<sup>5</sup> John Cassidy, "How Long Will Rudy Giuliani Last as Trump's Lawyer?," THE NEW YORKER, May 5, 2018, available at <https://www.newyorker.com/news/our-columnists/how-long-will-rudy-giuliani-last-as-trumps-lawyer>.

<sup>6</sup> Kenneth P. Vogel, "Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump," NEW YORK TIMES, May 9, 2019, available at <https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>.

<sup>7</sup> *Id.*; see also Michael Sallah, Tanya Kozyreva and Aubrey Belford, Two Unofficial US Operatives Reporting To Trump's Lawyer Privately Lobbied A Foreign Government In A Bid To Help The President Win In 2020," BUZZFEED NEWS, July 22, 2019, available at <https://www.buzzfeednews.com/article/mikesallah/rudy-giuliani-ukraine-trump-parnas-fruman>.

<sup>8</sup> Joseph R. Biden, FEC Form 2: Statement of Candidacy, May 25, 2019, available at <https://docquery.fec.gov/pdf/876/201904259149600876/201904259149600876.pdf>.

<sup>9</sup> Alan Cullison, Rebecca Ballhaus and Dustin Volz, "Trump Repeatedly Pressed Ukraine President to Investigate Biden's Son," THE WALL STREET JOURNAL, Sept. 20, 2019 (updated Sept. 21, 2019) (emphasis





“He told him that he should work with [Mr. Giuliani] on Biden, and that people in Washington wanted to know” if his lawyer’s assertions that Mr. Biden acted improperly as vice president were true, one of the people said. Mr. Giuliani has suggested Mr. Biden’s pressure on Ukraine to fight corruption had to do with an investigation of a gas company for which his son was a director. A Ukrainian official this year said he had no evidence of wrongdoing by Mr. Biden or his son Hunter Biden.<sup>10</sup>

11. *The Wall Street Journal* article further explained: “After the July call between the two presidents, the Ukrainian government said Mr. Trump had congratulated Mr. Zelensky on his recent election and expressed hope that his government would push ahead with investigations and corruption probes that had stymied relations between the two countries.”<sup>11</sup>

12. The phone call between President Trump and President Zelenskyy took place on July 25, 2019 and was memorialized in a statement issued by the office of President Zelenskyy, which stated in operative part:

President of Ukraine Volodymyr Zelenskyy had a phone conversation with President of the United States Donald Trump. President of the United States congratulated Ukraine on successful holding free and democratic parliamentary elections as well as Volodymyr Zelenskyy with victory the Servant of the People Party.

Donald Trump is convinced that the new Ukrainian government will be able to quickly improve image of Ukraine, complete investigation of corruption cases, which inhibited the interaction between Ukraine and the USA.<sup>12</sup>

13. According to the *Washington Post*:

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added), available at <https://www.wsj.com/articles/trump-defends-conversation-with-ukraine-leader-11568993176?shareToken=stde3f8759f32e415285ffed603e98f9b1>.

<sup>10</sup> *Id.*

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

<sup>12</sup> Office of President of Ukraine, Volodymyr Zelenskyy, “Volodymyr Zelenskyy had a phone conversation with President of the United States,” July 25, 2019, available at [https://www.president.gov.ua/en/news/volodimir-zelenskij-proviv-telefonnu-rozmovu-z-prezidentom-s-56617?mod=article\\_inline](https://www.president.gov.ua/en/news/volodimir-zelenskij-proviv-telefonnu-rozmovu-z-prezidentom-s-56617?mod=article_inline).



Days after the two presidents spoke, Trump's personal lawyer, Rudolph W. Giuliani, met with an aide to the Ukrainian president in Madrid and spelled out two specific cases he believed Ukraine should pursue. One was a probe of a Ukrainian gas tycoon who had Biden's son Hunter on his board. Another was an allegation that Democrats colluded with Ukraine to release information on former Trump campaign chairman Paul Manafort during the 2016 election.<sup>13</sup>

14. When President Trump spoke with President Zelensky in late July, President Trump had a great deal of leverage. Ukrainians "were waiting on millions in stalled military aid from the United States, and Zelensky was seeking a high-priority White House meeting with Trump."<sup>14</sup>
15. Giuliani reportedly had "been lobbying Ukrainian officials to take up the investigations since the spring" and told the Ukrainian president's aide, Andriy Yermak, during the Madrid meeting that followed Trump's July phone call with Zelensky: "Your country owes it to us and to your country to find out what really happened[.]" "I talked to him about the whole package," said Giuliani.<sup>15</sup>
16. In May 2019, the *New York Times* reported that "Giuliani, President Trump's personal lawyer, is encouraging Ukraine to wade further into sensitive political issues in the United States, seeking to push the incoming government in Kiev to press ahead with investigations that he hopes will benefit Mr. Trump."<sup>16</sup> At the time, Giuliani was planning a trip to Kiev, the Ukrainian capital, "to

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<sup>13</sup> Josh Dawsey, Paul Sonne, Michael Kranish and David L. Stern, "How Trump and Giuliani pressured Ukraine to investigate the president's rivals," WASHINGTON POST, Sept. 20, 2019, available at [https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b\\_story.html](https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b_story.html).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Kenneth P. Vogel, "Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump," NEW YORK TIMES, May 9, 2019, available at <https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>.

meet with the nation’s president-elect to urge him to pursue inquiries that allies of the White House contend could yield new information about two matters of intense interest to Mr. Trump”: the “origin of the special counsel’s investigation into Russia’s interference in the 2016 election” and the “involvement of former Vice President Joseph R. Biden Jr.’s son in a gas company owned by a Ukrainian oligarch.”<sup>17</sup>

17. Giuliani reportedly told the *New York Times*: “[W]e’re meddling in an investigation, which we have a right to do[.] ... And ***this isn’t foreign policy***—I’m asking them to do an investigation that they’re doing already and that other people are telling them to stop. And I’m going to give them reasons why they shouldn’t stop it ***because that information will be very, very helpful to my client***, and may turn out to be helpful to my government.”<sup>18</sup>

18. President Trump and Giuliani had a team of operatives working for them. The *New York Times* reported:

Giuliani’s planned trip ... is part of a monthslong effort by the former New York mayor ***and a small group of Trump allies*** working to build interest in the Ukrainian inquiries. Their motivation is to try to discredit the special counsel’s investigation; undermine the case against Paul Manafort, Mr. Trump’s imprisoned former campaign chairman; and ***potentially to damage Mr. Biden, the early front-runner for the 2020 Democratic presidential nomination***.

....

***Mr. Giuliani has been working on the effort with other allies of Mr. Trump*** whose involvement has not been previously reported, ***including Victoria Toensing***, a lawyer who was named last year, along with her husband, as part of the legal team representing the president in the special counsel’s investigation. The appointment was rescinded less than one week later amid concerns about conflicts of interest,

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.* (emphasis added).

but Mr. Trump's legal team suggested that Ms. Toensing and her husband, Joseph E. diGenova, would assist the president "in other legal matters."

On social media and in regular appearances on Fox News, the couple advanced the theory that the special counsel's investigation was the result of a Justice Department effort to frame Mr. Trump. They increasingly began pushing the claim that "the real collusion began in @Ukraine," as Ms. Toensing put it in a post on Twitter in March.

....

***Ms. Toensing has also met with [Ukraine's top prosecutor] Mr. Lutsenko***, the Ukrainian prosecutor who has pushed the investigations, Mr. Giuliani said. ... Ms. Toensing will accompany Mr. Giuliani to Ukraine, he said, explaining that she was "concerned" for Mr. Lutsenko and wanted the incoming president to "promptly understand what he's trying to do."

....

***Also involved in planning the trip and pushing the investigations is Lev Parnas***, a Ukrainian-American businessman who knows Mr. Giuliani well.

***Mr. Parnas turned up in Kiev, presenting himself as a representative of Mr. Giuliani*** seeking information about Mr. Lutsenko's claims, and about Hunter Biden's involvement in the Ukrainian gas company, according to people familiar with Mr. Parnas's activity.

He organized a phone call between Mr. Giuliani and Mr. Lutsenko, as well as a separate call between Mr. Giuliani and Mr. Lutsenko's predecessor in the Ukrainian prosecutor general's office, according to Mr. Giuliani. He said Mr. Parnas also helped arrange a trip to the United States for Mr. Lutsenko in January. During it, the prosecutor met for hours with Mr. Giuliani in New York.<sup>19</sup>

19. The *New York Times*' May 2019 reporting on Giuliani's planned trip to Kiev and his collaboration with Lev Parnas led to a July 2019 *BuzzFeed News* in-depth report titled "Two Unofficial US Operatives Reporting To Trump's Lawyer Privately Lobbied A Foreign Government In A Bid To Help The President Win In 2020." *BuzzFeed News* explained:

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<sup>19</sup> *Id.* (emphasis added).

The first public glimpse of Parnas and Fruman's work emerged in May of this year, when Giuliani told the New York Times that Parnas had helped arrange a trip for him to Ukraine, where he hoped to meet with the newly elected president, Volodymyr Zelensky, about matters that could help Trump. ... But the full extent to which the two unofficial envoys had inserted themselves into America's diplomacy with Ukraine—a country both at war with and deeply compromised by Russia—has never previously been revealed.<sup>20</sup>

20. *BuzzFeed News* explained further:

***Two unofficial envoys reporting directly to Donald Trump's personal lawyer*** have waged a remarkable back-channel campaign to discredit the president's rivals and undermine the special counsel's inquiry into Russian meddling in US elections.

In a whirlwind of private meetings, Lev Parnas and Igor Fruman—who pumped hundreds of thousands of dollars into Republican campaigns and dined with the president—***gathered repeatedly with top officials in Ukraine and set up meetings for Trump's attorney Rudy Giuliani as they turned up information that could be weaponized in the 2020 presidential race.***

The two men urged prosecutors to investigate allegations against Democratic frontrunner Joe Biden. And they pushed for a probe into accusations that Ukrainian officials plotted to rig the 2016 election in Hillary Clinton's favor by leaking evidence against Paul Manafort, Trump's campaign chair, in what became a cornerstone of the special counsel's inquiry.

They also waged an aggressive campaign in the United States, staying at the Trump International Hotel in Washington, DC, and meeting with key members of Congress as they joined in a successful push that led to the removal of the ambassador to Ukraine after she angered their allies in Kiev.<sup>21</sup>

21. According to *BuzzFeed News*, Parnas and Fruman had taken “a tour of four countries to meet with Ukrainian authorities and unearth critical information on Trump's potential 2020

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<sup>20</sup> Michael Sallah, Tanya Kozyreva and Aubrey Belford, “Two Unofficial US Operatives Reporting To Trump's Lawyer Privately Lobbied A Foreign Government In A Bid To Help The President Win In 2020,” BUZZFEED NEWS, July 22, 2019, available at <https://www.buzzfeednews.com/article/mikesallah/rudy-giuliani-ukraine-trump-parnas-fruman>.

<sup>21</sup> *Id.* (emphasis added).



challenger Joe Biden as well as Trump's former opponent, Hillary Clinton, before the new president of Ukraine took office." The *BuzzFeed News* article continued: "In their role as unofficial US envoys, Parnas and Fruman had met at least four times with top Ukrainian prosecutors—two of whom are steeped in corruption allegations of their own—as they pushed for investigations into Trump's rivals." Parnas and Fruman reportedly "helped arrange meetings in New York between the [Ukraine's top prosecutor Lutsenko] and Giuliani in January" 2019 and in "February, Giuliani and Parnas met privately again with Lutsenko, this time in Warsaw, on the sidelines of the US-led Middle East conference that included US Secretary of State Mike Pompeo and the Russian President Vladimir Putin."<sup>22</sup> Then in May 2019, Parnas and Fruman "flew to Paris, where they joined Giuliani in talks with" another Ukrainian prosecutor, Nazar Kholodnytsky.<sup>23</sup>

22. Lev Parnas claims to have met with President Trump "multiple times, in Washington and at Mar-a-Lago."<sup>24</sup>

23. Giuliani told the *New York Times* that "his efforts in Ukraine have the full support of Mr. Trump and that Trump "basically knows what I'm doing, sure, as his lawyer."<sup>25</sup>

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Kenneth P. Vogel, "Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump," *NEW YORK TIMES*, May 9, 2019, available at <https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>.

24. According to the *Washington Post*, “Giuliani said he has kept the president informed of his efforts in Ukraine for months. But he declined to say specifically what he has told the president. ‘My narrow interest is for the benefit of my client,’ he said.”<sup>26</sup>
25. In a June 2019 interview, President Trump stated that if a foreign national offered him opposition research on a political opponent, he “think[s he’d] take it” and he might not report it to the FBI.<sup>27</sup> In the same interview, Trump said that FBI Director Christopher Wray is “wrong” in his assertion that such efforts by foreign nationals to interfere in a U.S. election should be reported to the FBI.
26. On June 13, 2019, immediately following President Trump’s comments, Commission Chair Ellen Weintraub issued the following statement:

Let me make something 100% clear to the American public and anyone running for public office: It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election. This is not a novel concept. Electoral intervention from foreign governments has been considered unacceptable since the beginnings of our nation. Our Founding Fathers sounded the alarm about “foreign Interference, Intrigue, and Influence.” They knew that when foreign governments seek to influence American politics, it is always to advance their own interests, not America’s. Anyone who solicits or accepts foreign assistance risks being on the wrong end of a federal investigation. Any political campaign that

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<sup>26</sup> Josh Dawsey, Paul Sonne, Michael Kranish and David L. Stern, “How Trump and Giuliani pressured Ukraine to investigate the president’s rivals,” WASHINGTON POST, Sept. 20, 2019, available at [https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b\\_story.html](https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b_story.html).

<sup>27</sup> Matthew Choi, “‘I think I’d take it’: Trump says he might not report foreign help to FBI in 2020,” POLITICO, June 12, 2019, available at <https://www.politico.com/story/2019/06/12/trump-fbi-foreign-information-1362788>.

receives an offer of a prohibited donation from a foreign source should report that offer to the Federal Bureau of Investigation.<sup>28</sup>

27. On September 22, 2019, President Trump admitted discussing Joe Biden and his son with President Zelensky during the July phone call, telling reporters: “The conversation I had was largely congratulatory, was largely corruption, all of the corruption taking place, was largely the fact that we don’t want our people, like Vice President Biden and his son, creating to the corruption already in the Ukraine[.]”<sup>29</sup>

### **SUMMARY OF THE LAW**

28. FECA prohibits a foreign national from directly or indirectly making a “contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election[.]” 52 U.S.C. § 30121(a)(1)(A), and prohibits a person from soliciting, accepting or receiving such a contribution or donation from a foreign national, *id.* a § 30121(a)(2).
29. The Commission regulation implementing the statutory foreign national solicitation ban provides that “[n]o person shall knowingly solicit, accept, or receive from a foreign national any contribution or donation” in connection with any federal, state, or local election. 11 C.F.R. § 110.20(g).

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<sup>28</sup> Chair Ellen L. Weintraub, Federal Election Commission, “Statement Regarding Illegal Contributions From Foreign Governments,” June 13, 2019, available at [https://www.fec.gov/resources/cms-content/documents/Chair\\_Weintraub\\_on\\_Illegal\\_Foreign\\_Contributions.pdf](https://www.fec.gov/resources/cms-content/documents/Chair_Weintraub_on_Illegal_Foreign_Contributions.pdf).

<sup>29</sup> Seung Min Kim and Felicia Sonmez, “Trump suggests he mentioned Biden in phone call with Ukrainian president,” WASHINGTON POST, Sept. 22, 2019, available at [https://www.washingtonpost.com/politics/trump-suggests-he-mentioned-biden-in-phone-call-with-ukrainian-president/2019/09/22/bcfff6b2-dd3f-11e9-b199-f638bf2c340f\\_story.html](https://www.washingtonpost.com/politics/trump-suggests-he-mentioned-biden-in-phone-call-with-ukrainian-president/2019/09/22/bcfff6b2-dd3f-11e9-b199-f638bf2c340f_story.html).



30. The regulation further provides that “[n]o person shall knowingly provide substantial assistance in the solicitation, making, acceptance, or receipt of a contribution or donation” by a foreign national in connection with any federal, state, or local election. 11 C.F.R. § 110.20(h).
31. FECA defines “contribution” to include “any gift ... of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i).
32. Any expenditure “made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents” is considered a contribution to such candidate. 52 U.S.C. § 30116(a)(7)(B)(i); see *also* 11 C.F.R. § 109.20(a).
33. Any expenditure that is “coordinated” with a candidate, but that is not made for a “coordinated communication” under 11 C.F.R. § 109.21, is an in-kind contribution to the “candidate or political party committee with whom or with which it was coordinated and must be reported as an expenditure made by that candidate or political party committee” unless otherwise exempted. 11 C.F.R. § 109.20(b).
34. FECA defines “foreign national” as a “foreign principal” or “an individual who is not a citizen of the United States or a national of the United States.” 52 U.S.C. § 30121(b).
35. FECA defines “person” to include an “individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons[.]” 52 U.S.C. § 30101(11).

36. The Commission has defined “to solicit” by regulation to mean “to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.” 11 C.F.R. § 300.2(m); see also 11 C.F.R. § 110.20(a)(6) (for the purposes of the prohibition of solicitation of foreign national contributions, solicit has the same meaning as in 11 C.F.R. § 300.2(m)). The regulation elaborates:

A solicitation is an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation may be made directly or indirectly. The context includes the conduct of persons involved in the communication.

*Id.*

37. The Commission by regulation has defined “agent,” in the case of agents of a candidate, to include “any person who has actual authority, either express or implied, to ... solicit, receive, direct, transfer, or spend funds in connection with any election.” 11 C.F.R. § 300.2(b)(3).

## **CAUSES OF ACTION**

### **COUNT I:**

#### **President Donald J. Trump knowingly solicited a contribution from a foreign national in violation of the Federal Election Campaign Act.**

38. Paragraphs 1 through 37 are incorporated herein.

39. Federal law prohibits any person from soliciting a contribution from a foreign national. 52 U.S.C. § 30121(a)(2), 11 C.F.R. § 110.20(g).

40. In a July 25, 2019 phone call, President Trump solicited a “contribution” as defined at 52 U.S.C. § 30101(8)(A)(i) (“anything of value ... for the purpose of influencing any election for Federal office”) from Ukraine President Zelensky in connection with the 2020 U.S. presidential election and for the purpose of influencing the 2020 presidential election candidacy of Joe Biden—in the form of an investigation by the Ukrainian government into Joe Biden and his son.
41. Therefore, based on published reports, there is reason to believe that President Donald J. Trump, directly and through his agents, knowingly solicited a contribution from a foreign national in violation of 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g).

## **COUNT II:**

### **Rudy Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) knowingly solicited, and/or provided substantial assistance soliciting, a contribution from a foreign national in violation of the Federal Election Campaign Act.**

42. Paragraphs 1 through 41 are incorporated herein.
43. Federal law prohibits any person from soliciting a contribution from a foreign national, 52 U.S.C. § 30121(a)(2), 11 C.F.R. § 110.20(g), and further provides that “[n]o person shall knowingly provide substantial assistance in the solicitation [or] making . . . of a contribution or donation” prohibited under this section. 11 C.F.R. § 110.20(h)(1).
44. In multiple meetings with Ukraine prosecutors and other Ukraine officials as detailed herein, Rudy Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) knowingly solicited, and/or provided substantial assistance soliciting, a “contribution” as defined at 52 U.S.C. § 30101(8)(A)(i) (“anything of value ... for the purpose of influencing any

election for Federal office”) from Ukraine nationals in connection with the 2020 U.S. presidential election and for the purpose of influencing the 2020 presidential election candidacy of Joe Biden—in the form of an investigation by the Ukrainian government into Joe Biden and his son.

45. Therefore, based on published reports, there is reason to believe that Rudy Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s)—independently and/or as “agents” of President Trump—knowingly solicited, and/or provided substantial assistance soliciting, a contribution from a foreign national in violation of 52 U.S.C. § 30121(a)(2), 11 C.F.R. § 110.20(g) and 11 C.F.R. § 110.20(h)(1).

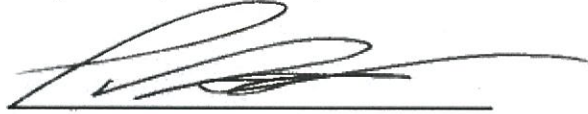
### **PRAYER FOR RELIEF**

46. Wherefore, the Commission should find reason to believe that President Donald J. Trump, Rudy Giuliani, Victoria Toensing, Lev Parnas, Igor Fruman and one or more John/Jane Doe(s) violated 52 U.S.C. § 30101, *et seq.*, including 52 U.S.C. § 30121 and 11 C.F.R. § 110.20(g)-(h), and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2). Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin respondents from any and all violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

September 23, 2019



Respectfully submitted,



Common Cause, by  
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805 Fifteenth Street, NW, Suite 800  
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(202) 833-1200



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**VERIFICATION**

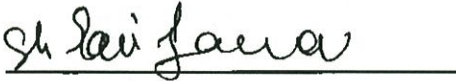
The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

**For Complainants Common Cause and Paul S. Ryan**



Paul S. Ryan

Sworn to and subscribed before me this 23<sup>rd</sup> day of September 2019.



Notary Public



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