

Congress of the United States
Washington, DC 20515

January 12, 2017

The Honorable Loretta Lynch
United States Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Lynch:

We write to request that you exercise your authority to immediately appoint an independent Special Counsel to investigate what appear to be flagrant violations of federal law by President-elect Donald Trump during the presidential transition period.

Mr. Trump has repeatedly engaged in actions constituting unauthorized foreign policy in violation of the Logan Act, 18 U.S.C. 953. We are informed and believe that these actions have been carried out without any attempt to coordinate with or seek authorization from the United States government. Indeed, in several cases Mr. Trump's actions directly contravene and undermine official positions of the United States government. Previous Presidents-elect have recognized and respected the fact that the United States can only have one President at a time. Mr. Trump's actions not only break with that longstanding precedent, they flout the letter and spirit of the Logan Act.

Specifically, President-elect Trump contacted Egyptian President Abdel Fattah al-Sisi on December 22, 2016 to persuade him to withdraw a pending United Nations Security Council resolution in an attempt to thwart the United States government's planned abstention.¹ On December 3, 2016, President-elect Trump conducted a telephone call with Taiwanese President Tsai Ing-wen², and subsequently made several public statements regarding relations with Taiwan, breaching decades of U.S.-China protocol. These actions resulted in the Chinese government issuing a formal diplomatic complaint with the United States, and deploying military assets in a provocative show of force over the South China Sea.³ Mr. Trump has also actively and repeatedly undermined the United States government's foreign policy regarding Russian cyberattacks on our country and interference with the 2016 election⁴, and he has undermined the United States government's opposition to human rights violations by President Rodrigo Duterte of the Philippines⁵, among many other incidents over the past two months.

¹ Jeffrey Heller, "Israeli PM, angered by anti-settlement U.N. vote, summons U.S. ambassador" *Reuters* December 25, 2016, <http://www.reuters.com/article/us-israel-palestinians-un-idUSKBN14E0EF>

² Josh Chin & Charles Hutzler, "Trump's Phone Call With Taiwan President Sparks China Complaint" *The Wall Street Journal* December 3, 2016, <http://www.wsj.com/articles/trumps-phone-call-with-taiwan-president-sparks-china-complaint-1480762723>

³ Lucas Tomlinson, "China flies nuclear-capable bomber in South China Sea after Trump Taiwan call, US officials say" *Fox News* December 9, 2016, <http://www.foxnews.com/world/2016/12/09/china-flies-nuclear-capable-bomber-in-south-china-sea-after-trump-taiwan-call-us-officials-say.html>

⁴ Dustin Volz & Patricia Zengerle, "Top U.S. intelligence official 'resolute' in belief Russia hacked election" *Reuters* January 5, 2017 <http://www.reuters.com/article/us-usa-russia-cyber-clapper-idUSKBN14P0G5>

⁵ Emily Rauhala, "Duterte: During phone call, Trump praised my drug war as the 'right way'" *The Washington Post* December 3, 2016, <https://www.washingtonpost.com/news/worldviews/wp/2016/12/03/duterte-during-phone-call-trump-praised-my-drug-war-as-right-way/>

Enacted in 1799, the Logan Act expressly prohibits American citizens from unauthorized foreign policy in the name of the United States. This law serves an important purpose: to protect the integrity and consistency of American foreign policy, and to assure friends and foes alike that on delicate and complex geopolitical matters, the United States speaks with one authorized voice. President-elect Trump's direct contacts and interventions with foreign governments during the transition period, and his many public statements intended to influence pending foreign policy matters, have undermined the ability of the current administration to carry out its foreign policy responsibilities, confused friends and foes alike, and negatively impacted our interests on the world stage.

Until the President-elect takes the Oath of Office on January 20, 2017, he is a private citizen subject to the Logan Act. Indeed, his status as President-elect makes compliance with the Logan Act even more critical because that status cloaks him with the appearance of authority, increasing the potential for his actions to confuse, undermine or thwart official foreign policy of the United States.

Under the regulations of 28 C.F.R. 600.1, and the authorities of 5 U.S.C. 301; 28 U.S.C. 509, 510, and 515-519, you have the power to appoint an outside Special Counsel when it would be in the public interest to do so. The appointment of a Special Counsel to undertake the investigation of President-elect Trump's actions in violation of the Logan Act is both necessary and urgent. Unless such an independent investigation begins now, under the current administration, it is unlikely to happen because of inherent bias and political pressure under the Trump administration. In that event, we may never understand the extent to which Mr. Trump has actively worked with foreign governments to undermine the current foreign policy of the United States, and a dangerous precedent will be established.

The United States must only have one President at a time. Our national interests require that the Logan Act be enforced, especially during the delicate and potentially vulnerable period of a Presidential transition.

Thank you in advance for your attention to this urgent request.

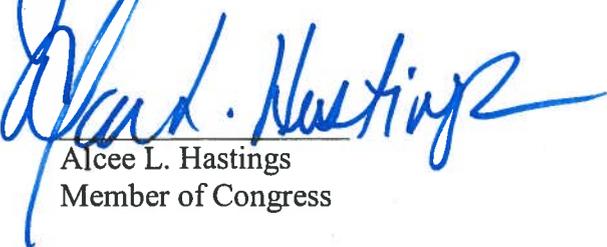
Sincerely,



Jared Huffman
Member of Congress



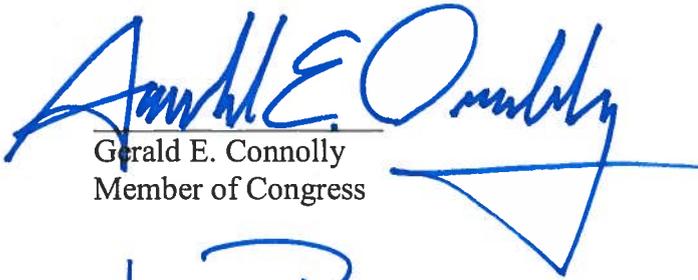
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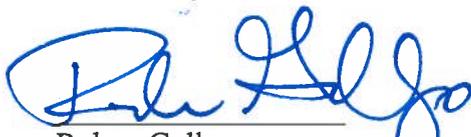

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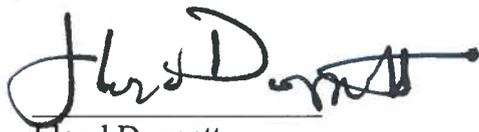

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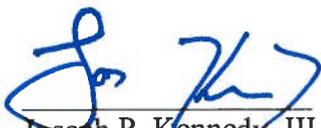
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