

February 9, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

Founded in 1981, the Project On Government Oversight (POGO) is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government.

POGO is requesting that the Department of Justice launch an investigation into possible ethics violations by White House staff, including the recent communications of Counselor to the President Kellyanne Conway and Assistant to the President and Director of Social Media Dan Scavino Jr. endorsing the personal business interests of Ivanka Trump, daughter of President Trump and spouse of Senior White House Advisor Jared Kushner.

On February 9, in an interview on the Fox News show *Fox & Friends*, Conway repeatedly endorsed Ivanka Trump's fashion business while speaking in her capacity as Counselor to the President.¹ In the interview, Conway twice stated that individuals should "go buy" Ivanka Trump's products. At the end of the interview, Conway stated that she was going to "fully...give a free commercial" for Ivanka's business venture, and then stated: "Go buy it today everybody, you can find it online." These endorsements appear to violate ethics regulations prohibiting the misuse of office, as stated at 5 CFR § 2635.

Additionally, Dan Scavino Jr. appears to have violated ethics regulations by retweeting President Trump's tweet regarding Ivanka Trump's business dealings with the department store Nordstrom. On February 8, President Trump tweeted, "My daughter Ivanka has been treated so unfairly by @Nordstrom," on his personal Twitter account (@realDonaldTrump).² Scavino retweeted this message from two separate Twitter accounts listing his capacity as Assistant to the President and Director of Social Media at the White House (@DanScavino and @Scavino45), and possibly from the official Twitter account of the President of the United States (@POTUS),

¹ See Attachment A. Fox News, Kellyanne Conway Interview on Fox & Friends, "Kellyanne Conway addresses rumors about Sean Spicer's job," February 9, 2017. <http://video.foxnews.com/v/5316971350001>

² See Attachment B. Twitter, Personal Twitter Handle of President Donald Trump, <https://twitter.com/realDonaldTrump>.

where he is listed as being responsible for the tweets.³ These actions also appear to violate the same ethics regulations.

While President Trump may be exempt from some conflict of interest and ethics laws, rules, and regulations, his staff at the White House are not.

Subpart G (Sections 701-705) of 5 CFR § 2635 discusses misuse of one's government position by executive branch employees. Section 2635.702 specifically discusses the use of public office for private gain, which not only covers the private gain of the relevant executive branch employee, but also actions that benefit:

1. Friends
2. Relatives
3. Persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member
4. Persons with whom the employee has or seeks employment or business relations

Under 5 CFR § 2635.702, an executive branch employee may not use his or her public office to induce benefits for themselves or any of the above parties by, including but not limited to:

1. Inducement or coercion⁴
2. Creating the appearance of government sanctions⁵
3. Endorsing any product, service, or enterprise⁶
4. Performing official duties that affect a private interest⁷

POGO believes the communications by Conway and Scavino violated the provisions prohibiting the use of public office for private gain.

Additionally, Conway, Scavino, and other White House staff may have violated other conflict of interest laws in these cases, including laws pertaining to the use of government property and official time for unauthorized purposes.⁸

Preventing conflicts of interest is important to ensuring public servants operate in the best interest of the public, rather than in ways that solely benefit their own financial interests or those of friends, relatives, or other close associates. The public deserves to have trust in every government mission, program, and policy.

It has been reported that Conway “has been counseled” on her actions, but “that’s all.”⁹ The Department of Justice should initiate an investigation into Conway’s and Scavino’s actions to

³ See Attachments C-E. Twitter, Twitter Handle 1 of Dan Scavino, <https://twitter.com/DanScavino>; Twitter, Twitter Handle 2 of Dan Scavino, <https://twitter.com/Scavino45>; Twitter, Official Twitter Handle of the President of the United States, <https://twitter.com/POTUS>.

⁴ 5 CFR § 2635.702(a).

⁵ 5 CFR § 2635.702(b).

⁶ 5 CFR § 2635.702(c).

⁷ 5 CFR § 2635.702(d).

⁸ 5 CFR §§ 2635.704 and 2635.705.

⁹ The White House, “Press Briefing with Press Secretary Sean Spicer,” February 9, 2017. <https://www.youtube.com/watch?v=i6Vp0bQAhJ8>

determine if violations occurred and, if so, what accountability measures should be implemented to ensure full compliance with all conflict of interest and ethics laws and regulations.

If you have any questions, please contact me or POGO General Counsel Scott Amey at 202-347-1122.

Sincerely,



Danielle Brian
Executive Director

cc: U.S. Department of Justice Public Integrity Section
Office of Government Ethics Director Walter M. Shaub, Jr.

Attachment A

Transcript of Kellyanne Conway's references to Ivanka Trump's business in interview on Fox News show *Fox & Friends* on February 9, 2017 ([Link](#)):

[0:00-0:17] [*Fox News Hosts*]

[0:05-0:15] Alright. Well there is a lot going on down in Washington, and who better to talk to than Special Counsel for the President of the United States, Kellyanne Conway, who joins us today from the briefing room because we got some lousy weather here in the northeast.

Kellyanne, good morning to ya.

[0:18] [*Kellyanne Conway*]

Good morning.

...

[7:39-8:54] [*Kellyanne Conway*]

“But you asked about Ivanka. I visited with her yesterday.

You know this is very successful business woman twice.

Obviously she has, she's stepped away from it now, but in the past she has helped to run her family's, uh, real estate empire.

And, and, and, on the side, she developed another fully uh-u-unbelievably entrepreneurial, wildly successful business that bears her name.

[8:00-8:06] And I think she has gone from eight hundred (800) stores to a thousand (1,000) stores, or a thousand places where you can buy, you can certainly buy her goods online.

And she's just at a very good place. She's uh a incredibly confident, creative, talented woman who also supports her father's presidency and realizes that, the-there are bigger issues that he is going to tackle.

And if she decides and it works for her family, she comes inside the White House here, she knows people like Dina Powell and me will be working with her to help on women empowerment, women and girls.

I do find it ironic that you've got some executives all over the internet bragging about what they have done to her and her line, and yet, uh-yet they are using the most prominent women in, uh, in Donald Trump's uh, ya know, most prominent, he's uh, she's his daughter.

And, and, and they are using her, who has been a champion for women empowerment, women in the work place, uh, to get to him.

And I think people can see through that.

[8:50-8:51] Go buy Ivanka's stuff is what I will tell ya.

[8:51-8:54] I am gonna, I am gonna, I hate shopping but I am going to get some, uh, myself today.

[8:54-9:00] *[Fox News Host]*

There is that hashtag "buy Ivanka" right now, but there is that hashtag "grab your wallet."

Is that behind some of this stuff?

[9:01-9:32] *[Kellyanne Conway]*

Well some of it is, and we know where that came from, and that's been, uh, a huge failure.

The, good, goodness they had a whole election, they had the first female president, everybody thought, talking about that day and night.

She had no message, no positive message. That was her message. That failed, at the ballot box.

And then they had a march saying the same thing, the day after he was sworn in as president.

They are welcome to march, but what's coming of it in terms of, ya know, commercial interest?

[9:23-9:29] She's, this is just, it's a wonderful line, I own some of it. I fully, I am gonna just give, uh, gonna give a free commercial here.

[9:29-9:31] Go buy it today everybody, you can find it online.

[9:32-9:35] *[Fox News Hosts]*

Alright.

Kellyanne Conway from the briefing room. Thank you very much.

[9:35-9:36] *[Kellyanne Conway]*

Thank you very much.

Attachment B

Tweet from Donald Trump Personal Twitter Account on February 8, 2017
([@realDonaldTrump](#)) ([Link](#)) as of 2/9/2017

Twitter, Inc. [US] | <https://twitter.com/realDonaldTrump>

Home Moments Search Twitter

Donald J. Trump 
[@realDonaldTrump](#)

TWEETS	FOLLOWING	FOLLOWERS	LIKES
34.5K	41	24.3M	45

16 Fake News Stories Reporters Have Run Since Trump Won
Journalists, media types, reporters, you have two choices: you can fix these problems, or you can watch your profession go down in flames.
thefederalist.com

15K 17K 56K

Donald J. Trump [@realDonaldTrump](#) · Feb 8

 My daughter Ivanka has been treated so unfairly by [@Nordstrom](#). She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K

Donald J. Trump [@realDonaldTrump](#) · Feb 8

 My daughter Ivanka has been treated so unfairly by [@Nordstrom](#). She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K

Attachment C

Retweet from Assistant to the President & Director of Social Media at the White House Dan Scavino's Twitter Account (1) on February 8, 2017 (@DanScavino) as of 2/9/2017

Twitter, Inc. [US] | <https://twitter.com/DanScavino>

Home Moments Search Twitter

Dan Scavino Jr. @DanScavino

TWEETS 10.3K FOLLOWING 174 FOLLOWERS 352K LIKES 3,206

16 Fake News Stories Reporters Have Run Since Trump Won
Journalists, media types, reporters, you have two choices: you can fix these problems, or you can watch your profession go down in flames.
thefederalist.com

15K 17K 56K

Dan Scavino Jr. Retweeted

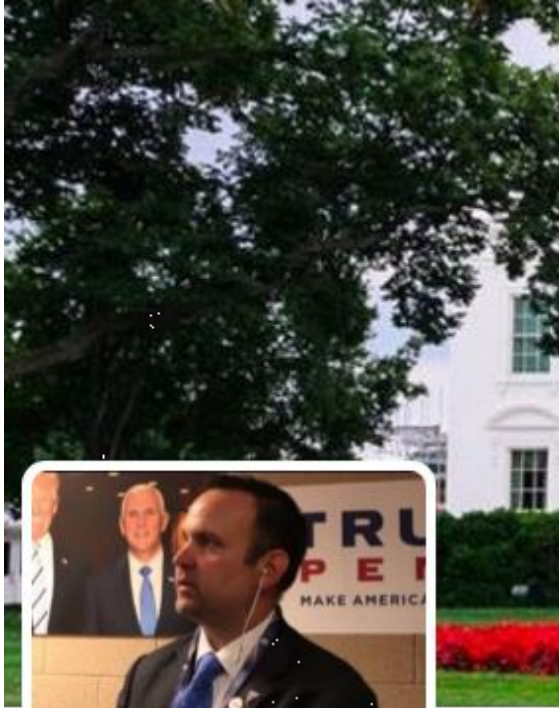
Donald J. Trump @realDonaldTrump · Feb 8
My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K

Dan Scavino Jr. Retweeted

Donald J. Trump @realDonaldTrump · Feb 8
My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K



Dan Scavino Jr. 

@DanScavino

Assistant to the 45th @POTUS
@realDonaldTrump & Director of Social
Media @WhiteHouse. @Scavino45

 [View on Periscope](#)

 Joined June 2012

Attachment D

Retweet from Assistant to the President & Director of Social Media at the White House Dan Scavino's Twitter Account (2) on February 8, 2017 (@Scavino45) as of 2/9/2017

Twitter, Inc. [US] | <https://twitter.com/Scavino45>

Home Moments Search Twitter

Dan Scavino Jr. @Scavino45

TWEETS 30 FOLLOWING 228 FOLLOWERS 13K LIKES 17

BREAKING NEWS INTEL CEO: TO INVEST \$7B IN ARIZONA CHIP FACTORY

1:47

7.1K 19K 83K

Dan Scavino Jr. Retweeted

Donald J. Trump @realDonaldTrump · Feb 8

My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K

Dan Scavino Jr. Retweeted

Donald J. Trump @realDonaldTrump · Feb 8

My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K


 Home  Moments




Dan Scavino Jr. 

@Scavino45

Assistant to the President & Director of Social Media at the [@WhiteHouse](#) [@POTUS](#). Tweets may be archived: [wh.gov/privacy](https://www.whitehouse.gov/privacy).

 Washington, DC

 [WhiteHouse.gov](https://www.whitehouse.gov)

 Joined January 2017

Attachment E

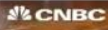
Retweet from Official POTUS Twitter Account on February 8, 2017 (@POTUS) as of 2/9/2017

Twitter, Inc. [US] | <https://twitter.com/POTUS>

Home Moments Search Twitter

President Trump @POTUS

TWEETS 162 FOLLOWING 6 FOLLOWERS 15.2M LIKES 5 MOMENTS 1

2:01 

7.1K 19K 83K

President Trump Retweeted

Donald J. Trump @realDonaldTrump · 23h
Big increase in traffic into our country from certain areas, while our people are far more vulnerable, as we wait for what should be EASY DI

26K 16K 77K

President Trump Retweeted

Donald J. Trump @realDonaldTrump · Feb 8
My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K

President Trump Retweeted

Donald J. Trump @realDonaldTrump · Feb 8
My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person -- always pushing me to do the right thing! Terrible!

90K 25K 126K



President Trump 

@POTUS

45th @POTUS @realDonaldTrump.
Working on behalf of the American
people to make our country great again.
Tweets by @Scavino45. Tweets by
#POTUS signed -DJT.