



# **THE ART OF THE LIE**

**Trump's Historic  
First Year Failure on  
Government Integrity and  
Accountability Issues**

## Acknowledgments

The Common Cause Education Fund is the research and public education affiliate of Common Cause, founded in 1970 by John Gardner. Common Cause is a nonpartisan, grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process.

Democracy 21 Education Fund is the research and public education affiliate of Democracy 21, founded in 1997 by its President, Fred Wertheimer. Democracy 21 is a nonpartisan, nonprofit organization that works to strengthen our democracy, to ensure the integrity of our elections and government decisions and to engage and empower citizens in the political process. The organization promotes government integrity, transparency and accountability policies to accomplish its goals.

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# INTRODUCTION

American democracy is resilient.

It has withstood attacks from enemies, both foreign and domestic, for more than two centuries.

But never has the United States been led by a president who has so flagrantly lied and so incessantly debased our democratic values and our institutions of self-government as President Donald J. Trump.

We know of no president in the history of the country, other than Donald Trump, who has:

- Told more than 2,100 lies, false and misleading statements and untruths in his first year in office, an average of nearly 5.9 per day;
- Attacked the media as an “enemy of the American people,” placing Trump in direct conflict with founders John Adams and Thomas Jefferson;
- Attacked his own law enforcement and intelligence agencies;
- Attacked our strongest foreign allies while embracing our major foreign adversaries;
- Sided with a major adversary over the consensus views of his own intelligence agencies;
- Attacked the FBI as the “worst in history,” and accused an FBI agent of “treason” for the “crime” of making negative comments about him;
- Asserted an “absolute right to do what I want to do with the Justice Department,” a right Trump does not have;
- Attacked the entire court system as “broken and unfair”;
- Attacked judges repeatedly for decisions which he disagreed with;
- Refused to divest his vast business holdings, leaving him with massive conflicts of interest and major Emolument Clause problems;
- Falsely claimed that millions of individuals voted illegally in the presidential election to explain losing the popular election by nearly 2.9 million votes.

In the one year since he swore an oath to uphold and defend the Constitution, President Trump’s failures on government integrity and accountability continue to reach new lows. Rarely has a day gone by when he has not egregiously broken from democratic norms and the values that are central to building trust in our government.

The lies, false and misleading statements and untruths continue unabated. President Trump even lies when the truth will serve, as the saying goes. At the same time, Trump has purposefully attacked and sought to undermine the institutions responsible for holding him accountable: the other two constitutionally embedded branches of government – the courts and the Congress – and the media.

Given the chaotic and erratic nature of President Trump and his administration, it is easy for Americans to become overwhelmed. Some of Trump’s wrongful actions have been high-profile; others are more subtle. But President Trump’s record must be preserved and documented. That is the purpose of this report.

The report sets forth twenty examples that demonstrate President Trump’s historic first year failure on issues of government integrity, transparency, and accountability.

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# TRUMP LIES, FALSE AND MISLEADING CLAIMS, UNTRUTHS

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*Everyone is entitled to his own opinion, but not to his own facts.*  
—Senator Pat Moynihan

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President Donald Trump is a nonstop, habitual and compulsive liar.

Trump makes false and misleading claims and states untruths on an almost daily basis. A [New York Times study](#) found that President Trump made “demonstrably false statements on at least 20 of his first 40 days as President,” and “said something untrue, in public, every day for the first 40 days of his presidency.”<sup>1</sup> [The Times study stated](#), “There is simply no precedent for an American president to spend so much time telling untruths. Every president has shaded the truth or told occasional whoppers. No other president — of either party — has behaved as Trump is behaving. He is trying to create an atmosphere in which reality is irrelevant.”<sup>2</sup>

President Trump jump-started his career in politics with a patent lie, falsely claiming that President Obama was not a U.S.-born citizen of the United States. Trump perpetuated this racist lie for years, knowing that he had nothing to back up his claim.

As president, Trump made 2,140 false or misleading claims in his first 365 days in office, an average of 5.9 false claims a day, according to a [Washington Post study](#).<sup>3</sup>

[Trump falsely claimed](#) that President Obama had bugged Trump Tower.<sup>4</sup> Trump [falsely claimed](#) America pays the highest taxes of any nation.<sup>5</sup> Trump falsely claimed tax reform will cost him a fortune. Trump [falsely claimed](#) that he had signed more legislation than any of his predecessors had at that point; in fact, he had signed fewer bills than any president since Eisenhower in the 1950s.<sup>6</sup> Trump [falsely claimed](#) 53 times that the tax plan under consideration in Congress “was the largest tax cut in the history of the United States.”<sup>7</sup> Treasury Department data revealed it would rank 8th. Trump [falsely claimed](#) that the Affordable Care Act is “essentially dead.”<sup>8</sup> It is not.

Trump’s inability to tell the truth lasted the entire year. In a 30-minute interview on December 29, 2017, President Trump made 24 false or misleading claims, a [Washington Post](#) study found.<sup>9</sup>

Trump’s lies and false statements have done immense damage in our country and around the world. His repeated use of the term “fake news” to communicate his lies is being used, [according to Senator John McCain](#), “by autocrats to silence reporters, undermine political opponents, stave off media scrutiny and mislead citizens.”<sup>10</sup>

Trump has undermined our institutions and fueled division and rage. He has undermined the right of citizens to know what their government is doing and to work from a common base of information. He has subverted our nation’s credibility and effectiveness on the world stage. He has made clear to our allies and adversaries alike that his word can never be trusted.

Trump’s historically unprecedented lies, false claims and misleading statements have debased facts and truth — the coin of the realm of our democracy. Trump’s insistence on repeatedly telling lies and his inability to distinguish between truth and fiction has endangered our constitutional system of government.

# TRUMP'S OBSTRUCTION OF JUSTICE

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*Obstruction doesn't have to be a crime in order to be wrongful.*

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President Trump obstructed the investigation into Russian intervention in the 2016 presidential election, regardless of whether or not he violated criminal laws. How do we know this? The President told us so.

On January 6, 2017, the nation's four top intelligence and investigative agencies [issued a joint report](#) concluding "with high confidence" that Russian operatives had tried to interfere in the 2016 presidential election on the orders of President Putin.<sup>11</sup> [The Washington Post](#) had reported a month earlier that it was "the assessment of the intelligence community that Russia's goal here was to favor one candidate over the other, to help Trump get elected," according to a senior U.S. official briefed on an intelligence presentation for U.S. Senators. "That's the consensus view."<sup>12</sup>

On May 9, 2017, President Trump [fired](#) FBI Director James Comey, who was heading the Justice Department's Russia investigation. This occurred after Trump had asked Comey to pledge his loyalty to Trump, and after Trump had asked Comey to drop the FBI investigation into Michael Flynn, the president's first national security advisor. Comey refused both requests. (Flynn eventually entered a criminal plea agreement.)<sup>13</sup>

In an Oval Office meeting with top Russian officials on May 10, 2017, Trump [told](#) them, "I just fired the head of the FBI. He was crazy, a real nut job ... I faced great pressure because of Russia. That's taken off."<sup>14</sup> In other words, he fired Comey to obstruct the Russia investigation. Instead, however, Trump ended up with a Special Counsel investigation into Russia's efforts to sabotage our elections. The investigation is led by Robert Mueller—a man of impeccable integrity and unquestionable qualifications with strong bipartisan support in Congress.

In order to obfuscate and discredit the Special Counsel investigation, Trump's acolytes have used classic diversionary tactics and extremist attacks. They have [attacked](#) the Justice Department as corrupt.<sup>15</sup> They have [called](#) the FBI a "KGB-type operation" and America's "secret police."<sup>16</sup> They have called for a purge of the FBI and raised the threat of an FBI coup d'état. They have [called](#) for a second Special Counsel to investigate bogus claims.<sup>17</sup> They have used every tactic they could think of to try undermine the credibility of the investigation.

What they have failed to do, however, is to raise any serious questions about the integrity and impartiality of Special Counsel Mueller or his investigation. When Mueller learned that a member of his staff had made negative comments about Trump, the staff member was promptly removed from the investigation.<sup>18</sup>

[Politifact](#) labeled the claim that Russian election interference is a made-up story "the 2017 lie of the year," noting that President Trump had continually asserted "that Russia's meddling in the 2016 election is fake news, a hoax or a made-up story, even though there is widespread, bipartisan evidence to the contrary."<sup>19</sup>

President Trump has failed to take any remedial steps to protect our country from future interference in our elections. This failure has placed our national security at serious risk and opened the door to future efforts to sabotage our elections by Russia or other foreign interests.

# TRUMP'S ATTACKS ON THE JUDICIARY

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*A president with no regard for government's third branch  
or for our separation of powers.*

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President Trump has repeatedly attacked the judicial system over rulings which disagree with his views. His attacks on the integrity of the judiciary strike at the heart of our constitutional system of government, show no regard for the separation of powers and show no respect for our independent judiciary.

After a terrorist attack in New York City in October, 2017, Trump called for the death penalty for the suspect and said that the courts were “a joke” and a “laughingstock.” Trump said “we need quick justice and strong justice – much quicker and much stronger than we have right now.”<sup>20</sup> Those are the words of an authoritarian despot, not a president.

When several federal courts temporarily stayed enforcement of Trump's executive orders on immigration, Trump attacked the judges personally and suggested the courts were biased. He [said](#) that the courts “are slow and political.”<sup>21</sup> He [said](#) that a judge “put our country in such peril,” and that “if something happens, blame him and the court system. People pouring in. Bad!”<sup>22</sup>

He [said](#) a judge's ruling “opens up our country to potential terrorists and others that do not have our best interests at heart.”<sup>23</sup> He [said](#) “because the ban was lifted by a judge, many very bad and dangerous people may be pouring into our country. A terrible decision.”<sup>24</sup> He [said](#) that the opinion “of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned.”<sup>25</sup>

After a federal district court in San Francisco blocked implementation of Trump's executive order on sanctuary cities in April 2017, the White House issued [a statement](#) saying that “the judge's erroneous ruling is a gift to the criminal gang and cartel element in our country, empowering the worst kind of human trafficking and sex trafficking and putting thousands of innocent lives at risk.” The statement further called the decision “yet one more example of egregious overreach by a single, unelected district judge.”<sup>26</sup>

After a federal judge issued a temporary injunction against Trump's effort to end the DACA program, he [attacked](#) the entire “court system” as “broken and unfair.”<sup>27</sup> In [widely reported](#) comments before his election, Trump called District Court Judge Gonzalo Curiel, who at the time was presiding over a case against Trump University, “biased and unfair.”<sup>28</sup> Trump said in an [interview on CNN](#) that “I've been treated very unfairly by this judge. Now, this judge is of Mexican heritage, I'm building a wall!” Trump said the judge should recuse himself because he's “very pro-Mexico.”<sup>29</sup>

President Trump's repeated attacks on the judiciary undermine public confidence in the rule of law and show disdain for the separation of powers. Trump's mocking and rejection of the constitutionally embedded role of the courts as a check on executive power represents an irresponsible attack on democratic norms and on our constitutional system of government.

## TRUMP'S CONFLICTS OF INTEREST

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*Trump has massive and unprecedented conflicts of interest.*

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Prior to becoming president, Trump owned and ran a worldwide business empire. This included hotels, golf clubs and other business enterprises. Trump also licensed his name to domestic and foreign owned businesses around the world for lucrative fees. After he was elected, he promised to remove himself from all of his business operations. Instead, he simply transferred day-to-day control of the businesses to his sons by forming a revocable trust and retained his financial interests and the ability to profit from them, as well as the ability to reassume control.<sup>30</sup>

Under the terms of the trust instrument, according to [published reports](#), the trustees are required to distribute “income or principal” to Trump “at his request” or “as the Trustees otherwise deem appropriate.”<sup>31</sup> This leaves Trump and his family as the financial beneficiaries of the business operations and leaves his business empire inextricably entangled with his presidency. The steps Trump took, claiming to deal with his conflicts, did not actually address his massive conflicts of interest problems at all.

By contrast, all past presidents in modern times fully divested themselves of their business interests or other financial holdings that could have been potential conflicts of interest. Trump’s failure to follow this well-established process has created the opportunity for him to misuse and abuse the presidency for his own financial gain. It has also led to a second serious problem—his apparent multiple violations of the [Emoluments Clause](#) of the Constitution. That provision prohibits federal officers, including the president, from receiving any gifts or “emoluments” “of any kind whatsoever” from foreign governments, without the consent of Congress.<sup>32</sup> This includes payments or financial benefits received from foreign governments as part of commercial transactions in their countries.

By maintaining his ownership interest in a worldwide business empire which routinely does business with foreign governments, Trump is likely operating in violation of this constitutional protection. A federal district court in New York recently [dismissed](#) a lawsuit challenging Trump’s violation of the Emoluments Clause on standing grounds and did not reach the merits.<sup>33</sup>

Because Trump remains the financial beneficiary of his business operations, his conflicts of interest as president are pervasive. The Sunlight Foundation, for example, has a [database](#) tracking 613 potential conflicts between Trump as President and his business interests.<sup>34</sup> *USA Today* has [reported](#) that “President Trump’s companies sold more than \$35 million in real estate in 2017, mostly to secretive shell companies that obscure buyers’ identities.”<sup>35</sup> Without being able to know who the buyers are, the conflicts of interest and opportunities for influence-buying are likewise unknown to the American people.

Trump’s conflict of interest problems pose real dangers for the country. There is no way for the American people to know if decisions by President Trump or his administration are being made to benefit the country or to benefit Trump financially. There is no way for the American people to know if domestic interests are buying influence and currying favor with Trump by funneling business to his commercial empire. There is no way to know if Trump is making policy decisions to benefit foreign interests in return for receiving financial benefits from the foreign interests.



# TRUMP FAMILY CONFLICTS OF INTEREST

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*Trump's daughter and son-in-law both have White House positions and conflicts of interest.*

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Trump [hired](#) both his daughter Ivanka and his son-in-law Jared Kushner to work for him in the West Wing as advisors.<sup>36</sup> The couple had been heavily involved in his campaign, and kept up that involvement by becoming formal employees of the federal government in the White House.

Yet they, like the President, also come with conflicts of interest, and the public still doesn't have full information about those conflicts a full year into the presidency. Kushner repeatedly failed to disclose the extent of his business ties abroad, [initially omitting](#) 100 foreign contacts, including contact with Russian Ambassador Sergey Kislyak and Russian government lawyer Natalia Veselnitskaya, and subsequently having to revise his ethics disclosure form thrice.<sup>37</sup> He [then](#) failed to disclose his use of a private email server to the Senate Intelligence Committee, and subsequently omitted some relevant emails from the campaign documents he turned over to the Senate Judiciary Committee for their investigations into Russian interference in the 2016 election.<sup>38</sup> As a result of this, he has actually been working with only an interim security clearance for the entirety of the first year and has not been granted a full clearance yet.

Seven law firms specializing in security clearances [said](#) that, in fact, Kushner's clearance should be suspended "until investigators can determine whether his failures to disclose information were intentional."<sup>39</sup>

Kushner and Ivanka Trump have also failed to fully divest from their respective business interests. [Earlier in 2017](#), the Kushner family was seeking to raise large sums of money from investors in China for a property in New Jersey, but Jared Kushner failed to recuse himself from China policy matters.<sup>40</sup> Ivanka Trump's case, too, involves potential international conflicts of interest, due to her clothing brand being primarily manufactured [abroad](#) in countries like Bangladesh, Indonesia and China by low-wage laborers.<sup>41</sup>

The Chinese government [issued](#) three trademarks to Ivanka Trump's brand while she and Kushner were sitting with Chinese President Xi Jinping and his wife at Mar-a-Lago.<sup>42</sup> Since Ivanka Trump's holdings are also attributable to Jared Kushner under conflict of interest rules, Kushner should have recused himself from any White House matters dealing with China.

Ivanka Trump [reportedly](#) wore her brand's clothing in 68% of her social media posts from March to October 2017, raising yet more questions about whether she was functionally advertising it.<sup>43</sup>

Ivanka Trump, Inc. has released little information about the nature of its manufacturing process, going so far as to avoid releasing even the code of conduct it requires its suppliers to abide by. In fact, the secrecy around Ivanka Trump's brand has deepened since her father took office. By late September, certain information [had actually disappeared](#) from routine trade tracking data.<sup>44</sup>

President Trump has elevated his daughter and son-in-law to positions of power in the White House. Their conflicts of interest have gone ignored or unresolved as they continue to serve.

## TRUMP'S FAILURE TO DRAIN THE SWAMP

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*Trump has filled the Swamp, not drained it as he promised during his campaign.*

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During the 2016 campaign, Trump promised to “drain the swamp” in Washington. Since then, he has done just the opposite. Trump has failed to do anything to move forward on the “drain the swamp” reforms he promised to pursue during his presidential campaign. In fact, Trump has made far worse the “swamp” problems caused by influence-buying and special interest and lobbyist dominance in Washington at the expense of ordinary Americans.

President Trump has opened the door wide to Washington lobbyists to serve in his administration.<sup>45</sup> Trump has also loaded his administration with corporate and financial industry executives whose past companies benefit from administration policies.

According to the [Washington Post](#), six months into the Trump administration there were already 74 lobbyists working in the administration, including 49 who were working for agencies they used to lobby. Twenty former lobbyists were working in the Executive Office of the President.<sup>46</sup>

Trump began his presidency by naming retired Gen. Michael Flynn as his first national security advisor. Flynn had been lobbying for a Turkish businessman with ties to the Turkish government before he was named national security advisor, and after he was appointed he [played a role](#) in formulating administration policy on Turkey.<sup>47</sup>

Corey Lewandowski, who served as a campaign manager to Trump, [created](#) a “consulting firm” in Washington in 2017 and “has taken on an increasingly broad role as an unofficial White House adviser” while he is “building a roster of clients with major interests before the Trump administration.”<sup>48</sup>

Billionaire Carl Icahn was named a “Special Adviser” to President Trump on regulatory reform and proceeded to [lobby](#) the White House for a change in EPA regulations that was worth hundreds of millions of dollars to a company he owned.<sup>49</sup>

[According to The New York Times](#), the top White House energy adviser, Michael Catanzaro, previously worked as a lobbyist for major energy industry clients that fought Obama-era environmental regulations. Now he is handling some of the same matters for the government.<sup>50</sup>

In [another case](#), Chad Wolf, who spent several years lobbying the Transportation Security Administration to spend hundreds of millions of dollars on new luggage screening devices, is now chief of staff at TSA, while the agency is testing the device and evaluating it for purchase.<sup>51</sup>

Trump's actions as president have made clear that his repeated campaign commitment to “drain the swamp” in Washington was a deception of the American people. Trump had no real interest as a candidate and now has no real interest as president in limiting the role of big money in American politics, in curbing the influence of lobbyists in Washington, in limiting the power of special interests, or in “draining the swamp” in the nation's capital.

# TRUMP'S FAILURE TO FILL GOVERNMENT VACANCIES

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*President Trump has purposefully left hundreds of vacancies in the federal government unfilled, rendering his transition the slowest in decades.*

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The Trump administration has failed to fill an unprecedented number of critical positions throughout the federal government. This is especially true in the State Department, where former Secretary of State Madeline Albright has [called](#) the absence of senior officials a “national emergency.”<sup>52</sup> Another former career federal official, R. Nicholas Burns of the State Department, [said](#) that “there’s no question this is the slowest transition in decades. It is a very, very big mistake.”<sup>53</sup> Leaving key government decision-making offices vacant leads to dysfunction and wasted government resources as policies await direction.

Like most recent presidents, President Trump [had](#) more than 4,000 positions to fill when he took office—including more than 1,200 that require the Senate’s advice and consent.<sup>54</sup> *The Washington Post*, in collaboration with the Partnership for Public Service, has been tracking [633](#) of what they consider “key executive branch nominations.”<sup>55</sup> As of January 18, 2018, President Trump [had yet to nominate](#) anyone for 245 of those positions.<sup>56</sup>

By hollowing out the federal government, the president is undermining his constitutional obligation “to take care that the laws be faithfully executed.”<sup>57</sup> His failure to appropriately staff the government has been purposeful. President Trump told *Forbes Magazine* that he was “generally not going to make a lot of the appointments that would normally be—because you don’t need them.”<sup>58</sup> Earlier in his first year, he [told](#) Fox News that “a lot of those jobs, I don’t want to appoint, because they’re unnecessary to have. I say, ‘what do all these people do? You don’t need all those jobs.’”<sup>59</sup>

As of January 2018—one year into the Trump administration—Trump had by far the fewest number of Senate-confirmed nominees in place compared to Presidents Obama, George W. Bush, Clinton, and George H.W. Bush at the same point in their presidencies.<sup>60</sup>

Among the hundreds of positions in which no nominee has even been put forward as of this writing:<sup>61</sup>

- Chief Financial Officers at the Department of State; Department of Agriculture; Department of Commerce; Department of Homeland Security; Department of the Treasury.
- Inspectors General at the Department of Defense; Department of Energy; Department of Homeland Security; Department of Housing and Urban Development; and the Department of the Interior.
- Deputy Secretary of Commerce.
- Deputy Secretary of the Treasury
- Undersecretaries of State for:
  - Civilian security, democracy, and human rights;
  - Economic growth, energy, and environment;
  - Political affairs;
- Ambassadors to, among others--Australia; Belgium; Venezuela; Congo; Egypt; Jordan; Ireland; Saudi Arabia; Austria; Hungary; South Africa; Qatar; Turkey.

# TRUMP'S ETHICALLY-CHALLENGED CABINET

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*Trump's cabinet is rife with ethics problems and conflicts of interest.*

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Treasury Secretary Steven Mnuchin divested from CIT Bank and [sold off](#) his stakes in a number of other companies to avoid conflicts.<sup>62</sup> Yet, he retained his position as President of Steven T. Mnuchin, Inc, which manages some of his investments. These investments have [not been disclosed](#), raising the issue of potential Mnuchin conflicts of interest arising from his undisclosed holdings that the public will never know existed.<sup>63</sup>

Tom Price was ousted as Secretary of Health and Human Services after only eight months in the position, after a slew of reports emerged about his tendency to take private jet flights. Secretary Price [spent more than](#) \$400,000 on charter plane travel between May and September 2017, while spearheading massive budgetary and staffing cuts to his department.<sup>64</sup> Similar reports have come out about the private jet habits of other officials, including Interior Secretary [Ryan Zinke](#) and Treasury Secretary [Steve Mnuchin](#), resulting in five inspector general investigations into Cabinet travel. In past administrations, much of this travel was done on commercial flights.<sup>65</sup>

Commerce Secretary Wilbur Ross was an investor through several offshore holding companies in Navigator Holdings, a shipping company that has business ties to a Russian oligarch currently under sanctions. Ross [negotiated](#) a trade agreement with China which was announced in May 2017. At the time, Ross still held his interests in Navigator Holdings, which stood to [benefit](#) from the trade deal.<sup>66</sup>

When Ross came under [criticism](#) for his holdings in November 2017,<sup>67</sup> five months after the trade agreement with China and after the release of the Paradise Papers, Ross [said](#) he would “probably” sell his share in the company. He also claimed he had not done anything “improper to begin with.”<sup>68</sup> The Commerce Department [announced](#) on November 8 that Ross was “in the process of selling off his holdings,”<sup>69</sup> three days after Navigator’s ties to Russian interests were [uncovered](#) by the New York Times.<sup>70</sup>

Energy Secretary Rick Perry proposed a nuclear and coal power plan, under which one of the biggest winners was coal magnate [Bob Murray](#), a “prominent backer of Donald Trump.” Along with his PAC, Murray contributed a combined \$200,000 to pro-Trump efforts during the election. Perry’s plan was “narrowly written” to primarily impact “plants in a stretch of the Midwest and Northeast where Murray’s mining company, Murray Energy, is the predominant supplier,” [according to Politico](#).<sup>71</sup> Perry’s plan, however, was unanimously rejected by the Federal Energy Regulatory Commission in January 2018. Four of the five members of the Commission that rejected the plan are Trump appointees.<sup>72</sup>

The President’s massive conflicts of interest and ethics problems have set a deplorable tone for his Cabinet and administration. Citizens deserve to know that their public officials are serving their interests and are not using their public office for private gain.

# THE ENEMY WITHIN

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*Cabinet secretaries are deconstructing the government.*

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President Trump and his Cabinet secretaries are methodically deconstructing the agencies headed by the secretaries.

Scott Pruitt, the current head of the Environmental Protection Agency, sued the agency [more than a dozen times](#) when he was attorney general of Oklahoma.<sup>73</sup> Now, he is taking increasingly extreme steps to turn the EPA inside-out. He has banned scientists receiving EPA grants from serving on its scientific advisory boards, and [filled](#) those advisory boards instead with industry officials and lobbyists.<sup>74</sup> The EPA has shed hundreds of employees, many through buyouts, and [now has fewer staff](#) “than at any time since the final year of the Reagan administration.”<sup>75</sup> He has also [packed his calendar with industry meetings](#) and almost entirely avoided meeting with environmental groups, despite the EPA’s mission ostensibly encompassing both camps.<sup>76</sup>

Secretary of State Rex Tillerson, formerly the CEO of ExxonMobil, has presided over a dramatic and intentional decrease in State Department staff. By December 1, 2017, the number of staffers with the top two State Department ranks of career minister and career ambassador had [dropped](#) by half, from 39 to 19, and the minister-counselors, the next rank down, had decreased from 431 to 369.<sup>77</sup> Ambassadorships to strategic allies and key regional players [remained unfilled](#) throughout 2017, including to Turkey, South Korea, and Jordan.<sup>78</sup>

Secretary of Education Betsy DeVos has led the Department of Education in cutting back staff and offering buyouts. The Department of Education, already the [smallest](#) cabinet department, has shed hundreds of staff, resulting in current and former officials [expressing concern](#) that “the loss of staff will compromise the department’s ability to perform key functions.”<sup>79</sup> One of those functions is dealing with student loans; the department [offered buyouts](#) to some employees in the student aid office, despite the federal student loan portfolio rising past \$1.3 trillion and a departmental backlog of 87,000 applications for student debt relief.<sup>80</sup>

Secretary of Housing and Urban Development Ben Carson had no prior experience with housing policy or government service before being appointed to his position. According to [The Economist](#), “it is hard not to conclude that the governing principle at HUD is to take whatever the Obama administration was doing, and do the opposite.”<sup>81</sup> Months without direction or experienced officials led one career HUD employee to [say](#) there was simply “no agenda, nothing to move forward or push back against. Just nothing.”<sup>82</sup>

All but three Cabinet departments had fewer employees in September 2017 than in January 2017 when Trump took office, and most decreases were [in the hundreds](#).<sup>83</sup> Even after the end of the hiring freeze imposed on almost all federal agencies from January to April, proposed budget cuts and “a push to reduce the workforce through attrition” [have continued](#) to shrink the number of government employees.<sup>84</sup>

President Trump and his cabinet are radically altering the nature of the federal bureaucracy – intentionally and methodically hobbling its ability to perform the functions assigned to it by Congress and provided for the benefit of the American people.

# TRUMP MISUSES TAXPAYER MONEY FOR HIS PERSONAL GAIN

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*Trump channels taxpayer funds to his companies and his own benefit.*

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President Trump, in a stark break from his predecessors, has maintained ownership of his worldwide business enterprises and profits from them. This has resulted in massive conflicts of interest and in Trump being able to channel taxpayer money to his own benefit.

Trump's habit of paying himself with other people's money is not new. During his presidential campaign, [Trump's campaign paid Trump's companies](#) \$12.8 million.<sup>85</sup> That means nearly 10 percent of Trump's campaign expenses went to benefit Trump.<sup>86</sup>

This practice continued in 2017. President Trump [spent](#) almost one-third of his first year in office at various Trump properties – including around 40 days each at his golf course in Bedminster, NJ and his Florida resort at Mar-a-Lago, which he has referred to as a “Winter White House.”<sup>87</sup> When he does this, the federal government pays Trump's businesses for various costs.

The Secret Service had racked up almost \$150,000 in golf cart rentals [by the end of November 2017](#). The Service spent [over \\$7,500](#) on cart rentals at Mar-a-Lago over Thanksgiving weekend alone and reportedly depleted its budgeted funds far earlier in the year than anticipated due in part to Trump's frequent travel to his clubs.<sup>88</sup> During the first five months of 2017, the Secret Service [paid rent](#) for floors in Trump Tower.<sup>89</sup> It also [paid](#) at least \$63,000 to Mar-a-Lago in 2017.<sup>90</sup> In each case, taxpayer money went back to Trump's benefit through his properties.

Trump's private gain from public office is not limited to taxpayer money. Since Trump refused to divest ownership of his businesses, when Mar-a-Lago [doubled its membership dues](#) to \$200,000 in the wake of the 2016 election,<sup>91</sup> the increased fees inured to Trump. When the Trump Hotel in Washington, D.C. [capitalized on Trump's Presidency](#) to hike its rates after the inauguration,<sup>92</sup> the profits inured to Trump.

Presidents have historically divested their business interests to prevent exactly this kind of problem, no matter how unlikely it was to occur. Thus, President Jimmy Carter put his peanut farm and warehouse into a blind trust in order to prevent potential conflicts of interest.

The president has also had no problem appropriating other people's money for his personal benefit and the benefit of his family. The Republican National Committee, as of August 2017, had spent more than \$230,000 of its donors' contributions to pay for Trump's [legal expenses](#) in connection with the Mueller Special Counsel investigation.<sup>93</sup> According to [The Hill](#), “Having the Republican Party help fund the president's legal costs associated with a criminal investigation is virtually unprecedented.”<sup>94</sup> In addition, Trump's re-election campaign committee has [reportedly](#) paid more than \$300,000 to lawyers representing Donald Trump Jr.<sup>95</sup>

Maintaining ownership of his business enterprises and ignoring the conflicts of interest inherent in this decision have resulted in President Trump misusing his public office for personal gain at the expense of taxpayers and campaign contributors.

## 2020 CENSUS

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*The Trump administration is undermining efforts for an accurate census in 2020, jeopardizing the integrity of government data upon which social service programs rely.*

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The 2020 Census is rapidly approaching and the Trump administration's missteps may sabotage an accurate count of the people residing in the United States. This will have many lasting effects on government policies because the census is only carried out once a decade. Census data are the foundation for understanding who we are as a country. The integrity of the data should of paramount concern.

Many decisions about government spending – including equitable geographic distribution of government grants – rely on an accurate count of people living in the United States. [For example](#), Medicaid, State Children's Health Insurance Program (S-CHIP), Head Start and Early Head Start, highway planning and construction, foster care and low-income home energy assistance programs are all among the top 16 federal programs with funding – totaling nearly \$600 billion a year – the rely on data from the census.<sup>96</sup> Census data also [guide](#) how congressional and legislative districts are drawn and the elected seats in the district apportioned.<sup>97</sup>

Recent decisions by the Trump administration risk making the 2020 census grossly inaccurate. President Trump has proposed to dramatically underfund census preparations. His Fiscal Year 2018 budget request for the Census Bureau was woefully [inadequate](#), about \$300 million less than [necessary](#) as it prepares for 2020.<sup>98</sup> Current and anticipated budget constraints are already [affecting](#) 2020 census preparations and hobbling other important Census Bureau programs such as the American Community Survey.<sup>99</sup> Census underfunding led the Bureau to [cancel](#) two scheduled field tests in West Virginia and Washington State, leaving only one test in Providence, Rhode Island.<sup>100</sup>

There are more troubling signs on the horizon. Recent reports indicate that President Trump [may appoint](#) Thomas Brunell, a controversial defender of North Carolina's illegal racial gerrymanders, to a senior position in the Census Bureau.<sup>101</sup> Brunell has no experience managing organizations as large and complex as the Census Bureau and has shown a [hostility](#) to the notion that legislative districts should foster competitive elections.<sup>102</sup> Moreover, at the end of 2017, the administration made a [formal request](#) to add a question about citizenship status to the 2020 Census.<sup>103</sup> The question could discourage many people, including undocumented persons residing in the United States, from participating in the census. Both of these developments could undermine a fair and accurate count of people residing in the United States. This would skew the final results and have disastrous consequences that will last at least a decade in communities that are already underrepresented and undercounted.

# TRUMP ATTACKS ON THE RULE OF LAW

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*A government of laws and not of men. — John Adams, 1780*

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President Trump treats as nonexistent the rule of law, a foundational tenet of our constitutional system of government. His repeated attempts to influence the administration of justice to serve his personal or partisan goals reflect his apparent view that we are a government of men and not of laws, in direct opposition to core principles that have always governed us.

Trump's repeated assaults on the Justice Department and the FBI are designed to pressure those agencies to make investigative and prosecutorial decisions based on his political desires, often against his political adversaries. President Trump saw the role of Attorney General Jeff Sessions and FBI Director James Comey as protecting him. He [told Sessions](#) "it was his fault they were in the current situation" after the Special Counsel probe was launched.<sup>104</sup> He fired Comey after failing to get a requested commitment of [loyalty](#) from him, with the clear implication it was Comey's job to serve Trump's interests, not the obligations of his office.<sup>105</sup>

According to the [The New York Times](#), "Mr. Trump has made clear that he sees the attorney general and the F.B.I. director as his personal agents rather than independent figures, lashing out at both for not protecting him from the Russia investigation."<sup>106</sup>

President Trump has brazenly [said](#), "I have absolute right to do what I want to do with the Justice Department."<sup>107</sup> This is flatly wrong. While Trump keeps calling for political opponents to be prosecuted or put in jail, under our democratic norms and legal system, he has no right to instruct the DOJ to indict or prosecute any individual.

Trump's assertion that he has an "absolute right" to "do what I want" is more reminiscent of the dictatorial authority exercised by rulers in totalitarian systems than it is of the American system of justice, a system governed by law enforcement which is supposed to be administered without regard to a president's personal or partisan objectives. Trump's [public call](#) for the Justice Department to prosecute and put in jail former Hillary Clinton aide, Huma Abedin, shows his contempt for the rule of law and impartial law enforcement.<sup>108</sup>

According to the [New York Times](#), Trump's "calls break with longstanding presidential practice. Since the Watergate scandal, the Justice Department has conducted criminal investigations largely free of White House political influence."<sup>109</sup>

An impartial judiciary, independent of the Executive Branch, is a fundamental right provided by our constitutional charter and our long-held tradition of the rule of law. Trump has [attacked](#) the rule of law by repeatedly challenging and attempting to discredit our judiciary. When Trump faced an adverse decision on DACA, he attacked the entire "Court system" as "broken and unfair."<sup>110</sup> He has demonstrated an "[alarming pattern](#)" of "attacking the independent judiciary."<sup>111</sup>

President Trump has taken a dangerous and wholly indefensible path by attempting to unduly influence enforcement agencies and the courts to carry out his political and partisan goals. Fortunately, he has had little success in his efforts to undermine the rule of law, the judiciary and the Constitution.



## ATTACKING THE FREE PRESS

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*President Trump's attacks on and lies about press coverage of him and his administration are a dangerous attack on a fundamental principle of American democracy: Freedom of the Press.*

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Beginning with then-Press Secretary Sean Spicer's [claim](#) that the Trump swearing-in was witnessed by more people than any previous inauguration and continuing through an [announcement](#)-by-Tweet in January 2018 that he would be giving "awards" to the "MOST DISHONEST & CORRUPT MEDIA OF THE YEAR," the president has waged an unprecedented war on press freedom.<sup>112</sup>

America's founders understood that an independent, aggressive press makes our democracy stronger by holding government and government officials accountable. "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter," Thomas Jefferson famously [observed](#).<sup>113</sup>

While there is a long history of tensions between elected officials and journalists, President Trump's personal attacks on reporters and editors, his dismissal of accurate and carefully reported stories as "fake news," and his administration's efforts to control the flow of information are deeply disturbing.

In January, attempting to defend Spicer's false claims about the inaugural crowd, presidential counselor Kellyanne Conway [suggested](#) that Spicer had simply relied on "alternative facts."<sup>114</sup> Weeks later, as the administration reached the 100-day milestone, Spicer [scaled back](#) on-camera press briefings at the White House.<sup>115</sup>

In December, as the administration neared its first anniversary, Columbia Journalism Review [reported](#) that "since declaring his candidacy in 2015, Trump has posted nearly 1,000 tweets critical of the press."<sup>116</sup> Among other things, he has attacked journalists as "[enemies of the American people](#),"<sup>117</sup> retweeted a [video](#) doctored to show him beating up a man whose face had been replaced by CNN's logo,<sup>118</sup> [threatened](#) to sue several newspapers<sup>119</sup> and [revoke](#) the licenses of critical broadcast networks,<sup>120</sup> and [called](#) reporters some of the most dishonest people on Earth in a speech to employees at the Central Intelligence Agency.<sup>121</sup>

More than one-fourth of Trump's journalism-related tweets since announcing his candidacy have [targeted](#) individual reporters; after Megyn Kelly, then of Fox News, asked him a tough question about his treatment of women, Trump made her his top media target, with critical references in about 60 tweets.<sup>122</sup> He's also [gone after](#) MSNBC's Joe Scarborough and Mika Brzezinski,<sup>123</sup> "the failing [New York Times](#),"<sup>124</sup> and CNN's Jim Acosta, who he [described](#) as "fake news."<sup>125</sup>

Retired CBS correspondent Bob Schieffer warns that the president's attacks are aimed at destroying the credibility of the media. An independent press "is as crucial to our democracy as the right to vote," Schieffer [said](#) in October.<sup>126</sup> "And when people try to undermine that, I think they are undermining the foundations of our democracy."

# TRUMP ASSAULTS ON OUR INSTITUTIONS AND PUBLIC OFFICIALS

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*A president who engages in nonstop, often vicious, personal attacks.*

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President Trump apparently wakes up each morning and asks: Who should I attack today?

From his earliest days in office, Trump has sought to divide the country. One of his favorite tactics is to attack government institutions and public officials, often viciously, without regard for the truth of his attacks. These assaults are unprecedented for a United States president.

President Trump attacked and then [fired](#) FBI Director James Comey in an attempt to end the Justice Department investigation of Russian interference in the 2016 presidential election.<sup>127</sup> (Instead he ended up with an independent Special Counsel investigation.) Trump [attacked](#) his appointee, Attorney General Jeff Sessions, for recusing himself from the Russia investigation, an action that was required by Justice Department rules. Trump went so far as to ask Sessions to [resign](#).<sup>128</sup> Trump [attacked](#) his Justice Department as being part of the “deep state” for not taking action against Democrats.<sup>129</sup>

Trump [attacked](#) the FBI, another agency headed by a Trump appointee, Christopher Wray, and called it an agency whose standing was the “worst in History” and whose reputation was in “Tatters.”<sup>130</sup> Trump accused an FBI agent of [treason](#) for making negative comments about him.<sup>131</sup>

Trump [attacked](#) former CIA Director John Brennan and former Director of National Intelligence James Clapper as “political hacks.”<sup>132</sup> Trump sided with President Putin’s patently false denials of Russian interference in our elections over the unanimous view of the intelligence community.

Trump routinely [attacks](#) judges when they issue opinions he does not like and has attacked the [entire court system](#) as “broken and unfair.”<sup>133</sup> <sup>134</sup> Trump regularly attacks legislators of both parties when they disagree with him. According to a [CNN report](#), as of October 2017, Trump had personally attacked 1 out of every 5 Republican senators.<sup>135</sup> Trump [attacked](#) Sen. Dick Durbin saying he “totally misrepresented what was said” at a contentious White House meeting on DACA, after it had been confirmed by multiple sources that Durbin was telling the truth.<sup>136</sup>

Jack Goldsmith, former head of the Justice Department’s Office of Legal Counsel, [said](#) of Trump’s attacks on the Justice Department: “[T]hey appear to be part of an effort to weaken public confidence in American institutions more generally—not just the DOJ, but also the ‘so-called’ courts, the ‘fake news’ media, the supposedly lying, incompetent intelligence community, and others.”<sup>137</sup>

Trump’s meritless, nonstop attacks on government institutions and public officials are doing great damage. The irrational and irresponsible attacks by President Trump undermine the public’s confidence in government, demoralize public officials, demean the presidency, discredit the president and diminish our global role and influence. The attacks violate core norms that require the president’s separation from individual law enforcement decisions and ensure that law enforcement is not used for partisan purposes.

## KEEPING WHITE HOUSE VISITOR LOGS SECRET

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*The president reversed President Obama's policy of making White House visitor logs public.*

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Not quite three months after taking office, the Trump administration [reversed](#) an Obama-era policy that allowed journalists and the general public to review White House visitor logs.<sup>138</sup> The move came late on Good Friday afternoon after much of the White House press corps had departed for the Easter holiday weekend.

President Trump reversed a transparency policy that had been among the most important of the previous administration. The visitor logs provided the public with valuable information about those who had access to the White House – including the names of visitors and the dates and times of their entry and exit.

President Barack Obama first made the visitor logs public by routinely releasing them on the White House's website. In doing so, President Obama [said](#) that making the records public would uphold the American public's "right to know whose voices are being heard in the policymaking process."<sup>139</sup> By the time he left the White House, Obama had released [nearly 6 million](#) records of visits to the Executive Mansion complex.<sup>140</sup>

President Trump, however, would release none – unless ordered to do so by a court. This made it clear that Trump's real interest was in obscuring the insular nature of the circle of people influencing him and his staff.

Without access to the sort of data that the White House formerly made accessible, some reporters have analyzed press releases and news reports to piece together who has met with President Trump and other high-level administration officials. In May, a [database](#) compiled by Politico [revealed](#) that about 80 percent of the 1,200 people with direct access to the president up to that time were white, and more than 60 percent were white men.<sup>141</sup> Included in the analysis of those who met with Trump were at least 270 business executives.<sup>142</sup>

In November, after a court order disgorged logs maintained by five major federal offices, Newsweek [concluded](#) that the records demonstrated that Trump's policy agenda had been "spearheaded almost entirely by business interests, with little input from consumer advocacy or humanitarian groups."<sup>143</sup>

President Trump's break from a new tradition of transparency belies his claims to "drain the swamp."

# TRUMP'S FAILURE TO RELEASE TAX RETURNS

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*An affront to the standard of transparency observed by every modern president.*

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Every president since Harry Truman has [released](#) his federal income tax returns to the public, with the exception of Gerald Ford, who produced detailed summaries of his income taxes.<sup>144</sup> The practice is beneficial for both the president and the public at large: public tax returns can shield the president from charges of self-dealing and provide the voters with useful information about their leaders. This custom was broken by Donald Trump. His failure to follow his predecessors' example is based on broken promises and lies.

Before running for president, Trump offered assurances that he would follow the footsteps of all candidates and presidents. "If I decide to run for office, I'll produce my tax returns, absolutely," he [said](#) in a 2014 interview. "I would love to do that."<sup>145</sup> His attitude had evidently changed by the time he became a candidate. After a full campaign and a year in office—a year in which Congress passed a tax cut for high income earners and corporations—President Trump has yet to release anything. Some information about his taxes has emerged nevertheless. His 1995 return was shared with the *New York Times*, [revealing](#) the declaration of a \$916 million loss, a deduction so large that it could have wiped out his entire federal income tax liability for as long as 18 years.<sup>146</sup> And in March 2017, a copy of his 2005 return was [obtained](#) by Rachel Maddow of MSNBC.<sup>147</sup>

During the presidential campaign, candidate Trump began to [insist](#) that he was unable to release his tax returns because of ongoing audits by the Internal Revenue Service. This was only a delay, he noted; he would release the documents as promised as soon as the audit process was complete.<sup>148</sup> Trump offered this excuse for the remainder of the campaign and continued into his presidency. It was never true: a [statement](#) from the IRS confirmed that "Nothing prevents individuals from sharing their own tax information."<sup>149</sup>

President Trump only abandoned this charade after being elected. "The only one that cares about my tax returns are the reporters, okay?" he said. When asked if the public cared, he [replied](#) "I don't think so. I won. I mean, I became president. No, I don't think they care at all."<sup>150</sup> Two days after Trump's inauguration, his adviser Kellyanne Conway [confirmed](#) what had been suspected for months: "The White House response is that he's not going to release his tax returns. ...People didn't care."<sup>151</sup>

President Trump's refusal to release his tax returns shows contempt for the norms of the American presidency and his fellow citizens. People care about where their leaders get their money, how much they give to charity, and how changes in policy might affect their bottom line. He ignores them at his own risk.

# PENCE-KOBACH “VOTER FRAUD” COMMISSION

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*Flawed from the start and dissolved in disgrace.*

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To justify his lies that “[millions of people who voted illegally](#)” cost him the popular vote in 2016, President Trump appointed a “Presidential Advisory Commission on Election Integrity” to investigate false claims of illegal voting.<sup>152</sup>

Led by its Chair and Vice Chair – Vice President Mike Pence and Kansas Secretary of State Kris Kobach – the commission was [flawed from the start](#).<sup>153</sup> The president [stacked](#) it with partisan officials who had long records pushing discriminatory policies to make voting harder and less accessible for eligible Americans, especially communities of color, young people, those who move frequently, and the elderly.<sup>154</sup> The commission appeared to be part of an effort to put a presidential imprimatur on policies that would decrease accessibility to the ballot for eligible Americans.

After facing at least [eight lawsuits](#) and mobilized grassroots opposition, President Trump abruptly [shut down](#) the commission in January 2018.<sup>155</sup>

Among its many missteps, the commission [requested](#) voters’ personal data from every state.<sup>156</sup> Vice President Pence’s office [confirmed](#) that the commission “intend[ed] to run the state voter rolls it [had] requested against federal databases to check for potential fraudulent registration.”<sup>157</sup> The request led to a [bipartisan rebuke](#) from election administrators throughout the country, including by Mississippi’s Republican Secretary of State, who [told](#) the commission to “go jump in the Gulf of Mexico.”<sup>158</sup>

As Common Cause [warned](#), the commission’s planned database matching system was proven to “lead to false matches and inappropriately target individuals for removal from the rolls who are lawfully registered to vote.”<sup>159</sup>

The commission faced multiple legal actions, [including a suit](#) by one of its own members, Maine Secretary of State Matt Dunlap, who objected to its operations and was denied access to documents and schedules.<sup>160</sup> Common Cause sued the commission for violations of the Privacy Act.<sup>161</sup> Nine former high-ranking national security officials—including former Director of National Intelligence James Clapper and former National Counterterrorism Center Director Matt Olsen—[filed an amici brief in the case warning](#) about the cybersecurity risks of the commission’s planned private voter information database and its vulnerability to hacking.<sup>162</sup> Other lawsuits challenged the commission’s failure to abide by federal laws concerning its records, open meeting policies, and operations.

The commission was a distraction from necessary solutions that will make our election systems more secure, accessible, and fair, including voting machines that use paper ballots, risk-limiting audits, and automatic voter registration.

## DEREGULATORY TASK FORCES OPERATING IN SECRET

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*Trump ordered deregulatory teams to review regulations to repeal, operating behind closed doors with secret membership.*

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Weeks after taking office, President Trump [ordered](#) federal agencies to create “task forces” to review federal regulations and recommend rules that the administration should push to repeal, replace, or modify.<sup>163</sup> According to a joint [investigation](#) by *The New York Times* and *ProPublica*, the task forces were “being conducted in large part out of public view and often by political appointees with deep industry ties and potential conflicts.”<sup>164</sup>

Most government agencies [declined](#) to disclose any information about the deregulation teams to inquiring journalists.<sup>165</sup> Instead, to examine who exactly was on these task forces, the journalists [used](#) public information requests and interviews to determine as much as it could, and were able to do so for the membership of a limited number of teams. They discovered numerous conflicts of interest.<sup>166</sup> As part of the investigation, they [identified](#) “85 known current and former team members, including 34 with potential conflicts. At least two of the appointees may be positioned to profit if certain regulations are undone and at least four were registered to lobby the agencies they now work for.”<sup>167</sup>

The appointees with conflicts [include](#) Samantha Dravis to the Environmental Protection Agency, the former president of an organization that combined forces with Republican attorneys general and energy companies to challenge environmental regulations in court that hurt the fossil fuel industry.<sup>168</sup> Rebeckah Adcock, a former lobbyist on behalf of pesticide trade manufacturers, was named to a deregulation task force at the Department of Agriculture which has jurisdiction over food and agriculture policy.<sup>169</sup>

In August, Rep. Elijah Cummings, D-Md., Ranking Member of Committee on Oversight and Government Reform, and several other Members of Congress sent a [letter](#) to the Office of Management and Budget, expressing their “alarm concerning the lack of transparency, accountability, and independence of the Regulatory Reform Task Forces.”<sup>170</sup>

At the end of 2017, the president [said](#) that he was “just getting started” on rolling back regulations – and that his administration’s progress in achieving that goal was the “most far-reaching regulatory reform” in the history of the United States.<sup>171</sup> Rules cited by the administration as proof of the rollback [include](#) environmental regulations related to coal and rules requiring contraceptive coverage in healthcare plans.<sup>172</sup>

## TRUMP PERSONALLY INTERVIEWED U.S. ATTORNEY CANDIDATES

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*Breaking with well-established tradition of independence, President Trump is inviting a conflict of interest by personally interviewing potential U.S. Attorney nominees.*

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Flouting the American principle that no person is above the law, President Trump personally [interviewed](#) multiple candidates for U.S. Attorney positions who, if confirmed, would have jurisdiction over him and his businesses.<sup>173</sup> These positions—the top federal prosecutors in each jurisdiction—report to the attorney general and are among the most powerful law enforcement officers in the country.

Ordinarily, presidents are much less involved in the hiring of U.S. Attorneys. It has been [longstanding practice](#) that candidates for these positions are vetted by the Department of Justice in consultation with home-state senators, even if those selected are ultimately nominated by the White House.<sup>174</sup> Particularly in the wake of President Trump’s demands for “loyalty pledges” from law enforcement appointees including fired FBI Director James Comey, his close involvement in the selection process risks the appearance of corruption and favoritism.

Preet Bharara, the former U.S. Attorney for the Southern District of New York, [explained](#) that “it is neither normal nor advisable for Trump to personally interview candidates for U.S. Attorney positions, especially the one in Manhattan.”<sup>175</sup>

In early 2018, President Trump [nominated](#) Geoffrey Berman—a former federal prosecutor who was most recently a law partner of Trump associate Rudy Giuliani—to the post in Manhattan.<sup>176</sup> Berman was one several candidates who Trump interviewed for several posts.<sup>177</sup> Politico [reported](#) that Trump had shown a “keen interest” in this position for Manhattan, as well as the U.S. Attorney for the Eastern District of New York, which covers Brooklyn.<sup>178</sup>

## INAUGURAL FUND FAILS TO PUBLICLY ACCOUNT FOR \$107 MILLION HAUL

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*Starting with his inauguration, President Trump has courted wealthy special interests while hiding their influence on him and his administration.*

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President Trump’s courtship of big dollar donors and his stewardship of their contributions to his inauguration sent a powerful message about his true priorities.

As president-elect, Trump [signaled](#) his administration would be open for business by imposing no limits on individual contributions and a \$1 million cap on corporate donations to his inaugural fund.<sup>179</sup> He granted [special access](#) to himself and key administration decision-makers to the fund’s most generous donors.<sup>180</sup>

The Trump inaugural fund collected about \$107 million, [more than twice](#) as much as President Obama raised for his second inaugural in 2013 and about double what Obama raised for his first inaugural in 2009.<sup>181</sup> At least [47 Trump donors](#) gave at least \$1 million, and in return got tickets to a “leadership luncheon” with members of the new president’s Cabinet and congressional leaders; those big donors also were invited to dine with Vice President Mike Pence and his wife, Karen, and received tickets to a “ladies luncheon” to meet “the ladies of the first families.”<sup>182</sup>

The inaugural committee’s receipts were nearly [four times](#) the total estimated cost – \$25 million – of the pre-inaugural concert at the Lincoln Memorial.<sup>183</sup> (Security and “official” inaugural activities are financed with tax dollars.) About \$3 million of the surplus was used to cover the cost of [renovations](#) to the White House and the vice president’s residence, leaving an estimated \$79 million unspent.<sup>184</sup>

So what happened to all that money? Inaugural committee disclosure requirements are notoriously lax – there is no required public disclosure of inaugural committee expenditures or surpluses. The Trump team promised that inaugural surpluses would be donated to charity, but at last report only \$3 million had been [distributed](#) – \$1 million each to the American Red Cross, the Salvation Army and Samaritan’s Purse, an evangelical group, for hurricane relief.<sup>185</sup>

Last year, watchdog groups including Campaign for Accountability, Common Cause, CREW, Democracy 21, and Public Citizen [wrote](#) to President Trump and the Inaugural Committee to request an accounting of the surplus funds. According to the letter, Trump’s inaugural committee “raised an all-time record of \$107 million. ... Despite fundraising from about 250 wealthy donors, Trump’s inauguration shaped up to be a relatively low-key affair. Obama’s 2009 inauguration stretched over five days, involving 10 official balls and hosted a record public attendance. Trump’s inauguration lasted three days, involved three official balls, and hosted a much smaller group.”<sup>186</sup> The watchdog groups asked the committee to “provide a full accounting of its expenditures and promptly distribute any surplus fund to donors or the General Fund of the Treasury.”<sup>187</sup>

Neither the president nor the committee have responded to the letter or disclosed the expenditures.



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