

# United States Senate

WASHINGTON, DC 20510

February 10, 2017

The Honorable Donald McGahn  
White House Counsel  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. McGahn:

We write to request that you outline clear and specific steps the White House is taking to prevent further violations of government ethics laws by members of the White House and the Administration of President Trump. Yesterday's statements by Kellyanne Conway, Counselor to President Donald Trump, were the latest in a series of statements and actions that suggest that the Trump Administration has either no understanding of, or complete disregard for, federal conflict of interest laws and regulations.

Speaking to viewers of "Fox & Friends" while standing in the White House briefing room, Ms. Conway referenced the merchandise collection owned and controlled by Ivanka Trump, President Trump's daughter, and encouraged viewers to "go buy Ivanka's stuff." While acting in her official capacity, Ms. Conway also stated "I'm going to give it a free commercial here" and "Go buy it today everybody. You can find it online."<sup>1</sup>

This endorsement of specific merchandise would appear to violate ethics laws and regulations, which clearly bar federal employees from endorsing any product or enterprise for private gain. A rule adopted by the U.S. Office of Government Ethics prohibiting the misuse of public office for private gain specifically states that:

An employee may not use his public office for his own private gain or for that of persons or organizations with which he is associated personally. An employee's position or title should not be used to coerce; to endorse any product, service or enterprise; or to give the appearance of governmental sanction.<sup>2</sup>

Ms. Conway's statements from the White House briefing room clearly indicate that she was endorsing the product line for the private gain of an individual with whom she is associated personally. Furthermore, the U.S. Office of Government Ethics recently issued a statement to federal employees indicating that "all executive branch employees must refrain from misuse of position, including endorsements."<sup>3</sup>

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<sup>1</sup> *Kellyanne Conway on Ivanka Trump's Fashion Line: 'Go Buy It Today!'*, Fox News (Feb. 9, 2017).

<sup>2</sup> 5 C.F.R. § 2635.702.

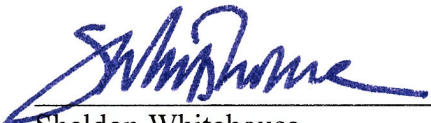
<sup>3</sup> *After Trump tweet, ethics office to U.S. employees: do not endorse products*, Reuters (Jan. 13, 2017).

This is not the first time business dealings of President Trump and his family may have run afoul of federal laws or created the appearance of impropriety. In the three weeks since the President's inauguration, questions have been raised about whether the Trump International Hotel in Washington, D.C. is in violation of its lease with the General Services Administration, why his "Winter White House" at Mar-a-Lago increased membership fees without disclosing the names of all of its members, whether it is proper for the Department of Defense to rent space in Trump Tower if that rent would be paid to the Trump Organization, and why Melania Trump has claimed in legal proceedings that being the First Lady is a "unique, once-in-a-lifetime" business opportunity.

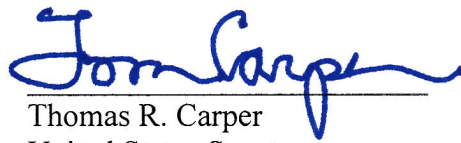
This pattern of behavior, in conjunction with President Trump's failure to follow the advice of the Office of Government Ethics concerning his own assets, suggests that ethics violations will continue to plague this Administration throughout the length of its tenure. This not only distracts us all from the important matters facing our country, but it denigrates the esteem with which our government is held at home and abroad. We urge you to act decisively to address these concerns and, in the interest of transparency, make public any guidance provided by your office to White House staff to prevent further ethical violations.

Thank you for your attention to this matter.

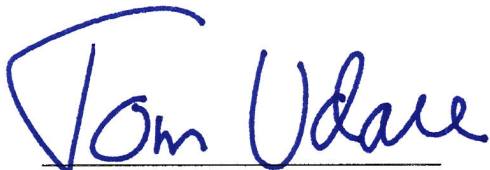
Sincerely,



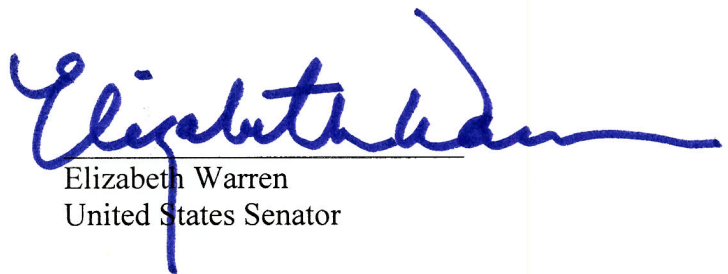
Sheldon Whitehouse  
United States Senator



Thomas R. Carper  
United States Senator



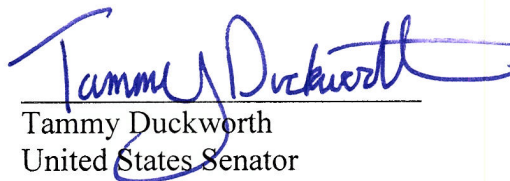
Tom Udall  
United States Senator



Elizabeth Warren  
United States Senator



Edward J. Markey  
United States Senator



Tammy Duckworth  
United States Senator