

From: Lesser, Eric (SEN) Eric.Lesser@masenate.gov
Subject: RE: Please protect the American people from Donald Trumps conflicts of interest and non-existent ethics
Date: November 17, 2016 at 9:43 AM
To: Patty G [REDACTED]



Thank you for sharing your thoughts on this, Patty. Rest assured, I share your concerns!!

Please keep in touch,
Eric

From: Patty G [REDACTED]
Sent: Saturday, November 12, 2016 3:27 PM
To: Lesser, Eric (SEN); Ashe, Brian - Rep. (HOU)
Subject: Please protect the American people from Donald Trumps conflicts of interest and non-existent ethics

Dear Senator Lesser and Representative Ashe,

I wanted to share with you the letter I just sent to Sen. Elizabeth Warren and am sharing with all my state and federal representatives asking you all to take some meaningful action to protect our interests. The requirement for presidential candidate submitting their tax returns to be eligible to be placed on the ballot as a presidential candidate is something that could start at the state level.

Thank you for fighting for Massachusetts and America.

Senator Warren,

I am a constituent and want to offer a sincere and heartfelt THANK YOU for staying strong and holding principled positions and debating with an open mind, with reason and with civility. I was inspired and pulled out of my despair by your recent speech to the AFL-CIO calling on us all not to give up, but to pick the battle and engage where we can make a real difference and where it matters most.

In that spirit, here I am writing you to offer my continued support and ask for your help before it's too late.

Donald Trump is the first presidential candidate in the 40 years since Richard Nixon (a Republican) initiated the tradition who has refused to release his tax returns. As a result, as you repeatedly argued on the campaign trail, we the people have no way to confirm the extent of any conflicts of interest he may have.

In the interest of government transparency, campaign finance reform, and ethics in government, let's put into law a requirement that presidential and vice-presidential candidates who are declared candidates must disclose their past 10 years of IRS tax returns no later 4 months prior to each presidential election day or within 48 hours of declaring as a candidate if declaring after that date. If any of the applicable years' returns is under IRS audit it can be excluded from disclosure until such time as the audit has been closed and period for appeal has passed. If an appeal of an audit finding on any of the applicable returns is in progress or a dispute is pending before

Tax Court some provision should be included to provide due process protection while still guaranteeing the electorate the RIGHT TO KNOW about the sources of a candidate's wealth to understand if they will comply with the Emoluments clause of the Article 1 of the constitution. Since the IRS statute of limitations for initiating an audit is 3 years, the exclusion of tax years under audit should still provide 7 years worth of tax returns to meet the transparency goal. If a candidate has all 10 years under active audit or under appeal, that does tell the electorate something, but clearly won't stop them from getting elected.

I understand that the President is exempt from Ethics laws and even many FOIA requirements. This means there are no federal laws that would legally require Donald Trump to place his business interests into a legitimate "blind trust" that would ensure that his policy decisions as president are not influenced to enrich himself personally. What he has so far been proposing (putting under control of his children) certainly does not avoid the appearance of a conflict. Federal Ethics laws require employees to take steps to avoid even the APPEARANCE of conflict.

This is a man who spent countless months during his campaign questioning all other candidates integrity but especially Hillary Clinton's honesty, integrity and appearance of "pay for play" related to the Clinton Foundation. He criticizes Obama and Clinton for secrecy and lack of transparency. This is indicative of his own complete hypocrisy since he clearly is fine with keeping his own secrets that may provide an appearance of "pay for play" (but we should just trust him that they won't tell us anything).

Article 1, Section 9 of the constitution has the Emoluments Clause which should guide Trump's actions and provide the protection from conflict of interest here. But through his campaign rhetoric, he's shown an abundance of willful ignorance on the nuances of the sections of the constitution that he finds inconvenient. My faith that Donald Trump will uphold the Emoluments Clause is weak.

Where there is no law that forces detailed disclosure of a president's financial holdings and establishment of a blind trust or complying with any of the other Federal Ethics law provisions which all other Federal employees are subject to, how can the people trust that Trump will follow the law and remain faithful to his Oath to uphold the constitution - by COMPLYING with it?

One of Donald Trump's favorite phrases is "believe me". Yet here is his opportunity to earn some FAITH from his opponents by disclosing. Despite constant calls even from within his own party, he clearly won't do that voluntarily. So, let's make it law. This will build more faith in government by allowing the people to "trust but verify" that even (especially!) the President is acting Ethically at all times.

Let's put the president and vice-president under the Federal ethics laws especially those related to financial conflict of interest protections. Obviously, any such change in law would have to be carefully crafted to ensure it's on built on impeccable constitutional foundations (since we can be sure the supreme court will be getting more and more conservative) . So well-crafted that it will be upheld whether through textual, historical, intentional or whatever constitutional interpretation prevails on Donald Trump's Supreme Court.

I'm not a lawyer, but you are and I'm sure you know quite a few constitutional scholars from all political leanings so I'm sure this could be done. There would need to be some practical exceptions on applying these laws to the presidency in order to protect the independence of the presidency and maintain the balance of power. It would need provisions that would ensure frivolous and partisan ethics investigations that could harm the national interest would be prevented. We already see too much of that behavior in congress. Such provisions would be key to ensure any kind of bi-partisan support -- but besides that, it would be the right thing to do. Fairness is important.

It's urgent that there is some kind of law on the books BEFORE inauguration day that will FORCE sunlight on any president's or vice-president's financial dealings to ensure they are complying with the Emoluments Clause and preventing foreign influence on government policy while ensuring that it's a balanced law that acknowledges, supports and encourages the right of all people, whether holding public office in congress or a sitting president, to work hard for their own financial prosperity and reap the rewards of that hard work.

Surely there is still time for the lame duck congress to enact something that will give the people the ability to actually have some oversight of this man? I don't trust him, certainly, but I would want this for any president even Obama or even if Hillary had won.

I know it's near impossible for democrats to get any meaningful legislation passed right now. But this is worth trying for. I'm sure there would be grass roots support.

A you said in your speech, there is broad frustration in the country across republicans, democrats and independents. There is a huge majority of citizens who believe that there is a lack of ethics in government. Even Trump himself has put forward a "Package Of Ethics Reforms To Make Our Government Honest Once Again"

If he fights against being held to his own standards for others -- well then.... we can

fight him every step of the way.

Let's make sure he as president is bound by the same rules as all other federal employees and that the American people have the tools of discovery and enforcement.