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May 13, 2019

VIA EMAIL TO: CELA@fec.gov

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, N.E.
Washington, D.C. 20463

Re: MUR7266 Response of Jared Kushner to Supplement

Dear Ms. Dennis:

On behalf of Mr. Kushner, I responded to the Complaint in this matter nearly two years ago with a letter to Jeff S. Jordan, Esq., dated September 14, 2017¹. In responding to the Supplement that you sent to me on May 2, 2019, we stand by the September 14, 2017 letter, but I will briefly address the claims made in the Supplement.

Complainants begin their Supplement by firmly alleging that Mr. Kushner engaged in “soliciting, or providing substantial assistance in the solicitation of, contributions from foreign nationals” and claiming that this allegation was somehow “confirmed” by Special Counsel Robert Mueller’s report. (4/30/19 Supp. at 1.) Aside from including only selective portions of that Report and ignoring those that undercut their claim, Special Counsel Mueller, of course, reached no such conclusion with respect to Mr. Kushner. Reading carefully, no basis for the claim is cited in the Supplement, and Complainants themselves back off of their assertion. By page 6 of the Supplement, Complainants recast their claim to be that Special Counsel Mueller concluded that only Mr. Trump, Jr. had engaged in the solicitation (a claim that Mr. Trump, Jr. contests), and they now allege that Special Counsel Mueller concluded only that Mr. Kushner “potentially” engaged in the alleged solicitation. (*Id.* at 6.) In concluding, Complainants claim “there is reason to believe” that Mr. Kushner engaged in the solicitation, but again they qualify this claim with “potentially.” (*Id.* at 8.)

As weak as any claim qualified by the word “potentially” is, the word “potentially” is the Complainants’ word alone used to characterize Special Counsel Mueller’s findings with respect to Mr. Kushner. Special Counsel Mueller did not conclude that Mr. Kushner had engaged – even “potentially” –

¹ My prior letter was on Norton Rose Fulbright letterhead, but I subsequently joined Winston & Strawn LLP. Please direct your correspondence with me and Christopher Man to this address. Mr. Kushner’s former counsel at Norton Rose Fulbright, Keith Rosen and Ilana Sinkin, no longer represent him.

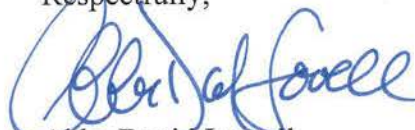
in the alleged solicitation. After Special Counsel Mueller's extensive two-year investigation, the facts concerning Mr. Kushner remain the same as they were when we addressed them in my September 14, 2017 letter.

Special Counsel Mueller's investigation revealed what we already knew, that Mr. Kushner had no involvement in setting up the June 9, 2016 meeting with the Russians. The meeting was scheduled before he ever knew anything about it, and he did not learn of the meeting until he was invited to attend. Even then, he attended the meeting late, and he left early. There is no claim in the Mueller Report that at any time – either before, during, or after this meeting – that Mr. Kushner solicited anything from the Russians. He simply showed up at the meeting his brother-in-law asked him to attend, prepared to listen, but as the Mueller Report actually found, “the information ultimately delivered in the meeting was not valuable.” 1 Mueller Report at 183. Special Counsel Mueller reported that Mr. Kushner sent an iMessage to Mr. Manafort during the meeting to express that it was a “waste of time,” and he “departed the meeting before it concluded.” *Id.* at 117-18. Thus, Mr. Kushner not only never solicited anything from the Russians, he never received anything from them either and took no follow up steps at all.

Moreover, it is curious that Complainants would rely on Special Counsel Mueller's extensive two-year investigation of this incident that did not find any wrongdoing by Mr. Kushner, “potentially” or otherwise, to reiterate their call for Mr. Kushner to be investigated by the FEC. Special Counsel Mueller's investigation is one of the most massive investigations ever conducted by the United States government, and it piggy-backed off of a prior 10-month investigation by the FBI. *Id.* at 12. Special Counsel Mueller recounts that his findings are based on the work of 19 attorneys, 40 FBI agents, and the work of numerous other professionals, and involved the issuance of 2,800 subpoenas, the execution of 500 search-and-seizure warrants, nearly 50 orders for pen registers, 13 Mutual Legal Assistance Treaty requests to foreign governments, and hearing from roughly 500 witnesses. *Id.* at 13. If Special Counsel Mueller's investigation did not reveal that Mr. Kushner engaged in solicitation – or even accepting Complainants' self-indulgent claim that it at most found that he “potentially” did – there is no reason to believe that further investigation by the FEC would lead to an actionable claim against Mr. Kushner by the FEC.

Complainants received the investigation into Mr. Kushner that they sought, and it has not confirmed the allegations against him in their Complaint. The FEC should not bring civil claims for solicitation when no investigation has found such solicitation to have occurred. It is not enough that Complainants retain their suspicions that an offense “potentially” occurred, the FEC can only act upon what the evidence shows. There is nothing more to investigate, and there is no claim against Mr. Kushner to be made. The FEC should dismiss the Complaint and close this matter.

Respectfully,



Abbe David Lowell