



March 3, 2026

Arne B. Baker
Senior Official Performing the Duties of the Inspector General
Office of Inspector General
U.S. Department of State
1700 North Moore Street (SA-39)
Arlington, VA 22209

Dear Mr. Baker:

Two weeks ago, President Trump announced at the inaugural meeting of his “Board of Peace”¹ that his son-in-law, Jared Kushner, was being appointed as Special Envoy for Peace.² Days later, Jared Kushner was in Geneva to meet with Oman’s foreign minister to negotiate over Iran’s nuclear program.³ Trump’s announcement occurred weeks after Kushner presented the White House’s proposal to raze the Gaza Strip to build luxury skyscrapers at the World Economic Forum in Davos, Switzerland, and Kushner’s announcement that the United States would host a Gaza investment conference for the private sector in D.C. in the coming weeks.⁴

Democracy Defenders Fund (DDF), is deeply concerned that Mr. Kushner’s Presidential appointment to be Special Envoy at the Department of State violates the anti-nepotism statute, creates insurmountable conflicts of interest, poses serious risks that Kushner will have access to

¹ The Board of Peace was originally envisioned as a transitional body focused on the reconstruction of the Gaza Strip. Helen Regan & Kara Fox, *What is Trump’s ‘Board of Peace’ and who is joining? Here’s what to know.*, CNN (Jan. 22, 2026), <https://www.cnn.com/2026/01/22/world/trump-board-of-peace-explainer-intl-hnk>. The UN Security Council welcomed the Board of Peace as a “transitional administration with international legal personality that will set the framework, and coordinate funding for, the redevelopment of Gaza.” S.C. Res. 2803 (Nov. 17, 2025), [https://docs.un.org/en/S/RES/2803\(2025\)](https://docs.un.org/en/S/RES/2803(2025)). The Charter for the Board provides for a much wider remit, however, and President Trump has suggested that the Board could replace the UN. Reagan & Fox, *supra*. In January 2026, President Trump designated the Board of Peace as a Public International Organization under the International Organizations Immunities Act (22 U.S.C. 288) through Executive Order 14375, although it is unclear whether the conditions for that designation have been met. Exec. Ord. 14375, 91 Fed. Reg. 2837 (Jan. 22, 2026); Michael Mattler, *Some Questions About Trump’s Executive Order Granting Privileges and Immunities to the Board of Peace*, JUST SECURITY (Feb. 10, 2026), <https://www.justsecurity.org/131113/some-questions-about-trumps-executive-order-granting-privileges-and-immunities-to-the-board-of-peace/>.

² Sophia Cai & Eli Stokols, *Trump to name Jared Kushner envoy for peace*, POLITICO (Feb. 19, 2026), <https://www.politico.com/news/2026/02/19/trump-jared-kushner-peace-envoy-00788606>.

³ Ashley Carnahan, *Trump envoy Witkoff and Jared Kushner in Geneva for closely watched Iran negotiations*, FOX NEWS (Feb. 26, 2026), <https://www.foxnews.com/politics/trump-envoy-witkoff-jared-kushner-geneva-closely-watched-iran-negotiations?msockid=3da182519d1667ae064094489c116663>.

⁴ Aaron Boxerman, *U.S. Lays Out a Glittering Plan for Gaza, Including Skyscrapers*, THE NEW YORK TIMES (Jan. 22, 2026), <https://www.nytimes.com/2026/01/22/world/middleeast/us-gaza-peace-trump-kushner-davos.html>; David Gritten, *US unveils plans for ‘New Gaza’ with skyscrapers*, BBC (Jan. 22, 2026), <https://www.bbc.com/news/articles/cy7mmpjize7o>.

market-moving, non-public information that can be used to his outside investors' advantage, and implicates the Foreign Emoluments Clause of the Constitution. DDF thereby respectfully requests an immediate investigation into Mr. Kushner's appointment and activities as a Special Envoy.

Background

Kushner is currently the sole owner of Affinity Partners.⁵ It is estimated Affinity manages more than \$5.4 billion in assets.⁶ In 2024 it was reported that nearly 99% of Affinity's investments came from foreign investors.⁷ In 2021, Saudi Arabia became a cornerstone investor in Affinity Partners with a \$2 billion investment made shortly after Kushner left the White House.⁸ In 2024, Affinity received over \$1.5 billion from Qatar's sovereign wealth fund and from Lunate, a UAE-baked investment fund that is owned by Chimera Investments—which is part of the Abu Dhabi business empire overseen by Sheikh Tahnoun bin Zayed Al Nahyan, the United Arab Emirates' national security adviser.⁹ Tahnoun is also the chair of MGX, and has invested heavily in the Trump family's cryptocurrency company, World Liberty Financial, Inc. and its stablecoin USD1.¹⁰ The investment agreements that Affinity holds with Saudi Arabia, Qatar, and the UAE permit those countries to renegotiate the terms of their investments or withdraw their funds in August 2026.¹¹ Meanwhile, Kushner's firm is reportedly receiving nearly \$40 million per a year in management fees.¹²

On February 19, 2026, President Trump announced that Mr. Kushner would be appointed as a Special Envoy for Peace.¹³ The term "special envoy" generally refers to a person temporarily appointed to conduct high-level diplomatic activities on behalf of the President and the Secretary

⁵ Eric Lipton, Jonathan Swan & Maggie Haberman, *As Kushner's Investment Firm Steps Out, the Potential Conflicts Are Growing*, THE NEW YORK TIMES (Apr. 9, 2024),

<https://www.nytimes.com/2024/04/09/us/politics/jared-kushner-affinity-partners.html>.

⁶ Jared Kushner, Forbes Profile (last visited Feb. 25, 2026), <https://www.forbes.com/profile/jared-kushner/>.

⁷ Lipton, et al., *supra* nt. 4.

⁸ David Kirkpatrick & Kate Kelly, *Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts*, THE NEW YORK TIMES (Apr. 10, 2022),

<https://www.nytimes.com/2022/04/10/us/jared-kushner-saudi-investment-fund.html>.

⁹ Iain Withers, *Kushner's Affinity's assets jump to \$4.8 billion after Gulf cash injection*, REUTERS (Mar. 28, 2025),

<https://www.reuters.com/business/finance/kushners-affinitys-assets-jump-48-billion-after-gulf-cash-injection-2025-03-28/>;

Bradley Hope, *A Spymaster Sheikh Controls a \$5.1 Trillion Fortune. He wants to Use It to Dominate AI*, WIRED (Jan. 14, 2025), <https://www.wired.com/story/uae-intelligence-chief-ai-money/>;

Pramod Kumar, *Lunate targets doubling of assets under new leadership*, ARABIAN GULF BUSINESS INSIGHT (Jan. 30, 2026),

<https://www.agbi.com/finance/2026/01/lunate-targets-doubling-of-assets-under-new-leadership/>.

¹⁰ Harry Booth, *Time 100 AI 2025: Sheikh Tahnoun bin Zayed Al Nahyan*, TIME (Aug. 27, 2025),

<https://time.com/collections/time100-ai-2025/7305849/tahnoun-bin-zayed-al-nahyan-ai/>;

Kyle Khan-Mullins & Zach Everson, *Why the Trump-UAE Crypto Deal Made No Financial Sense—For the Emiratis*, FORBES (Feb. 2, 2026),

<https://www.forbes.com/sites/kylemullins/2026/02/02/why-the-trump-uae-crypto-deal-made-no-financial-sense-for-the-emiratis/>.

¹¹ Letter from Ron Wyden, Chairman U.S. Senate Committee on Finance to Chad Mizelle, Chief Legal Officer, Affinity Partners 2 (Sept. 24, 2024), [21a470fd-full.pdf](https://www.senate.gov/imo/media/doc/letter/2024/09/24/wyden-to-mizelle-09-24-2024) (hereinafter "Wyden Letter").

¹² Lipton, et al., *supra* nt. 5.

¹³ Laura Kelly, *Trump says son-in-law Kushner promoted to 'peace envoy'*, THE HILL (Feb. 19, 2026),

<https://thehill.com/policy/international/5745129-trump-kushner-peace-envoy/>.

of State.¹⁴ Days later, during the 2026 State of the Union speech, President Trump stated that he was thankful to Mr. Kushner and Steven Witkoff, Special Envoy for the Middle East, for their help with the war in the Gaza strip and “the man they report to Secretary of State, Marco Rubio.”¹⁵

Request for Investigation

DDF respectfully asks that you investigate Mr. Kushner’s appointment and actions as Special Envoy to determine whether there were violations of any law, rule, or regulation, including: the anti-nepotism statute (5 U.S.C. § 3110); the criminal conflict of interest statute (18 U.S.C. § 208); the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. part 2635); and the Foreign Emoluments Clause of the Constitution (U.S. Const. Art. 1, § 9, cl. 8).

Anti-nepotism statute (5 U.S.C. § 3110)

Pursuant to 5 U.S.C. § 3110, no “public official,” including the President,¹⁶ is permitted to “appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official.”¹⁷ Likewise, “An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.”¹⁸ Mr. Kushner, who is President Trump’s son-in-law, is a “relative” for purposes of the statute.¹⁹ The State Department is an “agency.”²⁰

The State Department Basic Authorities Act of 1956, as amended, places limits on the ability of the President to appoint “Special Envoy” positions at the Department of State.²¹ In general, no special envoy may be appointed that exercises significant authority unless they have been appointed by the President with Senate advice and consent or they will serve for less than 180 days.²² Other than these limitations, special envoys are employees of the United States and subject to the same appointment requirements as other employees, including the anti-nepotism statute.²³

¹⁴ See, e.g., QDDR Special Envoys Working Grp., Am. Foreign Serv. Ass’n, Special Envoys Recommendations 2 (Apr. 2014), https://afsa.org/sites/default/files/Portals/0/qddr_special_envoys.pdf; see also 22 U.S.C. § 2651a(j) (placing limitations on special envoys at the Department of State).

¹⁵ President Donald Trump, 2026 State of the Union Address (Feb. 25, 2026) (transcript available via the Associated Press, <https://apnews.com/article/donald-trump-transcript-state-of-union-2026-c13e2a07df999b464b733f4a6e84dbd4>).

¹⁶ 5 U.S.C. § 3110(a)(2).

¹⁷ *Id.* § 3110(b).

¹⁸ *Id.*

¹⁹ *Id.* § 3110(a)(3).

²⁰ *Id.* § 3110(a)(1)(A).

²¹ 22 U.S.C. § 2651a(j).

²² *Id.* § 2651a(j)(1), (3).

²³ In 2017, the Department of Justice’s Office of Legal Counsel issued an opinion overturning decades of past precedent to conclude that Presidential appointments made pursuant to 3 U.S.C. § 105 in the White House Office

The anti-nepotism statute applies to the appointment by the President of Mr. Kushner as a special envoy at the Department of State. As a result, President Trump could not “appoint” or even “advocate for” the appointment of Kushner nor could Kushner accept an appointment if President Trump had made the appointment or advocated for his employment. Although OPM has the authority to provide an exception for appointments of less than 30 days, that is only available when there is an “emergency posing an immediate threat to life or property, or a national emergency as defined by [5 C.F.R. §] 230.402(a)(1).”²⁴ That exception appears to have no applicability to Mr. Kushner’s appointment as Special Envoy for Peace, which appears initially to be focused on rebuilding the Gaza Strip, not on preventing immediate threats to life and property or to respond to a national emergency as that term is defined at 5 C.F.R. § 230.402(a)(1).

Financial Conflict of Interest (18 U.S.C. § 208)

Section 208, title 18 of the United States Code, provides that an officer or employee of the United States, including any special Government employee,²⁵ may not

participate[] personally and substantially as a Government officer or employee . . . in a . . . particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest²⁶

Kushner’s appointment as Special Envoy for Peace poses several different potential risks for a violation of 18 U.S.C. § 208. First, and most obvious, Kushner’s vast investment relationship with foreign governments poses serious questions about how he can comply with 18 U.S.C. § 208. Any decisions Kushner makes that could impact his, or Affinity Partners’, financial interests would violate the federal financial conflict of interest law, 18 U.S.C. § 208. Given Kushner and Affinity Partner’s extensive financial ties to the Middle East, there is an immense risk that Kushner’s work as Special Envoy for Peace, including working to secure private financing, would implicate his financial stakes through Affinity Partners.

were not subject to the nepotism statute. *Application of the Anti-Nepotism Statute to a Presidential Appointment in the White House*, 41 Op. O.L.C. 49 (2017). That opinion was predicated on two premises that have no application here: (1) that title 3 permits hiring in the White House “without regard” to employment restrictions (2) that the White House is not an agency. *Id.* Whether OLC’s conclusion regarding the application of the anti-nepotism statute to White House appointments was correct or not, it has no bearing on an appointment by the President outside of the White House. *Id.* at 60, nt. 5 (stating that their opinion has no bearing on “filling positions not covered by the special hiring authorities in title 3”).

²⁴ 5 C.F.R. § 310.102.

²⁵ A special Government employee is a person who has been “retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis.” 18 U.S.C. § 202(a).

²⁶ 18 U.S.C. § 208(a). As the implementing regulations of the U.S. Office of Government Ethics explain, “an employee is prohibited by 18 U.S.C. 208(a) from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any other person specified in the statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.” 5 C.F.R. § 2640.103.

Second, it has been reported that Kushner is contemporaneously serving as a member of the Executive Board overseeing the Board of Peace.²⁷ If true, then pursuant to 18 U.S.C. § 208, the financial interests of the Board of Peace, a non-federal entity, would also be imputed to Kushner.²⁸ As a result, Kushner would be precluded from taking any official government actions that could foreseeably impact the finances of the Board.²⁹ Given his intertwined roles, there are serious questions about how Kushner could perform his official duties without impacting the financial interests of the Board.

The restrictions of 18 U.S.C. § 208 can be waived in rare cases. Absent an existing regulatory exception, which would not apply to financial interests arising from private investment funds,³⁰ the law can only be waived when “the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee.”³¹ No reasonable ethics official could make a good faith determination that a waiver of the conflict of interest laws would be appropriate to allow Kushner to participate in a particular matter involving Affinity Partners or his billion-dollar foreign backers.

Standards of Ethical Conduct (5 C.F.R. part 2635)

In addition to the criminal financial conflict of interest law, employees of the executive branch are also covered by comprehensive standards of ethical conduct. These standards require that employees “place loyalty to the Constitution, the laws, and ethical principles above private gain.”³² Specific proscriptions include limits on the ability to “engage in financial transactions using nonpublic Government information or allow the improper use of such information to

²⁷ David Smith & Robert Mackey, *Trump appoints Blair, Kushner and Rubio to Gaza ‘Board of Peace’*, THE GUARDIAN (Jan. 16, 2026), <https://www.theguardian.com/us-news/2026/jan/16/trump-gaza-board-rubio-blair>; Nick Cleveland-Stout, *Board of Peace will be a bonanza for wealthy board members*, RESPONSIBLE STATECRAFT (Feb. 20, 2026), <https://responsiblestatecraft.org/kushner-board-of-peace-profits/>.

²⁸ 18 U.S.C. § 208(a).

²⁹ It is not clear whether Kushner’s position with the Executive Board is in an official or a personal capacity. For purposes of 18 U.S.C. § 208, the Office of Legal Counsel has explained that the distinction between official and personal service largely doesn’t matter- in either case the employee is generally precluded from participating in any official particular matter that could affect the finances of the entity with whom they held a board position. *Service on the Board of Directors of Non-Federal Entities by Federal Bureau of Investigation Personnel in their Official Capacity*, 20 Op. O.L.C. 379 (1996). For an employee who is serving on an outside board in an official capacity, however, OLC has advised that 18 U.S.C. § 208 will not prevent their participation in government matters if there is (1) statutory authority for the appointment (2) a release of fiduciary obligations by the outside entity (3) a waiver of the conflict of interest laws. *Id.* Likewise, the U.S. Office of Government Ethics has created a regulatory exception pursuant to its authority under 18 U.S.C. § 208(b)(2) which permits an employee to participate in official matters affecting a nonprofit entity they are serving with an official capacity. 5 C.F.R. § 2640.203(m). That exception is not applicable, however, to international organizations that are not tax-exempt under 26 U.S.C. § 501. OGE Legal Advisory LA-13-04 (2013).

³⁰ See U.S. OFFICE OF GOVERNMENT ETHICS, CONFLICTS OF INTERESTS CONSIDERATIONS: PRIVATE INVESTMENT FUNDS AND EMPLOYMENT WITH AN INVESTMENT FUND (Aug. 2024), [https://www.oge.gov/web/oge.nsf/0/A16C6A6950C55E12852585B6005A1F90/\\$FILE/Private%20Investment%20Funds.pdf](https://www.oge.gov/web/oge.nsf/0/A16C6A6950C55E12852585B6005A1F90/$FILE/Private%20Investment%20Funds.pdf).

³¹ 18 U.S.C. § 208(b)(1).

³² 5 C.F.R. § 2635.101(b)(1).

further any private interest.”³³ Likewise, employees may not “use public office for private gain” nor may they “give preferential treatment to any private organization or individual.”³⁴

Mr. Kushner has a clear incentive to use his position of power, and nonpublic information gained through that position, to advantage Affinity Partners and his outside investors. Not only does Kushner have a personal financial incentive to ensure Affinity Partners is profitable, but he also has the additional motivation of ensuring that any actions he takes on the Board of Peace align with his investors interests, given that the reported terms of his investor agreements permit them to end or withdraw their investments if they are unhappy with Administration policies.³⁵ Senator Wyden highlighted this risk nearly 18 months ago in a September 2024 letter sent to Affinity Partners, stating that

Affinity's investment agreements with various foreign governments are set to expire right in the middle of a potential second term for former President Trump. Since Affinity is wholly owned by Jared Kushner, this creates a situation where the governments of Saudi Arabia, Qatar and the UAE will have significant leverage over the Trump family should they threaten to pull their investments and stop paying millions of dollars in fees to Kushner, and concomitantly, Trump's daughter Ivanka.³⁶

Mr. Kushner's incentive to use, or leak, information for his personal financial advantage is clear. At least as clear is that some of the information that Kushner may be privy to could include sensitive geopolitical, economic, and infrastructure data—information that could be particularly useful to Affinity Partners' sovereign investors.

Foreign Emoluments Clause (U.S. Const. Art. 1, § 9, cl. 8)

The Foreign Emoluments Clause of the United States Constitution provides that: “[N]o Person holding any Office of Profit or Trust . . . shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”

“The intended purpose of the Foreign Emoluments Clause [i]s to prevent official corruption and foreign influence.”³⁷ Pursuant to the clause, no person occupying an “Office of Profit or Trust,”³⁸ including special Government employees,³⁹ may accept any “emolument” from

³³ *Id.* § 2635.101(b)(3); 5 C.F.R. § 2635.703.

³⁴ 5 C.F.R. §§ 2635.101(b)(7)-(8), 2635.702.

³⁵ Wyden Letter at 2.

³⁶ *Id.*

³⁷ *Citizens for Resp. & Ethics in Washington v. Trump*, 276 F. Supp. 3d 174, 188 (S.D.N.Y. 2017), *vacated and remanded*, 939 F.3d 131 (2d Cir. 2019), and *vacated and remanded*, 953 F.3d 178 (2d Cir. 2019), *as amended* (Mar. 20, 2020); *see also Application of the Emoluments Clause of the Constitution and the Foreign Gifts and Decorations Act*, 6 Op. O.L.C. 156, 157-158 (1982) (*citing* 3 M. Farrand, *The Records of the Federal Convention of 1787*, 327 (Gov. Randolph at the Virginia Convention) (rev. ed. 1937, 1966 reprint)).

³⁸ *Application of the Emoluments Clause of the Constitution and the Foreign Gifts and Decorations Act*, 6 Op. O.L.C. 156, 157-158 (1982).

³⁹ *Special Government Employee Serving as Paid Consultant to Saudi Company*, 49 Op. O.L.C. 1, 7-8 *2016) (quoting *The Constitutional Separation of Powers Between the President and Congress*, 20 Op. O.L.C. 124, 143

a foreign nation.⁴⁰ The term “emolument” has long been understood to extend to any form of “profit, advantage, gain, or benefit” including profits from private financial arrangements.⁴¹

The Office of Legal Counsel has provided mixed guidance on whether the term “Office of Profit or Trust” requires that the person be an “Officer” for purposes of the Appointments Clause.⁴² Regardless, Kushner’s service as Special Envoy for Peace, with a defined set of responsibilities and with what appears to be a direct line of command reporting to the Secretary of State, if not the President, and the apparent significant authority to act on behalf of the United States in negotiations with private companies and foreign governments,⁴³ easily meets both tests.⁴⁴ This does not appear to be a mere advisory role.⁴⁵ Even before it was announced that Kushner would formally take on the role of special envoy, he had been involved in meetings with high-ranking officials such as the Ukrainian Secretary of National Security.⁴⁶ Kushner now

(1996)). OLC has made clear that “classification as a special government employee without more . . . does not exempt [an individual] from the constitutional prohibition in the Emoluments Clause.” *Id.* at 11, nt. 12 (quoting *Application of Emoluments Clause to Part-Time Consultant for the Nuclear Regulatory Commission*, 10 Op. O.L.C. 96, 98 (1986)) (cleaned up).

⁴⁰ U.S. Const. Art. 1, § 9, cl. 8.

⁴¹ *Blumenthal v. Trump*, 373 F. Supp. 3d 191, 199 (D.D.C. 2019), *vacated as moot*, 949 F.3d 14 (D.C. Cir. 2020) (citing Br. of Amici Curiae by Certain Legal Historians on Behalf of Pls) (stating that all “a careful review of English language dictionaries from 1604 to 1806 shows that *every* definition of “[E]molument” published during this period relies on one or more of the [following] elements . . . : “profit,” “advantage,” “gain,” or “benefit”); *D.C. v. Trump*, 315 F. Supp. 3d 875, 889 (D. Md. 2018), *vacated*, 838 F. App’x 789 (4th Cir. 2021), *and rev’d and remanded sub nom. In re Trump*, 928 F.3d 360 (4th Cir. 2019), *on reh’g en banc*, 958 F.3d 274 (4th Cir. 2020), *cert. granted, judgment vacated sub nom. Trump v. D.C.*, 141 S. Ct. 1262, 209 L. Ed. 2d 5 (2021), and *vacated*, 838 F. App’x 789 (4th Cir. 2021); Bianca Spinosa, *Interpreting Emoluments Today: The Framers’ Intent and the “Present” Problem*, 78 Md. L. Rev. 998, 1013 (2019) (finding that prior OLC opinions have consistently held the clause to be broadly applies to “any payment or benefit from a foreign government wherein the foreign government exerted control over the payment or benefit”); Marissa L. Kibler, *The Foreign Emoluments Clause: Tracing the Framers’ Fears About Foreign Influence over the President*, 74 N.Y.U. Ann. Surv. Am. L. 449, 474 (2019) (“Because the Foreign Emoluments Clause is a prophylactic against foreign influence, only a definition of ‘emolument’ referring to any payment, benefit, or advantage can stand”).

⁴² See *Special Government Employee Serving as Paid Consultant to Saudi Company*, 49 Op. O.L.C. 1, 7-12 (2016) (discussing the tests and concluding the part-time consultant is neither); *The Constitutionality of Cooperative International Law Enforcement Activities Under the Emoluments Clause*, 20 Op. O.L.C. 346, 349 nt. 12 (1996) (“The Appointments Clause applies only to persons (1) in a position of employment (as opposed to an independent contractor), (2) within the federal government (3) that carries significant authority . . . The Emoluments Clause is not so limited. Most significantly, the Emoluments Clause applies regardless of whether the person exercises significant authority).

⁴³ See, e.g., AL JAZEERA, *Iran, US set to hold talks as Trump threatens force, imposes sanctions* (Feb. 26, 2026), <https://www.aljazeera.com/news/2026/2/26/iran-us-set-to-hold-talks-as-trump-threatens-force-imposes-sanctions> (explaining that Kushner is leading Iran-U.S. negotiations).

⁴⁴ *Officers of the United States Within the Meaning of the Appointments Clause*, 31 U.S. Op. Off. Legal Counsel 73 (2007) (stating that an “office of trust” is “[a]n office whose duties and functions require the exercise of *discretion*, judgment, experience and skill.”) (citations omitted).

⁴⁵ Cf. *Application of the Emoluments Clause to A Member of the President’s Council on Bioethics*, 29 Op. O.L.C. 55 (2005) (Finding that advisory members of the President’s Council on Bioethics were not covered by the Emoluments Clause).

⁴⁶ Press Release, U.S. State Department, Meeting Between Special Envoy for Peace Steven Witkoff, Jared Kushner, Ukrainian Secretary of National Security and Defense Council Rustem Umerov, and Chief of General Staff General Andriy Hnatov (Dec. 5, 2025), <https://www.state.gov/releases/office-of-the-spokesperson/2025/12/meeting-between-special-envoy-for-peace-steven>

appears to have been given even greater authority to act on behalf of the United States. This is the exact type of “Office of . . . Trust” intended to be covered by the Foreign Emoluments Clause.⁴⁷

Kushner’s financial relationships with the sovereign wealth funds of the UAE, Saudi Arabian, and Qatari foreign governments,⁴⁸ and the ongoing flow of money to Kushner through his revenue rights with Affinity Partners, pose a near *per se* risk that he will violate the Foreign Emoluments Clause.

Conclusion

Jared Kushner’s appointment to the position of Special Envoy for Peace has left the American public to wonder how the President’s son-in-law can both serve as the head of a private investment company with significant financial interests in the Middle East and faithfully act as an impartial diplomat acting in the best interests of the United States in the same region. As highlighted in this letter, we believe he cannot; these roles appear incompatible. It is therefore necessary for your office to institute an investigation to determine whether Jared Kushner’s appointment and activities as Special Envoy for Peace have violated the Constitution and laws of the United States. We trust that you appreciate the gravity of this matter, and that you will conduct a thorough and independent review in short order.

Sincerely,

/s/

Ambassador Norman L. Eisen
(ret.)
Executive Chair
Democracy Defenders Fund

/s/

Virginia Canter
Chief Counsel and Director for Ethics and
Anticorruption
Democracy Defenders Fund

/s/

Christopher Swartz
Senior Ethics Counsel
Democracy Defenders Fund

CC: Mr. Scott Gast, Designated Agency Ethics Official, White House Office
Mr. Steven Fabry, Designated Agency Ethics Official, Department of State
U.S. Office of Government Ethics

[-witkoff-jared-kushner-ukrainian-secretary-of-national-security-and-defense-council-rustem-umerov-and-chief-of-general-staff-general-andriy-hnatov.](#)

⁴⁷ See *Application of the Emoluments Clause of the Constitution and the Foreign Gifts and Decorations Act*, 6 Op. O.L.C. 156, 158 (1982) (“The problem of divided loyalties can arise at any level”).

⁴⁸ The entities that have made deals with Affinity Partners appear to be substantially controlled and financed by foreign nations and foreign royalty and thus payments from those entities are, under longstanding guidance from the Office of Legal Counsel, treated as from their national owners. See, e.g., *Applicability of the Emoluments Clause and the Foreign Gifts and Decorations Act to the Göteborg Award for Sustainable Development*, 34 Op. O.L.C. 1, 3-4 (2010) (and sources cited therein).