



August 30, 2024

U.S. Department of Justice
Attn: Merrick Garland, Attorney General
950 Pennsylvania Avenue NW
Washington DC 20530

Re: Violation of 18 U.S.C. §§ 599 & 600 by Donald Trump

Attorney General Garland:

The Lincoln Project formally requests that your office open an investigation into Donald Trump (“Trump”) to determine if he violated 18 U.S.C. § 599 (“Section 559”) or 18 U.S.C. § 600 (“Section 600”) by promising to appoint, or support for appointment, Robert F. Kennedy, Jr. (“RFK Jr.”) to a public office in exchange for RFK Jr. endorsing and supporting Trump’s campaign for President of the United States.

These are criminal violations subject to fines and imprisonment.

Background

2016 Presidential Election

Trump has been convicted of 34 felonies related to his attempts to influence the 2016 presidential campaign. *The People of the State of New York v. Donald J. Trump*, Ind. No. 71543-23. In the run up to the 2016 election, Trump made payments to a porn star to keep her from telling the media about his adulterous encounter with her. Trump did so to hide the truth from the American people and defraud them in the run up to the 2016 presidential election.

2020 Presidential Election

Trump has also been indicted in both federal court and in the State of Georgia for, again, attempting to interfere in free and fair elections during the 2020 presidential election. The Department of Justice (“DOJ”) is currently prosecuting Trump on four charges related to his use of “dishonesty, fraud, and deceit” to overturn the

legitimate results of the 2020 presidential election. *United States of America v. Donald J. Trump*, No. 1:23-cr-00257-TSC, U.S. D. D.C. (Filed August 1, 2023). The DOJ has charged Trump with “using knowingly false claims of election fraud” and conspiring with others to interfere with the collection, counting, and certification of the 2020 election, all for the purpose of denying the outcome of voters in the 2020 presidential election.

Similarly, the State of Georgia brought multiple felony charges against Trump for his attempts to undermine the 2020 presidential election in that state. *The State of Georgia v. Donald John Trump, et al*, Ind. No. 23SC188947 (Filed August 14, 2023). The State of Georgia has charged Trump along with multiple conspirators of “knowingly and willfully [joining] a conspiracy to unlawfully change the outcome of the [2020 presidential] election in favor of Trump.” Again, Trump attempted to subvert the will of the people of Georgia to benefit his own presidential aspirations in 2020.

2024 Presidential Election

Now it appears Trump is again interfering with free, fair elections in the 2024 presidential election.

Trump is, for the third consecutive time, the Republican nominee for president. At the same time RFK Jr sought the same office. RFK Jr announced his campaign for president on April 19, 2023, eventually deciding to pursue the office as an independent rather than through the Democratic primary process. To that end, RFK Jr sought ballot access in states across the country.¹

Throughout much of the election cycle - until May 2024 - Americans held a net favorable opinion of RFK Jr.² From September 2023 through July 2024, polls showed RFK Jr garnering between 8% - 20% of the national vote for president.³ While RFK Jr’s polling numbers had dropped from 15% in early July 2024 to just 7% in early August, after Vice-President (and current Democratic presidential candidate) Kamala Harris (“Harris”) entered the race in place of President Joe Biden, RFK Jr continued to draw 40% of his support from Republican leaning voters who would otherwise be likely to support Trump.⁴

¹ Caitlin Yilek, *Map shows where RFK Jr. is on the ballot in the 2024 election*, CBS News (Aug. 23, 2025, 3:35 p.m. EDT), <https://www.cbsnews.com/news/rfk-jr-map-on-the-ballot-states/>.

² *Do Americans have a favorable or unfavorable opinion of Robert F. Kennedy?* FiveThirtyEight.com, <https://projects.fivethirtyeight.com/polls/favorability/robert-f-kennedy/> (last visited Aug. 26, 2024).

³ *Biden vs. Trump vs. RFK Jr. polls*, TheHill.com, <https://elections2024.thehill.com/national/biden-trump-rfk-general/> (last visited Aug. 26, 2024).

⁴ Hannah Hartig, *As Robert F. Kennedy Jr. exits, a look at who supported him in the 2024 presidential race*, Pew Research Center (Aug. 23, 2024), <https://www.pewresearch.org/short-reads/2024/08/23/as-rfk-jr-exits-a-look-at-who-supported-him-in-the-2024-presidential-race/>.

In short, RFK Jr had something of value that Trump wanted: the support of voters who might otherwise support Trump, particularly in swing states where RFK Jr appeared on the ballot.

In a leaked video recording of a telephone call between Trump and RFK Jr, made public on July 16, 2024 - during the Republican National Convention set to nominate Trump - Trump told RFK Jr:

“I would love to do something ... And I think it’ll be so good for you and so big for you. And we’re going to win.”

RFK Jr has confirmed that he not only spoke with Trump on July 13, 2024, but met with Trump the following day in Minneapolis, Minnesota.⁵

After his first discussion with Trump, RFK Jr attempted to speak with Harris as well. It is currently not publicly known how RFK Jr attempted to contact Harris, whether he did so himself personally or through campaign staff, and with whom in Harris’ campaign those attempts were made. Similarly, it is not publicly known what specific ask or request RFK Jr attempted to relay to Harris.

The only fact confirmed by RFK Jr in public is that Harris never spoke with him. As RFK Jr said, “Vice President Harris declined to meet or even speak with me.”⁶

After being rebuffed by Harris, RFK Jr engaged in subsequent discussions with Trump and his staff, including a trip to Florida several weeks later.⁷

Contemporaneous allegations, unconfirmed but investigatable, suggest that at some point Trump offered RFK Jr a public office in the U.S. Department of Health and Human Services (“HHS”), up to and including the position of Secretary of HHS, in exchange for RFK Jr’s endorsement of Trump in the 2024 presidential election. For example, RFK Jr’s own family member recently wrote in the *Washington Post*, “... my cousin, Robert F. Kennedy Jr., endorsed Donal Trump, reportedly in exchange for a Cabinet-level position overseeing efforts in the health arena.”⁸

⁵ Fox 4 Dallas-Fort Worth, *RFK Jr. speaks at Trump rally: FULL SPEECH*, YouTube (Aug. 23, 2024), <https://www.youtube.com/watch?v=VxNAdilygow>.

⁶ Fox 4 Dallas-Fort Worth, *RFK Jr. drops out, endorses Trump: FULL SPEECH*, YouTube (Aug. 23, 2024), <https://www.youtube.com/watch?v=VxNAdilygow>.

⁷ Fox 4 Dallas-Fort Worth, *RFK Jr. speaks at Trump rally: FULL SPEECH*, YouTube (Aug. 23, 2024), <https://www.youtube.com/watch?v=VxNAdilygow>.

⁸ William Kennedy Smith, *Letters to the Editor*, The Washington Post (Aug. 29, 2024, 4:21 p.m. EDT), <https://www.washingtonpost.com/opinions/2024/08/29/rfk-kennedy-trump-vaccines-harris/>.

An investigation, including interviews with staff members from both Trump’s campaign and RFK Jr’s campaign and records subpoenas could help to shed light on this question for the American public.

On Friday, August 23, 2024, one day after the Democratic National Convention closed with the nomination of Harris as the Democratic nominee for president, RFK Jr endorsed Trump for president. During a press conference and rally that same day, RFK Jr spoke extensively about his beliefs regarding the health of Americans and failings of government agencies, including HHS.⁹ He also stated:

- “Our polling consistently showed that by staying on the ballot in the battleground states, I would likely hand the election over to the Democrats ...”
- “My name will remain on the ballot in most states ... but in about ten battleground states where my presence would be a spoiler I’m going to remove my name ... and urge voters not to vote for me.”
- “... and now to throw my support to President Trump.”¹⁰

Almost immediately, Trump and his campaign began campaigning off RFK Jr’s endorsement including the press conference, the rally speech, and social media posts including a weird mashup of their faces in an Instagram post for “MAHA” - “Make America Healthy Again.”¹¹

*Violation of 18 U.S.C. § 559 - Promise of appointment by candidate
&
Violation of 18 U.S.C. § 600 - Promise of employment or other benefit for political activity*

To our knowledge, the DOJ has never prosecuted a violation of Section 559 and prosecution under Section 600 is also rare. But America has also never had a felon indicted and convicted for interfering with an election run for president before, either. Under the circumstances listed above, an investigation is more than warranted.

Section 559 reads:

⁹ Fox 4 Dallas-Fort Worth, *RFK Jr. drops out, endorses Trump: FULL SPEECH*, YouTube (Aug. 23, 2024), <https://www.youtube.com/watch?v=VxNAdilyqow>; Fox 4 Dallas-Fort Worth, *RFK Jr. speaks at Trump rally: FULL SPEECH*, YouTube (Aug. 23, 2024), <https://www.youtube.com/watch?v=VxNAdilyqow>.

¹⁰ Fox 4 Dallas-Fort Worth, *RFK Jr. drops out, endorses Trump: FULL SPEECH*, YouTube (Aug. 23, 2024), <https://www.youtube.com/watch?v=VxNAdilyqow>.

¹¹ Donald J Trump Jr (@donaldjtrumpjr), Instagram (Aug. 26, 2024), https://www.instagram.com/p/C_lhJgVyWf2/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==.

§599. Promise of appointment by candidate.

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both.

Similarly, Section 600 reads:

§600. Promise of employment or other benefit for political activity.

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office ... shall be fine under this title or imprisoned not more than one year, or both.

The elements and potential violation in this case are clear. First, it is undisputed that Trump is a candidate for president. Second, there is at least the appearance of a promise from Trump to RFK Jr to appoint the latter to a public office in a second Trump administration. As his polling numbers diminished and his chances to win even a single electoral vote became ever more impossible, it seems apparent that RFK Jr began shopping his endorsement to the two major party candidates for president, Harris and Trump. Trump engaged RFK Jr; Harris did not. Once rebuffed by Harris, RFK Jr met again with Trump and his advisors, in person in Florida. Trump emerged from that meeting with RFK Jr's endorsement.

Finally, it is clear that any promise Trump may have made to RFK Jr was in support of Trump's candidacy. By securing RFK Jr's endorsement, and his pledge to remove his name from the ballot in battleground states, Trump hoped to gain an advantage in the presidential race. Specifically, he hoped RFK Jr's endorsement would come with tens of thousands of voters in those states. Given that the last two presidential elections have been one by only a few thousand votes in a few battleground states, such an outcome would be a boon for Trump.

This is not some fictional plot on Succession; RFK Jr is not Connor Roy bumbling his way to a Slovenian ambassadorship.

This is a serious matter in which Trump is interfering in and undermining American elections at the highest level. Again. An investigation cannot wait. Should their deal reap its intended consequences, there will be no opportunity to engage in an investigation post-election. Trump will surely quash any suggestion of an investigation, just as he will likely put a stop to the DOJ prosecutions already underway.

Furthermore, the American people deserve the truth before the election in just over two months. They deserve an investigation and deserve to know Trump and RFK Jr made a deal at their expense.

Consequently, we call on your office to begin an immediate investigation and determine if a violation of Section 599 or Section 600 occurred.

Sincerely,



Mario Nicolais, General Counsel
The Lincoln Project