

July 24, 2017

Marcia Lee Kelly
Deputy Assistant
Director of White House Management and Office of Administration
1600 Pennsylvania Avenue Northwest
Washington, D.C. 20500

Dear Director Kelly:

The undersigned organizations, representing millions of Americans, call upon you to review and rescind the security clearance of Senior White House Adviser Jared Kushner.

Jared Kushner filed an inaccurate and misleading SF-86, “Questionnaire for National Security Positions,” on January 18, 2017, which disclosed no meetings with foreign government officials during the 2016 presidential campaign and transition. Subsequent revelations caused Kushner to make substantial amendments to his request for security clearance. In mid-May, Kushner filed an addendum to his SF-86 that detailed more than 100 previously undisclosed calls or meetings with representatives of more than 20 nations.[1] These include a December meeting with the Russian ambassador, Sergey I. Kislyak, and one with the head of a Russian state-owned bank, Vnesheconombank, arranged at Mr. Kislyak’s behest.[2]

On June 21, Kushner submitted another addendum. This one included another meeting he attended—along with Donald Trump Jr. and Paul Manafort—with Russian lawyer Natalia Veselnitskaya, who was believed to have information to share that could affect the course of the election, as well as her colleague Rinat Akhmetshin, a former Soviet counterintelligence officer.[3] This meeting occurred in the Trump Tower in June 2016. The meeting was exposed by *The New York Times*, investigating Kushner’s previous nondisclosures.

It strains credulity to believe that these many omissions were simply an oversight or, as Kushner’s lawyers asserted, that a staffer prematurely hit the “send” button on the SF-86 form before it had been completed.[4] The security clearance form was amended not just once, but twice—and the amended versions are substantially different than the original filing. Furthermore, the second amended form appears to have been caused solely by news accounts of a high-level meeting between Trump’s campaign team and a Russian operative.

Just as important, the SF-86 is a 127-page form that requests voluminous and meticulous information about a person’s employment career and personal background. It is the first line of defense in the critical national security network, and the form itself makes it very clear that accuracy is extremely important for obtaining final security clearance. The final paragraph reads as follows:

After completing this form and any attachments, you should review your answers to all questions to make sure the form is complete and accurate, and then sign and date the following certification and the attached release(s).

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the foregoing instructions to complete this form. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. 1001). I understand that intentionally withholding, misrepresenting, or falsifying information may have a negative effect on my security clearance, employment prospects, or job status, up to and including denial or revocation of my security clearance, or my removal and debarment from Federal service.

Signature (<i>Sign in ink</i>)	Date signed (<i>mm/dd/yyyy</i>)

As such, it is not uncommon for an applicant to be denied security clearance for filing false or incomplete information, even if the omissions were inadvertent.

But there is no reason to believe that Jared Kushner's extensive omissions were inadvertent. In fact, quite the opposite seems to be the case.

Kushner has consistently failed to make mandatory disclosures of meetings with foreign nationals, including high-level meetings that are likely to become part of the federal criminal investigation of possible Russian intervention in U.S. elections.[5] Senior White House Adviser Jared Kushner should, at the very minimum, have his security clearance rescinded.

Respectfully submitted,

Citizens for Responsibility and Ethics in Washington (CREW)

Common Cause

Credo Action

Daily Kos

Democracy 21

MoveOn.org

Norman Eisen, chief White House Ethics lawyer 2009-2011

People for the American Way

Public Citizen

Richard Painter, chief White House ethics lawyer, 2005-2007

Stand Up America

[1] Matt Zapotosky, "Kushner may land in legal jeopardy over disclosure form," *The Washington Post*, July 18, 2017, available at https://www.washingtonpost.com/world/national-security/why-jared-kushner-has-had-to-update-his-disclosure-of-foreign-contacts-more-than-once/2017/07/17/b04e8158-6b05-11e7-96ab-5f38140b38cc_story.html?utm_term=.21dd033f4376

[2] Jo Becker and Matthew Rosenberg, "Kushner Omitted Meeting With Russians on Security Clearance Forms," *The New York Times*, April 6, 2017, available at <https://www.nytimes.com/2017/04/06/us/politics/jared-kushner-russians-security-clearance.html>

[3] Ken Delanian, Natasha Lebedeva, and Hallie Jackson, "Former Soviet Counterintelligence Officer at Meeting With Donald Trump, Jr. and Russian Lawyer," NBC News, July 14, 2017, available at <http://www.nbcnews.com/news/us-news/russian-lawyer-brought-ex-soviet-counter-intelligence-officer-trump-team-n782851>

[4] Michelle Mark, "People aren't buying Kushner's lawyers' explanation for security clearance form omissions," Business Insider, July 14, 2017, available at <http://www.businessinsider.com/kushners-explanation-of-security-clearance-form-omissions-russia-meeting-prompt-skepticism-2017-7>

[5] Matt Zaptosky, *op. cit.*, at A7.