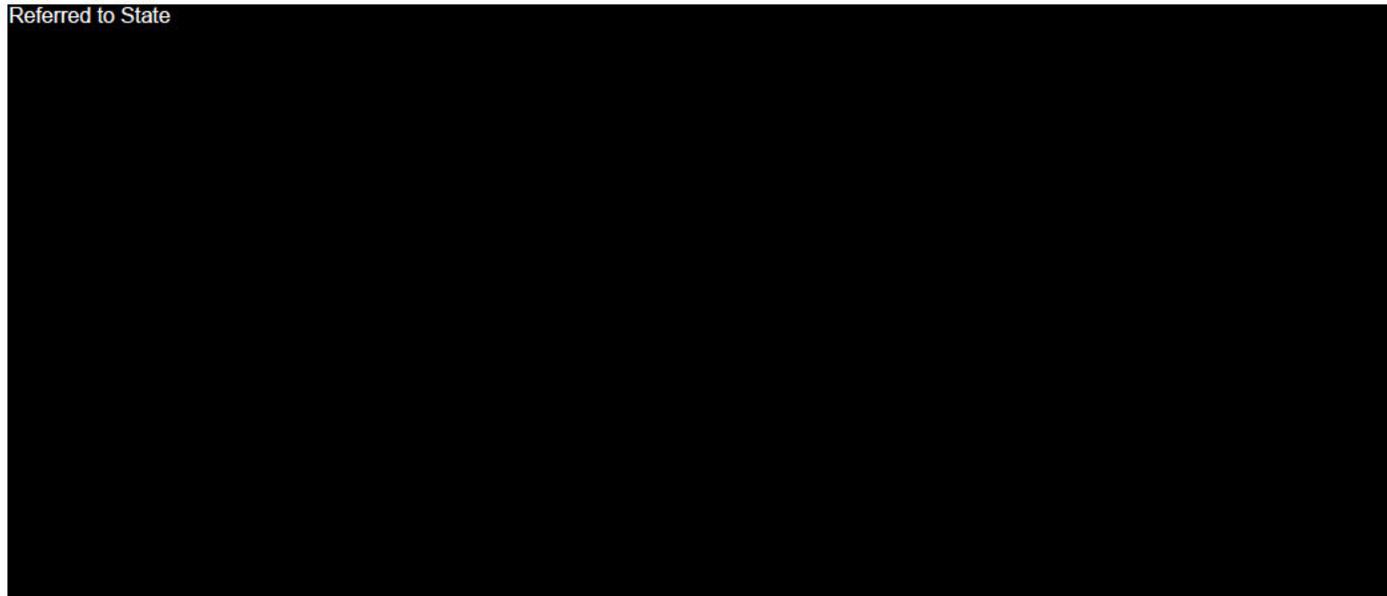


Referred to State



From: Walter M. Shaub [mailto:wmshaub@oge.gov]
Sent: Thursday, March 09, 2017 9:30 AM
To: Huitema, David P; McManus, Katherine D
Cc: David J. Apol
Subject: Re: Secretary Tillerson must recuse himself from the Keystone XL decision

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: wmshaub@oge.gov

Sent: Thursday, March 9, 2017 9:29 AM

To: Huitema, David P; McManus, Katherine D

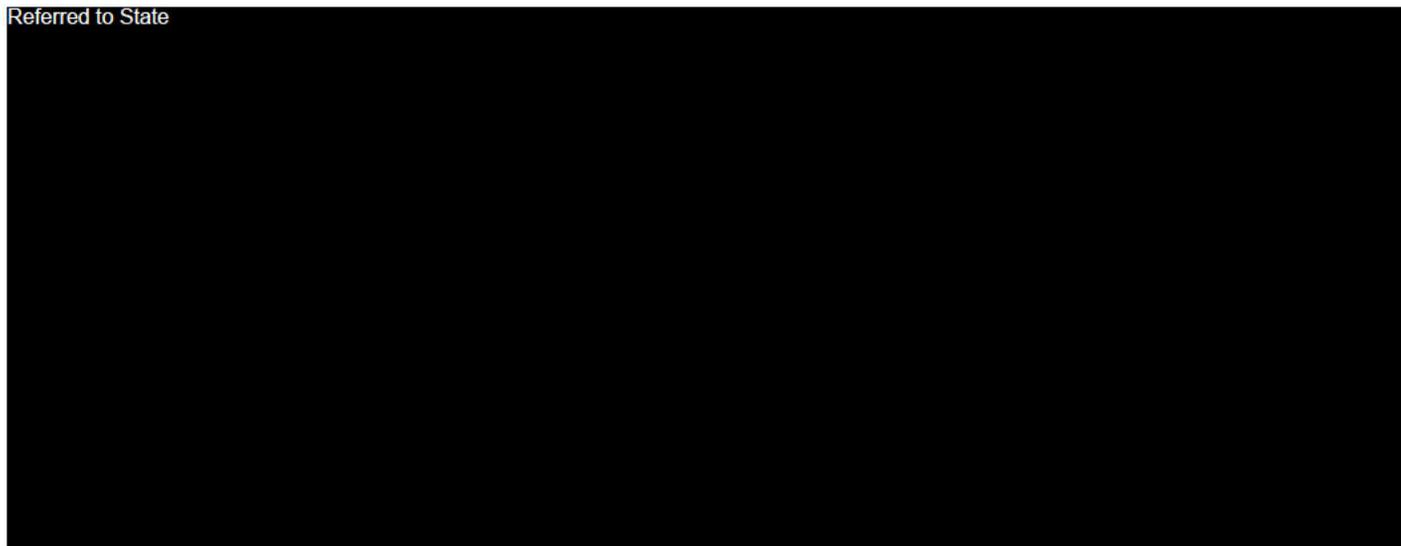
Subject: Re: Secretary Tillerson must recuse himself from the Keystone XL decision

Copying Dave. (b) (5)



Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Referred to State



From: Annie Leonard [[mailto:\(b\) \(6\) \[REDACTED\]](mailto:(b) (6) [REDACTED])]
Sent: Wednesday, March 08, 2017 5:49 PM
To: walter.schaub@oge.gov; McManus, Katherine D
Cc: Huitema, David P; Ethics Attorney Mailbox; ContactOGE@oge.gov
Subject: Secretary Tillerson must recuse himself from the Keystone XL decision

Dear Director Shaub and Ms. McManus,

I am writing today on behalf of Greenpeace Inc. and our more than half a million supporters across the United States. We are calling on the Office of Government Ethics and the State Department Office of the Legal Adviser to urge Secretary of State Rex Tillerson to recuse himself from any decisions to approve or reject TransCanada's application for a Presidential Permit for its proposed Keystone XL pipeline. President Trump has requested that a final decision be made within 60 days of the renewed permit application.

Please find attached a letter describing our arguments for why Secretary Tillerson must recuse himself, and a policy brief detailing how ExxonMobil will directly benefit from the approval of the Keystone XL pipeline.

We respect your thorough and thoughtful consideration of this issue and trust you will respond with the urgency required in this short timeline. If you have any questions, please don't hesitate to reach out to me.

Sincerely,

Annie Leonard

Executive Director

Greenpeace USA

--

Annie Leonard

If you would like to schedule a call with Annie, please contact Gabrielle Leyden at (b) (6) [REDACTED]

Annie Leonard -- Greenpeace USA, Washington DC

Official

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702 H Street, NW, Suite 300, Washington, DC 20001

Tel: 202-462-1177 • Fax: 202-462-4507

March 8, 2017

VIA EMAIL

Walter M. Shaub, Jr.
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005

Katherine D. McManus
Deputy Legal Adviser and Designated Agency Ethics Officer
Office of the Legal Adviser, U.S. Department of State
2201 C Street, NW, Room 6419
Washington, DC 20520-6310

CC: David P. Huitema, Assistant Legal Advisor for Ethics and Financial Disclosure

Re: Recusal of Secretary of State Tillerson from the decision regarding the decision to approve or reject the Presidential Permit for the Keystone XL pipeline

Dear Director Shaub and Ms. McManus,

I am writing today on behalf of Greenpeace Inc. and our more than half a million supporters across the United States. Greenpeace is a global and independent organization committed to exposing environmental problems and promoting solutions essential to a thriving planet and the human race.

Secretary of State Rex Tillerson must recuse himself from any decisions to approve or reject TransCanada's application for a Presidential Permit for its proposed Keystone XL pipeline. To date, we have seen no evidence that he has done so and we are writing to ask the Office of Government Ethics (OGE) and the State Department Office of the Legal Adviser to publicly urge Secretary Tillerson to recuse himself. We also request that you make public any information relevant to this decision, including any information about recusals, waivers requested or sought, and further ethics disclosures.

In his Presidential Memorandum, dated January 24, 2017, President Trump directed the Secretary of State to "reach a final permitting determination" within 60 days of TransCanada's renewed application. A notice of TransCanada's new application for a Presidential Permit was published in the Federal Register on February 10.

Secretary Tillerson's recent employer, ExxonMobil, is heavily invested in producing crude oil from Canada's tar sands and would directly and predictably benefit from the approval of TransCanada's Presidential Permit. Canada's tar sands production is projected to grow in the coming years but that growth is currently limited by a lack of pipeline capacity. As a result of this pipeline "bottleneck" and competition with lighter U.S.-produced oil, Canadian tar sands oil trades at a discount compared to WTI crude oil. Approving the Keystone XL pipeline would lower this discount and raise the value of Canadian tar sands on the market. This would likely increase profits for tar sands producers, including ExxonMobil, and increase the value of these assets. Similarly, ExxonMobil could benefit from the approval of the pipeline if it has specific contracts or agreements with TransCanada either to transport their Canadian tar sands production, or to receive such shipments at their U.S. refineries.

For these reasons, it is imperative that Secretary Tillerson recuse himself from this pending decision. For further information and analysis regarding ExxonMobil's tar sands holdings and the Keystone XL pipeline, please see the attached Policy Brief.

In his letter to Katherine D. McManus dated January 3, 2017, Secretary Tillerson laid out a number of commitments in his effort to comply with federal ethics laws and Trump's Executive Order regarding Ethics Commitments By Executive Branch Appointees.

- Firstly, Secretary Tillerson acknowledged the sensitivities around ExxonMobil and the perception that his actions as Secretary of State could benefit his former employer. The letter states: "For a period of one year after my resignation from ExxonMobil, I will not participate personally and substantially in any particular matter involving specific parties in which I know that ExxonMobil is a party or represents a party, unless I am first authorized to participate."

In the case of the Keystone XL Presidential Permit, it is unclear whether ExxonMobil would be considered a "specific party" and whether this clause would therefore require Secretary Tillerson to recuse himself. The Office of Government Ethics and the State Department Ethics staff should make a public determination about this question.

- However, another clause in Tillerson's letter would also seem to require his recusal in this case. Tillerson states that he will recuse himself "on a case-by-case basis from participation in any particular matter involving specific parties in which I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in the matter, unless I am first authorized to participate."

Given the clear and direct relationship between the profitability of ExxonMobil's tar sands production, the value of ExxonMobil's tar sands assets, and the Keystone XL approval, any reasonable person would in fact question Secretary Tillerson's impartiality in this matter.

A governmental decision that directly and predictably enriches a former employer is precisely the sort of situation that should warrant recusal. To ignore the close connection between ExxonMobil's tar sands operations and the Keystone XL pipeline would be a gross violation of the spirit of government ethics laws and would lend the strong appearance of impartiality. As such, recusal from this decision is the only course of action consistent with Tillerson's stated ethics commitments.

In the interest of transparency, the Office of Government Ethics and the State Department Ethics staff should make a public determination to this effect, and should take the proper steps to assist Secretary Tillerson in formally recusing himself from the decision on the Presidential Permit. The State Department should also make public the names of the officials who will be making the final decision on the Keystone XL pipeline in Secretary Tillerson's stead.

- A third issue regarding Tillerson's ethics commitments is one of timing. President Trump requested a final decision from the Secretary of State on the permits within 60 days of TransCanada resubmitting their application. However, Secretary Tillerson has only vowed to divest himself of his ExxonMobil stock within 90 days of his confirmation, at which time he promised to document compliance with his stated ethics commitments. This raises the possibility that the Keystone XL decision could be finalized before Secretary Tillerson is fully divested from ExxonMobil, and before he has disclosed those divestments to State Department ethics officials.

Secretary Tillerson further states: “I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of ExxonMobil until I have divested this stock, unless I first obtain a written waiver.” Again, the approval of the Keystone XL pipeline would directly and predictably profit ExxonMobil, and if Secretary Tillerson still holds a financial interest in his former employer, that adds yet another reason why he must recuse himself.

Given the rapid timeline for the Keystone XL decision, the public has no confidence that Secretary Tillerson will have divested his ExxonMobil stock without further disclosures. As such, we request that the Office of Government Ethics and the State Department Ethics staff should make a public confirmation of Secretary Tillerson’s compliance (or lack thereof) with his stated ethics commitments.

We are communicating with both the Office of Government Ethics and the State Department Office of the Legal Adviser because both entities have an important role to play in ensuring that federal ethics compliance is as strong and thorough as possible. The Office of Government Ethics has as its mission: “Provide overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest.” Given OGE’s focus on prevention and their past praise of Tillerson’s ethics commitments, the time is ripe for the Office to clarify exactly what those commitments mean in the context in one of their first real tests and first real decisions Secretary Tillerson may take relating to his former employer. As Director Shaub stated recently, “Our goal—our reason for existing—is to guard the executive branch against conflicts of interest.”

Similarly, the State Department ethics officers have important roles to play in communicating with the Secretary and giving advice on how to comply with his stated commitments, when to recuse himself and what guidelines there are for waivers. As always, we expect that these decisions and the reasoning behind them will be transparently communicated to the public.

We respect your thorough and thoughtful consideration of this issue and trust you will respond with the urgency required in this short timeline.

Sincerely,

Annie Leonard
Executive Director
Greenpeace USA

ExxonMobil stands to benefit from the U.S. State Department's approval of the Keystone XL pipeline, and consequently Secretary of State Rex Tillerson should recuse himself from the permitting decision.

Summary Findings

- Secretary of State Rex Tillerson should recuse himself from the decision to approve or reject the Keystone XL pipeline.
- Tillerson's recent employer, ExxonMobil, is heavily invested in high-cost, environmentally destructive tar sands production that would be served by the pipeline.
- Canadian tar sands' production is projected to be limited by a lack of pipeline capacity. It trades at a significant discount relative to WTI crude when pipeline capacity is constrained -- a problem which Keystone XL was proposed to fix.
- Approval of Keystone XL would increase the value of tar sands oil sold on global markets, and hence the value of ExxonMobil's tar sands assets.
- As such, ExxonMobil stands to materially benefit from the approval of the pipeline granted by its former CEO Tillerson.
- By handing over U.S. foreign policy to an oil industry executive, Trump has created fertile ground for extensive conflicts of interest.
- Recusal in this case is keeping with the spirit of government ethics laws and Mr. Tillerson's own stated ethics commitments.

Trump Order Calls For Rapid Approval of Keystone XL

Upon taking office one of President Trump's first actions was to revive the controversial Keystone XL pipeline, which would increase the connectivity between Canada's tar sands production and U.S. refineries.

In a January 24, 2017 Presidential Memorandum he directed the Secretary of State to "reach a final permitting determination" within 60 days of TransCanada's renewed application.¹ News reports indicated that TransCanada

¹ Presidential Memorandum Regarding Construction of the Keystone XL Pipeline. January 24, 2017. [[link](#)]

submitted a new application shortly thereafter,² notice of which was published in the Federal Register on February 10.³ The 60 day period could expire as soon as March 27.

Former ExxonMobil CEO Rex Tillerson was narrowly approved by the Senate to serve as Secretary of State, giving him the task of approving TransCanada's permit consistent with "the national interest" and all applicable laws.



Figure 1: Keystone XL route map (Source: TransCanada)

Canadian Tar Sands Are Environmentally Destructive and Economically Questionable

Canadian tar sands were widely touted as a major asset for international oil companies squeezed by declining production from existing oil fields and a lack of access to new discoveries. However, the tar sands have proven to be both highly controversial and economically questionable.

² Brady, J. 2017. TransCanada Submits New Application To Build Keystone XL Pipeline. *NPR*, January 26. [[link](#)]

³ <https://keystonepipeline-xl.state.gov/>

The mining and processing of tar sands is environmentally destructive and highly carbon-intensive when compared to conventional crude oil. When first proposed in 2008, the Keystone XL pipeline provoked widespread opposition both in Canada and the U.S. eventually leading to President Obama's 2015 decision to reject TransCanada's permit application.

Over 120 First Nations and Tribes on both sides of the Canadian/U.S. border have signed a treaty stating their explicit opposition to tar sands pipelines, trains and tankers through their territorial lands and waters. The Treaty is an expression of Indigenous Law and opposes new, converted or expanded pipeline infrastructure projects in Canada and the U.S. that would facilitate the expansion of the tar sands -- including Kinder Morgan's Trans Mountain, TransCanada's Energy East and Keystone XL, and Enbridge's Northern Gateway and Line 3 pipelines.⁴

Analysts have criticized tar sands projects as highly capital-intensive but yielding low returns.⁵ President Trump's proposed Border Adjustment Tax could further complicate the economics of these projects. A study published in the journal *Nature* found that expanded tar sands production was largely incompatible with limiting global warming to 2 degrees C. Under such scenarios, open-pit bitumen mining would end after 2020, and 85% of Canadian bitumen reserves would be "unburnable."⁶

All told, tar sands are among the oil assets most likely to be "stranded" by stagnant oil demand, persistent low prices, lack of infrastructure, or concerted global action to limit carbon emissions. Since 2014, 42 tar sands projects have been put on hold, delayed or cancelled.⁷

ExxonMobil Has Significant Production in the Canadian Tar Sands

With its Canadian subsidiary Imperial Oil, ExxonMobil is heavily invested in Canadian tar sands, through its Syncrude, Kearn and Cold Lake projects in northern

Alberta.⁸ The expansion of its Kearn Project was completed in 2015 and now has a production goal of 220,000 barrels of crude oil per day.

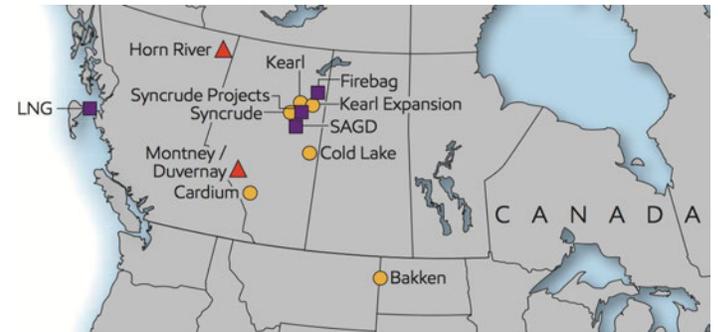


Figure 2: ExxonMobil's Canadian tar sands operations. (Source: ExxonMobil Financial & Operating Review 2015)

The question of whether ExxonMobil was properly valuing these assets drew attention from state attorneys general and the U.S. Securities and Exchange Commission. Just this month, ExxonMobil bowed to pressure and "de-booked" 3.5 billion barrels of previously proven oil reserves at the Kearn project, admitting that the oil was uneconomic to produce at today's prices.⁹ Before the write-down, tar sands represented 35% of Exxon's liquids reserves.¹⁰ ExxonMobil stated that production at Kearn will continue despite the reserve adjustment.

Canadian Oil Sands Production Is Limited By A Lack of Pipeline Capacity

Over the past year Western Canadian Select (WCS, or tar sands) oil has traded about \$14/barrel lower than West Texas Intermediate (WTI) crude oil prices¹¹ and has traded by more than \$30/barrel lower in the past. This discount is evidence of competition from lighter U.S. crude oil, as well as an ongoing pipeline bottleneck which makes it difficult and more expensive for tar sands producers to transport their product to refineries and the global market.

A 2017 report by the Canadian Energy Research Institute (CERI) noted that "constraints in pipeline capacity and the lack of access to existing and new demand centers have deepened the discount between WTI and Western Canadian crudes" thereby giving "Canadian producers a financial incentive to expand market access in the United

⁴ <http://www.treatyalliance.org/>

⁵ CarbonTracker & Energy Transition Advisors. 2014. *Responding to Exxon-- A Strategic Perspective*. [\[link\]](#)

⁶ McGlade & Ekins. 2015. *Nature*. [\[link\]](#)

⁷ Greenpeace & Oil Change International. 2016. *Flawed Fundamentals: Shell's and BP's Stalled Tar Sands Ambitions*. [\[link\]](#)

⁸ ExxonMobil. Canadian Oil Sands. [\[link\]](#)

⁹ Kusnetz, N. 2017. Exxon Relents, Wipes Oil Sands Reserves From Its Books. *Inside Climate News*, February 23. [\[link\]](#)

¹⁰ Kusnetz, N. 2016. Exxon's Big Bet on Oil Sands a Heavy Weight To Carry. *Inside Climate News*, September 30. [\[link\]](#)

¹¹ <http://economicdashboard.alberta.ca/OilPrice>

States, Canada, and beyond.”¹² The report also noted that refineries on the U.S. Gulf Coast were the “first target for market access” for Canadian producers due to their considerable heavy oil processing capacity.

The Canadian Chamber of Commerce estimated that this tar sands price discount was costing producers C\$50 million per day.¹³ Future construction of more pipeline capacity would add value to the tar sands production and bring prices closer to WTI levels. This could create a windfall in revenue for all tar sands producers -- including ExxonMobil and Imperial Oil.

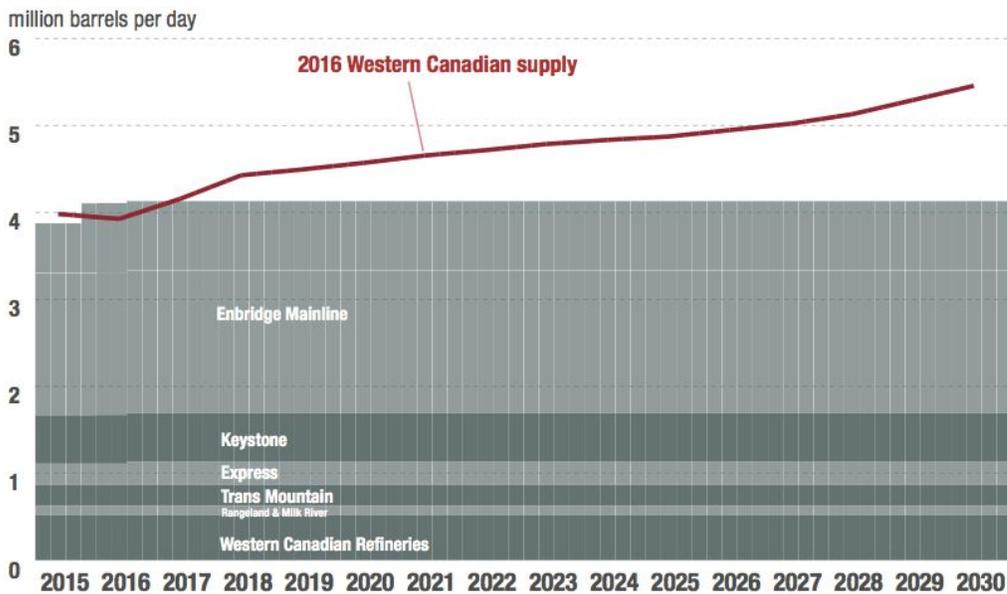


Figure 3: Western Canadian supply forecast and pipeline capacity. (Source: CAPP 2016)

A 2016 report by the Canadian Association of Petroleum Producers (CAPP) showed that pipeline capacity issues will only grow worse over time. Their report forecast a growth of 1.5 million barrels per day in Canadian crude oil production by 2030, and yet the existing pipeline system is already at capacity.¹⁴

Keystone XL would add a proposed 830,000 barrels per day of capacity to the system. Recently the Canadian government approved two additional pipeline projects that would similarly ease the tar sands bottleneck -- Kinder

¹² CERI. 2017. *Canadian Oil Sands Supply Costs and Development Projects (2016-2036)*. [\[link\]](#)

¹³ Canadian Chamber of Commerce. *\$50 Million A Day*. [\[link\]](#)

¹⁴ CAPP. 2016. *Crude Oil: Forecast, Markets and Transportation*. [\[link\]](#)

Morgan’s Trans Mountain line and Enbridge’s Line 3 expansion. If all three pipelines are built, the WCS discount could shrink to \$5-\$7 per barrel.¹⁵

ExxonMobil Would Materially Benefit from Keystone XL Approval

Should the Keystone XL pipeline be completed, ExxonMobil’s tar sands production would be well-placed to take advantage. ExxonMobil states the Kearn project is “well connected to the substantial North American pipeline system.”¹⁶

It is not known if ExxonMobil or Imperial Oil have existing contracts or agreements with TransCanada to ship oil via Keystone XL. However, ExxonMobil would clearly benefit from any reduction in the WCS discount should Keystone XL be built, even if it does not directly contract with the pipeline for transportation services. If approved, the benefit to ExxonMobil could be measured in the tens to hundreds of millions of dollars each year.

The CAPP report also notes that two expansion phases for the Kearn project have been approved, but are

not yet currently operating. Kearn Phase 3 would bring 80,000 barrels per day online and Kearn Phase 4 Debottleneck would add 45,000 barrels per day.¹⁷ Overall, Imperial plans to double their tar sands production to 600,000 b/d by 2020. ExxonMobil also has refineries in the U.S. Gulf Coast region that could benefit from the Keystone XL approval.

During the debate around the initial Keystone XL approval, Rex Tillerson and ExxonMobil both consistently advocated for the approval of the pipeline in speeches,¹⁸ blog posts,¹⁹ and reports.²⁰ Independent energy analysts

¹⁵ Tuttle, R. 2017. *Canada Faces Era of Pipeline Abundance After Keystone Move*. *Bloomberg*, January 25. [\[link\]](#)

¹⁶ ExxonMobil. *Kearn*. [\[link\]](#)

¹⁷ CAPP 2016. Appendix A.2

¹⁸ Tillerson, R. 2015. *Building Energy Policies Equal to the Technological Moment*. [\[link\]](#)

¹⁹ Cohen, K. 2014. *Keystone XL and the national interest*. [\[link\]](#)

have also found that ExxonMobil would benefit from the Keystone XL approval.²¹

Trump's Ethics Rules Do Not Go Far Enough

Upon accepting President Trump's nomination to serve as Secretary of State, Tillerson resigned as ExxonMobil CEO and negotiated a divestment of his pension and deferred stock compensation amounting to \$180 million.

Tillerson's ethics agreement states: "For a period of one year after my resignation from ExxonMobil, I will not participate personally and substantially in any particular matter involving specific parties in which I know that ExxonMobil is a party or represents a party."²² Existing ethics guidelines put in place by President Obama²³ and continued by President Trump require appointees to recuse themselves from any decisions regarding their former employer for a period of two years.²⁴

Tillerson further pledges to "recuse myself on a case-by-case basis" from any particular matter in which a "reasonable person" would question his impartiality. Tillerson also states that he will fully divest his stock in ExxonMobil within 90 days of his confirmation and will not participate in "any particular matter that to my knowledge has a direct and predictable effect on the financial interests of ExxonMobil" until he has divested or received a waiver. This raises the question of whether Tillerson will have divested himself within the 60 day timeframe given for the Keystone XL decision.

In sworn testimony before the Senate, Tillerson reiterated his commitment to recuse himself from "any matters that might come before the State Department that deal directly and specifically with ExxonMobil"²⁵ but also stated that he

"wouldn't expect to recuse himself from issues concerning the oil and gas industry generally."²⁶

The phrase "particular matter involving specific parties" has been interpreted to refer to the "legal rights" of the parties.²⁷ In this case, ExxonMobil might not be considered a "specific party" to the Keystone XL decision because it would affect the legal rights of TransCanada, not ExxonMobil. Tillerson could choose to interpret this phrase in an artificially narrow manner that might allow his participation -- but any reasonable person would clearly question his impartiality in that situation.

A governmental decision that directly and predictably enriches a former employer is precisely the sort of situation that should warrant recusal. To ignore the close connection between ExxonMobil's tar sands operations and the Keystone XL pipeline would be a gross violation of the spirit of government ethics laws and would lend the strong appearance of impartiality. Recusal is the only possible course consistent with Rex Tillerson's ethics commitments.

The global scope of ExxonMobil's operations and the broad remit of the U.S. Department of State indicate that conflicts such as these will be the norm during Tillerson's tenure. Looming decisions regarding the Paris climate change accord and Russian sanctions were discussed during Tillerson's confirmation hearings and raise many of the same recusal questions.

These widespread and troubling conflicts only highlight the perils of appointing an oil industry executive to be the public face of U.S. diplomacy.

For Further Information

This Policy Brief is published by Greenpeace USA and Greenpeace Canada. Analysis contributed by Tim Donaghy, Keith Stewart, Jesse Coleman and Naomi Ages. For media inquiries please contact Cassady Craighill (csharp@greenpeace.org). March 2017.

www.greenpeace.org

²⁰ Imperial Oil & ExxonMobil. 2012. *Canada's Oil Sands: Responsible Development, Innovation, and Opportunity*. [\[link\]](#)

²¹ Eight Companies That Will Benefit from Keystone Pipeline Approval. *MarketWatch*. 2013. [\[link\]](#)

²² Tillerson, R. 2017. Letter to Katherine D. McManus, Re: Ethics Undertakings. [\[link\]](#)

²³ CREW. 2017. The Trump Ethics Pledge: Explained. [\[link\]](#)

²⁴ Executive Order: Ethics Commitments By Executive Branch Appointees. January 28, 2017. [\[link\]](#)

²⁵ Shabad, R. 2017. Rex Tillerson grilled on ExxonMobil conflicts, Russia sanctions, climate change at confirmation. *CBS News*, January 11. [\[link\]](#)

²⁶ Wadhams, N. 2017. Tillerson Vow to Keep Away From Exxon Runs Into World of Oil. *Bloomberg*, February 1. [\[link\]](#)

²⁷ Cusick, R.I. Memorandum dated October 4, 2006. Office of Government Ethics. [\[link\]](#)

From: delivery@actionsprout.com
To: [Walter M. Shaub](#)
Subject: [GRAYMAIL] Urge Tillerson to recuse himself from KXL!
Date: Wednesday, March 08, 2017 4:54:44 PM

Dear Walter Shaub, Director of the Office of Government Ethics,

Secretary of State Rex Tillerson should recuse himself from the decision to approve or reject the Keystone XL pipeline.

Tillerson's employer of the past four decades, ExxonMobil, is heavily invested in high-cost, environmentally destructive tar sands production that would be served by the pipeline. Under Tillerson's leadership, Exxon worked to hide the truth about climate change and invested in misleading the American public to protect its own profits, resulting in ongoing fraud and human rights investigations.

And now ExxonMobil stands to materially benefit if Tillerson approves the construction of Keystone XL. By handing over U.S. foreign policy to an oil industry executive, Trump has created fertile ground for extensive conflicts of interest -- and Tillerson has already been caught making a very questionable claim during his confirmation hearing that Exxon did not lobby against Russian sanctions when lobbying reports suggested otherwise. As the director of the Office of Government Ethics, you must recommend that Tillerson recuse himself to follow the spirit of government ethics laws and his own stated ethics commitments.

Sincerely,

Shana McMahon

This email was sent to walter.shaub@oge.gov on behalf of Greenpeace USA because someone completed this action: <https://actionsprout.io/546951>

If you don't want to receive these types of emails, you can [opt out](#) of future notifications.

From: [Adam Sullivan](#)
To: [Walter M. Shaub](#); [Shelley K. Finlayson](#); [Contact OGE](#)
Subject: Abuse of power in the Executive
Date: Thursday, February 09, 2017 12:28:16 PM

Dear OGE,

I write to you as a law-abiding citizen who is concerned about the president of the United States and his serial abuse of power; I am troubled by the indignity to which he exposes the office of the president of the United States of America; I find his indifference to Russian tampering in the recent US election bewildering, his professed admiration for Russian autocrat Vladimir Putin reprehensible, and allegations of possible collusion with or blackmail by elements of the Russian state disturbing.

Specifically to your office, I believe that Mr. Trump's attempt to intimidate Nordstrom for discontinuing his daughter's clothing line violates the Standards of Ethical Conduct for Government Employees 5 C.F.R. Part 2365 (Executive Branch) Subparts D (Conflicting Financial Interests) and G (Misuse of Position).

I request immediate action on your part to safeguard the legitimate commercial interests of companies such as Nordstrom, to protect the sanctity of the republic and to discharge the duties for which your office is responsible.

Thank in advance for your attention to this very serious matter.

Adam Sullivan

New York City 10019

From: [Andrew Restuccia](#)
To: [Walter M. Shaub](#)
Subject: Politico inquiry
Date: Thursday, February 09, 2017 12:25:21 PM

Mr. Shaub,

I'm working on a story about federal employees who have been targeted by President Trump and his supporters.

Have you received any threats via email or phone in the aftermath of Trump aides' and Republican lawmakers' criticism of you?

Anything you can offer would be greatly appreciated. Thanks for your time.

Andrew Restuccia

POLITICO

(b) (6)

(b) (6)

Twitter: @AndrewRestuccia

From: [Passantino, Stefan C. EOP/WHO](#)
To: [Walter M. Shaub](#)
Cc: [David J. Apol](#); [Seth Jaffe](#)
Subject: RE: Quick Call
Date: Monday, February 06, 2017 10:36:46 AM

Good. I will call you then. Stefan.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel
(b)(6)

-----Original Message-----

From: Walter M. Shaub [<mailto:wmschaub@oge.gov>]
Sent: Monday, February 6, 2017 10:01 AM
To: Passantino, Stefan C. EOP/WHO <(b) (6)>
Cc: David J. Apol <djapol@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: Re: Quick Call

Absolutely. We'll hold off. How about if we talk at 11:30.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message
From: Passantino, Stefan C. EOP/WHO
Sent: Monday, February 6, 2017 9:22 AM
To: Walter M. Shaub
Cc: David J. Apol; Seth Jaffe
Subject: Re: Quick Call

Walt, are you available to discuss this this morning? I would like to talk before it goes out. Thank you.

Stefan C. Passantino
Deputy Counsel to the President
Office of the White House Counsel

> On Feb 2, 2017, at 6:51 PM, Walter M. Shaub <wmschaub@oge.gov> wrote:
>
> Hi Stefan,
>
> Thanks for the call earlier today. As we discussed, I would like to get your thoughts on the attached Legal Advisory regarding the new ethics pledge. Attached are two versions, (b) (5)
> We're getting calls about the ethics pledge, so I think this needs to go out Monday, but I would like to touch base again before we issue it if you have any time on Friday or Monday.
>
> Walt
>
> Walter M. Shaub, Jr.
> Director
> U.S. Office of Government Ethics
> 1201 New York Avenue, NW, Suite 500
> Washington, DC 20005-3917
>

> Telephone: 202.482.9292
> Email: walter.schaub@oge.gov

>
>

> -----Original Message-----

> From: Passantino, Stefan C. EOP/WHO [mailto:(b)(6)]
> Sent: Thursday, February 02, 2017 12:24 PM
> To: Walter M. Shaub
> Cc: David J. Apol
> Subject: Quick Call

>

> Walt, just following up on my voicemail, I was hoping to catch up with you sometime today or tomorrow to discuss some procedural issues and to ensure we are working together smoothly. Just let me know of a good time to speak. Stefan.

>

> STEFAN C. PASSANTINO

> Deputy Counsel to the President, Compliance & Ethics Office of the White House Counsel
> (b)(6)

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> (b)(5) File names of attachments withheld in full
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From: [Walter M. Shaub](#)
To: [Passantino, Stefan C. EOP/WHO](#)
Cc: [David J. Apol](#); [Seth Jaffe](#)
Subject: Re: Quick Call
Date: Monday, February 06, 2017 10:00:50 AM

Absolutely. We'll hold off. How about if we talk at 11:30.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Passantino, Stefan C. EOP/WHO
Sent: Monday, February 6, 2017 9:22 AM
To: Walter M. Shaub
Cc: David J. Apol; Seth Jaffe
Subject: Re: Quick Call

Walt, are you available to discuss this this morning? I would like to talk before it goes out. Thank you.

Stefan C. Passantino
Deputy Counsel to the President
Office of the White House Counsel

> On Feb 2, 2017, at 6:51 PM, Walter M. Shaub <wmshaub@oge.gov> wrote:

>

> Hi Stefan,

>

> Thanks for the call earlier today. As we discussed, I would like to get your thoughts on the attached Legal Advisory regarding the new ethics pledge. Attached are two versions, (b) (5) [REDACTED]. We're getting calls about the ethics pledge, so I think this needs to go out Monday, but I would like to touch base again before we issue it if you have any time on Friday or Monday.

>

> Walt

>

> Walter M. Shaub, Jr.

> Director

> U.S. Office of Government Ethics

> 1201 New York Avenue, NW, Suite 500

> Washington, DC 20005-3917

>

> Telephone: 202.482.9292

> Email: walter.shaub@oge.gov

>

>

> -----Original Message-----

> **From:** Passantino, Stefan C. EOP/WHO [[mailto:\(b\)\(6\)](#)]]

> **Sent:** Thursday, February 02, 2017 12:24 PM

> **To:** Walter M. Shaub

> **Cc:** David J. Apol

> **Subject:** Quick Call

>

> Walt, just following up on my voicemail, I was hoping to catch up with you sometime today or tomorrow to discuss some procedural issues and to ensure we are working together smoothly. Just let me know of a good time to speak. Stefan.

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> STEFAN C. PASSANTINO

> Deputy Counsel to the President, Compliance & Ethics Office of the White House Counsel

> (b)(6)

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> (b)(5) File names of attachments withheld in full

[REDACTED]

From: [Walter M. Shaub](#)
To: ["Passantino, Stefan C. EOP/WHO"](#)
Cc: [David J. Apol](#); [Seth Jaffe](#)
Subject: RE: Quick Call
Date: Thursday, February 02, 2017 6:51:07 PM
Attachments: (b) (5)

Hi Stefan,

Thanks for the call earlier today. As we discussed, I would like to get your thoughts on the attached Legal Advisory regarding the new ethics pledge. Attached are two versions, (b) (5). We're getting calls about the ethics pledge, so I think this needs to go out Monday, but I would like to touch base again before we issue it if you have any time on Friday or Monday.

Walt

Walter M. Shaub, Jr.
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

Telephone: 202.482.9292
Email: walter.shaub@oge.gov

-----Original Message-----

From: Passantino, Stefan C. EOP/WHO [[\(b\)\(6\)](mailto:(b)(6))]
Sent: Thursday, February 02, 2017 12:24 PM
To: Walter M. Shaub
Cc: David J. Apol
Subject: Quick Call

Walt, just following up on my voicemail, I was hoping to catch up with you sometime today or tomorrow to discuss some procedural issues and to ensure we are working together smoothly. Just let me know of a good time to speak. Stefan.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics Office of the White House Counsel
(b)(6)

From: [Passantino, Stefan C. EOP/WHO](#)
To: [Walter M. Shaub](#)
Cc: [David J. Apol](#)
Subject: RE: Quick Call
Date: Thursday, February 02, 2017 2:12:21 PM

Just out of a meeting. Trying you now.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel
(202) 395-4753

-----Original Message-----

From: Walter M. Shaub [<mailto:wmschaub@oge.gov>]
Sent: Thursday, February 2, 2017 12:41 PM
To: Passantino, Stefan C. EOP/WHO <(b)(6)>
Cc: David J. Apol <djapol@oge.gov>
Subject: RE: Quick Call

Dave and I free now if that works.

Walt

Walter M. Shaub, Jr.
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

Telephone: 202.482.9292
Email: walter.shaub@oge.gov

-----Original Message-----

From: Passantino, Stefan C. EOP/WHO [Sent: Thursday, February 02, 2017 12:24 PM
To: Walter M. Shaub
Cc: David J. Apol
Subject: Quick Call

Walt, just following up on my voicemail, I was hoping to catch up with you sometime today or tomorrow to discuss some procedural issues and to ensure we are working together smoothly. Just let me know of a good time to speak. Stefan.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics Office of the White House Counsel
(b)(6)

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From: [Passantino, Stefan C. EOP/WHO](#)
To: [Walter M. Shaub](#)
Cc: [David J. Apol](#)
Subject: Quick Call
Date: Thursday, February 02, 2017 12:25:38 PM

Walt, just following up on my voicemail, I was hoping to catch up with you sometime today or tomorrow to discuss some procedural issues and to ensure we are working together smoothly. Just let me know of a good time to speak. Stefan.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel

(b)(6)

From: [Elaine Newton](#)
To: [Deborah J. Bortot](#); [Seth Jaffe](#)
Cc: [Heather A. Jones](#); [Director of OGE](#)
Subject: RE: questions on the Puzder report
Date: Saturday, January 28, 2017 3:23:13 PM

Deb,

I updated the document in the N drive with some information in bold. I named the document: Puzder comments DJB-EN. I sent an e-mail to Labor and the filer's representatives requesting information on some of the questions. I copied you on the e-mail.

Thanks, Elaine

From: Deborah J. Bortot
Sent: Saturday, January 28, 2017 2:08 PM
To: Elaine Newton; Seth Jaffe
Cc: Heather A. Jones; Director of OGE
Subject: questions on the Puzder report

Elaine and Seth,

I saved a document in the N drive labeled Puzder comments DJB with my comments/questions.

Thanks,

Deb

From: [Passantino, Stefan C. EOP/WHO](#)
To: [Rodrick T. Johnson](#); [Walter M. Shaub](#)
Cc: [Elaine Newton](#); [Teresa L. Williamson](#); [Sandra S. Mabry](#); [Monica M. G. Ashar](#)
Subject: RE: Certificate of Divestiture for Jared C. Kushner
Date: Thursday, January 26, 2017 11:22:06 AM

Thank you. I have received this and am grateful for the prompt attention your office has been paying to issues such as this. Stefan.

STEFAN C. PASSANTINO

Deputy Counsel to the President, Ethics & Compliance
Office of the White House Counsel

(b) (6)

From: Rodrick T. Johnson [mailto:rjohnson@oge.gov]
Sent: Thursday, January 26, 2017 9:30 AM
To: Passantino, Stefan C. EOP/WHO
Cc: Elaine Newton ; Teresa L. Williamson ; Sandra S. Mabry ; Monica M. G. Ashar
Subject: Certificate of Divestiture for Jared C. Kushner
Importance: High

Good Morning, Mr. Passantino:

Attached is the Certificate of Divestiture OGE-2017-002 for Jared C. Kushner, Senior Advisor to the President, White House Office; OGE-2017-003 for Ivanka Trump as trustee for the Ivanka Trump Revocable Trust; OGE-2017-004 for Arabella Kushner, dependent minor child of Jared C. Kushner; OGE-2017-005 for Joseph Kushner, dependent minor child of Jared C. Kushner; and OGE-2017-006 for Theodore Kushner, dependent minor child of Jared C. Kushner. We would appreciate your forwarding the original certificates to Mr. Kushner. Also enclosed is a copy of the certificate's for your files.

The original certificate's and one copy for your records will be mailed to you. We would appreciate your forwarding the original certificate's to Mr. Kushner, upon receipt.

Please confirm receipt of this email by replying to all.

Thanks, Again

Rodrick Johnson

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