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Dear Officers,

We ask you to investigate whether President Donald J. Trump has violated 18 U.S.C. § 201, as implemented in 5 C.F.R. § 2635, barring the president from soliciting gifts.

Federal law strictly regulates payments to government officials, including gifts. Although the president may receive gifts, he may not "[solicit](#)" gifts. These prohibitions begin with the Constitution's Emoluments Clause and are reiterated in the anti-bribery statute, 18 U.S.C. § 201, and federal regulations, 5 C.F.R. § 2635. Although [section 2635.205](#) lists several exemptions from the prohibition, none exempts soliciting purchases for personal gain.

As the [Congressional Research Service](#) has explained:

Under these regulations, the President is expressly exempt from the broad restrictions on receiving or accepting gifts from prohibited sources or gifts given because of his official position, and thus may accept gifts from the general public, even from "prohibited sources," or gifts given because of his official position, as long as the President does not "[solicit](#) or coerce" the offering of gifts from such sources, nor accept a gift in return for an official act. [Emphasis added.]

President Trump’s promotion of a Trump meme appears to violate this prohibition. In a January 17 tweet, also apparently retweeted after January 20, [Trump stated](#): “My NEW Official Trump Meme is HERE! It’s time to celebrate everything we stand for: WINNING! Join my very special Trump Community. GET YOUR \$TRUMP NOW. Go to <http://gettrumpmemes.com> — Have Fun!” On Truth Social, [he posted the same content](#), on January 21, at 6:19 PM.

Trump is the principal owner of the Trump Meme. The [website](#) explains that the memes are largely (80 percent) owned by CIC Digital LLC, “an affiliate of The Trump Organization.” CIC Digital is [100% owned](#) by the Donald J Trump Revocable Trust. Donald Trump is the [“sole beneficiary”](#) of the revocable trust. Under the question [on the website](#): “Is this an official Trump product?” the website answers: “Yes, this is the only Official Trump Meme, by President Donald J. Trump.”

As to why the public might be interested in sending money, the [website explains](#): “On July 13, 2024, President Trump faced death and came up fighting! With his fist in the air and the iconic battle cry FIGHT FIGHT FIGHT, President Trump showed the world what a LEADER is made of. His strength and courage ignited a movement becoming the most memorable meme of the century. Now, you can get your piece of history. This Trump Meme celebrates a leader who doesn’t back down, no matter the odds. Join the Trump Community - we’re all about fighting for what matters. “Under [the Trump meme website’s question](#), “What is a meme?” the website explains: “Merriam-Webster’s meme noun: 1: an idea, behavior, style, or usage that spreads from person to person within a culture.”

The [website states](#) that “Trump Memes . . . are not intended to be, or to be the subject of, an investment opportunity, investment contract, or security of any type.”

Accordingly, a person sending money for a Trump meme is not purchasing a tangible product. Instead, the person receives only a digital receipt (in a blockchain), which is similar to a donor sending a check and receiving digital confirmation that the check was received.

Beyond Trump’s own declaration that the Trump meme is not an investment, other cryptocurrency observers deride memes generally as without value. [Former aide Anthony Scaramucci](#) said Trump’s effort demeans broader cryptocurrency efforts, calling it “Idi Amin level corruption.” Another [commenter](#) said that the Trump meme “is effectively a ‘for sale’ sign on the White House.” Some, including an author in the Washington Post, characterized this token as a [“sh—coin.”](#)

In short, it appears Trump is not soliciting money in exchange for an investment or tangible product (such as a [Bible, sports shoes, or a guitar](#)), but soliciting money in exchange for nothing—that is, asking for a gift that will benefit him personally.

Beyond the issue of solicitation, the Constitution (Article 1, Section 9) forbids accepting money (specifically a “present” or “emolument”) or anything of value from any “king, prince, or foreign state.” Because of the nature of a cryptocurrency exchange, it is difficult to know whether foreign state actors are gifting the president by way of purchasing a Trump meme. We urge you to investigate this issue, as well.

The dangers inherent in the Trump meme portend ominously. Should the president be allowed to enrich himself in this way, other politician might follow this path, rendering the prohibition on solicitation in 18 U.S.C. § 201 and the prohibitions on receipt of gifts by officials other than the president virtually meaningless.

Therefore, we ask the Office of Government Ethics and the Department of Justice to investigate this arrangement to determine whether it constitutes an impermissible gift solicitation. If the DOJ and OGE find in the affirmative, we ask that they make appropriate recommendations, including termination of the meme sale, return of monies, and any other available remedies.

For questions, please contact Bartlett Naylor at bnaylor@citizen.org; and/or Dr. Craig Holman at cholman@citizen.org,

Sincerely

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