IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,
P.O. Box 14596
Washington, DC 20044,

Plaintiff,

v.

JARED KUSHNER, *in his official capacity*,
c/o Executive Office of the President
1600 Pennsylvania Avenue NW
Washington, DC 20530

WHITE HOUSE OFFICE FOR SPECIAL PEACE MISSIONS,
c/o Executive Office of the President
1600 Pennsylvania Avenue NW
Washington, DC 20530

STEVEN WITKOFF, *in his official capacity as Special Envoy for Peace Missions*,
c/o Executive Office of the President
1600 Pennsylvania Avenue NW
Washington, DC 20530

EXECUTIVE OFFICE OF THE PRESIDENT,
1600 Pennsylvania Avenue NW
Washington, DC 20530

WHITE HOUSE OFFICE,
c/o Executive Office of the President
1600 Pennsylvania Avenue NW
Washington, DC 20530

SUSAN WILES, *in her official capacity as White House Chief of Staff*,
c/o Executive Office of the President
1600 Pennsylvania Avenue NW
Washington, DC 20530

Case No. 26-cv-3580

U.S. DEPARTMENT OF STATE,
Congressional & Litigation Support Office
Office of the Executive Secretariat
(S/ES–EX), Room 1464
2201 C Street NW
Washington, DC 20520

MARCO RUBIO, *in his official capacity as Secretary of State*,
Congressional & Litigation Support Office
Office of the Executive Secretariat
(S/ES–EX), Room 1464
2201 C Street NW
Washington, DC 20520

U.S. DEPARTMENT OF DEFENSE,
Office of the General Counsel
1600 Defense Pentagon
Washington, DC 20301

PETE HEGSETH, *in his official capacity as Secretary of Defense*,
Office of the General Counsel
1600 Defense Pentagon
Washington, DC 20301

Defendants.

COMPLAINT

INTRODUCTION

1. "In a democracy, power implies responsibility." *United States v. United Mine Workers of America*, 330 U.S. 258, 312 (1947) (Frankfurter, J., concurring). This idea is central to our constitutional system and the American ethos. Government officials wield substantial powers. But they must do so responsibly—for the benefit of the American people and not themselves.

2. This suit seeks to vindicate this fundamental principle by challenging Defendant Jared Kushner's unlawful exercise of government power. Kushner is President Trump's son-in-law, and one of the country's top diplomats. And while his personal business interests abroad raise

serious conflict-of-interest concerns, he has not been properly vetted for his government role, and he has evaded transparency obligations that aim to ensure that he exercises government authority for the good of the American people and not himself.

3. The Constitution and federal laws include robust safeguards to protect the American people and the government itself from those who would wield governmental power for personal gain. The Constitution's Appointments Clause requires that officers (i.e., individuals who hold continuing government positions and exercise significant authority) be vetted and approved by the Senate before they take office. And the Ethics in Government Act of 1978 ("Ethics Act") requires that individuals nominated to such positions, as well as other high-level government officials, file public financial disclosures. Together, these protections aim to "guard against 'the appointment of unfit characters,'" *NLRB v. SW Gen., Inc.*, 580 U.S. 288, 293 (2017), and "to increase public confidence in the federal government, demonstrate the integrity of government officials, deter conflicts of interest, deter unscrupulous persons from entering public service, and enhance the ability of the citizenry to judge the performance of public officials," *Lovitky v. Trump*, 949 F.3d 753, 755 (D.C. Cir. 2020) (internal quotation marks omitted).

4. Yet, in clear violation of these protections, Kushner holds a continuing position and wields significant government authority without having been confirmed by the Senate and without having filed a single financial disclosure.

5. Kushner is one of President Trump's go-to foreign policy negotiators. He represents the United States in the highest profile global conflicts, including the country's efforts to end wars between Israel and Hamas, Ukraine and Russia, and the United States and Iran. He negotiates directly with foreign leaders. He fills a crucial and continuing role in shaping and implementing the country's foreign policy during President Trump's second term.

6. Simultaneously, Kushner is also a private businessman. He runs an investment firm with over $6 billion in assets under management. Approximately 99% of those assets are owned by foreign investors, including the sovereign wealth funds of Saudi Arabia, Qatar, and the United Arab Emirates. The firm holds significant investments abroad, including in Israel.

7. The interplay and overlap between his government role and private business interests present a heightened risk of financial conflicts of interest. Nonetheless, Kushner continues to exercise significant government power while circumventing the very protections put in place to guard against such conflicts.

8. This suit seeks relief from Kushner's evasion of the obligations that come with government power. Plaintiff Citizens for Responsibility and Ethics in Washington ("CREW") is a non-partisan, non-profit government watchdog organization that, among other things, uses government records made available to it under federal law to fulfill its mission-critical work of holding government accountable to the American people. Kushner's exercise of government authority while evading the corresponding statutory obligations—including the obligation to file public financial disclosures under the Ethics Act—deprives CREW of highly valuable information to which it is statutorily entitled and which is crucial to its work. As long as Kushner occupies his diplomatic position without complying with these obligations, CREW will continue to be concretely harmed.

9. Primarily, this suit seeks to bar Kushner from occupying his government position and exercising government authority in violation of the Appointments Clause. If not for this violation, Kushner would have been required to comply with transparency and conflict-of-interest obligations, including the filing of public financial disclosures during the appointment process.

10. But even if Kushner's government service did not violate the Appointments Clause, he would still be required to file financial disclosures under the Ethics Act as a high-level government official. Thus, whether the Court finds Kushner to have violated the Appointments Clause (and bars him from continued government service) or not, it should order him to comply with his obligation to file disclosures for the period in which he occupied and/or continues to occupy his position.

11. Finally, if Kushner were just a private citizen, as he has previously claimed, his exercise of government power would violate the private nondelegation doctrine, which prohibits the delegation of government power to private entities. Thus, to the extent that Kushner is legally considered to be just a private citizen—and therefore not subject to the Appointments Clause or Ethics Act or other obligations imposed on those entrusted to wield government power—the Court should bar him from exercising the government authority unlawfully delegated to him.

JURISDICTION AND VENUE

12. This Court has jurisdiction under 28 U.S.C. § 1331 because this action arises under the laws of the United States, including the United States Constitution. The Court also has remedial authority under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.

13. The Court also has jurisdiction pursuant to the Mandamus Act, which grants original jurisdiction to the district courts for "any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff," 28 U.S.C. § 1361, and the All Writs Act, which authorizes district courts to issue all writs "necessary or appropriate" in aid of their jurisdiction, 28 U.S.C. § 1651.

14. Venue is proper in this district under 28 U.S.C. §§ 1391(e)(1)(A), (B), or (C) because Defendants are agencies and officers of the United States, at least one Defendant resides

in this district, a substantial part of the events or omissions giving rise to the claims occurred in this district, the Plaintiff resides in this district, and no real property is involved in the action.

PARTIES

15. Plaintiff **Citizens for Responsibility and Ethics in Washington ("CREW")** is a non-partisan, non-profit government watchdog organization committed to protecting the rights of citizens to be informed about the activities of government officials and agencies and to ensuring ethics, transparency, and integrity in government. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of its research, CREW routinely uses government records made available to it under federal law, including public financial disclosures filed under the Ethics in Government Act, and widely disseminates those records to the public.

16. Defendant **Jared Kushner** is a top American diplomat who represents the United States in negotiations with foreign leaders regarding high-profile global conflicts. Kushner, who is President Trump's son-in-law, claims to fill this position in an unofficial, volunteer capacity. But regardless of title or compensation, he plays a crucial and continuing role in formulating and implementing American foreign policy. President Trump has repeatedly acknowledged Kushner's role as one of the country's top negotiators, including by naming him an "envoy of peace." Kushner conducts his government work in collaboration with Special Envoy for Peace Missions Steven Witkoff. Kushner is sued in his official capacity.

17. Defendant **White House Office for Special Peace Missions ("OSPM")** is a United States government entity within the White House Office, which is in turn a component of the Executive Office of the President of the United States. OSPM was established to "assist in bringing about the end of conflict and strife around the world." Exec. Order 14311, *Establishing a White House Office for Special Peace Missions*, 90 Fed. Reg. 29393 (June 30, 2025). OSPM is headed

by a Special Envoy for Peace Missions, appointed by the President, who "shall advance efforts aimed at ending ongoing conflicts abroad, and shall work towards these ends in coordination with the Department of State, the Department of Defense, and all other relevant executive departments and agencies." *Id.*

18. Defendant **Steven Witkoff** is the Special Envoy for Peace Missions and is sued in his official capacity.

19. Defendant **Executive Office of the President ("EOP")** is a U.S. government entity headquartered in Washington, D.C.

20. Defendant **White House Office ("WHO")** is a component of the EOP headquartered in Washington, D.C.

21. Defendant **Susan Wiles** is the White House Chief of Staff. By virtue of that position, she is the head of the EOP and WHO. She is sued in her official capacity.

22. Defendant **U.S. Department of State ("State Department")** is a cabinet-level department of the U.S. government headquartered in Washington, D.C.

23. Defendant **Marco Rubio** is the Secretary of State and is sued in his official capacity.

24. Defendant **U.S. Department of Defense ("Department of Defense")** is a cabinet-level department in the U.S. government.

25. Defendant **Pete Hegseth** is the Secretary of Defense and is sued in his official capacity.

LEGAL FRAMEWORK

The Appointments Clause

26. The Constitution's Appointments Clause "prescribes the exclusive means of appointing 'Officers.'" *Lucia v. Sec. & Exch. Comm'n*, 585 U.S. 237, 244 (2018). The Clause provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. Const. art. II, § 2, cl. 2.

27. For purposes of the Appointments Clause, "an 'officer' is someone who 'occup[ies] a continuing position established by law' and who 'exercis[es] significant authority pursuant to the laws of the United States.'" *Al Bahlul v. United States*, 967 F.3d 858, 869 (D.C. Cir. 2020) (quoting *Lucia*, 585 U.S. at 237-38).

28. There are two types of officers: principal officers and inferior officers. While principal officers are directly supervised by the President, inferior officers are "'directed and supervised at some level by others who were appointed by Presidential nomination with the advice and consent of the Senate.'" *United States v. Arthrex, Inc.*, 594 U.S. 1, 13 (2021) (quoting *Edmond v. United States*, 520 U.S. 651, 663 (1997)). "Only the President, with the advice and consent of the Senate, can appoint . . . 'principal' officers." *Id.* at 12 (quoting *Edmond*, 520 U.S. at 659). "The 'default manner of appointment' for inferior officers is also nomination by the President and confirmation by the Senate." *Id.* (quoting *Edmond*, 520 U.S. at 660). But "the Appointments

Clause permits . . . Congress [to] vest the appointment of such [inferior] officers 'in the President alone, in the Courts of Law, or in the Heads of Departments.'" *Id.* at 12-13.

29. "The Senate's advice and consent power is a critical 'structural safeguard [ ] of the constitutional scheme.'" *NLRB v. SW Gen., Inc.*, 580 U.S. 288, 293 (2017) (quoting *Edmond*, 520 U.S. at 659). "The Framers envisioned it as 'an excellent check upon a spirit of favoritism in the President' and a guard against 'the appointment of unfit characters . . . from family connection, from personal attachment, or from a view to popularity.'" *Id.* (quoting The Federalist No. 76, p. 457 (C. Rossiter ed. 1961) (A. Hamilton)).

Public Financial Disclosures Required by the Ethics in Government Act

30. "Congress enacted the Ethics in Government Act of 1978 ('Ethics Act') . . . to increase public confidence in the federal government, demonstrate the integrity of government officials, deter conflicts of interest, deter unscrupulous persons from entering public service, and enhance the ability of the citizenry to judge the performance of public officials." *Lovitky v. Trump*, 949 F.3d 753, 755 (D.C. Cir. 2020) (internal quotation marks omitted). "To that end, the Ethics Act requires specified government officials and candidates for public office to periodically disclose information such as their income, gifts received, property interests, liabilities, real estate and securities transactions, positions held, and the value of a qualified blind trust." *Id.*; *see also* 5 U.S.C. §§ 13103-13105.

31. The Ethics Act requires individuals nominated for Senate-confirmed positions to file financial disclosures. 5 U.S.C. § 13103(b)(1). Nominees are required to file such disclosures within five days of the president transmitting their nomination to the Senate. *Id.* Nominees are also required to provide updated information regarding income and honoraria no later than the date of the first hearing to consider their nomination. *Id.*

32. Separately, the Ethics Act requires certain high-level government officials to file financial disclosures within 30 days of assuming their position, as well as annual disclosures for each subsequent year in the position, and disclosures upon termination. 5 U.S.C. §§ 13103(a), (d), (e). Individuals required to file such disclosures include: "each officer or employee in the executive branch, including a special Government employee, . . . who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule," 5 U.S.C. § 13103(f)(3); other executive branch employees in positions "excepted from the competitive service by reason of being of a confidential or policymaking character," 5 U.S.C. § 13103(f)(5); and any other civilian employee "employed in the Executive Office of the President (other than a special Government employee) who holds a commission of appointment from the President," 5 U.S.C. § 13103(f)(8). These individuals are also required to report securities transactions of more than $1,000 within 45 days of any such transaction. 5 U.S.C. § 13105(l); *see also* 5 U.S.C. § 13104(a)(5)(B).

33. Individuals may receive extensions to file financial disclosures required by the Ethics Act. 5 U.S.C. § 13103(g)(1). "[T]he total of such extensions shall not exceed 90 days." *Id.*

34. The financial disclosures required by the Ethics Act must be made available to the public. 5 U.S.C. § 13107(a). Within 30 days after the filing of such financial disclosures, the relevant agency or supervising ethics office "shall" permit inspection or furnish a copy "to any person requesting such inspection or copy." 5 U.S.C. § 13107(b).

FACTUAL ALLEGATIONS

35. Kushner is a high-level American diplomat. He speaks on behalf of President Trump and represents the United States in the global arena. He is one of President Trump's top foreign policy negotiators.

36. Kushner's government work qualifies him as a federal officer. He exercises significant executive power at the direction of President Trump. And it is firmly understood within the White House, across the executive branch, and by political leadership of foreign states that he formally represents the United States when he conducts diplomacy. Kushner also executes functions that fall within the purview of other federal offices—including, among others, ambassadors at large, 22 U.S.C. § 3942(a)(1), and special envoys, 22 U.S.C. § 2651a(j).

37. Kushner began occupying this position and exercising this authority in 2025, after the start of President Trump's second term.

38. Kushner has not been confirmed by the Senate. Nor has President Trump nominated him for Senate consideration.

39. Kushner has not filed any financial disclosures pursuant to the Ethics Act for his work in President Trump's second term.

Kushner's Role as a Top American Diplomat

40. Kushner's work for the government includes formulating American foreign policy and representing the United States in negotiations with foreign countries.

41. Kushner has been at the forefront of American efforts to end major global conflicts, including between Israel and Hamas, Ukraine and Russia, and the United States and Iran.

42. Kushner represents the United States in its efforts to end the Israel-Hamas war and forge a lasting peace in the region. He was instrumental in crafting and negotiating the October

2025 peace plan (the 20-point peace plan) between Israel and Hamas that led to a ceasefire and the return of all Israeli hostages from Gaza.[1] Since then, Kushner has shepherded the peace process along by, among other things, engaging in negotiations regarding Hamas disarmament and the withdrawal of Israeli forces from Gaza.[2] He has represented the United States in direct meetings with leaders of both Israel and Hamas—including meetings with Israeli Prime Minister Benjamin Netanyahu and Hamas leader Khalil al-Hayya.[3] He has also worked with representatives of other countries involved in the peace negotiations, including Egypt, Qatar, Saudi Arabia, Turkey, and the United Arab Emirates.[4]

43. Relatedly, Kushner represents United States interests on the Board of Peace, "an international organization that seeks to promote stability, restore dependable and lawful governance, and secure enduring peace in areas affected or threatened by conflict."[5] The Board of

---

[1] *See, e.g.*, Alex Leary & Brian Schwartz, *Jared Kushner is Back, and his Imprint is All Over the Gaza Deal*, Wall. St. J. (Oct. 11, 2025), https://tinyurl.com/4p698zsc; Adam Rasgon, et al., *'A Big Day': How the U.S. and the Arab World Teamed Up to Seal the Gaza Deal*, N.Y. Times (Oct. 14, 2025), https://tinyurl.com/yz5m28wr; 60 Minutes, *Jared Kushner and Steve Witkoff's extended 60 Minutes interview* (YouTube, Oct. 19, 2025), https://tinyurl.com/23u4hefc; Jared Kushner (@jaredkushner), X (Jan. 26, 2026, 11:08 a.m.), https://perma.cc/8VF7-GKNZ.

[2] *See, e.g.*, Mohammad El Chamaa & Lior Soroka, *Jared Kushner meets Hamas on Mideast trip to push Gaza deal*, Wash. Post (Aug. 16, 2026), https://tinyurl.com/yyzryvyc; Aaron Boxerman & Zolan Kanno-Youngs, *Kushner Meets With Hamas to Advance Trump's Gaza Plan*, N.Y. Times (Aug. 16, 2026), https://tinyurl.com/adc2jj4t; The White House, *President Trump and the Prime Minister of Israel Deliver Remarks*, at 04:58-05:31 (YouTube, Dec. 29, 2025), https://tinyurl.com/y6aw63wj.

[3] *See, e.g.*, Samy Magdy, Julia Frankel, & Cara Anna, *Kushner has a rare meeting with Hamas' leader on the Gaza road map. A meeting with Netanyahu is next*, Wash. Post (Aug. 16, 2026), https://tinyurl.com/4kxjfw9e; David M. Halbfinger & Adam Rasgon, *Kushner Meets Netanyahu in Effort to Break Logjam Over Gaza*, N. Y. Times (Aug. 17, 2026), https://tinyurl.com/28ukzvnf.

[4] *See, e.g.*, The White House, *President Trump Participates in the Board of Peace Charter Announcement*, at 51:42-51:54 (YouTube, Jan. 22, 2026), https://tinyurl.com/bdzrb9u7; Emma Bussey & Trey Yingst, *Kushner gives Hamas stark ultimatum: Disarm or Israel gets US backing to 'finish the job'*, at 05:00-05:23 (Fox News, Aug. 17, 2026), https://tinyurl.com/mp47nzcw.

[5] Board of Peace, *The Mission*, https://perma.cc/PR5C-KYT8 (last visited Oct. 8, 2026).

Peace, chaired by President Trump, "play[s] an essential role in fulfilling all 20 points of the President's [peace] plan, providing strategic oversight, mobilizing international resources, and ensuring accountability as Gaza transitions from conflict to peace and development."[6] Members of the Board of Peace include heads of state from 28 countries, including among others the United States, Israel, Qatar, Saudi Arabia, and the United Arab Emirates.[7] Kushner was instrumental in developing the idea for the Board of Peace and stewarding it into existence in late 2025 and early 2026.[8] He is a member of its Executive Board and its Gaza Executive Board.[9]

44. Kushner represents the United States in its efforts to end the Russia-Ukraine war. He has met repeatedly with Ukrainian and Russian leaders, including Russian President Vladimir Putin and Ukrainian President Volodymyr Zelenskyy.[10] He represented the United States in three rounds of trilateral talks between Russia, Ukraine, and the United States aimed at bringing the war to an end.[11] He also met with other European leaders to forward this effort—including French

---

[6] The White House, *Statement on President Trump's Comprehensive Plan to End the Gaza Conflict* (Jan. 16, 2026), https://perma.cc/5EZR-NZD8.

[7] Board of Peace, *Members*, https://perma.cc/B272-FMW2 (last visited Oct. 8, 2026).

[8] *See, e.g.*, The White House, *President Trump Participates in the Board of Peace Event*, at 52:22-52:55 (YouTube, Feb. 19, 2026), https://tinyurl.com/ydudbfzh; *id.* at 01:16:25-01:20:15; *President Trump Participates in the Board of Peace Charter Announcement*, *supra* n.4, at 43:45-52:53; The White House, *President Trump Participates in a Dinner with Central Asian Countries*, at 32:10-32:43 (YouTube, Nov. 6, 2025), https://tinyurl.com/5bzzz49j.

[9] The White House, *Statement on President Trump's Comprehensive Plan to End the Gaza Conflict* (Jan. 16, 2016), https://perma.cc/39B8-7PNL; Board of Peace, *Executive Board*, https://perma.cc/D5R5-448N (last visited Oct. 8, 2026); Board of Peace, *Gaza Executive Board*, https://perma.cc/5UHA-L99P (last visited Oct. 8, 2026).

[10] *See, e.g.*, James Marson & Alexander Ward, *Trump Envoys Visit Ukraine in New Push for Peace Talks*, Wall. St. J. (Sept. 6, 2026), https://tinyurl.com/2e7cw2e4; Paul Sonne & Valerie Hopkins, *Putin Meets with Witkoff and Kushner for Nearly Five Hours*, N.Y Times (Dec. 2, 2025), https://tinyurl.com/59mtjsd3.

[11] *See, e.g.*, Andrew E. Kramer & Paule Sonne, *Ukraine Peace Talks End on Positive Note as Zelensky Teases Future Meetings*, N.Y Times (Jan. 24, 2026), https://tinyurl.com/wre4mzt6; David Brennan, *Trilateral US-Ukraine-Russia peace talks resume in UAE after major energy*

President Emmanuel Macron, German Chancellor Friedrich Merz, and then-British Prime Minister Keir Starmer, among others.[12]

45. Kushner represents the United States in its diplomatic efforts to resolve its conflict with Iran. He participated in three rounds of negotiations with Iran in February 2026, including the first face-to-face talks between the United States and Iran since before the Twelve-Day War between Iran and Israel in June 2025.[13] After these negotiations, and after Kushner and Witkoff reportedly told President Trump that they did not think a deal could be reached, President Trump launched a joint military campaign with Israel against Iran ("Operation Epic Fury") on February 28, 2026.[14] Kushner subsequently represented the United States in resumed diplomacy with Iran—including the negotiation of the June 2026 "memorandum of understanding," in which the two countries agreed to initial concessions and a framework for reaching a final deal.[15] And after the

---

attack, ABC (Feb. 4, 2026), https://tinyurl.com/56r4afuw; Matthew Cullen, *Trump Officials Hold High-Stakes Talks in Geneva*, N.Y. Times (Feb. 17, 2026), https://tinyurl.com/mwj22997.

[12] *See, e.g.*, DWS News, *FULL SPEECHES: Zelenskiy, Merz, Macron, Starmer & U.S. Envoys Announce Ukraine Security Deal | AC14*, at 26:22-29:45 (YouTube, Jan. 6, 2026), https://tinyurl.com/3pfrmmbm; Sylvie Corbet & John Leicester, *Ukraine's allies praise major progress on defense guarantees if a peace deal is struck with Russia*, AP (Jan. 6, 2026), https://tinyurl.com/yxsa7mbk.

[13] *See, e.g.*, Susannah George, Victoria Craw & Lior Soroka, *U.S. and Iran hold nuclear talks amid threats of regional war*, Wash. Post (Feb. 6, 2026), https://tinyurl.com/2e5tffc7; Cullen, *supra* n.11; Farnaz Fassihi & David E. Sanger, *Iranians Cite Progress in Talks, but a Marathon Session Produces No Deal*, N.Y. Times (Feb. 26, 2026), https://tinyurl.com/j88hrkp6.

[14] *See, e.g.*, Mark Mazzetti, et al., *How Trump Decided to Go to War*, N.Y. Times (Mar. 2, 2026), https://tinyurl.com/mr25havx; The White House, *President Trump Holds a Press Conference*, at 30:35-31:24 (YouTube, Mar. 9, 2026), https://tinyurl.com/5ajcj6e6; The White House, *President Trump Participates in a Cabinet Meeting*, at 27:00-32:00 (YouTube, Mar. 26, 2026), https://tinyurl.com/mr2s5bzs.

[15] *See, e.g.*, Luke Broadwater, et al., *Trump Says U.S. Is Negotiating End to War, but Iranians Push Back*, N.Y. Times (Mar. 23, 2026), https://tinyurl.com/y7p4w7bm; *Vance, US negotiators meeting with Iran, Pakistan delegations for ceasefire talks*, Fox News (Apr. 12, 2026), https://tinyurl.com/3bxw6rdc; Barak Ravid & Marc Caputo, *U.S. and Iran inch toward framework deal to end war, U.S. officials say*, Axios (Apr. 15, 2026), https://tinyurl.com/y8xu33ks; Ruth

United States and Iran signed this memorandum, Kushner engaged in talks on behalf of the United States to reach a final deal.[16] In the course of this work, Kushner represented the United States in direct negotiation with Iranian officials; he also worked with representatives of other involved countries, including Oman, Pakistan, and Qatar.[17]

46. Kushner has also represented the United States in other foreign affairs efforts, including the expansion of the Abraham Accords,[18] the successful April 2026 rescue of a downed American pilot and weapons systems officer in Iran,[19] and securing the August 2026 release of an American imprisoned in Russia since 2022.[20]

47. Kushner's diplomatic work, as outlined above, is all the more significant given that: (1) President Trump has not appointed ambassadors to Russia or Ukraine, and those positions remain vacant; (2) the United States has not had an ambassador to Iran for more than 40 years; (3) President Trump has not appointed a Special Presidential Envoy for the Abraham Accords,

---

Sherlock, *What you need to know about the preliminary U.S.-Iran agreement signed by Trump*, NPR (June 19, 2026), https://tinyurl.com/mt3dyaj6.

[16] *See, e.g.*, Aamer Madhani, Seung Min Kim & Jamey Keaten, *As Vance meets top Iranian officials in Switzerland, Trump threatens Tehran from afar*, PBS News (June 21, 2026), https://tinyurl.com/3m655djv; Associated Press, *U.S. and Iran hold separate meetings in Qatar and agree to continue discussions*, NPR (July 2, 2026), https://tinyurl.com/ynrhabcx; Anton Troianovski, *As Ukraine War Escalates, Witkoff and Kushner are Focused on Iran*, N.Y Times (July 2, 2026), https://tinyurl.com/kpm8d7yr.

[17] *See, e.g.*, Associated Press, *supra* n.16; Justin Fishel, et al., *Vance says no agreement reached with Iran after marathon talks in Islamabad*, ABC News (Apr. 11, 2026), https://tinyurl.com/mupvk43u; Ashley Carnahan, *Trump envoy Witkoff and Jared Kushner in Geneva for closely watched Iran negotiations*, Fox News (Feb. 26, 2026), https://tinyurl.com/yrdyxexe.

[18] *President Trump Participates in a Dinner with Central Asian Countries*, *supra* n.8, at 06:23-07:03; Bussey & Yingst, *supra* n.4, at 06:27-07:37.

[19] The White House, *President Trump Holds a Press Conference*, at 22:47-27:19 (YouTube, Apr. 6, 2026), https://tinyurl.com/suw39svf.

[20] President Donald J. Trump (@realDonaldTrump), Truth Social (Aug. 11, 2026, 12:10pm), https://tinyurl.com/2tmc7f5t.

Negev Forum, and Related Integration and Normalization Fora and Agreements, *see* 22 U.S.C. § 2735a, or a Special Presidential Envoy for Hostage Affairs, *see* 22 U.S.C. § 1741a, and those positions remain vacant; and (4) in addition to many other vacancies, President Trump has not appointed ambassadors to Germany, Pakistan, Qatar, Saudi Arabia, or the United Arab Emirates, and those positions remain vacant.[21] By leaving these positions vacant and allowing Kushner to execute certain functions traditionally assigned to such positions, Defendants circumvent the core purpose of the Appointments Clause—to provide a legislative check on which individuals are authorized to wield significant executive power—and bypass conflict-of-interest and transparency safeguards that would otherwise apply to the occupants of these positions, including the reporting requirements of the Ethics Act.

48. Kushner's exercise of government authority is facilitated and supported by the other Defendants. Kushner and Witkoff generally work as a team to represent American interests abroad.[22] Kushner works in close partnership with Witkoff (the head of OSPM) and has similar, if not identical, responsibilities.[23] Witkoff and OSPM (and EOP/WHO in turn) thus enable

---

[21] American Foreign Service Association, *Tracker: Current U.S. Ambassadors*, https://tinyurl.com/4kc6fh6p (last visited Oct. 13, 2026). On September 14, 2026, President Trump nominated Wesley Hunt to be ambassador to Saudi Arabia. The White House, *Nominations Sent to the Senate* (Sept. 14, 2026), https://tinyurl.com/32m46z2f. And, on September 28, 2026, President Trump nominated John Coale to be Special Presidential Envoy for Hostage Affairs. The White House, *Nominations Sent to the Senate* (Sept. 28, 2026), https://tinyurl.com/57bev38s. Senate confirmation hearings do not appear to have been scheduled yet to consider these nominees.

[22] *See, e.g.*, *President Trump Participates in the Board of Peace Event*, *supra* n.8, at 55:35-55:42 (Witkoff stating: "And Jared, you are my dear friend and the best partner I ever had."); FII Institute, *FII Priority MIAMI 2026: How Does the US-Gulf Investment Relationship Perform Under Pressure?* (YouTube, March 26, 2026) (Kushner describing diplomatic work with Witkoff), https://tinyurl.com/4tws6fab.

[23] *See* Exec. Order 14311, *Establishing a White House Office for Special Peace Missions*, 90 Fed. Reg. 29393 (June 30, 2025) (OSPM, led by Special Envoy for Peace Missions, established within WHO); The White House, *Annual Report to Congress on White House Office Personnel* (July 1, 2026) (listing Witkoff as "Assistant to the President and Special Envoy for Peace Missions"), https://perma.cc/6YM4-KPDK; *see also, e.g.*, Department of State (@StateDept), X, at 08:45-

Kushner's exercise of government power. And Kushner and Witkoff's work is also conducted in coordination with numerous other government agencies and entities, including the State Department and the Department of Defense.[24]

49. Kushner and Witkoff enjoy significant autonomy in negotiating on behalf of the United States. As Witkoff noted during a 60 Minutes interview with Kushner, although Kushner and Witkoff "work for" President Trump and "check in" with him "often," President Trump has delegated to them "a lot of authority to negotiate."[25] Witkoff confirmed that this includes the authority to "make decisions without having to check in all the time."[26]

50. The public record of Kushner's diplomatic work is extensive. It shows that he exercises substantial executive authority in crafting American foreign policy and speaking and negotiating on behalf of the United States with foreign leaders—and that he has done so continuously throughout most of President Trump's second term. He has represented the United

---

08:53 (Sept. 22, 2026, 09:48 a.m.) (Rubio stating that Kushner and Witkoff "are peace mission envoys"), https://tinyurl.com/mrymj8sm; *President Trump Participates in the Board of Peace Event*, *supra* n.8, at 26:23-26:42 (President Trump stating that Kushner and Witkoff are "both envoys of peace").

[24] *See* Exec. Order 14311, *supra* n.23 (charging OSPM to work "in coordination with the Department of State, the Department of Defense, and all other relevant executive departments and agencies"); *see also, e.g.*, News Central, *Full: Zelenskiy, Steve Witkoff & Jared Kushner Hold Joint News Conference in Kyiv | AC1Z*, at 09:05-09:44 (YouTube, Sept. 6, 2026) (Kushner stating that he and Witkoff are part of a team that includes the President, Vice President, Rubio, and Hegseth), https://tinyurl.com/2bzhdeem; *President Trump Participates in the Board of Peace Charter Announcement*, *supra* n.4, at 43:02-43:41 (Witkoff, with Kushner standing next to him, thanking members of the administration, including among others Vice President J.D. Vance for "all his help and guidance," Rubio "who we work hand in glove with," and Wiles "who is always available to us for consultation, for steering, and for all else that she does"); Senate Foreign Relations Committee, *Full Committee Hearing: U.S. Policy Towards Venezuela*, at 02:53:45-02:56:00 (Jan. 28, 2026) (Rubio testifying regarding close collaboration with Kushner and Witkoff and that "the special envoys [i.e., Kushner and Witkoff] rely almost exclusively on State Department personnel to assist them in all of their efforts"), https://tinyurl.com/4rh9d72d.

[25] 60 Minutes, *supra* n.1, at 03:35-04:15.

[26] *Id.*

States in dozens of meetings with foreign officials, including direct negotiations with foreign heads of state. He has traveled all around the world for these meetings, including to Egypt, France, Germany, Israel, Oman, Pakistan, Qatar, Russia, Switzerland, the United Arab Emirates, and Ukraine.

51. Kushner himself pinpointed the start of his government work to the beginning of President Trump's second term, stating on October 11, 2025, at a rally in Israel after the signing of the Gaza ceasefire agreement, that he worked "very closely" with Witkoff "for the last ten months."[27] And he continues to occupy this position. For example, in just the last few months, Kushner represented the United States in talks with Iranian Foreign Minister Abbas Araghchi on September 22, 2026,[28] Ukrainian President Zelenskyy in Kyiv on September 6, 2026,[29] Russian President Putin in Moscow on September 5, 2026,[30] Israeli Prime Minister Netanyahu in Israel on August 17, 2026,[31] and Hamas leader al-Hayya in Egypt on August 16, 2026.[32]

52. The public record of Kushner's meetings with foreign officials, however, does not comprehensively capture all of his work for the second Trump administration. Kushner has undoubtedly represented the United States in meetings with foreign officials that have gone unreported. And his involvement in crafting and implementing American foreign policy stretches beyond meetings with foreign officials. For example, Kushner and Witkoff are reported to have

---

[27] Forbes Breaking News, *Full Remarks: Jared Kushner, Steve Witkoff, And Ivanka Trump Address Crowd In Tel Aviv, Israel*, at 14:49-15:31 (YouTube, Oct. 11, 2025), https://tinyurl.com/3w7dwm23.

[28] Barak Ravid, *U.S. and Iran officials meet in New York to discuss ending the war*, Axios (Sept. 22, 2026), https://tinyurl.com/4mhep3t7.

[29] James Marson & Alexander Ward, *Trump Envoys Visit Ukraine in New Push for Peace Talks*, Wall. St. J. (Sept. 6, 2026), https://tinyurl.com/2e7cw2e4.

[30] *Id.*

[31] Halbfinger & Rasgon, *supra* n.3.

[32] Magdy, Frankel & Anna, *supra* n.3.

coordinated closely with Israel in the month leading to the February 2026 joint attack on Iran, including almost daily communication with Prime Minister Netanyahu, the Director of the Mossad, and other Israeli officials.[33] And the public record does not comprehensively capture Kushner's behind-the-scenes work in developing and drafting peace plans or his back-channel communications with foreign officials.[34]

53. Notably, Kushner has spoken publicly about his diplomatic efforts on behalf of the United States, including at a rally in Tel Aviv on October 11, 2025;[35] in a 60 Minutes interview, broadcast on October 19, 2025;[36] at a press conference with Vice President J.D. Vance in Israel on October 21, 2025;[37] at the Board of Peace's ratification ceremony on January 22, 2026;[38] at the Board of Peace's inaugural meeting on February 19, 2026;[39] at the FII Institute's summit in Miami on March 26, 2026;[40] in an interview on Fox News on August 17, 2026;[41] at a press conference with Witkoff and Ukrainian President Zelenskyy in Kyiv on September 6, 2026;[42] and at a Board

[33] Barak Ravid, *Netanyahu asks White House if secret Iran talks are happening*, Axios (Mar. 4, 2026), https://tinyurl.com/bdnmmxv9.

[34] *See, e.g.*, Jared Kushner (@jaredkushner), *supra* n.1 (Kushner noting that he and Witkoff "worked closely" with the CIA, Israeli Prime Minister Netanyahu, the Israel Defense Forces, Egypt's General Intelligence Service, Turkey, Qatar, and many Gazans "to make possible this unthinkable outcome" of the "return[ ]" of all "Israeli hostages held in Gaza"); Bussey & Yingst, *supra* n.4, at 10:03-11:08 (discussing back-channel communications with Iran).

[35] Forbes Breaking News, *supra* n.27, at 14:40-21:00.

[36] 60 Minutes, *supra* n.1.

[37] Sky News, *JD Vance, Steve Witkoff and Jared Kushner hold news conference in Israel* (YouTube, Oct. 21, 2025) at 4:00-6:40, 13:15-14:23, https://tinyurl.com/488pd5wm.

[38] *President Trump Participates in the Board of Peace Charter Announcement*, *supra* n.4, at 43:45-52:53.

[39] *President Trump Participates in the Board of Peace Event*, *supra* n.8, at 01:16:25-01:20:15.

[40] FII Institute, *supra* n.22.

[41] Bussey & Yingst, *supra* n.4.

[42] News Central, *supra* n.24, at 00:28-17:25.

of Peace briefing on September 23, 2026.[43] In these interviews and speeches, Kushner detailed his efforts on behalf of the United States to end conflicts between Israel and Hamas, Ukraine and Russia, and the United States and Iran. And he held himself out as a representative of the United States government, including by speaking about the Trump administration's negotiating positions and peace plans, as well as the status of diplomatic talks.

54. For example, during the September 6, 2026, press conference, Kushner described his work on behalf of the United States, stating: "The role that Steve and I play—and again, we're part of the team in the U.S. government, again, led by President Trump and the Vice President J.D. Vance and Marco Rubio and there's obviously Secretary Hegseth and the military and the intelligence groups as well—our role is to try to be the ones who are pursuing the peace."[44]

55. Similarly, in an October 2, 2026, social media post, Kushner characterized his "diplomatic work in the Middle East," stating that "President Trump asked [him] to . . . help end wars, bring people together and pursue peace."[45]

56. President Trump's public statements confirm the significance of the authority Kushner exercises and the continuous nature of his position. For example, after thanking "Special Envoy for Peace Steve Witkoff" at a Board of Peace meeting, President Trump named Kushner to the same position: "And we're making Jared an envoy also, envoy of peace. They're both envoys

[43] Board of Peace (@BoardOfPeace), X, at 01:02:19-01:12:30 (Sept. 23, 2026, 6:16 p.m.), https://tinyurl.com/38y3568z.

[44] News Central, *supra* n.24, at 09:05-09:44.

[45] Jared Kushner (@jaredkushner), X (Oct. 2, 2026, 1:07 p.m.), https://perma.cc/ZSV3-VJFD.

of peace."[46] President Trump has also referred to Kushner as one of his "Representatives,"[47] and noted that "we always bring Jared when we want to get that deal closed."[48]

57. President Trump has repeatedly recognized the centrality of Kushner's role in formulating American foreign policy and representing American interests on the world stage, crediting him for his work negotiating on behalf of the United States and achieving foreign affairs victories. For example, President Trump has: credited Kushner and Witkoff with securing the release of Israeli hostages from Gaza;[49] stated that Kushner and Witkoff "will be in charge of [Hamas disarmament] from our side";[50] attributed his February 2026 decision to attack Iran to a feeling "based on the negotiations that were being had by Steve Witkoff and Jared Kushner and Marco [Rubio] and Pete [Hegseth]" that Iran was going to "hit" the United States and that if "they hit us first, that would've been a very bad thing";[51] and repeatedly acknowledged Kushner's

[46] *President Trump Participates in the Board of Peace Event*, *supra* n.8, at 23:10-26:42.

[47] President Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 12, 2026, 11:30 a.m.) https://tinyurl.com/2s3jjfjd.

[48] The White House, *President Trump Delivers Remarks to The Knesset*, at 03:04:00-03:04:16 (YouTube, Oct. 13, 2025), https://tinyurl.com/3sum38mz.

[49] *See, e.g.*, The White House, *President Trump Makes Announcements*, at 43:30-44:13 (YouTube, Sept. 5, 2025) ("[M]y people, Steve Witkoff, and Jared Kushner was great on this. But they got a lot of people out."), https://tinyurl.com/y7hp5ap4; The White House, *President Trump Greets the Prime Minister of Israel at Mar-a-Lago*, at 06:30-06:45 (YouTube, Dec. 29, 2025) ("Every hostage just about that's been released was released because of me, Steve Witkoff, Jared Kushner, my whole team, Marco Rubio, Pete Hegseth. They were all released because of us."), https://tinyurl.com/eu6aw327.

[50] *President Trump and the Prime Minister of Israel Deliver Remarks*, *supra* n.2, at 04:58-05:16.

[51] *President Trump Holds a Press Conference*, *supra* n.14, at 30:35-31:24; *see also id.* at 08:16-08:34 ("[I]n my opinion, based on what Steve and Jared and Pete and others were telling me, Marco was so involved, that I thought that they were going to attack us.").

diplomatic work representing the United States in high-level negotiations, including to end conflicts between Israel and Hamas,[52] Ukraine and Russia,[53] and the United States and Iran.[54]

58. The statements of other members of the Trump administration—including in testimony to Congress—further confirm the significance and centrality of Kushner's position. These statements show that he collaborates directly with the very highest echelons of government leadership, including President Trump, Vice President Vance, Rubio, Hegseth, and others, and that he is a crucial member of President Trump's inner circle when it comes to matters of foreign affairs and global conflicts.

---

[52] *See, e.g.*, The White House, *President Trump Participates in a Press Conference with the Prime Minister of the State of Israel*, at 08:57-09:16 (YouTube, Sept. 29, 2025) (Kushner, Witkoff, Rubio, Wiles, and Vice President Vance have "been so involved in this process"), https://tinyurl.com/5n87ve4y; *President Trump Participates in the Board of Peace Charter Announcement*, *supra* n.4, at 01:23-1:40 (thanking Kushner, Witkoff, and Rubio for "their extraordinary work," noting that "they've done an amazing job" and that there is "peace in the Middle East," which "nobody thought . . . was possible"); *President Trump Participates in the Board of Peace Event*, *supra* n.8, at 03:45-04:05 (noting that "Gaza is very complex" and thanking Kushner and Witkoff for "an amazing job").

[53] *See, e.g.*, The White House, *President Trump Makes an Announcement*, at 43:22-44:22 (YouTube, Dec. 3, 2025) ("President Putin had a very good meeting yesterday with Jared Kushner and Steve Witkoff"), https://tinyurl.com/yv6azcdp; The White House, *President Trump Delivers Remarks in a Bilateral Meeting with the President of Ukraine*, at 09:18-09:40 (YouTube, Dec. 28, 2025) ("Jared and Steve are working very hard to get something done."), https://tinyurl.com/2pfphnpd; The White House, *President Trump Signs Executive Orders*, at 35:18-35:28, 41:04-41:18 (YouTube, Sept. 4, 2026) (President Trump "sent" Kushner and Witkoff—"two great negotiators"—to Ukraine and Russia and they were "bringing with them a proposal to end the war."), https://tinyurl.com/52uxtjuw.

[54] *See, e.g.*, *President Trump Participates in the Board of Peace Event*, *supra* n.8, at 26:22-27:25 ("[Kushner and Witkoff] have a good relationship with the representatives of Iran" and "they're meeting."); PBS NewsHour, *WATCH: Trump claims U.S. and Iran are holding talks, Iran wants to make a deal*, at 00:52-02:03 (YouTube, Mar. 23, 2026) ("We've had very strong talks. Mr. Witkoff and Mr. Kushner had them."), https://tinyurl.com/39fjv9z4; The White House, *President Trump Participates in a Press Conference*, at 22:09-22:28 (YouTube, July 8, 2026) (Iran "dealing with" Kushner, Witkoff, Vice President Vance, Rubio, and Treasury Secretary Scott Bessent in negotiations), https://tinyurl.com/mwfxd9f5; The White House, *President Trump Participates in a Multilateral Meeting with the Gulf Cooperation Council*, at 00:45-01:07 (YouTube, Sept. 22, 2026) (Kushner and Witkoff had "very productive meeting today with mediators of Iran"), https://tinyurl.com/mwtj28r2.

59. For example, in a social media post, Vice President Vance stated: "Jared and Steve are trusted members of the president's team and very dear friends. No one has done more than the two of them to work towards peace and prosperity in the region. . . . Steve and Jared are good dudes and I'm honored to work with them."[55]

60. In testimony to Congress, Rubio stated that he "speak[s] with Steve Witkoff and Jared Kushner in the case of Gaza, and now Russia, probably 10 times a day"; that they "have a team approach," and that "[t]here's no time in which the President is presented an option by one of us at the exemption of everybody else"; that their "job is to come to a consensus view on the best way forward" and "where there are disputes those are presented to the President and he makes the decision"; and that "the special envoys rely almost exclusively on State Department personnel to assist them in all of their efforts."[56] Similarly, in response to a press question about negotiations with Iran, Rubio stated: "[President Trump] has a team of people that work together on this. We all have a role to play, depending on what the topic is. We have very good negotiators in Steve Witkoff and Jared Kushner. We have the Vice President of the United States, which is the second highest-ranking official, which tells you how—the importance we've given this file. Obviously, I have a role to play; the Department of War has a role to play. That's how we approach it. . . . [I]t's a combined effort, and it always should be."[57]

61. Responding to a press question regarding the U.S. decision to get involved with Operation Epic Fury, Hegseth stated that "Iran had no intention of actually negotiating a nuclear deal," that "Jared Kushner and Steve Witkoff [are] two of the best negotiators in the world," and

[55] Vice President J.D. Vance (@JDVance), X (July 16, 2026, 7:20pm), https://perma.cc/UA3T-ZBT3.

[56] Senate Foreign Relations Committee, *supra* n.24, at 02:53:45-02:56:00.

[57] Department of State, *Secretary of State Marco Rubio Remarks to the Press* (July 23, 2026), https://perma.cc/9E6D-6AHB.

that they gave Iran "every single possible opportunity to release [its nuclear] ambition" in the negotiation.[58]

62. And, among many other statements made by administration officials about Kushner's diplomatic work, Treasury Secretary Scott Bessent testified to the Senate Banking Committee that Kushner was part of the "Russia talks," and that he believes that Kushner is a "special envoy," although "it is not an official position";[59] then-Press Secretary Karoline Leavitt spoke about Kushner's diplomatic work on behalf of the government on numerous occasions, including by noting in April 2026 that "the President is dispatching his negotiating team led by the Vice President of the United States J.D. Vance, Special Envoy Witkoff, and Mr. Kushner" to Pakistan for talks with Iran;[60] and U.S. Ambassador to the U.N. Mike Waltz noted that Kushner, Witkoff, and Rubio are President Trump's "great team . . . who are implementing his vision" for the Middle East and Israel,[61] referred to both Kushner and Witkoff as "special envoys,"[62] and, when asked at a House Foreign Affairs Committee hearing about whether Rubio, Kushner, or Witkoff is his primary point of contact regarding Middle East negotiations, testified that he "deal[s] with all three on a regular basis."[63]

---

[58] Department of War, *Secretary of War Pete Hegseth and Chairman of the Joint Chiefs of Staff Gen. Dan Caine Hold a Press Briefing* (Mar. 4, 2026), https://perma.cc/C7KD-HD5J.

[59] CNBC Television, *Treasury Secretary Scott Bessent testifies before Senate panel on the U.S. economy*, at 01:37:49-01:38:17 (YouTube, Feb. 5, 2026), https://tinyurl.com/4npcwzcd.

[60] The White House, *Press Secretary Karoline Leavitt Briefs Members of the Media*, at 13:15-13:38 (YouTube, Apr. 8, 2026), https://tinyurl.com/4ykvtjth.

[61] U.S. Mission to the United Nations, *U.S. Representative to the United Nations Ambassador Mike Waltz's Interview on My View with Lara Trump* (Dec. 14, 2025), https://perma.cc/77C7-FDTN.

[62] PBS NewsHour, *WATCH LIVE: Senate Foreign Relations Committee holds hearing to assess U.S. priorities with the UN*, at 01:36:24-01:36:41 (YouTube, Apr. 15, 2026), https://tinyurl.com/ycyf9kfa.

[63] House Foreign Affairs Committee Republicans, *Ambassador Mike Waltz testifies before Congress: United Nations Accountability and Reform*, at 02:02:22-02:02:39 (YouTube, July 22, 2026), https://tinyurl.com/s5ddx2h5.

63. Foreign leaders similarly recognize Kushner's role in representing the United States in matters of foreign affairs. Their statements reflect an understanding that when they deal with Kushner, they deal with President Trump's envoy and representative who speaks and negotiates on behalf of the United States.[64]

64. Nonetheless, despite the extensive public record of his government work, and the recognition of both domestic and foreign leaders that he is one of America's top diplomats, Kushner maintains that he is not "technically" a government official but "just a volunteer like other businessmen who . . . volunteer to help the government when asked."[65] As reported by Bloomberg, this is his justification for skirting financial disclosure requirements.[66]

65. But declining a salary and formal title does not change the reality of Kushner's role—he exercises significant executive authority and has done so continuously throughout most of President Trump's second term. And it certainly does not free him from the constitutional constraints of the Appointments Clause or the obligation to file public financial disclosures under the Ethics Act.

---

[64] *See, e.g.*, Ukrainian President Zelenskyy (@ZelenskyyUa), X (July 22, 2026, 1:12 p.m.) (referring to Kushner and Witkoff as "President Trump's envoys" and thanking them for their "efforts to advance peace"), https://perma.cc/5MNY-CZ9J; Prime Minister of Islamic Republic of Pakistan Shehbaz Sharif (@CMShehbaz), X (June 17, 2026, 8:27 p.m.) ("commend[ing] the dedication and tireless efforts of the United States negotiating team, including J.D. Vance, Steve Witkoff and Jared Kushner"), https://perma.cc/CEC2-VGD2; The Arab Republic of Egypt Presidency, *President El-Sisi Receives U.S. Envoys to Middle East Talks* (Oct. 9, 2025) (Egyptian President met with Kushner and Witkoff, President Trump's "envoys"), https://tinyurl.com/y4aunrrd; *President Trump Participates in a Press Conference with the Prime Minister of the State of Israel*, *supra* n.52, at 38:34-38:55 (Israeli Prime Minister Netanyahu thanking President Trump's "entire team," "especially" Kushner and Witkoff "for their indefatigable work to bring Israel and Arab states in the region closer together").

[65] FII Institute, *supra* n.22, at 03:01-03:17.

[66] Ben Bartenstein, Annie Massa & Ted Mann, *Kushner Disappoints Mideast Clients Who Spent Millions Seeking Sway*, Bloomberg (May 14, 2026), https://tinyurl.com/y7bace3j.

Kushner's Failure to File Disclosures Raises Conflict of Interest Concerns

66. In his 60 Minutes interview, Kushner shrugged off concerns regarding conflicts, stating: "What people call conflicts of interest, Steve [Witkoff] and I call experience and trusted relationships that we have throughout the world."[67] He also insisted that "nobody's pointed out any instances where Steve [Witkoff] or I have pursued any policies or done anything that have not been in the interest of America."[68] Kushner made similar statements just last week,[69] and further asserted that his "outside ethics counsel" and "the White House Counsel's Office" have both "confirmed that [he is] complying with all applicable ethics rules and requirements."[70]

67. Yet, despite these bold claims, Kushner has not been vetted through standard procedures. He has not been confirmed by the Senate. There is no public record of him obtaining a security clearance in the second Trump administration.[71] And he has not provided the American public with transparency into his financial interests by filing the disclosures required by the Ethics Act for his work in President Trump's second term.

68. Kushner's failure to file such disclosures is particularly troublesome given the potential for conflicts—as reflected in his history of profiting during his previous government service and in his current business interests.

---

[67] 60 Minutes, *supra* n.1, at 06:46-06:54.

[68] *Id.* at 06:01-06:10.

[69] Jared Kushner, *The Facts: My Response to The New Yorker* (Oct. 8, 2026) (asserting that he has "never taken a diplomatic action to benefit Affinity, [him]self, or any investor," and that "Affinity's investors have never influenced [his] diplomatic positions, and [he] ha[s] never used [his] public role to advance their commercial interests"), https://perma.cc/2MER-85Y5.

[70] *Id.*

[71] *See, e.g.*, CREW, *White House must reveal and resolve Jared Kushner's financial conflicts of interest* (March 11, 2026), https://tinyurl.com/yvtkbem5.

69. Kushner worked in the White House during President Trump's first term. In conjunction with that government service, he filed financial disclosures pursuant to the Ethics Act—although, as with his current position, he did not draw a salary. His wife, Ivanka Trump, also worked in the White House and filed financial disclosures. Those financial disclosures reveal that Kushner and Ivanka Trump earned between $172 million and $640 million in non-governmental income while working in the White House.[72]

70. After the first Trump administration came to an end in 2021, Kushner launched an investment firm, A Fin Management LLC (known as "Affinity Partners" or "Affinity").

71. Within six months, Kushner secured a $2 billion investment from the Public Investment Fund ("PIF"), Saudi Arabia's sovereign wealth fund led by Saudi Crown Prince Mohammad bin Salman. As reported by the New York Times, this investment was made over the objections of a panel of PIF advisors regarding "'the inexperience of the Affinity Fund management'; the possibility that the kingdom would be responsible for 'the bulk of the investment and risk'; due diligence on the fledgling firm's operations that found them 'unsatisfactory in all aspects'; a proposed asset management fee that 'seems excessive'; and 'public relations risks' from Mr. Kushner's prior role as a senior adviser to his father-in-law, former President Donald J. Trump."[73] According to this reporting, a July 2021 letter from PIF staff stated that "'[t]his investment aims to form a strategic relationship with the Affinity Partners Fund and its founder, Jared Kushner.'"[74]

---

[72] Jordan Libowitz & Caitlin Moniz, *Jared and Ivanka made up to $640 million in the White House*, CREW (Feb. 8, 2021), https://tinyurl.com/y657wuxn.

[73] David D. Kirkpatrick & Kate Kelly, *Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts*, N.Y. Times (Apr. 10, 2022), https://tinyurl.com/bdehrfjj.

[74] *Id.*

72. By the end of 2025, Affinity's assets-under-management jumped to more than $6 billion. Foreign investors, including PIF and sovereign wealth funds in Qatar and the United Arab Emirates, account for about 99% of those assets.[75]

73. In early 2026, Kushner reportedly spoke with potential investors, including at least PIF, about raising $5 billion in additional investments for Affinity.[76] Kushner has acknowledged having "preliminary conversations about a possible future fund," but claimed that some news reports about him raising funds for Affinity are "misleading" or "objectively false," that he "raised no additional funds for Affinity Partners since President Trump was elected to his second term," and that he "ended all conversations about additional fundraising" when "the actions in Iran began."[77]

74. Affinity's investors generally pay a "fixed quarterly management fee . . . of 0.5% (2.0% annualized)."[78] As reported by Forbes in 2025, these fees amount to about $60 million per year.[79] According to a letter sent by Senator Ron Wyden to Affinity, over approximately the first three years of Affinity's operation (2021-2024), the firm received $157 million in annual management fees from foreign clients, including $87 million from PIF.[80] While Kushner has

[75] A Fin Management LLC, *Form ADV*, at 8 (Mar. 22, 2026), https://tinyurl.com/bdfsj2w7; Sridhar Natarajan, *Kushner's Mideast-Backed Fund Assets Jump to $6.2 Billion*, Bloomberg (Mar. 23, 2026), https://tinyurl.com/4u7xekvw; Rob Copeland & Maureen Farrell, *Jared Kushner Solicits Funds for His Firm While Working as Mideast Envoy*, N.Y. Times (Mar. 13, 2026), https://tinyurl.com/3vzek7pn.

[76] Copeland & Farrell, *supra* n.75.

[77] Kushner, *supra* n.69.

[78] A Fin Management LLC, *Part 2A of Form ADV: Firm Brochure*, at 7 (Mar. 22, 2026), https://perma.cc/XD3B-37SW.

[79] Monica Hunter-Hart & Giacomo Tognini, *How Jared Kushner's Bold Bets In The Middle East Made Him A Billionaire*, Forbes (Sept. 16, 2025), https://tinyurl.com/3a6bjhsn.

[80] Letter from Senator Ron Wyden, Chairman of the Committee on Finance, to Chad Mizelle, Chief Legal Officer of Affinity Partners (Sept. 24, 2024), https://perma.cc/4DCX-FR7J.

asserted that Senator Wyden's $157 million estimate is "false" and "inaccurate," and "does not reflect the actual amount of fees earned by Affinity," he does not appear to have publicly disclosed a different figure.[81]

75. Kushner is the sole owner of Affinity.[82]

76. Thus, while Kushner represents the United States in the Middle East—including with regard to the Gaza peace plan, the Board of Peace, and talks with Iran—Affinity manages investments for, and collects fees from, sovereign wealth funds of countries in the same region with vested interests in the outcomes of his diplomatic work. As noted above, Saudi Arabia, Qatar, and the United Arab Emirates (whose sovereign wealth funds are invested in Affinity) are members of the Board of Peace; and they pledged at least $1 billion each to the Board of Peace.[83] All three were involved in negotiations between Israel and Hamas, and at least Qatar has been involved in mediating the negotiations between the United States and Iran. And, according to reporting from the Washington Post, in the month leading up to Operation Epic Fury, Saudi Crown Prince Mohammed bin Salman lobbied for the United States to attack Iran.[84]

77. Affinity has a "global" investment strategy that accounts for "geopolitical risks" and "seeks proprietary opportunities driven by global transitions."[85] This strategy increases the potential for substantial conflicts of interest, given that Kushner's government work to resolve major global conflicts could impact Affinity's investments.

---

[81] Kushner, *supra* n.69.

[82] A Fin Management LLC, *supra* n.78 at 5.

[83] Reuters, *Contributions for Gaza from Board of Peace members* (Feb. 19, 2026), https://tinyurl.com/ycky72wv.

[84] Michael Birnbaum, et al., *Push from Saudis, Israel helped move Trump to attack Iran*, Wash. Post (Feb. 28, 2026), https://tinyurl.com/2sn49848.

[85] A Fin Management LLC, *supra* n.78 at 14.

78. For example, Affinity invests in the Middle East—where much of Kushner's foreign policy work is focused. Affinity is the largest shareholder of Phoenix Financial Ltd., an Israeli insurance and financial services company. Affinity first acquired a 4.95% stake in Phoenix in July 2024 and later increased its stake to nearly 10% in January 2025. Kushner reportedly explained that, at the time of Affinity's initial investment, "most were scared to invest in Israel due to the uncertainty from the war," and that Affinity "saw Phoenix as a misunderstood cornerstone asset, and said, 'Let's make a big bet on Israel.'"[86] Since Affinity's original investment, Phoenix's value has grown substantially and, in July 2026, Affinity reportedly sold approximately a quarter of its stake in Phoenix for more than $340 million, recouping its entire investment while remaining Phoenix's largest shareholder.[87]

79. Kushner and Affinity have been involved in other high-profile and controversial investments during President Trump's second term, involving both foreign investments and foreign investors. For example, Kushner's plans to develop a $1.4 billion hotel complex on an Albanian island and another development on nearby shoreline have sparked widespread protests in Albania known as the "Flamingo Revolution";[88] Affinity dropped plans in December 2025 for a $500 million project to develop apartments and a Trump-branded hotel in Serbia after Serbian

[86] Hunter-Hart & Tognini, *supra* n.79.

[87] Galit Alstein, *Jared Kushner's Affinity Pares Stake in Israeli Insurer After Rally*, Bloomberg (July 28, 2026), https://tinyurl.com/3ak4yfj9; Phoenix Financial & Affinity Partners, *Affinity Partners Brings Leading Global Investors into Phoenix, Remains Largest Shareholder with a Significant Long-Term Ownership Position*, PR Newswire (July 27, 2026), https://tinyurl.com/3ab59p2w; Allegra Goodwin, Katie Polglase & Majlie de Puy Kamp, *How Jared Kushner's firm's investment in an Israeli company could be a major conflict of interest*, CNN (Oct. 1, 2026), https://tinyurl.com/4vyhzmmm.

[88] Amelia Nierenberg, *Protests Grow in Albania Over Kushner-Linked Project*, N.Y. Times (June 2, 2026), https://tinyurl.com/3tazb9uv; Alice Taylor & Philip Volkmann-Schluck, *Albania's PM to US Democrats: Don't use us to get revenge on Trump*, Politico (Oct. 1, 2026), https://tinyurl.com/5bk739mm.

officials were charged with corruption in connection with the project;[89] and PIF and a group of investors, including Affinity, acquired Electronic Arts for $55 billion.[90]

80. Kushner's history and business activities raise serious concerns regarding how his personal financial interests interplay and overlap with his diplomatic role, which make his evasion of the vetting procedures for and transparency obligations of high-level government officials all the more troubling.

Injuries to CREW

81. CREW has been, and continues to be, concretely harmed by Kushner exercising government authority without adhering to the corresponding obligations imposed by law to ensure transparent and ethical governance—including the requirement to file publicly available financial disclosures under the Ethics Act.

82. As a watchdog organization committed to protecting the right of American citizens to be informed about the activities of government officials, CREW routinely requests and utilizes government records made available to it under the Ethics Act, the Freedom of Information Act ("FOIA"), and other federal transparency laws to perform its mission-critical functions. CREW uses that information to create public-facing reports, administrative complaints, requests for investigation, and public testimony and letters to Congress regarding oversight matters, and to craft targeted FOIA requests for additional information. CREW widely disseminates these materials to the public through its website, which receives hundreds of thousands of page views every month.

---

[89] Sharon LaFranier & Lara Jakes, *Kushner's Firm Pulls Out of Trump-Branded Hotel Deal in Serbia*, N.Y. Times (Dec. 15, 2025), https://tinyurl.com/2rtp3tw9.

[90] Joseph Wilkins, *Saudi wealth fund and Jared Kushner's Affinity finalize $55 billion EA Sports deal*, CNBC (Aug. 5, 2026), https://tinyurl.com/5n66rcas.

83. The public financial disclosures required by the Ethics Act are a crucial tool in CREW's mission-critical work to hold government accountable to the American people. CREW's reliance on these disclosures is in keeping with the Ethics Act's purpose "to increase public confidence in the federal government, demonstrate the integrity of government officials, deter conflicts of interest, deter unscrupulous persons from entering public service, and enhance the ability of the citizenry to judge the performance of public officials." *Lovitky*, 949 F.3d at 755 (internal quotation marks omitted).

84. For example, in just the last few months, CREW has relied on financial disclosures filed under the Ethics Act to investigate and report on: EPA officials who were paid millions by the energy industry before joining the government,[91] President Trump trading private prison stocks of two companies that have collectively secured over $2.65 billion in ICE contracts,[92] and President Trump's $117 million in income from overseas business interests in the first year of his second term.[93]

85. Similarly, CREW has relied on financial disclosures to provide testimony to Congress. For example, on September 15, 2026, CREW provided testimony to the House Foreign Affairs Committee regarding foreign interests and influence threatening the country's national security. This testimony drew on President Trump's annual financial disclosures. It also touched on Kushner's government role, noting that "there's still no evidence that [Kushner has] complied

[91] Alyssa Meiman & Mahnoor Imran, *EPA officials made millions from the energy industry before pursuing massive deregulation efforts*, CREW (Aug. 19, 2026), https://tinyurl.com/yc5czxc9.

[92] Lama Elsharif & Linnea Hon-Stuenkel, *Trump has made 29 private prison stock trades since taking office*, CREW (July 21, 2026), https://tinyurl.com/54wp7rea.

[93] Honora Overby, *Trump's foreign revenue exploded during his first year back in office*, CREW (July 20, 2026), https://tinyurl.com/3n9kje26.

with the law and filed a financial disclosure statement, which would allow Congress and the public to question any potential conflicts."[94]

86. When Kushner filed public financial disclosures during President Trump's first term, CREW disseminated those disclosures and relied on them to provide analyses of his financial interests to the public.[95]

87. Kushner's failure to file financial disclosures in President Trump's second term deprives CREW of this tool. For this reason, after President Trump named Kushner an "envoy of peace" on February 19, 2026, CREW called for Kushner to file disclosures under the Ethics Act.[96] And, on July 20, 2026, CREW submitted requests to the White House and to the State Department for financial disclosures filed by Kushner pursuant to the Ethics Act. Both the White House and State Department responded, indicating that they have no such disclosures.

88. The harm to CREW is especially acute given the substantial risk that Kushner's private financial interests are implicated by the work he does on behalf of the government, as outlined above. The disclosures that Kushner has failed to file would provide CREW, and the American public in turn, with information vital to assess potential conflicts and his fitness to exercise the significant government authority of his current position.

---

[94] House Foreign Affairs Committee Republicans, *Trojan Horses: Covert Foreign Malign Influence Operations in America*, at 38:43-44:06 (YouTube, Sept. 15, 2026), https://tinyurl.com/mummhb69; Donald K. Sherman, *Testimony before the U.S. House of Representatives Committee on Foreign Affairs Subcommittee on South Central Asia*, CREW (Sept. 15, 2026), https://tinyurl.com/2zn8wdpe.

[95] *See, e.g.*, Libowitz & Moniz, *supra* n.72; *Jared Kushner and Ivanka Trump's final financial disclosures*, CREW (Feb. 1, 2021), https://tinyurl.com/2s433x8z; CREW Staff, *Jared Kushner and Ivanka Trump's 2019 personal financial disclosures*, CREW (July 31, 2020), https://tinyurl.com/3fpkxjht.

[96] *See* Letter from Donald K. Sherman, President and CEO, CREW, to David Warrington, Counsel to the President of the United States (Mar. 11, 2026), https://tinyurl.com/hrc7fvpn; CREW, *CREW statement on Jared Kushner's role as special peace envoy* (Feb. 20, 2026), https://tinyurl.com/5pxfdbem.

89. Kushner's unconstitutional exercise of government power, while completely failing to file financial disclosures under the Ethics Act, thus directly impairs CREW's ability to perform its mission-critical functions by depriving it of highly valuable information to which it is statutorily entitled. *See Friends of Animals v. Jewell*, 824 F.3d 1033, 1041 (D.C. Cir. 2016) (plaintiff denied access to information that it "otherwise ha[d] a statutory right to obtain" had "informational standing to pursue both its constitutional and statutory claims"). CREW will continue to suffer this harm as long as Kushner continues to exercise government authority without adhering to the disclosure requirements.

90. Kushner exercising government authority while insisting that he is a private citizen has also inflicted, and will continue to inflict, other harm on CREW.

91. On information and belief, Kushner is not preserving records—including his communications and other documentation relating to his diplomatic work—as government officials are required to do under the Presidential Records Act ("PRA") and/or Federal Records Act ("FRA"). Unlike government officials, private citizens bear no obligations to preserve records under these laws. Kushner maintains that he is merely a volunteer, and not a government official. He has not complied with other obligations imposed on government officials, including filing public financial disclosures under the Ethics Act.

92. As noted above, CREW routinely relies on government records other than financial disclosures to perform its mission-critical work. Government officials are obligated to preserve records documenting government business under the PRA (White House officials), *see* 44 U.S.C. § 2201 *et seq.*, and the FRA (officials in executive agencies), *see* 44 U.S.C. § 3101 *et seq.*

93. CREW routinely submits FOIA requests for federal records from agencies and for presidential records from the National Archives and Records Administration, and CREW relies on

these records to conduct its mission-critical work.[97] CREW intends to continue submitting such requests in the future. If Kushner were generating and preserving records in compliance with either the PRA or FRA, CREW would request those records under FOIA once they become available for public access. Indeed, for precisely these reasons, CREW and other plaintiffs sued Kushner toward the conclusion of President Trump's first term in office to compel preservation of government records from his non-official electronic messaging accounts. *See* Compl., *Nat'l Security Archive v. Trump*, No. 20-cv-3500, ECF No. 1 (D.D.C. filed Dec. 1, 2020).

94. The threatened loss or destruction of Kushner's government records directly and irreparably impairs CREW's informational rights under FOIA and the PRA/FRA.

CLAIMS FOR RELIEF

COUNT I
Appointments Clause

95. CREW re-alleges and incorporates by reference the foregoing paragraphs.

96. The Court has inherent authority to grant equitable relief to prevent "entities from acting unconstitutionally," including for violations of the Appointments Clause. *See, e.g.*, *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 491 n.2 (2010).

97. The Appointments Clause of the Constitution requires that principal officers of the United States be nominated by the President and confirmed by the Senate. U.S. Const. art. II, § 2, cl. 2. It also mandates the same appointment process for inferior officers of the United States unless Congress passes a law vesting the appointment of an inferior officer in the President, courts, or heads of other departments. *Id.*

98. Kushner is an officer of the United States.

[97] *See* CREW, *FOIA Requests*, https://tinyurl.com/53t6xrzn (last visited Oct. 13, 2026).

99. As a top American diplomat, responsible for negotiating with foreign countries across multiple global conflicts, Kushner exercises significant authority pursuant to the laws of the United States and occupies a continuing position established by law.

100. The President has granted Kushner the authority to exercise sovereign powers of the federal government, including the core executive powers of negotiating with foreign countries and representing the United States in foreign affairs. *See, e.g.*, *Zivotofsky v. Kerry*, 576 U.S. 1, 13 (2015) ("The President has the sole power to negotiate treaties[.]").

101. Kushner's exercise of these powers is not fleeting or temporary. He has not been tasked with a one-off, transient, or limited diplomatic assignment. Rather, throughout most of President Trump's second term, he has served—and continues to serve—as one of America's top diplomats, with responsibility spanning the highest profile global conflicts confronting the administration.

102. The extensive public record of Kushner's government work substantiates the significance of the authority he exercises and the continuity of his diplomatic position. President Trump's statements, as well as those of Kushner himself, other administration officials, and foreign leaders, further confirm his authority and position.

103. Kushner reports directly to President Trump and is therefore a principal officer. His appointment thus requires Senate confirmation under the Appointments Clause.

104. But even if Kushner were an inferior officer, reporting up to President Trump through some other officer, his appointment would still require Senate confirmation because no law vests his appointment "in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. Const. art. II, § 2, cl. 2.

105. Kushner has not been confirmed by the Senate. Nor has he been nominated by President Trump for Senate consideration.

106. Kushner is thus serving as an officer in violation of the Appointments Clause.

107. As described above, Kushner holding office in violation of the Appointments Clause inflicts, and will continue to inflict, informational injuries on CREW. *See, e.g.*, *Friends of Animals v. Jewell*, 824 F.3d 1033, 1041 (D.C. Cir. 2016). If not for this violation, Kushner would have been required to file public financial disclosures under the Ethics Act—both prior to Senate confirmation and subsequently while occupying his office. Kushner's unlawful exercise of governmental authority in violation of the Appointments Clause thus deprives CREW of information to which it would otherwise be statutorily entitled.

108. Likewise, if Kushner had been properly appointed, there would be no doubt that he would be obligated to comply with the record-preservation requirements of the PRA and/or FRA. Kushner's insistence that he is merely a private citizen—and not a government official—thus inflicts further informational injury on CREW.

109. Accordingly, the Court should declare that Kushner is unlawfully serving as an officer in violation of the Appointments Clause, enjoin him from exercising the powers of his office, and enjoin the other Defendants from facilitating or supporting his exercise of these powers.

COUNT II
Equitable Cause of Action
Failure to File Public Financial Disclosures in Violation of the Ethics Act

110. CREW re-alleges and incorporates by reference the foregoing paragraphs.

111. "Plaintiffs may sue in equity without a congressionally-provided cause of action to prevent an injurious act by a public officer." *Trump v. Cook*, 146 S. Ct. 2234, 2251 n.2 (2026) (citation modified); *accord Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326-27

(2015). An equitable right of action is therefore available to enjoin ongoing and future violations of the Ethics Act.

112. As an officer of the United States who should have been nominated and appointed pursuant to the Appointments Clause, Kushner has a non-discretionary duty under the Ethics Act to file financial disclosures, including disclosures prior to Senate confirmation and while holding office. *See* 5 U.S.C. §§ 13103-13105.

113. Kushner has not filed the financial disclosures required by the Ethics Act.

114. As described above, CREW is harmed by Kushner's failure to file financial disclosures.

115. Accordingly, the Court should order Kushner to comply with his obligations to file financial disclosures pursuant to the Ethics Act for the time that he unconstitutionally served as an officer of the United States in violation of the Appointments Clause.

116. In the alternative, to the extent the Court finds no violation of the Appointments Clause, Kushner would still be required to file financial disclosures. As a high-level diplomatic official, Kushner has a non-discretionary duty under the Ethics Act to file financial disclosures, including initial disclosures upon entry into the position, annual disclosures for each subsequent year in the position, and disclosures of certain securities transactions. *See* 5 U.S.C. §§ 13103-13105.

117. Given Kushner's role, the Ethics Act imposes this duty regardless of whether he is considered to be an officer or a non-officer executive branch employee.

118. Kushner cannot avoid this duty by disclaiming a title or salary. Rather, his de facto position places him squarely within the category of "officer[s] or employee[s] in the executive branch" required to file financial disclosures. 5 U.S.C. §§ 13103(f)(3), (5), (8).

119. For example, any executive officer or employee filling a "position[ ] not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" must file financial disclosures under the Ethics Act. 5 U.S.C. § 13103(f)(3). The rate of basic pay for GS-15 is $126,384. *See* Exec. Order 14368, *Adjustments of Certain Rates of Pay*, 90 Fed. Reg. 60521, 60523 (December 23, 2025) ("E.O. 14368"). This means that executive officials in non-GS positions for which the rate of basic pay is $151,660.80 or greater must file financial disclosures under the Ethics Act. As described below, Kushner's de facto position meets this threshold.

120. Kushner's position is functionally equivalent to an "ambassador at large." Ambassadors at large may "serve anywhere in the world to help with emergent problems, to conduct special or intensive negotiations, or serve in other capacities as requested by the Secretary or the President." U.S. Dept. of State, Foreign Affairs Manual, 1 FAM 014.4(a)(3). Ambassadors at large are compensated under the Executive Schedule at a rate of $197,200. *See* 5 U.S.C. § 5315 (ambassadors at large are compensated at Level IV of the Executive Schedule); E.O. 14368, 90 Fed. Reg. at 60526 (setting salary for Level IV of the Executive Schedule at $197,200). They are therefore required to file financial disclosures under the Ethics Act.

121. Similarly, members of the Senior Executive Service ("SES") are required to file financial disclosures under the Ethics Act. *See* 5 U.S.C. § 5382 (SES pay "shall not be less than the minimum rate of basic pay payable under [5 U.S.C.] § 5376"); 5 U.S.C. § 5376 (setting minimum pay at "not less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"); *see also* E.O. 14368, 90 Fed. Reg. at 60526 (setting minimum salary for SES at $151,661). SES includes positions in Level IV or V of the Executive Schedule, "or an equivalent position," which do not require Senate confirmation, and which entail "exercis[ing]

important policy-making, policy-determining, or other executive functions." 5 U.S.C. § 3132(a)(2). As discussed, Kushner's position is, at the very least, "equivalent" to a position in Level IV of the Executive Schedule (ambassador at large), and he certainly "exercises important policy-making, policy-determining, or other executive functions." *Id.*

122. That Kushner occupies a government role for which the Ethics Act requires financial disclosures is further confirmed by reference to his government peers. For example, Witkoff—Kushner's diplomatic partner and functional equivalent in role—filed a financial disclosure under the Ethics Act.[98] Like Kushner, Witkoff does not draw a salary for his government work.[99]

123. Kushner has not filed the financial disclosures required by the Ethics Act.

124. As described above, CREW is harmed by Kushner's failure to file financial disclosures.

125. Accordingly, to the extent the Court finds no violation of the Appointments Clause, it should declare that Kushner is a government official who is required to file financial disclosures under the Ethics Act and order him to comply with these obligations.

COUNT III
Mandamus
Failure to File Public Financial Disclosures in Violation of the Ethics Act

126. CREW re-alleges and incorporates by reference the foregoing paragraphs.

127. The Mandamus Act, 28 U.S.C. § 1361, vests this Court with original jurisdiction over "any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

---

[98] The White House, *Public Financial Disclosure Report of Steven Witkoff* (2025), https://perma.cc/W9YG-N8BQ.

[99] *Annual Report to Congress on White House Office Personnel*, *supra* n.23.

128. The All Writs Act, 28 U.S.C. § 1651, authorizes this Court to issue all writs "necessary or appropriate" in aid of its jurisdiction.

129. "A court may grant mandamus relief only if: (1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff." *Lovitky*, 949 F.3d at 759. Even when these "threshold requirements" for "mandamus jurisdiction have been satisfied, however, a court may grant relief only when it finds compelling equitable grounds." *Id.*

130. As detailed above, Kushner has a clear, non-discretionary duty under the Ethics Act to file financial disclosures—regardless of whether he is considered to be an officer or a non-officer executive branch employee.

131. Kushner has failed entirely to comply with this clear, non-discretionary duty.

132. CREW has a clear right to relief from, and is injured by, Kushner's failure to comply with this duty.

133. There is no other adequate remedy available to CREW.

134. There are compelling equitable grounds for issuing the writ.

135. Accordingly, it is necessary and appropriate for the Court to issue a writ of mandamus pursuant to 28 U.S.C. §§ 1361 and 1651 under its equitable authority to compel Kushner to comply with his non-discretionary duty to file financial disclosures under the Ethics Act.

COUNT IV
Private Nondelegation Doctrine (In the Alternative to Counts I-III)

136. CREW re-alleges and incorporates by reference the foregoing paragraphs.

137. To the extent the Court finds that Kushner is merely a private citizen, whose government service is not subject to the constraints of the Appointments Clause or the requirements of the Ethics Act, CREW seeks relief under the private nondelegation doctrine.

138. The President may not delegate governmental powers to a private party. *See FCC v. Consumers' Rsch.*, 606 U.S. 656, 697 (2025) ("a law . . . violates the private nondelegation doctrine when it allows non-governmental entities to govern"); *Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 496-97 (2010) ("the President 'cannot delegate ultimate responsibility' . . . because Article II 'makes a single President responsible for the actions of the Executive Branch'"). Although the executive may "enlist private parties to give it recommendations," it may not delegate its ultimate authority to private parties. *Consumers' Research*, 606 U.S. at 692. The "most obnoxious form" of impermissible delegation is to "'private persons whose interests' are often adverse to the interests of others.'" *Id.* (quoting *Carter v. Carter Coal Co.*, 298 U.S. 238, 310-11 (1936)).

139. Negotiating with foreign powers and representing the United States in foreign affairs are core executive powers. *See, e.g.*, *Zivotofsky*, 576 U.S. at 13.

140. President Trump has delegated these core executive powers to Kushner.

141. Kushner does not serve in a mere advisory role. Rather, he negotiates directly with foreign countries on behalf of the United States. He speaks for the United States in the global arena. In this way, he exercises ultimate authority that is exclusively conferred on the President.

142. Thus, to the extent the Court finds that Kushner is merely a private citizen, he is exercising governmental powers in violation of the private nondelegation doctrine.

143. Kushner's exercise of government authority in violation of the private nondelegation doctrine inflicts, and will continue to inflict, the same informational injuries on

CREW as described above. If not for this violation, Kushner would have been required to file public financial disclosures under the Ethics Act and comply with the record-preservation requirements of the PRA and/or FRA to exercise government authority—either as an officer or employee of the United States. Kushner's unlawful exercise of governmental authority in violation of the private nondelegation doctrine thus deprives CREW of information to which it would otherwise be statutorily entitled.

144. Accordingly, to the extent the Court finds that Kushner is merely a private citizen, it should declare that Kushner is exercising executive authority in violation of the private nondelegation doctrine, enjoin him from exercising such authority as a private citizen, and enjoin the other Defendants from facilitating or supporting his exercise of this authority.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

(1) Declare that Kushner is unlawfully serving as an officer of the United States, in violation of the Appointments Clause of the Constitution;

(2) Permanently enjoin Kushner from exercising the powers of an officer of the United States unless and until he is appointed and confirmed in accordance with the Appointments Clause;

(3) Permanently enjoin Witkoff, Wiles, Rubio, Hegseth, OSPM, EOP, WHO, the State Department, and the Department of Defense from facilitating or supporting Kushner exercising the powers of an officer of the United States;

(4) Issue permanent relief, including but not limited to injunctive and/or mandamus relief, directing Kushner to file all financial disclosures required by the Ethics Act for the time that he unconstitutionally served as an officer of the United States in violation of the Appointments Clause;

(5) In the alternative, if the Court finds no violation of the Appointments Clause:

a. Declare that Kushner is a government official (whether an officer or employee) who is required to file financial disclosures under the Ethics Act;

b. Issue permanent relief, including but not limited to injunctive and/or mandamus relief, directing Kushner to file all financial disclosures required by the Ethics Act and to continue to do so through the duration of his government service;

(6) In the alternative, if the Court finds that Kushner is merely a private citizen who is not subject to the constraints of the Appointments Clause or the requirements of the Ethics Act:

a. Declare that Kushner is exercising government authority in violation of the private nondelegation doctrine;

b. Permanently enjoin Kushner from exercising government authority as a private citizen;

c. Permanently enjoin Witkoff, Wiles, Rubio, Hegseth, OSPM, EOP, WHO, the State Department, and the Department of Defense from facilitating or supporting Kushner exercising government authority as a private citizen;

(7) Provide expeditious proceedings in this action;

(8) Retain jurisdiction of this action to ensure compliance with this Court's orders;

(9) Award CREW its costs and reasonable attorneys' fees incurred in this action; and

(10) Grant such other relief as the Court may deem just and proper.

Date: October 14, 2026

Respectfully Submitted,

/s/ Stephen J. Buckingham
Reuven Dashevsky (D.C. Bar No. 90046789)*
Stephen J. Buckingham (D.C. Bar No. 1562756)
Nikhel S. Sus (D.C. Bar No. 1017937)
CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON
P.O. Box 14596
Washington, DC 20044
(202) 408-5565
rdashevsky@citizensforethics.org
sbuckingham@citizensforethics.org
nsus@citizensforethics.org

Counsel for Plaintiff

* *Pro hac vice* motion forthcoming