



December 15, 2025

Don R. Berthiaume  
Acting Inspector General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW,  
Washington, DC 20530

Dear Acting Inspector General Berthiaume:

Democracy Forward Foundation (DFF) writes to ensure you are aware of actions that Department of Justice (DOJ) attorneys may be taking, or forced to take, that would be unlawful and unethical. According to widespread public reporting and the President's own statements,<sup>1</sup> DOJ attorneys are considering administratively settling federal tort claims for \$230 million that were made by President Trump concerning criminal investigations into his past conduct. Such a settlement would be an extraordinary and unprecedented abuse of power. Even DOJ officials' involvement in resolving the President's private claims for millions of dollars raises serious legal and ethical problems. We address here the most salient issues that a settlement would present and urge you to immediately open investigations into this potential illegal and unethical conduct.

First and foremost, any payment of settlement funds to President Trump would likely violate the Constitution, in particular the Domestic Emoluments Clause. U.S. Const. art. II, § 1, cl. 7. That Clause prohibits the President from receiving any profit, gain, or advantage from the government beyond his established salary. An unprecedented financial settlement of his tort claims, which based on public reporting appear to be legally meritless, would be an unconstitutional emolument in excess of his salary.

President Trump's tort claims against DOJ are legally meritless because they rest on theories and purported damages that the Federal Tort Claims Act (FTCA) does not permit. First, the FTCA does not allow claims based on discretionary decisions, which are precisely the kinds of actions President Trump challenges, such as investigations and searches authorized by judicial

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<sup>1</sup> See, e.g., <https://www.nytimes.com/2025/10/21/us/politics/trump-justice-department-compensation.html>; <https://www.theguardian.com/us-news/2025/oct/22/donald-trump-damages-federal-investigations>.

warrant. *See* 28 U.S.C. § 2680(a).<sup>2</sup> Moreover, his claims of malicious prosecution and invasion of privacy cannot succeed, as the challenged actions were supported by probable cause and judicial sanction.<sup>3</sup> Second, the extraordinary sums President Trump seeks are far beyond what would be allowed under the FTCA, even for meritorious and permissible claims. The FTCA bars punitive damages, 28 U.S.C. § 2674, which represents the bulk of what President Trump is seeking. It is thus clear that any multimillion dollar settlement would be made with the President only because he is President and, therefore, an unconstitutional profit beyond his salary.

DOJ attorneys could also violate the criminal conflict of interest statute, 18 U.S.C. § 208. That statute generally prohibits federal employees from working personally and substantially on matters in which they have a financial interest. Given this Administration’s track record of firing career employees who defy political pressure,<sup>4</sup> any DOJ employee who disapproves a payment to the President stands to lose his or her job and the salary that comes with it. This gives each and every DOJ employee a financial conflict of interest relative to President Trump’s administrative tort claims, particularly as the President has now said, from the Oval Office, that the government “owes him a lot of money” as a result of these claims—communicating clearly, in his official capacity, that he expects DOJ to facilitate payment on his claims.<sup>5</sup> The consequences of violating 18 U.S.C. § 208(a) may be severe and can include criminal and civil penalties, with corresponding consequences for attorneys’ bar memberships.

The conflict of interest is clearest if Deputy Attorney General Todd Blanche and Associate Attorney General Stanley Woodward—who, per DOJ policy, are the officials responsible for approving a claim for more than \$4 million—are involved in approving the President’s claims. *See* 28 C.F.R. §§ 0.160-0.161. Mr. Blanche represented the President as his lead criminal defense attorney in matters that are the subject of one of his reported tort claims,<sup>6</sup> and his impartiality regarding this claim is plainly subject to serious questions. Similarly, Mr. Woodward represented other subjects of an investigation that appears to be the subject of the

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<sup>2</sup> *See also*, e.g., *Gen. Dynamics Corp. v. United States*, 139 F.3d 1280, 1283 (9th Cir. 1998) (“no one doubts that prosecutorial discretion” is excepted from FTCA liability).

<sup>3</sup> *See*, e.g., Application for a Warrant, Signed Hon. Bruce E. Reinhart, Case No. 22-mj-8332-BER (S.D. Fla. Aug. 5, 2022), <https://www.justice.gov/d9/2023-09/08.31.23.%20--%20Mar-a-Lago%20Search%20Warrant%20-%20Interim.pdf>.

<sup>4</sup> *See e.g.* Devlin Barrett, *Justice Dept. Official Says She Was Fired After Opposing Restoring Mel Gibson’s Gun Rights*, N.Y. Times (Mar. 10, 2025), <https://www.nytimes.com/2025/03/10/us/politics/justice-department-mel-gibson.html>; Carrie Johnson, *Fired Justice Department lawyer accuses agency of planning to defy court orders*, NPR (June 24, 2025), <https://www.npr.org/2025/06/24/g-s1-74316/justice-department-immigration-whistleblower>.

<sup>5</sup> *Trump says the government owes him ‘lots of money,’ over federal probes. Here’s how he could be paid*, PBS News. (Oct. 23, 2025). <https://www.pbs.org/newshour/politics/trump-says-the-government-owes-him-a-lot-of-money-over-federal-probes-here-s-how-he-could-be-paid>

<sup>6</sup> *See* Devlin Barrett, *Trump Picks Todd Blanche, His Defense Lawyer, to Be Deputy Attorney General*, N.Y. Times (Nov. 14, 2024), <https://www.nytimes.com/2024/11/14/us/politics/todd-blanche-deputy-attorney-generaltrump.html>.

President's tort claim.<sup>7</sup> Mr. Blanche and Mr. Woodward appear to have a barred financial conflict of interest in this matter as both worked in private practice on related particular matters. This is not a particularly close call. As one law professor put it, “[t]he ethical conflict is just so basic and fundamental, you don't need a law professor to explain it.”<sup>8</sup>

A settlement would further defy foundational government ethics rules meant to guard against conflicts of interest and the appearance of bias. 5 C.F.R. § 2635.402 reiterates the criminal conflict of interest rule in 18 U.S.C. § 208(a) and prohibits involvement in matters that would have a “direct and predictable” effect on a financial interest. 5 C.F.R. § 2635.502 proscribes conduct that could give rise to an appearance of partiality. Signing off on a multimillion-dollar payment for the President would plainly create an appearance of partiality.

We urge you to immediately investigate Mr. Blanche's and Mr. Woodward's participation in this matter, as well as the participation by any and all DOJ attorneys, before these important legal and ethical barriers are further transgressed. We ask that you issue a finding that Mr. Blanche, Mr. Woodward, and all other DOJ attorneys should be recused from participating in the resolution of these tort claims while Donald Trump is serving as President.

Sincerely,



Skye L. Perryman, JD  
President and CEO  
Democracy Forward

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<sup>7</sup> See Devlin Barrett, *Lawyer for Many in Trump's Orbit Is Picked for No. 3 Post at Justice Dept.*, N.Y. Times (Apr. 2, 2025), <https://www.nytimes.com/2025/04/02/us/politics/trump-doj-pick-woodward.html>.

<sup>8</sup> See Devlin Barrett, *et al*, *Trump Said To Demand Justice Dept. Pay Him \$230 Million for Past Cases* N.Y. Times (Oct. 21, 2025), <https://www.nytimes.com/2025/10/21/us/politics/trump-justice-department-compensation.html>