



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 25, 2026

The Honorable Loren J. Sciorba
Deputy Inspector General
U.S. Department of the Treasury, Office of Inspector General
1500 Pennsylvania Ave., NW
Washington, D.C. 20220

The Honorable Nancy A. LaManna
Deputy Inspector General for Inspections and Evaluations
U.S. Treasury Inspector General for Tax Administration
901 D Street, SW, Suite 600
Washington, D.C. 20024-2169

The Honorable Sarah E. Lake
Assistant Inspector General
U.S. Department of Justice
Office of the Inspector General, Investigations Division
950 Pennsylvania Ave., NW
Washington, D.C. 20530

Re: Request for Investigation into Potential Attorney Misconduct Related to *Trump v. IRS*, 26-cv-20609 (S.D. Fla.) and Potential Violations of the Domestic Emoluments Clause of the U.S. Constitution that Would Result from Settlement of the Litigation

Dear Deputy Inspector General Sciorba, Deputy Inspector General LaManna and Assistant Inspector General Lake:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that your respective Offices of the Inspector General (“OIG”) investigate the existing internal controls that are currently in place related to the Department of Justice, Department of the Treasury and Internal Revenue Service’s role in *Trump v. IRS*, 26-cv-20609 (S.D. Fla). This unprecedented lawsuit, in which a sitting president is seeking damages potentially exceeding \$10 billion from agencies in the executive branch that he heads, poses significant risks both of conflicts of interest for agency attorneys involved in the lawsuit and of violations by numerous agency officials of the Domestic Emoluments Clause of the U.S. Constitution.

We request that your offices make a determination regarding whether any attorney conflicts at the agencies you oversee have arisen in the course of this litigation, whether any federal agency official is poised to enable President Trump to receive constitutionally

prohibited emoluments in the form of an excessive monetary settlement of *Trump v. IRS*, provide a public report of the internal controls in place to prevent such conflicts or constitutional violations for the duration of the litigation and make public recommendations for agency actions necessary to prevent any potential violations of attorney conflict of interest rules or the Domestic Emoluments Clause.

I. *Trump v. IRS* is an unprecedented lawsuit that puts the president in a position of both plaintiff and defendant in the same case.

Your agencies are currently involved in litigation, *Trump v. IRS*, that raises the specter of unprecedented ethical and constitutional violations due to the president's control of both sides of the litigation.

President Trump brought the case "in his personal capacity," while also identifying himself in the case caption as "President Donald J. Trump." The other plaintiffs are President Trump's children and the Trump Organization, President Trump's family business.¹

As to the defendants in the litigation, President Trump named the IRS and Treasury Department, both of whom are represented by the Department of Justice ("DOJ"). All three agencies are part of the executive branch that President Trump heads. Indeed, President Trump has issued an executive order asserting that he makes "authoritative interpretations of law for the executive branch" that "are controlling on all employees in the conduct of their official duties."² As the executive order explains, its intent is "to ensure Presidential supervision and control of the entire executive branch."³ As to the DOJ specifically, Attorney General Pam Bondi warned that DOJ lawyers who are deemed to advocate with less zealotry than she requires may be "subject to discipline and potentially termination" for "depriv[ing] the President of the benefit of *his* lawyers."⁴ Further, Trump has indicated that he views this case in exactly this way. When asked if he was going to "tell [Treasury Secretary Scott Bessent and Attorney General Bondi] to pay [him]" \$10.5 billion because he is "their boss," President Trump responded, "what I would do, tell 'em to pay me."⁵ He has also stated that he intends to "work out a settlement" of *Trump v. IRS* "with myself."⁶

Government watchdogs including CREW have raised ethical and constitutional concerns in the litigation directly.⁷ However, regardless of how the court addresses those issues in litigation, your agencies are obligated and authorized to independently address these issues in overseeing your agencies' work on this unprecedented matter.

¹ Complaint, *Trump v. IRS*, No. 26-cv-20609, ECF 1 at ¶¶ 1-5 (S.D. Fla Jan. 29, 2026).

² Exec. Order No. 14215, § 7, 90 Fed. Reg. 10447, 10448 (Feb. 24, 2025).

³ *Id.* at § 1.

⁴ Memorandum from the Off. of the Att'y Gen. for all Dep't Employees (Feb. 5, 2025), <https://perma.cc/8C3W-A5BZ> (emphasis added).

⁵ *Read the full transcript: President Donald Trump interviewed by 'NBC Nightly News' anchor Tom Llamas*, NBC News (Feb. 4, 2026), <https://perma.cc/52BX-GSXU>.

⁶ Forbes Breaking News, *'I'm Supposed To Work Out A Settlement With Myself': Trump Addresses Lawsuit Against IRS*, YouTube (Feb. 1, 2026), <https://tinyurl.com/4p324c59>.

⁷ Proposed Brief of Amicus Curiae Former Government Officials and Public Interest Organizations, *Trump v. IRS*, No. 26-cv-20609, ECF 7, and Proposed Brief of Amicus Curiae Citizens for Responsibility and Ethics in Washington and Public Citizen, *id.* at ECF 15.

II. Relevant law and legal rules

A. Government attorneys are subject to the laws and court rules of each jurisdiction in which they practice law, and are prohibited from representing clients if there is a substantial risk that their duties to one client would materially limit their responsibilities to another.

Agency attorneys are subject to the rules of professional conduct of every state bar of which they are a member. Many jurisdictions include substantially similar rules of conduct that are implicated in their representation of a client to ensure that the representation is focused on the needs of that client in that case and do not conflict with the interests of any other client or party. As a threshold matter, many of these rules require identification of “the client” of a government attorney. According to the Restatement (Third) of the Law Governing Lawyers, “the preferable approach ... is to regard the respective agencies as the clients and to regard the lawyers working for the agencies as subject to the direction of those officers authorized to act in the matter involved in the representation.”⁸

Attorneys owe their client a duty of diligent and zealous representation, meaning that the government’s lawyers must be committed and dedicated to the interests of the client agency.⁹ That duty of diligence is undermined if the attorney has competing loyalties in particular litigation. Those competing loyalties also implicate conflict of interest rules that bind attorneys’ practice of law. The relevant professional rules of conduct require lawyers to not represent a client if their representation and position taken for one client would be adverse to another client.¹⁰ For example, Florida rules specifically state that “a lawyer must not represent a client if [...] there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.”¹¹

B. The U.S. Constitution’s Domestic Emoluments Clause prohibits the president from receiving profits, gains and advantages from the U.S. government, meaning that he may not receive any payments from federal sources other than his fixed salary.

The Constitution’s Domestic Emoluments Clause precludes the president from receiving any profit, gain or advantage from U.S. federal, state or local governments (other than a fixed salary as compensation) to ensure that the president remains impartial and uninfluenced by the power of other government officials. It expressly states that the president, aside from compensation set at the beginning of his term, “shall not receive within that Period [for which he shall have been elected] any other Emolument from the United States, or any of them.”¹² This constitutional limitation exists to ensure that the president serves the American public as a whole and that his independence is not compromised by other government institutions seeking to garner his favor through additional payments or benefits.¹³ The

⁸ Restatement (Third) of the Law Governing Lawyers § 97 cmt. c (A.L.I. 2000).

⁹ D.C. Rules of Pro. Conduct, r. 1.3 (2025); Fla. Rules of Pro. Conduct, r. 4-1.3 (2026).

¹⁰ See D.C. Rules of Pro. Conduct, r. 1.7; Fla. Rules of Pro. Conduct, r. 4-1.7.

¹¹ Fla. Rules of Pro. Conduct, r. 4-1.7(a)(2).

¹² U.S. Const. art. II, § 1, cl. 7.

¹³ The Federalist No. 73 (Alexander Hamilton) (explaining that the president “can, of course, have no pecuniary inducement to renounce or desert the independence intended for him by the Constitution”).

prohibition of domestic emoluments is absolute and cannot be waived even by consent of Congress.¹⁴

The Domestic Emoluments Clause is critically important in the process of preserving executive independence from outside interference. Many other federal ethics statutes have not been applied to the president for separation of powers reasons. But the Framers' prohibition on the president receiving any emolument other than a fixed compensation arose from their "fear[] [of] the consequences of allowing a President to convert his or her office into a vehicle for personal profit."¹⁵ It ensures that the president is not unduly influenced by financial gains that are motivated by interests other than those of the American public as a whole.

Adherence to the constitutional prohibition on the president's receipt of emoluments is not merely the president's responsibility, but likewise each agency and agency official's. The Domestic Emoluments Clause restricts the conduct of both the president and any person who could enable him to "receive" prohibited emoluments.¹⁶ The Clause thus prohibits any federal official—including officials at DOJ, IRS, the Treasury Department, and judges—from taking any action that *enables* the president to "receive" prohibited emoluments. Moreover, under the Constitution's Oath or Affirmation Clause, "all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution."¹⁷ DOJ's Office of Legal Counsel, which "exercises the Attorney General's delegated authority to interpret the Constitution and laws for the Executive Branch," recently affirmed that the "Oath or Affirmation Clause effectively charges each covered official with considering the constitutionality of their actions."¹⁸

Overseeing an agency's evaluation of potential emoluments violations is squarely within an OIG's purview. In President Trump's first term, the Office of the Inspector General of the General Services Administration ("GSA") issued a report after investigating GSA's approval of a federal lease with a Trump-owned business entity. The GSA OIG determined that the agency willfully ignored potential violations of the Constitution's Emoluments Clauses, and stated that "the decision to exclude the emoluments issues from GSA's consideration of the lease was improper because GSA, like all government agencies, has an obligation to uphold and enforce the Constitution."¹⁹ The same is true of each of your agencies.

¹⁴ Art. II, § 1, cl. 7 *Emoluments Clause and Presidential Compensation*, Constitution Annotated, https://constitution.congress.gov/browse/essay/artII-S1-C7-1/ALDE_00000233/.

¹⁵ *Griffin v. United States*, 935 F. Supp. 1, 3 (D.D.C. 1995).

¹⁶ U.S. Const. art. II, § 1, cl. 7.

¹⁷ U.S. Const. art. VI, cl. 3.

¹⁸ *Whether the CFPB May Continue to Draw Funds from the Federal Reserve System Under 12 U.S.C. § 5497 When the Federal Reserve System Is Operating at A Loss*, 49 Op. O.L.C. ___, 2025 WL 3251685, at *22 (Nov. 7, 2025).

¹⁹ Off. of Inspector Gen., Gen. Servs. Admin, *Evaluation of GSA's Management and Administration of the Old Post Office Building Lease*, JE19-002, at 1 (Jan. 16, 2019), <https://perma.cc/NMF8-NKNY>; see also *id.* at 17 ("As an executive agency of the United States, both GSA and its employees have an obligation to ensure that agency actions comply with the law. . . . Like any other federal agency, it is not only appropriate that GSA address potential violations of the Constitution that arise with its activities, GSA cannot ignore them. GSA did not fulfill that obligation.").

III. Potential violations

Any profit, gain or advantage received by President Trump as a result of the litigation he brought against the IRS and the Treasury—including any excessive monetary settlement—would violate the Constitution’s Domestic Emoluments Clause. As CREW has argued in its amicus brief in the litigation, the president’s administration appears poised to award him a massive windfall payment of taxpayer funds to settle legally and factually dubious claims, contrary to how the government has defended similar lawsuits.²⁰ The constitutional limitation on the president’s receipt of an emolument implies a prohibition on any other individual enabling the president’s receipt of such a benefit, meaning that agency employees at the Department of Treasury, including the IRS, and the Department of Justice likewise cannot direct such emoluments to the president. Those employees swore an oath to support and defend the Constitution to act in accordance with the prohibition on presidential emoluments, which is further supported by their duty under the Standards of Ethical Conduct “to place loyalty to the Constitution, laws, and ethical principles above private gain.”²¹

While President Trump has retained private counsel as plaintiff in the litigation, the government attorneys representing the IRS and Treasury would have structural and non-waivable conflicts of interest because of President Trump’s role as head of the executive branch with the ability and intent to direct their actions in the lawsuit and settlement decisions.²² Because of President Trump’s dual role as plaintiff and head of the agencies named as defendants in the same lawsuit, it is impossible for the government attorneys involved to fulfill their ethical duties to zealously represent the interests of the defendant executive agencies against President Trump’s personal claims.²³

IV. Areas for investigation

CREW requests that the OIGs use your authority to investigate whether the IRS and Treasury have followed proper protocol and standard operating procedure in *Trump v. IRS*, specifically seeking any communications, directives or other actions that could reflect improper treatment of the case because of the president’s involvement as plaintiff, as well as to investigate potential constitutional violations that have or may result from any payment to President Trump as a result of this litigation, whether as a decision awarded by a court following any final adjudication on the merits, or a settlement executed by the parties.

Areas for investigation include:

1. Whether agency attorneys have conflicts of interest precluding them from meeting their professional conduct obligations to represent government agencies in the interest of the American public, not the president himself.
2. Whether sufficient internal controls are present to ensure that, if this case proceeds in spite of the widespread risk of conflicts of government attorneys involved, those attorneys are afforded the necessary independence to carry on

²⁰ See Brief of Amici Curiae Citizens for Responsibility and Ethics in Washington and Public Citizen, *Trump v. IRS*, No. 26-cv-20609, ECF 15.

²¹ See U.S. Const. art. VI, cl. 3; 5 C.F.R. § 2635.101(a).

²² *Supra* n. 20.

²³ *Id.*

the representation without improper influence from the president or his appointees.

3. Whether a monetary settlement directed to the president by an agency under his direct control potentially violates the Domestic Emoluments Clause of the Constitution, and whether relevant agency personnel are sufficiently evaluating potential violations of that clause in connection with *Trump v. IRS*.

V. Conclusion

President Trump's lawsuit in his personal capacity against federal agencies within the executive branch over which he has asserted that he wields "supervision and control" as president creates a structural conflict of interest for government attorneys in the litigation. In addition to being an unprecedented lawsuit, the president is seeking a massive amount of damages, \$10 billion in taxpayer dollars, giving a clear indication to his subordinates—including both the leadership team at the IRS, DOJ and attorneys assigned to the case—that he expects significant compensation for his claim despite the availability of formidable threshold legal defenses that the government has asserted in similar litigation.²⁴ Those officials have an ethical duty to vigorously defend the public fisc and serve the American public's interest, not the personal interest of their ultimate superior, the president of the United States. Any attorneys involved also have a professional conduct duty to serve their client—the United States—without conflict of any competing duty to an opposing party who happens to also be their boss.

Moreover, any compensation that might be awarded to President Trump would likely violate the Domestic Emoluments Clause, which allows him to receive only his fixed salary from the federal government funds. Any decision to provide additional compensation through a settlement agreement creates the type of prohibited emolument that the Framers forbade because of the opportunity for another government institution to garner the favor of the president through financial benefits rather than serve the public interest at large.

CREW greatly appreciates your prompt attention to this matter.

Sincerely,



Donald K. Sherman
President and Chief Executive Officer

Cc: U.S. Senate Committee on Finance
The Honorable Mike Crapo, Chairman
The Honorable Ron Wyden, Ranking Member

U.S. House of Representatives Financial Services Committee
The Honorable French Hill, Chairman
The Honorable Maxine Waters, Ranking Member

²⁴ *Supra* n. 20.

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U.S. Senate Committee on the Judiciary

The Honorable Chuck Grassley, Chairman

The Honorable Dick Durbin, Ranking Member

U.S. House Committee on the Judiciary

The Honorable Jim Jordan, Chairman

The Honorable Jamie Raskin, Ranking Member