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7 **DEPARTMENT OF JUSTICE**

8 PROJECT VERITAS ACTION FUND,

9 Complainant,

10 REQUEST FOR CRIMINAL
11 INVESTIGATION

12 AUSTRALIAN LABOR PARTY, AMERICA
13 VOTES, BERNIE 2016, CHARLOTTE
14 BARCLAY, ASHLEY BUCK, ALICE
15 CRAWFORD, REBECCA DOYLE,
16 TAIMUS WARNER-GIBBINGS, BEN
17 KREMER, MADELINE NORTHAM,
18 MICHAEL QUINCY, LAURA ROWE,
19 SANDEEP SARATH, MIA ONTARIO-
20 SARTARI, KARINA THOMAS, WHITNEY
21 WERNISING.

22 Respondents.

- 23 1. This request for a criminal investigation arises out of the facts detailed by the Federal
24 Election Commission (“FEC”) in Matter Under Review 7035 (“*In the Matter of Bernie*
25 *2016*”), Conciliation Agreement, available at: [https://htv-prod-
media.s3.amazonaws.com/files/sanders-fec-agreement-1519771765.pdf](https://htv-prod-media.s3.amazonaws.com/files/sanders-fec-agreement-1519771765.pdf). There, the FEC
determined that the presidential campaign committee Bernie 2016 violated federal
election law barring foreign national interference in American elections. However, other
laws implicating foreign national involvement in the U.S. political process must also be

1 addressed. This request asks for: (a) an investigation to determine whether Bernie 2016
2 violated additional federal laws barring conspiracies to defraud the U.S. government and
3 to prohibit foreign national interference with U.S. elections and (b) an investigation to
4 determine whether the Australian Labor Party and others violated similar laws.

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6 2. The United States of America regulates the activities of foreign individuals and entities
7 that affect the United States in order to prevent, disclose, and counteract improper foreign
8 influence on U.S. elections and on the U.S. political system. Federal law bans foreign
9 nationals from making certain expenditures or financial disbursements for the purpose of
10 influencing federal elections. Federal law also bars agents of any foreign entity from
11 engaging in political activities within the United States without first registering with the
12 Attorney General. Lastly, U.S. law requires certain foreign nationals seeking entry to the
13 United States to obtain a visa by providing truthful and accurate information to the
14 government. Various federal agencies, including the FEC, the U.S. Department of
15 Justice, and the U.S. Department of State, are charged with enforcing these laws.
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18 3. Respondent Australian Labor Party (“ALP”) is an Australian political party that exists to
19 bring about the “socialisation of industry, production, distribution, and exchange...”
20 AUSTRALIAN LABOR PARTY CONSTITUTION, July 26, 2015, available at:
21 https://cdn.australianlabor.com.au/documents/ALP_National_Constitution.pdf. It also
22 engages in operations to engage with the international political process, having invented
23 its own “foreign affairs team,” that features excursions to the United Kingdom and
24 Indonesia. It appears it also engages in interference in America’s elections and political
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1 processes. Some or all of these activities are funded by the Australian government. *See*
2 *Election Funding*, Australian Electoral Commission, available at:
3 http://www.aec.gov.au/Parties_and_Representatives/public_funding/index.htm.
4

5 4. Respondents Mia Ontario-Sartari, Sandeep Sarath, Ashley Buck, Taimus Warner-
6 Gibbings, Karina Thomas, Whitney Wernsing, Rebecca Doyle, Ben Kremer, Madeline
7 Northam, Michael Quincy, Charlotte Barclay, Alice Crawford, and Laura Rowe worked
8 in various capacities to carry out ALP's interference operations targeting the United
9 States. Some or all of these individuals were paid by the ALP for their work and travel.
10 Coordinating the American-Australian program from ALP leadership in Australia was:
11 Sebastian Zwalf, Abi Rajkumar, and Trudy Jackson. During the 2016 presidential
12 election, Respondents knowingly and intentionally conspired with each other (and with
13 persons known and unknown) to defraud the United States by impairing, obstructing, and
14 defeating the lawful functions of the government through fraud and deceit for the purpose
15 of interfering with the U.S. political and electoral processes.
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18 5. ALP operated as agents of Bernie 2016, the presidential campaign committee of Bernie
19 Sanders. The ALP interfered with the American electoral process by providing foreign
20 national assistance to the Sanders campaign to influence Americans to vote for Sanders
21 and to otherwise support socialist policies. As demonstrated in a report produced by
22 Project Veritas Action Fund ("PVA"), these agents engaged in state-level criminal
23 infractions. *See Australian Labor Party Assisting Democratic US Campaigns in*
24 *Violation of Campaign Finance Laws*, Feb. 25, 2016, available at:
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1 <https://www.youtube.com/watch?v=p7kPtWAZvU4>. ALP also assisted the Sanders
2 campaign in its effort to elect Bernie Sanders as President and acted as a means to reach
3 significant numbers of Americans for purposes of interfering with the U.S. political
4 system.

- 5
- 6 6. In order to carry out their activities to interfere in U.S. political and electoral processes,
7 Respondents conspired to obstruct the lawful functions of the United States government
8 through fraud and deceit, including by making contributions and expenditures in
9 connection with the 2016 U.S. presidential election without proper regulatory disclosure;
10 failing to register as foreign agents carrying out political activities within the United
11 States; and possibly obtaining visas through false and fraudulent statements.
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13 **COUNT ONE: CONSPIRACY TO DEFRAUD THE UNITED STATES GOVERNMENT**

14 **18 U.S.C. § 371**

- 15 7. Paragraphs 1 through 6 are re-alleged and incorporated by reference as if fully set forth
16 herein.
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- 18 8. Beginning on or about February 1, 2016 in New Hampshire, Nevada, North Carolina,
19 Iowa, and elsewhere, Respondents, together with others unknown, intentionally
20 conspired to defraud the United States by impairing, obstructing, and defeating the lawful
21 functions of the FEC, the U.S. Department of Justice, and possibly the U.S. Department
22 of State in administering federal requirements for disclosure of foreign involvement in
23 certain domestic activities.
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1 **Relevant Parties**

2 9. Respondent ALP is an Australian political party created to “bring about the ‘socialisation
3 of industry, production, distribution, and exchange....’” ALP CONSTITUTION at 4. During
4 2016, ALP engaged in what its agents describe as an “exchange program” with Bernie
5 2016. The ostensible purpose of this program was to influence the 2016 presidential
6 election while agitating and advocating for socialist political change in the U.S.

- 7 a. The ALP deployed at least 13 foreign nationals to the United States on its self-
8 professed “exchange program” with the Sanders Campaign.
9
10 b. In the PVA video, ALP agents were recorded destroying political yard signs
11 located in residential locations advocating the election of Donald Trump for
12 president.
13
14 c. Similarly, other ALP agents can be seen performing office and administrative
15 tasks for the Sanders Campaign, and otherwise supporting its function—to elect
16 Bernie Sanders as President of the United States.

17 10. Bernie 2016 entered into a conciliation agreement with the FEC concerning these
18 activities. [https://htv-prod-media.s3.amazonaws.com/files/sanders-fec-agreement-
19 1519771765.pdf](https://htv-prod-media.s3.amazonaws.com/files/sanders-fec-agreement-1519771765.pdf) (attached to this complaint as EXHIBIT A). As agreed to by Bernie
20 2016, the “exchange program” in question involved:

- 21 a. In November 2015, ALP requested that Bernie 2016 allow “Australian delegates”
22 to be used in the campaign.
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- 1 b. The Bernie 2016 campaign assented to this request and coordinated with the ALP
2 to “make arrangements for the arrivals of delegates to various campaign offices
3 of the Committee.”
- 4 c. The ALP foreign nationals engaged in “hands-on” political activity in support of
5 Bernie 2016. This included:
- 6 i. “[E]ncouraging voter attendance at campaign events”;
- 7 ii. “[R]ecruiting volunteers”;
- 8 iii. “[C]onvassing with volunteers”; and
- 9 iv. “[P]lanning events.”
- 10 d. The Federal Election Campaign Act (“FECA”) prohibits any foreign national
11 from making “a contribution or donation of money or other thing of value” in
12 connection with federal, state or local elections. 52 U.S.C. § 30121(a)(1)(A); 11
13 CFR § 110.20(b).
- 14 e. A “foreign national” means a foreign principal, which includes a “foreign
15 political party.” 52 U.S.C. 30121(b)(1). A contribution includes the “payment by
16 any person of compensation for the personal services of another person which are
17 rendered to a political committee without charge for any purpose.” 52 U.S.C. §
18 30101(8)(A)(ii); 11 CFR § 100.54.
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- 1 f. The FEC concluded that the ALP foreign nationals provided “campaign services”
2 to Bernie 2016 to carry out its principal function—the election of Bernie Sanders
3 as President of the United States.¹
- 4 g. The FEC further concluded that the ALP paid some \$16,140 for the foreign
5 nationals’ flights and \$8,282 for stipends or salaries.
- 6 h. Upon admission to the FEC, Bernie 2016 admitted that it had knowledge of
7 foreign nationals working to influence the 2016 presidential election. Bernie 2016
8 acknowledged that “some Committee staffers were aware that the ALP delegates
9 received a stipend from the ALP....”
- 10 i. Bernie 2016 agreed to a civil penalty of \$14,500 finding that it accepted \$24,422
11 in prohibited in-kind foreign national contributions.

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14 11. Bernie 2016 is the principal campaign committee of 2016 Presidential candidate Bernie
15 Sanders.

- 16 a. The Federal Election Campaign Act (“FECA”) prohibits persons from knowingly
17 accepting or receiving a contribution from a foreign national. 52 U.S.C. §
18 30101(8)(B)(i); 11 CFR § 100.74.
- 19 b. The costs for travel taken at the direction of a candidate or authorized or requested
20 by a candidate are treated as contributions. *Buckley v. Valeo*, 424 U.S. 1, 37-38
21 (1976).

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25 ¹ It remains similarly illegal in Nevada for foreign nationals to interfere with and influence
American elections. *See Nev. Stat. §294A.325.*

1 c. Based on the video recorded by PVA and the findings of the FEC, it is apparent
2 that Bernie 2016 actively encouraged and participated with the ALP to use foreign
3 nationals to interfere with the U.S. political process. *See Australian Labor Party*
4 *Assisting Democratic US Campaigns in Violation of Campaign Finance Laws*,
5 Feb. 25, 2016, available at: <https://www.youtube.com/watch?v=p7kPtWAZvU4>.
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8 12. America Votes describes itself as the “coordination hub of the progressive community.”
9 *See* <https://americavotes.org>. It is organized as a social welfare organization under
10 Section 501(c)(4) of the Internal Revenue Code. In the course of its own investigation,
11 PVA discovered that Scott Nunnery, National Political Director of America Votes,
12 helped act as a hub to place the foreign nationals in various Bernie 2016 campaign
13 positions. Further investigation is warranted to determine the extent of involvement by
14 America Votes and whether any of its actions violated relevant IRS regulations or laws
15 barring assistance to foreign nationals interfering in the U.S. political process.
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17 13. The FEC is a federal agency that administers the FECA. The FECA prohibits foreign
18 nationals from making any contributions, expenditures, independent expenditures, or
19 disbursements for electioneering communications. FECA also requires that individuals
20 or entities who make certain independent expenditures in federal elections report those
21 expenditures to the FEC. The reporting requirements permit the FEC to fulfill its statutory
22 duties of providing the American public with accurate data about the financial activities
23 of individuals and entities supporting federal candidates, and enforcing FECA’s limits
24 and prohibitions, including the ban on foreign expenditures.
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2 14. The U.S. Department of Justice administers the Foreign Agents Registration Act
3 (“FARA”). 22 U.S.C. § 611, *et seq.* FARA establishes a registration, reporting, and
4 disclosure regime for agents of foreign principals so that the U.S. government and its
5 citizens are informed of the source of information and the identity of persons attempting
6 to influence U.S. public opinion, policy, and law. FARA requires that persons subject to
7 its requirements submit periodic registration statements containing truthful information
8 about their activities and the income earned from them. Disclosure of the required
9 information allows the federal government and the American people to evaluate the
10 statements and activities of such persons in light of their function as foreign actors.
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13 15. The U.S. Department of State is the agency responsible for the issuance of non-
14 immigrant visas to foreign individuals who require a visa to enter the United States.
15 Foreign individuals who are required to obtain a visa must provide truthful information
16 in response to questions on the visa application form, including information about their
17 employment and the purpose of their visit to the United States.
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Activities in Controversy

16. As stipulated to in the FEC conciliation agreement, the Australian foreign nationals
performed “campaign services” in furtherance of the goal to interfere in and influence
the America presidential election of 2016. These services included encouraging would-
be voters to attend campaign events, recruiting volunteers to assist Bernie 2016,
canvassing electoral prospects, and planning electoral events. *See In the Matter of Bernie
2016, Conciliation Agreement at 2, available at: [REQUEST FOR CRIMINAL INVESTIGATION - 9](https://htv-prod-</i></p></div><div data-bbox=)*

1 media.s3.amazonaws.com/files/sanders-fec-agreement-1519771765.pdf. Since all these
2 activities rest within the ambit of campaign services designed to influence an election,
3 that interference by foreign nationals is illegal.

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5 17. The underlying regulation that gives meaning to the ban on foreign nationals making
6 contributions or expenditures affecting the U.S. electoral process is found at 11 C.F.R. §
7 110.20. As to intent, it must be shown that the person receiving the assistance was “aware
8 of facts that would lead a reasonable person to inquire whether the source of the funds
9 solicited, accepted or received is a foreign national, but the person failed to conduct a
10 reasonable inquiry.” 11 C.F.R. § 110.20(a)(4)(iii). In the facts in controversy, Bernie
11 2016 already admitted that it assented to a program in which foreign nationals would
12 assist its campaign, and actively made arrangements for foreign nationals to assist the
13 electoral efforts of Bernie 2016. As demonstrated through the PVA video, the Australians
14 were readily identifiable due to their accents, freely discussed their nationality and
15 placement in the campaign, and readily provided details that their financial support came
16 from a foreign political party, namely the ALP. Under these facts, there appears to be a
17 criminal violation of federal election law left untouched by the FEC conciliation
18 agreement.
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21 18. Due to the admissions contained in the FEC conciliation agreement and the video
22 provided by PVA, it appears violations of the FARA are also at issue. FARA requires
23 that persons subject to its reach register and report so that the federal government and the
24 American people may evaluate the statements and propaganda issued by foreign actors.
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1 FARA may be implicated when, among other things, a foreign actor asks an agent to act
2 as a “political consultant” or to engage in “political activities” affecting the domestic or
3 foreign policies of the United States. *See* 22 U.S.C. § 611 (o), (p). In this instance, several
4 Australian individuals committed to the cause of international socialism embarked to aid
5 the campaign of Bernie 2016. Bernie Sanders raised many issues related to domestic and
6 foreign policies in the United States, including “living wage” reform, “racial justice,”
7 and “standing with Guam.” *See* <https://berniesanders.com/issues/>. Because these issues
8 constitute both domestic and foreign policy affairs under the ambit of the FARA, the
9 unregistered foreign nationals’ actions here are likely in violation of the law. Indeed, a
10 search of reported Australian agents under the FARA database include many Australian
11 agents, but no noted registrations by the Australian Labor Party.
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14 19. Upon information and belief, the Australian foreign nationals implicated here may also
15 have violated visa requirements found in 18 U.S.C. § 1546. That law prohibits foreigners
16 entering the United States from making false statements in connection with immigration
17 laws and regulations. If the Australian foreign nationals failed to declare the purpose of
18 their visit, falsely listed it as a “vacation,” or otherwise hid the true nature of their political
19 engagement, a violation of 18 U.S.C. § 1546 may be at issue. Only further investigation
20 will demonstrate this.
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22 20. Title 18, U.S.C. Section 371 punishes any conspiracy whose object is to “interfere with
23 or obstruct one of [government’s] lawful governmental functions by deceit, craft, or
24 trickery, or at least by means that are dishonest.” *Hammerschmidt v. U.S.*, 265 U.S. 182,
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1 188 (1924). *Hammerschmidt* remains controlling precedent in defining the scope of
2 Section 371. *See, e.g., U.S. v. Coplan*, 703 F.3d 46, 59-61 (2d Cir. 2012); *U.S. v.*
3 *Blankenship*, 2015 WL 3506061 (S.D.W.Va. 2015).

4
5 21. To prove a prohibited conspiracy under Section 371, there must be evidence that
6 individuals attempted to impair, impede, or defeat a government agency by dishonest
7 means. Based on the facts agreed to in the Bernie 2016 Conciliation Agreement with the
8 FEC, it appears there was a violation of Section 371. As to Bernie 2016, it engaged in a
9 conspiracy with ALP to hide foreign national involvement with its campaign. As to ALP,
10 it would appear it: (a) engaged in a conspiracy with Bernie 2016 to violate foreign
11 national prohibitions found in the FECA, (b) failed to register and report as a foreign
12 agent acting to influence the American political process under FARA, (c) caused false
13 reports to be filed by Bernie 2016 to the FEC, and (d) may have violated U.S. visa
14 provisions if its agents unlawfully answered entrance questions to the United States.
15

16
17 22. Given the unusual breadth and depth of likely foreign involvement in America's 2016
18 presidential election, we request a thorough criminal investigation of the matters
19 described herein. *See, e.g., Grand Jury Indicts Thirteen Russian Individuals and Three*
20 *Russian Companies for Scheme to Interfere in the United States Political System,*
21 *Department of Justice, Feb. 16, 2018, available at: [https://www.justice.gov/opa/pr/grand-](https://www.justice.gov/opa/pr/grand-jury-indicts-thirteen-russian-individuals-and-three-russian-companies-scheme-interfere)*
22 *[jury-indicts-thirteen-russian-individuals-and-three-russian-companies-scheme-interfere;](https://www.justice.gov/opa/pr/grand-jury-indicts-thirteen-russian-individuals-and-three-russian-companies-scheme-interfere)*
23 *U.S. v. Internet Research Agency LLC*, (D.D.C. 1:18-cr-00032-DLF), Feb. 16, 2018,
24 available at: <https://www.justice.gov/file/1035477/download>.
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2 **COUNT TWO: FALSE STATEMENTS TO THE UNITED STATES GOVERNMENT**

3 **18 U.S.C. § 1001**

4 23. Paragraphs 1 through 22 are re-alleged and incorporated by reference as if fully set forth
5 herein. Because the actions establishing a violation of 18 U.S.C. § 1001 are described in
6 detail in COUNT ONE, they will not be repeated here.

7
8 24. Due to the admissions contained in the FEC conciliation agreement and the PVA video,
9 there are likely violations of 18 U.S.C. § 1001, the federal “false statements” law. Under
10 Section 1001, it is illegal to engage in: (1) falsifying, concealing or any cover-up of a
11 material fact by any trick, scheme, or device; (2) making a materially false, fictitious, or
12 fraudulent statements or representations; and (3) making or use of a writing or document
13 with knowledge that such document contains materially false, fictitious or fraudulent
14 statements. The facts in controversy suggest that both the ALP and Bernie 2016 engaged
15 in a conspiracy to ensure that false reports, or concealment of required reports, would be
16 given to the FEC, DOJ, and State Department.

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19 25. To ensure that Australian foreign nationals could interfere with the political process
20 without suspicion, the ALP did not register as a foreign agent influencing the American
21 political process, violated the ban on foreign nationals contributing to American
22 elections, and may have violated State Department visa requirements. The ALP also
23 caused Bernie 2016 to submit false reports to the FEC lacking information concerning
24 their contributions to the campaign.
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2 26. These false statements all impair the functions and duties of the respective government
3 agencies. With respect to the FEC and DOJ, their abilities to provide accurate information
4 to the American public about the source of foreign engagement in the American political
5 process was obstructed.

6
7 27. Not unlike other obstructions by foreign actors in the 2016 presidential election, the facts
8 discovered by PVA and the FEC suggest additional investigation is warranted here.
9 Without such an investigation, the integrity of American elections is in jeopardy and the
10 transparency of foreign influence on the U.S. political process is thwarted.

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12 28. Justice Brandeis famously reminded America that sunlight is the “best of disinfectants.”
13 L. Brandeis, *OTHER PEOPLE'S MONEY* 62 (1933). Without examining these attempts to
14 influence the American political process by foreign agents, any hope of transparency will
15 be denied. Only by investigating the underlying facts described in this request will the
16 full scope of foreign intervention properly be understood and addressed. We thank you
17 for your attention to this matter and remain available at your disposal to discuss it and
18 assist in any fact finding.
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20 March 8, 2018

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23
24 Benjamin Barr
25 Counsel
Project Veritas Action Fund