

April 28, 2022

Corey Amundson
Chief, Public Integrity Section
Department of Justice, Criminal Division
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Request for Investigation into Herschel Walker

Dear Mr. Amundson:

I am writing to request that you investigate Herschel Walker for potentially violating federal law for his failing to file an accurate Financial Disclosure Report, as required by the amended Ethics in Government Act of 1978 (the “Act”).¹

Mr. Walker’s failure to disclose accurate and complete information regarding his finances is a breach of public trust and a potential violation of the law. The Act was designed to “preserve and promote the integrity of public officials and institutions” by ensuring that federal candidates cannot conceal their financial interests—including those that may conflict with official duties—from voters and members of the public.² Walker’s failure to accurately disclose required information on his December 22, 2021 Financial Disclosure Report (the “Report”) is in blatant disregard to those important objectives. This disregard for the law is alarming for someone who is a candidate for federal office. Georgia voters must have the opportunity to review properly filed reports to assess a candidate’s fitness for elected office. I respectfully request that you promptly investigate this matter.

I. Factual Background

Herschel Walker is a candidate in the Republican U.S. Senate primary in Georgia.³ His principal campaign committee is Team Herschel, Inc.⁴ Mr. Walker is also the founder and CEO of H. Walker Enterprises, LLC.⁵ Mr. Walker filed his first candidate Financial Disclosure Report with the Senate Office of Public Records on December 22, 2021:⁶

¹ 5 U.S.C. § APP. 4 § 101-111.

² Ethics in Government Act, Pub. L. No. 95-521, 92 Stat. 1824, 1824 (1978).

³ Fed. Election Comm’n., Mr. Herschel Walker, FEC Form 2 (amended Feb. 19, 2022), <https://docquery.fec.gov/pdf/894/202202199491829894/202202199491829894.pdf>.

⁴ *Id.*

⁵ H. Walker Enterprises, LLC, *Who Is Herschel Walker?*, <http://hwalkerenterprises.com/who-is-herschel-walker/> (last visited April 19, 2022).

⁶ U.S. Senate Office of Public Records, Herschel Walker – Financial Disclosure Report (Dec. 22, 2021), <https://efdsearch.senate.gov/search/view/annual/e7a31916-20dc-4b6d-beb4-a1364a09cb63/> [Walker Disclosure Report].

1. In Part 1 disclosing Honoraria Payments, Mr. Walker reported seventeen paid speeches in 2020 and 2021.
2. In Part 2 disclosing Earned and Non-Investment Income, Mr. Walker reported earning \$100,000 in salary from Renaissance Man Food Services, LLC and reported wages earned from four different entities: Gary Takahashi Sports Marketing, LLC (\$211,544); LST Marketing Texas, LLC (\$215,628); UHS of Delaware, Inc. (\$331,589); and Total Capacity Entertainment, LLC (\$52,500).
3. In Part 3 disclosing Assets, Mr. Walker reported the company H. Walker Enterprises as an asset that generated \$3,195,028 in shareholder income. Walker listed the description of the company as “business consulting and professional services.”
4. In Part 8 disclosing Positions, Mr. Walker failed to report H. Walker Enterprises.
5. In Part 10, disclosing compensation in excess of \$5,000 paid by one source, Mr. Walker did not report any compensation.

II. Legal Background and Analysis

Candidates are subject to civil and criminal penalties for failing to properly file their Financial Disclosure Reports.⁷ Specifically, the Act authorizes the Attorney General to bring a civil action against any individual who knowingly and willfully falsifies required information on a Financial Disclosure Report.⁸ In addition, the Act declares the knowing and willful falsifying of reportable information unlawful, with violators subject to fines under Title 18 of the U.S. Code.⁹ For Senate candidates, the Act’s disclosure requirements are administered by the U.S. Senate Select Committee on Ethics (the “Ethics Committee”).¹⁰

A. Mr. Walker likely failed to properly disclose his corporate positions in Part 8

Pursuant to the Act, filers must identify “all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States.”¹¹ Ethics Committee financial disclosure instructions explain that positions are disclosed on Part 8 and disclosure “does not include passive investment

⁷ 5 U.S.C. App. 4 § 104(a).

⁸ *Id.* § 104(a)(1).

⁹ *Id.* § 104(a)(2).

¹⁰ *Id.* § 111(2).

¹¹ *Id.* § 102(a)(6)(A).

interests as a limited partner or non-managing member of a limited liability company (*i.e.*, you are just an investor and provide no services).”¹²

According to the main webpage for H. Walker Enterprises, LLC, Mr. Walker is the founder and CEO of H. Walker Enterprises, LLC.¹³ Part 3 of the Report states the corporation engages in business consulting and professional services.¹⁴ Despite these facts, Mr. Walker failed to disclose any position with H. Walker Enterprises, LLC in Part 8 of his Report. Given the name of the corporation, it is doubtful that Herschel Walker is merely a passive investor or limited partner of H. Walker Enterprises, LLC, or that he provides no services that would require disclosure of his formal role with the corporation.

B. Mr. Walker failed to properly disclose information on his compensation in Part 10

Nonelected filers are required to disclose compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files their first report and must include (i) the identity of each source of such compensation; and (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.¹⁵ Ethics Committee financial disclosure instructions explain this Part 10 disclosure requirement as follows:

Report all sources of compensation who paid more than \$5,000 to you, or for services provided by you, in any of the two preceding calendar years through the date of filing. You must report not only the source of your salary or other fees, but also any clients (other than the U.S. Government) for whom you personally provided more than \$5,000 in services, even if the clients' payments were made to your employer, firm, or other business affiliation . . . When a source has paid you directly, you may have a corresponding entry for the income on Part 2. A client who paid your employer, firm, or other business affiliation more than \$5,000 for your services may appear only in this section of your report.¹⁶

Despite the clear requirement to report sources of compensation exceeding \$5,000, Mr. Walker failed to report *any* activity in Part 10. At a minimum, Mr. Walker should have reported the sources of compensation he received from paid speeches in Part 1 and the sources of earned income he received in Part 2. Mr. Walker also should have reported any additional sources of income from 2019, whereas Part 2 and Part 3 only require 2020 and 2021 activity through the date of filing.¹⁷

Further, as the directions make clear, filers must disclose sources of compensation for direct services provided by the filer, even if the filer receives payment through a business entity or firm

¹² U.S. Senate Select Committee on Ethics, *Financial Disclosure Instructions for Calendar Year 2021*, 27, <https://www.ethics.senate.gov/public/cache/files/c6120c2b-e45b-4a2b-9d67-9f4ebfbd7fbf/cy-2021-financial-disclosure-instructions.pdf> [Financial Disclosure Instructions].

¹³ H. Walker Enterprises, LLC, *Who Is Herschel Walker?*, <http://hwalkerenterprises.com/who-is-herschel-walker/> (last visited April 19, 2022).

¹⁴ Walker Disclosure Report.

¹⁵ 5 U.S.C. § APP. 4 § 102(a)(6)(B).

¹⁶ Financial Disclosure Instructions at 28.

¹⁷ *Id.* at 9.

rather than directly from the person or entity receiving the services. Therefore, if Mr. Walker provided any consulting services through his namesake company H. Walker Enterprises, LLC (which reportedly paid him over \$3 million in shareholder income) directly to any client, and the value of such services exceeded \$5,000, then he should have disclosed the name of that client on Part 10.

The examples of filing omissions and potential errors outlined here are discernable based on public record. Given the clear lack of professionalism displayed in the Report, a more formal investigation will likely reveal more issues and help discern whether there was an attempt to intentionally conceal or manipulate information. As the Senate Ethics Manual clearly states: “Financial interests and investments of Members and employees, as well as those of candidates for the Senate, may present conflicts of interest with official duties.”¹⁸ “[P]ublic financial disclosure provides the mechanism for monitoring and deterring conflicts.”¹⁹ Accordingly, the public’s comprehensive knowledge of Mr. Walker’s financial background is an essential step to protect against potential conflicts. By failing to completely and accurately file his Financial Disclosure Report, Mr. Walker denies the American public the disclosure and transparency to which they are legally entitled.

III. Request for Action

I respectfully request that you commence an immediate investigation into whether Mr. Walker violated federal law. Prompt action is necessary to ensure that both Mr. Walker complies with federal law and that the public is granted full disclosure of Mr. Walker’s finances as a candidate for the U.S. Senate. I understand that 18 U.S.C. § 1001 applies to the information I am providing. To the best of my knowledge and ability all evidence submitted was not obtained in violation of any law, rule, or regulation.

Sincerely,



End Citizens United
Tiffany Muller
100 M St. SE
Washington, DC 20003

¹⁸ Senate Ethics Manual at 124, https://www.ethics.senate.gov/public/_cache/files/f2eb14e3-1123-48eb-9334-8c4717102a6e/2003-senate-ethics-manual.pdf.

¹⁹ *Id.*