

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 11, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to request that our Committee finally begin a serious investigation of President Donald Trump's compliance with the Emoluments Clause of the Constitution, as well as the numerous conflicts of interest caused by his refusal to follow the example of his predecessors by liquidating his assets and placing them in a truly independent blind trust, as both Republican and Democratic ethics experts recommended.

Over the past year, President Trump and his attorneys have stalled virtually any credible oversight, and unfortunately our Committee has done nothing to push back on these efforts, press for answers to these questions, or obtain documents that would assist our efforts to carry out our duties under the Constitution to act as an independent check on the President and the Executive Branch.

One year ago today, on January 11, 2017, President-elect Trump held a press conference to announce that he would not liquidate his assets or establish an independent blind trust.¹ Instead, one of his attorneys, Sheri Dillon, stood in front of a table stacked with manila folders and made this statement:

The Constitution does not require President-elect Trump to do anything here. But, just like with conflicts of interests, he wants to do more than what the Constitution requires. So, President-elect Trump has decided and we are announcing today, that he is going to voluntarily donate all profits from foreign government payments made to his hotel to the United States Treasury.²

The documents in the folders that were referenced by President Trump and his attorney during the press conference were never provided to Congress. According to press accounts at the

¹ *Donald Trump's News Conference: Full Transcript and Video*, New York Times (Jan. 11, 2017) (online at www.nytimes.com/2017/01/11/us/politics/trump-press-conference-transcript.html).

² *Id.*

time, “Trump staffers blocked reporters from examining the folders,” and others suggested that they “actually appear to have been blank.”³ The Trump team confirmed that the folders “were visual aids.”⁴

To his credit, on April 21, 2017, then-Chairman Jason Chaffetz agreed to Ranking Member Cummings’ request to seek documents directly from the Trump Organization, including those relating to the President’s plan to donate profits derived from foreign government payments to his businesses. The Committee’s bipartisan letter requested six broad categories of documents and a briefing from Trump Organization officials.⁵

The Trump Organization responded to the Committee on May 11, 2017, but its response was insultingly incomplete.⁶ The Trump Organization provided only a single document—a glossy, eight-page pamphlet—and an email forwarding this pamphlet to various Trump Organization entities. The pamphlet made clear that the Trump Organization would not attempt to identify all foreign emoluments prohibited by the Constitution, claiming:

To fully and completely identify all patronage at our Properties by customer type is impractical in the service industry and putting forth a policy that requires all guests to identify themselves would impede upon personal privacy and diminish the guest experience of our brand.⁷

³ *Trump’s Long-Awaited News Conference Quickly Turns Combative*, Associated Press (Jan. 11, 2017) (online at <https://apnews.com/a189444ade364775b2539b65887f1339>); *Donald Trump Press Conference: Folders ‘Containing His Business Plan’ Appear to be Blank*, The Independent (Jan. 12, 2017) (online at www.independent.co.uk/news/world/americas/donald-trump-press-conference-folders-business-plan-empire-blank-fake-handover-donald-jr-eric-a7523426.html).

⁴ *All In with Chris Hayes*, MSNBC (Jan. 18, 2017) (online at www.msnbc.com/transcripts/all-in/2017-01-18).

⁵ Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Sheri A. Dillon, Partner, Morgan Lewis (Apr. 21, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-04-21%20JEC%20EEC%20to%20Dillon%20-%20Trump%20Emoluments%20Plan.pdf>).

⁶ Letter from George A. Sorial, Executive Vice President and Chief Compliance Counsel, the Trump Organization, to Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (May 11, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Trump%20Org%20to%20Oversight%20Committee%205-11-17_Redacted.pdf).

⁷ The Trump Organization, *Donations of Profits from Foreign Government Patronage* (undated) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Trump%20Org%20Pamphlet%20on%20Foreign%20Profits.pdf>).

In its letter to the Committee, the Trump Organization wrote that it would not comply with the Committee's request—until 2018:

[W]e believe it is premature to respond at this time insofar as final determinations regarding these matters are dependent on many factors that will not be known to TTO [The Trump Organization] until after the close of this year.⁸

On May 24, 2017, Ranking Member Cummings sent a follow-up letter criticizing the Trump Organization's delay and requesting copies of all of the documents originally requested by the Committee. He wrote:

Unfortunately, your meager response does not include the vast majority of documents we requested in our letter. ... Complying with the United States Constitution is not an optional exercise, but a requirement for serving as our nation's President. If President Trump believes that identifying all of the prohibited foreign emoluments he is currently receiving would be too challenging or would harm his business ventures, his options are to divest his ownership or submit a proposal to Congress to ask for our consent.⁹

When you assumed the Chairmanship of the Oversight Committee last year, you held a meeting with reporters during which you explained that you would be walling off numerous topics from our Committee's oversight. However, as the *Washington Post* reported after the meeting, "Gowdy said there were Trump-related matters that he did see falling within the Oversight panel's purview," including "the constitutional prohibition on accepting 'emoluments' from foreign benefactors."¹⁰

Now that a year has passed since the President and his attorneys held their press conference, there is no longer any reason for the Trump Organization to continue defying our Committee's request for documents and a briefing. For these reasons, we respectfully request that you now issue a subpoena to compel the Trump Organization to produce, by January 20, 2018, all of the following documents, which were requested on a bipartisan basis more than eight months ago:

⁸ Letter from George A. Sorial, Executive Vice President and Chief Compliance Counsel, the Trump Organization, to Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (May 11, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Trump%20Org%20to%20Oversight%20Committee%205-11-17_Redacted.pdf).

⁹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to George A. Sorial, Executive Vice President and Chief Compliance Counsel, the Trump Organization (May 24, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-05-24.EEC%20to%20Trump%20Organization.pdf>).

¹⁰ *On Trump and Russia, Oversight Chair Trey Gowdy Says He Will Stay in His Lane*, *Washington Post* (June 23, 2017) (online at www.washingtonpost.com/powerpost/on-trump-and-russia-oversight-chair-trey-gowdy-says-he-will-stay-in-his-lane/2017/06/23/4d1dfca6-583d-11e7-a204-ad706461fa4f_story.html?utm_term=.4e69a01ff158).

1. All documents referring or relating to:
 - a. the process by which payments from foreign governments or foreign government-owned entities are identified;
 - b. the process or formula by which the profits from such payments are calculated;
 - c. the manner in which those profits are donated to the U.S. Treasury;
 - d. how details about the amount of profits identified and donated to the U.S. Treasury are tracked or publicly reported; and
 - e. whether the Trump Organization, President Trump, or his trust plans to claim donations to the U.S. Treasury as a gift for tax deduction purposes.
2. Documents showing which specific entities within the Trump Organization have donated or will be donating profits derived from foreign government sources.

The information submitted in response to the requests above should include, for the year 2017, the specific sources and amounts of all foreign government payments, the manner in which these amounts were calculated, and documents demonstrating the manner in which they were donated to the Treasury.

If you decline to issue this subpoena, then we respectfully request that you allow all Committee Members to vote on a motion for a subpoena at our next regularly scheduled business meeting.

Thank you for your consideration of this request.

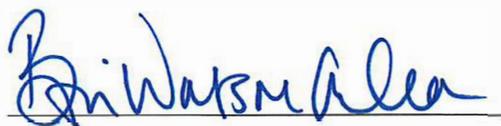
Sincerely,













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