

May 24, 2017

George A. Sorial
Executive Vice President and
Chief Compliance Counsel
The Trump Organization
725 Fifth Avenue
New York, NY 10022

Dear Mr. Sorial:

Thank you for your letter on May 11, 2017, responding to the Committee's bipartisan request on April 21, 2017, for documents about steps the Trump Organization is taking relating to the President's promise to donate to the Treasury all profits that his hotel makes from foreign governments.¹

Unfortunately, your meager response does not include the vast majority of documents we requested in our letter. Instead, you provided only a single document—a glossy, eight-page pamphlet that contains a total of 40 sentences—and an email forwarding this pamphlet to various Trump Organization entities. This pamphlet raises grave concerns about the President's refusal to comply with the Constitution merely because he believes it is “impractical” and could “diminish the guest experience of our brand.”

Complying with the United States Constitution is not an optional exercise, but a requirement for serving as our nation's President.² 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.

Even if the President's companies were willing to carefully track of all their foreign government payments, the President still would be required under the Emoluments Clause to request and obtain permission from Congress to accept those payments.

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?_r=0).

² U.S. Const. art. I, § 9, cl. 8. (“no Person holding any Office of Profit or Trust ... shall, without the Consent of the Congress, accept any present, Emolument, Office, or Title of any kind whatever, from any King, Prince, or foreign State”).

Concerns with Pamphlet on Foreign Government Profits

On April 21, 2017, we requested six broad categories of documents “referring or relating to” how profits from foreign sources are identified, how these profits are calculated, how these profits are tracked and publicly reported, whether the President plans to claim these donations to the Treasury as gifts for tax deduction purposes, and the identity of entities within the Trump Organization that will be donating such profits. We also requested a meeting between appropriate Trump Organization officials and Committee staff by May 19, 2017.³

In response to our first three document requests, you produced a pamphlet entitled, “Donations of Profits from Foreign Government Patronage,” and an email dated April 11, 2017, conveying the pamphlet to various Trump Organization entities. In response to our last three document requests, you produced no documents, asserting that providing these documents is “premature” because you will not have final determinations “until after the close of the year.” In response to our request for a briefing, you have taken no steps.⁴

The pamphlet submitted in response to the Committee’s document request on April 21 states as follows:

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.⁵

The pamphlet makes clear that the Trump Organization will not attempt to identify all foreign emoluments that are prohibited by the Constitution:

It is not the intention nor design of this policy for our properties to attempt to identify individual travelers who have not specifically identified themselves as being a representative of a foreign government entity on foreign government business.

Instead, the pamphlet states that the Trump Organization will check only three sources of information: direct billings to foreign governments; group, banquet, and catering contracts with foreign governments; and payments from a “reasonably identifiable foreign government entity.”

³ Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Sheri A. Dillion, Counsel to President Donald Trump (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>).

⁴ 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).

⁵ The Trump Organization, *Donations of Profits from Foreign Government Patronage* (undated).

Based on this pamphlet, it does not appear that Trump Organization businesses will ask any of their customers whether they represent foreign governments and would therefore be providing prohibited emoluments. Instead, these officials would have to self-report voluntarily and proactively.

The pamphlet does not separate and identify profits from specific foreign governments, instead using a formula to estimate the profits received:

To attempt to individually track and distinctly attribute certain business-related costs as specifically identifiable to a particular customer group is not practical, nor would it even be possible without an inordinate amount of time, resources and specialists, which would still be subject to some measure of estimation and cost allocation methodology.

The pamphlet does not appear to capture indirect payments by foreign governments through third parties. According to the pamphlet, “foreign governments can be organized in very different ways. Some may operate through state-owned and state-controlled entities in industries such as aerospace and defense, banking, finance, healthcare, energy and others.” However, Trump Organization businesses will expend no effort to identify payments from these government entities, according to the pamphlet.

The deficiencies in this approach are obvious. Under the policy outlined in this pamphlet, foreign governments could provide prohibited emoluments to President Trump, for example, through organizations such as RT, the propaganda arm of the Russian government, or a host of other entities that are funded and controlled by foreign governments. Those payments would not be tracked in any way and would be hidden from the American public.

Request for Briefing and Documents

For the reasons set forth above, we reiterate our request for a briefing with Committee staff to discuss these issues in greater detail, and we request that you schedule this briefing on or before June 2, 2017. We also request that by June 2, 2017, you comply fully with the request for documents the Committee made in its bipartisan letter on April 21, 2017.

Thank you for your attention to this matter.

Sincerely,

Elijah E. Cummings
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman