

This is a summary of Richard Painter's (<https://www.law.umn.edu/profiles/richard-w-painter>) talk at the Edina Senior Center on Thursday, 30 Nov 2017. The topic was his group's lawsuit against Trump on the issue of the emolument clause of the constitution (Art I, sect 9).

You may be aware of Mr. Painter as a commentator on various broadcast news shows. He's a Republican and also served as ethics counsel during the Bush II administration (who knew he had one?). Painter's view of Trump is that he has no respect for the rule of law or the constitution and needs to be removed as soon as possible. Though he noted that the Pence consolation prize was dubious at best. The talk started with a listing of various parts of the constitution for which Trump could reasonably be impeached, more evidence of which exists in Trump's case than ever did in Nixon's.

Paraphrasing the emoluments clause, a president should never receive a salary, fee or profit from foreign governments without the consent of Congress. Trump has never set up a blind trust for his business interests, e.g., the Trump hotel in DC. Trump is currently and directly receiving a great deal of money from foreign government officials preferentially staying at his DC hotel since it's at that location where they can contact Trump officials and spend vast amounts on "events" with a reasonable expectation of currying favor. Trump also has received funds from the U.S. government for events at the DC hotel which is also a violation of the emoluments clause. But that's just the tip of the iceberg. A bit of Trump's sordid financial history is needed.

In the 1990s, Trump lost close to a billion dollars of bankers' and investors' money in his Atlantic City casino fiasco. He, of course, never paid it back with the courts supporting his contention that the investors should have known better. Essentially, U.S. banks and investors froze Trump out of funding for his incompetence so he went to foreign sources. Trump's organization is private so it's not clear where he's borrowed money from but one source has been identified in land records as China. It's likely he has money coming in from Russia and other totalitarian regimes given his various enterprises in those countries.

Here's the tricky part. A private, non-government, foreign organization providing money to Trump would not be considered a constitutional emolument. So, a Russian billionaire oligarch could provide large amounts of financing to the Trump organization legally. However, how many Russian oligarchs are not in complete collusion with Putin when dealing with Trump? Likely it's none.

So, at the moment three lawsuits have been initiated on the emolument issue to force Congress to rein Trump in. One by Mr. Painter's group, Citizens for Responsibility and Ethics in Washington. A second lawsuit has been brought by the Attorneys General of Maryland and DC. And a third involves 200 Congressional Democrats filed in DC. A Preliminary ruling in Mr. Painter's case is expected in a month or so.

More information: <https://www.bloomberg.com/news/articles/2017-10-17/trump-s-business-ties-and-that-emoluments-issue-quicktake-q-a>