

United States Senate

WASHINGTON, DC 20510

February 23, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump,

We write in response to the Chinese government's recent decision to award the Trump Organization, which you own, a trademark that may be worth millions or even billions of dollars. This decision is the latest in a series of actions by the Chinese government that enrich the company that you own and therefore you, personally. Under the U.S. Constitution, you are forbidden from accepting foreign emoluments without authorization by Congress. Your repeated acceptance of valuable favors from the Chinese government without Congressional approval thus violates America's fundamental charter. You have a constitutional duty to request and receive Congress's affirmative consent before accepting anything of value from a foreign government. We cannot countenance your violation of that duty.

For years you have sought to trademark your name in China, as you derive profits from its use. On February 14, 2017, just four days after speaking with President Xi Jinping and affirming the continuation of the United States' One-China policy, you received a trademark from China's State Administration for Industry and Commerce to market your name for profit in China.¹ This incredibly valuable concession from the Chinese government—a concession that you were unable to secure before becoming President—is just the latest in a series of valuable favors provided to you by China. As you know well, the largest tenant of the Trump Tower in Manhattan is a Chinese state-controlled enterprise, the Industrial & Commercial Bank of China, Ltd., which provides you approximately \$1.95 million annually in foreign payments.² You also own, through limited liability companies placed in the Donald J. Trump revocable trust, investments partially financed by the state-run Bank of China.³

In addition, at the same time that you are massively indebted to foreign banks and financiers, you now oversee the regulation of financial institutions and federal programs—

¹ *Recent Trump win on China trademark raises ethics questions*, FOX NEWS, Feb. 14, 2017, <http://www.foxnews.com/world/2017/02/14/recent-trump-win-on-china-trademark-raises-ethics-questions.html>.

² Caleb Melby, Stephanie Baker, & Ben Brody, *When Chinese Bank's Trump Lease Ends, Potential Conflict Begins*, BLOOMBERG, Nov. 28, 2016, <https://www.bloomberg.com/politics/articles/2016-11-28/trump-s-chinese-bank-tenant-may-negotiate-lease-during-his-term>.

³ *Trump's Empire: A Maze of Debts and Opaque Ties*, NEW YORK TIMES, Aug. 20, 2016, <https://www.nytimes.com/2016/08/21/us/politics/donald-trump-debt.html>.

including those which lend money to the Trump Organization, Inc.—and have had contact with foreign leaders of countries where the Trump Organization conducts business. Because of your conduct, the American people will never know your true motives as you take steps to repeal consumer protection regulations on those very same financial institutions.

Our government is sustained by our citizens' faith that the President works for them alone. A President acting for any motive or interest but to serve the United States, such as taking foreign payments without authorization by Congress, is a violation of Article I, Section 9, Clause 8 of the United States Constitution, also known as the Emoluments Clause. Our Founders enshrined in the Constitution a safeguard against foreign influence upon all office holders, including the President, and throughout our history each President has conducted himself in a manner to ensure neither the perception nor the reality of violating this bedrock principle. You have not.

A President must not have two masters. You have committed to serving the American people. It is a small price to pay for the unparalleled honor and gravity of your post that you not attempt to capitalize financially on the presidency. The Emoluments Clause provides a clear and compulsory procedure for ensuring that your allegiances are entirely to the American people. If you continue to refuse to request and receive Congressional approval before accepting favors from foreign governments, we will be unable to serve our Constitutional role. Such a situation is unacceptable.

We are deeply concerned that you stand in violation of the Constitution and the obligations of your office through your conduct and your failure to seek the approval of Congress for the foreign payments you are now receiving. We call upon you to immediately and unequivocally cure your conduct.

You swore an oath to preserve, protect, and defend the Constitution of the United States, the rights, privileges and limitations of which are guarded and enforced by the Federal judiciary of the United States. As we are bound to do so under the Constitution, we intend to hold you accountable to that oath.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



TOM UDALL
United States Senate



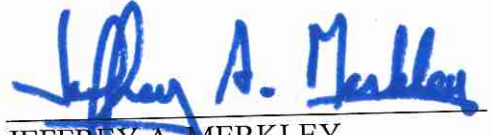
RON WYDEN
United States Senate



EDWARD J. MARKEY
United States Senate



KAMALA D. HARRIS
United States Senate



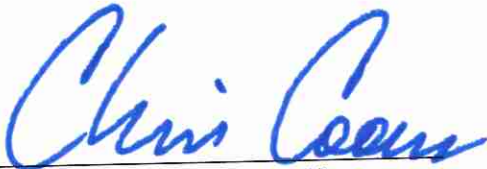
JEFFREY A. MERKLEY
United States Senate



AL FRANKEN
United States Senate



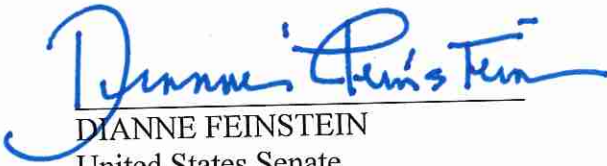
ELIZABETH WARREN
United States Senate



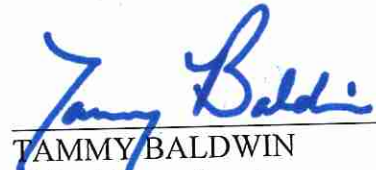
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