

HOLDING THE PRESIDENT ACCOUNTABLE TO THE CONSTITUTION: *BLUMENTHAL, NADLER, ET AL. V. TRUMP*

SUMMARY

The **Foreign Emoluments Clause** of the Constitution requires President Trump to obtain the consent of Congress before accepting any gifts, payments, or benefits from foreign states. Our nation's Founders included such a requirement in the Constitution to protect against foreign influence on U.S. officials, and to ensure that those officials act in the national interest, instead of their own.

Because President Trump has failed to obtain the consent of Congress before accepting such benefits from foreign states, 198 Members of Congress, led by U.S. Senator Richard Blumenthal (D-CT) and U.S. Representative Jerrold Nadler (D-NY), are asking the courts to intervene and compel the President to comply with the Constitution.

BACKGROUND

President Trump has refused to do what prior presidents have done and divest himself from his business holdings by establishing a blind trust. As a result, he has a continuing financial interest in businesses around the world and is enriched every time his businesses receive benefits from foreign governments.

Foreign governments have granted Trump businesses lucrative trademarks that could be worth millions. They also lease space at Trump properties, and they have paid for rooms and events at Trump's D.C. hotel. And Trump's businesses have existing and pending projects that will require permits and other regulatory benefits from foreign governments to succeed.

The full extent of the benefits that President Trump is receiving from foreign governments is unknown because he has refused to be transparent about his business holdings and has failed to comply with his constitutional duty: to come to Congress and seek its consent before accepting these benefits.

WHY ASK THE COURTS TO REQUIRE THE PRESIDENT TO COMPLY WITH THE CONSTITUTION?

Because President Trump is continuing to accept benefits from foreign governments without first obtaining congressional consent, members of Congress have no choice but to turn to the courts. America's Founders created the federal courts as an independent third branch of government because they viewed them as essential for stopping illegal action by the other branches. The courts are responsible for enforcing the Constitution, and they should require the President either to stop accepting emoluments from foreign states or to obtain Congress' consent before doing so.

WHY THIS CASE MATTERS

President Trump is violating our nation's Constitution. The Founders feared that if our President or other federal officials could receive payments from the leaders of other countries, the well-being of the American people might take a backseat to those foreign interests or the official's personal interests. As President Trump addresses trade issues, allocates critical resources, or decides which foreign leaders to support, his decisions should not be influenced by his personal business affairs.