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POLITICS

Suit Alleges President Trump Violated Constitution

Lawsuit cites Donald Trump's ownership of businesses that accept payments from foreign governments



President Donald Trump met with business leaders in the White House on Monday. A new lawsuit alleges his business ties to foreign governments violate the Constitution. *PHOTO: NICHOLAS KAMM/AGENCE FRANCE-PRESSE/GETTY IMAGES*

By **JOE PALAZZOLO**

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A government watchdog group represented by a team of constitutional scholars and ethics experts filed a lawsuit Monday alleging President Donald Trump is violating the U.S. Constitution by maintaining ownership of businesses that accept payments from foreign governments.

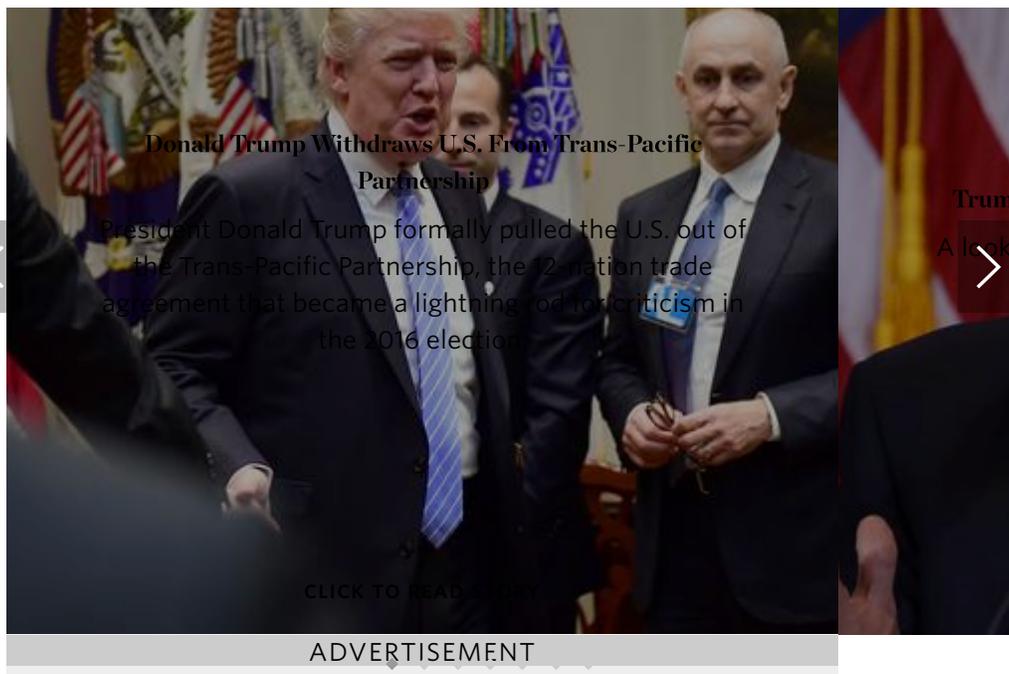
The lawsuit, filed in federal district court in Manhattan, asks a judge to issue an order prohibiting Mr. Trump from accepting payments from foreign-government-owned companies, foreign diplomats who stay at his hotels, foreign public broadcasters that air versions of his “The Apprentice” TV show and its spinoffs, and other transactions involving foreign officials.

Mr. Trump and his lawyers announced a plan earlier this month to put his business assets into a trust and let his two adult sons run the Trump Organization. The lawsuit says Mr. Trump is in violation of a constitutional clause that prohibits government officials from accepting “any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”

“Totally without merit,” Mr. Trump said about the suit on Monday at the White House.

TRUMP'S FIRST 100 DAYS





The lawsuit, filed by Citizens for Responsibility and Ethics in Washington, is one of the first legal attempts to target Mr. Trump’s decision to maintain ties to his businesses. In the course of the lawsuit, Mr. Trump could be forced to surrender business records or even give testimony under oath, under rules that govern what is known as discovery, the phase of litigation in which parties exchange evidence.

“We just don’t know the extent of his relationships with foreign governments,” said Richard W. Painter, an ethics official for President George W. Bush who is representing CREW, as the watchdog group is known.

But to get to that phase, a judge would have to first find that CREW has been harmed by Mr.

Trump’s actions, or in legal terms has standing. The lawsuit says Mr. Trump’s refusal to address the alleged constitutional violations has “significantly injured” CREW by forcing it to divert its resources, including time and money, from other watchdog work to educating the public about the Emoluments Clause.

Mr. Painter is joined on the legal team by Erwin Chemerinsky, the dean of the law school at the University of California, Irvine; Laurence Tribe, a law professor at Harvard University; Norman Eisen, an ethics expert in the Obama administration; Deepak Gupta, an appellate lawyer who represents clients before the U.S. Supreme Court; and Zephyr Teachout, a Fordham University law professor.

MORE ON THE EMOLUMENT CLAUSE

- Q&A: How Ethics Laws Apply to Trump As President

Some legal experts were skeptical of the argument for legal standing, saying CREW’s claimed injuries were self-inflicted and that courts are likely to view the case as a political question better answered by

Congress.

“There is every reason for the courts to stay away from this issue,” wrote Josh Blackman, a law professor at the South Texas College of Law in Houston, on his legal blog Sunday.

Others questioned whether Mr. Trump's business ties could place him in violation of the Constitution. The most expansive interpretation of the Emoluments Clause reads it to ban any kind of payment to the president from a foreign government, except with congressional consent.

Mr. Trump's legal advisers have said the Constitution doesn't forbid fair-market-value transactions with foreign officials. A few scholars argue that the president isn't covered by the provision at all.

But it is hard to predict how a court might rule on the issue; the Supreme Court throughout its history had little opportunity to issue guidance on the reach of the Emoluments Clause.

The lawsuit cites payments from foreign diplomats staying at Mr. Trump's new hotel in Washington, as well as lease payments by state-owned companies in China and Abu Dhabi that have space in Trump Tower in New York. Mr. Trump's real-estate projects abroad require regulatory approval and permits from foreign governments, the acceptance of which counts as an "Emolument," the lawsuit says.

—*Mike Bender and Jacob Gershman contributed to this article.*

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