

Trump's Potential Conflicts of Interest Face Constitutional Scrutiny in New LawsUIT

By Melissa Levin, J.D. Candidate 2019 | February 8, 2017

Citizens for Responsibility and Ethics in Washington, a liberal watchdog group, [filed a lawsuit](#) last week alleging that President Trump is violating the Foreign Emoluments clause of the U.S. Constitution. Backed by a team of prominent constitutional scholars, former White House ethics lawyers, and Supreme Court litigators, the suit claims President Trump is in violation by allowing his businesses and hotels to accept payments from foreign governments.

The legal team includes Erwin Chemerinsky, the dean of the law school at University of California, Irvine, Laurence H. Tribe, a Harvard constitutional scholar, and Deepak Gupta, a Supreme Court litigator with three cases pending before the court. Through the suit, the legal team hopes to get access to Trump's tax returns, which he has famously refused to make public.

In an [interview with NPR](#), Norm Eisen, another part of the legal team, explained that “the founders of our country were so worried about the prevalent practice in the days when the U.S. was established of foreign government sovereigns giving cash and other benefits to leaders,” distorting their judgment, that “they put that limitation in our Constitution.”

But Andy Grewal, a University of Iowa law school professor, noted in a recently published [academic paper](#) that payments to Trump hotels would not violate the Clause because the money is going to a corporate entity, rather than the president himself.

The suit will ask a New York federal court to force Mr. Trump to stop taking payments from foreign government bodies, including those from patrons at Trump hotels and golf courses, loans for his office buildings from certain government-controlled banks and leases with government tenants like the Abu Dhabi tourism office.

The Trump team is already contending that the suit is [without merit](#), with Eric Trump, executive vice president of the Trump Organization, calling it a sad “harassment for political gain.” The president's lawyers have further argued that the constitutional provision is intended to prevent leaders from accepting gifts from foreign powers, not standard hotel room bills and other normal payments.

The suit faces a major hurdle in providing legal standing to pursue the case. That said, some have suggested that hotels or landlords that compete with Trump's various businesses could have standing to sue as well.