

TRUMP ADMINISTRATION ACCOUNTABILITY PROJECT



Report on Possible Domestic Emoluments Clause Violations at The Trump International Golf Links & Hotel, Doonbeg

Possible Violation of the Law

The Domestic Emoluments Clause of the United States Constitution bars federal officials from improperly profiting from the United States Federal Government or from individual state governments. Has President Donald Trump violated the Domestic Emoluments Clause by profiting from payments made by the Federal Government to The Trump International Golf Links & Hotel, Doonbeg?

Introduction

Unlike past presidents,¹ Donald Trump refused to relinquish control and ownership of his business empire when he was sworn into office on January 20, 2017.² Despite claiming that he would step back and allow his sons to run the daily operations of his businesses, government ethics organizations largely panned the idea because of the potential for conflicts during his presidency.³ Ignoring several instances where President Trump appeared to exert active control over his businesses' daily operations,⁴ various accusations have arisen regarding the impropriety of payments to Trump-owned businesses from the United States government and other foreign powers.⁵ Despite a well-documented list of possible violations,⁶ this report will focus solely on payments made by the United States government in relation to a stay by Vice President Mike Pence at The Trump International Golf Links & Hotel, Doonbeg.

Facts

On September 1, 2019, Vice President Mike Pence spent the first of two nights abroad in anticipation of meetings with Irish officials in Dublin.⁷ Despite these meetings being the purpose for his travels, Vice President Pence did not choose to stay in Dublin but remained

¹ Courtney Buble, *Watchdog Group Tallies 2,310 Conflicts of Interest Associated With President Trump's Businesses*, Government Executive (August 19, 2020), <https://www.govexec.com/oversight/2019/08/watchdog-group-tallies-2310-conflicts-interest-associated-president-trumps-businesses/159281/>.

² *See id.*

³ *See id.*

⁴ Jordan Libowitz, *If Donald Trump isn't running the Trump Organization, who is?*, Citizens for Responsibility and Ethics in Washington (August 28, 2019), <https://www.citizensforethics.org/reports-investigations/crew-investigations/donald-trump-running-trump-organization/>.

⁵ *Supra*, note 1.

⁶ *Supra*, note 1.

⁷ Kevin Leptik, *Pence stays at Trump's Doonbeg resort hours away from official meetings*, CNN (September 4, 2019), <https://www.cnn.com/2019/09/03/politics/pence-ireland-doonbeg/index.html>.

several hours outside of the city patronizing The Trump International Golf Links & Hotel, Doonbeg, a hotel owned by Donald Trump.⁸ The cost of his stay, the food he consumed at the hotel, and the accommodations made for his security team and staff were payed, using tax-payer money, directly to a Trump-owned business. It is unclear how much the hotel charged the Federal Government in totality, but a trip to the same location by President Trump reportedly cost \$3,600,000 in taxpayer money.⁹ The House Committee on Oversight and Reform and the House Committee on the Judiciary are both still investigating the Vice President's stay. By choosing to stay at The Trump International Golf Links & Hotel, Doonbeg, Vice President Pence required several hours of ground travel and flight the day of his meetings. It is unclear exactly how much the additional transportation cost in its entirety, but reports indicate that there were \$599,000 in expenses for the trip's ground transportation alone.¹⁰

Possible explanations have been offered as to why the Vice President chose to spend Federal Government funds to patronize a Trump-owned property. When pressed to justify the decision, Vice President Pence's team offered several responses. The Vice President's Chief of Staff, Marc Short, indicated that Pence wished to stay in the area because his great-grandmother is from Doonbeg.¹¹ Pence, speaking to reporters directly, also appeared to indicate that the hotel was chosen for security purposes.¹² A Politico report that relied on ex-Secret Service officials indicates that excuse "prompted some eye rolling in the Secret Service community."¹³

Another possible explanation for Pence's decision is that he was told to do so by Donald Trump. The Vice President's Chief of Staff told reporters that when Pence spoke to the President about the trip, he indicated that he should stay at the trump owned property. Marc Short described this conversation with the President, saying, "It's like when we went through the trip, it's like, well, he's going to Doonbeg because that's where the Pence family is from. It's like, 'Well, you should stay at [the Trump International Hotel].'"¹⁴ Short was quick to add, however, that the proposal "wasn't like a, 'You must.' It wasn't like, 'You have to.'"¹⁵

Analysis

⁸ *See id.*

⁹ Press Release by the House Committee on Oversight and Reform, *Oversight and Judiciary Committees Investigate Pence Trip to Trump Golf Resort in Ireland and Trump's Pitch to Host G7 at His Resort in Miami*, <https://oversight.house.gov/news/press-releases/oversight-and-judiciary-committees-investigate-pence-trip-to-trump-golf-resort>.

¹⁰ Allen Smith, *Pence's Doonbeg detour cost nearly \$600K in ground transportation fees*, NBC News (September 11, 2019), <https://www.nbcnews.com/politics/donald-trump/pence-s-doonbeg-detour-cost-nearly-600k-ground-transportation-fees-n1052401>.

¹¹ Chris Silliza, *Here's the real reason Mike Pence is staying at Donald Trump's hotel in Ireland*, CNN (September 4, 2019), <https://www.cnn.com/2019/09/03/politics/mike-pence-ireland-doonbeg/index.html>.

¹² Natasha Bertrand and Quint Forgey, *Trump resorts aren't easier to defend, Secret Service vets grumble*, Politico (September 3, 2019), <https://www.politico.com/story/2019/09/03/mike-pence-ireland-trump-resort-1479600>.

¹³ *See id.*

¹⁴ Nicholas Wu, *Aide defends Mike Pence for staying at Trump hotel in Ireland on president's suggestion*, USA Today (September 4, 2019), <https://www.usatoday.com/story/news/politics/2019/09/03/pences-decision-stay-doonbeg-ireland-trump-hotel-criticized/2195539001/>.

¹⁵ *Supra*, note 14.

Article II, Section 1, Clause 7 of the United States Constitution states that “The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.”¹⁶ Described as one of the United States’ original anti-corruption laws, it is often called the Domestic Emoluments Clause and is usually interpreted to mean that federal and state governments cannot provide benefit to federal officials beyond their salaries. The currently available free version of Black’s Law Dictionary states an emolument is “the profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; advantage; gain, public or private.”

It seems an incredible coincidence that the Federal Government has spent so much more money at Trump-owned properties since the Trump Administration began.¹⁷ There are many hotels in and around Dublin that could have saved taxpayers considerable transportation costs, but the Vice President chose to stay at a hotel that he knew was owned by the President of the United States. According to former security officials, there is no reason to believe that there was any security benefit from staying at that particular hotel.

Furthermore, it seems clear that the Vice President’s stay was directly beneficial to President Donald Trump’s business and therefore the President himself. In effect, a payment to a business in which an officeholder has an interest is a payment, albeit indirectly, to that officeholder. The act of going to a business simply because it is owned by a federal officeholder is a clear violation of the Domestic Emoluments Clause because it is conferring a financial benefit because of the position. The choice to stay at The Trump International Golf Links & Hotel, Doonbeg gives at least the appearance of improper favoritism of business to Donald Trump and at worst is a clear violation of the exact type of conduct our nation’s founders sought to stamp out when drafting the Domestic Emoluments Clause.

Legal Conclusions

Vice President Pence’s stay at The Trump International Golf Links & Hotel, Doonbeg is another in the list of probable violations of the Domestic Emoluments Clause undertaken to benefit President Trump. The Vice President chose to stay at a property knowing that the payments made by the Federal Government would directly financially benefit the President. Furthermore, President Trump told Pence to stay at his business while in Ireland despite the additional transportation costs to American taxpayers and the inconvenience on the Vice President’s schedule. If the choice was made with the intention to enrich the President, it was a likely violation despite Marc Short’s assurances that Trump never actually ordered Pence to stay at his hotel.

¹⁶ U.S. Const. art 2, §1, cl. 7.

¹⁷ Joe Walsh, *Report: U.S. Government Paid Over \$2.5 Million To Trump’s Businesses*, Forbes (October 27, 2020), <https://www.forbes.com/sites/joewalsh/2020/10/27/report-us-government-paid-over-25-million-to-trumps-businesses/#5840ee651a62>.

President Trump's refusal to divest from his business interests ensure that a benefit to his hotel is a benefit to the President himself. It is not credible to assume that Trump and Pence were unaware of this when the decision to stay at the hotel was made. While it may never be certain that the Vice President stayed at the hotel exclusively to benefit President Trump, any intention to benefit the President using taxpayer money is likely a violation.

*This report is the second in what could be a very long series of possible Emolument Clause violations by Donald Trump. Several sections have been repurposed from a previous report because, unfortunately, these allegations are numerous, frequent, and similar in nature.