

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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September 10, 2019

The Honorable Dr. Mark T. Esper
Secretary of Defense
U.S. Department of Defense
1400 Defense Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

The Committee is writing regarding a request originally made several months ago for documents relating to the expenditure of U.S. taxpayer funds at President Donald Trump's Turnberry golf resort in Scotland to house military servicemembers in apparent violation of the Domestic Emoluments Clause of the U.S. Constitution, as well as increased expenditures of U.S. funds at a nearby commercial airport owned by the Scottish government.

The Committee made its request privately on June 21, 2019, but the Department of Defense has produced no documents since that time.¹ Despite repeated inquiries by Committee staff over the past several months, the Department has provided no date by which it will provide the requested documents. Although the Department seems to have been driven to respond to recent press reports,² the Committee does not understand why the Department has delayed responding to this request for so long without any legitimate explanation. If the Department does not begin producing the requested documents this week, the Committee will be forced to consider alternative measures to compel compliance, including a subpoena.

Additional concerns have also arisen relating to this matter. For example, President Trump tweeted yesterday that he has had "nothing to do with" Prestwick Airport, which is the airport closest to his resort in Turnberry.³ However, President Trump and his company have had significant, direct, and detailed interactions with Prestwick Airport for years, including the

¹ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Acting Secretary Patrick Shanahan, Department of Defense (June 21, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Oversight%20Committee%20to%20DOD%2006-21-19%20Turnberry.pdf>).

² *Air Force Crew Made an Odd Stop on a Routine Trip: Trump's Scottish Resort*, Politico (Sept. 7, 2019) (online at www.politico.com/story/2019/09/06/air-force-trump-scottish-retreat-1484337).

³ Donald J. Trump, Twitter (Sept. 9, 2019, 9:43 a.m.) (online at <https://twitter.com/realDonaldTrump/status/1171056605233852416>).

President proclaiming that he was “thrilled to be partnering” with the airport, the President personally trying to boost passenger traffic at the airport, and the Trump Organization negotiating room rates directly with the airport. As explained in more detail below, these and other actions by the President and his company reflect how critical this airport is to his financial bottom-line.

The Committee is encouraged by reports that the Department is now conducting an internal review of its policies, but that is not enough.⁴ The Department has confirmed that its servicemembers stayed at Turnberry, but argued that it was “the closest available and least expensive accommodations to the airfield.”⁵ The Department also claimed that it has “increasingly leveraged Prestwick as a stopover location” and stated that in the first eight months of this year, Defense Department aircraft made 259 stops—220 of which required overnight crew stays. By comparison, aircraft crews made only 40 overnight stays in 2015.⁶

In order to ensure compliance with the Emoluments Clause of the Constitution, the Department of Defense should not allow any of its officials to stay at Trump properties using taxpayer funds. It does not matter if they pay the government rate or a discounted rate. The Constitution prohibits taxpayer dollars from going to President Trump unless they are for his salary, including when those taxpayer funds are funneled through his businesses. In order to stop contributing to any further constitutional violations, the Department should immediately implement a policy against taxpayer funds going to any Trump-related properties or businesses.

Glasgow Prestwick Airport Key to President’s Scotland Business

In 2014, President Trump purchased the Turnberry golf resort in Ayrshire, Scotland, and announced plans to invest more than £100 million—approximately \$125 million—to renovate the resort.⁷ One commentator later described the deal as, “by far, the biggest investment the Trump Organization has made in years.”⁸

Shortly after the purchase, Trump Organization executive George A. Sorial wrote to Scottish officials to discuss a potential partnership with Prestwick Airport, which the Scottish

⁴ *Air Force Reviews Travel Policies Amid Scrutiny Over Trump Resort*, Wall Street Journal (Sept. 8, 2019) (online at www.wsj.com/articles/air-force-defends-crews-travel-to-trump-resort-in-scotland-11567975958).

⁵ *Air Force Crew Made an Odd Stop on a Routine Trip: Trump’s Scottish Resort*, Politico (Sept. 7, 2019) (online at www.politico.com/story/2019/09/06/air-force-trump-scottish-retreat-1484337).

⁶ *Air Force, Air Force Statement and Fact Sheet on Review of Selection of Airports and Lodging* (Sept. 8, 2019) (online at www.politico.com/f/?id=0000016d-136e-d988-abff-b76efb860000).

⁷ *Donald Trump Buys Turnberry Golf Resort*, The Scotsman (Apr. 30, 2014) (online at www.scotsman.com/news/environment/donald-trump-buys-turnberry-golf-resort-1-3392936); *Donald Trump to Invest £100m in Trump Turnberry*, The Scotsman (June 17, 2014) (online at www.scotsman.com/news-2-15012/donald-trump-to-invest-100m-in-trump-turnberry-1-3446375).

⁸ *Where Did Donald Trump Get Two Hundred Million Dollars to Buy His Money-Losing Scottish Golf Club?*, The New Yorker (July 13, 2018) (online at www.newyorker.com/news/swamp-chronicles/where-did-donald-trump-get-200-million-dollars-to-buy-his-money-losing-scottish-golf-club).

government rescued from financial distress one year earlier by acquiring it for £1. Copying Trump Organization employees Hope Hicks and Amanda Miller, Mr. Sorial wrote:

As you may know, we have been working with Prestwick Airport over the last several months on various matters and have agreed to issue an official announcement regarding our joint efforts. ... [W]e are committed to helping them grow and support the region for the long run. ... This is a great story that demonstrates how government and the private sector can successfully work together and build a strong relationship that ultimately benefits all.⁹

Mr. Sorial reportedly told a reporter the following about the relationship:

Initially we met the leadership of Prestwick because they were servicing both our aircraft and as we got to know them and started to feel comfortable with the levels of service they were providing, we recognized that the airport had fallen on some hard times but in light of their proximity to Turnberry, in which we're making a significant investment, we thought that it made business sense to explore different avenues where we could work together and assist them in building up their level of business there and hopefully, restoring the airport to what it once was. I think, like Turnberry, Prestwick is really vital to the economic stability and growth of the region, so it was really in our interests and theirs to do whatever we could to assist and facilitate with their efforts to really bring the airport back.¹⁰

According to a draft press release shared by Mr. Sorial: "The Trump Organization and Glasgow Prestwick Airport announced today their official partnership." The draft release explained: "Prestwick has been selected as the European base for all Trump Aviation Operations which includes Mr. Trump's private Boeing 757 and Sikorsky 76B Helicopter." It added: "As part of the partnership, Trump and Prestwick will be offering transfers via the luxurious Trump Helicopter, executive cars or private hire."¹¹

In November 2014, Donald Trump personally attended a promotional event at the airport, standing alongside his Boeing 757. He stated: "We are thrilled to be partnering with Glasgow

⁹ Email from George A. Sorial, Executive Vice President and Counsel, The Trump Organization, to Eileen Howat, Chief Executive, South Ayrshire Council, and Emma Nicolson, Personal Assistant, Scottish Parliament (Oct. 30, 2014) (online at www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2017/09/foi-17-01567/documents/foi-17-01567-correspondence-email-correspondence-pdf/foi-17-01567-correspondence-email-correspondence-pdf/govscot%3Adocument/FOI-17-01567%2BCorrespondence%2Band%2Bemail%2Bcorrespondence.pdf).

¹⁰ Martyn McLaughlin, Reporter at The Scotsman, Twitter (Sept. 8, 2019) (online at <https://twitter.com/MartynMcL/status/1170800705009082371>).

¹¹ Email from George A. Sorial, Executive Vice President and Counsel, The Trump Organization, to Eileen Howat, Chief Executive, South Ayrshire Council, and Emma Nicolson, Personal Assistant, Scottish Parliament (Oct. 30, 2014) (online at www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2017/09/foi-17-01567/documents/foi-17-01567-correspondence-email-correspondence-pdf/foi-17-01567-correspondence-email-correspondence-pdf/govscot%3Adocument/FOI-17-01567%2BCorrespondence%2Band%2Bemail%2Bcorrespondence.pdf).

Prestwick Airport.”¹² He predicted the arrival of “hundreds” of flights annually to the airport as a result of tourism at his nearby resorts:

We are going to have planes coming in from New York and all over, very high-level planes like Gulf Streams and Bombardiers. We are going to have a lot of private aircraft flying in, groups or individuals. We expect to be using the airport quite a bit. ... You are going to get a lot of business.¹³

At the time of the announcement, the Chief Executive of Prestwick Airport stated:

We are very excited to be working closely with the Trump Organisation going forward and are delighted that Prestwick has been chosen to be the European base for the Trump Sikorsky helicopter.¹⁴

In 2015, when Prestwick Airport was on the verge of losing its major commercial customer, Ryanair, and just months before announcing his candidacy for president, Donald Trump directly intervened, stating that he had spoken to the company’s Chief Executive Officer, and predicted: “[H]e’s a good guy. I think Ryanair will be back at Prestwick.” In response to Donald Trump’s actions, the airport issued a statement: “Mr. Trump is a great fan of Prestwick and we really appreciate his support.”¹⁵

Despite the President’s support, Prestwick Airport has continued to struggle financially.¹⁶ Since the airport was purchased by the Scottish government in 2013, it has accumulated £38.4 million in debt. The failure of Prestwick Airport, the closest commercial airport to the Turnberry resort, would place further financial pressure on Trump Turnberry—which already operates at a loss. On June 13, 2019, the Scottish government announced that it would seek a private buyer for Prestwick Airport.¹⁷

Defense Department Spending at Prestwick Airport

In addition to providing commercial passenger service, Prestwick Airport caters to domestic and foreign militaries. Its website states: “We specialise in quick turn fuel stops for

¹² *Donald Trump Announces Partnership Deal with Prestwick Airport to Service Trump Turnberry Golf Resort*, Daily Record (Nov. 14, 2014) (online at www.dailyrecord.co.uk/news/scottish-news/donald-trump-announces-partnership-deal-4628442).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *US Tycoon Donald Trump in Talks with Ryanair to Bring More Flights Back to Prestwick Airport*, Daily Record (Mar. 29, 2015) (online at www.dailyrecord.co.uk/news/scottish-news/tycoon-donald-trump-talks-ryanair-5422340).

¹⁶ *Prestwick Cuts Loss but State Loan Rises by £8m*, Herald Scotland (Dec. 14, 2018) (online at www.heraldsotland.com/business_hq/17300149.prestwick-cuts-loss-but-state-loan-rises-by-8m/).

¹⁷ *Publicly-Owned Prestwick Airport Put Up for Sale*, British Broadcasting Corporation (June 13, 2019) (online at www.bbc.com/news/uk-scotland-scotland-business-48627212).

military missions.”¹⁸ It also states that “we offer the perfect spot for transatlantic fuel stops” and that the airport “is ideal for military use due to its location on the Great Circle Route between the US and Middle East.”¹⁹

On August 29, 2016—after Donald Trump became the Republican nominee for president—the Defense Logistics Agency (DLA) awarded a contract for various overseas locations for jet fuel. According to one report:

[Scottish Economy Secretary Keith] Brown was told a visit by US diplomats to Prestwick to prepare for Trump’s arrival to open the Turnberry resort in June 2016 led to new contacts with the USAF’s European chief of defense and the US air attache to the UK.²⁰

After the election, in October 2017, DLA began purchasing fuel directly from Prestwick Airport on behalf of Defense Department customers. Since that time, DLA has entered into 921 separate purchase orders for fuel totaling \$17 million.²¹

These jet fuel purchases appear to have supported the Department of Defense in various missions. Documents obtained by British press show that “USAF Stratotanker air-to-air refueling aircraft operated several sorties from Prestwick while based there for three weeks in May 2017.” The Air Force “also approved ‘active duty missions’ from Prestwick for Hercules C130 cargo planes for its air mobility command, which describes the C130 as ‘the prime transport for airdropping troops and equipment into hostile areas.’”²² Reporting from British press has stated:

In an effort to stem its losses, Prestwick executives have attended military fairs across the US to pursue contracts to service cargo flights, troop transports and air-to-air refueling operations for the US Air Force, Marine Corps, Navy, National Guard and the US Defense Logistics Agency.²³

¹⁸ *Military Ground Handling*, Glasgow Prestwick Airport (accessed June 18, 2019) (online at www.glasgowprestwick.com/business/military/accommodation/).

¹⁹ *Id.*; *Location*, Glasgow Prestwick Airport (accessed June 18, 2019) (online at www.glasgowprestwick.com/business/military/location/).

²⁰ *Scottish Government Criticised Over US Military Use of Airport*, The Guardian (Feb. 7, 2018) (online at www.theguardian.com/politics/2018/feb/07/scottish-government-criticised-over-us-military-use-of-airport).

²¹ Federal Procurement Data System, *ezSearch* (online at www.fpds.gov/ezsearch/fpdsportal?q=prestwick+airport&s=FPDS.GOV&templateName=1.5.1&indexName=awardfull&x=0&y=0&sortBy=SIGNED_DATE&desc=N) (search for “Prestwick Airport”) (accessed Sept. 9, 2019).

²² *Scottish Government Criticised Over US Military Use of Airport*, The Guardian (Feb. 7, 2018) (online at www.theguardian.com/politics/2018/feb/07/scottish-government-criticised-over-us-military-use-of-airport).

²³ *Id.*

One memo of a June 2017 airport board meeting states: “A new deal has been presented to the USAF 89th Airlift Wing (Andrews Air Force Base) for B737, B757 and G5 aircraft fuel stops.”²⁴ A U.S. Air Force spokesperson responded to these reports by stating:

The selection and use of any airfield by the Department of Defense is guided strictly by that airfield’s ability to support combined (US, UK, and Nato) air operations in support of our shared security objectives.²⁵

Prestwick Airport Arrangements with Trump Turnberry

Emails released by the Scottish government show that Prestwick Airport apparently negotiated room prices directly with Trump Turnberry for crew and passenger stayovers, even though there are at least two dozen hotels in the immediate vicinity of the airport.²⁶ In June 2015, the Manager of Aviation Services at Prestwick Airport wrote to the General Manager and Director of Sales at Trump Turnberry thanking them for having “a constructive discussion on pricing.” The airport official wrote:

As a list of hotels that we use for our business, being honest, Turnberry was always last on the list based on price. Yesterday’s proposal places Turnberry in a favourable position and gives us food for thought in our placement of crews moving forward.²⁷

Prestwick Airport officials then requested marketing materials that the airport would use “to promote the hotel in advance of business arriving at Prestwick.”²⁸

²⁴ Severin Carrell, Twitter (Feb. 7, 2018, 8:57 a.m.) (online at <https://twitter.com/severincarrell/status/961282727688441856>).

²⁵ *Scottish Government Criticised Over US Military Use of Airport*, The Guardian (Feb. 7, 2018) (online at www.theguardian.com/politics/2018/feb/07/scottish-government-criticised-over-us-military-use-of-airport).

²⁶ See, e.g., Email from Gillian McNeilly, Director of Sales, Trump Turnberry, to Kevin Brock, Prestwick Aviation Services Executive, Glasgow Prestwick Airport, and Jules Matteoni, Manager of Aviation Services, Glasgow Prestwick Airport (Aug. 7, 2015) (online at www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2017/09/foi-17-01567/documents/foi-17-01567-correspondence-email-correspondence-pdf/foi-17-01567-correspondence-email-correspondence-pdf/govscot%3Adocument/FOI-17-01567%2BCorrespondence%2Band%2Bemail%2Bcorrespondence.pdf) (stating that “we have agreed a rate [REDACTED] room only, single or double occupancy. Rooms will be in our Lodge or Apartment accommodation and will overflow to the main hotel if the group is large and more rooms are required. Breakfast is available at the [REDACTED] per person.”).

²⁷ Email from Jules Matteoni, Manager of Fire Service, Handling and Transport, Glasgow Prestwick Airport, to Ralph Porciani, General Manager, Trump Turnberry Golf Resort, and Gillian McNeilly, Director of Sales, Trump Turnberry Golf Resort (June 18, 2015) (online at www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2017/09/foi-17-01567/documents/foi-17-01567-correspondence-email-correspondence-pdf/foi-17-01567-correspondence-email-correspondence-pdf/govscot%3Adocument/FOI-17-01567%2BCorrespondence%2Band%2Bemail%2Bcorrespondence.pdf).

²⁸ *Id.*

In December 2015, the Manager of Aviation Services at Prestwick Airport wrote to the Director of Sales at Trump Turnberry: “On another subject we have named one of our meeting rooms—Turnberry. Would you have any pictures or anything that we could have to give it some Turnberry flavour.” He later clarified: “The meeting room is at the terminal and is for holding meeting[s] with customers.”²⁹

According to British press, Prestwick Airport also “offered free rounds of golf at Turnberry to visiting US military and civilian air crews.”³⁰

One reporter in Scotland recently noted: “The Scottish Government-owned Glasgow Prestwick Airport told me it ‘routinely’ arranges overnight accommodation for visiting aircrew at Trump Turnberry and other hotels.”³¹

President’s Continued Promotion of Scotland Golf Resorts and Use of Prestwick

In June 2016, at the height of the presidential campaign and just weeks before the Republican convention, President Trump made his first foreign trip as a candidate through Prestwick Airport on his way to the official re-opening of Trump Turnberry.³²

On July 13, 2018, President Trump returned to Prestwick Airport, this time aboard Air Force One. He spent two nights at his Turnberry resort before traveling to meet with Russian President Vladimir Putin in Helsinki, Finland.³³ During the visit, he tweeted:

I have arrived in Scotland and will be at Trump Turnberry for two days of meetings, calls and hopefully, some golf—my primary form of exercise! The weather is beautiful, and this place is incredible! Tomorrow I go to Helsinki for a Monday meeting with Vladimir Putin.³⁴

²⁹ Email from Jules Matteoni, Manager of Aviation Services, Fire and Security, Glasgow Prestwick Airport, to Gillian McNeilly, Director of Sales, Trump Turnberry Golf Resort, and Shalane Breen, Account Executive, Trump Turnberry Golf Resort (Dec. 2, 2015) (online at www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2017/09/foi-17-01567/documents/foi-17-01567-correspondence-email-correspondence-pdf/foi-17-01567-correspondence-email-correspondence-pdf/govscot%3Adocument/FOI-17-01567%2BCorrespondence%2Band%2Bemail%2BCorrespondence.pdf).

³⁰ *Scottish Government Criticised Over US Military Use of Airport*, The Guardian (Feb. 7, 2018) (online at www.theguardian.com/politics/2018/feb/07/scottish-government-criticised-over-us-military-use-of-airport).

³¹ Martyn McLaughlin, Reporter at The Scotsman, Twitter (Sept. 9, 2019) (online at <https://twitter.com/MartynMcL/status/1171055696181379072>).

³² *Donald Trump Arrives in UK and Hails Brexit Vote as ‘Great Victory,’* The Guardian (June 24, 2016) (online at www.theguardian.com/us-news/2016/jun/24/donald-trump-hails-eu-referendum-result-as-he-arrives-in-uk).

³³ *Trump Leaves Scotland on Air Force One*, British Broadcasting Corporation (July 15, 2018) (online at www.bbc.com/news/uk-scotland-44834689).

³⁴ Donald J. Trump, Twitter (July 14, 2019, 2:43 a.m.) (online at <https://twitter.com/realdonaldtrump/status/1018068353305411584?lang=en>).

Walter Shaub, former head of the Office of Government Ethics, wrote: “This is Trump’s most explicit commingling of personal interests and public office to date. ... This is shameless, corrupt and repugnant presidential profiteering. This is an invitation to graft.”³⁵

Conclusion

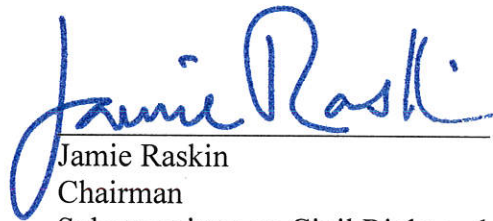
For these reasons, the Committee requests that the Department produce all of the documents first requested on June 21, 2019. The Committee also requests that the Department inform the Committee by this Friday whether it will do so voluntarily or will require a subpoena.

Thank you for your attention to this request.

Sincerely,



Elijah E. Cummings
Chairman



Jamie Raskin
Chairman
Subcommittee on Civil Right and
Civil Liberties

cc: The Honorable Jim Jordan, Ranking Member

³⁵ *Trump Tweet Touting One of His Scotland Golf Courses as ‘the Greatest’ in the World Draws Criticism*, Washington Post (Mar. 2, 2019) (online at www.washingtonpost.com/politics/2019/03/02/trump-tweet-touting-one-his-scotland-golf-courses-greatest-world-draws-criticism/?utm_term=.3df67ca7ac0f).