

[Urging the United States Congress to Initiate Impeachment Proceedings for President Donald J. Trump]

Resolution urging the United States Congress to initiate impeachment proceedings for President Donald J. Trump for obstruction of justice, collusion, violation of the Foreign Emoluments Clause, and other high crimes and misdemeanors.

WHEREAS, Any person, even the person holding the office of the President of the United States, may not intentionally, or “corruptly endeavored to influence, obstruct, or impede the due and proper administration of the law” in an investigation or other proceeding; and

WHEREAS, The Federal Bureau of Investigation (“FBI”) had initiated investigations into improper ties and possible collusion between the Russian government and the 2016 presidential campaign of Donald J. Trump; and

WHEREAS, Donald J. Trump, now the President of the United States, had repeatedly sought to influence these investigations by pressuring FBI Director James Comey to swear loyalty to President Trump and to provide details of whether he was under investigation on January 27, 2017; and

WHEREAS, President Trump’s National Security Advisor Michael Flynn resigned on February 13, 2017 after revelations that he was a blackmail risk for having spoken and lied about his interactions with Russian ambassador Sergey Kislyak about U.S. sanctions during the presidential transition period; and

WHEREAS, As recorded in the FBI Director’s contemporaneous notes of a meeting with President Trump on February 14, 2017, President Trump dismissed a large group, including Attorney General Jeff Sessions and President Trump’s son-in-law and senior adviser, Jared Kushner, to speak with FBI Director Comey alone; and

WHEREAS, President Trump attempted to influence a continuing investigation by privately telling FBI Director Comey in the February 14, 2017 meeting: “I hope you can see your way clear to letting this go, to letting Flynn go...He is a good guy. I hope you can let this go;” and

WHEREAS, FBI Director Comey confirmed publicly on March 20, 2017 that the FBI is investigating Russian government links to the Trump campaign; and

WHEREAS, In a March 30, 2017 phone conversation, President Trump asked FBI Director Comey what could be done to “lift the cloud” of the FBI investigation and if FBI Director Comey could announce publicly that President Trump was not personally under investigation; and

WHEREAS, President Trump fired FBI Director James Comey on May 9, 2017; and

WHEREAS, These facts were confirmed by FBI Director Comey's testimony to Congress under oath on June 8, 2017; and

WHEREAS, President Trump invited two targets of an ongoing FBI counterintelligence investigation, Russian Foreign Minister Sergei Lavrov and Russian Ambassador to the U.S. Sergey Kislyak, to a special Oval Office meeting on May 10, 2017; and

WHEREAS, According to an official White House document summarizing the May 10, 2017 meeting with the Russian government, President Trump connected the firing of FBI Director Comey with the investigation: "I just fired the head of the FBI. He was crazy, a real nut job," and "I faced great pressure because of Russia. That's taken off...I'm not under investigation;" and

WHEREAS, In a public interview with NBC News on May 11, 2017, President Trump dismissed any other alternative explanations of the firing of FBI Director Comey, stating: "Regardless of recommendation, I was going to fire Comey," and connected the firing of FBI Director Comey again to the FBI investigation, explaining, "In fact, when I decided to just do it, I said to myself, I said, you know, this Russia thing with Trump and Russia is a made-up story;" and

WHEREAS, On May 12, 2017, President Trump made FBI Director Comey the subject of a threatening tweet: "James Comey better hope that there are no 'tapes' of our conversations before he starts leaking to the press;" and

WHEREAS, On May 17, 2017, President Trump berated Attorney General Jeff Sessions in an Oval Office meeting as an "idiot" and demanded he should resign; and

WHEREAS, In the May 17 meeting in the Oval Office, President Trump accused Attorney General Sessions for "disloyalty" by recusing himself from the Justice Department's Russia resignation and allowing the appointment of a special counsel; and

WHEREAS, President Trump corruptly endeavored to influence, obstruct, and otherwise impede a FBI investigation through multiple private and public threats issued from January 27, 2017 until the present day; and

WHEREAS, On the date of his firing, FBI Director Comey was leading one or more investigations that might have incriminated President Trump and/or his close associates; and

WHEREAS, Regardless of the ultimate outcome of those criminal investigations, President Trump interfered with them by firing FBI Director Comey, which constitutes obstruction of justice; and

WHEREAS, The person holding the office of the President of the United States owes sole allegiance to the Constitution of the United States of America; and must be above any suspicion that he is influenced or affected by the interests of any foreign nation or official; and

WHEREAS, There have been credible and serious allegations that a foreign government, that of the autocratic ruler of Russia, Vladimir Putin, engaged in a concerted effort to influence the outcome of the November 8, 2016 United States presidential election, and that Donald Trump's presidential campaign and or its representatives or surrogates may have coordinated with President Putin's government in such activities; and

WHEREAS, Trump business associate Felix Sater wrote a series of emails to Michael Cohen, and predicted that building a Trump Tower in Moscow would benefit his candidacy on November 3, 2016: "I will get Putin on this program and we will get Donald elected...our boy can become President of the USA and we can engineer it"; and

WHEREAS, Trump's lawyer and top company executive, Michael Cohen, testified that he discussed the deal three times with Trump and that Trump signed a letter of intent with the company on October 28, 2015; and

WHEREAS, Trump traded praise with Putin and responded to questions about Putin allegedly ordering the murder of journalists on MSNBC, December 18, 2015: "He's running his country and at least he's a leader, unlike what we have in this country...I think our country does plenty of killing also"; and

WHEREAS, Through email in mid-January 2016, Trump's representative Michael Cohen requested assistance from Putin's personal spokesperson, Dmitry Peskov, to revive the Trump Tower deal in Moscow: "Over the past few months I have been working with a company based in Russia regarding the development of a Trump Tower-Moscow project in Moscow City...As this project is too important, I am hereby requesting your assistance;" and

WHEREAS, Any violation of the Emoluments Clauses or coordination with a foreign government to influence the outcome of a presidential election undermines the integrity of the Presidency, violates the public trust, and advances the personal wealth of the President and/or his family; and

WHEREAS, Acts of illegal collusion include campaign finance violations, conspiracy, bribery, and fraud; and

WHEREAS, U.S. intelligence agencies believe that Democratic National Committee and Clinton campaign official emails were stolen by Russian hackers backed by the Russian government, given to Wikileaks, and released publicly in several waves over the final months of the 2016 election as part of a broader effort to interfere in the race on Trump's behalf; and

WHEREAS, Section 30121 of Title 52 makes it a crime for any foreigner to contribute or donate money or some "other thing of value" in connection with an American election, or for an individual to solicit a foreigner to do so; and

WHEREAS, Campaign advisor Donald J. Trump Jr. was introduced via email to a lawyer described as “part of Russia and its government’s support for Mr. Trump” and promised “very high level and sensitive” information on presidential candidate Hillary Clinton; and

WHEREAS, Donald Trump Jr. responded via email: “If it’s what you say I love it,” and coordinated a meeting with campaign chairman Paul J. Manafort and campaign advisor Jared Kushner on June 9, 2016; and

WHEREAS, Donald Trump Jr. understood the information exchanged with a foreign entity would be used for the illegal purpose of influencing an election; and

WHEREAS, The stolen emails qualify as a “thing of value” and sharing them constituted illegal collusion under campaign finance law, because they provided a valuable resource for the Trump campaign, who touted the Wikileaks documents numerous times throughout the election; and

WHEREAS, On July 8, 2017 as advisers and lawyers to Jared Kushner advocated for a more transparent disclosure of these Russian contacts, President Trump overruled the consensus and directed that Trump Jr.’s statement to the New York Times describe the meeting as unimportant; and

WHEREAS, On July 8, 2017 aboard Air Force One, President Trump personally dictated a misleading statement in which Trump Jr. said that he and the Russian lawyer had primarily discussed an adoption program and emphasized that the subject of the June 2016 meeting was “not a campaign issue at the time;” and

WHEREAS, President Trump was directly involved in a cover-up and created a public statement to throw investigators off track; and

WHEREAS, these statements and actions of President Trump and his subordinates also reinforce the obstruction-of-justice inquiry against President Trump that the special counsel, Robert Mueller, began pursuing in spring 2017, after the firing of FBI Director James Comey; and

WHEREAS, Any acts of illegal collusion or coordination under campaign finance law or intelligence from foreign countries in connection to an American election that provides the Trump campaign with valuable resources erodes the integrity of the presidential election race; and

WHEREAS, Article I, Section 9, Clause 8 of the United States Constitution, the Foreign Emoluments Clause, provides that “no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State;” and

WHEREAS, Article II, Section 1 of the United States Constitution, the Domestic Emoluments Clause, provides that, apart from the fixed salary for their four-year term, the President “shall not receive within that Period any other Emolument from the United States, or any of them;” and

WHEREAS, According to scholars, the Foreign Emoluments Clause reflects the Framers’ determined effort to ensure that no federal officeholder in the United States ever could be influenced by gifts of any kind from a foreign government; and

WHEREAS, The term “emoluments” includes a broad range of financial benefits, including but not limited to monetary payments, purchase of goods and services even for fair market value, subsidies, tax breaks, extensions of credit, and favorable regulatory treatment; and

WHEREAS, Donald J. Trump, now the President of the United States, owns various business interests and receives various streams of income from all over the world; and

WHEREAS, Many of these businesses receive, and streams of income include, emoluments from foreign governments, states of the United States, or the United States itself; and

WHEREAS, Leading constitutional scholars and government ethics experts warned Donald J. Trump shortly after the November 2016 election that, unless he full divested his businesses and invested the money in conflict-free assets or a blind trust, he was risking violation of the Constitution; and

WHEREAS, On January 11, 2017, nine days before his inauguration, Donald J. Trump announced a plan that would, if carried out, remove him from day-to-day operations of his business, but not eliminate any of the ongoing flow of emoluments from foreign governments, state governments, or the United States government; and

WHEREAS, Under Article II of the Constitution, the Presidential power of pardon is understood in context that the President “take Care that the Laws be faithfully executed;” and

WHEREAS, President Trump undermined judicial authority by pardoning Joe Arpaio, the former sheriff of Maricopa County, who was found guilty of criminal contempt by willfully defying a court order to halt his violations of constitutional and civil rights, specifically racially profiling and detaining Latinos on solely suspicion of immigration status; and

WHEREAS, Joe Arpaio, the former sheriff of Maricopa County, continued to violate civil rights by promoting inhumane conditions in his jails, physical abuse of inmates, spiraling suicide rates, and the creation of an outdoor “Tent City” jail, where thousands of inmates were housed in the sweltering Arizona heat and forced to work on chain gangs; and

WHEREAS, President Trump attacked the independent constitutional authority of Article III judges by pardoning willful defiance of a federal judge’s lawful order to enforce the Constitution; and

WHEREAS, President Trump undermined the U.S. Justice Department by undoing the outcome of a criminal contempt prosecution and exerted early undue political influence on the Justice Department on this matter; and

WHEREAS, Through the Arpaio pardon, President Trump has exhibited presidential contempt for the Constitution and has triggered a crisis in enforcement of the rule of law, which constitute impeachable offenses; and

WHEREAS, Key drafter of the U.S. Constitution James Madison has described impeachment as the proper response to abuse of pardon power at the Virginia ratifying convention; and

WHEREAS, Under Section 4 of the Twenty-fifth Amendment, a President may also be removed for being “unable to discharge the powers and duties of his office;” and

WHEREAS, According to constitutional law scholar Laurence Tribe, such incapacity can include “an inability that can be manifested by gross and pathological inattention or indifference to, or failure to understand, the limits of those powers or the mandatory nature of those duties;” and

WHEREAS, As of August 2017, over 60,000 mental health professionals have signed a petition to President Trump’s cabinet, stating that in their professional judgment, “Donald Trump manifests a serious mental illness that renders him psychologically incapable of competently discharging the duties of President of the United States;” and

WHEREAS, President Trump’s erratic conduct in domestic and foreign affairs as well as denial of environmental science could lead to nuclear war, racial violence, and natural catastrophes caused by climate change; and

WHEREAS, The 25th Amendment - which empowers the vice president and Cabinet to remove a president who is incapable of serving - should be invoked to evaluate President Trump’s “fitness to serve” and potential removal from office;

WHEREAS, In his conduct while President of the United States, Donald Trump also appears to be in violation of his constitutional oath to preserve, protect, and defend the Constitution of the United States, and has engaged in conduct that resulted in apparent misuse and abuse of this high office; and

WHEREAS, The above abuses and transgressions undermine the integrity of the Presidency, violate the public trust, endanger our national security, and may rise to the level of High Crimes; and

WHEREAS, Article II, Section 4 of the United States Constitution states, “The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors”; and

WHEREAS, Our democracy is premised on the bedrock principle that no one is above the law, not even the President of the United States; and

WHEREAS, A growing number of local governments have joined the call for an impeachment investigation, including California municipalities Los Angeles, Richmond, Alameda, Berkeley, Oakland, and Santa Cruz; now, therefore it be

RESOLVED, The San Francisco Board of Supervisors calls upon the United States House of Representatives to support a resolution authorizing and directing the House Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States, including but not limited to the violations listed herein; and, be it

FURTHER RESOLVED, We call upon the California Legislature to adopt its own resolution calling upon the United States House of Representatives to support a resolution authorizing an investigation into whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States; and be it

FURTHER RESOLVED, That a copy of this resolution be transmitted officially to U.S. Congresswoman Nancy Pelosi, San Francisco's representative to the United States House of Representatives; and be it

FURTHER RESOLVED, That copies of this resolution be transmitted officially to Assemblymembers Phil Ting and David Chiu as well as Senator Scott Wiener, San Francisco's representatives to the California Legislature.