

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying resolution:

Resolutions in support of a congressional investigation regarding impeachment of President Donald J. Trump.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/27/2019</i>

HOUSE No.

By Ms. Sabadosa of Northampton, a petition (subject to Joint Rule 12) of Lindsay N. Sabadosa for the adoption of resolutions memorializing the Congress of the United States to investigate whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

Resolutions in support of a congressional investigation regarding impeachment of President Donald J. Trump.

1 WHEREAS, the Foreign Emoluments Clause of the United States Constitution provides
2 that “no Person holding any Office of Profit or Trust under [the United States], shall, without the
3 Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind
4 whatever, from any King, Prince, or foreign State;” and

5 WHEREAS, the Domestic Emoluments Clause of the United States Constitution provides
6 that, besides the fixed salary for his four-year term, the President “shall not receive within that
7 Period any other Emolument from the United States, or any of them;” and

8 WHEREAS, Donald J. Trump, the President of the United States, owns various business
9 interests and receives various streams of income from all over the world, by means of which he
10 receives emoluments from foreign governments, states of the United States, or the United States
11 itself; and

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

15 WHEREAS, leading constitutional scholars and government ethics experts warned
16 Donald J. Trump shortly after the November 2016 election that, unless he fully divested his
17 businesses and invested the money in conflict-free assets or a blind trust, he would violate the
18 Constitution from the moment he took office; and

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

23

24 WHEREAS, on January 20, 2017, Donald J. Trump took the oath of office and became
25 President of the United States; and

26 WHEREAS, from the moment he took office, President Trump has been in violation of
27 the Foreign Emoluments Clause and the Domestic Emoluments Clause of the United States
28 Constitution, thereby corruptly advancing his personal wealth, undermining the integrity of the
29 Presidency, and violating the public trust; and

30 WHEREAS, section 30121 of chapter 52 of the United States Code prohibits the
31 solicitation, acceptance, or receipt of “a contribution or donation of money or other thing of
32 value . . . in connection with a Federal, State, or local election” from a foreign national; and

33 WHEREAS, on June 3, 2016, Donald Trump Jr., Trump’s eldest son, exchanged a series
34 of emails setting up a meeting to receive “incriminating information” about his father’s general
35 election opponent, which was described as coming from the Russian government, as “part of
36 Russia and its government's support for Mr. Trump;” and

37 WHEREAS, on June 9, 2016 Donald Trump Jr., Paul Manafort, Trump’s then-campaign
38 manager, and Jared Kushner, Trump’s son-in-law and senior advisor, met with several Russian
39 citizens linked to the government with the intention of acquiring the information offered in the
40 June 3 emails; and

41 WHEREAS, on July 8, 2017, the day this meeting was publicly revealed, Donald Trump
42 Jr. released a public statement, which was later shown to be misleading, about the circumstances
43 and purpose of the meeting; and

44 WHEREAS, it has been reported that, on July 8, 2017, Donald J. Trump personally
45 dictated his son’s misleading statement about the meeting; and

46 WHEREAS, on May 9, 2017, Trump fired the Director of the Federal Bureau of
47 Investigation, James Comey; and

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

50 WHEREAS, regardless of the ultimate outcome of those criminal investigations,
51 President Trump interfered with them by firing Director Comey; and

52 WHEREAS, Trump has advocated illegal violence, given aid and comfort to white
53 supremacists and neo-Nazis, and undermined the constitutional protections of equal protection
54 under law; and

55 WHEREAS, in August 2017, Donald J. Trump, after neo-Nazis and white supremacists
56 marched on Charlottesville, Virginia, murdering one peaceful protestor and injuring several
57 others in a terror attack, blamed the violence on “both sides” and stated that the neo-Nazi and
58 white supremacist marchers included “very fine people;” and

59 WHEREAS, Donald J. Trump has abused the pardon power of the President; and

60 WHEREAS, on August 26, 2017, Donald J. Trump pardoned Joseph Arpaio, the former
61 Arizona Sheriff who was convicted of criminal contempt of court for willfully and openly
62 defying a judicial order to cease a practice, which the court found to be unconstitutional, of
63 detaining people, based on their presumed Latino ancestry, without reasonable suspicion that
64 they had committed any crime,

65 WHEREAS, in our nation’s history no previous president has ever pardoned a public
66 official convicted of criminal contempt of court for willfully disobeying a court order to stop
67 violating individuals’ constitutional rights; and

68 WHEREAS, the pardon undermines separation of powers and due process of law by
69 allowing an official to skirt a judicial mandate without consequences; and

70 WHEREAS, the pardon sends a dangerous message both to unscrupulous government
71 officials who may be inclined to follow in Arpaio’s path, and also to President Trump’s
72 associates who may be subpoenaed in connection with ongoing federal investigations, that he

73 may be willing to use the pardon power to protect them from negative consequences for defying
74 court orders, further undermining separation of powers and due process of law, and obstructing
75 justice; and

76 WHEREAS, in the late summer of 2017, Donald J. Trump made increasingly reckless
77 public threats against North Korea, including that “[b]eing nice to Rocket Man hasn’t worked,”
78 that “[m]ilitary solutions” were “locked and loaded,” that he had instructed the Secretary of State
79 he was “wasting his time” negotiating with North Korean leadership because “we’ll do what has
80 to be done,” that the United States might “have no choice but to totally destroy” North Korea,
81 that North Korea “will be met with fire and fury like the world has never seen,” that “only one
82 thing will work,” and that North Korea or its leadership “won’t be around much longer;” and

83 WHEREAS, Donald J. Trump reportedly informed a United States senator that he would
84 bomb North Korea if it continued testing missiles; and

85 WHEREAS, after Donald J. Trump reportedly told senior advisers that he wanted to
86 increase the country’s nuclear weapons stockpile eightfold, the Secretary of State was so alarmed
87 by the president’s lack of understanding of the risks of nuclear weapons that he reportedly
88 referred to the president as a “moron;” and

89 WHEREAS, the existing tension between and lack of accurate understanding of
90 intentions of the leadership of the United States and North Korea means that threats of invasion
91 or bombing could easily lead to a misunderstanding or miscalculation resulting in the use of
92 nuclear weapons by either or both sides; and

93 WHEREAS, such a conflagration could quickly spread to South Korea, Japan, China,
94 and/or Russia, the latter two of which also have, and might be drawn into an exchange of nuclear
95 weapons; and

96 WHEREAS, available public evidence suggests that Donald J. Trump does not
97 understand, and/or is unwilling or unable to understand, the risks of the use of nuclear weapons,
98 or of how the North Korean leadership could interpret or misinterpret his verbal threats or
99 movement of military forces as military attacks that lead them to respond with conventional or
100 nuclear attacks on the United States or other nations; and

101 WHEREAS, Donald J. Trump’s reckless threats of nuclear war against foreign nations,
102 undermining and subverting the essential diplomatic functions and authority of federal agencies,
103 including the United States Department of State, and other conduct that heightens the risk of
104 hostilities involving weapons of mass destruction, grossly and wantonly endanger the peace and
105 security of the United States, its people and people of other nations, with reckless disregard for
106 the risk of death and grievous bodily harm; and

107 WHEREAS, Donald J. Trump has issued public statements, including on Twitter,
108 pressuring the U.S. Department of Justice and the Federal Bureau of Investigation to investigate
109 Hillary Clinton, the Democratic Party, and other political adversaries; and

110 WHEREAS, Donald J. Trump has issued public comments on other pending criminal and
111 court-martial proceedings, with the evident purpose to direct and influence the prosecution and
112 outcome of specific proceedings, to the detriment of the independence of law enforcement from
113 command influence and in derogation of the right to a fair trial; and

114 WHEREAS, Donald J. Trump has directed or endeavored to direct law enforcement,
115 including the Department of Justice and the Federal Bureau of Investigation, to investigate and
116 prosecute political adversaries and others, for improper purposes not justified by any lawful
117 function of his office, thereby eroding the rule of law, undermining the independence of law
118 enforcement from politics, and compromising the constitutional right to due process of law; and

119 WHEREAS, Donald J. Trump has repeatedly attacked major U.S. news organizations as
120 “fake news” and “the enemy of the American people,” and abused the power of his office in
121 efforts to retaliate against the independent press, thus undermining the freedom of the press at
122 home and abroad; and

123 WHEREAS, Donald J. Trump, through his administration, has cruelly and deliberately
124 imprisoned children who have committed no crime, separately from their parents, in violation of
125 the fundamental human rights of both parents and children in contravention of the Constitution,
126 in some cases resulting in permanent separation of children from their parents due to government
127 action, in violation of due process of law and the prohibition against cruel and unusual
128 punishments; and

129 WHEREAS, Donald J. Trump stands accused by his own personal attorney of having
130 made and directed payments of “hush money” to prevent two former mistresses from speaking
131 publicly about his extramarital affairs, for the purpose of influencing the 2016 election, and in
132 violation of federal campaign finance law; and

133

134 THEREFORE, BE IT RESOLVED by the general court of the commonwealth of
135 Massachusetts that it calls upon the United States House of Representatives to support a

136 resolution authorizing and directing the Committee on the Judiciary of said House to investigate
137 whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the
138 United States, including but not limited to the following violations:

139 (1) violating the Foreign Emoluments Clause and Domestic Emoluments Clause of
140 the United States Constitution;

141 (2) obstructing justice;

142 (3) conspiring with others to: (a) commit crimes against the United States involving the
143 solicitation and intended receipt by the Donald J. Trump campaign of things of value from a
144 foreign government and other foreign nationals; and (b) conceal those violations;

145 (4) advocating illegal violence, giving aid and comfort to white supremacists and neo-
146 Nazis, and undermining constitutional protections of equal protection under the law;

147 (5) abusing the pardon power;

148 (6) recklessly threatening nuclear war against foreign nations, undermining and
149 subverting the essential diplomatic functions and authority of federal agencies, including the
150 United States Department of State, and engaging in other conduct that grossly and wantonly
151 endangers the peace and security of the United States, its people and people of other nations, by
152 heightening the risk of hostilities involving weapons of mass destruction, with reckless disregard
153 for the risk of death and grievous bodily harm;

154 (7) directing or endeavoring to direct law enforcement, including the Department of
155 Justice and the Federal Bureau of Investigation, to investigate and prosecute political adversaries
156 and others, for improper purposes not justified by any lawful function of his office, thereby

157 eroding the rule of law, undermining the independence of law enforcement from politics, and
158 compromising the constitutional right to due process of law;

159 (8) undermining the freedom of the press;

160 (9) cruelly and unconstitutionally imprisoning children and their families; and

161 (10) making and directing illegal payments to influence the 2016 election; and

162 BE IT FURTHER RESOLVED that the Clerk of the house of representatives and Clerk
163 of the senate transmit copies of this resolution to each Senator and Representative from
164 Massachusetts in the Congress of the United States.