

SENATE No. 2156

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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: | |
|----------------------------|--|------------------|
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>1/31/2019</i> |

SENATE No. 2156

By Ms. Comerford, a petition (accompanied by resolutions, Senate, No. 2156) of Joanne M. Comerford and Mindy Domb for legislation in support of a congressional investigation regarding impeachment of President Donald J. Trump. 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 WHEREAS, on January 20, 2017, Donald J. Trump took the oath of office and became
24 President of the United States; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

132 THEREFORE, BE IT RESOLVED by the general court of the commonwealth of
133 Massachusetts that it calls upon the United States House of Representatives to support a
134 resolution authorizing and directing the Committee on the Judiciary of said House to investigate

135 whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the
136 United States, including but not limited to the following violations:

137 (1) violating the Foreign Emoluments Clause and Domestic Emoluments Clause of
138 the United States Constitution;

139 (2) obstructing justice;

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

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

145 (5) abusing the pardon power;

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

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

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

157 (8) undermining the freedom of the press;

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

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

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