SENATE DOCKET, NO. 1565 FILED ON: 1/18/2019

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:	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	
Mindy Domb	*3rd Hampshire*	*1/31/2019*

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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.

WHEREAS, the Foreign Emoluments Clause of the United States Constitution provides that "no Person holding any Office of Profit or Trust under [the United States], 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, the Domestic Emoluments Clause of the United States Constitution provides that, besides the fixed salary for his four-year term, the President "shall not receive within that Period any other Emolument from the United States, or any of them;" and

WHEREAS, Donald J. Trump, the President of the United States, owns various business interests and receives various streams of income from all over the world, by means of which he receives emoluments from foreign governments, states of the United States, or the United States itself; 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, leading constitutional scholars and government ethics experts warned Donald J. Trump shortly after the November 2016 election that, unless he fully divested his businesses and invested the money in conflict-free assets or a blind trust, he would violate the Constitution from the moment he took office; 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 businesses, but not eliminate any of the ongoing flow of emoluments from foreign governments, state governments, or the United States government; and

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

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

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

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

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

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

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

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

WHEREAS, on the date of his firing, 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 Director Comey; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) obstructing justice;

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

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

(5) abusing the pardon power;

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

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

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

(8) undermining the freedom of the press;

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

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

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