

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, RECOGNIZING THE NEED FOR AN INVESTIGATION BY THE U.S. HOUSE OF REPRESENTATIVES INTO WHETHER SUFFICIENT GROUNDS EXIST FOR IMPEACHMENT OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES OF AMERICA.

WHEREAS, the United States of America is a nation founded on the Constitution and laws; and

WHEREAS, the office of President of the United States requires the holder to faithfully execute the laws and Constitution of the nation; and

WHEREAS, no person is above the laws of the United States of America; and

WHEREAS, given an opportunity between the election and the inauguration to divest his business interests, Donald J. Trump chose to announce, just nine days before inauguration, a wholly inadequate plan to step away from operations but not ownership or income streams of the Trump Organization; and

WHEREAS, President Trump has instead chosen to profit from the presidency at public expense in violation of the United States Constitution; and

WHEREAS, President Trump's personal and business holdings in the United States and abroad present unprecedented conflicts of interest, and the President has admitted he has conflicts of interest in some cases, acknowledging that "I have a little conflict of interest, because I have a major, major building in Istanbul"; and

WHEREAS, some of these business arrangements violate the United States Constitution's Foreign Emoluments Clause, which provides: "[N]o 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 the purpose of this provision is to prevent foreign influence or corruption; and

WHEREAS, "Emoluments" from foreign governments include "any conferral of a benefit or advantage, whether through money, objects, titles, offices, or economically valuable waivers or relaxations of otherwise applicable requirements," even including "ordinary, fair market value transactions that result in any economic profit or benefit to the federal officeholder"; and

WHEREAS, many of the Trump Organization's extensive business dealings with foreign governments, businesses owned by foreign governments, and other foreign leaders violate this ban; and

WHEREAS, many legal scholars and academics have opined that President Trump would be violating the foreign emoluments ban from the moment he took office due to "a steady stream of monetary and other benefits from foreign powers and their agents" deriving from his existing business arrangements, since the President did not divest his business operations before the inauguration, thus violating the Foreign Emoluments Clause; and

WHEREAS, the Constitution's Domestic Emoluments Clause (also known as the Presidential Compensation Clause) provides: "The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them," which provision is not waivable by Congress and is designed to prevent corruption; and

WHEREAS, President Trump has chosen to continue owning businesses that receive government subsidies and tax breaks in violation of this provision of the Domestic Emoluments Clause; and

WHEREAS, President Trump's ongoing lease of the Old Post Office in Washington, D.C. in which the Trump International Hotel is located violates an explicit clause in the General Services Administration lease contract providing: "No . . . elected official of the Government of the United States . . . shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom . . ."; and

WHEREAS, the General Services Administration responded to Congress in December 2016 that it could not make a determination "until the full circumstances surrounding the president-elect's business arrangements have been finalized and he has assumed office." And, where the President has announced his business arrangements which have not included any divestment of the President's interest in the lease of the Old Post Office, but the General Services Administration is not pursuing any legal action to enforce the lease provision; and

WHEREAS, the House Committee on the Judiciary should also investigate whether President Trump is violating the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), which is one of the few federal ethics statutes that specifically includes the President, and among its provisions prohibits the President from (1) using nonpublic information for private profit, and from (2) intentionally influencing an employment decision or practice of a private entity solely on the basis of partisan political affiliation; and

WHEREAS, the decision by President Trump to terminate the director of the Federal Bureau of Investigation, and whether such decision was done to obstruct an ongoing federal investigation relating to the President's personal and campaign relationships with a foreign government require investigatory action by the House Committee on the Judiciary; and

WHEREAS, the United States Constitution vests the power to impeach in the House of Representatives, while charging the Senate with the power to try impeachments, thus providing the House votes whether to bring the charge(s), and the Senate tries the case, with the House vote of impeachment requiring a simple majority, but the Senate requiring a two-thirds majority to convict; and

WHEREAS, to initiate impeachment proceedings, a document or resolution calling for a committee investigation of charges against the officer in question must be referred to the House Committee on Rules, which may refer it to the House Judiciary Committee for investigation;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council calls upon the House of Representatives to initiate impeachment proceedings by a resolution calling for a committee investigation into the

actions or inactions of President Donald J. Trump, and whether such acts by the President are impeachable.

2. The Olympia City Council further ratifies and confirms the principle that no person is above the laws of the United States of America, including the person holding office of President of the United States, and that a government of laws requires a thorough, honest, investigation and inquiry into the allegations against President Donald J. Trump.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of June, 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY