


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. 86812 C.M.S.

INTRODUCED BY COUNCILMEMBERS DAN KALB AND ABEL GUILLEN
AND CITY ATTORNEY BARBARA J. PARKER

ADOPT A RESOLUTION CALLING ON THE UNITED STATES CONGRESS TO THOROUGHLY AND DELIBERATELY INVESTIGATE ANY AND ALL APPARENT OR ALLEGED OFFENSES BY PRESIDENT DONALD TRUMP THAT MAY RISE TO THE LEVEL OF AN IMPEACHABLE OFFENSE.

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

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

WHEREAS, Obstruction of Justice is considered a serious offense and the President of the United States should not be and is not considered above the law; and

WHEREAS, on February 11, 2017, President Trump hosted Japanese Prime Minister Shinzo Abe at the Trump-owned Mar-A-Lago resort, a visit in which Trump discussed classified information about a recent North Korean missile test in an open, non-confidential setting; and

WHEREAS, on May 10, 2017, President Trump released classified and sensitive information to senior officials in the Russian government; and

WHEREAS, on May 9, 2017, President Trump fired Mr. James Comey, the FBI Director who was leading the investigation into whether Trump's own advisors colluded with Russian officials to manipulate the 2016 Presidential election outcome; and

WHEREAS, prior to the firing of FBI Director James Comey, President Trump allegedly had asked Mr. Comey to end the FBI investigation of former National Security Advisor Michael Flynn; 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 any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State" and Article II, Section 1 of the Constitution, the Domestic Emoluments Clause, stipulates that, beyond 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, an "emolument" may be defined as including a broad range of financial benefits, including but not limited to, monetary payments, purchase of goods and services, subsidies, and tax breaks; and

WHEREAS, the above clauses are generally interpreted as anti-bribery provisions that seek to prevent business dealings between a company owned by an elected official and a foreign government, and/or by a company owned by an elected official and a domestic government; and

WHEREAS, many of President Donald Trump's businesses continue to receive streams of income that include emoluments from foreign governments, states of the United States, or the United States itself; and

WHEREAS, in his conduct while President of the United States, Donald Trump, 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, and may rise to the level of a high crime; and

WHEREAS, Article II, Section 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"; now, therefore, be it

RESOLVED: That the Oakland City Council hereby supports timely and deliberative Congressional action to investigate whether sufficient grounds exist for the impeachment of President Donald J. Trump, including but not limited to the violations listed herein; and be it

FURTHER RESOLVED: That the Oakland City Council calls upon the United States House of Representatives to support a resolution authorizing and directing the House Committee on the Judiciary to initiate such investigation; and be it

FURTHER RESOLVED: That the City Administrator is directed to send a copy of this Resolution on behalf of the City Council to Congresswoman Barbara Lee, United State Senators Dianne Feinstein and Kamala Harris, and U.S. Attorney General Jeff Sessions.

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IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 27 2017

PASSED BY THE FOLLOWING VOTE: *Brooks, Campbell Washington, Gallo, McElhenny, Gaulten, Korb, and Reid*

AYES - *8*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST.

Latonda Simmons
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California