

File No. 171143

Committee Item No. _____

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: October 31, 2017

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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OTHER

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Prepared by: Lisa Lew
Prepared by: _____

Date: October 27, 2017
Date: _____

1 [Urging the United States Congress to Initiate Impeachment Proceedings for President Donald
2 J. Trump]

3 **Resolution urging the United States Congress to initiate impeachment proceedings for**
4 **President Donald J. Trump for obstruction of justice, collusion, violation of the Foreign**
5 **Emoluments Clause, and other high crimes and misdemeanors, as defined herein.**

6
7 WHEREAS, Any person, even the person holding the office of the President of the
8 United States, may not intentionally, or "corruptly endeavored to influence, obstruct, or impede
9 the due and proper administration of the law" in an investigation or other proceeding; and

10 WHEREAS, The Federal Bureau of Investigation ("FBI") had initiated investigations into
11 improper ties and possible collusion between the Russian government and the 2016
12 presidential campaign of Donald J. Trump; and

13 WHEREAS, Donald J. Trump, now the President of the United States, had repeatedly
14 sought to influence these investigations by pressuring FBI Director James Comey to swear
15 loyalty to President Trump and to provide details of whether he was under investigation on
16 January 27, 2017; and

17 WHEREAS, President Trump's National Security Advisor Michael Flynn resigned on
18 February 13, 2017, after revelations that he was a blackmail risk for having spoken and lied
19 about his interactions with Russian ambassador Sergey Kislyak about U.S. sanctions during
20 the presidential transition period; and

21 WHEREAS, As recorded in the FBI Director's contemporaneous notes of a meeting with
22 President Trump on February 14, 2017, President Trump dismissed a large group, including
23 Attorney General Jeff Sessions and President Trump's son-in-law and senior adviser, Jared
24 Kushner, to speak with FBI Director Comey alone; and

1 WHEREAS, President Trump attempted to influence a continuing investigation by
2 privately telling FBI Director Comey in the February 14, 2017 meeting: "I hope you can see
3 your way clear to letting this go, to letting Flynn go... He is a good guy. I hope you can let this
4 go;" and

5 WHEREAS, FBI Director Comey confirmed publicly on March 20, 2017, that the FBI is
6 investigating Russian government links to the Trump campaign; and

7 WHEREAS, In a March 30, 2017, phone conversation, President Trump asked FBI
8 Director Comey what could be done to "lift the cloud" of the FBI investigation and if FBI
9 Director Comey could announce publicly that President Trump was not personally under
10 investigation; and

11 WHEREAS, President Trump fired FBI Director James Comey on May 9, 2017; and

12 WHEREAS, These facts were confirmed by FBI Director Comey's testimony to
13 Congress under oath on June 8, 2017; and

14 WHEREAS, President Trump invited two targets of an ongoing FBI counterintelligence
15 investigation, Russian Foreign Minister Sergei Lavrov and Russian Ambassador to the U.S.
16 Sergey Kislyak, to a special Oval Office meeting on May 10, 2017; and

17 WHEREAS, According to an official White House document summarizing the May 10,
18 2017, meeting with the Russian government, President Trump connected the firing of FBI
19 Director Comey with the investigation: "I just fired the head of the FBI. He was crazy, a real
20 nut job," and "I faced great pressure because of Russia. That's taken off...I'm not under
21 investigation;" and

22 WHEREAS, In a public interview with NBC News on May 11, 2017, President Trump
23 dismissed any other alternative explanations of the firing of FBI Director Comey, stating:
24 "Regardless of recommendation, I was going to fire Comey," and connected the firing of FBI
25 Director Comey again to the FBI investigation, explaining, "In fact, when I decided to just do it,

1 I said to myself, I said, you know, this Russia thing with Trump and Russia is a made-up
2 story;" and

3 WHEREAS, On May 12, 2017, President Trump made FBI Director Comey the subject
4 of a threatening tweet: "James Comey better hope that there are no 'tapes' of our
5 conversations before he starts leaking to the press;" and

6 WHEREAS, On May 17, 2017, President Trump berated Attorney General Jeff Sessions
7 in an Oval Office meeting as an "idiot" and demanded he should resign; and

8 WHEREAS, In the May 17 meeting in the Oval Office, President Trump accused
9 Attorney General Sessions for "disloyalty" by recusing himself from the Justice Department's
10 Russia resignation and allowing the appointment of a special counsel; and

11 WHEREAS, President Trump corruptly endeavored to influence, obstruct, and otherwise
12 impede a FBI investigation through multiple private and public threats issued from January 27,
13 2017, until the present day; and

14 WHEREAS, On the date of his firing, FBI Director Comey was leading one or more
15 investigations that might have incriminated President Trump and/or his close associates; and

16 WHEREAS, Regardless of the ultimate outcome of those criminal investigations,
17 President Trump interfered with them by firing FBI Director Comey, which constitutes
18 obstruction of justice; and

19 WHEREAS, The person holding the office of the President of the United States owes
20 sole allegiance to the Constitution of the United States of America; and must be above any
21 suspicion that he is influenced or affected by the interests of any foreign nation or official; and

22 WHEREAS, There have been credible and serious allegations that a foreign
23 government, that of the autocratic ruler of Russia, Vladimir Putin, engaged in a concerted
24 effort to influence the outcome of the November 8, 2016, United States presidential election,
25

1 and that Donald Trump's presidential campaign and or its representatives or surrogates may
2 have coordinated with President Putin's government in such activities; and

3 WHEREAS, Trump business associate Felix Sater wrote a series of emails to Michael
4 Cohen, and predicted that building a Trump Tower in Moscow would benefit his candidacy on
5 November 3, 2016: "I will get Putin on this program and we will get Donald elected...our boy
6 can become President of the USA and we can engineer it;" and

7 WHEREAS, Trump's lawyer and top company executive, Michael Cohen, testified that
8 he discussed the deal three times with Trump and that Trump signed a letter of intent with the
9 company on October 28, 2015; and

10 WHEREAS, Trump traded praise with Putin and responded to questions about Putin
11 allegedly ordering the murder of journalists on MSNBC, December 18, 2015: "He's running his
12 country and at least he's a leader, unlike what we have in this country...I think our country
13 does plenty of killing also;" and

14 WHEREAS, Through email in mid-January 2016, Trump's representative Michael
15 Cohen requested assistance from Putin's personal spokesperson, Dmitry Peskov, to revive
16 the Trump Tower deal in Moscow: "Over the past few months I have been working with a
17 company based in Russia regarding the development of a Trump Tower-Moscow project in
18 Moscow City...As this project is too important, I am hereby requesting your assistance;" and

19 WHEREAS, Any violation of the Emoluments Clauses or coordination with a foreign
20 government to influence the outcome of a presidential election undermines the integrity of the
21 Presidency, violates the public trust, and advances the personal wealth of the President
22 and/or his family; and

23 WHEREAS, Acts of illegal collusion include campaign finance violations, conspiracy,
24 bribery, and fraud; and

1 WHEREAS, U.S. intelligence agencies believe that Democratic National Committee and
2 Clinton campaign official emails were stolen by Russian hackers backed by the Russian
3 government, given to Wikileaks, and released publicly in several waves over the final months
4 of the 2016 election as part of a broader effort to interfere in the race on Trump's behalf; and

5 WHEREAS, Section 30121 of Title 52 makes it a crime for any foreigner to contribute or
6 donate money or some "other thing of value" in connection with an American election, or for
7 an individual to solicit a foreigner to do so; and

8 WHEREAS, Campaign advisor Donald J. Trump Jr. was introduced via email to a
9 lawyer described as "part of Russia and its government's support for Mr. Trump" and
10 promised "very high level and sensitive" information on presidential candidate Hillary Clinton;
11 and

12 WHEREAS, Donald Trump Jr. responded via email: "If it's what you say I love it," and
13 coordinated a meeting with campaign chairman Paul J. Manafort and campaign advisor Jared
14 Kushner on June 9, 2016; and

15 WHEREAS, Donald Trump Jr. understood the information exchanged with a foreign
16 entity would be used for the illegal purpose of influencing an election; and

17 WHEREAS, The stolen emails qualify as a "thing of value" and sharing them constituted
18 illegal collusion under campaign finance law, because they provided a valuable resource for
19 the Trump campaign, who touted the Wikileaks documents numerous times throughout the
20 election; and

21 WHEREAS, On July 8, 2017, as advisers and lawyers to Jared Kushner advocated for a
22 more transparent disclosure of these Russian contacts, President Trump overruled the
23 consensus and directed that Trump Jr.'s statement to the New York Times describe the
24 meeting as unimportant; and

1 WHEREAS, On July 8, 2017, aboard Air Force One, President Trump personally
2 dictated a misleading statement in which Trump Jr. said that he and the Russian lawyer had
3 primarily discussed an adoption program and emphasized that the subject of the June 2016
4 meeting was "not a campaign issue at the time;" and

5 WHEREAS, President Trump was directly involved in a cover-up and created a public
6 statement to throw investigators off track; and

7 WHEREAS, These statements and actions of President Trump and his subordinates
8 also reinforce the obstruction-of-justice inquiry against President Trump that the special
9 counsel, Robert Mueller, began pursuing in spring 2017, after the firing of FBI Director James
10 Comey; and

11 WHEREAS, Any acts of illegal collusion or coordination under campaign finance law or
12 intelligence from foreign countries in connection to an American election that provides the
13 Trump campaign with valuable resources erodes the integrity of the presidential election race;
14 and

15 WHEREAS, Article I, Section 9, Clause 8 of the United States Constitution, the Foreign
16 Emoluments Clause, provides that "no Person holding any Office of Profit or Trust under
17 them, shall, without the Consent of the Congress, accept of any present, Emolument, Office,
18 or Title, of any kind whatever, from any King, Prince, or foreign State;" and

19 WHEREAS, Article II, Section 1 of the United States Constitution, the Domestic
20 Emoluments Clause, provides that, apart from the fixed salary for their four-year term, the
21 President "shall not receive within that Period any other Emolument from the United States, or
22 any of them;" and

23 WHEREAS, According to scholars, the Foreign Emoluments Clause reflects the
24 Framers' determined effort to ensure that no federal officeholder in the United States ever
25 could be influenced by gifts of any kind from a foreign government; and

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

5 WHEREAS, Donald J. Trump, now the President of the United States, owns various
6 business interests and receives various streams of income from all over the world; and

7 WHEREAS, Many of these businesses receive, and streams of income include,
8 emoluments from foreign governments, states of the United States, or the United States itself;
9 and

10 WHEREAS, Leading constitutional scholars and government ethics experts warned
11 Donald J. Trump shortly after the November 2016 election that, unless he full divested his
12 businesses and invested the money in conflict-free assets or a blind trust, he was risking
13 violation of the Constitution; and

14 WHEREAS, On January 11, 2017, nine days before his inauguration, Donald J. Trump
15 announced a plan that would, if carried out, remove him from day-to-day operations of his
16 business, but not eliminate any of the ongoing flow of emoluments from foreign governments,
17 state governments, or the United States government; and

18 WHEREAS, Under Article II of the Constitution, the Presidential power of pardon is
19 understood in context that the President “take Care that the Laws be faithfully executed;” and

20 WHEREAS, President Trump undermined judicial authority by pardoning Joe Arpaio,
21 the former sheriff of Maricopa County, who was found guilty of criminal contempt by willfully
22 defying a court order to halt his violations of constitutional and civil rights, specifically racially
23 profiling and detaining Latinos on solely suspicion of immigration status; and

24 WHEREAS, Joe Arpaio, the former sheriff of Maricopa County, continued to violate civil
25 rights by promoting inhumane conditions in his jails, physical abuse of inmates, spiraling

1 suicide rates, and the creation of an outdoor "Tent City" jail, where thousands of inmates were
2 housed in the sweltering Arizona heat and forced to work on chain gangs; and

3 WHEREAS, President Trump attacked the independent constitutional authority of Article
4 III judges by pardoning willful defiance of a federal judge's lawful order to enforce the
5 Constitution; and

6 WHEREAS, President Trump undermined the U.S. Justice Department by undoing the
7 outcome of a criminal contempt prosecution and exerted early undue political influence on the
8 Justice Department on this matter; and

9 WHEREAS, Through the Arpaio pardon, President Trump has exhibited presidential
10 contempt for the Constitution and has triggered a crisis in enforcement of the rule of law,
11 which constitute impeachable offenses; and

12 WHEREAS, Key drafter of the U.S. Constitution James Madison has described
13 impeachment as the proper response to abuse of pardon power at the Virginia ratifying
14 convention; and

15 WHEREAS, Under Section 4 of the 25th Amendment, a President may also be removed
16 for being "unable to discharge the powers and duties of his office;" and

17 WHEREAS, According to constitutional law scholar Laurence Tribe, such incapacity can
18 include "an inability that can be manifested by gross and pathological inattention or
19 indifference to, or failure to understand, the limits of those powers or the mandatory nature of
20 those duties;" and

21 WHEREAS, As of August 2017, over 60,000 mental health professionals have signed a
22 petition to President Trump's cabinet, stating that in their professional judgment, "Donald
23 Trump manifests a serious mental illness that renders him psychologically incapable of
24 competently discharging the duties of President of the United States;" and

1 WHEREAS, President Trump's erratic conduct in domestic and foreign affairs as well as
2 denial of environmental science could lead to nuclear war, racial violence, and natural
3 catastrophes caused by climate change; and

4 WHEREAS, The 25th Amendment - which empowers the vice president and Cabinet to
5 remove a president who is incapable of serving - should be invoked to evaluate President
6 Trump's "fitness to serve" and potential removal from office; and

7 WHEREAS, In his conduct while President of the United States, Donald Trump also
8 appears to be in violation of his constitutional oath to preserve, protect, and defend the
9 Constitution of the United States, and has engaged in conduct that resulted in apparent
10 misuse and abuse of this high office; and

11 WHEREAS, The above abuses and transgressions undermine the integrity of the
12 Presidency, violate the public trust, endanger our national security, and may rise to the level
13 of High Crimes; and

14 WHEREAS, Article II, Section 4 of the United States Constitution states, "The President,
15 Vice President and all civil officers of the United States, shall be removed from office on
16 impeachment for, and conviction of, treason, bribery, or other high crimes and
17 misdemeanors;" and

18 WHEREAS, Our democracy is premised on the bedrock principle that no one is above
19 the law, not even the President of the United States; and

20 WHEREAS, A growing number of local governments have joined the call for an
21 impeachment investigation, including California municipalities Los Angeles, Richmond,
22 Alameda, Berkeley, Oakland, and Santa Cruz; now, therefore, it be

23 RESOLVED, The San Francisco Board of Supervisors calls upon the United States
24 House of Representatives to support a resolution authorizing and directing the House
25 Committee on the Judiciary to investigate whether sufficient grounds exist for the

1 impeachment of Donald J. Trump, President of the United States, including but not limited to
2 the violations listed herein; and, be it

3 FURTHER RESOLVED, We call upon the California Legislature to adopt its own
4 resolution calling upon the United States House of Representatives to support a resolution
5 authorizing an investigation into whether sufficient grounds exist for the impeachment of
6 Donald J. Trump, President of the United States; and, be it

7 FURTHER RESOLVED, That a copy of this resolution be transmitted officially to U.S.
8 Congresswoman Nancy Pelosi, San Francisco's representative to the United States House of
9 Representatives; and, be it

10 FURTHER RESOLVED, That copies of this resolution be transmitted officially to
11 Assembly Members Phil Ting and David Chiu as well as Senator Scott Wiener, San
12 Francisco's representatives to the California Legislature.

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Fewer; Ronen, Tang, Safai, Sheehy, Breed, and Farrell

Subject:

Urging the United States Congress to Initiate Impeachment Proceedings for President Donald J. Trump

The text is listed:

Resolution urging the United States Congress to initiate impeachment proceedings for President Donald J. Trump for obstruction of justice, collusion, violation of the Foreign Emoluments Clause, and other high crimes and misdemeanors.

Signature of Sponsoring Supervisor: *Brandon Lee Fewer*

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