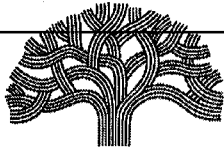


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CITY OF OAKLAND

## Agenda Memo

**CITY HALL - ONE FRANK H. OGAWA PLAZA, 2<sup>ND</sup> FLOOR - OAKLAND - CALIFORNIA - 94612**

**FROM:**

**DAN KALB**  
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**ABEL GUILLEN**  
Councilmember District 2

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**BARBARA PARKER**  
City Attorney

(510) 238-3601  
E-mail: [BParker@oaklandcityattorney.org](mailto:BParker@oaklandcityattorney.org)

**TO:** Rules and Legislation Committee

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**SUBJECT:** Resolution Calling for Congressional Investigation of Impeachable Offenses by President Donald Trump

**DATE:** June 20, 2017

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Dear Members of the Rules and Legislation Committee,

Councilmember Kalb and Guillen and City Attorney Parker respectfully ask you to adopt the following resolution:

**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.**

If adopted by the Council, this resolution will:

- Put the Oakland City Council on the record as supporting timely and deliberative Congressional action to investigate whether sufficient grounds exist for the impeachment of President Donald J. Trump

- 
- Add the Oakland City Council's voice to calling upon the United States House of Representatives to support a resolution authorizing and directing the House Committee on the Judiciary to initiate such investigation
  - Notify Congresswoman Barbara Lee, United State Senators Dianne Feinstein and Kamala Harris, and U.S. Attorney General Jeff Sessions of Oakland's position on this matter.

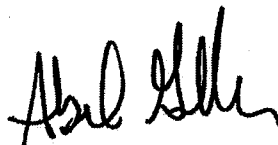
Thank you!

Respectfully submitted,



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Councilmember Kalb



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Councilmember Guillen

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City Attorney Parker

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Approved as to Form and Legality

**DRAFT**  
City Attorney's Office

# OAKLAND CITY COUNCIL

## RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

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**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

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**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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

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