

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING ALL LEGISLATIVE ACTION BY THE UNITED STATES CONGRESS TO INVESTIGATE WHETHER PRESIDENT DONALD J. TRUMP HAS VIOLATED THE FOREIGN OR DOMESTIC EMOLUMENTS CLAUSES OF THE UNITED STATES CONSTITUTION OR COMMITTED ANY OTHER HIGH CRIME OR MISDEMEANOR SUFFICIENT TO WARRANT THE COMMENCEMENT OF IMPEACHMENT PROCEEDINGS.

WHEREAS, the person holding the office of the President of the United States owes sole allegiance to the Constitution of the United States of America, and must be above any suspicion of influence by the interests of any foreign nation or official; and

WHEREAS, on January 20, 2017, Donald J. Trump took the oath of office and became the 45th President of the United States; 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...[the United States], 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

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

WHEREAS, pursuant to Article II, Section 4 of the United States Constitution, the "President...shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors"; and

WHEREAS, according to scholars, the Foreign Emoluments Clause reflects the determined effort of the Framers of the United States Constitution to ensure that no federal officeholder in the United States could be influenced by gifts of any kind from a foreign government; 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, Donald J. Trump, the President of the United States, owns various business interests and receives various streams of income from within the United States and from all over the world; and

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

WHEREAS, in addition, there have been credible and serious allegations that Russia engaged in a concerted effort to influence the outcome of the November 8, 2016 United States presidential election, and that Donald Trump's presidential campaign, and/or its representatives or surrogates, may have participated in such activities; and

WHEREAS, in recent testimony before the Senate Judiciary Committee's subcommittee on crime and terrorism, Former Acting Attorney General Sally Yates told Congress that she warned the Trump White House on January 26th that the new National Security Advisor, Michael Flynn, could be blackmailed by the Russian government due to inconsistencies in his reported contacts with Russian Ambassador Sergey Kislyak; however, Mr. Flynn was not fired until 18 days later; and

WHEREAS, on the day following the testimony of Former Acting Attorney General Sally Yates before the Senate Judiciary Committee's subcommittee, President Trump fired FBI Director James Comey, who had been leading an investigation into President Trump's 2016 presidential campaign's possible collusion with Russia to influence the election's outcome; and

WHEREAS, as a recent example of activities raising questions of improper activities and conflict of interest, the Kushner Companies, controlled by President Trump's son-in-law, Jared Kushner, have offered EB-5 Visas to Chinese investors in exchange for investments in New Jersey real estate; and

WHEREAS, any violation of the Emoluments Clauses, or coordination with a foreign government to influence the outcome of a presidential election, or the commission of any acts constituting high Crimes or Misdemeanors, undermines the integrity of the Presidency, violates the public trust, and improperly advances the personal wealth of the President and/or his family; and

WHEREAS, our democracy is premised on the bedrock principle that no one is above the law, not even the President of the United States.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby support all legislative action by the United States Congress to investigate whether President Donald J. Trump has violated the Foreign or Domestic Emoluments Clauses of the United States Constitution or committed any other high Crime or Misdemeanor sufficient to warrant the commencement of impeachment proceedings.

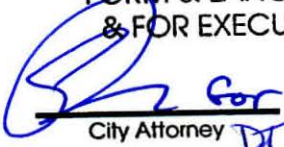
PASSED AND ADOPTED this ____ day of May, 2017.

ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5/12/17
Date