
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 32 Session of
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INTRODUCED BY HAYWOOD, FEBRUARY 26, 2019

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, FEBRUARY 26, 2019

A RESOLUTION

1 Urging the United States House of Representatives to consider
2 the adoption of articles of impeachment against President
3 Donald J. Trump.

4 WHEREAS, Article I, Section 9, Clause 8 (the foreign
5 emoluments clause) of the Constitution of the United States
6 provides the following: "No Title of Nobility shall be granted
7 by the United States: And no Person holding any Office of Profit
8 or Trust under them, shall, without the Consent of the Congress,
9 accept of any present, Emolument, Office, or Title, of any kind
10 whatever, from any King, Prince, or foreign State"; and

11 WHEREAS, Article II, Section 1, Clause 7 (the domestic
12 emoluments clause) of the Constitution of the United States
13 provides the following: "The President shall, at stated Times,
14 receive for his Services, a Compensation, which shall neither be
15 increased nor diminished during the Period for which he shall
16 have been elected, and he shall not receive within that Period
17 any other Emolument from the United States, or any of them"; and

18 WHEREAS, Donald J. Trump, the President of the United States,
19 owns various business interests and receives various streams of

1 income from all over the world, by means of which he receives
2 emoluments from foreign governments, states of the United States
3 or the United States itself; and

4 WHEREAS, The term "emoluments" includes a broad range of
5 financial benefits, including, but not limited to, monetary
6 payments, purchase of goods and services even for fair market
7 value, subsidies, tax breaks, extensions of credit and favorable
8 regulatory treatment; and

9 WHEREAS, Leading constitutional scholars and government
10 ethics experts warned Mr. Trump shortly after the November 2016
11 election that, unless he fully divested his businesses and
12 invested the money in conflict-free assets or a blind trust, he
13 would violate the Constitution from the moment he took office;
14 and

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

21 WHEREAS, On January 20, 2017, Mr. Trump took the oath of
22 office and became President of the United States; and

23 WHEREAS, From the moment he took office, President Trump has
24 been in violation of the foreign emoluments clause and the
25 domestic emoluments clause of the Constitution of the United
26 States, thereby corruptly advancing his personal wealth,
27 undermining the integrity of the presidency and violating the
28 public trust; and

29 WHEREAS, Under 52 U.S.C. § 30121(a)(1)(A), it is unlawful for
30 a foreign national, directly or indirectly, to make "a

1 contribution or donation of money or other thing of value, or to
2 make an express or implied promise to make a contribution or
3 donation, in connection with a Federal, State, or local
4 election"; and

5 WHEREAS, Under 52 U.S.C. § 30121(a)(2), it is unlawful for "a
6 person to solicit, accept, or receive" such a contribution or
7 donation from a foreign national; and

8 WHEREAS, On June 3, 2016, Donald J. Trump, Jr., Mr. Trump's
9 eldest son, exchanged a series of emails scheduling a meeting to
10 receive incriminating information about his father's general
11 election opponent, which was described as coming from the
12 Russian government, as "part of Russia and its government's
13 support for Mr. Trump"; and

14 WHEREAS, On June 9, 2016, Mr. Trump, Jr., Paul Manafort, Mr.
15 Trump's then-campaign chairman, and Jared Kushner, Mr. Trump's
16 son-in-law and senior advisor, met with several Russian citizens
17 linked to the Russian government with the intention of acquiring
18 the information offered in the June 3 emails; and

19 WHEREAS, On July 8, 2017, the day this meeting was publicly
20 revealed, Mr. Trump, Jr., released a public statement which was
21 later shown to be misleading about the circumstances and purpose
22 of the meeting; and

23 WHEREAS, It has been reported that President Trump personally
24 dictated his son's misleading statement about the meeting; and

25 WHEREAS, On May 9, 2017, President Trump fired James Comey,
26 the Director of the Federal Bureau of Investigation; and

27 WHEREAS, On the date of his firing, Director Comey was
28 leading one or more investigations that might have incriminated
29 President Trump and his close associates; and

30 WHEREAS, Regardless of the ultimate outcome of those criminal

1 investigations, President Trump interfered with them by firing
2 Director Comey; and

3 WHEREAS, President Trump has advocated illegal violence,
4 given aid and comfort to white supremacists and neo-Nazis and
5 undermined the constitutional protections of equal protection
6 under law; and

7 WHEREAS, In August 2017, after neo-Nazis and white
8 supremacists marched on Charlottesville, Virginia, murdering one
9 peaceful protestor and injuring several others in a terror
10 attack, President Trump blamed the violence on "both sides" and
11 stated that the neo-Nazi and white supremacist marchers included
12 "very fine people"; and

13 WHEREAS, President Trump has abused the pardon power of the
14 President; and

15 WHEREAS, On August 25, 2017, President Trump pardoned Joseph
16 Arpaio, the former Sheriff of Maricopa County, Arizona, who was
17 convicted of criminal contempt of court for willfully and openly
18 defying a judicial order to cease a practice, which the court
19 found to be unconstitutional, of detaining individuals, based on
20 their presumed Latino ancestry, without reasonable suspicion
21 that they had committed any crime; and

22 WHEREAS, It is believed that in our nation's history, no
23 previous president has ever pardoned a public official convicted
24 of criminal contempt of court for willfully disobeying a court
25 order to stop violating individuals' constitutional rights; and

26 WHEREAS, The pardon undermines separation of powers and due
27 process of law by allowing an official to flout a judicial
28 mandate without consequences; and

29 WHEREAS, The pardon sends a dangerous message to unscrupulous
30 government officials who may be inclined to follow in Mr.

1 Arpaio's path and to President Trump's associates who may be
2 subpoenaed in connection with ongoing Federal investigations
3 that President Trump may be willing to use the pardon power to
4 protect them from negative consequences for defying court
5 orders, further undermining separation of powers and due process
6 of law and obstructing justice; and

7 WHEREAS, In the late summer of 2017, President Trump made
8 increasingly reckless public threats against North Korea,
9 including that "being nice to Rocket Man hasn't worked," that
10 "military solutions" were "locked and loaded," that he had
11 instructed the Secretary of State that he was "wasting his time"
12 negotiating with North Korean leadership because "we'll do what
13 has to be done," that the United States might have no choice but
14 to "totally destroy" North Korea, that North Korea "will be met
15 with fire and fury like the world has never seen," that "only
16 one thing will work" and that North Korea or its leadership
17 "won't be around much longer"; and

18 WHEREAS, President Trump reportedly informed a member of the
19 United States Senate that he would use the military option
20 against North Korea if it continued testing missiles; and

21 WHEREAS, After President Trump reportedly told senior
22 advisers that he wanted to increase the country's nuclear
23 weapons stockpile eightfold, the Secretary of State was so
24 alarmed by the president's lack of understanding of the risks of
25 nuclear weapons that he reportedly referred to the president as
26 a "moron"; and

27 WHEREAS, The existing tension between the United States and
28 North Korea, in addition to the lack of accurate understanding
29 of intentions of the leadership of the United States and North
30 Korea, means that threats of invasion or bombing could easily

1 lead to a further misunderstanding or miscalculation resulting
2 in the use of nuclear weapons by either or both sides; and

3 WHEREAS, Such a conflagration could quickly spread to South
4 Korea, Japan, China and Russia, the latter two of which also
5 have and might be drawn into an exchange of nuclear weapons; and

6 WHEREAS, Available public evidence suggests that President
7 Trump does not understand, or is unwilling or unable to
8 understand, the risks of the use of nuclear weapons or of how
9 the North Korean leadership could interpret or misinterpret his
10 verbal threats or movement of military forces as military
11 attacks that lead them to respond with conventional or nuclear
12 attacks on the United States or other nations; and

13 WHEREAS, President Trump's reckless threats of nuclear war
14 against foreign nations, undermining and subverting the
15 essential diplomatic functions and authority of Federal
16 agencies, including the United States Department of State, and
17 other conduct that heightens the risk of hostilities involving
18 weapons of mass destruction, grossly and wantonly endanger the
19 peace and security of the United States, its people and people
20 of other nations, with reckless disregard for the risk of death
21 and grievous bodily harm; and

22 WHEREAS, President Trump has issued public statements,
23 including on Twitter, pressuring the United States Department of
24 Justice and the Federal Bureau of Investigation to investigate
25 Hillary Clinton, the Democratic Party and other political
26 adversaries; and

27 WHEREAS, President Trump has issued public comments on other
28 pending criminal and court martial proceedings, with the evident
29 purpose to direct and influence the prosecution and outcome of
30 specific proceedings, to the detriment of the independence of

1 law enforcement from command influence and in derogation of the
2 right to a fair trial; and

3 WHEREAS, President Trump has directed or endeavored to direct
4 law enforcement, including the United States Department of
5 Justice and the Federal Bureau of Investigation, to investigate
6 and prosecute political adversaries and others, for improper
7 purposes not justified by any lawful function of his office,
8 thereby eroding the rule of law, undermining the independence of
9 law enforcement from politics and compromising the
10 constitutional right to due process of law; and

11 WHEREAS, President Trump has repeatedly attacked major United
12 States news organizations as "fake news" and "the enemy of the
13 American people," and abused the power of his office in efforts
14 to retaliate against the independent press, thus undermining the
15 freedom of the press at home and abroad; and

16 WHEREAS, President Trump, through his administration, has
17 cruelly and deliberately imprisoned children who have committed
18 no crime, separately from their parents, in violation of the
19 fundamental human rights of both parents and children in
20 contravention of the Constitution of the United States, in some
21 cases resulting in permanent separation of children from their
22 parents due to governmental action, in violation of due process
23 of law and the prohibition against cruel and unusual punishment;
24 and

25 WHEREAS, President Trump stands accused by his own personal
26 attorney of having made and directed payments of "hush money" to
27 prevent two former mistresses from speaking publicly about his
28 extramarital affairs, for the purpose of influencing the 2016
29 election and in violation of Federal campaign finance law;
30 therefore be it

1 RESOLVED, That the Senate of the Commonwealth of Pennsylvania
2 urge the United States House of Representatives to consider the
3 adoption of articles of impeachment against President Donald J.
4 Trump; and be it further

5 RESOLVED, That the Senate of the Commonwealth of Pennsylvania
6 support a resolution authorizing and directing the Committee on
7 the Judiciary of the United States House of Representatives to
8 fully investigate whether sufficient grounds exist for the
9 impeachment of Donald J. Trump, President of the United States,
10 including, but not limited to, the following violations:

11 (1) violating the foreign emoluments clause and domestic
12 emoluments clause of the Constitution of the United States;

13 (2) obstructing justice;

14 (3) conspiring with others to:

15 (i) commit crimes against the United States
16 involving the solicitation and intended receipt by the
17 Trump campaign of things of value from a foreign
18 government and other foreign nationals; and

19 (ii) conceal those violations;

20 (4) advocating illegal violence, giving aid and comfort
21 to white supremacists and neo-Nazis and undermining
22 constitutional protections of equal protection under the law;

23 (5) abusing the pardon power;

24 (6) recklessly threatening nuclear war against foreign
25 nations, undermining and subverting the essential diplomatic
26 functions and authority of Federal agencies, including the
27 United States Department of State, and engaging in other
28 conduct that grossly and wantonly endangers the peace and
29 security of the United States, its people and people of other
30 nations by heightening the risk of hostilities involving

1 weapons of mass destruction, with reckless disregard for the
2 risk of death and grievous bodily harm;

3 (7) directing or endeavoring to direct law enforcement,
4 including the United States Department of Justice and the
5 Federal Bureau of Investigation, to investigate and prosecute
6 political adversaries and others for improper purposes not
7 justified by any lawful function of his office, thereby
8 eroding the rule of law, undermining the independence of law
9 enforcement from politics and compromising the constitutional
10 right to due process of law;

11 (8) undermining the freedom of the press;

12 (9) cruelly and unconstitutionally imprisoning children
13 and their families; and

14 (10) making and directing illegal payments to influence
15 the 2016 election;

16 and be it further

17 RESOLVED, That copies of this resolution be transmitted to
18 each member of the United States House of Representatives who
19 represents Pennsylvania.