

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: April 26, 2017

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations,  
and Neighborhoods Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No.: 17-0002-S45  
Assignment No.: 17-03-0366

SUBJECT: Resolution to Support “any legislative action to investigate whether President Donald J. Trump has violated the Foreign Emoluments Clause of the United States Constitution or committed any other high crime or misdemeanor sufficient to warrant commencement of impeachment proceedings.”

CLA RECOMMENDATION: Adopt Resolution (Blumenfield, Cedillo - O’Farrell, et al.) to include in the City’s 2017 - 2018 Federal Legislative Program SUPPORT for “any legislative action to investigate whether President Donald J. Trump has violated the Foreign Emoluments Clause of the United States Constitution or committed any other high crime or misdemeanor sufficient to warrant commencement of impeachment proceedings.”

SUMMARY:

The subject Resolution, introduced on March 31, 2017, advises that 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 of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State;" and that Article II, Section 1 of the United States Constitution, the Domestic Emoluments Clause, provides that, apart from the fixed salary for his four-year term, the President "shall not receive within that Period any other Emolument from the United States, or any of them."

The Resolution further advises that any violation of the Emoluments Clauses or coordination with a foreign government to influence the outcome of a presidential election undermines the integrity of the Presidency, violates the public trust, and advances the personal wealth of the President and/or his family. The Resolution therefore requests that the City support “any legislative action to investigate whether President Donald J. Trump has violated the Foreign Emoluments Clause of the United States Constitution or committed any other high crime or misdemeanor sufficient to warrant commencement of impeachment proceedings.”

BACKGROUND:

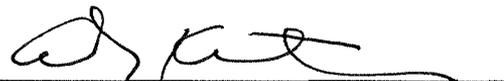
The Resolution advises that the Foreign Emoluments Clause reflects the Framers' determined effort to ensure that no federal officeholder in the United States ever could be influenced by gifts of any kind from a foreign government; and that the term "emoluments" includes a broad range of financial benefits, 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. It further advises that Donald J. Trump, the President of the United States, owns various business interests and receives various streams of income from all over the world and many of these businesses receive, and streams of income include, emoluments from foreign governments, states of the United States, or the United States itself. It further advises that there have been credible and serious allegations that the ruler of Russia, Vladimir Putin, has 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 coordinated with Russia in such activities.

**BILL STATUS:**

There are seven measures pending in Congress relative to this matter, as listed below. All of them are in the 'introduced' stage with no further action taken:

1. **S.Con.Res.8** — A concurrent resolution clarifying any potential misunderstanding as to whether actions taken by President Donald J. Trump constitute a violation of the Emoluments Clause, and calling on President Trump to divest his interest in, and sever his relationship to, the Trump Organization. Sponsor: Sen. Cardin, Benjamin L. [D-MD] (Introduced 03/02/2017) Cosponsors: (32)
2. **H.J.Res.26** — No Congressional Consent for President Donald J. Trump To Accept Foreign Emoluments of Any Kind Whatsoever. Sponsor: Rep. Kaptur, Marcy [D-OH-9] (Introduced 01/10/2017) Cosponsors: (39)
3. **S.Con.Res.4** — A concurrent resolution clarifying any potential misunderstanding as to whether actions taken by President-elect Donald Trump constitute a violation of the Emoluments Clause, and calling on President-elect Trump to divest his interest in, and sever his relationship to, the Trump Organization. Sponsor: Sen. Cardin, Benjamin L. [D-MD] (Introduced 01/04/2017) Cosponsors: (29).
4. **H.Con.Res.5** — Clarifying any potential misunderstanding as to whether actions taken by President-elect Donald Trump constitute a violation of the Emoluments Clause, and calling on President-elect Trump to divest his interest in, and sever his relationship to, the Trump Organization. Sponsor: Rep. Welch, Peter [D-VT-At Large] (Introduced 01/04/2017) Cosponsors: (47).
5. **H.Res.111** — Of inquiry directing the Attorney General to transmit certain documents to the House of Representatives relating to the financial practices of the President. Sponsor: Rep. Nadler, Jerrold [D-NY-10] (Introduced 02/09/2017) Cosponsors: (143).
6. **H.R.371** — Presidential Conflicts of Interest Act of 2017 - to address financial conflicts of interest of the President and Vice President. Sponsor: Rep. Clark, Katherine M. [D-MA-5] (Introduced 01/09/2017) Cosponsors: (147)
7. **S.65** — Presidential Conflicts of Interest Act of 2017 - to address financial conflicts of interest of the President and Vice President. Sponsor: Sen. Warren, Elizabeth [D-MA] (Introduced 01/09/2017) Cosponsors: (27).



Avak Keotahian  
Analyst

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

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 that he is influenced or affected 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 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 of 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 his four-year term, the President "shall not receive within that Period any other Emolument from the United States, or any of them;" and

WHEREAS, according to scholars, the Foreign Emoluments Clause reflects the Framers' determined effort to ensure that no federal officeholder in the United States ever 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 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, there have been credible and serious allegations that a foreign government, that of the autocratic ruler of Russia, Vladimir Putin, 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 coordinated with Russia in such activities; and

WHEREAS, any violation of the Emoluments Clauses or coordination with a foreign government to influence the outcome of a presidential election undermines the integrity of the Presidency, violates the public trust, and 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 RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the Los Angeles City Council hereby includes in the City of Los Angeles 2017-2018 Federal Legislative Program SUPPORT for any legislative action to investigate whether President Donald J. Trump has violated the Foreign Emoluments Clause of the United States Constitution or committed any other high crime or misdemeanor sufficient to warrant commencement of impeachment proceedings.

*Giulio Cedillo*

PRESENTED BY: *Bob Blumenfeld*  
BOB BLUMENFIELD  
Councilmember, 3<sup>rd</sup> District

SECONDED BY: *Keith Stanwood*

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