

OPEN LETTER TO THE WOMEN IN CONGRESS:

Think of Elizabeth Cady Stanton, Sojourner Truth, Susan B. Anthony, Angelina Weld Grimké, Alice Paul and Jeannette Rankin. Recall their courage and leadership in comparison with the courage needed to request an investigation of President Trump's treatment of women.

It does not take many conversations with women lawmakers and their staff on Capitol Hill to sense the deep indignation over the recidivist, serial sexual predator now inhabiting the White House as President. Since his selection by the Electoral College, Donald Trump has been embroiled in numerous tort lawsuits alleging sexual assaults with sworn testimony by aggrieved plaintiffs. He has called the charges by aggrieved women lies and showered his accusers with degrading fulminations. The credible accusations by many women, under oath, of Trump's very brutish, violent rapacious assaults are overwhelming. As has been his practice in a bankrupt-ridden business career, Trump has thus far escaped being deposed under oath because of the well-honed dilatory tactics of his attorneys. (Unlike Bill Clinton who was deposed under oath in a tort case asserting sexual aggressions and then impeached by the House of Representatives for lying about sex).

Through his last three years as President, Trump has persisted with non-stop slanders of women, whether they are accusing him of sexual assault and battery – a felony in every state – or whether they displeased him by denouncing him for sexist behavior or other practices. On national television and before large rallies, Trump has called the chairwoman of the House Financial Services Committee, “low-IQ Maxine Waters” repeatedly. Never any remorse nor apologies. He just doubles down with his unprecedented intimidating misogyny in action.

Last year, Trump singled out two female members of Congress by urging the prime minister of Israel to deny these two women visas to exercise their oversight responsibilities regarding U.S. foreign policy in Israel and Palestine. In so doing, he violated the spirit if not the letter of the “speech or debate” clause of Article I, section 6, clause 1 of the Constitution. Trump has never selected any male members of Congress for such exclusions. He refuses to express regrets and promise never to repeat this violation of the critical separation of powers under our Constitution. He has denied the House Speaker appropriate military aircraft for hazardous foreign travel while exercising her official oversight responsibility. Trump always has had difficulties with strong women.

Democratic women lawmakers led by Senator Kirsten Gillibrand forced the departure of Senator Al Franken and Representative John Conyers for past inappropriate sexual advances. It did not matter enough that these two Democrats were champions of women's rights in the Congress. There was an absence of due process, particularly regarding Senator Franken's request for an ethics proceeding that was pending before the Senate Ethics Committee, despite expressions of remorse. Both women and men in both Houses just said –“get out now” to both Democratic legislators. Senator Franken and Representative Conyers complied.

What of Republican Donald Trump? His blatant sexual transgressions, boasted over national television shows, were far, far greater in number and levels of felonious violence than the above legislators. Moreover, his rise to public notoriety that in turn gave rise to his plan for the White House was partly based on his outrageous outbursts on television shows, such as those on the Howard Stern show, and what went on about his treatment of women behind the scenes of Trump's show *The Apprentice*.

As related by one of Trump's sexual victims, Natasha Stoyneff, in the *Washington Post* op-ed page on November 7, 2019: "Two weeks ago, 43 new allegations of sexual misconduct by Trump surfaced in a new book, 'All the President's Women: Donald Trump and the Making of a Predator,' by Barry Levine and Monique El-Faizy. My sisters and I were not surprised: we suspect there are even more out there."

This book was given major coverage in the *New York Times*. A reporter there told me she was surprised at the mild response to the feature by the MeToo movement engaged in the protection of women from sexual assaults and harassments. This same citizen constituency created public awareness that led to some 200 powerful officials in the business, sports, entertainment and academic world being ousted. The book's co-author, Barry Levine wrote that "Trump's actions helped catalyze the #MeToo movement..."

Has Donald Trump – the bully and sexual predator – become too terrible to challenge, too much of a criminal sexual marauder gravely abusing his power and public trust, to justify impeachment and removal from office? Republican Trumpsters take note – Trump's offenses are rooted in state statutory crimes. In addition, he criminally paid hush money to a porn star late in the election year of 2016, which is itself rooted in the violation of federal campaign finance laws having criminal penalties. Senator Kirsten Gillibrand has denounced Trump, the kingpin of sexual predators in the White House. In December 2017, Gillibrand said:

"President Trump has committed assault, according to these women, and those are very credible allegations of misconduct and criminal activity, and he should be fully investigated and he should resign," Gillibrand told CNN's Christiane Amanpour in an exclusive interview.

"These allegations are credible; they are numerous," said Gillibrand, a leading voice in Congress for combating sexual assault in the military. "I've heard these women's testimony, and many of them are heartbreaking."

If he does not "immediately resign," she said, Congress "should have appropriate investigations of his behavior and hold him accountable."

Other members of Congress made similar demands at that time. Why no action since that declaration? Why the surrender?

Public hearings by the House of Representatives and the Senate, where the assaulted women testify *under oath* followed by a demand that Donald J. Trump appear before Congressional Committees to respond under oath are a critical component of the lawmakers' belief that *no one is above the law*. These are clearly inquiries with legitimate legislative purpose to discover the

extent of violations of the laws pursuant to the available probative evidence on the record and what laws need to be strengthened.

The women in Congress have the facts, the morality and the law squarely on their side. Moreover, a CNN national poll released on November 27, 2019 reported that 61 percent of women are ready to impeach *and* remove Donald Trump from his office.

On January 30, 2020, over two dozen women legislators in the House of Representatives, led by Rep. Jackie Speier, Representative Lois Frankel and Brenda J. Lawrence co-chairs of the Democratic Women's Caucus, sent a letter to President Trump reprimanding him, with graphic detail, for his "continuing derogation of women in your rhetoric and policies." It ended with the plea: "Mr. President, instead of being the biggest bully on the playground, why don't you set a moral example for our children?" This unprecedented admonition received almost no media, much less a response. Letting Trump get away with a sharp verbal slap on the wrist does little to counter violent behavior against women for all too many men and boys to find acceptable.

Where is the call for Congressional hearings? If these accusations by scores of women, some made under oath, turn out to be either felonious crimes or tortious wrongful injuries, such offenses are impeachable or grounds for resignation. The public has a right to know the facts and the violations of pertinent applicable laws to this boastful unrepentant sexual sadist.

Our Founders cited serious abuses of power or violations of the public trust as a prime definition of the clause "high crimes and misdemeanors," including by no less an advocate of a strong executive than Alexander Hamilton.

Imagine the horrible precedent for future presidents and wannabe presidential candidates that are being established by not moving to hold Donald Trump accountable to the rule of law. Having gotten away with racist/bigoted policies and incitements to violence, this serial fabricator cannot be allowed to escape accountability for these egregious, chronic offenses. As collateral harm, he is shredding further the moral fiber of our society among impressionable youths, as detailed this week in the *Washington Post* (See: <https://www.washingtonpost.com/graphics/2020/local/school-bullying-trump-words/>).

By comparison, note how the lawmakers in Albany, New York reacted in March 2008, when the *New York Times* reported that Democratic Governor Eliot Spitzer had paid a prostitute for her service at the Mayflower Hotel in Washington, D.C. Legislators especially Democrats, told him if he did not resign immediately, he would be impeached. He resigned two days later with remorse. After ending a promising political career, he subsequently said: "I resigned my position as governor because I recognized that conduct was unworthy of an elected official," and "again apologize for my actions."

It is true that Spitzer's conduct occurred while he was governor. Trump's conduct, as far as is known, preceded his taking office but is civilly *sub judice* and still vulnerable to criminal prosecution. Moreover, his conduct in office is deeply misogynistic and offensively sexist, with regular, crudely phrased ("She's not my type,") denials, not under oath, of violent encounters described in great detail under oath or ready to do so, by his accusers. At the least, a Congressional investigation would discover more of the facts and move a long overdue process of accountability forward.

I write this letter from decades of indignation over the cruel, discriminatory treatment of half the human race by the dominant male culture and its laws. As a law student I started writing about these blatant repressions, including some states prohibiting women from serving on juries as late as the nineteen fifties. I challenged our law school Dean as to why only 15 women were admitted to our class of over 500. Later, I wrote articles and sponsored books on the corporate marketplace discrimination and exploitation of women as consumers, workers, patients, and debtors. I never would have envisioned, after years of successful advances of the rights of women by organized women that such continued inaction toward President Donald Trump would presently prevail in the powerful seats of the U.S. Congress.

This letter does not in any way exonerate male legislators and staff who mostly are willing to pass the responsibility for action to their female counterparts. I have been told and have seen women staffers with frustrated, reddened faces and moistened eyes when this issue of nothing being done is raised with them directly. Perhaps they think it is not for them to speak up before their principals do, but it may be necessary for them to take the first steps.

Speaking for the scores of Trump's victims, Natasha Stoyloff asks on their behalf "But for us, the question remains. Will this, finally, be the time when enough people care?"

The clock of history is ticking, Congress.

Sincerely,



Ralph Nader

P.O. Box 19312
Washington, DC 20036

Tel: 202-387-8030
Email: info@csrl.org

FOR IMMEDIATE RELEASE:
Thursday, May 28, 10:30AM EST

CONTACT:
Jaqi Cohen (NYPIRG), 914-393-0755,
jcohen@nypirg.org

NEWS RELEASE

**NEW YORK FACES BUDGET EMERGENCY,
BUDGET HOLE EXCEEDS \$60 BILLION;**

**STATE COLLECTS *STOCK TRANSFER TAX* WORTH BILLIONS,
BUT RETURNS IT TO WALL STREET;**

**RALPH NADER JOINS DIVERSE COALITION TO URGE GOVERNOR CUOMO AND
STATE LAWMAKERS TO COLLECT AND KEEP BILLIONS FROM WALL STREET
SPECULATORS, NOT CUT VITAL PROGRAMS**

(Albany, N.Y.) Consumer advocate Ralph Nader and James Henry, former Director of Economic Research at McKinsey and currently fellow at Yale University, joined over 50 national, state and community organizations, labor unions, and faith leaders to urge Governor Cuomo and state lawmakers to keep its stock transfer tax revenues to help offset an estimated \$61 billion four-year budget deficit. The groups sent a letter to Governor Cuomo and the leaders of the state legislature calling on them to repeal the rebate and retain the billions of tax dollars generated by the stock transfer tax.

The letter was signed by national groups such as Public Citizen, New York civic organizations such as the Community Service Society, the Fiscal Policy Institute, NYPIRG, advocacy groups such as Brooklyn Center for Independence of the Disabled and the Strong Economy for All Coalition, labor unions such as District Council 37 and United University Professions, as well as a broad coalition of advocates, organizations, and labor unions from across New York State.

Since 1905, New York State has had a stock transfer tax, which acts much like a sales tax on the buying and selling of equities. Since the early 1980s, the tax has been fully refunded to investors. The amount of tax dollars rebated back to Wall Street ranges from roughly \$5 billion to \$16 billion annually.

The Cuomo Administration has pegged that the state's budget revenues will fall short of anticipated expenses to the tune of \$61 billion over the next four years. While there is a possibility that a federal bailout could offset some of that shortfall, it is unlikely that Washington will cover the aggregate budget shortfall – or even come close.

New York began the year with a \$6 billion budget shortfall and little was done in the state's budget agreement to eliminate it. The COVID-19 pandemic and the resulting unemployment have greatly weakened revenues even further. Governor Cuomo is contemplating massive cuts to vital programs which he would enact unless revenues are raised. As New York State reckons with an unprecedented fiscal emergency, now is the time to repeal the rebate of this long-standing, progressive tax and safeguard the vital public services needed to aid in the state's recovery.

Groups Urge New York State To Keep The Stock Transfer Tax, Page 2

ORGANIZATIONAL STATEMENTS

"The people of New York state are facing a dire financial situation. Governor Cuomo and state lawmakers must begin to retain the Stock Transfer Taxes the state collects but rebates to not only generate many billions of dollars for vital programs, but to ensure that those with the most resources -- Wall Street speculators -- pull a fraction of their weight," said **Ralph Nader of the Center for the Study of Responsive Law**.

"As Governor Cuomo and the legislative leaders look to address financial shortfalls, they should remember that there is a tax that is ready to go. A tax that asks for a contribution from those who benefit most in society and are affected least by the state's financial shortfalls and health threats. It's time for New York to repeal the rebate and collect the stock transfer tax," said **Blair Horner, Executive Director of the New York Public Interest Research Group (NYPIRG)**.

"Stock exchanges worldwide always threaten to pull up and move if local governments enact translation taxes. But it is clear that when it comes to this small fee, ultimately moving makes no economic sense. With so many countries in fiscal crisis right now, this is a great time for New York to join w other major financial centers in adopting this modest tax," said **James S. Henry, Global Justice Fellow at Yale University**.

"New Yorkers with disabilities face devastating cuts in Medicaid funding in the 2020-2021 state budget that will force some people into nursing homes, which is clearly the last place anyone wants to be in a pandemic. Capturing the stock transfer tax proceeds for the state is an equitable option that doesn't involve 'new taxes,' just the appropriate use of already taxed transactions that will help all New Yorkers live independently, get food on the table and have the services they need," said **Joe Rappaport, Executive Director of the Brooklyn Center for Independence of the Disabled (BCID)**.

"New York needs a firm fiscal foundation for a real recovery post-pandemic, and the Stock Transfer Tax can provide that foundation," said **Michael Kink, Executive Director of the Strong Economy For All Coalition**. "It's a fair tax measure that funded our state's recovery from the Great Depression and World War II, providing generations of New Yorkers with essential public goods like education, housing, transportation and healthcare. Now's the time to bring it back, so our state can come back strong and come back prosperous."

"The COVID-19 pandemic and current mass unemployment have greatly weakened our NYS revenues putting all New Yorkers in a precarious financial position. Our Governor is considering major cuts to vital programs including health and education unless revenues are raised. As New York State reckons with an unprecedented fiscal emergency, now is the time to repeal the rebate of this long-standing, progressive stock transfer tax and safeguard the vital public services needed to aid in the state's recovery. WESPAC urges our state authorities to work to keep the stock transfer tax revenues to help offset a projected \$61 billion four-year budget deficit. We along with many others are urging our state government to repeal the rebate and retain the billions of tax dollars generated by the stock transfer tax," said **Nada Khader, Executive Director, WESPAC Foundation**.

"It's time for Wall Street to pay its fair share in addressing the pandemic induced economic collapse that will otherwise result in cuts to programs and services vital to the recovery of Main Street," said **Maria Alvarez, Executive Director, New York StateWide Senior Action Council**.

Groups Urge New York State To Keep The Stock Transfer Tax, Page 3

"We cannot balance the state budget on the backs of New York's most marginalized communities, which have been hit hardest by the pandemic and the ensuing economic crisis. Not only would massive cuts be immoral, continuing these misguided austerity policies will also serve to impede any hopes of a strong recovery. Gov. Cuomo and state lawmakers must raise taxes on the wealthy, and one way they can do that is by keeping the billions of dollars of revenue generated by New York's century-old Stock Transfer Tax," said **Lisa Tyson, Long Island Progressive Coalition Director.**

"The COVID-19 crisis calls for bold action and real transformation. We should not allow Wall Street to exploit the crisis and extract even more wealth from low-income communities and communities of color," said **Andy Morrison, Campaigns Director at New Economy Project.** "Reinstating New York's longstanding stock transfer tax will curb rampant speculation on Wall Street and generate billions of dollars in much-needed revenue. It's a no-brainer."

"It is unconscionable for the state to leave nearly \$16 billion in potential revenue on the table when the budget shortfall of \$13.3 billion could be entirely covered if New York started collecting what amounted to small sales tax on stock trades that has been on the books since 1909. We've already seen the beginning of massive layoffs in local schools and government - what are Cuomo and the Legislature waiting for? This looks like the shock doctrine in action: admit there's a massive deficit, but rather than taxing Wall St. or the wealthy, they use the opportunity to gut public services and privatize them. We demand instead that the Legislature take action and pass a bill that stops rebating the stock transfer tax," said **Peter LaVenia, co-chair of the Green Party of New York.**

"New York State is facing a massive revenue shortfall due to the economic downturn during the COVID-19 crisis. The pandemic has highlighted the need to strengthen not weaken the state's safety net. We also need to invest in a green stimulus to put average New Yorkers and Main Street back on their feet. It is time for the wealthiest New Yorkers to step up and assume their fair share in helping our state recover. A quick and easy step would be to finally halt the rebate of the centuries-old Stock Transfer Tax to Wall Street speculators and invest the proceeds instead in the people of New York," said **Mark Dunlea, Chair of the Green Education and Legal Fund.**

"These are not normal times. COVID-19 is putting tremendous pressure on city and state budgets while exacting a devastating economic toll on New York's working poor and laying bare glaring inequities in our healthcare system. Faced with a projected budget shortfall in excess of \$60 billion over the next four years, Governor Cuomo and state legislative leaders really have no choice but to consider all potential revenue generators as they tackle this crisis," said **David R. Jones, President and CEO of the Community Service Society.** "State lawmakers in both chambers have proposed taxing the state's wealthiest citizens to fund government services. The Stock Transfer Tax" – which could generate up to \$16 billion annually, if the state were actually to collect it -- should be on the table. Yes, taxing the ultra-rich is controversial. But now is the time for state legislators in both houses to stand up, and show leadership at this critical moment when communities are hurting. Instead of adopting extreme austerity measures that punish the most vulnerable among us by cutting vital programs New Yorkers rely on, let's call on those with the most means to share the burden."

"As a small business in an economically-strapped Upstate city, we see first hand the many economic challenges faced by most of our neighbors. We need more funding for education, healthcare, infrastructure and sustainable economic development. Keeping the stock transfer revenues to support these programs was the fair thing to do before the coronavirus pandemic. Now it's a simple necessity," said **Andy Mager, Sales Manager for Syracuse Cultural Workers.**

Groups Urge New York State To Keep The Stock Transfer Tax, Page 4

“Facing a historic loss in ridership and revenue, New York’s public transit agencies have been kneecapped by the COVID-19 pandemic,” said **Nick Sifuentes of Tri-State Transportation Campaign**. “There will be no successful reopening of the state’s economy without a comprehensive plan to keep transit riders safe, and additional funding to keep trains and buses running. The money raised from a stock transfer tax could be directed toward transit, which would be a big step in the right direction.”

“USS stands firmly behind any policy that allows us to have more money in our state budget that could go towards fully funding a quality public higher education that our state has neglected to fund,” said **University Student Senate Chairperson Timothy Hunter**.

“New York’s stock transfer tax has been on the books for more than a century, yet the state has neglected to collect a dime of it since the 1980s, preferring instead to refund it to Wall Street. When the jobs of police and fire personnel, hospital staff, teachers and college faculty are on the chopping block, New York can no longer afford to be so generous to those who certainly are living comfortably while the rest of us suffer. As we face a potentially massive budget deficit amid record-breaking unemployment and depression caused by the coronavirus pandemic, Albany must immediately repeal the rebate and use this money to help the state begin to dig out of its dire financial situation. This crucial revenue will allow New York to provide necessary aid to public education, SUNY’s public teaching hospitals and other essential services. This is an easy decision; it could bring as much as \$14 billion annually to the state without affecting the economy — except to help New Yorkers recover from the economic disaster we are facing today,” said **Frederick E. Kowal, President of United University Professions**.

“Austerity budgeting may seem sensible, but it would do more harm than good by setting our state further back. Hard times only become harder if our first response is to choke off revenue to hospitals, schools, small businesses, and fire teachers, nurses, aides – all the indispensable people and services that make our communities great. We can prevent devastating cuts from happening by reinstating the Stock Transfer Tax and raising enough revenue to ensure our state is on a more stable financial footing,” said **Ron Deutsch, Executive Director of the Fiscal Policy Institute**.

Adirondack Mountain Club • Alliance for a Green Economy • BeanCounters Unlimited • Big Reuse • Bioscience Resource Project • Brooklyn Center for the Independence of the Disabled • Carroll Gardens Association • Center for the Independence of the Disabled, NY • Center for the Study of Responsive Law • Church Women United in New York State • Citizen Action of New York • Citizens' Environmental Coalition • Coalition Against the Rockaway Pipeline • Coalition for Outreach, Policy, & Education (COPE) • Coalition to Protect New York • Community Service Society • CUNY University Student Senate • DC37 • Dryden Solutions • Eco-Logic • Empire Justice Center • Environmental Justice Task Force • Essential Information • Finger Lakes for New York Health • Fiscal Policy Institute • Food & Water Watch • Fossil Free Tompkins • Franciscan Sisters of the Atonement • Gas Free Seneca • Green Education and Legal Fund (GELF) • Green Party of New York • Hemlock Grove Farm • Long Island Progressive Coalition • Make the Road New York • New Economy Project • New York Climate Action Group • New York Communities for Change • New York Environmental Law & Justice Project • New York Youth Climate Leaders • Nobody Leaves Mid-Hudson • Northern Manhattan Improvement Corporation • NYPAN of the Southern Finger Lakes • Peacemakers of Schoharie County • Picture the Homeless • Professional Staff Congress • Public Citizen • Rochester Area Interfaith Climate Alliance (RAICA) Youth • Seneca Lake Guardian • Statewide Senior Action Council • Stone Quarry House • Strong Economy For All Coalition • Sunrise NYC • Syracuse Cultural Workers • Tri-State Transportation Campaign • United University Professions • Upper Hudson Green Party • WESPAC • CUNY Rising Alliance • Peoples Climate Movement-NY

May 28, 2020

Andrew Cuomo
 Governor
 Executive Chamber
 Capitol Building
 Albany, NY 12234

Andrea Stewart-Cousins
 Majority Leader
 State Senate
 Legislative Office Building
 Albany, NY 12247

Carl Heastie
 Speaker
 State Assembly
 Legislative Office Building
 Albany, NY 12248

John Flanagan
 Minority Leader
 State Senate
 Legislative Office Building
 Albany, NY 12247

William Barclay
 Minority Leader
 State Assembly
 Legislative Office Building
 Albany, NY 12248

Re: Urge you to keep proceeds from the Stock Transfer Tax to help maintain funding for state services.

Dear Messrs. Cuomo, Heastie, Flanagan, Barclay, and Ms. Stewart-Cousins:

As New York struggles to deal with the impact of the COVID pandemic, it's clear that essential workers play a critical role in keeping our state safe and moving towards recovery. While the majority of New Yorkers remain at home, there are 2.2 million New Yorkers working tirelessly to provide healthcare, food, public transit service, and deliveries to the rest of the state's population. The vast majority of these essential workers are not wealthy and often depend on government programs, most notably relying on New York State's public schools, healthcare system, and other vital public services. In New York City, 55% of essential workers depend on the MTA transit service to travel to work.

Protecting New York's essential workers will be vital to the state's recovery, yet they are disproportionately burdened by the impact of the pandemic. At a time when the risk is not being shared equally, why should those currently bearing the biggest load of keeping society together take the biggest budgetary hit? Instead of placing the burden of New York State's economic recovery on the backs of working New Yorkers, it is only reasonable to ask those who benefit from Wall Street speculation to pay their fair share.

New York State needs billions of dollars, in fact an estimated \$61 billion over the next four years, to close its yawning budget deficits. The state should generate revenues from those with the most means to help pay for essential services. New York has a century-old Wall Street sales tax on its books but does not collect it. The stock transfer tax would make an enormous difference in state revenues – but only if it is collected.

Enacted in 1905, New York State's stock transfer tax (STT) is an excise tax levied on stock trades. The STT taxes each sale of stock worth over \$20 one-quarter of one percent. While this small fee amounts to pennies on the dollar of each transaction for investors, the revenue gains for New York State would be tremendous.

The STT, if fully collected, could raise billions of dollars annually in new revenue – yet it has been fully and automatically rebated since 1981. For most investors, this is an unseen tax – it wouldn't be felt even if it was collected. Most people who have investments are not buying and selling stocks with great frequency. Wall Street *speculators*, on the other hand, seek to jump in and out of investments at a rapid pace, and those would be the people who would pay the vast bulk of the tax.

There are already places with sophisticated stock markets that have a stock transfer tax in place as a revenue stream. Countries like the United Kingdom, Switzerland, and Taiwan all have financial transaction taxes on the books. Hong Kong, a city considered to have the freest economy in the world, has a 0.1% tax on financial transactions with no significant impact on its economy aside from a lack of high-frequency trading.

As you grapple with the state's widening budget gap, the stock transfer tax should be collected and put to use. We ask that you remember that there is a tax that is already on the books and ready to be collected. A tax that asks for a contribution from those who benefit most in society and are affected least by the state's financial shortfalls and health threats. It's time to repeal the rebate and revive the stock transfer tax.

Sincerely,

Michael Barrett
Executive Director
Adirondack Mountain Club

Jessica Azulay
Executive Director
Alliance for a Green Economy

Rebecca Casstevens
Sole Proprietor
BeanCounters Unlimited

Justin Green
Executive Director
Big Reuse

Dr. Allison Wilson
Bioscience Resource Project

Joseph G. Rappaport
Executive Director
Brooklyn Center for the Independence of
the Disabled

Ben Fuller-Googins
Program and Planning Director
Carroll Gardens Association

Henry Garrido
Executive Director
District Council 37

Susan Dooha
Executive Director
Center for the Independence of the
Disabled, NY

Ralph Nader
Founder
Center for the Study of Responsive Law

Maura Stephens
Cofounder
Coalition to Protect New York

Mary Smith
Communications Director
Church Women United in New York State

Stanley Fritz
New York State Political Director
Citizen Action of New York

Barbara Warren, RN, MS
Executive Director
Citizens' Environmental Coalition

Judith Canepa
Coordinator
Coalition Against the Rockaway Pipeline

Joseph Wilson
Co-Coordinator
Coalition for Outreach, Policy, & Education
(COPE)

Jeffrey N. Maclin
Vice President
Community Service Society

Timothy Hunter
Chairperson
CUNY University Student Senate

Jamell Henderson
Alliance Coordinator
CUNY Rising Alliance

Anne Rhodes
Facilitator
Dryden Solutions

Ken Gale
Producer, Founder
Eco-Logic

Kristin Brown
CEO
Empire Justice Center

Charley Bowman
Chair
Environmental Justice Task Force

John Richard
Director
Essential Information

Susan Soboroff , M.D.
Finger Lakes for New York Health

Ron Deutsch
Executive Director
Fiscal Policy Institute

Alex Beauchamp
Northeast Region Director
Food & Water Watch

Dr. Kathryn Russell
Fossil Free Tompkins

Margaret Sikora
Sister
Franciscan Sisters of the Atonement

Yvonne Taylor
Vice President
Gas Free Seneca

Mark Dunlea
Chairperson
Green Education and Legal Fund (GELF)

Peter LaVenía
Co-Chair
Green Party of New York

Brian Caldwell
Owner
Hemlock Grove Farm

Lisa Tyson
Director
Long Island Progressive Coalition

Deborah Axt
Co-Executive Director
Make the Road New York

Andy Morrison
Campaigns Director
New Economy Project

Judith K. Canepa
Co-Founder
New York Climate Action Group

Jonathan Westin
Executive Director
New York Communities for Change

Joel Kupferman
New York Environmental Law & Justice
Project

Blair Horner
Executive Director
New York Public Interest Research Group
(NYPIRG)

Liam Smith
Co-Director of Government Affairs
New York Youth Climate Leaders

Jonathan Bix
Executive Director
Nobody Leaves Mid-Hudson

Matthew Chachere
Northern Manhattan Improvement
Corporation

Mary D. Thorpe
Director
NYPAN of the Southern Finger Lakes

Wayne Stinson
Action Committee
Peacemakers of Schoharie County

Scott Andrew Hutchins
Housing Campaign Leader
Picture the Homeless

Nancy Romer
Administrative Team
Peoples Climate Movement-NY

Tiffany Brown
Legislative/Communications Associate
Professional Staff Congress

Robert Weissman
President
Public Citizen

Helen Frank
Leadership Member
Rochester Area Interfaith Climate Alliance
(RAICA) Youth

Joseph Campbell
President
Seneca Lake Guardian

Maria Alvarez
Executive Director
Statewide Senior Action Council

Nancy Norton
President
Stone Quarry House

Michael Kink
Executive Director
Strong Economy for All Coalition

Matthew Hauser
Member
Sunrise NYC

Andy Mager
Sales Manager
Syracuse Cultural Workers

Nick Sifuentes
Executive Director
Tri-State Transportation Campaign

Frederick E. Kowal
President
United University Professions

Kaleb Winters
Chair
Upper Hudson Green Party

Nada Khader
Executive Director
WESPAC

NEW YORK STATES'S STOCK TRANSFER TAX

New York State needs billions of dollars to close a yawning budget deficit. The state should generate revenues from those with the most means to help pay for essential services. New York has a century-old tax on its books, but does not keep the revenue from it. This stock transfer tax would make an enormous difference in state revenues – but only if it is collected.

COVID-19's Economic Impact on New York's Economy

The coronavirus pandemic has proved to be equal parts health crisis and economic crisis, leaving New York State facing an unprecedented fiscal deficit. By Governor Cuomo's estimates, the economic impact of the coronavirus pandemic on the state's economy will be far worse than that of 9/11.¹ The total economic toll still remains to be seen, but the state estimates that it will be left with a \$13 billion revenue shortfall this year.

New York State policymakers have been grappling with the economic fallout of the pandemic and the state and local governments' growing structural fiscal deficits. As part of the state budget agreement in April, Governor Cuomo and the Legislature agreed to grant the governor vast authority to make cuts to the agreed-to budget if revenues cratered, which they have. Recently, the governor's office released a blueprint for the cuts that are being contemplated, and if implemented will take a dire toll on some of the state's most vital public institutions and services.²

The governor's financial plan considers a 10% cut for state agencies; including an \$8.2 billion cut to a broad category of services. With a budget shortfall in the billions and deficits for additional years, all programs are at risk, including K-12 education, higher education, public transportation, environment, and healthcare.

Essential Workers Are Driving New York's Recovery

As New York struggles to deal with the impact of the COVID pandemic, it's clear that essential workers play a critical role in keeping the state safe and moving towards recovery. While the majority of New Yorkers remain at home, there are 2.2 million New Yorkers working tirelessly to provide healthcare, food, public transit service, and deliveries to the rest of the state's population.³

¹ "COVID-19's impact on NY economy is 'far' worse than 9/11's, Cuomo says," Pix11 News, <https://www.pix11.com/news/coronavirus/covid-19s-impact-on-ny-economy-is-by-far-worse-than-9-11-cuomo-says>.

² NYS Division of the Budget, "NY COVID-19 Preliminary Economic Impact Assessment," April 2020, <https://www.budget.ny.gov/pubs/archive/fy21/ny-covid19-economic-impact-prelim.pdf>.

³ David Dyssegaard Kallick, "New York's Essential Workers Overlooked, Underpaid, and Indispensable," Fiscal Policy Institute, April 8, 2020, <http://fiscalpolicy.org/wp-content/uploads/2020/04/Essential-Workers-Brief-and-Recs.pdf>.

FACTS

New York's Stock Transfer Tax has been levied on stock trades since 1905.

Since 1981, the tax has been rebated back to Wall Street.

If fully collected, the Stock Transfer Tax is estimated to raise billions of dollars annually

The Governor's financial plan considers an \$8.2 billion cut to states and localities – impacting public education, mass transit, and healthcare.



The vast majority of these essential workers are not wealthy and often depend on government programs, most notably relying on New York State's public schools, healthcare system, and other vital public services. In New York City, 55% of essential workers depend on the MTA transit service to travel to work.⁴

NYS's Long-Standing Stock Transfer Tax

Enacted in 1905, New York State's stock transfer tax (STT) is an excise tax levied on stock trades. The STT taxes each sale of stock worth over \$20 one-quarter of one percent.⁵ While this small fee amounts to a tiny cost on each transaction for investors, the revenue gains for New York State would be tremendous. Revenues estimates of the tax, if fully collected, state that it could raise billions of dollars annually, yet it has been rebated to Wall Street since 1981.⁶

For most investors, this is an unseen tax -- even if it *was* collected. Most people who have investments generally are not buying and selling stocks with great frequency. Wall Street *speculators*, on the other hand, seek to jump in and out of investments at a rapid pace and those would be the people who would pay the vast bulk of the tax.

Similar Taxes Exist In Stock Markets Around The World

There are already places with sophisticated stock markets that have a stock transfer tax in place as a revenue stream. Countries like the United Kingdom, Switzerland, and Taiwan all have financial transaction taxes on the books. Hong Kong, a city considered to have the freest economy in the world, has a 0.1% tax on financial transactions with no significant impact on its economy aside from a lack of high-frequency trading.⁷

Wall Street Must Pay Its Fair Share

Protecting New York's essential workers will be vital to the state's recovery, yet they are disproportionately burdened by the impact of the pandemic. At a time when the risk is not being shared equally, why should those currently bearing the biggest load of keeping society together take the biggest budgetary hit? Instead of placing the burden of New York State's economic recovery on the backs of working New Yorkers, it is only reasonable to ask Wall Street to pay its fair share.

As Governor Cuomo and state lawmakers grapple with the state's widening budget gap, the stock transfer tax should be collected and put to use. They should remember that there is a tax that is already on the books and ready to be collected. A tax that asks for a contribution from those who benefit most in society and are affected least by the state's financial shortfalls and health threats. It's time to repeal the rebate and revive the stock transfer tax.⁸

For more information, contact Jaqi Cohen at jcohen@nypira.org or 212-349-6460 ext. 1115.

⁴ Scott Stringer, NYC Comptroller, "New York City's Frontline Workers," March 26, 2020, <https://comptroller.nyc.gov/reports/new-york-citys-frontline-workers/>.

⁵ New York State Department of Taxation and Finance, "Stock Transfer Tax," accessed May 1, 2020, <https://www.tax.ny.gov/bus/stock/stktridx.htm>.

⁶ Assemblymember Phil Steck, "Stock transfer sales tax can help pay for infrastructure," February 12, 2018, <https://www.timesunion.com/opinion/article/Stock-transfer-sales-tax-can-help-pay-for-12608622.php>.

⁷ Bloomberg, "The case for a financial transaction tax", Financial Express, June 22, 2019, <https://www.financialexpress.com/opinion/the-case-for-a-financial-transaction-tax/1615115/>.

⁸ Legislation, sponsored by Senator Sanders (S.6203) and Assemblymember Steck (A.7791A), has been introduced to allow the state to collect the STT and spend it on vital public services.

September 13, 2019

The Speaker of the House of Representatives
United States Capitol
Washington, DC 20515

Dear Madam Speaker Pelosi,

Enclosed is a letter to President Donald Trump for your deliberation. Isn't this the way the outrages to the exclusion of your two members of House of Representatives should have been concluded? Otherwise the will to do it again and the repeat performance unimpeded in the future by the president. I would think it should be your position to close the circle here with a demand for an apology and a statement by the president that it will not happen again. I welcome your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Nader", written in a cursive style.

Ralph Nader

P.O. Box 19312
Washington, DC 20036

Tel: 202-387-8030

September 11, 2019

President Donald Trump
White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Trump:

Last month, you demanded that the Israeli government exclude the entrance of two members of Congress, Ilhan Omar and Rashida Tlaib, to Israel and the West Bank. These two legislators were performing their constitutional responsibilities for oversight of the Executive branch, its foreign policy and expenditure of funds. Thousands of members of Congress have traveled to foreign countries unimpeded by any previous president. You are the only president who has ever delegitimized a branch of government in this manner. No president has even contemplated such a serious transgression, regardless of partisanship.

These two members of Congress may yet choose to visit Israel or other countries. You must publically apologize to them and all members of our legislative branch, admit your error, and pledge it will never happen again in your term. You must erase your egregious, impulsive act from turning into a precedent thwarting Congressional visits to countries that do not meet with your approval—such as examining any potential violations of the Emoluments Clause of the Constitution regarding your personal or family business interests in other countries. Your response is invited forthwith.

Sincerely,



Ralph Nader

PO Box 19312
Washington, DC 20036
info@csrl.org
202-387-8034

Are the New Congressional Progressives Real? Use These Yardsticks to Find Out

 nader.org/2018/12/12/are-the-new-congressional-progressives-real-use-these-yardsticks-to-find-out

December 12, 2018

By Ralph Nader
December 12, 2018

In November, about 25 progressive Democrats were newly elected to the House of Representatives. How do the citizen groups know whether they are for real or for rhetoric? I suggest this civic yard stick to measure the determination and effectiveness of these members of the House both *inside* the sprawling, secretive, repressive Congress and *back home* in their Districts. True progressives must:

1. Vigorously confront all the devious ways that Congressional bosses have developed to obstruct the orderly, open, accessible avenues for duly elected progressive candidates to be heard and to participate in Congressional deliberations from the subcommittees to the committees to the floor of the House. Otherwise, the constricting Congressional cocoon will quickly envelop and smother their collective energies and force them to get along by going along.
2. Organize themselves into an effective Caucus (unlike the anemic Progressive Caucus). They will need to constantly be in touch with each other and work to democratize Congress and substantially increase the quality and quantity of its legislative/oversight output.
3. Connect with the national citizen organizations that have backers all around the country and knowledgeable staff who can help shape policy and mobilize citizen support. This is crucial to backstopping the major initiatives these newbies say they want to advance. Incumbent progressives operate largely on their own and too rarely sponsor civic meetings on Capitol Hill to solicit ideas from civic groups. Incumbent progressives in both the House and the Senate do not like to be pressed beyond their comfort zone to issue public statements, to introduce tough bills or new bills, or to even conduct or demand public hearings.
4. Develop an empowerment agenda that shifts power from the few to the many – from the plutocrats and corporatists to consumers, workers, patients, small taxpayers, voters, community groups, the wrongfully injured, shareholders, consumer cooperatives, and trade unions. Shift-of-power facilities and rights/remedies cost very little to enact because their implementation is in the direct hands of those empowered – to organize, to advocate, to litigate, to negotiate, and to become self-reliant for food, shelter and services (Citizen Utility Boards provide an example of what can come from empowering citizens).

5. Encourage citizens back home to have their own town meetings, some of which the new lawmakers would attend. Imagine the benefits of using town meetings to jump-start an empowerment agenda and to promote long over-due advances such as a living wage, universal health care, corporate crime enforcement, accountable government writ large, renewable energy, and real tax reform.
6. Regularly publicize the horrendously cruel and wasteful Republican votes. This seems obvious but, amazingly, it isn't something Democratic leaders are inclined to do. Last June, I urged senior Democrats in the House to put out and publicize a list of the most anti-people, pro-Wall Street, and pro-war legislation that the Republicans, often without any hearings, rammed through the House. The senior Democrats never did this, even though the cruel GOP votes (against children, women, health, safety, access to justice, etc.) would be opposed by more than 3 out of 4 voters.
7. Disclose attempts by pro-corporate, anti-democratic, or anti-human rights and other corrosive lobbies that try to use campaign money or political pressure to advance the interests of the few to the detriment to the many. Doing this publically will deter lobbies from even trying to twist their arms.
8. Refuse PAC donations and keep building a base of small donations as Bernie Sanders did in 2016. This will relieve new members of receiving undue demands for reciprocity and unseemly attendance at corrupt PAC parties in Washington, DC.
9. Seek, whenever possible, to build left/right coalitions in Congress and back home that can become politically unstoppable.
10. Demand wider access to members of Congress by the citizenry. *Too few* citizen leaders are being allowed to testify before *fewer* Congressional hearings. Holding hearings is a key way to inform and galvanize public opinion. Citizen group participation in hearings led to saving millions of lives and preventing countless injuries. Authentic Congressional hearings lead to media coverage and help to mobilize the citizenry.

Adopting these suggestions will liberate new members to challenge the taboos entrenched in Congress regarding the corporate crime wave, military budgets, foreign policy, massive corporate welfare giveaways or crony capitalism.

The sovereign power of the people has been excessively delegated to 535 members of Congress. The citizens need to inform and mobilize themselves and hold on to the reins of such sovereign power for a better society. Demanding that Congress uphold its constitutional obligations and not surrender its power to the war-prone, lawless Presidency will resonate with the people.

Measuring up to this civic yardstick is important for the new members of the House of Representatives and for our democracy. See how they score in the coming months. Urge them to forward these markers of a democratic legislature to the rest of the members of Congress, most of whom are in a rut of comfortable incumbency.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, DECEMBER 18, 2019

No. 205

House of Representatives

Mr. LARSON of Connecticut. Madam Speaker, this year, our nation finds itself in the midst of historic turmoil. President Donald J. Trump's defiance of the Constitution and disregard for the rule of law have given Congress no other choice but to proceed with impeachment. The President has brought this on himself through his actions. As instructed by H. Res. 660, on November 19, 2019, the House Permanent Select Intelligence Committee began conducting open public hearings to ensure the American people were able to hear directly from witnesses as the committee collects and examines evidence in a fair and professional manner. This was followed by public hearings in the House Committee on the Judiciary, which allowed for an examination of the constitutional grounds for impeachment and an airing of evidence against the President.

After weeks of depositions, public hearings and a thorough review of evidence, the House Judiciary Committee concluded that President Trump violated his oath of office and, on December 11th, 2019, approved H. Res. 755, which set forth two articles of impeachment: Abuse of Power and Obstruction of Congress. As the House today deliberates and decides on these articles, it is important to lay the full scope of the President's misconduct before the American people.

My constituent and authentic American leader, Ralph Nader, a consumer advocate, renowned attorney, author, and a respected voice in American politics and good governance, has partnered with constitutional scholars, Bruce Fein and Louis Fisher, to assess the President's misconduct and whether it meets the Constitutional standard for "...Bribery, or other High Crimes and Misdemeanors."

I include in the RECORD his thinking and those of others in our nation, in the hopes that it will help the public further understand the significance of this vote.

ARTICLE OF IMPEACHMENT

(By Ralph Nader, Bruce Fein, and Louis Fisher)

ARTICLE OF IMPEACHMENT

Resolved. That Donald J. Trump, President of the United States, is impeached for bribery and high crimes and misdemeanors in violation of his constitutional oath of office and that the following article of impeachment be exhibited to the Senate:

Article of Impeachment Exhibited by the House of Representatives of the United States of America and of All the People of the United States of America, Against Donald J. Trump, President of the United States of America, in Maintenance and Support of its Impeachment Against Him for Bribery and High Crimes and Misdemeanors in Violation of his Constitutional Oath of Office To Preserve, Protect and Defend the Constitution of the United States.

ARTICLE 1

In his conduct of the office of President of the United States, Donald J. Trump, in violation of his constitutional duty faithfully to execute the office of the President of the United States, and, to the best of his ability, preserve, protect and defend the Constitution of the United States, Article 1, section 1, clause 6, and, contrary to his public trust, has systematically scorned the letter and spirit of the Constitution on a scale vastly beyond any previous occupant of the White House in doing the following:

1. CONTEMPT OF CONGRESS. President Trump has notoriously boasted, "Then I have Article II, where I have the right to do whatever I want as President." He has chronically acted in violation the Constitution accordingly.

The informing or oversight powers of Congress are even more important than its legislative prerogatives. The United States

Supreme Court has repeatedly affirmed the plenary authority of Congress to investigate the executive branch for abuses, irregularities, illegalities or the need for new laws. Supreme Court Justice Louis D. Brandeis famously lectured, sunshine is said to be the best of disinfectants; electric light the most efficient policeman. The House Judiciary Committee voted an article of impeachment against President Richard M. Nixon for defying a congressional subpoena that compromised the ability of Congress to investigate impeachable offenses.

President Trump has repeatedly and unconstitutionally systematically undermined the congressional oversight power, including the ongoing congressional impeachment inquiry of the President himself, by instructing numerous current and former White House staff and members of the executive branch to defy congressional subpoenas on an unprecedented scale far beyond any previous President. Without congressional authority, he has secretly deployed special forces abroad and employed secret guidelines for targeted killings, including American citizens, based on secret unsubstantiated information. He has unconstitutionally endeavored to block private persons or entities from responding to congressional requests or subpoenas for information, e.g., Deutsche Bank. He has refused to provide Congress information about nepotistic or other security clearances he granted in opposition to his own FBI security experts. He has refused to disclose his tax returns to the Chairman of the Ways and Means Committee contrary to a 1924 law, 26 U.S.C. 6103(f).

The informing or oversight powers of Congress are even more bedrock than legislation. Without information, Congress cannot enact informed legislative bills, repeal inadequate laws, or prevent maladministration of good ones. The Supreme Court of the United States has repeatedly affirmed the authority of Congress to investigate the executive branch for abuses, irregularities, illegalities or the need for new laws. Transparency, not secrecy, is the coin of the realm.

Congress possesses plenary authority independent of the federal judiciary to determine whether presidential defiance or obstruction of a congressional subpoena warrants impeachment for destroying the rule of law in favor of raw presidential power. A court order is unnecessary. Under the Constitution, the Supreme Court held impeachment questions are assigned to the House and Senate to the exclusion of federal courts in *Nixon v. United States*, 506 U.S. 224 (1993).

2. ABUSE OF THE POWERS OF THE PRESIDENT AND ABUSE OF PUBLIC TRUST. President Abraham Lincoln famously declared that, "A house divided against itself cannot stand." The nation's motto is *E Pluribus Unum*. President Trump, however, has fostered combustible division

and rancor among "We the people of the United States" by inciting violence and threatening civil war if removed from office. Unlike prior presidents, he has made presidential lies as routine as the rising and setting of the sun, confounding civil discourse, truth and public trust. He has disrespected, belittled, and serially preyed upon women, mocked the disabled, incited violence against the mainstream media and critics, and encouraged and displayed bigotry towards minorities and minority Members of Congress, including intercession with Israel in serious violation of the Speech or Debate Clause, Article I, section 6, clause 1, to deny two Members visitor visas.

Mr. Trump has failed to superintend or check the chronic lawlessness of his subordinates, a dereliction of duty which James Madison characterized as an impeachable offense. In the very first Congress, Mr. Madison elaborated:

"I think it absolutely necessary that the President should have the power of removing his subordinates from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses."

George Washington when presiding over the constitutional convention instructed, "Let us raise a standard to which the wise and honest can repair." Mr. Trump has so disrespected that standard. No other President has so consistently voiced extremist and inflammatory views across the board and so grossly neglected the duties of the Oval Office.

3. APPROPRIATIONS CLAUSE, REVENUE CLAUSE.

Article I, section 9, clause 7 prohibits federal government expenditures "but in consequence of appropriations made by law." Congress has consistently voted much less money than President Trump requested to build an extensive, multibillion-dollar wall with Mexico. In violation of the Clause and the criminal prohibition of the Anti-Deficiency Act, President Trump has committed to spending billions of dollars far in excess of what Congress has appropriated for the wall. The congressional power of the purse is a cornerstone of the Constitution's separation of powers. James Madison in *Federalist 58* explained, "This power over the purse may . . . be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining redress of every grievance, and to carrying into effect every just and salutary measure."

Article I, section 7, clause 1 requires all revenue measures to originate in the House of Representatives. In violation of the Clause, President Trump has raised tens of billions of dollars by unilaterally imposing tariffs with limitless discretion under section 232 of the Trade Expansion Act of 1962. He has become a Foreign Trade Czar in imposing tariffs or quotas or granting exemptions from his trade restrictions in his unbridled discretion to assist political friends and punish political enemies. Literally trillions of dollars in international trade have been affected. Riches are made and livelihoods destroyed overnight with the capricious stroke of President Trump's pen.

4. EMOLUMENTS CLAUSE. Article I, section 9, clause 8 prohibits the President (and other federal officers), without the consent of Congress, from accepting any "present, emolument, office, or title, of any kind whatsoever, from any King, Prince, or foreign state." The President should be above suspicion. The clause aims to prohibit dual loyalties or its appearance because of financial conflicts of interests. President Trump has notoriously refused to place his assets in a blind trust. Instead, he continues to profit from opulent hotels heavily patronized by foreign governments. He has permitted his family to commercialize the White House. He has compromised the national interest to enrich family wealth on a scale unprecedented in the history of the presidency.

5. TREATY CLAUSE. Article II, section 2, clause 2 requires Senate ratification of treaties by two-thirds majorities. The text is silent as to whether treaty termination requires Senate ratification, and the Supreme Court held the issue was a nonjusticiable political question in *Goldwater v. Carter*, 444 U.S. 996 (1979). But the Treaty Clause purpose indicates Senate approval of treaty terminations. Alexander Hamilton explained in *Federalist 75* that the President would be an untrustworthy steward of the national interest in the conduct of international affairs because of the enormous temptation to betray the country to advance personal ambitions. That suspicion of presidential motives is equally implicated in treaty terminations and points to requiring Senate ratification. President Trump flouted the Treaty Clause in terminating the Intermediate-Range Nuclear Forces Treaty (INF) with Russia unilaterally. The treaty assigned the termination decision to the "United States." The President alone is not the United States under the Treaty Clause.

6. DECLARE WAR CLAUSE. Article I, section 8, clause 11 empowers Congress alone to take the nation from a state of peace to a state of war. That power is non-delegable. The Declare War Clause authors distrusted the President to preserve the peace because of the temptation to war to aggrandize executive power and earn a place in history. In violation of the Declare War Clause, President Trump has continued to wage or has initiated presidential wars in Libya,

Somalia, Yemen, Syria, Iraq, Afghanistan, and Pakistan, and has used special forces offensively in several African nations. President Trump has claimed authority to initiate war against any nation or non-state actor in the world--not in self-defense-on his say-so alone, including war against North Korea, Iran, or Venezuela.

7. TAKE CARE CLAUSE; PRESENTMENT CLAUSE. Article II, section 3 obligates the President to "take care that the laws be faithfully executed." In violation of that trust, President Donald J. Trump deliberately attempted to frustrate special counsel Robert Mueller's investigation of collaboration between the Trump 2016 campaign and Russia to influence the presidential election. Among other things, the President refused to answer specific questions relating to his presidential conduct; endeavored to fire the special counsel; dangled pardons for non-cooperating witnesses; and, urged Attorney General Jeff Sessions to reverse his recusal decision to better protect his presidency. In all these respects, the President was attempting to obstruct justice.

President Trump has also systematically declined to enforce statutory mandates of Congress by arbitrarily and capriciously revoking scores of agency rules ranging from immigration to the Consumer Financial Protection Board to the Environmental Protection Agency in violation of the Administrative Procedure Act or otherwise. He has routinely legislated by executive order in lieu of following constitutionally prescribed processes for legislation. In violation of his constitutional duty to take care that the laws be faithfully executed, Mr. Trump has dismantled and disabled scores of preventive measures to save lives, avoid injuries or disease, help families, consumers, and workers, and detect, deter, and punish tens of billions of dollars of corporate fraud. He has disputed climate disruption as a "Chinese hoax," compounded the climate crisis by overt actions that expand greenhouse gas emissions and pollution, and excluded or marginalized the influence of civil service scientists.

Article I, section 7, clause 2, as President George Washington explained, requires the President either to sign or veto a bill passed by Congress in toto. The President may not exercise a line-item veto, as the United States Supreme Court held in *Clinton v. New York*, 524 U.S. 417 (1998). President Trump, however, like several of his predecessors commonly exercises the equivalent of unconstitutional line-item vetoes through signing statements declaring his intent to leave unexecuted provisions he decrees are unconstitutional without a court test. Presidential signing statements weaken legislative power by disarming Congress from bundling in a single bill provisions both liked and disliked by the President and forcing the White House to choose between all or none. During the administration of President George W. Bush,

an American Bar Association Task Force issued a report condemning signing statements as unconstitutional sent to the President himself. ABA Task Force on Presidential Signing Statements and the Separation of Powers Doctrine, August 2006.

8. DUE PROCESS CLAUSE. The Fifth Amendment provides that no person shall “be deprived of life... without due process of law.” In violation of due process, President Trump claims power, like his immediate two predecessors, to act as prosecutor, judge, jury, and executioner to kill American citizens or non-citizens alike, on or off a battlefield, whether or not engaged in hostilities, whether or not accused of crime, and whether or not posing an imminent threat of harm that would trigger a right of preemptive self-defense. This combination of powers are euphemistically referenced as “targeted killings,” but they define tyranny.

9. APPOINTMENTS CLAUSE. President Trump has repeatedly appointed principal officers of the United States, including the National Security Advisor and Cabinet officials, who have not been confirmed by the Senate in violation of the Appointments Clause, Article II, section 2, clause 2. On a scale never practiced by prior presidents, Mr. Trump has filled as many as half of Cabinet posts with “Acting Secretaries” who have never been confirmed by the Senate.

10. SOLICITING A FOREIGN CONTRIBUTION FOR THE 2020 PRESIDENTIAL CAMPAIGN AND BRIBERY. President Trump has endeavored to corrupt the 2020 presidential campaign by soliciting the President of Ukraine to contribute something of value to diminish the popularity of potential rival Joe Biden, i.e., a Ukrainian investigation of Mr. Biden and his son Hunter relating to potential corrupt practices of Burisma, which compensated Hunter handsomely (\$50,000 per month). In so doing, Mr. Trump violated the criminal campaign finance prohibition set forth in 52 U.S.C. 30121.

President Trump solicited a bribe for himself in violation of 18 U.S.C. 201 in seeking something of personal value, i.e., discrediting Joe Biden’s 2020 presidential campaign with the help of the President of Ukraine to influence Mr. Trump’s official decision to release approximately \$400 million in military and related assistance.

11. VIOLATING CITIZEN PRIVACY. The Fourth Amendment protects the right to be let alone from government snooping, the most cherished right among civilized people

as Justice Brandeis elaborated in *Olmstead v. United States*, 277 U.W. 438 (1928) (dissenting opinion). Government spying on Americans ordinarily requires a warrant issued by a neutral magistrate based on probable cause to believe crime is afoot. President Trump, however, routinely violates the Fourth Amendment with suspicionless surveillance of Americans for non-criminal, foreign intelligence purposes under Executive Order 12333 and aggressive interpretations of the Foreign Intelligence Surveillance Act.

12. SUPPRESSION OF FREE SPEECH. The major purpose of a free press protected by the First Amendment is to expose government lies or illegalities—to shine light on the dark side. Justice Hugo Black elaborated in *New York Times v. United States*, 403 US. 713 (1971) in protecting publication of the classified Pentagon Papers from suppression:

“The Government’s power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell.”

President Trump is violating the First Amendment in stretching the Espionage Act to prosecute publication of leaked classified information that are instrumental to exposing government lies and deterring government wrongdoing or misadventures, including the outstanding indictment against Julian Assange for publishing information which was republished by the New York Times and The Washington Post with impunity. The United States Supreme Court upheld the First Amendment rights of the New York Times and The Washington Post to publish the classified Pentagon Papers, which accelerated the conclusion of the disastrous Vietnam War, in *New York Times v. United States*.

In all of this, Donald J. Trump, since the day of his inauguration, has conducted the office of the President contrary to his oath of office to destroy constitutional government to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump warrants impeachment and trial, and removal from office.