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MARKUP OF: H. RES. 755, ARTICLES OF IMPEACHMENT AGAINST PRESIDENT DONALD J. TRUMP VOLUME I

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

DECEMBER 11–13, 2019

Serial No. 116–69

Printed for the use of the Committee on the Judiciary

Available http://judiciary.house.gov or www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

39–401 WASHINGTON : 2020

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CONTENTS

VOLUME I

DECEMBER 11–13, 2019

OPENING STATEMENTS

	Page
The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary	2
The Honorable Doug Collins, Ranking Member, Committee on the Judiciary	5
The Honorable Zoe Lofgren, a Member of Congress from the State of California, Committee on the Judiciary	8
The Honorable F. James Sensenbrenner, a Member of Congress from the State of Wisconsin, Committee on the Judiciary	9
The Honorable Sheila Jackson Lee, a Member of Congress from the State of Texas, Committee on the Judiciary	11
The Honorable Steve Chabot, a Member of Congress from the State of Ohio, Committee on the Judiciary	12
The Honorable Steve Cohen, a Member of Congress from the State of Tennessee, Committee on the Judiciary	14
The Honorable Louie Gohmert, a Member of Congress from the State of Texas, Committee on the Judiciary	15
The Honorable Hank Johnson, a Member of Congress from the State of Georgia, Committee on the Judiciary	16
The Honorable Jim Jordan, a Member of Congress from the State of Ohio, Committee on the Judiciary	18
The Honorable Ted Deutch, a Member of Congress from the State of Florida, Committee on the Judiciary	19
The Honorable Ken Buck, a Member of Congress from the State of Colorado, Committee on the Judiciary	21
The Honorable Karen Bass, a Member of Congress from the State of California, Committee on the Judiciary	22
The Honorable John Ratcliffe, a Member of Congress from the State of Texas, Committee on the Judiciary	24
The Honorable Cedric Richmond, a Member of Congress from the State of Louisiana, Committee on the Judiciary	26
The Honorable Martha Roby, a Member of Congress from the State of Alabama, Committee on the Judiciary	27
The Honorable Hakeem Jeffries, a Member of Congress from the State of New York, Committee on the Judiciary	29
The Honorable Matt Gaetz, a Member of Congress from the State of Florida, Committee on the Judiciary	30
The Honorable David Cicilline, a Member of Congress from the State of Rhode Island, Committee on the Judiciary	32
The Honorable Mike Johnson, a Member of Congress from the State of Louisiana, Committee on the Judiciary	33
The Honorable Eric Swalwell, a Member of Congress from the State of California, Committee on the Judiciary	35
The Honorable Andy Biggs, a Member of Congress from the State of Arizona, Committee on the Judiciary	36
The Honorable Jamie Raskin, a Member of Congress from the State of Maryland, Committee on the Judiciary	38
The Honorable Tom McClintock, a Member of Congress from the State of California, Committee on the Judiciary	39

Page

The Honorable Pramila Jayapal, a Member of Congress from the State of Washington, Committee on the Judiciary 41
The Honorable Debbie Lesko, a Member of Congress from the State of Arizona, Committee on the Judiciary 42
The Honorable Val Demings, a Member of Congress from the State of Florida, Committee on the Judiciary 43
The Honorable Guy Reschenthaler, a Member of Congress from the State of Pennsylvania, Committee on the Judiciary 44
The Honorable Lou Correa, a Member of Congress from the State of California, Committee on the Judiciary 46
The Honorable Ben Cline, a Member of Congress from the State of Virginia, Committee on the Judiciary 47
The Honorable Mary Gay Scanlon, a Member of Congress from the State of Pennsylvania, Committee on the Judiciary 48
The Honorable Kelly Armstrong, a Member of Congress from the State of North Dakota, Committee on the Judiciary 50
The Honorable Sylvia Garcia, a Member of Congress from the State of Texas, Committee on the Judiciary 51
The Honorable Greg Steube, a Member of Congress from the State of Florida, Committee on the Judiciary 53
The Honorable Joe Neguse, a Member of Congress from the State of Colorado, Committee on the Judiciary 54
The Honorable Lucy McBath, a Member of Congress from the State of Georgia, Committee on the Judiciary 56
The Honorable Greg Stanton, a Member of Congress from the State of Arizona, Committee on the Judiciary 57
The Honorable Madeleine Dean, a Member of Congress from the State of Pennsylvania, Committee on the Judiciary 58
The Honorable Debbie Mucarsel-Powell, a Member of Congress from the State of Florida, Committee on the Judiciary 60
The Honorable Veronica Escobar, a Member of Congress from the State of Texas, Committee on the Judiciary 61

MARKUP MATERIALS

H. Res. 755, Articles of Impeachment Against President Donald J. Trump 68
Amendment in the Nature of a Substitute to H.R. 755, Offered by Mr. Nadler (NY) 83
Amendment to the Amendment in the Nature of a Substitute to H. Res. 755 Offered by Mr. Jordan (OH) 95
Amendment to the Amendment in the Nature of a Substitute to H. Res. 755 Offered by Mr. Gaetz (FL) 196
Amendment to the Amendment in the Nature of a Substitute to H. Res. 755 Offered by Mr. Biggs (AZ) 250
Amendment to the Amendment in the Nature of a Substitute to H. Res. 755 Offered by Mr. Reschenthaler (PA) 333

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE MARKUP

Article, Los Angeles Times, "Trump Froze Military Aid—as Ukrainian Soldiers Perished in Battle," October 15, 2019 Submitted by the Honorable Zoe Lofgren 106
Memorandum from President Trump, Telephone Conversation with President Volodymyr Zelensky of Ukraine, July 25, 2019 Submitted by the Honorable Ben Cline 126
Letter from Matthew Morgan (Office of the Vice President) to Chairman Elijah Cummings (HCOR), Chairman Eliot Engel (HFAC), Chairman Adam Schiff (HPSCI), October 15, 2019 Submitted by the Honorable Andy Biggs .. 144
Letter from Matthew Morgan (Office of the Vice President) to Chairman Adam Schiff (HPSCI), October 11, 2019 Submitted by the Honorable Andy Biggs 146
Article, Time, "Exclusive: Top Ukraine Official Andriy Yermak Casts Doubt on Key Impeachment Testimony," December 10, 2019 Submitted by the Honorable Matt Gaetz 156
Article, The Philadelphia Inquirer, "Impeach President Donald Trump—Philadelphia Inquirer Editorial Board," December 11, 2019 Submitted by the Honorable Steve Cohen 170

Page

Article, The Boston Globe, "Impeach the president," December 5, 2019 Submitted by the Honorable Steve Cohen 173
Article, USA Today, "USA TODAY's Editorial Board: Impeach President Trump," December 11, 2019 Submitted by the Honorable Steve Cohen 176
Article, Los Angeles Times, "Editorial: We've seen enough. Trump should be impeached," December 7, 2019 Submitted by the Honorable Steve Cohen
Letter to Congress from Legal Scholars, December 6, 2019 Submitted by the Honorable David Cicilline 188
Article, Los Angeles Times, "Trump Froze Military Aid—as Ukrainian Soldiers Perished in Battle," October 15, 2019 Submitted by the Honorable Sheila Jackson Lee 204
Article, CNBC, "Trump Asked Top Political Advisors Whether he Should Worry About Running Against Joe Biden," March 6, 2019 Submitted by the Honorable David Cicilline 266
Article, Newsweek, "Thirteen Ukrainian Soldiers Died During Trump-Ordered Freeze on Military Aid," October 4, 2019 Submitted by the Honorable Karen Bass 256
Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting, New York, NY Submitted by the Honorable Mike Johnson 272
Article, New York Times, "In Fight for Judiciary Slot, Democrats Broach the "I" Word: Impeachment," December 18, 2017 Submitted by the Honorable Matt Gaetz 284
Article, Los Angeles Times, "Trump Froze Military Aid—as Ukrainian Soldiers Perished in Battle," October 15, 2019 Submitted by the Honorable Eric Swalwell 292
Letter From John Rood (DOD) to Four Committee Chairs, May 23, 2019 Submitted by the Honorable Ted Deutch 304
Article, Roll Call, "Ukrainian Lives Hung in Balance as Trump Help up Aid," October 24, 2019 Submitted by the Honorable Zoe Lofgren 310
Article, The Guardian, "Roger Stone to Michael Cohen: the men in Trump's orbit implicated in crimes," November 15, 2019 Submitted by the Honorable Cedric Richmond 322
Letter from Pat A. Cipollone (White House) to Speaker Nancy Pelosi, et al., October 8, 2019 Submitted by the Honorable Zoe Lofgren 338
Letter from Chairman Eliot L. Engel (HFAC), Chairman Adam B. Schiff (HPSCI), and Chairman Elijah E. Cummings (HCOR), to John J. Sullivan (Department of State), October 1, 2019 Submitted by the Honorable Guy Reschenthaler 376
FOIA Production, December 12, 2019 DOD and OMB to Center for Public Integrity Submitted by the Honorable Veronica Escobar 442

H. RES. 755, ARTICLES OF IMPEACHMENT AGAINST PRESIDENT DONALD J. TRUMP

WEDNESDAY, DECEMBER 11, 2019

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC.

The committee met, pursuant to call, at 7:00 p.m., in Room 1100, Longworth House Office Building, Hon. Jerrold Nadler [chairman of the committee] presiding.

Present: Representatives Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries, Cicilline, Swalwell, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Mucarsel-Powell, Escobar, Collins, Sensenbrenner, Chabot, Gohmert, Jordan, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong, and Steube.

Staff Present: Amy Rutkin, Chief of Staff; Perry Apelbaum, Staff Director and Chief Counsel; Aaron Hiller, Deputy Chief Counsel and Chief Oversight Counsel; Barry Berke, Counsel; Norm Eisen, Counsel; Arya Hariharan, Deputy Chief Oversight Counsel; James Park, Chief Constitution Counsel; Joshua Matz, Counsel; Sarah Istel, Counsel; Matthew Morgan, Counsel; Kerry Tirrell, Counsel; Sophia Brill, Counsel; Charles Gayle, Counsel; Maggie Goodlander, Counsel; Matthew N. Robinson, Counsel; Ted Kalo, Counsel; Priyanka Mara, Professional Staff Member; William S. Emmons, Legislative Aide/Professional Staff Member; Madeline Strasser, Chief Clerk; Rachel Calanni, Legislative Aide/Professional Staff Member; Julian Gerson, Professional Staff Member; Anthony Valdez, Fellow; Thomas Kaelin, Fellow; David Greengrass, Senior Counsel; John Doty, Senior Advisor; Moh Sharma, Member Services and Outreach Advisor; John Williams, Parliamentarian; Jordan Dashow, Professional Staff Member; Shadawn Reddick-Smith, Communications Director; Daniel Schwarz, Director of Strategic Communications; Kayla Hamedi, Deputy Press Secretary; Kingsley Animley, Director of Administration; Tim Pearson, Publications Specialist; Janna Pickney, IT Director; Faisal Siddiqui, Deputy IT Manager; Nick Ashley, Intern; Alex Espinoza, Intern; Alex Thomson, Intern; Mariam Siddiqui, Intern; Catherine Larson, Intern; Kiah Lewis, Intern; Brendan Belair, Minority Staff Director; Bobby Parmiter, Minority Deputy Staff Director/Chief Counsel; Ashley Callen, Minority Chief Oversight Counsel; Danny Johnson, Minority Oversight Counsel; Jake Greenberg, Minority Oversight Coun-

sel; Paul Taylor, Minority Chief Counsel, Constitution Subcommittee; Daniel Flores, Minority Chief Counsel, Antitrust Subcommittee; Ella Yates, Minority Member Services Director; Jon Ferro, Minority Parliamentarian; and Erica Barker, Minority Deputy Parliamentarian.

Chairman NADLER. The Judiciary Committee will please come to order. Quorum being present. Without objection, the Chair's authorized to declare recess at any time. Pursuant to Committee Rule 2, and House Rule 11, clause 2, the Chair may postpone further proceedings today on the question of approving any measure or matter, or adopting an amendment for which a recorded vote for the yeas and nays are ordered.

Today we meet to begin consideration of Articles of Impeachment against President Donald J. Trump. Although it is our custom to limit opening statements to the Chair and Ranking Member of the committee, as I informed the Ranking Member, I believe that for such an important and solemn occasion as this, it would be appropriate for all members to have an opportunity to make an opening statement. Before we begin, I want to note the absence of our colleague, Ted Lieu, who required a medical procedure Monday evening, and will be unable to attend this markup. I understand he is in good spirits and plans to be back at work next week. His statement will be made part of the record, and I know that all of my colleagues join me in wishing him a speedy recovery.

I will now recognize myself for an opening statement. Today, we begin consideration of two Articles of Impeachment against President Donald J. Trump. The first article charges that the President used the powers of his public office to demand that a foreign government attack his political rivals. The second article charges that the President obstructed the congressional investigation into his conduct. Other Presidents have resisted congressional oversight, but President Trump's stonewall was complete, absolute, and without precedent in American history. Taken together, the two articles charge President Trump with placing his private political interest above our national security, above our free and fair elections, and above our ability to hold public officials accountable.

This committee now owes it to the American people to give these articles close attention and to describe their factual basis, meaning, and importance. I believe that three questions should frame our debate: First, does the evidence show clearly that the President committed these acts? Second, do they rise to the level of impeachable high crimes and misdemeanors? Third, what are the consequences for our national security, for the integrity of our elections, and for our country if we fail to act?

To the first question, there can be no serious debate about what President Trump did. On July 25th of this year, when he spoke to President Zelensky of Ukraine by telephone, President Trump had the upper hand. Ukraine had been invaded by Russia. Zelensky had only recently been elected. He badly needed our help. He needed it in the form of military aid already appropriated by Congress because of our national security interests in Ukraine, and he needed help in the form of an Oval Office meeting, so he could show the world that the United States stands with him against Russian aggression.

President Trump should have focused on America's national security and on the interest of the American people on that call. Instead, he completely ignored them in order to push his own personal, political interests. President Trump asked for a favor. He wanted Ukraine to announce two bogus investigations: One into former Vice President Biden, his leading opponent in the 2020 election; and another, to advance a conspiracy theory that Ukraine, not Russia, attacked our elections in 2016.

These were not legitimate requests. Neither were supported by the evidence. One investigation was designed to help President Trump conceal the truth about the 2016 election. The other was designed to help him gain an advantage in the 2020 campaign. Both were divorced from reality and from official U.S. policy.

The evidence proves that these requests were not related to any real interest in rooting out corruption. President Trump eagerly does business with corrupt governments every day. The evidence shows that President Trump did not care if real investigations took place. A public announcement that the Government of Ukraine was investigating his rivals would have been enough for him to release the aid, whether or not an actual investigation ever took place.

After the call, President Trump ratcheted up the pressure. He dangled the offer of an Oval Office meeting. He withheld $391 million in military aid. His personal lawyer traveled to pressure the Ukrainians directly. The President deployed other agents, including outside the official channels of diplomacy, to make his desires clear. By September, President Zelensky was ready to comply to announce the two fake investigations. Then the scandal broke into the open. Caught in the act, the President was forced to release the aid.

When the House of Representatives opened an inquiry into the President's actions, President Trump did everything in his power to obstruct the investigation. He declared across-the-board resistance. He ordered every official in the Federal Government to defy all subpoenas related to the inquiry. At his command, the administration also refused to produce a single document related to the inquiry, not one.

To put this obstruction into context, during the Watergate hearings, President Nixon turned over recordings of his conversations in the Oval Office. Later, President Clinton handed over his DNA. President Trump's obstruction was, by contrast, absolute.

Those are the facts. They are overwhelming. There is no denying them. Having reviewed the evidence, we come to our second question: Is the President's proven conduct impeachable? The answer is simple, absolutely.

Under Article I of the Constitution, a President can be impeached for high crimes and misdemeanors. The highest of high crimes is abuse of power. It occurs when a President uses his official powers to serve his own personal, selfish interests at the expense of the public good. To the founding generation that had fought a king and won our freedom, it was a specific, well-defined offense.

The first Article of Impeachment charges President Trump with abuse of power. The article describes President Trump's conduct, and lays out two aggravating factors that we must consider. In

pressuring Ukraine for a personal favor, President Trump both betrayed our national security and attempted to corrupt our elections. When the President weakens an ally who advances American security interests by fighting an American adversary, the President weakens America, and when the President demands that a foreign government investigate his domestic political rivals, he corrupts our elections.

To the Founders, this kind of corruption was especially pernicious. Free and fair elections are the bedrock of our democracy. If our elections are corrupt, everything is corrupt.

The President faces a second Article of Impeachment for his ongoing efforts to obstruct a lawful investigation into his conduct. We have never, in the history of our Nation, seen a President categorically defy Congress in this matter. If the President can first abuse his power, and then stonewall all congressional requests for information, Congress cannot fulfill its duty to act as a check and balance against the executive and the President becomes a dictator.

Later tonight, you will hear more about both articles and how they describe a pattern of behavior that President Trump seems determined to repeat again and again. My colleagues will also address various procedural objections that had been raised in the President's defense, but there is one of those objections that I wish to address right away.

Some ask, why not take more time? Why is this necessary now? Why do we need to impeach the President? Why not let the next election handle it? This brings us to the third and final question, what is the risk if we do not act?

Over the past 94 days since the House investigation began, indeed, over the last 3 years, one indisputable truth has emerged: If we do not respond to President Trump's abuses of power, the abuses will continue. We cannot rely on an election to solve our problems when the President threatens the very integrity of that election, nor can we sit on our hands while the President undermines our national security, and while he allows his personal interests and the interests of our adversary, Russia, to advance.

The President's personal lawyer was in Ukraine again just last week. That was not 3 years ago. That was not 3 months ago. That was Saturday. President Trump's continuing abuses of power jeopardize our security and our elections. The threat is urgent. If we do not act now, what happens next will be our responsibility as well as his.

I will close with a word to my Republican colleagues. I know you. I have worked with many of you for years. I consider you to be good and decent public servants. I know this moment may be difficult, but you still have a choice. I hope every member of this committee will withstand the political pressures of the moment. I hope that none of us attempt to justify behavior that we know in our heart is wrong. I hope that we are able to work together to hold this President, or any President, accountable for breaking his most basic obligations to the country and to its citizens.

And while you think about that choice, please keep in mind that one way or the other, President Trump will not be President forever. When his time has passed, when his grip on our politics is gone, when our country returns, as surely it will, to calmer times

and stronger leadership, history will look back on our actions here today. How would you be remembered? We have each taken an oath to support and defend the Constitution against all enemies, foreign and domestic. I hope to be remembered for honoring that oath. I hope you feel the same.

And so, with a heavy heart, but clear in my duty to our country, I support these Articles of Impeachment. I urge my colleagues to support them as well.

I yield back the balance of my time. I now recognize the distinguished Ranking Member of the Judiciary Committee, the gentleman from Georgia, Mr. Collins, for his opening statement.

Mr. COLLINS. Thank you, Mr. Chairman. I find it amazing at best, hilarious, I guess at worst, that we come to, quote, a solemn and amazing moment. We have been on this path since November 2016. This is not new. We have been trying this for almost 3 years if you are a majority member of this party. The only thing that has changed is the opportunity from last November when you became the majority. The only thing that changed in your desire to impeach this President was that you became the majority, and we have spent all year in this committee trying to impeach the President.

We have occasionally had markups on bills, most of which so partisan they cannot even go forward in the Senate. Most of which that do not address any issue that we have talked about, but it is amazing to me that we are taking it now at such a solemn oath that we have made up something to now come to this point to say, This is very solemn, like it jumped up and snuck up on you.

It is about, like, the holiday season. It doesn't jump up and sneak up on you when you have been expecting it the whole time. And that is what we have been doing. What has been amazing to me was, is some things that we have seen. So let's just take some perspective here for a little while. What has our committee, this great committee, come to? That is the question for us. Let's just take it for just a moment inside these impeachment hearings.

This is our third. I will count it into tomorrow for three. Three hearings in this committee of impeachment, and that is all we are having. What do we get out of those three hearings? We had a bunch of law professors, three of which who cannot stand the President, who cannot stand his voters, and cannot stand the fact that he is still in office, telling us why he should be impeached and that inferences were okay to find impeachment.

We had a hearing just 2 days ago from staff lecturing us on what is relevant and not relevant, and what they found in the report, while the member who wrote the report hid in his closet somewhere, I guess, or in his office, not wanting to come face the questions of this committee. That should be abhorrent to everyone here.

So let's think about what we have seen and what we have not seen. And again, Chairman Schiff is nowhere to be found. When we understand this, we look forward. Tonight it has started again. We talk about tearing down of national institutions, and we start talking about putting our security at risk when tonight, even in the chairman's opening statement, we start with one of the most amazing takedowns I have ever seen: When they can't make their argument that the President pressured Mr. Zelensky, they then attack

Mr. Zelensky, and then say that he was pressured when Mr. Zelensky, on numerous occasions, has said, I have not been pressured, I am not being used, the call was fine, I am not paying pressure to do anything.

Then here is what the majority is saying. The majority is saying, Mr. Zelensky is a liar and we in this body, the Democrats, are tearing down a world leader in the eyes of those that don't like him in his own country and Russia who is attacking him. Think about that one for just a second. Let that sink in.

When we can't make our case, we tear down—not only try to tear down the leader of the free world, President Trump, we are tearing down the newly elected leader of the Ukraine.

This is amazing to me. You can't make your case against the President because nothing happened and when President Zelensky confirms nothing happened, we start tearing him down. I never thought we would cross outside of the ocean to try and basically impugn the integrity of a world leader like we have been for the last two hearings.

We have also found—other things that we have found in our very minimal hearings here in this body is we have seen that other committees have used political vendettas against ranking members and others, including members of the press who are sitting here tonight, by putting phone records in, naming names. I mean, you talk about getting even. We put names, Mr. Nunes, Mr. Solomon, others, almost four numbers that we looked at, and nobody would own up to it.

Mr. Goldman—Mr. Schiff, of course, wasn't here—but even Mr. Goldman wouldn't own up on who said to do that when they could have simply put in the record Congressman one, Congressman two, reporter one. No. They got what they wanted. They got their drive-by. They got their political smear. That is the record being built in Judiciary Committee, not a record of facts against this President, a record of a Democratic party who has lost all moorings of fairness and good taste. That is what we are seeing here and we can have all the flowery opening statements tonight we want, but they can't get away from that fact.

What is the big lie that is being perpetrated here on us? The big lie is this. And one of the Democrats have told the American people they have said this for 3 years. The big lie that we are hearing perpetrated tonight is: one, the ends justifies the means. The lies that the sham impeachment is okay because the threat is so real and so urgent and so imminent. The big lies that political expediency is honorable and justifiable, and history has shown that to be untrue and dangerous. The big lies that Adam Schiff had gained evidence in plain sight, he said of President Trump colluding with Russians and Special Counsel Mueller's report debunked that lie, but it continues to spread like a cancer every time we meet. The big lies that the evidence of the impeachment of overwhelming and uncontested, the facts are undisputed. The very fact that people in this committee dispute the facts make them disputed facts, not undisputed facts.

The problem that we are seeing here is when you even get to the articles themselves, abuse of power, when you look at these articles and compare them to history, I am glad the chairman brought up

history. Because I would not write history. It will be written for us at a later time because they will not always be the majority, as he talked about this President not always being President. I do believe he will be President for 5 more years. But at this time, there will be a turnover at some point, and what do we have? This is the articles that we wrote after all of these hearings and all of these grand pronouncements, and all these thoughts of crimes in plain sight, we get abuse of power with no real dates on this is the abuse? It is just generic, vague statements.

You know why I believe that is, is because the Democrats can't come up with an argument for it. They don't have the "who knew it and when they knew it." All they have is, well, here, members, we are going to give you abuse of power. You go home pick something you don't like about the President, there is your abuse of power. This is a much about political expediency as it is anything else, and that should never be in Articles of Impeachment. And anybody that defend that is treading on very thin ice.

And then obstruction of Congress. The only obstruction we have seen here is obstruction from Chairman Schiff of this investigation. He did not turn over the documents as he was supposed to. We get those last Saturday in a massive document after we have already had a hearing, after we had another—getting ready for another hearing in which we are supposed to lay out the report and tonight, tonight, he sends a letter of classified information that has been classified over to us tonight. Don't think for a second, American public, that this majority wants you to find the truth. The obstruction has only occurred from Adam Schiff and the HPSCI and the majority keeping people from actually trying to find the truth. That is the only obstruction here, so why don't we just have that as an obstruction charge, but it will be against Adam Schiff and the majority, not the President.

Two articles like that, abuse of power and obstruction of Congress? In 70-something days, the only abuse of power here is the majority racing the fastest they have ever had the clock and the calendar determining what impeachment looks like. That is the abuse of power, as Professor Turley said.

But before I finish, I cannot stop without this. The real legacy of this impeachment hearing will not be the removal of Donald Trump as President. In fact, if anything, they see the majority for what they are, on a 3-year vendetta to get someone that they couldn't beat, and they are desperate to do it before he beats them again next year. Here is the real damage, it is the institutional damage to this body, it is the institutional damage to getting information, even after the hearing started from not having the rules followed, from having this committee as the chairman warned us about 20 years ago when he said, this great committee, the Judiciary Committee, should never accept a report from someone else without verifying it, having hearings to make sure it was there unless, as the chairman said, we become a rubber stamp.

I don't know about you, but I am not a rubber stamp, and I don't like what I have been forced to do. Sit here, be lectured to by law professors and a staff that does not wear a pin telling us what is relevant or not. We are a rubber stamp of the worst kind because we didn't even try to make a point. The minority hearing date

which, by the way, get ready. We will talk about this more, we are going to talk about it some tonight, and we will get it shot down tomorrow. And Rules Committee will take care of it before reporters and for media and people who have watched this body in the institution that I have loved all of my life and watched this since I was an intern up here being destroyed day after day.

If the minority has no rights and one day this majority will be back in the minority, and they will be crying and screaming for minority rights to be upheld, and I will just point back to 2019 and say, This is the year you put a dagger in minority rights. Justify the most basic obligations of this committee have been overrun.

So tonight, we have experienced—we are in December. After a year of trashing this institution, a year of trying to trash this administration and this President, we come up with abuse of power and can't define it? We come up with obstruction of Congress after 72 days.

I know they are desperate. You know how I know it? Adam Schiff's own words yesterday. We can't go to court. That would take too long. An election is coming. Let me finish the last part of that sentence as he likes to put words into President Trump's mouth when he faked the call transcript, No, Adam, what you need to continue to say is, we can't beat him next year. The only thing we need is a 30-second commercial saying we impeached him.

That is the wrong reason to impeach somebody and the American people are seeing through this, but at the end of the day, my heart breaks for a committee that has trashed this institution and this is where we are now.

With that, I yield back.

Chairman NADLER. The gentleman yields back.

We will now proceed with 5-minute opening statements from other members of the committee. I now recognize the gentlelady from California, Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. This is a serious moment for our country. I have worked on presidential impeachments as part of this committee twice before, and a third time brings me no joy. Members of Congress all take an oath to uphold the Constitution when the President violates the constitutional order, we have an obligation to live up to our oath of office to deal with that.

Last week, this committee got direct evidence about the President's actions that threaten our national security, undermine the integrity of the next election, and his violation of his oath. As a staff member to my predecessor, Congressman Don Edwards, I watched his opening in the Nixon impeachment, and it rings true today. He said the value and beauty of our Constitution and representative government, if it is going to work, requires that we all respect and obey the Constitution. It is the compact we have with each other. Put simply, no one is above the law, and the President of the United States must follow the Constitution.

President Trump has not only abused his power for the upcoming election, he used a foreign power to do it. George Washington would likely be astonished, since he warned against the insidious wilds of foreign influence. One of my most vivid memories from the 1974 impeachment was Representative Chuck Wiggins, one of the most vigorous defenders of President Nixon when he realized that

Nixon had lied to him. I have been waiting for Republican Members here to have their Chuck Wiggins' moment, but it seems like we live in an alternate reality whereas one columnist recently said, If it swims and quacks like a duck, it is a piano. It is understandable that Republicans feel loyalty to the leader of their party, but loyalty to our country and our Constitution must be greater.

I have reviewed what Republican committee members said during the Nixon impeachment. Representative Larry Hogan said, it is not easy for me to align myself against the President, to whom I gave my enthusiastic support. But I cannot, in good conscience, turn away from the evidence.

Caldwell Butler, another pro-Nixon Republican said, the misuse of powers is the very essence of tyranny, and that Nixon's lack of remorse for his misconduct and concern for his constitutional responsibility were a factor in the supporting impeachment.

That is a problem today as well. President Trump continues his misconduct. He is not contrite. He poses an ongoing threat. Representative Butler said this about the Republicans, is, we, not the Democrats, who must demonstrate that we are capable of enforcing the high standard.

Where are the Caldwell Butlers and Larry Hogans of today in the Republican Party? What is before us is a serious abuse of power and obstruction of Congress, and I hope that every member here will vote their conscience. We are blessed to live in a wonderful free country. An important thing that keeps us free is the Constitution of the United States and the generations of Americans who have defended that Constitution on the battlefield, in the courts, in the Congress.

The Founders included the impeachment clause in the Constitution purposefully, and they gave Congress the sole authority to impeach for a reason. If the President who had been granted vast powers abuse that power, threaten the constitutional order, then Congress could and should act to try to curb that abuse. It is the foundation of our free society. The power to impeach is not to punish a President. It is to protect Americans from a President who would abuse his power, upend the constitutional order, and threaten our democracy.

Regrettably, President Trump has engaged in the abuse of power. His failure does not permit us to fail to fulfill our oath. It is with considerable regret that I find our country faced with the need to impeach President Trump for his abuse of power, but the future of our democracy and constitutional order require it.

And I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. Sensenbrenner.

Mr. SENSENBRENNER. Mr. Chairman, I agree with everybody that tonight is a very solemn night. This is the third time in the last 40 years, 45 years that this committee has sat to the Articles of Impeachment against the President of the United States. What we are debating here, in my opinion, is the weakest case in history, and yet, the Democrats have decided to go full speed ahead, again, because of the clock and the calendar, with an incomplete record, simply by using hearsay evidence and trashing the rules of the House every time they can in order to speed things up where they

preordained conclusion, and that is a partisan vote for impeachment, something that both the Speaker and the chairman of this committee rejected earlier on when they thought they could make this bipartisan. If they could have made it bipartisan, they blew their opportunity very early on with their trashing of the rules, and the trashing of what has been the history of this committee.

Now, let's look at these two articles. Unlike the Nixon and Clinton impeachment, there is no crime that is alleged to have been committed by the President of the United States. There are policy differences, but I would submit that given the definition of treason, bribery, and other high crimes and misdemeanors, that does not mean that policy differences should be enough to remove a President from office. There is no allegation of bribery in these articles. There is no allegation of extortion. They have defined for themselves what a high crime and misdemeanor will be. This bar is so low that what is happening is that a future President can be impeached for any disagreement when the presidency and the House of Representatives are controlled by different parties. And that goes back to establishing a parliamentary system, which the Framers explicitly rejected at the time of the constitutional convention. And the United Kingdom or Canada or other parliamentary democracies, if the government loses the confidence of a majority of the lower House, the government's out, and there either is a new government or a new election that happens.

The Framers didn't want that. We had an independent presidency. The President was independently elected. He did not serve at the sufferance of Congress. He served for a fixed term, and it was only if he really obstructed the functions of government or was treasonous, he could be impeached.

Now let's look at obstruction of Congress. Again, in the past, whenever the executive and legislative branches in the United States have had a disagreement, they have gone to court, and the third branch decides this difference. This committee and this majority are so high bound to their clock and their calendar that they will not allow the judicial process to work out. What brought Richard Nixon down, honestly, was the Supreme Court saying that he had to turn over certain documents. And within 2 or 3 weeks after that, the President knew his time was up. The Republicans had convinced him of that, and he resigned mooting out the impeachment.

So, yes, the Constitution is at stake. The Framers of our Constitution's enlightened decisions are at stake. We are not to go on the road to becoming a parliamentary democracy, like England and Canada are. We need an independent President who does not have to suffer to anything a congressional majority might throw at him. That is what the courts are for to figure it out. And I would appeal to my chairman, the majority members of this committee to listen to what Madison and Hamilton had to say during the ratification of the Constitution, and during the debates at the convention. Put aside your partisan politics and don't listen to what Pelosi, Schiff, and Nadler are telling you, because the future of our country and the viability of our Constitution, as the Framers decided it, are at stake.

I yield back.

Chairman NADLER. The gentleman yields back.

Ms. Jackson Lee.

Ms. JACKSON LEE. The Constitution begins with, "We, the people of the United States," among other things, promote the general welfare and establish this Constitution for the United States of America. The President of the United States, Donald J. Trump, perpetrated constitutional crimes. Why does this matter today, now, in this moment of the journey of America's history? Because truth matters and where truth rests, trust builds. The Constitution is a plain language set of laws that Americans for generations have adhered to and been protected by. It is a list of crimes the Framers feared and are forbidden actions not to be taken by our governors. The Founding Fathers believed the bill of rights is a living document, freedom of speech and privacy, ending slavery.

So today, my case will rest on truth and trust. I will ignore the politics of impeachment, but rather, the facts and truth I must abide by. The Congress has the power to impeach the President, the President can be impeached and removed from office for the convictions of treason, bribery, high crimes and misdemeanors. This is the law of the land, so here are the facts: First, President Trump violated his oath of office by placing his personal and political interests above the national interests by scheming to get Ukraine to investigate a potential election opponent. Second, President Trump betrayed the national interest by withholding vital, congressionally appropriated security to a beleaguered and besieged ally facing armed aggression from Russia, America's implacable foe. Third, the essential purpose of the scheme concocted by President Trump was to enlist a foreign country to help him fix the 2020 presidential election in his favor, the very type of interference our Framers most feared. And then he blocked witnesses and documents obstructing Congress.

These acts are precise and evidence-based and must stand the test of truth and trust in a Constitution that has been the foundation of this Nation for centuries. The truth is, this President did ask for a favor, though. Witnesses under oath swore to that. The truth is, $391 million were withheld. The truth is, the only goal of the President's acts harm the American people, violated his oath, and promoted his 2020 election. Now, truth raises a question again: Did the President follow his oath, another sacred duty, to take care that the laws be faithfully executed, that the law saved a besieged small nation those monies that were needed by Ukraine?

Many lives during that time of delay were lost in a country fighting for its survival, yes, and, was America's national security in jeopardy? Yes. The bright light of this constitutional democracy dimmed because of his acts. The truth is no longer for all; it is for one man, Donald J. Trump, his truth, his way.

We must reject that abuse of power, because this is not America, no one is above the law. Reminded of my grandfather who left his native land to join with his wife, and to bring his aspirations and hopes to the United States. I am reminded that he died an early death because of lack of access to healthcare, but yet, I am told he was still inspired by this Nation and I am reminded that my widowed grandmother watched Eric, Alan, and Samuel go off to war in World War II. These are America's stories, families who believe,

and when the Commander in Chief violates his oath and abuses power, corrupts our democracy, it is a continuing threat to our national security.

The truth is, it becomes like the leaves on a tree. It falls to the ground, and the trust that is a cornerstone of our democracy, shakes in the stare of a Government no longer for the people and by the people, but a Government led by a President who undermines our democracy over and over again, and even looking forward to interfering with our election in 2020. It matters to the waitress on an early bus for the breakfast shift. It matters to the steel worker helping to build America. It matters to the teacher in our fifth grade social studies class. It matters to a mother kissing her young military recruit before they go off to their service to this Nation.

It is important that we begin to understand that we cannot be stopped by distractions. This must be the time when we rise and sacrifice so that the wheels of justice turn toward right, our sacrifice is unselfish, our truth will set this Nation free. For this reason, I vote aye and must vote aye on the Articles of Impeachment, Article I and Article II for his truth is marching on. His truth is marching on. Impeachment cannot be warped by equivocation wrapped in doubt. It must be done, both by the past and present.

And the question is, the America that we know and love can it survive the pillars of abuse? No, it cannot, and that is why I put my faith and trust and truth, and that is why we stand tonight for America's future.

I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. Chabot.

Mr. CHABOT. Mr. Chairman, as we consider this evening Articles of Impeachment that if adopted by this committee, the full House, and, God forbid, garners a two-thirds vote in the Senate would result in the overturning of a presidential election, it seems appropriate to consider how in the world we got here? We are witnessing, I believe, the most tragic mockery of justice in the history of this Nation. We are witnessing an inexplicable rush to impeach a President who is disliked—no, loathed—by most of my Democratic colleagues and by their supporters. And as a result of that loathing, they see fit to abandon all basic tenets of fairness, due process, and justice guaranteed to every American under the Constitution.

After the farce in the Intelligence Committee, we had dumped in our laps a report recommending impeachment with no time to adequately consider or review the materials. So much for the rules allowing members of the Judiciary Committee, or any committee for that matter, to responsibly consider such materials, especially if they are involving something as important as the impeachment and potential removal of the President of the United States.

The report from the Intelligence Committee was based largely on testimony taken in secret depositions in the basement of the Capitol Building, which was closed to most Members of Congress, closed to the media, and closed to the American people.

If that is not bad enough, the report scandalously published the phone records of the President's personal attorney, a member of the

media, and a fellow member of this body. Under what legal authority these phone records were obtained, we have no idea. Then last Wednesday, this committee, the committee actually charged with handling impeachment, held the first of two hearings in which we heard from exactly zero fact witnesses. On Saturday, the Democrats on this committee announced that they had, without precedent, changed the requirements for impeachment so that the commission of an actual crime would no longer be necessary to satisfy the standard of high crimes and misdemeanors. And they announced that the President would not be permitted to present a case in his own defense.

Every school child in America knows that it is improper and unfair to change the rules in the middle of the game, Mr. Chairman. It is an ex post facto law, and forbidden under the Constitution. The flaunting of the law by the majority on this committee has been breathtaking. This past Monday, during our second hearing, again, without any fact witnesses, we had the bizarre situation in which, rather than members questioning witnesses, we had staff questioning staff, and even had a staff witness get up from the witness stand down there, walk over to this dais, and begin questioning another staff witness. At the same time, Republicans on this committee were denied the absolute right to have a minority hearing day, which is guaranteed by this committee's own rules.

The chairman of this committee, and the majority, have seen fit to abuse this committee's rules and ignore the rights of the minority with impunity. The majority should keep in mind that they will one day be in the minority, and they are setting a precedent in which they will likely one day be the victim themselves.

Now, we are debating Articles of Impeachment drafted by the majority on this committee, really by Nancy Pelosi and her cohorts, without any consultation with the minority party and based on what constitutional scholar, Jonathan Turley, called wafer-thin evidence.

Tomorrow, this committee will hold a vote to impeach a President without having heard from a single fact witness, and without allowing the minority party the ability to call any witnesses or present any defense. What a travesty of justice. In summary, over the last few weeks, House Democrats have either actively participated in, or acquiesced to, the drafting of Impeachment Articles based solely on evidence collected in secret hearings, closed to the media, and to the American people. Constitutionally prohibited ex post facto rules were welcomed. The President's Fourth Amendment rights under the Constitution were ignored. The President's due process rights under the Fifth Amendment, and his right to face his accusers and present a defense under the Sixth Amendment were also totally ignored.

If George Orwell had written the script, no one would have believed it. People would say that it is ridiculously implausible, and yet, here we are. To satisfy their bases extreme hatred of President Trump, House Democrats have taken a blow torch to House rules, the rule of law, and, most frighteningly, to the Bill of Rights. This is a sad day in American history, Mr. Chairman. The folks in the liberal media might be cheering you on, but I highly doubt that either history or the American people will judge you so leniently.

And I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman. Our Constitution embodies our values and laws, and invests the power of our government and the authority of the people expressed through free and fair elections. When President Trump, for his own personal political gain, asked for a "favor" from a foreign leader, he did exactly what our Founding Fathers feared most, he invited the influence of a foreign power into our elections. This is one of the primary reasons the Founders placed impeachment in our Constitution. Last week, Professor Karlan summed up his wrongdoing well, when she stated, quote, "When President Trump invited, indeed demanded, foreign involvement in our upcoming election, he struck at the very heart of what makes this country the republic to which we pledge allegiance. That demand constituted an abuse of power." She continued on, "Drawing a foreign government into our election process is an especially serious abuse of power because it undermines democracy itself." It is as if our Founders could see into 2019 and when they did, they saw Donald Trump corrupting our democracy by saying to President Zelensky of Ukraine, "I would like you to do us a favor, though."

President Trump's subversive and illegal action in seeking foreign interference are an effrontery to our Constitution, and to free and fair elections. They are an affront to our Founders. They are an affront to the suffragists who fought for women's voting rights. They are an affront to the memory of Medgar Evers, a civil rights leader assassinated in Jackson, Mississippi.

They are an affront to the memories of Andrew Goodman, James Cheney, and Michael Shwerner, civil rights workers murdered in Philadelphia, Mississippi, during the freedom summer of 1964, while registering African Americans to vote. They are an affront to the memory of Viola Liuzzo, a mother of five who was murdered by the Ku Klux Klan while she was in Alabama to participate in the Selma to Montgomery march, and they are an affront to the memory of the Reverend Martin Luther King, Jr., who championed the Voting Rights Act of 1965.

And they are an affront to every servicemember who has ever fought to defend our Nation and our system of self-government which is based upon free and fair elections.

President Trump's attempt to subvert our election was an attack on America. The President got caught when the whistleblower exposed the President's scheme. Then the President sought to cover-up the scheme. He stonewalled Congress as we pursued our investigation. He instructed his staff, cabinet, and other Federal officials to do the same. Previous presidents facing impeachment, even President Nixon, cooperated with Congress, but President Trump has thumbed his nose at constitutional power, and he refused to appear to defend himself.

Congress is a coequal branch of government and was foremost in the Founders' minds. They placed Congress first in Article I of the Constitution. President Trump's obstruction of Congress is an affront to Peter Rodino, who chaired this committee in the summer

of 1974 when Congress investigated Nixon's betrayal of his oath of office.

It is also an affront to the memory of Representative Barbara Jordan, who as a member of this committee said she would not, quote, "be an idle spectator to the diminution, the subversion, the destruction of the Constitution." And it is an affront to the memory of Congressman Elijah Cummings who knew we were better than this. And it is an affront to the many patriots who loved this country enough to defy the President's tyrannical attempt to prohibit their testimony, including Ambassador Yovanovitch, Ambassador Taylor, Lieutenant Colonel Vindman, and Dr. Fiona Hill.

And further, it is an affront to the memory Caldwell Butler, a principled Republican of the Judiciary Committee in 1974. He did not support impeachment before the hearings, but he listened to the evidence and that convinced him. He announced his vote for impeachment by saying, "For years we Republicans have campaigned against corruption and misconduct, but Watergate is our shame."

His sense of right and wrong was inviolate. When his mother warned him that his future would go, quote, "down the drain," unquote, he responded, "Dear Mother, you are probably right; however, I feel that my loyalty to the Republican Party does not relieve me of the obligation that I have." His mother was wrong.

Representative Butler served for another decade. And President Trump's obstruction of Congress is an affront to the citizens of my district, all Members of Congress, and all Americans who support free and fair elections. We, the people's House, have a duty to uphold our oath of office and to be a check on a President who abuses his power, betrays his oath, and corrupts our elections. Those who want to turn a blind eye to President Trump corrupting our democracy will try to get us to look away. We should not look away. I will not look away. I will remember our Founders' great plan for our great Nation and I will remember the rule of law. Above all, I will adhere to my oath of office.

I yield back the balance of my time.

Chairman NADLER. The gentleman yields back. Mr. Gohmert?

Mr. GOHMERT. This is truly a sad day for America. It is a sad week for America. You want to know where the Hogans and Butlers are? They are right here. There are people here willing to vote against our President, but a funny thing happened on the way to this hearing. We just got a report from Obama's inspector general, and his report confirms what we had a feeling was true, but we were willing to wait and hear what the truth was, and that is, the President, nor his campaign, committed any crimes. For 3 years, we have heard from people that are now in the majority talk about the crimes of the President, and where are they? Well, they kept saying, Mr. President, come in, you got to testify. We will be fair with you. Come tell us about the crimes and here is the crimes you have committed.

And where are they now that we have the Articles of Impeachment? A vague abuse of power, obstruction of Congress. The very things the majority has done in preventing us from having the witnesses that could shed light on this, not opinion, but fact witnesses. We needed to hear from those witnesses; people like Sean Misko,

Abigail Grace, Eric Ciaramella, Devon Archer, Joe Biden, Nellie Ohr, Alexandra Chalupa, and so many others. They don't want fact witnesses, let's hear from professors who hate Donald Trump who are willing to sell their education just to make a point against somebody they don't like.

This is a dangerous, dangerous time in America. They talk about abuse of power, but they are willing to obscure evidence in a basement hearing over and over. They are willing to block witnesses from coming in here and testifying before Congress. They are willing to obtain and publish phone records of people. There are no probable cause. There is no crimes by any of these people, but it reminds me a lot of what happened under the Bush Department of Justice when we got an IG report that said, there were probably over 3,000 national security letters like subpoenas sent out on fishing expeditions.

I was outraged. Here I am, Hogan or Butler, and I was talking with Senator Schumer. I was outraged like he was. The report said of the abuses, and I call the White House and I said, this is outrageous. The abuses of Americans' rights, somebody's got to answer for this, and we need a new Attorney General, and my mistake was, not demanding a new Director of the FBI, because Mueller stayed and he screwed it up even worse than it had been before.

Yeah. Some of us stand up and call it like it is no matter which administration is in office and now we have heard from Horowitz, we have heard from Barr and Durham, all 3 years screaming about lies were the real lies. And at some point, I would think, Uh-oh, I am a Democrat. Uh-oh, the report says all these things we said were crimes, they didn't happen. They didn't exist. It was all a fabrication and, in fact, all four of those warrants should never have been issued.

And I hope some of my friends across the aisle will finally join me in saying, let's either get rid of the FISA courts, or figure out a way to make them better because they are so abusive and they have been. And my party didn't want to fix it; their party doesn't want to fix it. It needs to be fixed.

Let me just say, I came in here, I did not want to get emotional, and I have sat through trials that were hard to sit through, but nothing like sitting this week in this committee hearing. Indeed, like Jefferson, I tremble that God is just and his justice won't sleep forever, but the abuses, the obstruction of Congress, have come from Congress. I would have expected Donald Trump to just say, You came after me, my business associates, my family now. I am going back and I am going to make billions of dollars, the heck with you guys, but he has hung in there. It is amazing.

At some point, the majority has got to say—they probably won't—we are really sorry. There was nothing on which to base all those allegations of crimes on and we owe you indeed apology. Let's see the Hogans and Butlers in the Democratic Party. Hadn't seen one yet.

Yield back.

Chairman NADLER. The gentleman yields back. Mr. Johnson.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman. Until this investigation began, I did not support impeaching President Trump and I would like to tell you all what changed my mind. America

first. We have heard those words a lot recently. We haven't always agreed on what they mean, but we know this: Our Founders created impeachment so that no President could place himself above the law.

Impeachment gives Congress the ability and the responsibility to put America first. I don't take that responsibility lightly. While I didn't vote for President Trump, I respect the office that he holds. I didn't call for impeachment when the President shut down our government or tried to rip healthcare from those with preexisting conditions, or embarrassed us on the world stage, or pardoned political cronies, or took money from our troops to fund his wall, or tore babies from their mothers at the border.

I didn't call for his impeachment then, not because I supported this President's actions, I simply felt that impeachment should be reserved for moments when our democracy itself is in danger. When the sign says, in case of emergency, break glass, there better be one heck of an emergency.

I did not call for impeachment before, but I call for impeachment today because this is one heck of an emergency. The facts are clear: President Trump undermined America's foreign policy to pursue what his own national security staff called a domestic, political errand. He withheld military aid, putting America's national security at risk in what his hand-picked ambassador called a quid pro quo.

President Trump didn't just abuse his power with Ukraine, he made them an offer they could not refuse—help me get re-elected, or you won't get the assistance you desperately need from the United States of America.

And then he tried to cover it up, but fortunately, we the people, are not as dumb as President Trump thinks we are. If you break the law and withhold documents, we know it is not because those documents make you look good, maybe that is why more Americans support impeachment now than at any time since Richard Nixon's final weeks, or maybe it is because the American people understand how much is at stake.

President Trump's high crimes threaten our democracy itself. I am a black man representing Georgia, born when Jim Crow was alive and well. To me, the idea that elections can be undermined is not theoretical. I have constituents who remember what it is like to live in a democracy in name only and they can tell you what it is like when powerful men undermine fair and free elections.

They know our Democratic process is fragile. We are here because President Trump tried to sabotage that Democratic process. He didn't want to let the voters decide. He decided to cheat in the upcoming election and he got caught. Let me remind my colleagues there is no such thing as attempted cheating. If a child copies off a test and a teacher catches them in the act, it is not okay just because that child didn't get away with it. The cheater got caught, and President Trump got caught.

We know there was a conspiracy, a crime, and a cover-up. There is only one thing we don't know, what will Congress do about it? Will we hold the President accountable, or will we serve as his accomplices? We are not voting on whether President Trump should remain in office. That is the Senate's job. Our job today is simply to decide whether the President crossed a line. If you truly believe

President Trump's behavior was acceptable, then by all means give him the green light to undermine our democracy again. But if you know what the American people know, that this moment is different, and our very republic is at stake, then it is not too late. Put the law above the President, put your oath above your political ambition, put the country we all love above the interest of just one man. Put America first.

And I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Jordan.

Mr. JORDAN. They are never going to stop. Congressman Green said yesterday if the Senate doesn't convict, it will not end. This is not about Ukraine. Facts are on the President's side. Zelensky said he wasn't pressured. Ukrainians didn't even know aid was held at the time of the call, and, most importantly, they did nothing to get the aid released. This is about one basic fact: The Democrats have never accepted the will of the American people. Three weeks ago, Nancy Pelosi called the President of the United States an imposter and the attacks on the President started before the election.

July 31, 2016, the FBI opened the Trump-Russia investigation and spied on four American citizens associated with President Trump's campaign. They took the dossier to the FISA court and they lied to the court 17 times. Didn't tell the court the guy who wrote the dossier was desperate to stop Trump, didn't tell the court the guy who wrote the dossier was working for the Clinton campaign, didn't tell the court that the guy who wrote the dossier had been fired by the FBI for leaking information to the press. And the FBI continued the investigation after the election.

Mr. JORDAN. On January 3, 2017, Senator Schumer said this: If you mess with the intelligence community, they have six ways from Sunday of getting back at you.

It took all of 3 days for that statement to come true. January 6, at Trump Tower, Jim Comey briefs President-elect Trump on the dossier, the dossier that the FBI already knew was false. They do it so that they can leak it to the press and the press will write about the fact they briefed him.

The President was told he wasn't under investigation when, in fact, they were investigating him and trying to trap him at that meeting.

And, of course, they continued their investigation after the inauguration. When we deposed Jim Comey in this committee, last Congress, he said after 10 months of the FBI's investigation they didn't have a thing.

Comey gets fired on May 9, 2017. Eight days later, Bob Mueller gets hired and we get 2 years of the Mueller investigation—19 lawyers, 40 agents, 500 warrants, 2,800 subpoenas, but zero collusion.

But Democrats don't care about the facts, and they are never going to stop. The whistleblower's lawyer said 10 days after the President was sworn in: Coup has started, impeachment to follow. Sixteen Democrats on this committee voted to move forward with impeachment before Bob Mueller ever sat in front of this committee and testified, before President Trump and President Zelensky ever had their call.

They are never going to stop with their attacks because they can't stand the fact that President Trump is actually draining the swamp and doing what he said he would do, and most importantly, getting results: taxes cut, regulations reduced, economy growing at an unbelievable pace, lowest unemployment in 50 years, Gorsuch and Kavanaugh on the Court, out of the Iran deal, embassy in Jerusalem, hostages home from North Korea, and, oh, by the way a new NAFTA agreement coming any day now.

They can't stand it, and they are never going to stop. And it is not just because they don't like the President. It is not just because they don't like the President. They don't like us. They don't like the 63 million people who voted for this President, all of us in flyover country, all of us common folk in Ohio, Wisconsin, Tennessee, and Texas. They don't like us.

How about what Ms. Karlan said last week sitting right there, a Democrat professor who came in here and told us what she believes: Liberals tend to cluster; conservatives spread out because they don't even want to be around themselves.

How about our colleague, Maxine Waters, June of 2018, when she said this: And if you see anybody from that Cabinet in a restaurant, in a department store, at a gasoline station, you get out and you create a crowd and you push back on them and you tell them they are not welcome anymore, anywhere. That is scary.

How about Peter Strzok, the guy who ran the Clinton investigation, the guy who ran the Trump-Russia investigation, the deputy head of counterintelligence who was fired when he said this: Went to a southern Virginia Wal-Mart. I can smell the Trump support.

They don't like us. That is what this is about. They don't like the President. They don't like the President's supporters. And they dislike us so much they are willing to weaponize the government. A few years ago it was the IRS. More recently, it was the FBI. And now it is the impeachment power of Congress, going after 63 million people and the guy we put in the White House.

Think about what Chairman Schiff did last week. He released the phone records of the President's personal lawyer, he released the phone records of a member of the press, and he released the phone records of a Republican Member of Congress.

This is scary stuff. This is scary stuff, what they are doing. And, frankly, it is dangerous for our country. It is not healthy for our country.

And we should all remember what Emmet Flood told us, the President's lawyer, what he told us this past spring when the Mueller report first came out: It would be well to remember that what can be done to a President can be done to any of us.

This is scary stuff and serious stuff, and I hope you guys will reconsider and stop it while you can.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Deutch.

Mr. DEUTCH. I have been worried about the impact of President Trump's attacks against our democracy and how they are felt by my kids, and how they are felt by our kids, by a younger generation that is just beginning to vote, that is just beginning to lead.

And so I asked my kids on our family group text what they thought at this moment. And they responded almost immediately, and they told me what they were feeling and what their friends were feeling. And they confirmed the worst: Their faith in our democracy is shaken.

One of my kids said: Trump has made me feel like our country is failing. He has taken away America's common sense. Another said: If our democracy is fragile enough to be manipulated by the President, then I worry for our future as a country.

Why is our democracy so fragile? Well, the President smears the press as the enemy of the people. He attacks verifiable facts and calls them fake news. He attacks his opponents in the ugliest and the most hateful ways. He degrades diplomats and he lashes out at law enforcement. He questions the patriotism of those who have bled on our battlefields.

He questions America's leadership in the world. He believes Russia over our intelligence community, Russia over our NATO allies, Russia over Ukraine.

All these things break long-held American positions of leadership in the world, and they will all be a part of the next election. But we are here at this moment to protect that election.

The President's ongoing attacks on the 2020 elections and his effort to cover it up, that is why we are here tonight, the President's abuses of power to cheat America's voters and threaten our national security. He welcomed Russian interference in the 2016 election. He solicited interference by Ukraine and by China in our 2020 election.

The ongoing pattern of this President's abuse of power, his obstruction of investigations, refusing to turn over even one document, that is what requires us to act now.

This is a moment that the President has forced upon us. These are the high crimes that violate the supreme law of our Nation, the Constitution of the United States.

When my kids were younger we taught them to tell the truth. We all teach our kids to tell the truth. If you have got nothing to hide, honesty is the clearest path to putting trouble behind you. You know that is true. Everyone does.

If the President had not abused his power, if everything he did was truly perfect, he would have asked—no, he would have demanded that everyone who works for him come forward and tell the truth and bring all of their documents with them, let them speak, let them all speak.

But instead of ordering his staff to tell the truth, he silenced them. What message does that send the next generation of American voters, the next generation of American leaders? The President violated his oath of office to defend and protect the Constitution.

We cannot allow our children to believe that the abuse of power by the strongest leader in our country is acceptable or that it is normal.

Yesterday, my daughter sent another text. She said: It feels like we are losing the battle to get people to care about democracy. I am worried we won't be able to fix it.

President Trump's violations threaten to break the foundation of our democracy. Impeachment, and removal from office, is the only way to fix it.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. GOHMERT. Point of order.

Chairman NADLER. The gentleman will state his point of order.

Mr. GOHMERT. We started this proceeding tonight, and we on the minority side do not have the current amendment in the nature of a substitute to H. Res. 755, because the one we have says the abuse of power is Article I and the other is obstruction of Congress.

Chairman NADLER. The gentleman——

Mr. GOHMERT. And we keep hearing about crimes.

Chairman NADLER. The gentleman——

Mr. GOHMERT. We should be able to have the amendment that includes the crimes you are talking about.

Chairman NADLER. The gentleman will suspend. That is not a point of order.

Mr. Buck.

Mr. BUCK. Thank you, Mr. Chairman.

How will history judge this impeachment? I believe the American people will remember this impeachment effort unkindly, instead remembering Democrats have been resisting and looking for an excuse to impeach this President since the day he was elected.

There were false charges that pro-Trump Russians had shut down the power grids in Vermont. A frivolous lawsuit was filed claiming voting machines were rigged in three States. More than 50 House Democrats boycotted President Trump's swearing-in ceremony, including the chairman of this committee.

The Washington Post ran an article titled, "The Campaign to Impeach President Trump Has Begun," on January 17, 2017. Strangely enough, the article was posted at 12:19 p.m. while the inaugural ceremonies were still happening. The ACLU's executive director stated, "We think that President Trump will be in violation of the Constitution and Federal statutes on day one."

Then the genre of assassination and personal harm began with Kathy Griffin posing with a model of Trump's severed head. And actor Robert De Niro using his Tony Award's speech to say: Eff Trump. I would like to punch him in the face.

Then came the efforts to impeach based on the Emoluments Clause and calls to remove President Trump under the 25th amendment due to insanity. Then bureaucrats and President Obama's holdover appointees began to run roughshod on the Constitution by resisting from within the administration.

On March 21, 2017, Representative Maxine Waters tweeted, "Get ready for impeachment." March 21, 2017.

On May 16, 2017, a Representative from this committee became the second Member of the House to raise the topic of future impeachment proceedings.

Representatives Brad Sherman and Al Green introduced the Democrats' first impeachment resolution for obstruction of justice and Russian interference in July of 2017.

Representative Cohen, then the ranking member on the Subcommittee on the Constitution and Civil Justice, introduced five

Articles of Impeachment against President Trump in November of 2017. Representative Tlaib said, "We are going to impeach the blank," during a January 3, 2019, swearing-in ceremony.

What about May 6, 2019, when Representative Al Green said: I am concerned that if we don't impeach this President, he will get reelected.

Then Democrats cannot let go of the Russian collusion story, even after Special Counsel Robert Mueller stated in his report that the Trump campaign did not coordinate with Russia.

In fact, when Representative Green forced a vote, 95 colleagues of ours voted in favor of proceeding to impeachment on July 17, 2019. Sixteen of our Democratic colleagues on this committee voted for that.

It is clear that my Democrat colleagues have prejudged this case. They have ignored the President's right to assert executive privilege, asserting that a court case to determine the bounds of the President's privilege will take too long to serve justice to the American people.

Democrats are so righteous in their belief that President Trump must be impeached that they ignore plain facts.

Professor Turley was right when he said this impeachment, quote, "will be the shortest investigation, producing the thinnest record of wrongdoing, for the narrowest impeachment in history," end of quote.

At the end of the day, I want to invoke the words of my colleague from the Rules Committee, Congressman Alcee Hastings, who said during one debate with the majority's efforts—that the majority's efforts would backfire. He said: "You will lose. This will cost you the majority next year, and some of you aren't going to be here in the next Congress. I hope you have had your fun."

Well, I tell my colleagues, go ahead, vote to impeach President Trump tomorrow. But when you walk out of this hearing room, call your freshman colleagues and tell them they are not coming back and you hope they have had their fun. Say goodbye to your majority status. And please join us in January of 2021 when President Trump is inaugurated again.

I yield back.

Chairman NADLER. The gentleman yields back.

Ms. Bass.

Ms. BASS. Mr. Chairman, this is a sad day in U.S. history when we have to vote on Articles of Impeachment because Donald Trump has abused the power of the Office of the Presidency in his attempt to cheat his way to reelection.

This evening we will begin the process because of the uncontested facts. President Trump directed military aid approved by Congress be withheld until a vulnerable ally publicly announced an investigation of the President's top opponent in the upcoming election.

Fortunately, he was caught in the act by a brave patriot who took the risk of anonymously reporting, and military assistance was finally released. However, during the 8 weeks that President Trump withheld military aid from our ally, at least 13 Ukrainians died in the field.

Now, I know Ukraine is far away and it might be difficult to imagine how and why this country should be of any concern to us here. In part, it is a matter of us honoring our commitments.

But it is more than that. When countries are unstable, they can collapse, become failed states, and can be taken over by governments hostile to the U.S. or become fertile ground for terrorist organizations.

The President comprised our national security for his personal gain when military assistance was withheld from Ukraine that left this country vulnerable to a neighbor that had already invaded its territory.

As a member of the Foreign Affairs Committee, I regularly meet with heads of state, and I often have to apologize for some embarrassing statement or tweet the President has made.

Since the Ukraine scandal, I have faced questions from leaders around the world. They ask: What is going on here? Where does the U.S. stand in regard to past commitments? Is this Presidency just an anomaly, or has the U.S. Presidency been permanently diminished, weakened, corrupted? Has something fundamentally changed in the U.S.?

The world is watching how we handle this crisis. There are many nations attempting to reestablish or create democratic governments after decades of autocratic or corrupt rule, and they are looking to the United States.

When Members of Congress travel on congressional delegations, we emphasize the importance of adhering to the rule of law. We encourage leaders to conduct free, fair, and transparent elections that are supported by and accountable to their citizens.

Now, Members of Congress have to acknowledge the challenges we face in our country, but we explain that because of the U.S. Constitution and Bill of Rights, when efforts are made to restrict and limit the right to vote, we are free to speak out and challenge our government. We preach good governance and transparency. We insist that countries fight corruption.

And one of the best ways to counter abuse is to encourage people to come forward and report, but to ensure that when people do come forward they are protected and remain anonymous. We explain that in the U.S. there are specific laws that protect people who come forward.

Congressional delegations come and go, but there are thousands of Federal employees who live and work around the world from the State Department, USAID. These patriots work in difficult conditions.

What message does it send around the world when they see the President and his supporters attack and attempt to reveal the identity of the patriot who took the risk that exposed Trump's abuse of his Presidency, his abuse of power?

What message does it send when the world witnesses the President and his supporters denigrate, disrespect, and via Twitter harass a patriot while she was testifying in public?

He has compromised their ability to fight for our values and democracy. This is another example of why the actions of this President threatens U.S. national security.

The President's defenders shout, coup, hoax, and demonstrate their 150 percent loyalty to the President while off the record acknowledge his wrongdoing. People from around the world understand this as autocratic behavior. They know if they step out of line they might lose their lives, or in this instance, they might lose their election.

The President has forbidden everyone in the administration from cooperating even when subpoenaed, leaving the only tool available to us impeachment.

This is not a coup, and it is irresponsible to label a constitutional process a coup. It is the responsibility of this committee to follow the Constitution.

The world is waiting to see if we will hold ourselves to the democratic principles we insist that others uphold. Will we demonstrate our ability to peacefully hold our leaders accountable?

We have an opportunity to show the world how a mature democracy handles a crisis. We have an opportunity to show the world that our democracy remains strong and it is this President that is an anomaly. We have an opportunity to demonstrate to the world and in the United States no one is above the law, including President Trump.

This is why we must adopt Articles of Impeachment and take the first step toward relieving our Nation and the world of this Presidency.

I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. Ratcliffe.

Mr. RATCLIFFE. I thank the chair.

Article I, section 2, clause 5 of the Constitution gives the House of Representatives the sole power of impeachment. The Constitution authorizes impeachment only on the basis of treason, bribery, or other high crimes and misdemeanors. That is the express criteria. Those are the only constitutional grounds we have to act upon.

Today we are marking up two Articles of Impeachment, abuse of power and obstruction of Congress. Nowhere does the Constitution mention either one. Neither meets the written criteria set forth by the Founders. Neither one has ever been sustained as the basis for impeachment.

Which explains why I had two Members of Congress, one Republican and one Democrat, approach me on the floor yesterday to ask me exactly what obstruction of Congress means. They asked because they had never heard of it before.

We are marking up Articles of Impeachment for offenses that aren't crimes, that some Members of Congress have never heard of before, much less know what it means.

The Democrats keep repeating over and over again: The President is not above the law. I have said it before, the President is not above the law, but he damn sure shouldn't be below it either. I have said it before because Democrats have tried this before.

During the Mueller hearing Democrats said repeatedly, emphatically, unequivocally that Donald Trump must be impeached for obstruction of justice. That was until they heard the special counsel admit to me that his obstruction of justice analysis was done under

a one-of-a-kind, never before used by the Department of Justice legal standard that inverted a presumption of innocence to a presumption of guilt.

Now the Democrats are taking it one step further. Instead of creating legal standards out of thin air, they are creating impeachable offenses out of thin air. Whatever happened to quid pro quo, extortion, and bribery? The Democrats have been telling us, it was clear, the facts were undisputed, the evidence was overwhelming. Except it wasn't any of those things and now it is all gone.

Instead they have reached in to the grab bag for a nebulous abuse of power accusation that legal scholars admit is not a crime.

And now Democrats say the President obstructed Congress in its investigation into an alleged quid pro quo extortion bribery scheme that they now have to concede never existed in the first place.

Gee, where have I heard that before? I remember, it was when my same colleagues across the aisle first falsely accused the President of collusion and conspiracy with Russia. And when that fell apart, they accused him of obstructing justice into their investigation of false conspiracy and collusion allegations.

Every time Democrats get caught trying to frame this President with some crime he didn't commit, they follow up by accusing him of obstructing their efforts to frame him for the things that he never did in the first place.

I would like to say you can't make this stuff up, but it is all made up.

I have got to concede, though, to my colleagues, you all move fast. The day after we watched the Russian conspiracy and obstruction of justice claims from the special counsel go down like the Hindenberg, the next frame job started with a phone call where the only two people on the call both said it was a great call and none of the things that the Democrats allege happened.

But I will admit, this time it is hard to blame some of my colleagues on this committee for doing too much this time around. I concede that because the once-respected House Judiciary Committee with jurisdiction over the Constitution and impeachment was humiliatingly excluded until the bitter end from participating at all in matters involving the Constitution and impeachment.

One week. History will reflect that the House Judiciary Committee's involvement in the impeachment of President Donald J. Trump started with a hearing on Wednesday, December 4, and ended with a markup that started 7 days later on Wednesday, December 11. How does that sound for fairness? How does that sound for due process?

The Founders warned and feared that today might come. Alexander Hamilton said the greatest danger of impeachment would be depriving a President of due process. The greatest danger, Hamilton said, would be if impeachment was used politically by a party that had the most votes in the House instead of being used on the basis of guilt or innocence for specified crimes under the Constitution.

And today the committee of jurisdiction, after only 1 week, is marking up a bill to impeach a President for crimes that aren't specified under the Constitution by the party that has the most votes in the House and pledged to impeach him from the first day

of his Presidency. Today's Democrats are the Founders' worst nightmare come true.

Right now, I imagine most Americans are thinking: If only we could impeach them. To those Americans, I say: You can, next November.

Chairman NADLER. The gentleman's time has expired.

Mr. Richmond.

Mr. RICHMOND. Thank you, Mr. Chairman.

President Trump, on January 20, 2017, you raised your hand and swore to preserve, protect, and defend the Constitution. Now we must preserve, protect, and defend the Constitution from you.

Donald Trump once bragged he could shoot someone on 5th Avenue and get away with it. Well, he is shooting holes in our Constitution on Pennsylvania Avenue. We can't let him get away with it.

The Constitution was written and signed over 232 years ago. Since then, we have elected 45 Presidents. In all that time only four occasions has the House of Representatives considered Articles of Impeachment. So I do not take this lightly. I take it seriously. I take it very, very seriously.

I have heard Republicans say: Why are we rushing to judgment? This is not a rush to judgment. It is a rush to justice. And we must not delay. Corruption is corrosive. It eats away like acid. And the longer we wait the more time we allow for this President to do irreparable damage to our country and our democracy.

My Lord, just last week the President's political crony, Rudy Giuliani, was back at it in Ukraine—Ukraine—continuing to create new conspiracy theories. So, please, don't tell us to wait, because the corruption continues.

In trying times like this, many people in this room look for guidance in Scripture. Look no further than the story of Esther. Esther summoned the courage to stand up to the king and speak truth to power. Under threat of execution, she refused to hide, saying: "If I parish, I parish." She was willing to lose her life to save her people, and some people in this room aren't willing to lose an election to save our democracy.

The truth is staring us in our face. President Trump sent roughly $250 million in military aid to Ukraine in 2017. No problem. He sent nearly $300 million in military aid in 2018. No problem. So what was the problem in 2019? He was behind in the polls to Joe Biden. Even FOX News polls showed he was losing. He panicked and he concocted this outlandish, corrupt conspiracy.

He withheld congressionally approved military aid for Ukraine until Ukraine agreed to do him a personal favor, and that personal favor was to announce a bogus investigation against the very person beating him in the polls.

You don't need Sherlock Holmes to figure this one out. We have the evidence. The transcript of the call is a crystal clear confession.

His chief of staff, co-conspirator admitted to it in the White House press briefing room. We have hours of testimony from State Department witnesses, confessions, admissions, witnesses, video. We have everything but DNA. What else do you need? You need the courage of Esther.

The Constitution does vest the President with certain powers, but not the power to lie, not the power to obstruct, not the power to cheat our democracy, not the power to threaten our national security.

There is no question that the President has abused his power. If we allow this, look the other way, say it is just politics, what are we telling other nations about the rule of law? What are we saying about our democracy? What are we showing our children if we cower to a bully with a bully pulpit?

During the darkest days of the revolution, Thomas Paine wrote: "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country."

To my Republican colleagues, fighting when it is comfortable is easy. Running and hiding is easy. But it doesn't leave a legacy. How do you want to be remembered during this watershed moment in our Nation's history? I ask my Republican colleagues, will you stand with President Trump and allow your legacy to be tied to his actions? If the tables were turned, do you think he would stand with you?

And let me conclude by reminding the members of this committee, on both sides of the aisle, we each took an oath as well. We solemnly swore that when the time came we would, and I quote, support and defend the Constitution of the United States against all enemies, foreign and domestic; that we would bear true faith and allegiance to the same; and that we take this obligation freely, without any mental reservation or purpose of evasion.

Members of this committee, Members of this House, that time has come. The time has come to be the winter soldier. The time has come to show the courage of Esther.

And with that, I yield back.

Chairman NADLER. The gentleman yields back.

Mrs. Roby.

Mrs. ROBY. I have made clear how woefully incomplete this process has been, how the minority's rights to a hearing have been completely disregarded, how no fact witnesses were called before us, and how staff questioning staff to get the truth was bizarre.

No matter what any member on this side says here tonight, the majority will unanimously vote to send these Articles of Impeachment to the House floor. However, I have a duty to continue to point out how flawed this process has been.

All Members of Congress are required to take an oath of office at the beginning of every Congress. By taking this oath we swear above all else to defend the Constitution of the United States.

I have the distinct honor to represent the hardworking people of southeast Alabama. They have placed their trust in me to represent their values and be their voice here in Congress.

This revered and longstanding oath serves as a guiding principle for every decision I make as a Member of Congress.

For the record, let me be clear: I believe in the rule of law. I believe that no person is above the law. I believe process is vital to this very institution. I have stated time and time again before this committee, process matters. Without abiding by a framework that

adheres to our constitution, we are charting a course that does not follow our country's founding principles.

Whether you identify as a Republican, a Democrat, or independent, whether you agree or disagree with the President's policies, whether you like or even dislike a President, the American people should feel cheated by what has taken place here.

We sit here tonight without all the facts of the case because the majority decided to conduct an incomplete and inadequate pursuit of the truth. Many questions remain.

With the consequential decision of impeaching a President, it is our right and duty to the citizens of this country to properly use the powers of congressional oversight to adjudicate impasses through the courts and arrive at actual undisputed facts of a case that all Americans, regardless of ideology, can agree are truthful and honest.

In the impeachment proceedings of President Nixon, the underlying facts were undisputed. In the impeachment proceedings of President Clinton, the underlying facts were also undisputed.

Here before us tonight that is not the case. The Articles of Impeachment before us in this committee do not meet the necessary requirements nor have they followed an exhaustive pursuit to even find out all of the facts of the case. Therefore, the bar to impeach a sitting President of the United States has not been met.

For the sake of our country and for the future trajectory of this body, I implore my colleagues to take a hard look at the course of this investigation. It has severely discounted the tenets of our democratic system.

Tomorrow we write history, a history that cannot be undone. A dangerous precedent will be set for future majorities of this body.

The American people deserve a process that puts politics aside. The American people deserve a process that is led by our promise to protect and defend the Constitution. The American people simply deserve better.

And with that, Mr. Chairman, I would like to yield the remainder of my time to Mr. Collins.

Mr. COLLINS. Thank you for yielding.

I just want to repeat. We are in an interesting situation. We can make up facts or we can not make up facts. But there is one fact that needs to be refuted, and that is the idea that lives were lost during the pause.

And Under Secretary Hale testified that funds were prospective in this. In fact, on page 85 of his testimony, he said: Bear this in mind, this is future assistance. This is not to keep the Army going now. It is to help them in the future.

And so to be careless with the facts on primetime, to say that people's lives were lost in this, is just categorically wrong. If we actually had a chance to actually go to lessons of the testimony, we would actually see that in the testimony of Under Secretary Hale as we go forward.

Again, it is amazing to me, some people are saying you don't attack the substance. We attack the substance. It is real simple. They got the aid. They didn't do anything to get it. And we are attacking the fact that there is no way for us to even have talked about this because this process has been such a rushed process.

But that is something that is just not right to say, and when no one else can check it, when actually Professor Hale said it, and he said that was prospective, not now. Those were not losing any lives on money that was not yet there.

So with that, I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Jeffries.

Mr. JEFFRIES. George Washington in his farewell address to the Nation counseled America that the Constitution is sacredly obligatory upon all. It is in that spirit that we proceed today.

The impeachment of a President is a solemn responsibility that we undertake prayerfully. Scripture says in the Book of Psalms: "For the Lord loves justice and will not abandon his faithful ones." We undertake this responsibility prayerfully.

We do not take this step to divide, though some will cynically argue that the impeachment of this President will further divide an already fractured Union. But there is a difference between division and clarification.

Slavery once divided the Nation, but emancipators rose up to clarify that all men are created equally.

Suffrage once divided the Nation, but women rose up to clarify that all voices must be heard in our democracy.

Jim Crow once divided the Nation, but civil rights champions rose up to clarify that all are entitled to equal protection under the law.

We do not take this step to divide. And at this moment, this committee can rise up to clarify that under the Constitution, here in America, no one is above the law.

There are some who have asked: Why should it matter that Donald Trump pressured a foreign government to target an American citizen for political gain and at the same time withheld, without justification, $391 million in military aid from a vulnerable Ukraine that remains at war with Russian-backed separatists in the east? Why should it matter?

Perhaps Ronald Reagan posited the best answer when he delivered a speech at the foot of the Berlin Wall in 1987 and stated: "East and West do not mistrust each other because we are armed. We are armed because we mistrust each other. And our differences are not about weapons, but about liberty." That is at the heart of the Trump-Ukraine scandal: liberty, national security, abuse of power.

America is the leader of the free world. We play that role because it is in the best interest of the national security of the United States. We play that role because we believe in liberty and justice for all. We play that role because freedom is in our DNA, freedom from oppression, freedom from tyranny, freedom from abuse of power. Freedom is in our DNA.

What role should this committee play in defending freedom? The House is a separate and coequal branch of government. We don't work for this President or any President. We work for the American people.

We have a constitutional responsibility to serve as a check and balance on an out-of-control executive branch. That is not the

Democratic Party playbook. That is the playbook in a democratic republic.

James Madison once wrote in Federalist 51 that the House should serve as a rival to the executive branch. Why would Madison use the word "rival"? It is because the Framers of the Constitution did not want a king, they did not want a monarch, they did not want a dictator. They wanted a democracy.

The House Judiciary Committee must defend our democracy because in America no one is above the law, not even the President of the United States.

We must hold this President accountable for his stunning abuse of power. We must hold this President accountable for undermining America's national security. We must hold this President accountable for corrupting our democracy. We must impeach this President.

We can't stop. We won't stop. The Constitution is sacredly obligatory upon all.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Gaetz.

Mr. GAETZ. House Democrats aren't clarifying that no one is above the law. They are just clarifying that none of them are above partisanship and politics.

This is the quickest, thinnest, weakest, most partisan impeachment in all of American Presidential history. And for all the radical left's attacks on the President's honesty, it is their lies that continue to fuel this scorched-earth strategy of impeachment.

When a member of this committee said that President Trump was an agent of the Russian Government engaged in a criminal conspiracy with the Russians, he lied. Needing a new way to undermine our President, the Democrats said he obstructed justice. But they couldn't make the case, they didn't have the facts, and there are no obstruction of justice articles in this impeachment.

So needing another new distraction Chairman Schiff announced a whistleblower. He said we would hear from this person about bad Presidential conduct. Some in the media reported on the whistleblower, raising serious concerns about political bias and proper motivation and scandalous coordination with a political hit job aligned with none other than the operatives of Chairman Adam Schiff.

With public opinion turning against impeachment, the Democrats scurried to assemble focus groups and commission polls. They learned that accusing the President of bribery would be good politics.

While Democrat House Members are willing to follow the pundits and consultants, the evidence and the witnesses were not. Even their seemingly most anti-Trump witness, Lieutenant Colonel Vindman, said: I was never involved in anything that I would consider bribery or extortion. Lo and behold, there are now no bribery articles in this impeachment. Another lie.

But the biggest lie of all was that House Democrats would not put our beautiful Nation through a partisan impeachment. Speaker Pelosi said there must be evidence that is compelling and bipartisan. Chairman Nadler said impeachment should not be partisan.

And tonight they stubbornly defy the standard that they set for themselves.

Not only has this weak case failed to convince the President's supporters to abandon him, they can't even convince the President's congressional critics to go along with this sham. Democrats Jeff Van Drew and Collin Peterson don't support the President, but they don't support this hot garbage impeachment either.

Congressman Will Hurd is a critic of the President, and he told you the truth: This is not impeachable.

After years of pointless and endless investigations against the President, this witch hunt is no longer simply troublesome. It has become deeply and excruciatingly tiresome. It is time to move on. The American people hate this, and it is making some of them hate us.

This is nothing more than the sloppy, straight-to-DVD Ukrainian sequel to the failed Russia hoax. If it seems like you have seen this movie before, it is because you have.

And we know how the cycle goes. Last night CNN or MSNBC's promised smoking gun turns into today's disappointing nothingburger. It is like Democrats forgot they are trying to impeach President Trump for delivering military aid that President Obama himself withheld.

And so now with no crime, no victim, House Democrats impeach because they have no agenda for America.

Impeachment has become reflexive for Democrats. It is what they have wanted all along. Impeachment is their passion, their drug, their all-consuming ambition and obsession. It has been since the moment they stopped crying at the Hillary Clinton election night sob-fest.

They say President Trump abused his power—a sad, low-energy placeholder for an actual impeachable offense. President Trump's true crime in their eyes was winning the 2016 election against all odds and against the establishment of both parties.

The only relevant quid pro quo is the American people's decision to send President Trump to the White House in exchange for Trump's commitment to support our workers, restore our economy, defend our troops, and drain the swamp.

How dare they accuse President Trump of abusing his power when they have released the phone records of journalists and Congressmen, contrived a kangaroo court, and subjected this administration to more harassment than any other in American history? They are the sorest of sore losers.

The second article accuses President Trump of obstructing Congress? If obstruction in Congress is an impeachable offense, maybe we best impeach ourselves, for this fact-free impeachment has obstructed progress on a budget, on border security, on an infrastructure plan, and on economic reforms that will put America and the American people first.

The American people know what this is really about. It is not about Ukraine. It is not about Russia. It is not about the Democrats nosiness into the executive decisionmaking process. It is about the election.

And so to the America First movement: We will face this illegitimate impeachment with our heads high, our facts straight, and

our commitment to our transformational President deeply intensified. We will see you on the field in 2020.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman.

Since our Founders ratified the Constitution in 1788, the President of the United States has had a duty to advance our national interests, not his own personal or political interests.

Two hundred and 20 years later a Congressman on this committee said, and I quote: "This business of high crimes and misdemeanors goes to the question of whether or not the person serving as President of the United States put their own interests, their personal interests, ahead of public service," end quote.

The Congressman who said that was Mike Pence and he was exactly right. Impeachable offenses, as Alexander Hamilton explained are, and I quote, "abuses of public trust, injuries done to society itself," end quote. High crimes, in other words, are abuses of power committed against the people. This is exactly what President Trump has done.

And yet, I have to admit, I think the President's distractions are working, because most folks are probably sitting at home thinking: What in the world has any of this got to do with me? How does stopping foreign aid to Ukraine actually affect my life?

That is why with my time I want to take a step back and remind everybody in this body and everyone watching at home what this is really about: President Donald J. Trump wielded the enormous powers of the Presidency to cheat in the 2020 election.

Specifically, he used our Nation's leverage over an ally, undermining our national security, to try to smear the opponent he feared most in the general election. That wasn't an attack on Vice President Biden. It was an attack on our democracy.

And if we don't hold the President accountable for it, we will set a catastrophic precedent. Any time a future President is afraid of losing reelection, they will feel entitled to do whatever it takes to win even if they have to abuse their power to do it.

If we set that precedent, if we decide the President is above the law, then we will no longer live in a democracy. We will live in a dictatorship, trading the values of Madison for the values of Moscow.

That is why this should matter to every single person watching tonight, because if the President gets away with trying to cheat in the 2020 election he will no longer be responsive to the will of the people.

That means he could launch wars, sending young people into harm's way without worrying about facing repercussions at the ballot box. He can continue to separate children from their parents and lock them in cages without worrying about public outrage. He could take away your healthcare, pocket your tax dollars, do whatever he wants.

If the President can cheat to win reelection, the people lose their voice, and he is no longer a President. He is a king.

I am proud to represent the great State of Rhode Island, the very first State, that said enough to King George III. And once again,

I am here on behalf of my State to say enough. In America we don't bow to the President, because he works for us, we the people.

But here is the thing: The people don't vote on impeachment. Congress does.

So before I close, I want to speak directly to my Republican friends: Wake up. Stop thinking about running for reelection. Stop worrying about being primaried. Stop deflecting and distracting and treating those you represent as if they don't see what is going on, like they are not smart enough to realize that you are willfully ignoring the facts to protect a corrupt and dangerous President.

Do what you were elected to do. You didn't swear an oath to Donald Trump. You swore an oath to protect and defend the Constitution of the United States. Honor that oath. Reach deep within yourselves to find the courage to do what the evidence requires and the Constitution demands: to put our country above your party.

All you have to do is look at the evidence before you, because it will leave you with only one answer: This President must be impeached. For our democracy, for our Constitution, for the people you represent, and for all that will inherit our country from us, I pray you will do the right thing. And despite everything that has happened these past few months, I still have hope in my heart that you will.

And with that, I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chairman.

I appreciate that, Mr. Cicilline. And I was going to make a request of my colleagues and friends on the other side as well to put country over party also. We are looking at this same set of facts with two totally different ways.

Look, the Founders of this country warned against a single-party impeachment. You know why? You guys know why. Because they feared it would bitterly and perhaps irreparably divide our Nation.

In years past, that risk was openly acknowledged by the very Democrats who are leading this single-party impeachment charade today. Some of you are famously quoted in saying so.

Our radical liberal colleagues have vowed to impeach President Donald J. Trump since the day of his election. They have desperately created a fraudulent, unprecedented process to pursue that goal, and now they are pulling the trigger on what was described by Professor Turley in his expert testimony here just several days ago as, quote, "the shortest proceeding, with the thinnest evidentiary record and the narrowest grounds ever used to impeach an American President."

We have called this impeachment a sham because we just simply don't have a better way to describe it. House Democrats have been working to impeach Donald Trump since the very beginning. They introduced four separate impeachment resolutions while they were in the minority in 2017 and 2018, and a new resolution on January—in January 2019, right when they took the majority.

In all, as many as 95 House Democrats—listen—95 of them, including 16 of the 24 Democrats sitting on the other side of the room in this committee, have already voted to proceed with impeachment, and they did it well before the famous phone call be-

tween Presidents Trump and Zelensky that took place in July of 2019.

Although every previous U.S. President has made unpopular decisions and even at times infuriated his political opponents, impeachments are, for good reason and by specific design, exceedingly rare. In the 243-year history of our Nation, only two previous Presidents, Andrew Johnson in 1868 and Bill Clinton in 1998, have been impeached by the House. Richard Nixon, of course, resigned to avoid it.

In each of those three previous impeachments evidence clearly established that specific criminal acts were committed, and that is not the case here.

The language of the Constitution in Article II, section 4 shows the inherent weakness of the current case. And you have got to look at these details, because Democrats found no evidence of treason or bribery or any high crime or misdemeanor against President Trump.

But of course they had already promised his impeachment to their liberal base. So they felt they had no choice. They felt they had to default. And what did they come up with, these two amorphous articles. We have got abuse of power and obstruction of Congress.

Abuse of power is a noncriminal act. It is significant that Democrats made this their first article in their document. As Professor Turley testified in January, the country has never impeached a President solely or largely on the basis of a noncriminal abuse of power allegation because it is so amorphous. It is debatable. It is very subjective.

In this case there has to be, he said, clear and unequivocal proof of a quid pro quo. That does not exist here.

Democrats know there is zero direct evidence in the record of these proceedings to prove their case, and it is rather shocking that they built their impeachment articles on mere hearsay, speculation, and conjecture that wouldn't even be admissible in your local traffic court.

Democrats include bold allegations that are completely unsupported by the evidentiary record. For example, Article I alleges corrupt purposes or intent at least eight times but presents zero proof for the claim.

There is also zero proof that, for example, President Trump was pursuing personal benefit or ignored or injured the interest of the country. To the contrary, the record is clear he was doing exactly the opposite.

There are four indisputable facts in the record today that clearly destroy this case. Both President Trump and President Zelensky say there was no pressure exerted. The July 25 call transcript shows no conditionality between aid funding and an investigation. Ukraine was not aware that aid was delayed when the President spoke. And Ukraine never opened an investigation but still received aid and a meeting with President.

The real abuse of power here is on the part of the House Democrats as they have recklessly pursued this impeachment, and they have done so at the detriment of our rules, our procedures, and our constitutionally guaranteed due process.

There is no way that they have obstructed Congress here—or they have a legitimate claim to that—because that is what every President has done in the modern era. All the President did was assert a legitimate executive privilege and immunity to avoid subpoenas to various White House officials, but that has always been resolved in the third branch of government, in the courts.

They don't have time for that because they are afraid that Donald Trump is going to get reelected, and, in fact, that he may get reelected by an even larger margin.

They can't stand this President. They bristle at literally everything he does. But in our system Congress doesn't get to remove a President just because they don't like him. They don't get to ignore the Constitution just because they abhor his policies, his staff members, or his manner of speaking.

When the rule of law in our system rules we all do better, and it has to be followed, defended, and preserved. I pray that we can still do that when this charade is over and after this dangerous precedent is set for the future of this blessed Nation. I would say this again as I did in the last hearing: God help us.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Swalwell.

Mr. SWALWELL. When I was 5 my dad was the police chief of Algona, Iowa. He was and still is a law and order guy, everything by the book.

So that year when the county fair was going on and the fire chief called him and told him that cars were parked illegally in the fire lane, it wasn't a close call for my dad. He knew what to do.

Trouble was, the owners of those cars were the mayor and a few council members who believed that their titles allowed them to park wherever they wanted.

My dad warned that they were compromising the safety of other fairgoers and that they must move. They just laughed at my dad and kept their cars there.

And my dad stuck to his guns, and at the next city council meeting he was summoned by the mayor and told he was to fix the tickets or be fired.

My dad believed no one was above the law and held firm. He lost his job, and we packed up our little family and moved west.

It was my first lesson in politics: abuse of power and executive arrogance. And watching these proceedings and watching my colleagues across the aisle ignore and deny facts in blind defense of the President of the United States, I am certain that had they been in Algona they, too, would have supported that lawless mayor.

Their behavior has been a reminder that too often in politics there is more of an emphasis of keeping your job rather than doing the right thing.

But governance is about courage. Think about the courage displayed by the witnesses who came forward in this investigation, people like Lieutenant Colonel Alexander Vindman, Ambassador Marie Yovanovitch, and Dr. Fiona Hill. They knew the price they would pay for their truthful testimony. They knew that they would be smeared by supporters of the President and, sadly, even by the President himself. They knew their careers could be impacted, per-

haps forever. But they told the truth anyway, and they held fast to their oaths to the Constitution.

If they can show that type of courage and risk everything, why can't my Republican colleagues?

The facts here are not in dispute. Donald Trump abused his power by putting his pure personal gain over our country.

Here are the facts. Donald Trump directed Rudy Giuliani to smear his political rival. Donald Trump fired an anti-corruption ambassador who stood in his way. Donald Trump withheld $391 million in aid that was essential to Ukraine. And Donald Trump withheld a White House meeting unless Ukraine's President would do him a favor.

In this scheme Donald Trump was not an incidental player. He was the central player. And anything we don't know about what Donald Trump did is because Donald Trump continues to this moment to block us from knowing.

Donald Trump used his office to abuse his power to reelect himself. Those are your taxpayer dollars, those are your votes, and that is our national security.

This is no longer about what the President did. We know what he did. He admitted it. This is about what will we do. And my colleagues are laying a bet that the hardworking people in Dublin, California, and Hayward, California, in my district, or a mom in Michigan or a farmer in Wisconsin, aren't following this and don't care despite how unquestionable the facts are in support of impeachment.

But I have faith in the American people, and I know that they know right from wrong, just as my father did. And I know that regardless of the title a person holds, no one can abuse their power.

Imagine you are a kid with a paper route, the first job that so many Americans have held, and the owner of the local paper tells you: You are due for a raise, and I am going to give you that raise, but first I need you to remove our competitor's paper from every house on your route.

A 10-year-old should know right from wrong. But our children will only know right from wrong if we lead by example. Wrong is wrong, from your workplace to the White House.

There is no times to spare here, no time to waste. This is a constitutional crime spree. That is why courage is so badly needed right here, right now. Our national security and democracy are depending on it.

And I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Biggs.

Mr. BIGGS. Thank you, Mr. Chairman.

The Democrats have not only drawn different inferences from the facts, they have actually created facts to satisfy the obsession of their rage. It is a kind of mass hysteria, a kind of cognitive dissonance. It is an alternative reality that they have created.

One of our colleagues across the aisle said, "If the President were innocent, he would come forward. He would come forward and bring documents, give us all the documents we want, and everybody would come." To where? To this committee? We can't even get a fact witness in here. There is no fact witness who can come in

here. We get law professors and staff asking staff questions. Is he going to go to Schiff's bunker where he is holding secret hearings, selectively leaking material that is damaging to the President? Is that where you want him to come?

If he is innocent, yeah, bring him to us. We will scotch it. We are going to blast it. We are going to basically curb it and create the fact situation we want by misinterpreting everything you do.

Well, here is a "for instance." They claim that the President publicly—he wanted a public announcement of investigations. But the only witness who said anything about that was a guy named Gordon Sondland, Ambassador Gordon Sondland, who admitted that no one on Earth told him that, but he presumed it.

He also said that the only direct conversation he had with the President about these things was that the President said he wanted nothing from Ukraine except that it clean up its corruption.

The best evidence is the transcript between President Zelensky and President Trump. It shows no conditionality, no quid pro quo, no this for that. Aid was never even mentioned on the call.

Subsequently, the President of Ukraine and various Ukrainians Government officials said—including those who listened to the call—they said, there was no pressure, there was no conditions. In fact, the most recent statement was from about a week ago from the President of Ukraine. He said, "It was fine. There was no pressure. What's the deal?"

Well, President Trump apparently—and he did, he said, you know, if you can do us a favor, find out what happened in the 2016 election and with the cooperation of the Attorney General, indicating he wanted a real investigation to determine the reason for the termination of the Ukraine investigation into the corruption of Burisma and all corruption in the Ukraine.

Well, here we go. We are told by the Democrats, "You know what? There was no attempt. That has been debunked." And yet Politico wrote in January of 2017, quote, they found evidence of Ukrainian Government involvement in the race, meaning the 2016 race. Multiple media outlets concurred in those facts.

They claim the focal point of the attack was Joe Biden, but President Trump was concerned about all corruption in the Ukraine. All of the witnesses testified that that was a legitimate concern.

But the most notorious example of corruption was Burisma, who just happened to have on its board of directors Hunter Biden. And they say, "You know what? That is not proper, to investigate that type of conduct, because his father is a politician." That is what that is about. That is the corruption, that is the abuse of power that is going on.

Dems claim that the only reason that President Trump released the aid was because the hold on aid became public. Well, the fact of the matter is, they produced no evidence on that but some timeline, from which they drew some inferences. But the stronger inference is that the reason the aid was actually released is because, on the same day that it was released, the Ukrainian Government implemented two important anticorruption laws: the ending of immunity for Ukrainian legislators and reinstatement of a vigorous anticorruption court.

With a certain degree of shamelessness, Democrats have asserted that President Trump defied subpoenas issued by the House. But the fact of the matter is he has allowed a number of State Department employees to participate and testify without retribution. But he has asserted valid constitutional privilege, and he has instructed some not to comply with subpoenas that he felt violated that privilege.

We could assert a remedy, but you don't want to assert a remedy. You don't want to go into court. You don't want to negotiate with the executive branch. You want to hurry and impeach. If you took this to court and you wanted to find out, a court would say the privilege is bad, privilege is overly broad, and would narrow the privilege. You don't want that. You want impeachment. That is all you want.

And your case comes down to this: It rests on gossip, rumors, and innuendos. You don't have direct evidence. You don't have direct evidence of this. And that is the crying shame here.

Professor Turley was correct. The abuse of power is not by President Trump; it is by this body, who is producing this—trying to produce this preconceived, preordained result.

With that, I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Raskin.

Mr. RASKIN. Mr. Chairman, it was a Republican Congressman from Maryland, Larry Hogan, who is the father of our current Governor, who in 1974, as a member of this committee, articulated the task before us tonight. "Party loyalty," he said, "must fall before the law itself. No man, not even the President of the United States, is above the law."

And Congressman Hogan voted to impeach President Nixon for two crimes—two crimes our colleagues claim they never heard of before—abuse of power and obstruction of justice. And he voted to impeach the President for ordering crimes against democracy in the 1972 Presidential election and then blocking Congress's efforts to investigate.

The House had no choice but to impeach, because, under our Constitution, the President's job is to take care that the laws are faithfully executed. If the President doesn't faithfully execute the laws but thwarts them to pursue his own political or financial gain, if he commits high crimes and misdemeanors against democracy itself, as Richard Nixon did, then impeachment is the people's essential instrument for protecting the integrity of our elections and maintaining self-government in America.

Today, we bring our fellow citizens overwhelming and totally uncontradicted evidence of two high crimes and misdemeanors against the American people. And we present this evidence to all the American people, not just the 63 million invoked by one of our colleagues but the 65.8 million who voted for the President's major opponent and the millions who voted for other candidates and the millions more who have become voters since.

First, President Trump secretly conditioned a White House meeting and the release of hundreds of millions of dollars in security assistance that we had voted for Ukraine on the Ukrainian President's agreement to become a mouthpiece for President Trump's

2020 campaign. Trump executed this scheme for one reason and one reason only: to get himself reelected.

But then, secondly, as official after official in his own administration came forward to report the President's misconduct and to testify under oath about it, he covered up his crime by categorically obstructing Congress's investigation, blockading and intimidating witnesses, and withholding all of the evidence that he could.

Now, the Founders predicted a corrupt President might drag foreign powers into our politics to promote the President's ambitions at the expense of the voting rights and democratic sovereignty of the people, and they considered this a key impeachable offense.

In America, elections belong to the people, not the President. And that is because the government belongs to the people; it doesn't belong to the President. The government is not the private property of the President or a royal family. Here, as President Gerald Ford said, the people rule. Here, the people rule.

The President's abuse of power and obstruction of Congress are not only high crimes, they are crimes in progress right now.

President Trump declares his conduct perfect—indeed, absolutely perfect. He says, "Read the transcript," when the transcript is proof positive of his guilt. He brags that "Article II allows me to do whatever I want," demonstrating his unfamiliarity with Article II, Section 4, which is all about impeachment.

Look, I have been a professor of constitutional law and election law for 29 years. I have devoted my career to studying, teaching, and defending the Constitution of the United States. And my passion has been popular self-government and the democratic and voting rights of the people. And I confess that I am afraid if we allow Presidents to invite foreign governments to participate overtly or covertly in our elections then this becomes in America the new normal.

Even if our colleagues don't believe a shred of the overwhelming evidence that we have seen in this investigation, will one of them—will just one of them say that it would be wrong for any President to commit the conduct this President is accused of? Will any of them say that the President of the United States should not drag foreign powers into our elections?

Ben Franklin said, "I have observed that wrong is always growing more wrong until there is no bearing it, but that right, however opposed, comes right at last." So what must we do? Stand by the Constitution and take strong action for your country. If you make yourself a sheep, Ben Franklin said, the wolves will eat you. Let's stand strong, America, for our democracy.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chairman.

Nearly 2 years ago, the House Intelligence Committee's minority, under Adam Schiff, issued its report on FISA abuse. It stated that, quote, "FBI officials did not abuse the Foreign Intelligence Surveillance Act process, omit material information, or subvert this vital tool to spy on the Trump campaign."

Well, on Monday, Michael Horowitz issued his detailed report that categorically contradicts every contention in Mr. Schiff's FISA report. There wasn't a shred of truth in it.

Yet, also on Monday, Chairman Nadler announced that this Judiciary Committee would blindly accept Mr. Schiff's latest report on impeachment without a single fact hearing of our own.

No one disputes that Joe Biden's son was paid millions of dollars to sit on the board of a corrupt Ukrainian oil and gas company, Burisma, despite having no experience in oil or gas or Ukraine, and that Biden threatened to withhold $1 billion in loan guarantees to the Ukrainian Government unless it fired Prosecutor-General Viktor Shokin.

Now, Biden says he was merely carrying out administration policy and knew nothing of his son's affairs. But Shokin has testified in sworn affidavits that he was fired specifically because he was about to question Hunter Biden about his relationship with Burisma. His successor soon shut down the investigation, giving credence to Shokin's sworn testimony.

Now, the President's July 25 phone call with President Zelensky is the centerpiece of the Democrats' case. In it, he asks for help in getting to the bottom of scandals that involved potentially corrupt interactions between officials in Ukraine and the United States. There is no direct evidence that the President ever linked aid to an investigation.

Now, the Constitution vests all executive authority in the President, gives him plenary responsibility to conduct our foreign affairs, and commands him to take care that the laws be faithfully executed.

Now, among these laws is the Foreign Corrupt Practices Act that makes it a crime to secure business in a foreign country by offering something of value to a foreign official. And being a candidate doesn't shield a person from scrutiny. You can just ask candidate Trump about that.

Also, the National Defense Authorization Act requires the administration to determine that Ukraine is taking steps to combat corruption. And just because the Secretary of Defense certified this in May does not relieve the President of his executive authority to review and maintain his administration's findings.

Now, within days of the Zelensky conversation, a handful of dissidents within our government hatched a plan to portray it as a solicitation to intervene in the election in exchange for foreign aid. This false narrative was laid out in a whistleblower complaint.

So far, we have learned that the whistleblower coordinated with Adam Schiff's office while concealing that relationship, that he is said to be a protege of Joe Biden, and is represented by an attorney who 10 days after the inauguration tweeted "Coup has started. First of many steps. Rebellion impeachment will follow ultimately."

The first article charges the President with the made-up crime of abuse of office. Well, he violated no law. He exercised authority clearly granted to him by the Constitution. Instead, the Democrats would nullify the election because they impute to him impure motives.

Well, this is precisely the abuse of impeachment the American Founders feared, that the power to overrule a national election

would devolve into a weapon of partisan warfare, reducing the President to serving at the pleasure of Congress and destroying the separation of powers at the heart of our Constitution.

The second article charges the President with obstruction of Congress, another made-up crime, because he sought to defend in court his constitutional right to maintain the confidentiality of policy discussions—the same confidentiality that this Congress enjoys. They say this has prevented them from securing proof for their charges.

Yet the Democrats have suppressed nearly every witness Republicans have tried to call in the President's defense. In free societies, the defendant is allowed to assert his constitutional rights, and prosecutors are not allowed to decide what witnesses the defense may call. This second article turns these principles upside-down.

Now, I have every confidence the President will be acquitted and will be reelected. It is not damage to the President I fear. It is damage to the Presidency, to the Congress, to the Constitution, the Bill of Rights that the Democrats do today by establishing dangerous precedents and principles that are antithetical to the rule of law and the fundamental architecture of our Constitution.

I yield back.

Ms. SCANLON [presiding]. The gentlewoman from Washington is recognized.

Ms. JAYAPAL. When I was just 16 years old, I came to this country by myself. My parents made the ultimate sacrifice of placing an ocean between them and their beloved child because they believed that America was worth it.

Two decades later, I raised my hand and I swore my oath to country and to Constitution for the first time when I became an American citizen of the greatest Nation on this Earth.

For naturalized citizens like me, being an American is a conscious choice and a granted privilege, a dream we chased across deserts and seas to join the larger American story, one of generations overcoming every challenge and every obstacle, because America is worth it.

Why? What is so different about this shining city upon a hill? It is three words: "We, the people."

America is a bold vision rooted in a fragile idea of a democracy in which power is derived not from the bloodlines of monarchs but from the votes of people. Ours is a Nation of imagination and faith, all of us engaged in this great experiment of democracy. We take our power and, collectively, through our elections, we entrust it to a President who must always act in our interest, not in theirs.

The Framers believed in the promise of America, but they also knew the dangers of power unchecked. And so they gifted us the Constitution of the United States, the protective and connective tissue that functions as the highest law of this land and which entrusts this body, the People's House, the solemn responsibility to hold the Executive accountable. And that is what we confront today.

The facts are clear: Donald Trump abused the power of the Office of the Presidency to pursue his own personal political gain and leveraged critically needed, congressionally approved military aid to coerce a fragile foreign ally to interfere in our elections.

This is not hearsay. The President was the first and best witness in this case. The President admitted to his wrongdoing and corrupt intent on national television. The President is the smoking gun.

His obstruction of Congress and blanket directive to deny us even a single witness, a single document is unprecedented. And yet, in spite of that obstruction, multiple patriots came forward and provided damning, corroborating testimony.

Understand the seriousness of what this means. President Trump has solicited foreign interference before, he is doing it now, and he will do it again. The smoking gun is already reloaded, and whether or not it gets fired, that is up to us.

The abuse of Presidential power and obstruction of Congress are the highest of constitutional crimes and the gravest of betrayals. If we allow this President to put himself above the law, we allow all future Presidents to be above the law. We submit, then, to the fact that we will no longer be a democracy; we will be a monarchy or a dictatorship.

This moment is a test. It is a test of the vision of our Framers, the resilience of our Constitution, and the character of our elected officials. As we cast our votes, we must reflect on our responsibility to our children and our children's children. We must summon the courage to do what is right and to defend our democracy.

For this reason, I will vote to impeach Donald J. Trump, soberly, shouldering the responsibility that was given to me by my constituents and honoring my oath to protect and defend the Constitution of the United States of America.

Mine is not a vote against any person. It is a vote for the Constitution and for we, the people, because America is so deeply worth it.

Ms. SCANLON. The gentlewoman from Arizona is recognized.

Mrs. LESKO. Thank you, Madam Chairman.

If anyone is guilty of abusing power or obstructing Congress around here, it is the Democrats, not the President. This is the most corrupt, rigged railroad job I have seen in my entire life.

First, we now have proof that Obama's FBI doctored evidence and used knowingly false opposition research, paid for by the Democrats and Hillary Clinton, to spy on the Trump campaign.

Then, Obama's administration started an investigation against Trump that lasted nearly 2 years based on false claims by Adam Schiff and other Democrats that Trump colluded with Russia. They issued 2,800 subpoenas, 500 warrants, and spent over $25 million of taxpayer dollars and came up with nothing.

In fact, the Mueller report determined that no American citizen, let alone the President of the United States, colluded with Russia.

But that didn't stop the Democrats. Oh, no. Next, it was obstruction of justice; then quid pro quo; then bribery; then extortion; then witness tampering; then treason. And the list goes on and on. It would be laughable if it wasn't so serious.

On top of that, Democrats rigged the process from the start. First, contrary to all previous impeachment hearings, Speaker Pelosi moved fact-witness hearings to Chairman Schiff, where the President had no due-process rights to listen to or cross-examine witnesses.

Schiff conducted closed-door hearings in a basement room, where he repeatedly blocked Republican Congress Members from entering, including me; rejected Republican witness requests; silenced Republicans when they tried to ask witnesses questions; and constantly leaked selective details to the press.

Not until the hearings reached the Judiciary Committee did the Democrats allow the President to even have a chance to hear or cross-examine witnesses, but by then it was too late, because Chairman Nadler blocked the President from any due process by refusing to bring forward any fact witnesses the President could cross-examine, and Chairman Nadler refused to schedule a minority hearing, again violating House rules.

Here are the facts: There is no evidence the President committed any impeachable offense. Not one Democrat fact witness was able to identify a crime. Not one Democrat witness established that the President committed bribery, treason, or any high crime and misdemeanor, as required under the Constitution.

Democrats have been determined to impeach the President since he was elected. In fact, 17 out of the 24 Democrat members of this very Judiciary Committee voted in favor of impeachment even before the President's phone call and before any one of these impeachment hearings took place.

In closing, there is no evidence that the President committed an impeachable offense. But don't take my word for it. Take the words from a constitutional attorney who said he does not support the President and did not even vote for him. In his testimony, he said, and I quote, "This would be the first impeachment in history where there would be considerable debate and, in my view, not compelling evidence of a commission of a crime. This impeachment not only fails to satisfy the standard of past impeachments but would create a dangerous precedent."

Well, folks, the Democrats have done what they set out to do. They are going to impeach the President come heck or high water. Doesn't matter that they have no proof. Doesn't matter that 17 out of 24 Democrats on this committee already voted in favor of impeachment.

Democrats don't seem to notice or care that it is not the President that has committed abuse of power or obstruction of Congress but it is them. It is time for my Democratic colleagues to look themselves in the mirror.

And I yield back.

Ms. SCANLON. The gentlewoman from Florida is recognized.

Mrs. DEMINGS. This is a defining moment in our history and a challenging time for our Nation. But America has been through tough times before, and I am sure that we will go through tough times again, so I do not fear this moment or this time.

I grew up in Florida. I am the youngest of seven children. My mother cleaned houses for a living, and my father was a janitor but he also mowed lawns and picked oranges. I remember my dad used to go to work 7 days a week to make ends meet for our family.

I grew up poor, but my parents were good, decent, honest people who taught me to be decent and respectful. They taught me to work hard and play by the rules and treat others the way that I want to be treated.

You see, I was the first in my family to go to college, and, after graduation, I joined the Orlando Police Department and started out as a patrol officer, working midnight shifts. But the story does not end there. I had the awesome opportunity of working my way up through the ranks to become Orlando's first woman chief of police. And now I am privileged to serve in Congress.

But hear me clearly: I believe that only in America can a little black girl, the daughter of a maid and a janitor, growing up in the South in the sixties, have such an amazing opportunity.

So, regardless of the spirited, sometimes painful political debates, no one can make me give up on America. You see, I believe in the promise of America because I have seen the promise of America. I come before you tonight as an American Dream realized. Because America is great and decent and our democracy complete, because we live in a government of the people.

I have taken four oaths in my lifetime, two as a law enforcement officer and two now as a Member of Congress. Different oaths, different times, and different places, but each oath stated that I will protect and defend the Constitution of the United States against all enemies, foreign and domestic.

My oath was not to an individual; it wasn't to a political party or institution. My oath was to the United States Constitution.

And I come before you tonight as an African American female. I come before you tonight as a descendent of slaves—slaves who knew they would not make it but dreamed and prayed that one day that I would make it. I come before you tonight proclaiming that, in spite of America's complicated history, my faith is in the Constitution. And I say that today with perfect peace.

I have enforced the laws, and now I write the laws, and I know that nobody is above the law. But the law means nothing if the accused, whether the man who breaks in your house or the President, can destroy evidence, stop witnesses from testifying, and blatantly refuse to cooperate in the investigation. I ask you to name somebody in your family or in your community who can do that.

The President is the Commander in Chief, and his responsibility is great. However, our President put his personal interests above the interests of the Nation, corrupting and cheating our democracy, and he shall be held accountable.

The Framers were so concerned about a President abusing his power that they gave us the power of impeachment. George Washington was particularly concerned about unprincipled men finding their way into the White House.

Well, those times have found us. And we only have one option, and that is to hold this President accountable. Because you know what? Nobody is above the law.

Thank you, and I yield back.

Chairman NADLER [presiding]. The gentlelady yields back.

Mr. Reschenthaler.

Mr. RESCHENTHALER. We have heard some great speeches tonight, but let's not forget that this is a political hit job. Democrats just know they can't beat President Trump in 2020; they can't beat the President on his merits. So they have taken some thoughts and feelings and assumptions from some unelected bureaucrats and decided to impeach a duly elected President.

But let's just take a step back and just assess where we are. We have two Articles of Impeachment against the President: abuse of power and obstruction of Congress. Let's just dissect each one.

Let's start with abuse of power. Abuse of power is, at this point, just a vestige of quid pro quo. Remember, quid pro quo is what the Democrats were calling this before they tested "quid pro quo" with focus groups and found out that "bribery" was a lot more compelling than an old Latin phrase.

Now the Democrats have dropped bribery, and they have accused the President of a very vague term, abuse of power. That is because the crime of bribery, quid pro quo, this-for-that, simply did not take place.

Chairman Schiff and Chairman Nadler and their cohorts cannot make out what lawyers call a prima facie case. I was a district judge, and I am telling you, I would have thrown this case out at the preliminary hearing level because it has no merit. There are no elements to support an underlying crime. The Democrats simply cannot make out, again, what we would call a prima facie case. This would be dismissed at a very early level in court.

And, remember, President Zelensky has repeatedly said there was no pressure. The call transcript, the primary evidence we have, not rumors and conjecture of bureaucrats, the actual document shows there was no linkage whatsoever between aid and the investigation.

The Ukrainians were not even aware that aid was on hold when the President spoke. And Ukraine ultimately never had an investigation, yet they received lethal aid, Javelin missiles. So, simply put, there was no quid pro quo.

If the Democrats really want to charge somebody with abuse of power, they should look no further than Chairman Schiff. The chairman used his subpoena power to subpoena individual phone records, then went through those records, singled out Devin Nunes in an attempt to smear a ranking member. That is the abuse of power.

You want to talk about more abuse? How about dropping 8,000 pages of documents on Judiciary Republicans less than 48 hours before our last hearing? That is an abuse of power. If this were a court of law, Chairman Schiff right now would be facing sanctions and would be defending his law license.

Let's talk about obstruction briefly. Let's deconstruct that. Our government, remember, has three branches of government, and when there is a disagreement between the executive branch and the legislative branch, that is when the courts step in to resolve this. And that is what happened when Republicans had an issue with President Obama during Fast and Furious. That issue went to the courts. But now Democrats refuse to go to the courts. And why? It is simple: Because it doesn't fit their political timeline to get this to the Senate before Christmas.

The only obstruction here is that of the Democrat Party. Let's not forget that, last week, Judiciary Democrats voted down my motion to subpoena the whistleblower on partisan lines. That was obstruction of Congress. Let's not forget that Chairman Nadler refuses to have Chairman Schiff testify here under oath. That is obstruction of Congress. And let's not forget that the other side still refuses to

bring any fact witnesses before this committee. Again, that is obstruction of Congress.

So, in conclusion, do we have abuse of power? Yeah, Adam Schiff. Do we have obstruction of Congress? Yeah, House Democrats. So let's call this for what it is: a political hit job.

Thank you, and I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman.

I was elected to Congress to work across the aisle with Democrats and Republicans to ensure that the voices of my constituents were heard loud and clear. They sent me to work for good jobs, education, healthcare, safe streets, and housing, among other issues.

As the son of immigrants, my election to Congress is an example of the American Dream and how hard work can make the American Dream come true. My mom cleaned hotel rooms for $1.60 an hour when I was growing up, and today her son is a Member of Congress.

Yet, sadly, on my way to Congress, in 2016, the Presidential election was tarnished by foreign influence, a danger our Founding Fathers warned us about. Then, later on, we ask ourselves, did our President solicit foreign interference in our democratic elections? And, sadly, the answer is yes. As a member of the Homeland Security Committee, I know firsthand the dangers and threats that foreign interference present our democracy.

And when our Nation gained its independence, the Framers viewed the power of the Presidency as a public trust. The Presidency is a public trust.

The Constitution, the highest law in the land, created a system of checks and balances to prevent the creation of a king. Congress is a coequal branch of our government, equal with the Presidency—let me repeat: Congress is equal with the Presidency—with duties that are given to us by the Framers of our Constitution. And Congress has the job to investigate the allegations of misconduct of the executive branch, including our President.

I don't take impeachment lightly. And I have had the opportunity to vote on it, on the resolutions to impeach the President on the floor, and every time I have voted no.

Today, I have listened and studied the evidence presented in these hearings, and I am here to do my job as a Member of Congress and to protect the American Dream. It is my constitutional job to ensure that no one—no one—is above the law, and I need to assure that our Nation is secure from all threats, foreign and domestic.

And as my fellow Californian, President Ronald Reagan, once said, "America is a shining city upon a hill whose beacon light guides freedom-loving people everywhere." And I am here today to ensure that America continues to that be shining city of democracy and rule of law.

[Speaking foreign language.]

Nuestro Pueblo me mando a Washington para trabajar con todos, Democratas y Republicanos, para mejorar las vidas de nuestras comunidades.

Tristemente estamos aqui, hoy, contemplando las acciones del president de los Estados Unidos. Votare despues de estudiar las evidencias y las leyes presentadas.

Mi voto, sera para asegurar que sigamos siendo una democracia, y no una dictadura.

Muchos de nuestros hijos y hijas, han pagadado el precio de nuestra libertad con su sangre. Nuertra liberated y democracia, tienen que ser la herencia que les dejamos a nuertros hijos y hijas.

Una democracia existe cuando nadie esta sobre la constitucion, y todos somos sujetos a la ley.

Le pido a dios que nos de sabiduria, y que nos ayude unir nuestra querida patria, los Estados Unidos Americanos.

And today I ask God for wisdom and guidance in uniting our great Nation.

Mr. Chair, I yield.

Chairman NADLER. The gentleman yields back.

Mr. Cline.

Mr. CLINE. Thank you, Mr. Chairman.

John Adams said, "I first saw the Constitution of the United States in a foreign country. I read it with great satisfaction, as the result of good heads prompted by good hearts, as an experiment better adapted to the genius, character, situation, and relations of this Nation and country than any which had ever been proposed. I have repeatedly laid myself under the most serious obligations to support the Constitution. What other form of government, indeed, can so well deserve our esteem and love?"

I love this country and I love this Constitution, which is why I am so disappointed to see that we are witnessing for first time the constitutional power of impeachment being misused. Not for the removal of a President for high crimes or misdemeanors, not for treason, bribery, extortion, not even for campaign finance violations. No, the majority is misusing the constitutional power of impeachment to remove a President from office because they don't like his policies.

And I agree with my colleagues; they are right, this is no small event. The leaders of one-half of one branch of government have decided that they, not the American people, should determine who their President should be, that the provisions of Article II, Section 1 of the Constitution that determine how the people elect the President shall be superseded by the impeachment powers under Article I, Section 2 of the Constitution.

And while the Constitution gives broad latitude to the House to set its own rules for impeachment, past Congresses have understood that, if it is to be viewed as legitimate by the American people, the proceeding must be as devoid of politics as possible. In fact, Speaker Pelosi said, herself, that impeachment must be compelling, overwhelming, and bipartisan.

Sadly, this process possesses none of these characteristics. Throughout this partisan process, the Judiciary Committee, sadly, has been sidelined as nothing more than a rubber stamp. And when you sideline the Judiciary Committee, you sideline justice.

While transcripts of most of the testimony in the Intelligence Committee were eventually made public, Judiciary Committee

members were not able to watch the private proceedings, question witnesses, or ensure the accuracy of the transcripts.

We learned that Chairman Schiff at times ordered witnesses not to answer Republicans questions, lied about his contact with the whistleblower, and obtained phone records of Members of Congress and of the press. Then he refused to appear before this committee to defend his egregious actions.

But putting aside the severely flawed process by which the Democratic majority has proceeded, they have simply failed to establish a viable case for impeachment against the President. I have reviewed the evidence, I have read the transcripts, and the proof of a high crime or misdemeanor is just not there.

And, Mr. Chairman, you said yourself in 1998 that the President's accusers must go beyond hearsay and innuendo. So let's review the intelligence evidence.

Ambassador to the EU Gordon Sondland, it depends on which of his three testimonies you are reading. The one consistency is that in all three direct messages from the White House was no quid pro quo.

In addition to Ambassador Sondland, 16 other officials opted to testify in this investigation, all testifying to hearsay, opinion, and speculation. Marie Yovanovitch, Alexander Vindman, Kurt Volker, Bill Taylor, Jennifer Williams, Fiona Hill, and the list goes on, all testifying to hearsay, opinion, or speculation.

But there are facts. No matter how the Democrats try to spin it, there are four facts that will never change: There was no pressure on the call, there was no conditionality of aid in the transcript, the Ukrainians were not aware that the aid was withheld, and Ukraine didn't open an investigation but still received the aid and a meeting with President Trump.

Regrettably, my Democratic colleagues have proven time and time again that they aren't concerned about the facts.

Tonight, the majority takes a step down a path that achieves a goal they have long sought: the removal of President Trump from office. But at what cost? At what price? Certainly the rejection and destruction of bipartisanship on this committee, the abandonment of the rules that have served this committee for two prior impeachments.

But it has come at a greater cost. The very fabric of this country depends on the respect for the verdict of the voters. Thomas Jefferson said, "I know no safe depository of the ultimate powers of society but the people themselves. And if we think them not enlightened enough to exercise their control with a wholesome direction, the remedy is not to take it from them but to inform their discretion by education."

This is a sad day for the institution of Congress, a blatantly political process, and, yes, an abuse of power by the majority designed to achieve what they simply could not achieve at the ballot box. As I said, it is a sad day for America.

I yield back.

Chairman NADLER. The gentleman yields back.

Ms. Scanlon.

Ms. SCANLON. Thank you, Mr. Chairman.

Two years ago, I never dreamed that I would be sitting here as a Member of Congress. The only office I had been elected to was school board in the small town where I lived just outside of Philadelphia.

I loved my job as a public interest lawyer, and I loved volunteering with kids, helping them to get a good start and helping them to understand why our government and our laws are what make our country that shining city on a hill, a beacon of freedom and opportunity to the entire world.

One of the schools where I volunteered is Constitution High School. It is located just a few blocks from Independence Hall, where our Constitution was written. Students at Constitution High learn the importance of active citizenship, to be informed participants in our government and to put public service before self. I believe in those lessons with my entire heart. Those lessons brought me to Congress.

When I took the oath of office just over a year ago, many of my students came with me. They looked down from the House Gallery as I chose to be sworn in on our Constitution, this one right here. I took an oath to support and defend the Constitution and to put our country before myself.

The question we must answer today, not only as Members of Congress but as Americans, is: Will we accept a President who refuses to do the same?

We wouldn't be here today but for the bravery and the active citizenship of ordinary men and women who also took oaths to support and defend our Constitution and chose to put service to country before self—American citizens like Ambassadors Bill Taylor and Marie Yovanovitch, Lieutenant Colonel Alexander Vindman, David Holmes, and Fiona Hill.

They demonstrated a love of country and an unclouded understanding of right and wrong. They testified to Congress despite opposition from the President and at great personal risk. We expect these qualities in our public servants; we must demand them from our President.

This President has failed that test of honor, of unselfish service to our country, of understanding the difference between right and wrong, and, above all, of the need to put aside his personal interests when our Nation's security and our values are at stake.

This moment is about more than disagreements with the President's personality or policies. Those disagreements belong in the voting booth. Our task today is not to judge the President himself. Instead, we must judge the President's actions and whether they have undermined our government. Because it is the Office of the President to which we owe our loyalty, not the man who occupies it.

We must not turn a blind eye to the undisputed facts. The President used the highest office in our government and precious taxpayer dollars to pressure a foreign country so that he could cheat on our elections, and then, when he got caught, he tried to cover it up by obstructing our investigation and our courts.

In doing so, I believe that he betrayed the American people. There is no higher crime under our Constitution than that.

This is exactly the type of behavior that our Founders feared most. They knew that with the awesome power of the Presidency came the risk of a President abusing that power for personal gain. They trusted us, the people, with our Republic, to safeguard the values they enshrined in our Constitution.

This is not the first time we have faced this trial. At another time when the future of our country was in jeopardy, President Lincoln charged the American people with the same responsibility: that we must dedicate ourselves to the great task of ensuring the government of the people, by the people, for the people shall not perish from the Earth.

A government where the President abuses his power is not of the people. A government where the President pressures a foreign country to undermine our elections is not by the people. And a government where the President puts his own interests before those of the country is not for the people.

This is not complicated. You know it. I know it. My Constitution High students know it. And, in their hearts, I believe that our colleagues across the aisle know it. We have no principled alternative but to support these Articles of Impeachment. Our Constitution, our country, and our children depend upon it.

I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chairman.

My Democratic colleagues have tried to cloak this proceeding as a somber, serious process that they regret having to advance, but that is not the case. This is a nakedly partisan exercise.

This has always been about the fact that these Democrats hate this President. They have been focused on removing him since the day he was elected. And, long ago, they decided that impeachment was the remedy. They constantly and consistently marched ahead, undeterred by facts.

And make no mistake, this started long before a July 25 phone call. But the Russian conspiracy theory bombed, and obstruction of justice was abandoned after the Mueller hearings fell flat. Campaign finance charges never got off the ground. They poll-tested bribery, but that doesn't work because the alleged victim says there was no crime.

But none of that matters, because this was never about the truth; this was about politics. So here we are tonight on an ambiguous abuse-of-power charge.

Prior to the election, a member of this committee launched a change.org petition regarding mental diagnosis of the President. And shortly after the election, our chairman stated, "He was legally elected, but Russian interference makes his election illegitimate." A press release from another member read, "This President-semi-elect does not deserve to be President."

And once President Trump was sworn in, the Democrats introduced Articles of Impeachment almost immediately. In 3 years, they have introduced 10 resolutions related to impeachment. And 17 members of this committee have voted to consider impeachment, and every one of those votes occurred before the July 25 phone call.

Here are some statements made by members of this committee.

"Cloud of treason means we must have a total shutdown of any POTUS agenda item," March 2017.

A tweet accompanying a picture of President Obama read, "Great to see our last real President enjoying life," April 2018.

Another member: "I don't think this President was fit to serve even before he took office," April 2018.

Finally, an exasperated committee member wrapped it all up by revealing, "I just think we need to impeach the guy."

There it is. That is what this hearing has always been about, and that is why we are all here tonight. The Democrats just want to impeach a duly elected President. They want him gone. This began the day President Trump was elected, and it has culminated here.

But this never-ending march towards impeachment and in overturning the results of the 2016 election has consequences, because you are telling 63 million voters that you don't respect or honor their vote.

These are voters in over 2,600 counties, representing 84 percent of the geographic area of America; voters in States like mine that not long ago sent Democrats to Congress but in recent years have found no home in today's Democratic Party, who feel that their Midwestern sensibilities have been replaced by liberal, elitist ideology, who feel that partisan points are more important than practical solutions; voters who know that, rather than working to win back their trust and their support, you would rather invalidate the results of the last election and abolish the electoral college to silence their voices in the future.

Your never-ending quest towards impeachment is a constant reminder to these Americans that you don't trust their judgment, that you mock their way of life, and that you couldn't care less about the issues that matter most to them.

And as Chairman Nadler so ominously stated in November of 2018, "If you are serious about removing a President from office, what you are really doing is overturning the results of the last election." Well, they were serious. They have spent the last 3 years talking about interference in the 2016 election, unwilling to accept the results.

I wonder if my colleagues recognize the irony that their impeachment vendetta is the greatest interference of all, and it is homegrown, right here the halls of Congress.

I yield back.

Chairman NADLER. The gentleman yields back.

Ms. Garcia.

Ms. GARCIA. Thank you, Mr. Chairman.

The American people and all of us in this committee will have to live with the decisions we make today. We are moving forward with Articles of Impeachment against the President of the United States for his abuse of power and obstruction of Congress. This should weigh heavily on each one of us, because the future of our democracy depends on it.

I have raised my right hand and put my left hand on the Bible more than once. I have sworn an oath of office to the American people and to the Constitution of the United States. We have all taken this oath and are bound by it to support and defend the Constitution of the United States against all enemies, foreign and domestic.

This very action of taking an oath and giving your word is a powerful one. Many of us take different oaths throughout our lives. From a young age, we develop our sense of right and wrong. We learn the golden rule and, for many of us, the Ten Commandments. We are taught that our word matters and what happens when we go back on it.

This is true for millions of young girls and boys across the country that have taken the Girl Scout or the Boy Scout pledge. As a country girl, I took the 4-H pledge. I still remember the parts that remain with me today. I pledge my heart to greater loyalty; my hands to larger service for my club, my community, and my country. This pledge is meant to teach the value of fulfilling your promise to others of loyalty and service.

Today's proceedings are about our pledge to the Constitution and the future of the Republic. This commitment was shattered by Donald J. Trump when he violated his oath of office, his promise of loyalty and service to the American people.

The Framers of the Constitution included impeachment as the safeguard against a corrupt President whose ego and self-dealing could destroy the very foundations of our Constitution. It is as though they had a crystal ball when they were writing the Constitution, and when they looked at it, who did they see? Donald J. Trump, A, abusing his power; B, betraying the Nation; and, C, corrupting our elections.

These are the ABCs of impeachable behavior the Framers feared the most. Donald J. Trump abused his power when he obstructed Congress and ordered government officials not to appear before us. Donald J. Trump betrayed our Nation when he declared, "I have the right to do whatever I want as President," wrongfully using the Constitution to argue that he is above the law. Donald J. Trump corrupted our elections when he asked a foreign government to interfere for his personal and political gain.

I take no pleasure in the work of this committee today. I grew up poor in rural south Texas, 1 of 10 children. I know the taste of commodity cheese and butter. I know what it is like to stand in line at a welfare clinic to get a shot. And I know what it is like to pick cotton in the hot, blistering Texas sun.

I never imagined that I would be a Member of Congress. Even less, I never imagined I would be in a position where I would need to consider impeaching a President. Yet, last year, I became one of the first two Latinas, alongside Ms. Escobar, to be elected to Congress from Texas.

I didn't come here to impeach a President. I came here to make a difference in the lives of my constituents and the American people and to make things better for our next generation of children.

And here we are, in the middle of a constitutional crisis. We must defend our democracy for every little boy and girl in this country and show them that pledges they take matter and the promises they make do matter.

Democracy is a gift that each generation gives the next. We must act, and we must impeach.

Thank you, Mr. Chairman. I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. Steube.

Mr. STEUBE. Since this President has been elected, Democrats have clamored for impeachment. On the first day of my swearing in as a Member of this Congress, Democrats in my class were calling for impeachment on the day that we swore in, long before President Trump made a phone call to the newly elected President of the Ukraine.

For almost a year, this Democrat-led Congress and this committee has focused its efforts and its energy on impeaching President Trump.

First, the Democrats' theory of impeachment was Russia collusion. After 22 months of investigations and millions in tax dollars spent on Democratic lawyers investigating the President, they found nothing, no collusion. Bob Mueller sat before this committee and testified that there was no evidence that the Trump campaign colluded or conspired with Russia.

Next, it was obstruction of justice. But after searching diligently and trying to find any evidence that the President obstructed justice, Democrats abandoned that theory.

By comparison, Clinton's impeachment in Article II had seven different incidents of obstruction of justice supported by the evidence collected by an independent counsel—seven different incidents of a crime being committed.

Mr. STEUBE. Seven different incidents of a crime being committed.

Then, out of the blue, after coordinating with Democratic staff in the Intel Committee, a whistleblower filed a carefully scripted complaint based solely and completely on hearsay.

Democrats' theory now turned to a quid pro quo, which I am assuming, because one of their own candidates for President clearly admitted to a quid pro quo on national television and there is no evidence of a quid pro quo in the phone transcript President Trump released, that they abandoned that theory as well.

The process that ensued was anything but open, transparent, bipartisan, or equitable, abandoning all past historic due process afforded the minority and the President.

The Democrats ran a partisan investigation, refusing the rights of the minority, refusing the ability of the President's counsel to call witnesses—Bill Clinton alone called 14 witnesses on his behalf during his impeachment proceedings—refusing to allow the President's counsel to cross-examine fact witnesses, and refusing a minority hearing day, just to name a few.

Now before us are Articles of Impeachment for abuse of power and obstruction of Congress. Unlike Presidents Nixon and Clinton, who were impeached for actual crimes, President Trump is being impeached based on theories concocted by the Democrats.

I imagine just about any law professor can make an argument that every President in the history of our country abused his power at some point in time in their Presidency, because that would be an opinion, not a crime.

When they needed backup for their approach, they paraded out liberal professors with animus against the President who gave them license to impeach the President for any reason that they wish. Those professors, astoundingly, and in direct contradiction to even the most simplistic concept of due process, stated that an im-

peachment does not have to be rooted in any recognized criminal standard because the impeachment portion of the Constitution was written before criminal statutes.

Their second Article of Impeachment, obstruction of Congress, serves only to highlight the absurdity of the situation that they have put us in. Congressional oversight is a serious constitutional responsibility. It is a bedrock of the checks and balances that the Founders envisioned. However, Democrats have now created a standard that if you don't give them what they want, when they want it, they will impeach you for obstruction of Congress. This is not the solemn duty envisioned by the Founders.

When this Democratic Congress issued a flurry of subpoenas in accordance with their rights, the President did what is taught to every first year law student in civil procedure: seek judicial review of a subpoena that would lead to the disclosure of privileged information. This is one of the core principles of our Nation's judicial system.

By not allowing for a judicial review of the subpoenas, the stance the Democrats are taking is that the legislative branch has an unlimited and indisputable right to any and all information they so choose, regardless of the rights and privileges of the President or the executive, a coequal branch of our government.

House Democrats are making themselves kings in a manner far worse and more obvious than what they are accusing the President of doing. To quote Mr. Turley, who testified before this committee: "Basing impeachment on this obstruction theory would itself be an abuse of power. . .by Congress. It would be an extremely dangerous precedent set for future Presidents and Congresses in making an appeal to the judiciary into high crimes and misdemeanors."

The Constitution states in Article II, section 4 that a President or Vice President shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. Nowhere in the Constitution does it state we can impeach a President for abuse of power or obstruction of Congress. In fact, the term of art doesn't exist in the Constitution and to imply that high crimes and misdemeanors would include abuse of power or obstruction of Congress is a fiction.

So let me recap. No collusion, no obstruction, no quid pro quo, no treason, no bribery, and no high crimes and misdemeanors. The only abuse of power that I see is that which Mr. Turley highlighted—that abuse of power of this Congress and how this Democratic majority has run this Chamber, this committee, and this investigation.

The chairman and members of this committee keep saying that history will judge our decisions. Well, I would offer that your decisions and that of your colleagues in the majority will be judged much sooner than in history. They will be judged by the voters in November of 2020. Then, I guess, we will see who was on the right side of history.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. Neguse.

Mr. NEGUSE. Thank you, Mr. Chair.

I would like to begin tonight by speaking directly to the Americans listening and watching who may disagree with the steps this committee is taking. I hope that you will understand that we are proceeding on this path truly out of love for our country.

We are your neighbors, we are your colleagues, your fellow worshippers, and we are all citizens of the greatest Nation on Earth. We are blessed to live in a country where our similarities far outweigh our differences.

My parents immigrated to this country, and every day I am grateful to them for their decision and to the United States of America for giving us the opportunity to live the American Dream.

My parents came to this country because they wanted their children to grow up in a place that is free, a country where leaders respect the rule of law, and where they don't use the power of government to target political opponents, a country with fair elections and where everyone has the right to vote.

Thomas Paine described voting as the primary right by which other rights are protected. Our sacred right to a free and fair election is ingrained in our Constitution. It is a right offered to every American, no matter their background. And yet today that right is under attack like never before.

In 2016, Russia interfered in our elections in sweeping and systematic fashion. And as we know, the Trump administration, the campaign, welcomed at that time that interference.

And now the President of the United States has solicited the interference of a foreign government in the 2020 Presidential election for his own advantage. President Trump abused his power and then engaged in a wholesale obstruction of Congress to cover it up.

The fact remains that in the history of our Republic, no President has ever ordered such a complete defiance of an impeachment inquiry until now.

If anything is clear, it is this: Every American deserves to know that their President will not endanger our national security, that he or she won't seek to use their power to undermine our free and fair elections, and that they won't tap a foreign government to help tip the scales in their favor.

The Framers of the Constitution prescribed impeachment in that sacred document because they feared a moment like this one, and the Articles of Impeachment before us are our mechanism for accountability.

So ultimately we must move forward with the solemn and heavy work before us. But I hope that as we do so, while some may agree with this process and some may oppose it, everyone will remember that at the end of the day, each and every one of us are Americans. We all treasure the same flag. We all revere the same Constitution that this committee is working so hard to uphold.

Like many of my colleagues, when I ran for Congress I knew that the hardest part would be being away from my wife and my infant daughter. My daughter is 15 months old now and I think a lot about the world that she will inherit. She is not old enough to understand the proceedings before us today, but one day she will be, and one day I hope that she will know that this committee had an obligation to defend our democracy, to honor our oaths, and to uphold the rule of law.

So I will support the Articles of Impeachment before us, because it is what the Constitution requires of us and it is what my conscience demands. And I hope and I pray that my colleagues will do the same.

And with that, I yield back.

Chairman NADLER. The gentleman yields back.

Mrs. McBath.

Mrs. MCBATH. Thank you, Mr. Chairman.

Since January, I have been privileged to serve the people of Georgia's Sixth Congressional District. When I was a small child, my family instilled in me the importance of service and building community. As I have grown in life, I have held many roles—daughter, wife, working mother—but I never imagined Congresswoman would be one of them.

My goals were the same as many other Americans. I wanted to start a family and raise a caring, compassionate child. Like many women, I struggled to get pregnant, and after years of trying my son Jordan was a miracle for me, for our family.

I dreamed of who Jordan would become. I dreamed of watching him walk across the stage at his high school graduation, full of love and hope for the future. I dreamed of him carrying on our family's legacy of public service.

But 7 years ago, on a day much like today, Jordan was sitting in the back seat of a car with his friends at a gas station. A man pulled up next to their car and complained about the loud music that they were playing. He pulled out a gun and fired 10 shots into their car, hitting Jordan three times and killing my only son.

I found myself asking God: How could this happen? How did he allow this to happen to me, to my family, and to Jordan?

I prayed to God and found the strength to forgive my killer. I stood up for families like mine. I stood up for families in Marietta, Georgia, who were terrified that they will send their kids to school and never see them come home. I stood up for the teens who sent texts to their parents in Parkland, Florida. I stood up for their mothers reading messages from their children that pled: If I don't make it home, I love you, and thank you for everything that you have done for me.

I made a promise to my community that I would act, a promise that I would take that sense of protection, that love a mother has for her son, and I would use it for my community, for the American people. I promised I would work with the President when his policies are right for Georgia and stand up to him when they are not.

And I am proud of our progress. I am proud to have passed bills that protect our communities. I am proud to have written a bill that was signed into law by President Trump, a bill that protects our veterans. But I am not proud of the President's actions that bring us here tonight.

For months, we have carefully and methodically explored the facts. I have listened to our witnesses, I have examined the evidence from our intelligence community, and I have heard from the brave men and the women who have dedicated their lives in service to our country, both at home and abroad.

I am greatly saddened by what we have learned and I am forced to face a solemn conclusion: I believe the President abused the

power of his office, putting his own interests above the needs of our Nation, above the needs of the people that I love and I serve. And for that, I must vote my conscience, and I do so with a heavy heart and a grieving soul.

This is not why I came to Washington. I came to Washington because I love my country. I came to Washington full of hope, empowered by my community to serve them in Congress, and it is an honor to carry out this work every single day, to make sure that no one else goes through the same pain that I have.

But after this vote, I will continue to champion the ideals this country instilled in me to stand up for the safety and security of our communities and to fight for an America I prayed that my son, Jordan, would be proud of.

And I yield back the balance of my time.

Chairman NADLER. The gentlelady yields back.

Mr. Stanton.

Mr. STANTON. Thank you, Mr. Chairman.

I have been in public life for two decades, and it is not lost on me that these are the most consequential votes that I will ever take.

Throughout the impeachment process, I have weighed three questions that are central to whether we must use the power to impeach and recommend removal of a President. Did the President grossly abuse his power? Did his actions harm our Nation? And, if unchecked, is the President likely to repeat his behavior?

Clear and convincing evidence shows that the answer to all of these questions is yes. President Trump grossly abused his power. He withheld aid to our ally at war until that ally agreed to help him damage a top political opponent.

The Ukraine plot put our elections and our democracy at risk, and it helped Vladimir Putin and Russia. When career diplomats got in the President's way, he fired them and he smeared them, and he used a political henchman outside the official lines of diplomacy to avoid getting caught.

But he did get caught. A courageous public servant blew the whistle. And only once the President was exposed did he relent and release the aid that this Congress approved to help our ally in its war against an aggressive Russia.

The President revealed his consciousness of guilt when he ordered the coverup, the most sweeping obstruction of congressional investigation in our Nation's history.

When Congress lawfully subpoenaed witnesses who could help us learn the truth, the President ordered those witnesses not to appear.

When Congress lawfully subpoenaed documents that might point the finger at him, the President ordered his administration to not turn over a single one.

And the excuses the White House used for obstructing Congress are a disgrace to the Constitution and to the rule of law.

The Ukraine plot and the obstruction that followed are gross abuses of power. Both harm our national security and the integrity of our democracy.

Yet what worries me most is that every sign, every sign, points to the near certainty that, if we allow him, the President will continue to violate the law.

Just last night, he said abuse of power is not even a crime. He has repeatedly said that his powers are unbounded and unlimited. He has claimed, quote: "Article II allows me to do whatever I want," unquote.

These are the words of a President who does not understand or respect the Constitution, one who believes there should be zero checks on his power.

Make no mistake, a President who will certainly abuse his power again threatens the very soul of our Nation. This President must be impeached and he must be removed, not because he has been offensive or because of policy disagreements, impeachment is necessary because this President does not believe the law applies to him because he poses a clear and present danger to our democracy.

I ask my colleagues and my fellow Americans: Where is the line? And I submit that if we do not impeach the President for this conduct, we will send a message there is no line. Right and wrong would forever blend together, and corrupt abuse of power from the executive branch would become acceptable and unchecked.

I served as mayor of one of the largest cities in this country. If I had concocted a scheme to withhold public funds to help my own reelection, I would be charged with a crime. And the truth is, if this were anyone else but President Trump, they would be in a jailhouse, not the White House.

We have a duty to protect our democracy. We owe it to the Framers of our Constitution. We owe it to the men and women who spilled their own blood defending it. We owe it to our children and generations to come.

We have a responsibility to every single American to ensure that our government of the people, for the people, and by the people shall not perish from the Earth.

Mr. Chairman, I yield back.

Chairman NADLER. The gentleman yields back.

Ms. Dean.

Ms. DEAN. As Members of Congress we are entrusted with a generational duty, a duty to ensure that we leave our grandchildren with a Constitution as strong or even stronger than our predecessors gave us.

I want to tell you about a conversation that took place the week of July 25, but it is not the one you are thinking of. This was a quiet moment between a leader and me, just a freshman on the floor.

I sought out Elijah Cummings and sat down next to him. He looked up into the gallery and he said: Madeleine, 300 years from now, your ancestors will remember you were here. We are only here a short while, make sure what you do here matters.

As First Corinthians tells us: Now we see through a glass, darkly. Months later, I am beginning to see face-to-face what our recently departed Chairman Cummings meant. What we do here today will matter for generations. He saw a broader horizon.

Now this immense constitutional responsibility, vested in us by our Founding Fathers, requires us to decide whether President

Donald J. Trump has purposefully and perilously abused the power entrusted to him by the people.

The evidence shows the President's wrongdoings. They are as clear as they are dangerous. He has abused the power of his office as President for personal gain, including his corrupt scheme to win reelection. He has betrayed our Nation and his oath by asking foreign governments to interfere with our elections.

When he was caught, he obstructed Congress, blocking our constitutional investigation at every turn, telling executive branch agencies and witnesses to defy subpoenas. And even in the midst of this investigation he called on a third foreign power to interfere in the upcoming election.

The President's ongoing pattern of conduct threatens our most precious rights as Americans: the rights to choose our own leaders and hold them accountable.

In George Washington's farewell address he warned against the insidious wiles of foreign influence, the jealousy of a free people are to be constantly awake, he said, since foreign influence is one of the most baneful foes of republican government.

We cannot allow this President to reach his hands and the hands of foreign leaders into our ballot boxes because for us to maintain our faith in this country the democratic process is as important as the result.

Some have suggested that our actions, this historic call for impeachment, are based in dislike or even hatred of a single man. They are not. This is not about punishment or hate. It is about love. It is about love of this country, it is about protecting this country, and our precious Constitution, for all Americans yet to come.

No one wishes to be where we are today, but this is where we are called to be. Today is about the congressional oath I swore, we all swore, to well and faithfully discharge the duties of our office.

My favorite Uncle Walter was a Catholic priest. Years after his death, I swore my oath of office on Walter's Bible. My first grandchild, Aubrey, aged 7, held it from below. As I placed my hand and bore through faith an allegiance to the Constitution, Walter's daily prayer washed over me. May God grant success to the work of our hands, he would say.

I remember the gravity of that moment, of accepting the mantle from those who came before us and striving to protect the promise of the Constitution for generations who have yet to inherit it.

It is in our hands now. Many people have walked these hallowed Halls. Few of us remember their names. Someday, too, we will be gone and forgotten, yet what we do here will not. It will matter for decades and centuries to come. It will matter to my children and grandchildren and to yours. It will matter to a democracy battle tested and hard won, and yet only as strong as those willing to stand up and defend it, to defend the aspirations and the constitutional promise of this country.

These are the moments that define us, that determine whether the United States will become less free or more perfect. The grand horizon is in our hands now. May God grant us success. Our forefathers demand it, and our granddaughters deserve it.

Chairman NADLER. Does the gentlelady yield back?

Ms. DEAN. With that, I yield.

Chairman NADLER. The gentlelady yields back.

Ms. Mucarsel-Powell.

Ms. MUCARSEL-POWELL. I did not have the privilege of being born into this country. When I was 14, my mother brought my sisters and I from Ecuador in search of freedom and opportunities.

And this is not just my story, but it is the story of so many of the people that I represent in Florida's 26th District and all over the country.

Many of us have experienced firsthand the political corruption in our countries of birth. We understand the corrosive effects of this corruption and the abuse of power by authoritarian leaders, both on the left and on the right, that destroy democratic institutions.

Many of my constituents fled the brutal dictatorships of Cuba and Venezuela that have choked the economic, social, and political potential of those countries for the benefit of those who hold power.

The United States is a beacon of freedom, a place where anyone can get a fair shot, but also where even the most powerful are held to account. It is why I feel so fortunate to raise my children in this great country, and it is because of the opportunities that I received as an immigrant and how I feel about this country that has led me to give back, run for Congress, and come here to fight to reduce the cost of healthcare, protect our communities from gun violence, and act on climate change.

I did not come to impeach the President. But this President has violated the rule of law. The evidence is overwhelming that the President withheld military aid approved by Congress and leveraged a White House meeting in order to extract a personal and political favor from a foreign government.

You see, what the President wanted was the announcement of an investigation into his political opponent to help in his reelection campaign. One of our most fundamental rights, the right to a free and fair election, was threatened.

In an attempted coverup, he instructed his administration to ignore legally binding congressional subpoenas, and he has done all of this to benefit himself personally, not to benefit the country.

It is undeniable that this President has violated his oath of office, abused his power, and obstructed Congress. This is a clear and present danger to the future of our democracy, a system of government that was a beacon of freedom for my family and for so many that have come here.

Tonight, I ask all Americans to put their personal affections and their political affiliations aside and consider the long-term health of our democracy. It is what I have tried to do in reviewing all of the information and the testimony that is before this committee.

I know that there are patriots and proud Americans in my district and all over the country—Republicans, Democrats, independents, some born here and others who chose to make their home here in America—who agree that we must put our democracy and Constitution first and who will come together in the most difficult times because we are all Americans.

The issue we face now as a country as a result of this President's conduct is bigger than party and the Constitution has no partisan

allegiance. We all agree that we cannot allow a President, this President or any future President, to abuse the power of the office.

We cannot accept a President who says America first, but really puts his own interests before the country. We cannot accept a President who makes a show of hugging the American flag, but whose obstruction of Congress takes a big black sharpie on Article I of the Constitution.

Therefore, understanding and having sworn an oath to the Constitution, I am faced on making a decision on impeachment. It is a determination that I must make for our children.

It is for this reason that I must vote with my conscience, for my country and for my children, in support of these Articles of Impeachment. That is my duty as a Member of this body and that is my duty as a mother.

I yield back.

Chairman NADLER. The gentlelady yields back.

Ms. Escobar.

Ms. ESCOBAR. Thank you, Chairman.

In moments of great tragedy Americans have always found a way to come together and to be unified, not as Republicans, not as Democrats, but as Americans.

One only need look at the great tragedies that we have faced together to see that bearing out—natural disasters, terrorist attacks, our innumerable mass shootings. We have always found our way to come together again.

And those of us who are elected leaders, who have the great fortune and responsibility to be elected leaders, we have a unique obligation to help Americans find their path to unity. We have a unique obligation to ensure that America triumphs over her challenges.

My friends, today we face one of those great tragedies and it is a moment of truth for us. We have witnessed—and I will repeat—we have witnessed the President of the United States betraying his oath of office, inviting foreign countries to interfere in our election, and then covering up his wrongdoing to ensure that the American people don't know about it.

This is not the first time that he has sought foreign interference. In fact, we only need to look at 2016, rewind the tape, and recall him saying: Russia, if you are listening.

He invited a foreign adversary into our 2016 election and he has not stopped since. We witnessed him standing on the White House lawn as he called on Ukraine and then he called on China to also interfere in our elections, this time the 2020 election.

This is why this is called an ongoing threat, a crime that is in progress.

This also isn't the first time that we have seen him obstruct Congress. I was shocked to hear the ranking member deny that the President of the United States has obstructed Congress when we have witnessed it time and again at unprecedented levels.

The President of the United States has withheld documents, making sure that they don't see the light of day, prohibited witnesses from coming before Congress. He has even vowed to fight all the subpoenas, desperately attempting to keep Americans in the dark. He has even engaged in witness intimidation.

But what is even worse than a President who violates his oath is the other tragedy: the tragedy of enablers who choose to look the other way, turn a blind eye and explain this wrongdoing away. They tell us to ignore what we have witnessed with our own eyes, ignore what we have heard with our own ears.

When we should be unified in this moment, unified in confronting what the Framers warned us about, what our Founding Fathers feared, and to stand up for what brave patriots fought and died for, instead we have seen attacks against those patriots, we have seen blanket denials of the truth, and we have seen something absolutely terrifying. We have seen Russia be wildly successful, not just in the 2016 election, but in dividing us as Americans.

My God, we have even seen the highest elected officials in this land parodying the same conspiracy theories fed by Putin, the same Russian talking points.

The selling out of America's soul is all intended to protect one man, Donald Trump. Donald Trump is not for America. Donald Trump is for Donald Trump.

As leaders we should be unified in protecting our Republic, a democracy that is far more fragile than we ever understood. I fear that the President was right when he warned us that he could shoot someone in the middle of 5th Avenue and not be held accountable by his supporters.

If we do not proceed with impeachment, I am afraid that our democracy will cease to exist as we know it. Earlier, some of our Republican colleagues talked about how perilous, how politically perilous this moment is, and two of our freshman frontliners know that better than anyone. But that speaks to the courage that it takes to do the right thing.

I pray tonight that all of our colleagues have the courage to do the right thing: defend our beloved America and uphold their oath of office.

Mr. Chairman, I yield back.

Chairman NADLER. The gentlelady yields back.

Given the lateness of the hour, the committee will now stand in recess until 9 a.m. tomorrow morning, at which time we will call up the resolution for consideration.

The committee now stands in recess.

[Whereupon, at 10:33 p.m., the committee recessed, to reconvene at 9:00 a.m., Thursday, December 12, 2019.]

MARKUP OF H. RES. 755, ARTICLES OF IMPEACHMENT AGAINST PRESIDENT DONALD J. TRUMP

THURSDAY, DECEMBER 12, 2019

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC.

The committee met, pursuant to call, at 9:03 a.m., in Room 1100, Longworth House Office Building, Hon. Jerrold Nadler [chairman of the committee] presiding.

Present: Representatives Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries Cicilline, Swalwell, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Mucarsel-Powell, Escobar, Collins, Sensenbrenner, Chabot, Gohmert, Jordan, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong, and Steube.

Staff Present: Amy Rutkin, Chief of Staff; Perry Apelbaum, Staff Director and Chief Counsel; Aaron Hiller, Deputy Chief Counsel and Chief Oversight Counsel; Barry Berke, Counsel; Norm Eisen, Counsel; Arya Hariharan, Deputy Chief Oversight Counsel; James Park, Chief Constitution Counsel; Joshua Matz, Counsel; Sarah Istel, Counsel; Matthew Morgan, Counsel; Kerry Tirrell, Counsel; Sophia Brill, Counsel; Charles Gayle, Counsel; Maggie Coodlander, Counsel; Matthew N. Robinson, Counsel; Ted Kalo, Counsel; Priyanka Mara, Professional Staff Member; William S. Emmons, Legislative Aide/Professional Staff Member; Madeline Strasser, Chief Clerk; Rachel Calanni, Legislative Aide/Professional Staff Member; Julian Gerson, Professional Staff Member; Anthony Valdez, Fellow; Thomas Kaelin, Fellow; David Greengrass, Senior Counsel; John Doty, Senior Advisor; Moh Sharma, Member Services and Outreach Advisor; John Williams, Parliamentarian; Jordan Dashow, Professional Staff Member; Shadawn Reddick-Smith, Communications Director; Daniel Schwarz, Director of Strategic Communications; Kayla Hamedi, Deputy Press Secretary; Kingsley Animley, Director of Administration; Tim Pearson, Publications Specialist; Janna Pickney, IT Director; Faisal Siddiqui, Deputy IT Manager; Nick Ashley, Intern; Alex Espinoza, Intern; Alex Thomson, Intern; Mariam Siddiqui, Intern; Catherine Larson, Intern; Kiah Lewis, Intern; Brendan Belair, Minority Staff Director; Bobby Parmiter, Minority Deputy Staff Director/Chief Counsel; Ashley Carren, Minority Chief Oversight Counsel; Danny Johnson, Minority Oversight Counsel; Jake Greenberg, Minority Oversight Coun-

sel; Paul Taylor, Minority Chief Counsel, Constitution Subcommittee; Daniel Flores, Minority Chief Counsel, Antitrust Subcommittee; Ella Yates, Minority Member Services Director; Jon Ferro, Minority Parliamentarian; and Erica Barker, Minority Deputy Parliamentarian.

Chairman NADLER. The Judiciary Committee will please come to order, a quorum being present.

When the committee recessed yesterday, it had completed opening statements on the resolution about to be considered.

Pursuant to notice under House Resolution 660, I now call up House Resolution 755, impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Mr. COLLINS. Mr. Chairman, point of order.

Chairman NADLER. The gentlemen will state his point of order.

Mr. COLLINS. Mr. Chairman, I make a point of order against the consideration of this resolution on the grounds that the chairman willfully refused to schedule a properly demanded minority day of hearings, pursuant to clause 2(j)(1) of rule XI.

Chairman NADLER. We will entertain that point of order once we have completed calling up the resolution.

I now call up H. Res. 755, impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors for purposes of markup and move that the committee report the resolution favorably to the House.

The clerk will report the resolution.

Ms. STRASSER. H. Res. 755: Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors, in the House of Representatives, December 10, 2019, Mr. Nadler submitted the following resolution, which was referred to the Committee on the Judiciary.

Resolution Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Resolved, That Donald J. Trump, President of the United States, is impeached for high crimes and misdemeanors and that the following Articles of Impeachment be exhibited to the United States Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of 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 high crimes and misdemeanors.

Article I: Abuse of Power.

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." In his conduct of the office of President of the United States—and in violation of his constitutional oath 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, and in violation of his constitutional duty to take care that the laws be faithfully executed, Donald J. Trump has abused the powers of the Presidency, in that:

Using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election. He did so through a scheme or course of conduct that included soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage. President Trump also sought to pressure the Government of Ukraine to take these steps by conditioning official United States Government acts of significant value to Ukraine on its public announcement of the investigations. President Trump engaged in this scheme or course of conduct for corrupt purposes in pursuit of personal——

Mr. CHABOT. Mr. Chairman, I would ask unanimous consent that the resolution be considered as read.

Chairman NADLER. Given the significance——

Ms. LOFGREN. I object.

Chairman NADLER. Objection is heard. The clerk will continue.

Ms. STRASSER. Personal political benefit. In doing so, President Trump used the powers of the Presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States democratic process. He thus ignored and injured the interests of the Nation.

President Trump engaged in the scheme or course of conduct through the following means:

(1) President Trump—acting both directly and through his agents, within and outside the United States Government—corruptly solicited the Government of Ukraine to publicly announce investigations into—

(A) a political opponent, former Vice President Joseph R. Biden Jr.; and

(B) a discredited theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 United States Presidential election.

(2) With the same corrupt motives, President Trump—acting both directly and through his agents within and outside the United States Government—conditioned two official acts on the public announcements that he had requested—

(A) the release of $391 million of United States taxpayer funds that Congress had appropriated on a bipartisan basis for the purpose of providing vital military and security assistance to Ukraine to oppose Russian aggression and which President Trump had ordered suspended; and

(B) a head of state meeting at the White House, which the President of Ukraine sought to demonstrate continued United States support for the Government of Ukraine in the face of Russian aggression.

(3) Faced with the public revelation of his actions, President Trump ultimately released the military and security assistance to the Government of Ukraine, but has persisted in openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit.

These actions were consistent with President Trump's previous invitations of foreign interference in United States elections.

In all of this, President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.

Wherefore President Trump, by such conduct, has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Article II: Obstruction of Congress.

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." In his conduct of the office of the President of the United States—and in violation of his constitutional oath 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, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald J. Trump has directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives pursuant to its "sole Power of Impeachment". President Trump has abused the powers of the Presidency in a manner offensive to, and subversive of, the Constitution, in that:

The House of Representatives has engaged in an impeachment inquiry focused on President Trump's corrupt solicitation of the Government of Ukraine to interfere in the 2020 United States Presidential election. As part of this impeachment inquiry, the Committees undertaking the investigation served subpoenas seeking documents and testimony deemed vital to the inquiry by various Executive Branch agencies and offices, and current and former officials.

In response, without lawful cause or excuse, President Trump directed Executive Branch agencies, offices, and officials not to comply with those subpoenas. President Trump thus interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, and assumed to himself functions and judgments necessary to the exercise of the "sole Power of Impeachment" vested by the Constitution in the House of Representatives.

President Trump abused the powers of his high office through the following means:

(1) Directing the White House to defy a lawful subpoena by withholding the production of documents sought therein by the Committees.

(2) Directing other Executive Branch agencies and offices to defy lawful subpoenas and withhold the production of documents and records from the Committees—in response to which the Department of State, Office of Management and Budget, Department of Energy, and Department of Defense refused to produce a single document or record.

(3) Directing current and former Executive Branch officials not to cooperate with the Committees—in response to which nine Administration officials defied subpoenas for testimony, namely John Michael "Mick" Mulvaney, Robert B. Blair, John A. Eisenberg, Michael Ellis, Preston Wells Griffith, Russell T. Vought, Michael Duffey, Brian McCormack, and T. Ulrich Brechbuhl.

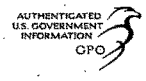
These actions were consistent with President Trump's previous efforts to undermine United States Government investigations into foreign interference in the United States elections.

Through these actions, President Trump sought to arrogate to himself the right to determine the propriety, scope, and nature of an impeachment inquiry into his own conduct, as well as the unilateral prerogative to deny any and all information to the House of Representatives in the exercise of its "sole Power of Impeachment". In the history of the Republic, no President has ever ordered the complete defiance of an impeachment inquiry or sought to obstruct and impede so comprehensively the ability of the House of Representatives to investigate "high Crimes and Misdemeanors". This abuse of office served to cover up the President's own repeated misconduct and to seize and control the power of impeachment—and thus to nullify a vital constitutional safeguard vested solely in the House of Representatives.

In all of this, President Trump has acted in a manner contrary to his trust as President and subversive of 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, President Trump, by such conduct, has demonstrated that he will remain a threat to the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump thus warrants impeachment, trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

[The resolution follows:]



116TH CONGRESS
1ST SESSION

H. RES. 755

Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2019

Mr. NADLER submitted the following resolution; which was referred to the Committee on the Judiciary

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RESOLUTION

Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Resolved, That Donald J. Trump, President of the United States, is impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Donald J. Trump, President of the United States of America, in maintenance and support of

1 its impeachment against him for high crimes and mis-
2 demeanors.

3 ARTICLE I: ABUSE OF POWER

4 The Constitution provides that the House of Rep-
5 resentatives "shall have the sole Power of Impeachment"
6 and that the President "shall be removed from Office on
7 Impeachment for, and Conviction of, Treason, Bribery, or
8 other high Crimes and Misdemeanors". In his conduct of
9 the office of President of the United States—and in viola-
10 tion of his constitutional oath faithfully to execute the of-
11 fice of President of the United States and, to the best of
12 his ability, preserve, protect, and defend the Constitution
13 of the United States, and in violation of his constitutional
14 duty to take care that the laws be faithfully executed—
15 Donald J. Trump has abused the powers of the Presi-
16 dency, in that:

17 Using the powers of his high office, President Trump
18 solicited the interference of a foreign government,
19 Ukraine, in the 2020 United States Presidential election.
20 He did so through a scheme or course of conduct that
21 included soliciting the Government of Ukraine to publicly
22 announce investigations that would benefit his reelection,
23 harm the election prospects of a political opponent, and
24 influence the 2020 United States Presidential election to
25 his advantage. President Trump also sought to pressure
26 the Government of Ukraine to take these steps by condi-

1 tioning official United States Government acts of signifi-
2 cant value to Ukraine on its public announcement of the
3 investigations. President Trump engaged in this scheme
4 or course of conduct for corrupt purposes in pursuit of
5 personal political benefit. In so doing, President Trump
6 used the powers of the Presidency in a manner that com-
7 promised the national security of the United States and
8 undermined the integrity of the United States democratic
9 process. He thus ignored and injured the interests of the
10 Nation.

11 President Trump engaged in this scheme or course
12 of conduct through the following means:

13 (1) President Trump—acting both directly and
14 through his agents within and outside the United
15 States Government—corruptly solicited the Govern-
16 ment of Ukraine to publicly announce investigations
17 into—

18 (A) a political opponent, former Vice Presi-
19 dent Joseph R. Biden, Jr.; and

20 (B) a discredited theory promoted by Rus-
21 sia alleging that Ukraine—rather than Rus-
22 sia—interfered in the 2016 United States Pres-
23 idential election.

24 (2) With the same corrupt motives, President
25 Trump—acting both directly and through his agents

1 within and outside the United States Government—
2 conditioned two official acts on the public announce-
3 ments that he had requested—
4 (A) the release of $391 million of United
5 States taxpayer funds that Congress had appro-
6 priated on a bipartisan basis for the purpose of
7 providing vital military and security assistance
8 to Ukraine to oppose Russian aggression and
9 which President Trump had ordered suspended;
10 and
11 (B) a head of state meeting at the White
12 House, which the President of Ukraine sought
13 to demonstrate continued United States support
14 for the Government of Ukraine in the face of
15 Russian aggression.
16 (3) Faced with the public revelation of his ac-
17 tions, President Trump ultimately released the mili-
18 tary and security assistance to the Government of
19 Ukraine, but has persisted in openly and corruptly
20 urging and soliciting Ukraine to undertake investiga-
21 tions for his personal political benefit.
22 These actions were consistent with President
23 Trump's previous invitations of foreign interference in
24 United States elections.

1 In all of this, President Trump abused the powers
2 of the Presidency by ignoring and injuring national secu-
3 rity and other vital national interests to obtain an im-
4 proper personal political benefit. He has also betrayed the
5 Nation by abusing his high office to enlist a foreign power
6 in corrupting democratic elections.

7 Wherefore President Trump, by such conduct, has
8 demonstrated that he will remain a threat to national se-
9 curity and the Constitution if allowed to remain in office,
10 and has acted in a manner grossly incompatible with self-
11 governance and the rule of law. President Trump thus
12 warrants impeachment and trial, removal from office, and
13 disqualification to hold and enjoy any office of honor,
14 trust, or profit under the United States.

15 ARTICLE II: OBSTRUCTION OF CONGRESS

16 The Constitution provides that the House of Rep-
17 resentatives "shall have the sole Power of Impeachment"
18 and that the President "shall be removed from Office on
19 Impeachment for, and Conviction of, Treason, Bribery, or
20 other high Crimes and Misdemeanors". In his conduct of
21 the office of President of the United States—and in viola-
22 tion of his constitutional oath faithfully to execute the of-
23 fice of President of the United States and, to the best of
24 his ability, preserve, protect, and defend the Constitution
25 of the United States, and in violation of his constitutional
26 duty to take care that the laws be faithfully executed—

1 Donald J. Trump has directed the unprecedented, categor-
2 ical, and indiscriminate defiance of subpoenas issued by
3 the House of Representatives pursuant to its "sole Power
4 of Impeachment". President Trump has abused the pow-
5 ers of the Presidency in a manner offensive to, and subver-
6 sive of, the Constitution, in that:

7 The House of Representatives has engaged in an im-
8 peachment inquiry focused on President Trump's corrupt
9 solicitation of the Government of Ukraine to interfere in
10 the 2020 United States Presidential election. As part of
11 this impeachment inquiry, the Committees undertaking
12 the investigation served subpoenas seeking documents and
13 testimony deemed vital to the inquiry from various Execu-
14 tive Branch agencies and offices, and current and former
15 officials.

16 In response, without lawful cause or excuse, Presi-
17 dent Trump directed Executive Branch agencies, offices,
18 and officials not to comply with those subpoenas. Presi-
19 dent Trump thus interposed the powers of the Presidency
20 against the lawful subpoenas of the House of Representa-
21 tives, and assumed to himself functions and judgments
22 necessary to the exercise of the "sole Power of Impeach-
23 ment" vested by the Constitution in the House of Rep-
24 resentatives.

President Trump abused the powers of his high office through the following means:

(1) Directing the White House to defy a lawful subpoena by withholding the production of documents sought therein by the Committees.

(2) Directing other Executive Branch agencies and offices to defy lawful subpoenas and withhold the production of documents and records from the Committees—in response to which the Department of State, Office of Management and Budget, Department of Energy, and Department of Defense refused to produce a single document or record.

(3) Directing current and former Executive Branch officials not to cooperate with the Committees—in response to which nine Administration officials defied subpoenas for testimony, namely John Michael "Mick" Mulvaney, Robert B. Blair, John A. Eisenberg, Michael Ellis, Preston Wells Griffith, Russell T. Vought, Michael Duffey, Brian McCormack, and T. Ulrich Brechbuhl.

These actions were consistent with President Trump's previous efforts to undermine United States Government investigations into foreign interference in United States elections.

1 Through these actions, President Trump sought to
2 arrogate to himself the right to determine the propriety,
3 scope, and nature of an impeachment inquiry into his own
4 conduct, as well as the unilateral prerogative to deny any
5 and all information to the House of Representatives in the
6 exercise of its "sole Power of Impeachment". In the his-
7 tory of the Republic, no President has ever ordered the
8 complete defiance of an impeachment inquiry or sought
9 to obstruct and impede so comprehensively the ability of
10 the House of Representatives to investigate "high Crimes
11 and Misdemeanors". This abuse of office served to cover
12 up the President's own repeated misconduct and to seize
13 and control the power of impeachment—and thus to nul-
14 lify a vital constitutional safeguard vested solely in the
15 House of Representatives.
16 In all of this, President Trump has acted in a manner
17 contrary to his trust as President and subversive of con-
18 stitutional government, to the great prejudice of the cause
19 of law and justice, and to the manifest injury of the people
20 of the United States.
21 Wherefore, President Trump, by such conduct, has
22 demonstrated that he will remain a threat to the Constitu-
23 tion if allowed to remain in office, and has acted in a man-
24 ner grossly incompatible with self-governance and the rule
25 of law. President Trump thus warrants impeachment and

1 trial, removal from office, and disqualification to hold and
2 enjoy any office of honor, trust, or profit under the United
3 States.

○

Chairman NADLER. Thank you. The gentleman will now state his point of order.

Mr. COLLINS. Thank you, Mr. Chairman.

Again, as I have made the point of order on this minority hearing day. The chairman was furnished with the demand signed by all Republican members of the committee during the impeachment hearing held on December the 4th. The chairman has refused to respond to multiple additional requests that that hearing be scheduled, and at one point actually telling me—if I actually responded to this—that we will rule with it today.

Well, we are here today. And it is a farce that we are having to rule on this today, because there is no other time. We are actually taking up the articles today. So the rule is not super—and by the way, this rule is not superseded by any portion of H. Res. 660. That could have been done by the majority, but they were too busy in a hurry to get H. 660 to the floor, that after discussing this they chose not to exempt the minority hearing day. This could have been done. They chose not to. Now we are not having it. So I continue my point of order.

Chairman NADLER. If I understand the gentleman's point of order, he asserts we are violating clause 2(j)(1) of House Rule XI by conducting this markup before we have held the hearing that the minority members requested on December 4th.

In my view, the gentleman is claiming a broader privilege than clause 2(j)(1) actually provides the minority. The minority has asked for a day of hearings on the matter of the December 4th hearing, which was the constitutional grounds for impeachment.

I am willing to work with the minority to schedule such a hearing, but not before today's markup of the Articles of Impeachment. The House Rule does not require me to schedule a hearing on a particular day nor does it require me to schedule the hearing as a condition precedent to taking any specific legislative action. Otherwise, the minority would have the ability to delay or block majority legislative action, which is clearly not the purpose of the rule.

I have reached this conclusion after reviewing the plain text and legislative history of the House rule, after considering prior precedent and committee practice, and after consulting with parliamentary authorities and the Congressional Research Service.

I believe my scheduling decision in this case is reasonable for several reasons: First, the minority's views have not been shut out. The legislative history of the minority day rule shows that it was written to prevent the committee majority from preventing the minority position from being represented in a hearing.

As the report from the Joint Committee on the Organization of Congress in 1966 explains: It is normal procedure for witnesses representing both sides of the issue to give testimony at committee hearings. In those infrequent instances when witnesses representing the minority position are not allotted time, a minimum safeguard should exist to protect minority rights, unquote. Of course, that did not happen at the December 4th hearing. The minority had a witness at the hearing, Professor Turley, who ably represented their position and was afforded ample time to discuss that position. Rather than being shut out, the minority simply did

not get as many witnesses as they would have preferred, but that is not the purpose of the House rule.

Second, the minority and the President have special protections under House Resolution 660. The procedures provided under House Resolution 660 give the President and the minority a variety of special privileges to present evidence and subpoena witnesses. Thus, there are alternative procedures under H. Res. 660 by which witnesses can be requested and even subpoenaed, but they have not been exercised.

Third, there is no precedent for the use of minority days to delay committee legislative or impeachment proceedings. It is clear from the legislative history that the minority day rule is not intended to delay legislative activity. Again, as the Committee on the Organization of the Congress explicitly explained: We do not look upon this rule as an authorization for delaying tactics, unquote.

The minority day rule was made part of the House rules in 1971, but it was not invoked in either the Nixon or Clinton impeachments. As a matter of fact, the only precedent I am aware of in the context of impeachment took place several weeks ago in the Intelligence Committee. There, the minority also requested a day of hearings, even though they also had witnesses participate in their proceedings. The minority ultimately did not raise a point of order. While they did offer an amendment claiming that the minority day rule had been violated, that amendment was rejected by the committee. Thus, there is no precedent, no precedent supporting the gentleman's point of order, and the one precedent we have indicates that a point of order does not lie to delay consideration of Articles of Impeachment.

Finally, past Judiciary Committee practice and precedent do not support the gentleman's point of order. Last year, a number of other members and I sent then-Chairman Goodlatte a minority day request. The chairman never responded to our request and never scheduled a hearing. I don't believe a single member of the then majority argued in favor of us being granted a hearing under the rules.

Back in 2005, then-Chairman Sensenbrenner scheduled the minority day hearing, but cut off witnesses, shut off the microphones, shut off the lights and abruptly ended the hearing while members were seeking recognition to speak. Again, no one in the then majority argued in favor of protecting our rights. As a result, there is no committee practice or precedent supporting the gentleman's point of order.

For all the foregoing reasons, I do not sustain the point of order.

Mr. COLLINS. Mr. Chairman.

Chairman NADLER. For what purpose does the gentleman seek recognition?

Mr. COLLINS. I think it is very obvious by, one, the length of the chairman's answer to my question that this has struck a nerve, seeing how the chairman himself says it in his own words from previous times. The chairman: It is not the chairman's right to decide whether prior hearings are sufficient or the chairman's right to decide whether he thinks they are acceptable or the chairman's right to violate the rules in order to interfere.

It is interesting to me that this time has become the issue. And a point of order.

Chairman NADLER. I have made my ruling on the point of order, and would the gentleman wish to appeal the ruling of the chair?

Mr. COLLINS. I would like for the sake of history——

Chairman NADLER. Does the gentlemen wish to appeal——

Mr. COLLINS. I would like for the sake of history the chairman take one more minute.

Chairman NADLER. Does the gentleman wish to appeal the ruling of the chair, yes or no?

Mr. COLLINS. Yes. Obviously, we're on a clock and calendar with impeachment again, because the chairman is doing this again.

Chairman NADLER. The appeal of the ruling of the Chair is not sustained.

Ms. LOFGREN. I would move to table.

Mr. COLLINS. Did you actually call for a vote? How is it not sustained? You didn't call for a vote.

Chairman NADLER. I sustain the point of order.

Mr. COLLINS. I call for an appeal of the ruling of the chair. Now call for a vote.

Ms. LOFGREN. I move to table.

Chairman NADLER. I ruled that the point of order is not well-taken.

Mr. COLLINS. Well, that is painfully obvious. I have appealed the ruling of the chair.

Ms. LOFGREN. And I move to table.

Chairman NADLER. The gentleman has appealed the ruling of the chair. The gentlelady has moved to table the appeal of the ruling of the chair. The motion to table is not debatable.

All in favor of the motion to table, say aye.

Opposed, no. The appeal of the ruling of the chair is tabled.

We will now proceed to amendments.

Mr. COLLINS. Roll call.

Chairman NADLER. The gentleman asked for roll call on the motion to table the appeal of the ruling of the chair.

The clerk will call the roll.

Ms. STRASSER. Mr. Nadler?

Chairman NADLER. Aye.

Ms. STRASSER. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. LOFGREN. Yes.

Ms. STRASSER. Ms. Lofgren votes yes.

Ms. Jackson Lee?

Ms. JACKSON LEE. Yes.

Ms. STRASSER. Ms. Jackson Lee votes yes.

Mr. Cohen?

Mr. COHEN. Aye.

Ms. STRASSER. Mr. Cohen votes aye.

Mr. JOHNSON of Georgia?

Mr. JOHNSON of Georgia. Aye.

Ms. STRASSER. Mr. Johnson of Georgia votes aye.

Mr. Deutch?

Mr. DEUTCH. Aye.

Ms. STRASSER. Mr. Deutch votes aye.

Ms. Bass?
Ms. BASS. Aye.
Ms. STRASSER. Ms. Bass votes aye.
Mr. Richmond?
Mr. RICHMOND. Yes.
Ms. STRASSER. Mr. Richmond votes yes.
Mr. Jeffries?
Mr. JEFFRIES. Aye.
Ms. STRASSER. Mr. Jeffries votes aye.
Mr. Cicilline?
Mr. CICILLINE. Aye.
Ms. STRASSER. Mr. Cicilline votes aye.
Mr. Swalwell?
Mr. SWALWELL. Aye.
Ms. STRASSER. Mr. Swalwell votes aye.
Mr. Lieu?
[No response.]
Ms. STRASSER. Mr. Raskin?
Mr. RASKIN. Aye.
Ms. STRASSER. Mr. Raskin votes aye.
Ms. Jayapal?
Ms. JAYAPAL. Aye.
Ms. STRASSER. Ms. Jayapal votes aye.
Mrs. Demings?
Mrs. DEMINGS. Aye.
Ms. STRASSER. Mrs. Demings votes aye.
Mr. Correa?
Mr. CORREA. Aye.
Ms. STRASSER. Mr. Correa votes aye.
Ms. Scanlon?
Ms. SCANLON. Aye.
Ms. STRASSER. Ms. Scanlon votes aye.
Ms. Garcia?
Ms. GARCIA. Aye.
Ms. STRASSER. Ms. Garcia votes aye.
Mr. Neguse?
Mr. NEGUSE. Aye.
Ms. STRASSER. Mr. Neguse votes aye.
Mrs. McBath?
Mrs. MCBATH. Aye.
Ms. STRASSER. Mrs. McBath votes aye.
Mr. Stanton?
Mr. STANTON. Aye.
Ms. STRASSER. Mr. Stanton votes aye.
Ms. Dean?
Ms. DEAN. Aye.
Ms. STRASSER. Ms. Dean votes aye.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. Aye.
Ms. STRASSER. Ms. Mucarsel-Powell votes aye.
Ms. Escobar?
Ms. ESCOBAR. Aye.
Ms. STRASSER. Ms. Escobar votes aye.
Mr. Collins?

Mr. COLLINS. No.
Ms. STRASSER. Mr. Collins votes no.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. No.
Ms. STRASSER. Mr. Sensenbrenner votes no.
Mr. Chabot?
Mr. CHABOT. No.
Ms. STRASSER. Mr. Chabot votes no.
Mr. Gohmert?
Mr. GOHMERT. No.
Ms. STRASSER. Mr. Gohmert votes no.
Mr. Jordan?
Mr. JORDAN. No.
Ms. STRASSER. Mr. Jordan votes no.
Mr. Buck?
Mr. BUCK. No.
Ms. STRASSER. Mr. Buck votes no.
Mr. Ratcliffe?
Mr. RATCLIFFE. No.
Ms. STRASSER. Mr. Ratcliffe votes no.
Mrs. Roby?
Mrs. ROBY. No.
Ms. STRASSER. Mrs. Roby votes no.
Mr. Gaetz?
Mr. GAETZ. No.
Ms. STRASSER. Mr. Gaetz votes no.
MR. JOHNSON OF LOUISIANA?
Mr. JOHNSON of Louisiana. No.
Ms. STRASSER. Mr. Johnson of Louisiana votes no.
Mr. Biggs?
Mr. BIGGS. No.
Ms. STRASSER. Mr. Biggs votes no.
Mr. McClintock?
Mr. MCCLINTOCK. No.
Ms. STRASSER. Mr. McClintock votes no.
Mrs. Lesko?
Mrs. LESKO. No.
Ms. STRASSER. Mrs. Lesko votes no.
Mr. Reschenthaler?
Mr. RESCHENTHALER. No.
Ms. STRASSER. Mr. Reschenthaler votes no.
Mr. Cline?
Mr. CLINE. No.
Ms. STRASSER. Mr. Cline votes no.
Mr. Armstrong?
Mr. ARMSTRONG. No.
Ms. STRASSER. Mr. Armstrong votes no.
Mr. Steube?
Mr. STEUBE. No.
Ms. STRASSER. Mr. Steube votes no.

Chairman NADLER. Has everyone voted who wishes to vote? The clerk will report.

Ms. STRASSER. Mr. Chairman, there are 23 ayes and 17 noes.

Chairman NADLER. The appeal of the ruling of the chair is tabled.

We will now proceed to amendments. The clerk will read the first section of the resolution.

Ms. STRASSER. H. Res. 755, Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors. In the House of Representatives December 10, 2019, Mr. Nadler submitted the following resolution; which was referred to the Committee on the Judiciary.

Resolution. Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Resolved, That Donald J. Trump, President of the United States, is impeached for high crimes and misdemeanors and that the following Articles of Impeachment be exhibited to the United States Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of 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 high crimes and misdemeanors.

Chairman NADLER. I now recognize myself for purposes of offering an amendment in the nature of a substitute.

The clerk will report the amendment.

Ms. STRASSER. Amendment in the nature of a substitute to H. Res. 755, offered by Mr. Nadler of New York. Strike all that follows after the resolving clause and insert the following——

Chairman NADLER. Without objection, the amendment shall be considered as read.

[The amendment of Chairman Nadler follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 755 OFFERED BY MR. NADLER OF NEW YORK

Strike all that follows after the resolving clause and insert the following:

1 That Donald John Trump, President of the United States,
2 is impeached for high crimes and misdemeanors and that
3 the following articles of impeachment be exhibited to the
4 United States Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against Donald John Trump, President of the
9 United States of America, in maintenance and support of
10 its impeachment against him for high crimes and mis-
11 demeanors.

12 ARTICLE I: ABUSE OF POWER

13 The Constitution provides that the House of Rep-
14 resentatives "shall have the sole Power of Impeachment"
15 and that the President "shall be removed from Office on
16 Impeachment for, and Conviction of, Treason, Bribery, or
17 other high Crimes and Misdemeanors". In his conduct of
18 the office of President of the United States—and in viola-

1 tion of his constitutional oath faithfully to execute the of-
2 fice of President of the United States and, to the best of
3 his ability, preserve, protect, and defend the Constitution
4 of the United States, and in violation of his constitutional
5 duty to take care that the laws be faithfully executed—
6 Donald J. Trump has abused the powers of the Presi-
7 dency, in that:

8 Using the powers of his high office, President Trump
9 solicited the interference of a foreign government,
10 Ukraine, in the 2020 United States Presidential election.
11 He did so through a scheme or course of conduct that
12 included soliciting the Government of Ukraine to publicly
13 announce investigations that would benefit his reelection,
14 harm the election prospects of a political opponent, and
15 influence the 2020 United States Presidential election to
16 his advantage. President Trump also sought to pressure
17 the Government of Ukraine to take these steps by condi-
18 tioning official United States Government acts of signifi-
19 cant value to Ukraine on its public announcement of the
20 investigations. President Trump engaged in this scheme
21 or course of conduct for corrupt purposes in pursuit of
22 personal political benefit. In so doing, President Trump
23 used the powers of the Presidency in a manner that com-
24 promised the national security of the United States and
25 undermined the integrity of the United States democratic

1 process. He thus ignored and injured the interests of the
2 Nation.
3 President Trump engaged in this scheme or course
4 of conduct through the following means:
5 (1) President Trump—acting both directly and
6 through his agents within and outside the United
7 States Government—corruptly solicited the Govern-
8 ment of Ukraine to publicly announce investigations
9 into—
10 (A) a political opponent, former Vice Presi-
11 dent Joseph R. Biden, Jr.; and
12 (B) a discredited theory promoted by Rus-
13 sia alleging that Ukraine—rather than Rus-
14 sia—interfered in the 2016 United States Pres-
15 idential election.
16 (2) With the same corrupt motives, President
17 Trump—acting both directly and through his agents
18 within and outside the United States Government—
19 conditioned two official acts on the public announce-
20 ments that he had requested—
21 (A) the release of $391 million of United
22 States taxpayer funds that Congress had appro-
23 priated on a bipartisan basis for the purpose of
24 providing vital military and security assistance
25 to Ukraine to oppose Russian aggression and

which President Trump had ordered suspended; and

(B) a head of state meeting at the White House, which the President of Ukraine sought to demonstrate continued United States support for the Government of Ukraine in the face of Russian aggression.

(3) Faced with the public revelation of his actions, President Trump ultimately released the military and security assistance to the Government of Ukraine, but has persisted in openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit.

These actions were consistent with President Trump's previous invitations of foreign interference in United States elections.

In all of this, President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.

Wherefore President Trump, by such conduct, has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office,

1 and has acted in a manner grossly incompatible with self-
2 governance and the rule of law. President Trump thus
3 warrants impeachment and trial, removal from office, and
4 disqualification to hold and enjoy any office of honor,
5 trust, or profit under the United States.

6 ARTICLE II: OBSTRUCTION OF CONGRESS

7 The Constitution provides that the House of Rep-
8 resentatives "shall have the sole Power of Impeachment"
9 and that the President "shall be removed from Office on
10 Impeachment for, and Conviction of, Treason, Bribery, or
11 other high Crimes and Misdemeanors". In his conduct of
12 the office of President of the United States—and in viola-
13 tion of his constitutional oath faithfully to execute the of-
14 fice of President of the United States and, to the best of
15 his ability, preserve, protect, and defend the Constitution
16 of the United States, and in violation of his constitutional
17 duty to take care that the laws be faithfully executed—
18 Donald J. Trump has directed the unprecedented, categor-
19 ical, and indiscriminate defiance of subpoenas issued by
20 the House of Representatives pursuant to its "sole Power
21 of Impeachment". President Trump has abused the pow-
22 ers of the Presidency in a manner offensive to, and subver-
23 sive of, the Constitution, in that:

24 The House of Representatives has engaged in an im-
25 peachment inquiry focused on President Trump's corrupt
26 solicitation of the Government of Ukraine to interfere in

1 the 2020 United States Presidential election. As part of
2 this impeachment inquiry, the Committees undertaking
3 the investigation served subpoenas seeking documents and
4 testimony deemed vital to the inquiry from various Execu-
5 tive Branch agencies and offices, and current and former
6 officials.

7 In response, without lawful cause or excuse, Presi-
8 dent Trump directed Executive Branch agencies, offices,
9 and officials not to comply with those subpoenas. Presi-
10 dent Trump thus interposed the powers of the Presidency
11 against the lawful subpoenas of the House of Representa-
12 tives, and assumed to himself functions and judgments
13 necessary to the exercise of the "sole Power of Impeach-
14 ment" vested by the Constitution in the House of Rep-
15 resentatives.

16 President Trump abused the powers of his high office
17 through the following means:

18 (1) Directing the White House to defy a lawful
19 subpoena by withholding the production of docu-
20 ments sought therein by the Committees.

21 (2) Directing other Executive Branch agencies
22 and offices to defy lawful subpoenas and withhold
23 the production of documents and records from the
24 Committees—in response to which the Department
25 of State, Office of Management and Budget, Depart-

1 ment of Energy, and Department of Defense refused
2 to produce a single document or record.
3 (3) Directing current and former Executive
4 Branch officials not to cooperate with the Commit-
5 tees—in response to which nine Administration offi-
6 cials defied subpoenas for testimony, namely John
7 Michael "Mick" Mulvaney, Robert B. Blair, John A.
8 Eisenberg, Michael Ellis, Preston Wells Griffith,
9 Russell T. Vought, Michael Duffey, Brian McCor-
10 mack, and T. Ulrich Brechbuhl.
11 These actions were consistent with President
12 Trump's previous efforts to undermine United States Gov-
13 ernment investigations into foreign interference in United
14 States elections.
15 Through these actions, President Trump sought to
16 arrogate to himself the right to determine the propriety,
17 scope, and nature of an impeachment inquiry into his own
18 conduct, as well as the unilateral prerogative to deny any
19 and all information to the House of Representatives in the
20 exercise of its "sole Power of Impeachment". In the his-
21 tory of the Republic, no President has ever ordered the
22 complete defiance of an impeachment inquiry or sought
23 to obstruct and impede so comprehensively the ability of
24 the House of Representatives to investigate "high Crimes
25 and Misdemeanors". This abuse of office served to cover

1 up the President's own repeated misconduct and to seize
2 and control the power of impeachment—and thus to nul-
3 lify a vital constitutional safeguard vested solely in the
4 House of Representatives.

5 In all of this, President Trump has acted in a manner
6 contrary to his trust as President and subversive of con-
7 stitutional government, to the great prejudice of the cause
8 of law and justice, and to the manifest injury of the people
9 of the United States.

10 Wherefore, President Trump, by such conduct, has
11 demonstrated that he will remain a threat to the Constitu-
12 tion if allowed to remain in office, and has acted in a man-
13 ner grossly incompatible with self-governance and the rule
14 of law. President Trump thus warrants impeachment and
15 trial, removal from office, and disqualification to hold and
16 enjoy any office of honor, trust, or profit under the United
17 States.

Chairman NADLER. Without objection, the amendment shall be considered as base text for further amendment.

I will now recognize myself to explain the amendment in the nature of a substitute.

This amendment makes a minor change. In certain places, where the underlying resolution refers to Donald J. Trump, the amendment refers to Donald John Trump. Otherwise, it makes no changes to the resolution. I urge all of my colleagues to support it.

I now recognize the Ranking Member, the gentleman from Georgia, Mr. Collins, for any comments he may have on the amendment.

Mr. COLLINS. Thank you, Mr. Chairman.

The amendment in the nature of a substitute is absolutely irrelevant. Taking Donald J. Trump and making it Donald John Trump just simply shows the, frankly, absurdity of where we are at. And today we are going to spend plenty of time, for you listening here. We are going to talk about this amendment in the nature of a substitute. We are going to talk about the factual basis that have absolutely no factual underpinning to impeach this President.

But I am going to go back for just a minute, since I didn't have time and had to sit through a well-rehearsed, many-days-put-together explanation on why what will be known in 2019, outside of the fact that this committee finally accomplished its goal after the chairman stated he wanted to since November last year, impeach this President, what will be known by this committee from here on out is that this committee has now sounded the death of minority rights in this committee. This committee has become nothing but a rubber stamp. This committee is amazingly now on such a clock and calendar process that they don't care. Facts be damned. They don't care. They don't care that we had one witness out of three. When I asked for a second witness, I was told I couldn't. Even though there had been staff conversations well before, I was told I was asking too late. One witness out of two panels, that is all we had of fact witnesses.

This is a just travesty and a sham from day one. I could talk till I am blue in the face, but nobody on the majority cares. But the spot that is left by what has just happened will resonate over the years. It will resonate over the years in the sense that there is no fact that we can come to. They had no desire to hear any fact witnesses outside of their own train-driven clock/calendar impeachment.

For the chairman himself, who vehemently fought for a minority hearing day, to sit there and read that is an amazing statement and a crushing blow to this committee. There is no way to recover from that. In fact, there may be. I wonder if the chairman would join me in making sure that the Rules Committee next week, they don't waive the point of order against this, but I know they will.

That is why they are going to take it, because I guarantee you, when you look into it further, this point of order would be sustained against these impeachment articles, so they are going to have to waive them next week. Watch and see. They will waive this point of order and waive any other point of order on these articles by the time it comes to the floor.

Some of you may say, the ranking member talks about process. The ranking member talks about process. The ranking member talks about process, never the foundation. Believe me, we will inundate you with the facts, and I have already. Some of you just don't choose to report them.

What is important and for many who report on this body and for many who have sat in this body and for those who have served in this body, the members who have gone before and the people who have set this committee up and the people who have set our Congress up are the ones right now that should be hanging their head in shame.

We had two hearings, none of which featured fact witnesses. There is not a Democrat in this room that should be happy about this. The solemnity, the solemnity should be on the death of this committee's process and procedures. Don't give me the solemnity about impeaching a President. You have been wanting to do that for a long time. You ought to take it and just rejoice. Go at it, because this is what you wanted.

But when it comes to the hearing, when it comes to the minority rights, when it comes to one that in which we have seen time after time after time in which I have had to write this chairman multipage letters on the abuse of procedural issues in this committee, this is a travesty.

Write about it if you want, talk about it if you want, but the American people see it, because the American people understand inherently fairness. They understand due process. Why? Because it is what America was based on. It is what America takes pride in. And when we don't have it, nobody can have it. When we don't have fairness in this committee, how can they stand up and say, on the two weakest Articles of Impeachment in the history of this country, honestly with a straight face look at the American people and say, we did good. No, you didn't. You stained this body. You have taken this committee and made it a rubber stamp.

Did any of the majority run to be a rubber stamp to get the majority? I know the minority on this side did not. You know why we have become a rubber stamp? Because my chairman said so 20 years ago. He said so 20 years ago when he said: If the committee only accepts what other people give them and do not on their own verify it and thoroughly vet it, then we are nothing but a rubber stamp.

Mr. Chairman, you should have run for chairmanship I believe more than to be a rubber stamp for Mr. Schiff and Ms. Pelosi. We already knew this committee was overrun and overtaken, because Mr. Schiff and Ms. Pelosi took it from us earlier this year. There is the first embarrassment. And the rest of it has been an embarrassment since.

So as we look at this and as we go forward, we will have plenty of time to show the complete farce of substance, but, Mr. Chairman, what will live from this day is your ruling and the majority's ruling of minority rights are dead in this Congress and especially this committee.

I yield back.

Chairman NADLER. The gentleman yields back. Are there any amendments to amendment in the nature of a substitute?

Mr. DEUTCH. Mr. Chairman, move to strike the last word.

Chairman NADLER. For what purpose does Mr. Deutch seek recognition?

Mr. DEUTCH. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. DEUTCH. Mr. Chairman, I cannot allow the ranking member to mischaracterize your description of the history of this committee. It may be inconvenient for the ranking member to be forced to listen to the history of this committee and why everything that you just laid out is so important to the continuing of this committee representing and recognizing, respecting minority rights, but he chooses not to, so I am going to restate it again.

I appreciate the ranking member for acknowledging that they had the opportunity to call witnesses, and that is consistent with the rules. But to then turn around and suggest that the rules are being trampled, the rules are dead, ignores everything that you just laid out. Fifty, more than 50 years ago, more than 50 years ago, the Joint Committee on the Organization of Congress made clear in their report to the House and Senate that it is normal procedure for witnesses representing both sides of the issue to give testimony at committee hearings. And that is where the rule comes from.

And that is what has happened. The ranking member acknowledged it. He would have liked more witnesses, but there is no right to a separate day. The rule makes clear they have the right to call witnesses, and there were witnesses called. There were witnesses called, minority witnesses on December 4th. On December 9th, the minority's witness Mr. Castor presented evidence and gave opening statements.

And it is worth pointing out to my colleagues on the other side that we invited the President of the United States to the December 4th hearing to advocate for his views, to submit requested witnesses, but he chose not to attend and he chose not to suggest any witnesses. So, before telling us the sky is falling and there is great disrespect for the rules, it is important to actually look at the rules.

Mr. COLLINS. Did the gentleman just say I didn't request witnesses? That is wrong.

Chairman NADLER. The gentleman has the time.

Mr. DEUTCH. I thank the chairman.

What I said is that the President was given the opportunity on December 4th to present himself. He was also given the opportunity to present witnesses, and he did not. So let's be careful in the way we suggest that rules are being violated when everything that is being done here is consistent with more than 50 years of interpretation of the rules and the very essence of why the rule was put together in the first place. So it is important. Facts really do matter. And I am not—we are not going to allow the minority to misinterpret the rules for their own benefit or to suggest that the history is irrelevant. It matters a lot. That is what has made this committee and this institution great.

And I yield back.

Chairman NADLER. The gentleman yields back.

Are there any amendments to the amendment in the nature of a substitute?

Mr. JORDAN. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Jordan seek recognition?

Mr. JORDAN. I have an amendment at the desk.

Chairman NADLER. The clerk will report the amendment.

Ms. LOFGREN. I reserve a point of order.

Chairman NADLER. The gentlelady reserves a point of order.

Ms. STRASSER. Amendment to the amendment in the nature of a substitute to H. Res. 755, offered by Mr. Jordan of Ohio. Page 1, beginning on line 12, strike article I (and redesignate the succeeded article accordingly.)

[The amendment of Mr. Jordan follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 755

OFFERED BY MR. JORDAN (OH)

Page 1, beginning on line 12, strike article I (and redesignate the succeeding article accordingly).

☒

Chairman NADLER. The gentleman is recognized for the purpose of explaining his amendment.

Mr. JORDAN. Thank you, Mr. Chairman.

This amendment strikes Article I.

Ms. LOFGREN. I withdraw my point of order.

Mr. JORDAN. This amendment strikes Article I because Article I ignores the truth. Four facts, five meetings. We have talked about it now for 3 months. We have known that there have been four facts that have not changed, will not change, will never change, and we have known it since September 25th, when the call transcript was released.

The call transcript shows no quid pro quo. What is interesting is the day the transcript came out, even Chairman Nadler said there was no quid pro quo in the call transcript. We know, second, that the two individuals on the call, President Zelensky, President Trump, have both said no pressure, no pushing, no linkage whatsoever between security assistance money and any type of announcement of an investigation. We know that the Ukrainians knew at the time of the call—didn't know at the time of the call that the aid had been held up. And, most importantly, most importantly, we know the Ukrainians took no action, no start of an investigation, no promise to start an investigation, no announcement on CNN, via tweet, no announcement whatsoever that there was going to be any type of investigation into Burisma or the Bidens to get the aid released. Those four facts, those four facts have never changed.

Second, five key meetings that took place between July 18th, when the aid was paused, September 11th, when the aid was released, five key meetings. We have the phone call July 25th, which you just described. Second, the very next day, the very next day we have Ambassadors Volker, Sondland, Taylor meeting with President Zelensky. Third, Ambassador Bolton met with President Zelensky on August 29th. Fourth, Vice President Pence met with President Zelensky on September 2nd and 5th. On September 5th, we have bipartisan Senator, Senator Johnson, Senator Murphy meeting with President Zelensky.

In none of those five meetings, none, did linking dollars, security assistance dollars to an investigation come up, never came up. And you would think in the last two, you would think in those last two, after they knew on August 29th via the Politico article that they knew the aid was held, you would think it would have come up in those last two meetings, but it didn't come up. Four facts, five meetings, have never changed.

Article I in this resolution ignores the truth. It ignores the facts. It ignores what happened and what has been laid out for the American people over the last 3 weeks. So I hope that this committee will come to its senses, that it will adopt the amendment and strike Article I from the resolution.

With that, Mr. Chairman, I yield back.

Mr. CICILLINE. Mr. Chairman.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentleman yields back.

I now recognize Mr. Cicilline in opposition to the amendment.

Mr. CICILLINE. Thank you, Mr. Chairman. I move to move to strike the last word.

Mr. Chairman, this amendment attempts to strike Article I in its entirety, so I am going to go through the evidence that was actually developed during the course of this investigation, and particularly first begin with the focus on the President's own conduct.

The President of the United States hired Rudy Giuliani, his personal lawyer, to go to Ukraine and lead this scheme to smear Vice President Biden. He then began a campaign personally to smear Ambassador Yovanovitch and then ultimately directed that she be fired to clear the way of this anticorruption champion so that his scheme could be fully implemented. He directed a hold on the military aid to Ukraine, and no one could provide any other explanation unrelated to his scheme to pressure them to interfere in the 2020 election.

Then the President, in his own words, on July 25th gets on the telephone and asks President Zelensky for a favor, to begin an investigation of his chief political rival, former Vice President Joe Biden. There is a readout of the call in evidence, which is the detail of this conversation. There is direct evidence from Alexander Vindman, Ms. Williams, Mr. Morrison, who listened in on and heard the President utter those words right out of his own mouth, pressuring a foreign leader to corrupt our elections.

The President then made admissions in public on October 2nd, October 3rd, and October 4th, then invited another foreign power, China, to interfere in the American Presidential election. His chief of staff acknowledged that the President directed him to put this unexplained hold on aid to Ukraine.

The President directed the Vice President not to attend the inauguration of President Zelensky, because he hadn't yet got what he was demanding, a public announcement intended to damage his political opponent.

Ambassador Sondland testified that the Ukrainians were told, and I quote, "the resumption of U.S. aid would likely not occur until Ukraine provided the public anticorruption statement that we have been discussing for many weeks." And then he testified he spoke with President Trump, and while the President claimed there was no quid pro quo, he made it clear that President Zelensky must publicly announce the two investigations that President Trump discussed on July 25th in the call in order for the security assistance to be lifted. That is direct evidence.

But in addition to that, and those are just some of the highlights, there are over 260 text messages. There are call transcripts, as I mentioned, of the President's own words. There are emails between high-ranking officials of the Trump administration, hundreds of press statements, interviews, and tweets by the President and his personal attorney, Rudy Giuliani, corroborating their desire to pursue investigations of Vice President Biden prior to the 2020 elections.

I am going to give the committee a couple of just examples. President Trump himself on October 2nd said, and I quote: And just so you know, we have been investigating, on a personal basis through Rudy and other lawyers, corruption in the 2016 election.

On July 19th, Ambassador Sondland emails multiple high-ranking officials that he, quote, talked to Zelensky, and he, quote, is

prepared to receive POTUS' call and will state that he will turn over every stone of the investigations.

On July 19, 2019, in addition to the email, Ambassador Sondland texts Ambassador Volker and makes the same thing clear. Sondland: Looks like POTUS call tomorrow. I spoke directly to Z and gave him full briefing. He has got it.

Volker: Had breakfast with Rudy this morning. Teeing up a call with Yermak Monday. Must have helped. Most important is for Zelensky to say that he will help investigate and address any specific personnel issues if there are any.

On August 8th, Ambassador Sondland and Ambassador Volker text about POTUS wanting the deliverable, meaning that for Ukraine to get the White House meeting, Zelensky needs to announce the investigation.

Sondland says, and I quote: Morrison is ready to get dates as soon as Yermak confirms.

Volker responds: Excellent, how did you sway him?

Sondland responds: Not sure I did. I think POTUS really wants the deliverable.

Volker asks: But does he know that?

Sondland says: Yep, clearly lots of conversations going on.

August 16th, Ambassador Taylor and Volker discuss Ukraine's concern that President Trump was not using official channels, like the Department of Justice, to request investigations.

Taylor texts Ambassador Volker: The person who asked for an official request was Yermak?

Volker replies: Yes, but don't cite him.

Taylor: I won't. You are right. This is not good. We need to stay clear.

And on August 22nd, Ambassador Sondland emailed Secretary of State Mike Pompeo and others to make clear that to break the logjam, meaning releasing the military aid, President Zelensky would have to, quote, move forward on the issues of importance to Trump, again meaning the investigations. And the list goes on and on.

So this claim that this is the thinnest of evidence is simply not true. There is overwhelming evidence of the existence of a scheme led by the President, led by his personal lawyer, Rudy Giuliani, to corrupt the American elections, to continue to withhold military aid until such time as a public announcement was made that would smear the President's chief political rival.

And, with that, Mr. Chairman, I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mrs. Lesko seek recognition?

Mrs. LESKO. Thank you, Mr. Chair. Move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. LESKO. You know, Mr. Chair, it really quite disturbed me when you again rejected the rule of the House that said that we, as the minority, were—it says in the rules that you require—require—that you set a date for a minority hearing.

And the reason that this is important is because the rules have been thrown out the window here on this process. In fact, I just can't believe it. I mean, first of all, you have an unprecedented way of doing impeachment. You don't go through the Judiciary Committee, like has been done in previous impeachments.

Instead, Speaker Pelosi hands it over to Adam Schiff, Adam Schiff, the Intelligence Committee chair, where he has these closed-door hearings in the basement. I was denied several times—several times—the right to go in and hear what these fact witnesses said. Yet I am supposed to vote on this today. And we have not had one single fact witness here in this committee at all.

And then I hear from my Republican colleagues that were on the Intelligence Committee that Republicans were refused to have any of their witnesses in that committee. And then, on top of that, Republicans were told—interrupted, silenced by Chairman Schiff when they tried to ask witnesses questions. They said to the witness: Don't answer that.

I mean, and so now, here in Judiciary Committee, we are supposed to vote on something when we haven't even heard directly from any fact witnesses. All we heard from was a bunch of liberal law professors that you called here that have a known record of disliking President Trump, and then you had staff talk to us.

And then, again, here in this committee, our Republican members asked for witnesses so that we can ask questions to get out the truth, at least let us say our side of the story. But no. And so then we turn to, okay, under the House rules it says you are required to set a minority hearing so that we can at least call witnesses, so we can get some truth out to the American public instead of this one-sided sham.

But no, here again, I think you said right here, no, we are not going to do that. I will consider a date in the future that you can have a minority hearing. For goodness' sakes, we are voting on this today. It is no good to have a date in the future. Then it is done. You have already put through this.

I mean, it just continues to amaze me how corrupt, how unfair this process has been from the start. I mean, for goodness' sakes, you had 17 out of 24 of my Democratic colleagues that have already voted on the House floor to continue with Articles of Impeachment.

It was Mr. Green who put a resolution on the floor, Articles of Impeachment. It was July 17th. And then there was a vote to table it. And they voted against the tabling, meaning they wanted to go ahead with Articles of Impeachment. That was even before the July 25th call.

I mean, come on. This is a predetermined—you guys have been wanting to impeach this President since he got elected. Fact after fact after fact. I know that some of you really think the President did something wrong, but the fact is none of your witnesses, none of your fact witnesses were able to establish any evidence of bribery, treason, high crimes or misdemeanors, not one single one, and that is what it says has to be done in the Constitution.

So, again, I believe the President of the United States is right. This is a sham impeachment, and it sure is a shame.

And I yield back the balance of my time.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Neguse seek recognition?

Mr. NEGUSE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. NEGUSE. Thank you, Mr. Chairman.

And with much respect to my colleagues on the other side of the aisle, it is difficult to follow some of these arguments. I have heard very little in the way of any substantive defenses of the President's conduct, but instead focus again on some very farcical process arguments, in my view.

And I am compelled to respond to at least one of those, which is this notion about the closed-door depositions, because, as I understand it from reading these transcripts, many minority members were present and granted equal time to question witnesses brought before the Intelligence Committee, the Foreign Affairs Committee, and the Government Oversight Committee. Some of those members are actually on this committee. So I struggle to understand the objections in that regard.

The idea that the Intelligence Committee's investigation was not sufficiently transparent, in my view, also rings hollow, because, as we know, the transcripts from those interviews and those depositions have been released. I know I have reviewed them. I suspect many of my colleagues have as well. And if you did not review those transcripts, you surely watched the live testimony of Ambassador Sondland, Lieutenant Colonel Vindman, and so many other public servants over the course of many weeks as millions of Americans watched along with us.

So, again, I understand that we are going to have a robust debate about the legal standards that govern the inquiry that is before us and the decision we make on these articles, but let us stay true to the facts, and let's dispense with these process arguments and get to the substance of why we are here today.

I will also just say historical context matters. I was not on the Judiciary Committee in 1999 and 1998, but my understanding is, at that time, the Judiciary Committee did not examine any fact witnesses during the Clinton impeachment inquiry. I know there are members of this committee that were here at that time, and they are well aware that they did question Ken Starr and then afterwards had hearings with legal experts to expound upon the legal standards that would define the decision before the committee.

I would also say that, during the Nixon impeachment inquiry, the examination of witnesses, fact witnesses rather, was conducted exclusively behind closed doors in July of 1974.

So, unlike both the Nixon inquiry as well as the Clinton inquiry, the House Intelligence Committee's hearings featured testimony from a dozen witnesses in open hearings, subject to public examination by Republican members and counsel.

Facts matter, and I hope that each and every one of us would agree at least on that simple point.

And, with that, I would——

Ms. LOFGREN. Would the gentleman yield?

Mr. NEGUSE. I would yield to the distinguished member from California, Ms. Lofgren.

Ms. LOFGREN. I would just like to note, going back to the analogy to the Nixon impeachment, the gentleman is correct that there was really no public presentation in the Judiciary Committee. There were some, quite a few depositions that were private. But there was a lot of public testimony. It wasn't before the Judiciary Com-

mittee; it was before the Senate Watergate Committee. As you will recall, the President's counsel, John Dean, appeared and testified that there was a cancer on the Presidency and a number of other—the revelation that there was a recording system in the White House. All of that happened in the Senate. And the fact that it happened in the Senate didn't mean that the Judiciary Committee didn't know about it. I mean, the whole country knew about it and took notice of it.

There are only a few members of us, of this committee that were on the Judiciary Committee during the Clinton impeachment. I was one of them. Ms. Jackson Lee and Mr. Nadler were, as well as Mr. Sensenbrenner and the gentleman from Ohio.

We had a report from Mr. Starr. I remember it very well. But we didn't have extensive fact witnesses. We had the report. We had evidence over in the Ford Building that we could go over and look at privately. I did. A number of Members did. But the gentleman has correctly summarized the situation.

I would yield back to the gentleman.

Mr. NEGUSE. I would yield back the balance of my time.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Sensenbrenner seek recognition?

Mr. SENSENBRENNER. Mr. Chairman, I move to move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SENSENBRENNER. Mr. Chairman, I think it is obvious, you know, to all the American public that this is a railroad job. Things have been going quickly, but I think the real key is, is that with all of the denials of minority requests, both here and in the Intelligence Committee, the Republicans and the President have not been able to put on live witnesses to be able to basically put together a defense.

And if you are going to have a trial, you have to have both a prosecution and a defense. Here we don't have a defense, because of the rulings that have been made, one of which was made just a few minutes ago by the chairman of this committee.

Now, let me say, first of all, the hearings that were in the basement of the Capitol were secret hearings. They were classified hearings. None of the members who were in that hearing room could ethically go out and tell the public and the news media exactly what was said there. And they probably could have been held before the Ethics Committee or worse if they attempted to do that. There were leaks that came out of there, I grant you that, but none of the members could.

The other point is, is that the vast majority of members of the Judiciary Committee, which has ultimate jurisdiction over all proposed impeachments, were not members of the three other committees and were not allowed to go into the basement of the Capitol hearing room to listen to what was going on and to see those live witnesses.

There were a number of my colleagues on the other side of the aisle, including Mrs. Lesko and Mr. Gaetz, that attempted to do that, and Chairman Schiff kicked them out or wouldn't allow them to go in there.

Now, when you have a trial, you really cannot make a determination on exactly whether the witnesses are telling the truth or exaggerating or mixing it up or spinning it some way or the other without looking at them in person. We don't have that opportunity. There were a few select witnesses that were in the public hearings over in the Intelligence Committee a couple of weeks ago, but the Intelligence Committee does not have the jurisdiction on whether to recommend the impeachment of anybody, let alone the President of the United States.

Now, you know, we have heard complaints about the fact that, in the Clinton impeachment, there were no fact witnesses. Mr. Chabot and I were there, as were Ms. Lofgren, Ms. Jackson Lee, and the chairman. And what happened there is that both sides were allowed to present whatever witnesses they wanted to. Kenneth Starr did all of the grunt work in putting together the facts. He sent over 36 boxes of evidence, which were put over into the Ford Building. That has not happened here.

The independent counsel that was appointed to look into what President Trump has done, Mr. Mueller, came and testified, and that ended up being a big fizzle, you know, for what the Democrats wanted to do. So much of the Mueller stuff, after his testimony and the cross-examination by members on both sides of the aisle, ended up disappearing into outer space. So they had to find something else.

Now, let me say that everybody on both ends of the telephone call between President Trump and President Zelensky has said very clearly there was no quid pro quo offered. There was no pressure that was put on the Ukrainians. I don't know how many times President Zelensky has had to say that. Apparently, it is not enough, because minds on the other side of the aisle are closed, but that is what the facts are.

And the facts, again, speak for themselves. There was no impeachable offense here. And that is why Article I of the impeachments ended up falling flat on its face and that it should be stricken, and I support the amendment to strike it from the gentleman of Ohio and yield back.

Chairman NADLER. The gentleman yields back.

The gentlelady, for what purpose does the——

Mr. SENSENBRENNER. I yield to the gentleman from Georgia

Chairman NADLER. The gentleman is recognized——

Mr. COLLINS. Real quickly. Also, Ken Starr sent those over before the hearings began too, correct?

Mr. SENSENBRENNER. Yes.

Mr. COLLINS. We didn't get a letter in the middle of hearings saying, "Oh, by the way, we just got a document dump on the weekend," and where the chairman told me, "Well, we are not going to be able to read them anyway."

Chairman NADLER. The gentleman's time has expired.

For what purpose does Ms. Jackson Lee seek recognition?

Ms. JACKSON LEE. Move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentlelady is recognized.

Ms. JACKSON LEE. I think before I begin to comment on the discussion here that it is important to remind all of us that the President abused his power and is a continuing threat not only to de-

mocracy but to our national security. We do not take it lightly. We take it very seriously.

And I beg to differ with my dear friend. As one who was here for the impeachment proceedings in 1998, along with my colleagues, both Mr. Sensenbrenner and Mr. Chabot, Mr. Nadler, Ms. Lofgren, let me be very clear of the distinct difference that we had then at that time.

For the American people, the special prosecutor was an independent statute that allowed both Mr. Jaworski during the Nixon impeachment proceedings and then Mr. Starr to have an independent process of investigation. The Congress was not privy to any of that investigation at all. They proceeded. They were not interfered with, as Mr. Mueller was, by the DOJ, because he was an employee of the Department of Justice, and his employer, his boss came out and characterized his report before he could even discuss it.

In the instance of the proceedings of 1998, the Congress received a report, just as both our friends on the other side of the aisle and we in the majority receive reports from the impeachment inquiry committees, who were investigatory committees. They did their work, yes, in a classified setting, as I imagine both Mr. Starr and Mr. Jaworski had to do in certain instances. They were like prosecutors. They had witnesses that were not in the public. And then, of course, there were full public hearings, 17 witnesses, firsthand witnesses who heard the call and testified not on any secondhand knowledge but firsthand knowledge.

It is clear that we are dealing with a question of a continuing threat, which is why we have to respond. And let me be very clear. I hold in my hands that unclassified transcript. I beg to differ with my friends. Allow me just for a moment to tell you that in the call President Zelensky said these sentences: I would also like to thank you for your great support in the area of defense. We are trying to continue to cooperate for the next steps. Specifically, we also want to be ready to buy Javelins—that is equipment, military equipment—from the United States for defense purposes.

Ukraine is in the midst of a war against a nation that shot down, at least some of those alleged to be separatists, using Russian weapons, a commercial airliner. This is a serious war where our men and women in the military are on the ground trying to assist. And here is the very next sentence. The very next sentence is not, "Yes, let's get with the Department of Defense; let's review your request." The very next sentence: I would like you to do a favor though.

This is a discussion about defense. The next sentence should have been: I think we are well aware of your difficult predicament. I am going to have you talk to the Secretary of Defense.

But it said a couple of sentences later: I would like to have the Attorney General call you or your people, and I would like you to get to the bottom of it, investigations.

So I would just offer to say that it is not frivolous and without facts that we proceed. We proceed with facts, and we take this in a very somber manner.

Ms. LOFGREN. Would the gentlelady yield?

Ms. JACKSON LEE. I would be happy to yield to the gentlelady from California.

Ms. LOFGREN. I would just like to note that while this aid was being withheld, people died. I would like to ask unanimous consent to put into the record an article from the Los Angeles Times entitled "Trump froze military aid—as Ukrainian soldiers perished in battle."

Chairman NADLER. Without objection.

[The information follows:]

MS. LOFGREN FOR THE OFFICIAL RECORD

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Trump froze military aid — as Ukrainian soldiers perished in battle

Anastasia Golota at the graveside of her husband, Oleksandr

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OBUKHIV, Ukraine — When President Trump froze hundreds of millions of dollars in security assistance to Ukraine in July, Oleksandr Markiv was in a trench defending his country's eastern front line against Russia-backed separatist militias.

Two months later, Markiv, 38, was dead, killed by shrapnel during a mortar attack on his battalion's position in a notoriously dangerous defense point known as the Svitlodarsk Bulge.

Markiv was one of 25 Ukrainian fatalities on the front line since July 18, the day Trump quietly put on hold a $391-million military aid package appropriated by Congress for Ukraine last year.

Democrats accuse Trump of holding Ukraine's allotted military aid hostage in exchange for promises from Ukrainian President Volodymyr Zelensky to investigate the dealings of Trump's political rival, Joe Biden.

Although there is no way to link Markiv's or the dozens of other deaths directly to the lack of aid, military officials and other Ukrainians say they felt exposed, vulnerable and, at least temporarily, abandoned by their foremost ally: Washington.

"U.S. aid to Ukraine has been very complex and fluid, alternating between more economic aid in the 1990s to more civil society support after 200
Rory Finnin, a professor of Ukrainian studies at

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Although the Trump administration said in September that it had lifted the freeze on military aid, it "has not reached us yet," Oleksandr Motuzianyk, a spokesman for the Ukrainian Defense Ministry, said this week. "It is not just money from the bank. It is arms, equipment and hardware."

At the time Russian President Vladimir Putin annexed Ukraine's Crimean peninsula and the war was breaking out in Donbas, Ukraine's armed forces and its equipment had been stripped down and sold off under then-President Viktor Yanukovich. The Kremlin-favored leader was ousted in the Maidan protests in 2014 and fled to Russia.

Tens of thousands of Ukrainians, like Markiv, volunteered to help fight the Russia-backed separatists in the east. Many of them were sent to the front line wearing sneakers and without flak jackets and helmets, let alone rifles and ammunition. Ukrainians across the country organized in an unprecedented, united civil movement not seen since World War II to raise money to supply their ragtag military with everything from soldiers' boots to bullets.

The West, including the U.S., stepped in to provide billions of dollars in security assistance that included armored Hummer SUVs, military ambulances and medical supplies, radar and communications equipment, night-vision goggles and drones.

Bolstering Ukraine's battle against Russia in the Donbas follows decades of what the U.S. saw as vital support for the country of 45 million's post-Soviet transition.

Washington has poured money into developing and stabilizing Ukraine as a way to bring it into the Western fold. This irritated the Kremlin, which sees Ukraine as belonging firmly in Moscow's perceived sphere of influence.

Whereas Ukraine had been for nearly three decades at the center of a tug of war between the West and Moscow, Trump's July phone call with Zelensky turned Ukraine into a battlefield for American domestic politics that comes at a high price for Ukrainians fighting on the front line.

"If the United States will drag us into their dome

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the co-founder of a new nongovernmental organization lobbying for democratic reforms in Ukraine.

Ukraine would have managed to defend itself against Russia without U.S. assistance, but Kyiv's losses "would have been much heavier," said Gen. Viktor Muzhenko, who was chief of staff from 2014 until 2019.

The U.S. donations of counter-battery radar systems, which warns troops about incoming mortar and artillery fire and pinpoints where the firing came from, has saved "hundreds if not thousands of our soldiers' lives," Muzhenko said.

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Oleksiy Tikhonchuk, the commander of Markiv's battalion, said such a system could have saved his deputy's life.

On Sept. 27, Markiv's unit was hit first by a mortar attack, and then rounds of a large-caliber machine gun, Tikhonchuk said.

"All the soldiers were hiding in the trenches, holes and dugouts, but Sasha decided to climb on top of his dugout to visually spot where the fire was coming from to adjust our return fire," he said, using the diminutive name for Oleksandr. Markiv was struck when their position took a direct hit from a mortar round. He died three hours later during an operation to remove the shrapnel from his head in a military hospital in Svitlodarsk.

Many Ukrainian battalions have the American radar systems, but Markiv's squad did not, Tikhonchuk said. "That cost him his life."

Funeral for Ukrainian solider killed in battle

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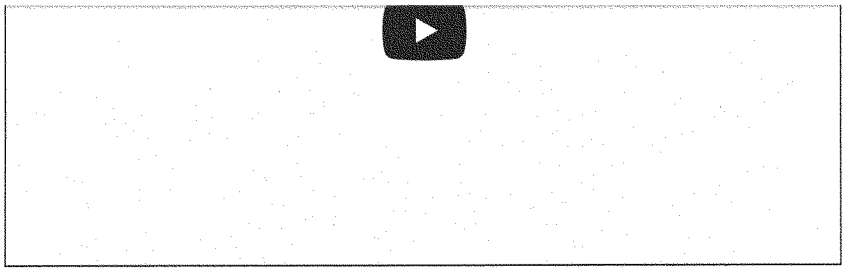
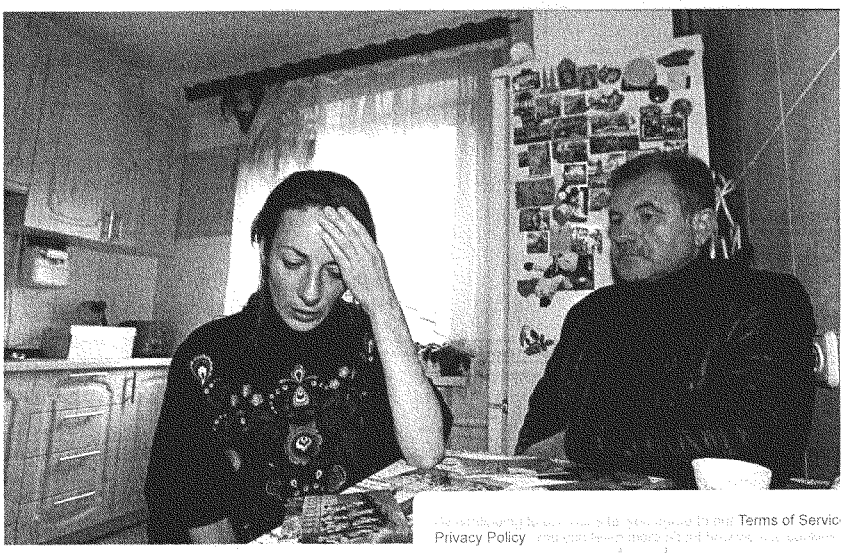


In her grief, Markiv's widow doesn't want to make her husband's death about geopolitics.

Anastasia Golota has enough to worry about with their son, Svetoslav, 9, who refuses to believe that his father is dead.



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"He gets upset when I go to the cemetery, he tells me he doesn't think he's there," Golota, 37, said as she walked backed to the car from her husband's grave. Ukraine's national blue and yellow flags flap in the wind and mark the graves of 34 soldiers from this former chemical factory town killed during the conflict.

More than 14,000 Ukrainians have died and about 1.5 million displaced in the conflict. For many in Ukraine, it's still hard to accept that Kyiv is in an armed conflict with its neighbor, Russia, with whom it shares deep historical, linguistic and cultural ties. Many Ukrainians and Russians also have family ties on both sides of the border. Golota is half Russian. Her mother moved from Russia to Ukraine as a child during the Soviet Union years.

"I don't understand what Russia wants from our little country," said Golota's mother, Marina.

But Markiv understood perfectly well what Russia's ambitions were for Ukraine, Golota said. He was a patriot with a deep commitment to Ukraine's independence, just as his great-grandfather had been as a member of the nationalist, paramilitary Ukrainian Insurgent Army that fought the Soviet Red Army in the 1940s.

He had worked in the Obukhiv tax office in 2010 and watched as Yanukovich helped his business associates divvy up local government offices to run the city like their personal fiefdoms.

Markiv was very principled and hated the endemic corruption in his country under Yanukovich, she said.

When the Maidan revolution started in 2013, she and Markiv took turns standing on the square and taking care of their son at home. Her husband helped drag the wounded to the makeshift medical hospitals set up on Kyiv's Independence Square at the height of the clashes between government riot police and protesters.

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Anastasia Golota, widow of Oleksandr Markiv, holds a photo of her husband in their home in Obukhiv, Ukraine. (Sergei L. Loiko/For The Times)

He joined the 72nd mechanized brigade and became a lieutenant and served two years, surviving several attacks while losing many battalion mates. In 2016, he joined the Rapid Response Brigade of the National Guard, where he became a senior lieutenant of an antiaircraft missile battalion.

In an obituary, friends described Markiv as "a lieutenant only on paper. In life, he was an ordinary, sociable and reliable fellow." He wasn't below peeling potatoes in the trenches with those ranked below him, they said.

But the death of Golota's husband is also the story of a Ukrainian soldier changed by war.

He went to war in 2014 saying he hoped his bullets didn't kill anyone, Golota said. When he was on the front, he would lie to his wife about his location and tell her he was at a training base so she wouldn't worry, she said.

But after his first tour, Markiv was different, she said. When he was home on leave, his mind was on war. He was constantly checking YouTube for updated videos about what was happening on the front, Golota said.

"He just could not return to life in peace," she said.

When he returned from training at a U.S.-led joint operation center in western Ukraine in 2016, a program run as part of the American security aid package, Markiv told his wife that the foreign assistance helped, but it wouldn't be enough.

"It is up to us Ukrainians to fight this war," he told his wife.

As Trump's impeachment inquiry continues in Washington, Ukrainians take little consolation in the fact that their country will continue to be in t

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instructor in Kyiv, the capital. "But Trump is a businessman. He doesn't care for democracy or freedom. He doesn't care if we survive in the war against Russia or not."

Perhaps now, Trump wishes he'd never meddled with Ukraine, Yeremko said.

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Ms. LOFGREN. And note also that the highest death toll on any day in the Ukraine-Russian war was August 7th of this year, while aid was being withheld. So this had life-and-death consequences.

And I yield back to the gentlelady.

Ms. JACKSON LEE. Very quickly let me say my predecessor Barbara Jordan said that impeachment is designed for the President and his high ministers somehow to be called into account. That is all we are doing on behalf of the American people, and protecting the national security of this Nation.

I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Chabot seek recognition?

Mr. CHABOT. Move to strike the last word.

Chairman NADLER. The gentleman strikes the last word. The gentleman is recognized.

Mr. CHABOT. Thank you, Mr. Chairman.

I yield to the Ranking Member.

Mr. COLLINS. Just real quickly, the gentlelady from California just misstated something that I addressed head on last night. And Under Secretary Hale stated this was prospective money; it was not interfering, and it was not dealing with the issues that are going on now. You are in a war. For those of us who have actually been in a war zone, people do die in a war zone. This money did not stop that. That is something that cannot continue to be perpetrated upon this world.

I yield back to Mr. Chabot.

Mr. CHABOT. Thank you.

Reclaiming my time, Mr. Chairman, the biggest difference in the Clinton impeachment and this one is that President Clinton committed a crime: perjury. This President isn't even accused of committing a crime.

The Constitution is pretty clear on what constitutes an impeachable offense: treason, bribery, and other high crimes and misdemeanors. It is not treason, bribery, and other high crimes and misdemeanors or whatever else Nancy Pelosi and Adam Schiff deem impeachable.

I think we can all agree that no President should abuse the powers of his or her office, just like the chairman of a House committee shouldn't abuse the powers of his office to obtain and publish the phone records of the President's personal attorney, a member of the media, and the ranking member of that same committee. But that doesn't make alleged abuse of power a high crime or misdemeanor.

In their newly authored memo on constitutional grounds for impeachment, the majority on this committee goes to great lengths to explain why abuse of power is an impeachable offense, specifically mentioning it was one of the charges against both Richard Nixon and Bill Clinton. What they don't mention is that the House of Representatives has never adopted alleged abuse of power as a charge in a Presidential impeachment. Why? Because there is no criminal statute describing what alleged abuse of power actually is.

Abuse of power is, therefore, a vague, ambiguous term, open to the interpretation of every individual. Because abuse of power lacks a concise legal definition, there is a higher burden of proof

on those pursuing such a charge to show the actions of the President rise to the level of impeachment.

I believed that Bill Clinton had abused the power of his office, but we failed to convince our colleagues in the House, and that particular charge was rejected by the full House. In this case, the evidence provided is less convincing. In fact, I would argue it is nonexistent.

First, there was no quid pro quo. Second, it is a widely known fact that Ukraine is one of the most corrupt countries on the planet. It is why Congress required the administration to certify that the Ukrainian Government had taken steps to clean up corruption before military aid could be provided to the country. President Trump was well aware of that fact and quite skeptical of giving Ukraine foreign aid long before the now famous July 25th phone call. Third, Ukraine actually received the aid after the President was satisfied that Ukraine had taken meaningful steps to address corruption, which, again, is an obligation required by law.

Based on the actual facts of this case as opposed to the hearsay and innuendo compiled by the Intelligence Committee, it is clear that no abuse of power ever took place, and there certainly isn't enough evidence to support an article of impeachment.

Mr. Chairman, as you well know, there is another significant difference between the abuse of power charges against Nixon and Clinton and those presented here. In the Nixon and Clinton impeachments, abuse of power was a tacked-on charge, far less important in those cases than the actual high crimes charged against both of them.

Mr. CHABOT. Here it is the main thrust of the House Democrats' entire case. Let me put it another way. The entire argument for impeachment in this case is based on a charge that is not a crime, much less a high crime, and that has never been approved by the House of Representatives in a presidential impeachment before, ever in history. If that is the best you have got, you wasted a whole lot of time and taxpayer dollars, all because so many of you, Mr. Chairman, hate this President.

And one last thing: I guess we now know why Nancy Pelosi was focus grouping bribery as a potential charge, because she was desperately searching for a crime, any crime, to justify this sham impeachment. But that effort was abandoned because she knows, most Members of Congress know, and now the American people know, there simply wasn't a crime committed here, and there shouldn't be an impeachment here either. I yield back.

Mr. GOHMERT. Will the gentleman yield?

Chairman NADLER. The gentleman yields back.

Mr. GOHMERT. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Swalwell seek recognition?

Mr. SWALWELL. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SWALWELL. There are no crimes here? That is the defense my colleagues across the aisle are putting forward? How about the highest crime that one who holds public office could commit, a crime against our Constitution? After all, the Constitution is the highest, most supreme law of the land. Every other law, statutory

laws included, derive from the Constitution, not the other way around.

The President committed the highest crime against the Constitution by abusing his office, cheating in an election, inviting foreign interference for a purely personal gain, while jeopardizing our national security and the integrity of our elections.

Now, the Constitution does not require President Trump have committed statutory crimes. After all, we in Congress are not criminal prosecutors. We do not prosecute crimes. We protect the Constitution. But since my colleagues keep bringing up what potential crimes a criminal prosecutor could charge a President with, let's go through some of them, because President Trump's conduct overlaps with criminal acts.

Let's start with criminal bribery, 18 U.S. Code 201(b)(2)(a). Relevant here, criminal bribery occurs when a public official demands or seeks anything of value personally, in return for being influenced in the performance of an official act. Additionally, the public official must carry out these acts corruptly.

Demands or seeks: President Trump demanded and sought the announcement and conduct of politically motivated investigations by President Zelensky. Anything of value personally: For the purposes of antibribery law, the phrase "anything of value" has been interpreted by the courts broadly to carry out the congressional purpose of punishing the abuse of public office.

In return for being influenced, the third requirement: As the Intel Committee report demonstrated, President Trump sought an announcement of these investigations in return for performing two official acts. First, the conditioned release of vital military assistance on President Zelensky's investigations; and second, he conditioned a head of state meeting on these investigations.

Fourth, performance of an official act: The courts have defined an official act as any decision or action, matter, cause, suit, proceeding, or controversy, that may be pending or brought before a public official. Both of the acts in question, the military aid and the White House meeting, meet this requirement.

Finally, corruptly: President Trump behaved corruptly throughout this course of conduct because he used his official office in exchange to seek a private benefit.

A second crime, honest services fraud. 18 U.S. Code, Section 1346. President Trump knowingly and willfully orchestrated a scheme to defraud the American people of his honest services as President of the United States. This has been aligned often in the courts with bribery, except that also includes using a wire communication. Clearly, the July 25——

Mr. SENSENBRENNER. Will the gentleman yield for a question?

Mr. SWALWELL. I will not yield.

Clearly, the July 25 phone call constitutes a wire communication. So there you have it. At least two criminal statutory crimes. However, all of these conversations about statutory crimes are moot, because the President of the United States refuses to allow his own Department of Justice to indict him. So the President may be charged with crimes statutorily one day, but that is not what we are doing here on this day. And we are not restricted, like the Department of Justice is. So we will uphold our duty to charge the

President with the crimes against the Constitution that he has committed using your taxpayer dollars, jeopardizing the integrity of your vote for a purely political purpose, and a purely personal gain. And Mr. Chairman, with that, I yield back.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. SWALWELL. And I will yield to the gentlelady from California.

Ms. LOFGREN. I appreciate the gentleman's recitation of that fact. As a former prosecutor, you speak with tremendous authority. I would just like to note that the argument that somehow lying about a sexual affair is an abuse of presidential power, but the misuse of presidential power to get a benefit somehow doesn't matter. If it is—lying about sex, we could put Stormy Daniels' case ahead of us. We don't believe that is a high crime.

Mr. SENSENBRENNER. Will the gentlewoman yield?

Ms. LOFGREN. No. And it is not before us, and it should not be before us, because it is not an abuse of presidential power. I yield back.

Chairman NADLER. The gentleman's time has expired.

For what purpose does Mr. Gohmert seek recognition?

Mr. GOHMERT. I rise in support of the amendment.

Mr. SENSENBRENNER. Will the gentleman yield briefly?

Chairman NADLER. The gentleman has the time. Does the gentleman wish to yield to Mr. Sensenbrenner?

Mr. SENSENBRENNER. Will the gentlemen yield briefly?

Mr. GOHMERT. Yes.

Mr. SENSENBRENNER. The important thing is that Bill Clinton lied to a grand jury. That is a crime. The Article of Impeachment that passed the House accused Bill Clinton of lying to a grand jury, a crime, and something that obstructs the ability of the courts to get to the truth. This is not what is happening here. Big difference.

Mr. GOHMERT. Thank you. Reclaiming my time.

Chairman NADLER. The gentleman reclaims his time.

Mr. GOHMERT. It is interesting, though, we are here because of fraud, not by the President, but from within the Department of Justice. And I realize people on the other side of the aisle have been so busy trying to find some kind of charge, criminal charge to bring against the President, none of which worked, that they may not have been aware of the most recent Horowitz report. But it is clear now, it is clear now that the whole investigation that has brought us here with crime after crime being alleged and then having to be dropped was a fraudulent effort before the FISA court to have a surveillance warrant done against Carter Page. They lied initially, said that he was a Russian agent, when actually, he had been used by the CIA as a spy against Russia.

And so they lied, it was fraudulent, and there, hopefully, will be people that will answer for their crimes and their fraud in the Department of Justice in the days to come, and it sounds like that should be the case. And there was fraud all the way through.

But for 3 years, we have been hearing about the crimes of the candidate Trump, and then the crimes of President Trump, and we come now today based on the initial fraud that got this whole impeachment stuff started. And no one on the other side is willing to acknowledge the fraud that brought us here, nor the fact that so

many people here have been screaming about the President's crimes.

And we are even hearing today like we just did, oh, yes, there were crimes. Well, then, why aren't they in this impeachment document? Because they don't exist. They have been disproven over and over and over again, and that is why the gentleman's amendment is so well-taken.

There—you don't want to go down this ground. I think it is a bad idea when it was proposed before. High crimes and misdemeanors, if it is not treason, even misdemeanors are crimes. And, so, we have had to drop the fraud of all the crimes being alleged, people saying in here and in the public, Gee, we are going to get the President because he colluded with Russia. How terrible was that? Well, that has all been disapproved and dropped.

So now we were left with bribery and extortion, and now we are even—those had to be dropped because there were no crimes. And I appreciate the gentleman bringing up crimes, but those are not alleged here.

And so, let me just say, this is a day that will live in infamy for the Judiciary Committee. The days of exemplary chairs, like Daniel Webster, when he stood for principle, those are going to be gone, because this became a tool of the majority to try to defeat, use taxpayer funds to defeat a President.

And by the way, the Ken Starr report, 36 boxes, he came in and testified. We were kept out of hearing the witnesses. They were—in the Watergate, these witnesses testified on television. It was public. It was not a Starr chamber like the Schiff chamber became. And I would like to yield back the remainder of my time to my friend, Mr. Jordan.

Mr. JORDAN. Well, I would just say, when did it happen? Everything Mr. Swalwell just said, well, if it all happened, why isn't it in the resolution? Democrats say there is some scheme to have an announcement made by President Zelensky to get a phone call with the President, to get a meeting with the President, to get the aid released. When—when did the announcements happen? They got the call on July 25. They got the meeting on September 25. They got the money on September 11. There was never an announcement from the Ukrainians to do an investigation.

So you can keep saying all this stuff, and all the points of this happened, this happened. It didn't happen. Not the facts. Those are not the facts. And we know why the aid ultimately got released, because we learned this guy, this new President, was actually—was actually the—the transformer, the real deal, was actually going to deal with the corruption issue in his country. That is what happened. You can make up all the things you want, but those are not the facts.

Chairman NADLER. The gentleman's time has expired.

For what purpose does Mr. Jeffries seek recognition?

Mr. JEFFRIES. Move to strike the last word.

Chairman NADLER. The gentlemen is recognized.

Mr. JEFFRIES. Let's actually go through the facts. We are here today because the President abused his power. We are here today because he solicited foreign interference in the 2020 election. He had welcomed foreign interference as it relates to Russia. He solic-

ited foreign interference on the White House lawn with China. And he did it with Ukraine. He is a serial solicitor.

Let's go through the facts. Congress allocated $391 million in military aid on a bipartisan basis to Ukraine, currently at war with Russian-backed separatists in the east. Ukraine is a friend; Russia is a foe. Ukraine is a democracy; Russia is a dictatorship.

The United States is probably the only thing standing between Vladimir Putin and Ukraine being completely overrun as part of Putin's fantasy to reconstruct the Soviet Union, which would be adverse to the national security interests of the United States, and every single fact witness before this Congress said so. You can't even dispute that.

So we allocated aid on a bipartisan basis, but then the aid was withheld. So the American people deserve to figure out why. In February, there was a letter sent by the Trump administration saying, Okay, the aid is on the way, but it never arrived. In April, he had a phone call, the President, with Zelensky. The word "corruption" was not mentioned once. And then in May, the Department of Defense wrote to this Congress, and said, "All necessary preconditions for the receipt of the aid have been met by the new Ukraine government, including the implementation of anticorruption protocols." We have that letter. It was sent to you, and it was sent to us.

Then in July, on the 18th, at an Office of Management and Budget meeting, the aid was officially frozen at the direction of the President. Twice during the summer, Mitch McConnell, the Senate Republican majority leader, publicly stated he called the Trump administration. What happened to the aid? Mitch McConnell couldn't get a good answer because there was no good answer.

Then on July 25, there is another call between President Trump and President Zelensky. The word "corruption" is not mentioned once, but here is what was said. Zelensky talks about defense, and the immediate response is "Do us a favor, though."

And President Trump says, I need you to look into some things, not related to procurement of defense arms but related to a wild conspiracy theory connected to the 2016 campaign, and also says I want you to look into Joe Biden. And then what is interesting, since you think it was such a perfect call, he mentions Rudolph Giuliani, I am looking at the transcript right now, not once, not twice, but three times. Why on an official call would the President mention Rudolph Giuliani? He is not an ambassador. He is not the Secretary of State. He is not a member of the diplomatic corps. He is President Trump's political enforcer.

And then what happens? You said you want to talk about the facts. In August, Giuliani travels to Madrid and meets with the Ukrainian government, as a follow-up to Trump saying to Ukraine, go meet with Giuliani. And then a statement is drafted about this phony investigation and sent to the Ukrainians.

But what happens? In August, the whistleblower complaint is filed. Then on September 9, the whistleblower complaint is made public to Congress. Two days later, on September 11, all of a sudden, the aid is released. Why was the aid released? Because the President was caught red-handed trying to pressure a foreign government to target an American citizen. I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Gaetz seek recognition?

Mr. GAETZ. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. GAETZ. There were five meetings that we have detailed that show why the aid was released. There was a belief on the administration previously that Ukraine was one of the most corrupt countries in the world, that they had not engaged in sufficient reforms. And after a number of events with the Vice President, with a bipartisan Senate delegation, there was a resolution of that aid.

But this debate just lacks a certain sincerity. I heard earlier my friend from California, Mr. Swalwell, say, like, list out all these crimes. And so, if I am watching at home, I am thinking, Well, where are they in the impeachment? That is just a Democrat drive-by to go and list crimes that you don't allege, and that you don't have evidence for.

If there is ever a microcosm of how to consume this day and the importance of it with the American people, it is that they are naming crimes in debate that they don't even have in their impeachment resolution, because they can't prove them because there are no underlying facts.

And then I hear my friend from New York, Mr. Jeffries, bring up Russia. Russia, the residue of impeachment theories, past and failed. How is debated about—how are we even here debating about military aid, Javelins, that President Trump delivered that President Obama withheld?

I hear them, you know, crying these alligator tears, clutching their pearls over this notion that Oh, well, Trump didn't give this aid. We have got to go impeach him for it. Where was all this concern about how to make the Ukraine great again when Obama was President?

You want to know our substantive defense? It is four things. They have never changed. I think Mr. Jordan dreams of them in his sleep. Both President Trump and President Zelensky said there was no pressure. We saw the call transcript, and there was no conditionality. There was never awareness on the part of the Ukraine that there was a delay in aid, and Ukraine got the aid without opening the investigation that seems to be so troubling to Democrats.

Everything you are going to hear them say today can be pretty much categorized into three areas: First, it is either stuff people presumed and had no direct evidence of, kind of their water cooler theory of the case. Second, it is hearsay. Somebody told somebody told somebody else that created some concern about the President's conduct; or it is reflective of a sincere policy disagreement about how to make the Ukraine great again.

I mean, I heard all these folks come by that are part of the diplomatic corps, and they sure seem to believe that we ought to be everything for the Ukraine, but if the President disagrees with that, it is not impeachable conduct.

Essentially they are alleging a shakedown, but I think most Americans know that you cannot have a shakedown if the person allegedly being shook down doesn't even know about the shake-

down. You have President Zelensky himself saying I felt no pressure.

And then talk about bad timing. We got this Time article that comes out on the 10th of December, just a few days ago, because their theory of the case is, well, even if Zelensky didn't know there was pressure, there is this other guy, Yermak, and Yermak knew from Gordon Sondland that there was pressure.

But the same day that they introduced their Articles of Impeachment, Yermak gives an interview with Time Magazine, he says, and I quote, Gordon and I were never alone together. We bumped into each other in the hallway next to the escalator as I was walking out, and I remember everything. It is fine with my memory. We talked about how well the meeting went. That is all we talked about. So here they are with no crime, with no victim, with no witnesses, with no knowledge of any shakedown, and yet they proceed.

To accept the Democrats' theory of the case, you have got to believe that the Ukrainians are lying to us. You have got to believe when they say there is no conditionality, no pressure, nothing wrong, that they are so weak and they are so dependent on the United States, that we can't believe a word they say. Well, again, where were you during the Obama administration when this weak ally didn't get Javelins that were then withheld?

I support the Jordan amendment because this Article I, this abuse of power that they allege in the impeachment theory, is a total joke. They have to say abuse of power because they don't have evidence for obstruction. They have to say abuse of power because they have no evidence for bribery or treason. They have to say abuse of power because all those specific crimes that the gentleman from California named cannot be supported by the evidence. This is sort of the Rorschach inkblot test theory of impeachment so the country can stare at the inkblot, and everybody can see what, I guess, they want to see.

This notion comity of abuse of power is the lowest of low energy impeachment theories. Heck, I don't know any political party that doesn't think when the other side's in the White House that they abuse power. They do too much. I got a lot of constituents that think Barack Obama abused his power, but you know what? We didn't do this to the country. We didn't put him through this nonsense in this impeachment. You all set the standard. We didn't set it. You said this would have to be bipartisan, compelling, and overwhelming. It ain't that, and it looks pretty bad. I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. Jayapal seek recognition?

Ms. JAYAPAL. Thank you, Mr. Chairman. Just in response——

Chairman NADLER. Move to strike the last word?

Ms. JAYAPAL. Yes. Move to strike the last word. Thank you.

Chairman NADLER. The gentlelady is recognized.

Ms. JAYAPAL. In response to my colleague from Florida, you cannot argue things both ways. You cannot say that the President was so concerned about Ukraine that he released aid, which is true. He released aid in 2017, he released aid in 2018, and then suddenly he became concerned in 2019, right after Vice President Biden announced that he was going to run.

So if your argument is that he was so concerned about Ukraine that he released aid in 2017 and 2018, then why in 2019, after the Department of Defense cleared Ukraine on charges of corruption, why then did he decide he was so concerned about corruption that he was not going to release aid?

Mr. JORDAN. Because that is when——

Ms. JAYAPAL. I am sorry. I am not yielding. I am not yielding. I am not yielding.

Chairman NADLER. The gentlelady has the time.

Mr. JORDAN. They got a new president, that is why.

Chairman NADLER. The gentlelady has the time, the committee will be in order, and people will not interrupt.

Ms. JAYAPAL. They got a new president.

Chairman NADLER. This is not proper.

Ms. JAYAPAL. Thank you, Mr. Chairman.

Chairman NADLER. The gentlelady will continue.

Ms. JAYAPAL. They got a new president who was known to be an anticorruption fighter, so that argument has no weight whatsoever.

Now if you want to argue that the President was so concerned about corruption at that particular moment, you have to look at the whole record of U.S. policy and our agreement that the Department of Defense would look under certain conditions before they released military aid to determine whether or not a country had satisfied those requirements around corruption, and the Department of Defense released that report. Nowhere between the time that Donald Trump withheld aid and the time that he released that aid was there an additional assessment required or done. In fact, the Department of Defense decided they didn't need to do another assessment because they had already done the assessment.

So at the end of the day, I have only two questions for my colleagues on the other side, and these are the two questions: Forget about President Trump. Forget about President Trump. Will any one of my colleagues on the other side say that it is an abuse of power to condition aid, to condition aid, on official acts? Forget about President Donald Trump.

Mr. GOHMERT. We do it every day.

Ms. JAYAPAL. Forget about President Trump. Forget about President Trump. Is any one of my colleagues willing to say that it is ever okay for a President of the United States of America to invite foreign interference in our elections? Not a single one of you has said that so far.

Mr. GOHMERT. I will say it.

Ms. JAYAPAL. I will yield to my colleague from Texas.

Mr. GOHMERT. Will the gentlelady yield?

Mr. GAETZ. Will the gentlelady yield so we can answer the question?

Ms. GARCIA. Thank you, Ms. Jayapal.

I want to break this down——

Mr. GOHMERT. She asked a question. We would like to answer it.

Chairman NADLER. The gentlelady has the time, and the members——

Mr. GOHMERT. And she asked us a question.

Chairman NADLER. The members here know perfectly well it is out of order to interrupt members who have the time. The gentlelady——

Mr. GOHMERT. Unless they ask you a question.

Chairman NADLER. The gentlelady has yielded to whom?

Mr. GOHMERT. She asked us a question.

Chairman NADLER. The gentlelady yielded to whom? Ms. Escobar now has the time——

Ms. ESCOBAR. Thank you, Chairman.

Chairman NADLER [continuing]. Yielded by Ms. Jayapal.

Ms. ESCOBAR. Thank you, Chairman. Thank you, Representative Jayapal.

I want to break this down in simple terms for the American public because our Republicans colleagues are working overtime to try to convince us that we didn't see what we saw with our own eyes, and we didn't hear what we heard with our own ears.

Let's bring it down to an example that was used during the hearing. If a governor—if a community suffers a natural disaster, and the governor of the State has aid that will help that community, but calls the mayor of your community and says, I want you to do me a favor, though, and conditions giving the aid to the community on the police chief smearing his political opponent, has there been a crime? The answer is yes, and that governor would go to jail. If that governor later releases the aid after he got caught, it doesn't matter. He still committed the crime.

Furthermore, if that governor says during the investigation, I am going to defy the subpoenas. We are going to fight the subpoenas. Guess what would happen to that governor? He has committed a crime. He would go to jail. If the governor then tried to cover up his wrongdoing, cover it up so that his people, his constituents couldn't see his wrongdoing, what would happen to that governor? Did he commit a crime? Yes. He would go to jail.

So as wildly as they are trying to convince you that there was no wrongdoing, I want the American public to understand what is going on here. It is clear as day. We have seen it with our own eyes. We have heard it with our own ears. Facts matter. I yield back.

Ms. JAYAPAL. Thank you, Ms. Escobar. And I would just, again, close with this single question. Is it ever okay for a President to condition official action on personal gain? I yield back.

Mr. CLINE. Mr. Chairman. Mr. Chairman.

Chairman NADLER. Who seeks recognition? For what purpose does the gentleman seek recognition?

Mr. CLINE. A unanimous consent request. I would like to ask unanimous consent to introduce into the record——

Chairman NADLER. I cannot hear you, sir.

Mr. CLINE. I am sorry?

Chairman NADLER. I can't hear you.

Mr. Cline. I would like to introduce—ask unanimous consent to introduce into the record the transcript of the call where the President says, I would like you to do us a favor.

Chairman NADLER. Without objection, the transcript will be introduced. The full record will be introduced.

[The information follows:]

MR. CLINE FOR THE OFFICIAL RECORD

~~SECRET//ORCON/NOFORN~~

UNCLASSIFIED [PkgNumberShort]

Declassified by order of the President
September 24, 2019

~~EYES ONLY~~
~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(C)~~ Telephone Conversation with President Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

DATE, TIME AND PLACE: July 25, 2019, 9:03 - 9:33 a.m. EDT
Residence

~~(S/NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S/NF)~~ President Zelenskyy: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

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achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S/NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S/NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S/NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

~~(S/NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

~~(S/NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say Crowdstrike… I guess you have one of your wealthy people… The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S/NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S/NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it… It sounds horrible to me.

~~(S/NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S/NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S/NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S/NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S/NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S/NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S/NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S/NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S/NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

Chairman NADLER. For what purpose does Mr. Buck seek recognition?

Mr. BUCK. Strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. BUCK. Thank you, Mr. Chairman. I want to address Mr. Swalwell's—thank you for coming back—Mr. Swalwell's comments that there are definitely crimes in this situation. First of all, I believe Mr. Swalwell, during the Mueller investigation, went on national TV and said something to the effect of an indictment is coming. He knew it. An indictment is coming.

So I know Mr. Swalwell knows crimes. He was a prosecutor. And he also knows the obligation that a prosecutor has not to bring a crime, not to bring a charge unless there is a reasonable probability of conviction.

I would direct Mr. Swalwell to the elements of bribery. Whoever being a public official corruptly demands or seeks personally anything of value in return for being influenced in the performance of an official act. The Department of Justice's Criminal Division Public Integrity Section opined in September that something as nebulous as an investigation is not of sufficient concrete value to constitute something of value under this statute.

They also—the other element that is at question here, and one of the reasons I think that we need more than 1 week as the committee of jurisdiction to look into this matter, is because if there are crimes, we should be bringing experts. We should be bringing in testimony. And if there is a crime, I think it is far more fair to charge Articles of Impeachment where the President can defend against specific elements of a crime as opposed to something as vague as abuse of power.

Mr. Swalwell, the official act that you talk about under the McConnell—Supreme Court's McConnell decision, that decision says setting up a meeting, talking to another official, or organizing event without more does not fit the definition of official act. There are two elements missing in your analysis, but that doesn't surprise me because there were no elements that were—that the special counsel found in this situation.

I think that it is unfortunate when the gentleman from Rhode Island talks about the President sending Mr. Giuliani to the Ukraine to smear, to smear Vice President Biden. Let's talk about what Vice President Biden did. His son sat on a board and made an outrageous amount of money for someone that had no background in energy, no background in the Ukraine while his father was the Vice President. If that is not a fair topic for discussion in the world of politics, I don't know what is. Smearing is trying to conjure up false information or making a vague argument based on false information. This isn't smearing. This is seeking the truth about corruption. Not a single member on the other side of the aisle has been willing to condemn the conduct of the former Vice President.

How frustrating it must be to be President Trump and have the son spend over $1 million on attorneys' fees when the special counsel is investigating something that never happened. There was no collusion. There was no conspiracy between Russia and the Trump campaign. But there was clear—there is clear evidence of wrong-

doing between Hunter Biden, the former Vice President, Joe Biden——

Ms. JACKSON LEE. Will the gentleman yield?

Mr. BUCK. No, I will not. And the Ukraine and the corporation, Burisma. So the idea that there was a smear going on, let's look at the facts. And I will yield to my friend from Arizona, Mr. Biggs.

Mr. BIGGS. Thank you very much. Let's talk about what was going on in 2017, 2018, aid was given. In 2019, there was a pause put on it. You have a new administration in the Ukraine, and the benchmarks, the anticorruption benchmarks were done under the previous administration, Poroshenko. That was testified to in this committee.

But what we know is several of the previous corrupt administrators and cabinet-level officials, including some oligarchs, had close relationships to Zelensky. There was a concern whether Mr. Zelensky was the real deal. The aid was prospective, and the pause was unknown.

U.S. officials continued to meet with Ukrainian officials, and they determined that Zelensky was the real deal, and so they made every effort to convince President Trump that that was the case. Once two new anticorruption measures were released within 2 days, so was the funding. That is what changed. I yield back.

Mr. SWALWELL. Mr. Chairman, a unanimous consent request.

Chairman NADLER. For what purpose does the gentleman from California seek recognition?

Mr. SWALWELL. Just in response to Mr. Buck, a unanimous consent request for a VOX November 15, 2019, article, all of Robert Mueller's indictments, including the 34 people and three companies that he indicted in his lengthy investigation.

Chairman NADLER. Without objection.

Mr. COLLINS. I object. I want to see it.

Chairman NADLER. The gentleman reserves an objection. He wants to see it. That is fair.

For what purpose does Mr. Reschenthaler seek recognition?

Mr. RESCHENTHALER. Thank you, Mr. Chairman. I move to strike the last word.

Chairman NADLER. Without objection.

Mr. RESCHENTHALER. I yield to my friend and colleague from Florida.

Chairman NADLER. The gentleman is recognized.

Mr. GAETZ. I thank the gentleman for yielding.

And I just have got to come back to this interview with Yermak, because it is like the tree that fell in the forest that nobody heard that completely demolished the entire Democrat case. They have no evidence that the Ukrainians ever knew that this aid was withheld. So they are literally trying to prosecute an impeachment against the President for a shakedown when the alleged people being shook down, one, said they felt no pressure, and two, did not even know it was happening.

And so, then, time and again, you heard them in debate, in press conferences, in the whole circus show that is going on here say, Well, we have got this testimony from Gordon Sondland. We all remember Gordon. Gordon Sondland, wandering his way to an escalator with this guy who speaks English as a second language. And

Gordon says, Well, maybe I said something to him about this. Well, I mean, that was the whole deal for them.

And then, I mean, you talk about embarrassing. The same day that they introduced their Articles of Impeachment that we knew they were going to introduce one way or another the moment they took the majority, it comes out that Yermak denies the whole thing. So show me the Ukrainian that was pressured. Show me the Ukrainian that knew that any of this was tied to any conditionality. There is no conditionality in the call.

So it is quite easy to answer Ms. Jayapal, the gentlelady from Washington's, question. Very easy. In this case, there is no conditionality. You can't prove it, you have no evidence of it, and frankly, even the Ukrainians, even your purported victims, are coming out in the press and saying their theory of the case is wrong. Their fundamental premise has been rejected. I yield to the gentleman from Ohio.

Mr. JORDAN. You have got to yield back to him.

Mr. GAETZ. I yield back to the gentleman from Pennsylvania.

Mr. RESCHENTHALER. Yes. I yield to my friend from Ohio.

Mr. JORDAN. I thank the gentlemen for yielding.

Exactly what changed is we got a brand new president who ran—Zelensky ran on anticorruption. Let's see if he is the real deal, and that is exactly what happened in the 55 days the aid was paused.

We talked about five critical meetings that took place. Five meetings. The last one, I think, is the most important because you had a Democrat Senator and a Republican Senator meet with President Zelensky in Kyiv. They knew the aid had been paused at that time. The Ukrainians knew, they learned a few days before that, and the issue never came up.

But what did come up is both of these Senators came back and said this guy is the real deal, worth the risk, worth sending the hard-earned tax dollars of the American people to Ukraine. That is what happened, and the facts are very clear. You can make up all the stuff you want, but the facts are on the President's side. They have always been on the President's side.

Democrats keep saying to get the call, to get the meeting, to get the money, there had to be an announcement. It is December 12th. There has yet to be an announcement from Ukraine about any type of investigation into Burisma or the Bidens, yet, because it is not going to happen, because it never needed to happen. That wasn't the point. But they got the call July 25, they got the meeting September 25, and they got the money September 11.

The other thing I want to point out. I don't know be how many times I have heard this. The Democrats talk about this one sentence the President said in the now famous call transcript with President Zelensky. "I would like you to do us a favor, though." The Democrats don't read the plain language. In fact, the star professor witness who was here last week, she talked about this being the Royal we. She read the sentence the way you guys always try to portray the sentence. She said, it was I would like you to do me a favor, though. That is not what it says. It says I would like you to do us a favor, though, because, and guess what the next two words are? Guess what the next two words are? Because our coun-

try, not because I. The President doesn't say, I would like you to do me a favor, though, because I have been through a lot. He doesn't say that. Very clear. I would like you to do us a favor, though, because our country has been through a lot, and that is the understatement of the year.

Heck, yeah, our country has been through a lot. This is the day after Bob Mueller sat in front of this committee, and we learned that there was nothing there, but 2 years he put our country through all kinds of turmoil because of you guys. That is what the President's pointing out because in this paragraph, he references Bob Mueller. That is what he is talking about. Heck, yeah, our country had been through a lot, and the President was pretty ticked about it. He wanted to find out what was going on. That is very legitimate. That is working on behalf of the American people. But again, as I said last night, you guys don't respect the 63 million people who voted for this guy. That is why—that is why the Speaker of the House called the President an imposter. That is what is wrong. I would like you to do us a favor, though, because our country has been through a lot. I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Louisiana. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Louisiana. I want to slow this down and be very methodical about it, because most of us here are attorneys, and in this case, we are supposed to also be finders of fact. And we are supposed to carefully and objectively analyze the claims against the record, so let's do that.

There are two articles to this impeachment resolution, of course, abuse of power and obstruction of justice. On the first, Democrats know there is zero direct evidence in the record of these proceedings that show that President Trump engaged in any scheme of any kind as is alleged in the resolution or that he intended in his dealings with Ukraine to influence the 2020 election. No impeachment should ever proceed on the basis of hearsay and conjecture and speculation that wouldn't even be admissible in a local traffic court, and we say that over and over.

To my friend, Ms. Jayapal, there is simply no evidence of any condition, and I guess I need to repeat the four indisputable facts again that are in this record because repetition, apparently, is really necessary here.

First, both President Trump and Zelensky said there was no pressure exerted. Number two, the July 25 call transcript shows no conditionality between aid funding and an investigation. Number three, Ukraine was not aware of the aid has been said over and over here, that it was being delayed. And number four, they never opened an investigation, they still received the aid, and they got the meeting.

Our colleagues keep misrepresenting the facts. Not only do they misrepresent the "do me a favor" versus "do us a favor," but only three of the 17 witnesses called by Chairman Schiff listened in on the call, okay. Only three of them. And contrary to the assertions that we have heard this morning, they didn't provide key uncontrovertible firsthand testimony of what happened on the call.

All three of the testimonies contradicted each other. So the three people that listened in directly didn't even know.

The evidence shows that President Donald Trump holds a deep seated, genuine, and reasonable skepticism of Ukraine due to its history of pervasive corruption, and his administration sought proof that the newly elected President was a true reformer. Of course, as has been pointed out, the President soon found out that he is a swamp drainer, and that is why the funds were released.

President Trump wanted to ensure that the American taxpayer-funded security assistance would not be squandered by what has been reported as the third most corrupt nation in the world before Zelensky. And the discussions they had were never about what happened in 20—what will happen in 2020, but rather, what about what happened in 2016.

So the second claim of this resolution is that the President obstructed Congress, but he simply did what virtually every other President in the modern era has also done. What is his—what is his big infraction here? He asserted a legitimate executive privilege and legal immunity to question subpoenas issued by various White House—to various White House officials. There is no evidence of any impeachable conduct with that. It is very commonplace. On every previous occasion of this assertion in the past, the natural impasse that exists between the executive and legislative branches and our constitutional system has been easily and calmly resolved, either by a good faith negotiation, or a simple filing with the third branch of our government, the judicial branch. They let the courts decide it.

In spite of their allegations here, Democrats know President Trump has lawful cause to challenge those subpoenas in this matter. In this case, House Democrats are trying to impeach President Trump simply for seeking judicial review over whether the direct communications between high-ranking advisors and a President under these circumstances are privileged or should be disclosed. That case would be expedited in the courts. It wouldn't take that long, but Democrats said they don't have time for that. Why? Because they promised their base an impeachment by Christmas. This whole thing is so absurd.

It should be noted, by the way, that President Trump has consistently cooperated with Congress in fulfilling its oversight and investigation responsibilities here. Over 25 administration officials have testified before Oversight Committee this year, 20 before this committee. At the start of the impeachment inquiry, the White House produced more than 100,000 pages of documents to the Oversight Committee. And, of course, they also quickly declassified and produced to everyone the call transcript.

Democrats know this is an absurd charge about obstruction, and the truth is, in the history of the republic, there has never been a single party fraudulent impeachment process deployed against a President like the one that is being used against Donald Trump. They are the ones seeking to nullify our vital constitutional safeguards with this sham. Their ultimate objective is to nullify the votes of the 63 million Americans who voted to elect Donald Trump their President. They violated due process and all the rest.

My colleague, Sheila Jackson Lee, a little while ago, invoked and quoted Barbara Jordan, but she is the one that said during the Watergate inquiry, impeachment not only mandates due process, but due process quadrupled. They have violated that here. They have violated the rules, and everybody in the country can see it.

This impeachment's going to fail. The Democrats will pay a heavy political price for it, but the Pandora's box they have opened today will do irreparable injury to our country in the years ahead, that is why we are concerned. That is why the facts matter, and that is why we need to move on. I yield back.

Chairman NADLER. The gentleman yields back.

Ms. GARCIA. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Garcia seek recognition?

Ms. Garcia. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. GARCIA. Mr. Chairman, I am opposed to this amendment. It is incredible to me that the other side of the aisle has not seen the facts and has apparently not read some of the evidence before us. It is obvious to me that this President has put his personal interest above this country, and with that, I will yield back to the gentleman from Maryland, Mr. Cicilline.

Chairman NADLER. Rhode Island.

Ms. GARCIA. I am sorry. Oh. Rhode Island.

Mr. CICILLINE. I thank the gentlelady for yielding.

We have just heard our Republican colleagues claim that there was no demand, no conditionality for the release of this aid, and in fact, it was motivated by this President's deep desire to ferret out corruption. That is laughable.

The President of the United States had two phone calls with President Zelensky. He never once even uttered the word "corruption," because it wasn't about corruption, and the reason we know that is the Department of Defense had already certified that steps had been taken to combat corruption back on May 23rd. And despite that certification, that hold remained in place. In fact, the professionals testified about them trying to figure out how is it possible it is legal to hold this aid, because the certifications happened. There is no basis to hold it other than the President ordered it.

So it is not about corruption. It was about extracting a commitment to announce publicly that they were launching an investigation of President Trump's chief political rival, a smear against Vice President Biden. So this notion that really what happened is the President just satisfied himself that Mr. Zelensky was for real is nonsense, and betrayed by all of the evidence collected.

Let me give you some of it or remind you of it because you apparently don't remember it. Ambassador Sondland testified, under oath, Mr. Giuliani's requests were a quid quo pro for arranging a White House visit for President Zelensky. Mr. Giuliani demanded that Ukraine—Mr. Giuliani, by the away, the President's counsel. Mr. Giuliani demanded that Ukraine make a public statement announcing the investigation of the 2016 election, the DNC server, and Burisma. Mr. Giuliani was expressing the desire to the President of the United States, and we knew these investigations were important to the President.

On the July 25 call, President Zelensky himself recognized the connection between the meeting and the investigations. And he said, I also want to thank you for the invitation to visit the United States, specifically Washington, D.C. On the other hand, I also want to assure you that we will try to be very serious about the case, and we will work on the investigation, and the President spoke in that call about the Bidens and Burisma.

And the OMB ultimately announces that the aid was withheld because no explanation, and everyone in the intelligence community, all the national security team, all recommended the release of the aid. This was an important ally of the United States facing an active war with the Russians that took part of their country and was continuing to kill people in eastern Ukraine. American military aid was a lifeline for this emerging democracy.

You know the only people who benefited from this scheme? President Trump, because he thought he was going to get an announcement to smear his political opponent, and Vladimir Putin, Russia. They were trying to weaken the Ukrainians. And there was a recent article Congresswoman Bass held up, captioned this where it said, President Zelensky facing President Putin all alone. So this benefited Russia, weakening Ukrainian.

But this notion that the reason that the aid was released because the President was satisfied is defied by all of the evidence collected in the 300-page report by the Intelligence Committee. It was released because the President got caught. The whistleblower filed a report, a complaint, alleging an elaborate scheme by the President that betrayed the national interests of our country, that undermined our national security, that advanced the personal political interests of the President, not the national interests of our country, that attempted to corrupt our elections by dragging in foreign interference. It is the highest of high crimes and misdemeanors.

Our Framers spoke about this abuse of power, of using the office of the Presidency to advance their own personal interests and to undermine the public interest. And I will yield to Mr. Raskin, my remaining 3 minutes.

Mr. RASKIN. Thank you very much. You know——

Chairman NADLER. It is Ms. Garcia's time to yield. Does she wish to yield to Mr. Raskin?

Ms. GARCIA. I yield to Mr. Raskin.

Mr. RASKIN. Ms. Garcia, thank you very much.

Just to flesh out the detail of what the gentleman from Rhode Island was saying, one of the depositions is from David Holmes, who was a State Department official at the U.S. embassy in Kyiv who was with Gordon Sondland, who testified that there was a quid quo pro. But he saw him on the phone with President Trump, and he reported right at that time to him, he said, the President doesn't give a blank about Ukraine. He is interested in the big stuff, and what is the big stuff? Whatever can benefit him.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Biggs seek recognition?

Mr. BIGGS. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. BIGGS. Thank you, Mr. Chairman. You know, last night and today, we have heard many times my colleagues on the other side

saying the facts of this are not contested, but you know, they are. They really are.

An example is one just pointed out highlighted by my colleague from Louisiana just a moment ago. On the telephone call, listen. Of the 17 witnesses that came in, only three actually listened in on the phone call, but each one of them have contradictory testimony. And so, even the three witnesses that heard the call conflicted.

And why is that important? Why do I bring that up? I bring it up because of this: Many of my colleagues, in fact, most of my colleagues on the other side of the aisle take every inference in the light most negative to the President of the United States. That is because there is animus there that has been manifest since November 9th, 2016, the day after he was elected.

And so having watched this procedure closely on the heels of the other procedures and attempts to impeach this President and investigate, I am left wondering. You want every inference to go against the President. Why should the American public give you any inference of credibility?

The reality is when my colleague from California said—was talking about the Russian issue, not a single American was indicted for conspiring with Russia to influence the elections. Not one. He still believes that there was some kind of collusion with the Trump campaign.

But what do the facts actually get to? So when my colleague just talked about the money was released, the aid was released, again, he takes this inference based on a timeline, and he is citing rank hearsay. A guy comes in and says, Hey, you know what? I overheard this conversation. I am in a restaurant, actually, they were sitting on a patio at a restaurant, lots of people around, but boy, I could hear everything. I knew who it was, I knew what was said, and so I was so concerned about it, I didn't tell anybody. I came in once this really got going and revved up. You want to take every inference against the President. Why should we give you any inference of credibility?

The only direct evidence in this case remains the same after all this time. No pressure. No pressure in the phone call. Mr. Zelensky has said that repeatedly. He has said that. He spent 8 hours in one press conference, all day long talking about no pressure, there is no pressure. Yermak said there was no pressure. Are they lying? No, but we know the whistleblower was lying. We know that Mr. Schiff was lying. Mr. Schiff came out the day before and said eight times, the President put direct pressure on the Ukrainians. Oops. The transcript is released. Not true.

That would be—that would be the facts being contested, absolutely. We know that there was no conditionality. Everybody said there was no conditionality, everybody that participated, everybody that listened. Ukraine was unaware of a hold, so how could you leverage them? They were unaware of the hold, and there was never any investigation.

But what happened? What triggered it? You have high-ranking U.S. officials going to the Ukraine, meeting with them, convinced the President. You have the President of the Ukraine signing two pieces of legislation reinstituting the anticorruption tribunal, and

also removing immunity from prosecution of the legislative branch in the Ukraine. Significant anticorruption measures worthy, worthy of convincing this President that yes, they are worth a chance. And so with that, you have nothing. The credibility is in tatters, quite frankly. With that, I yield to my friend from Colorado.

Mr. BUCK. I thank my friend for yielding. And I just want to ask my friends on the other side. Mr. Sondland, Ambassador Sondland is your star witness? Really? You are basing an impeachment on Ambassador Sondland's testimony? His first statement, his first deposition, he said 325 times I don't remember, I don't know, I am not sure. 325 times. You don't think when this gets over to the Senate that he is going to be impeached on all the things he didn't remember? Then, then—his testimony impeached, not his—not his office. I see the smirk.

Then, what does he do? He reads and he listens to what Ambassador Taylor says that he knows, and what Ambassador Yovanovitch says that he knows and what all these people say that he knows, and then his memory is refreshed. I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Ratcliffe seek recognition?

Mr. RATCLIFFE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RATCLIFFE. I thank the chairman. I want to respond to my good friend, Congressman Cicilline's comments, when he said that President Trump's demand can't be explained by corruption, because the word "corruption" was never uttered anywhere in the transcript. The problem with that is that the Democrats have built this entire fake impeachment scheme around an alleged demand. Guess what word is not anywhere in the transcript? Demand. Nowhere in that transcript does the President make a demand.

Do you know where the word "demand" came from? It came from the whistleblower. That is the first time we heard the word demand, when he notified the Inspector General for the intelligence community. He said President Trump made a demand. He thought he could do that because he thought no one would ever be able to prove because what President would take the unprecedented step of releasing a transcript with a foreign leader? This President did, something that the whistleblower never expected.

President Trump, we keep hearing, got caught. President Trump, we keep hearing, is obstructing justice. The President that took the unprecedented step of releasing a transcript so that everyone could see the truth is not obstructing Congress. The President didn't get caught. The whistleblower got caught. The whistleblower made false statements. The whistleblower got caught with Chairman Schiff.

Remember Chairman Schiff, the person that the Democrats, instead of the House Judiciary Committee, which has spent a full week on this, that is not who is been in charge. The person they put in charge was the person that got caught with the whistleblower. Have you spoken directly with the whistleblower? No, we have not. We would like to. That wasn't true. The person that said he had evidence of the first fake impeachment scam, collusion with Russia, had evidence of that collusion and didn't have it, the person who, in the course of that, read into the record the Steele dossier

because the people needed to know the truth about what happened. Well, we heard about the truth about the Steele dossier this week when the Inspector General told us it was all garbage, rubbish, all made up. Yeah, that Chairman Schiff. And now he got caught not being truthful about a whistleblower who, as I told you the other day, didn't tell the truth verbally and in writing, and that is in a transcript.

You know what we didn't get in this one-week impeachment summary in the House Judiciary Committee? We didn't get that transcript. Chairman Schiff didn't send that one over. Only if you were on the Intelligence Committee have you seen that transcript. I have seen it. I would like to everyone to see it. With that, I yield to my good friend, Congressman Jordan.

Mr. JORDAN. I thank the gentleman for yielding. I want to go back to where Mr. Buck was referencing the gentleman from Rhode Island when he mentioned Mr. Sondland as, again, the that mentioned 611 times in their report, Mr. Sondland, the guy who presumed there was a quid quo pro. The guy who had to file an addendum to his deposition testimony, and in that addendum, again, he has this great sentence where he says Ambassador Taylor recalls that Mr. Morrison told Ambassador Taylor that I told Mr. Morrison that I conveyed this message to Mr. Yermak on September 1, 2019 in with Vice President Pence's visit to Warsaw, and a meeting with President Zelensky.

Six people, again, have the four conversations in one sentence. Here is the interesting thing: Yermak talks with Sondland, Sondland talks with Morrison, Morrison talks with Taylor, and somehow through all that, we get the Democrats believing that there was this quid quo pro and that they need to impeach the President. What they forget is what Mr. Gaetz brought up just a few minutes ago. Yermak talks with Sondland, Sondland talks with Morrison, Morrison talks with Taylor, and this is part of their scheme. Guess what? 2 days ago, the guy who started it, Yermak, said it didn't happen. But that is their guy, Mr. Sondland. Had to file the addendum to his testimony, had to write this sentence to clarify. I think this is amazing. This is the clarification. Ambassador Taylor recalls that Mr. Morrison told Ambassador Taylor that I told Mr. Morrison, I mentioned to Mr. Yermak on September 1, 2019, in connection with Vice President Pence visit to Warsaw in a meeting with President Zelensky. Yermak is the key here, and it didn't happen. He just told us that, Time Magazine just reported it. The very same day as Mr. Gaetz pointed out that you all filed your Articles of Impeachment.

Holy cow. This is what it comes down to. I yield back. Mr. Chairman.

Chairman NADLER. The gentleman yields back. What purpose does the gentleman——

Mr. DEUTCH. Mr. Chairman, I ask unanimous consent to strike the last word.

Chairman NADLER. For what purpose does Ms. Demings seek recognition?

Mrs. DEMINGS. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. DEMINGS. You know, let me just say, I have been pretty shocked and disappointed with my colleagues on the other side. There have been so many things that have been said, like, the President never used the word "demand." Well, I can tell you this: When a robber points a gun at you to take your money, they usually don't walk up and say, "I am robbing you right now."

The other argument that we have heard this morning is that, "Well, the aid was released. It was eventually released. There was no investigation. There was no announcement of an investigation." But, you know, the aid was released because the President got caught. It was released after the whistleblower's complaint. It was released after public reports that the aid was being held because Ukraine was being coerced into doing an investigation and Congress had initiated congressional investigations into why the aid was being released.

You know, we can talk about alternative facts all day long, but the facts are really pretty clear: that the President abused his power, the precious power of his office, to coerce a country that was dependent on us, a country who is fighting Russian aggression—because when Ukraine fights Russian aggression, they are helping us fight Russian aggression—and he did it for personal gain. And he should be held accountable.

Mr. Chair, I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. BIGGS. Mr. Chairman, I have a unanimous consent request.

Chairman NADLER. Who seeks recognition for a unanimous consent request?

Mr. BIGGS. Biggs from Arizona.

Chairman NADLER. The gentleman is recognized for a unanimous consent request.

Mr. BIGGS. Thank you, Mr. Chairman.

My first unanimous consent request is the record of the correspondence and subpoena served on executive branch officials by Chairman Schiff. And we have concerns because three of those were served prior to the passage of H. Res. 660.

Chairman NADLER. We will reserve the right to object. We will take a look at that.

Mr. BIGGS. Thank you.

And I have another one, Mr. Chairman.

Chairman NADLER. The gentleman will state it.

Mr. BIGGS. Thank you. It is two letters sent by the Office of the Vice President, dated October 15 and December 11.

The first explains the overbroad scope of the document request from Chairman Schiff but offers to work with Congress to advance legitimate oversight authorities.

The second letter points out an inaccuracy in Chairman Schiff's report. Contrary to an assertion contained in Chairman Schiff's report at the time of the release of these reports——

Chairman NADLER. Are these public correspondence?

Mr. BIGGS. They are correspondence between the Vice President and——

Chairman NADLER. Then without objection.

[The information follows:]

MR. BIGGS FOR THE OFFICIAL RECORD

OFFICE OF THE VICE PRESIDENT
WASHINGTON

October 15, 2019

VIA ELECTRONIC MAIL ONLY

The Honorable Elijah E. Cummings
Chairman
House Committee on Oversight and Reform
Washington, D.C. 20515

The Honorable Eliot L. Engel
Chairman
House Committee on Foreign Affairs
Washington, D.C. 20515

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

Dear Chairmen:

The Office of the Vice President has received the Committees' Letter to the Vice President, dated October 4, 2019, which requests a wide-ranging scope of documents, some of which are clearly not vice-presidential records, pursuant to a self-proclaimed "impeachment inquiry." As noted in the October 8, 2019 letter from the White House Counsel to each of you and to Speaker Nancy Pelosi,[1] the purported "impeachment inquiry" has been designed and implemented in a manner that calls into question your commitment to fundamental fairness and due process rights.

The Office of the Vice President recognizes the oversight role of your respective committees in Congress. Please know that if the Committees wish to return to the regular order of legitimate legislative oversight requests, and the Committees have appropriate requests for information solely in the custody of the Office of the Vice President, we are prepared to work with you in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers. Until that time, the Office of the Vice President will continue to reserve all rights and privileges that may apply, including those protecting executive privileges, national security, attorney-client communications, deliberations, and communications among the President, the Vice President, and their advisors.

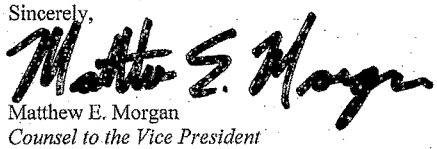
As detailed in the White House Counsel Letter, the House of Representatives has not authorized any "impeachment inquiry." Specifically, the operative House rules do not delegate to any committee the authority to conduct an inquiry under the impeachment power of Article I, Section 2 of the Constitution. Instead of being accountable to the American people and casting a vote to authorize what all agree is a substantial constitutional step, you have instead attempted to

[1] Letter from Pat A. Cipollone, White House Counsel, to Speaker Nancy Pelosi and Chairmen Adam B. Schiff, Eliot L. Engel, and Elijah E. Cummings (Oct. 8, 2019).

avoid this fundamental requirement by invoking the Speaker's announcement of an "official impeachment inquiry" at a press conference.[2] Never before in history has the Speaker of the House attempted to launch an "impeachment inquiry" against a President without a majority of the House of Representatives voting to authorize a constitutionally acceptable process.

The Office of the Vice President encourages the Committees to forgo their request to the Office of the Vice President, or hold it in abeyance, pending your discussion with the White House Counsel's Office concerning compliance with constitutionally mandated procedures. Similarly, the Office of the Vice President encourages the Committees to first seek information from primary sources that may be responsive to your broad requests.

Sincerely,



Matthew E. Morgan
Counsel to the Vice President

cc: Hon. Kevin McCarthy, Minority Leader, House of Representatives
Hon. Jim Jordan, Ranking Member, House Committee on Oversight and Reform
Hon. Michael McCaul, Ranking Member, House Committee on Foreign Affairs
Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on Intelligence

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[2] Speaker of the House Nancy Pelosi, *Press Release: Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019), www.speaker.gov/newsroom/92419-0.

OFFICE OF THE VICE PRESIDENT
WASHINGTON

December 11, 2019

VIA ELECTRONIC MAIL ONLY

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

Dear Chairman Schiff:

The Office of the Vice President has received your letter, dated December 6, 2019, which requests the voluntary declassification of information, from a supplemental submission provided by one of your witnesses, concerning the Vice President's classified call on September 18, 2019 with President Zelensky of Ukraine.

In your Impeachment Inquiry Report, which was issued publicly on December 3, 2019, you falsely claimed that the "Committee has requested that the Office of the Vice President conduct a declassification review."[1] That statement was not an accurate when written or when the Committee voted on the report. It was not until three days *after* the vote that Committee staff sent your letter to our Office. In fact, the Office of the Vice President has not even been provided with the supplemental submission. This once again illustrates the Committee's lack of commitment to fundamental fairness and due process.

While the contents of a classified call with a foreign head of state should never have been discussed in an unclassified Committee hearing or an unclassified deposition, it is clear from public testimony that the Vice President never raised the Bidens, Burisma, or Crowdstrike in his conversations with President Zelensky. As you well know, a witness answered your direct question that the Vice President never raised those investigations.[2] As such, the request to declassify and release another world leader transcript serves no purpose.

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[1] See Report of the House Permanent Select Committee on Intelligence, *The Trump-Ukraine Impeachment Inquiry Report* (Dec. 3, 2019), 147.

[2] See, e.g., Public Testimony of Jennifer Williams, November 19, 2019.

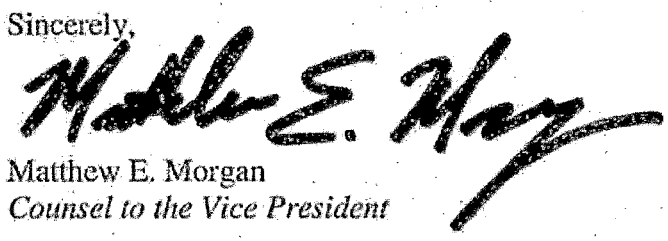
Chairman Schiff: "So in the context of this meeting with two or three dozen people, the Vice President didn't bring up those investigations, correct?"

Jennifer Williams: "No, he did not. **He never has.**" (Emphasis added).

The House Permanent Select Committee on Intelligence has already voted out its partisan Report and transmitted it to the House Judiciary Committee. Following a press conference by the Speaker of the House, the House Judiciary Committee's Democratic majority has released two proposed articles of impeachment. At this point, the Intelligence Committee's oversight authority is limited to those areas in which it may potentially legislate or appropriate.

Your request, coming after the completion of your Report, serves no legitimate legislative or impeachment inquiry purpose.

Sincerely,



Matthew E. Morgan
Counsel to the Vice President

cc: Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on Intelligence

Mr. BIGGS. Thank you, Mr. Chairman.

Mr. COLLINS. Mrs. Roby.

Chairman NADLER. For what purpose does Mrs. Roby seek recognition?

Mrs. ROBY. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. ROBY. I yield to my friend, Mr. Reschenthaler.

Mr. RESCHENTHALER. Thank you.

I think that we have to remember that the abuse of power is coming from the quid pro quo charge, which then morphed into bribery.

The problem is that my colleagues across the aisle can't make out what, again, what we call a prima facie case, meaning the elements are not supported by the facts. So let's just go back and look at the Federal statute for bribery. The elements are as follows: whoever, being a public official, corruptly demands or seeks personally anything of value in return for being influenced in the performance of an official act.

Now, we could tear apart each one of these elements, but let me just focus on "corruptly." The President didn't have corrupt intent, and that is why the Democrats cannot make out a prima facie case.

Contrary to Schiff's parody version of the July 25 call, the President wasn't asking Ukraine to, quote/unquote, "make up dirt about my opponent." That quote came from a parody from Chairman Schiff. The President didn't say it in the phone call. For whatever reason, that is being missed.

There was also significant reason to believe that the Bidens were involved in corruption, and there is also evidence Ukrainian officials colluded with Democrats in the 2016 campaign. Now, there has been a lot of talk about this being a conspiracy theory. It is not a conspiracy theory. The Hill, Politico, Financial Times all reported on this, and, for whatever reason, now it is being labeled a conspiracy theory.

Also, the President was not seeking to help with his 2020 campaign. Rather, he was seeking accountability regarding Ukraine Democrat collusion in 2016 and also potential corruption in the Obama administration's dealing with Ukraine as well.

And we have to remember, too, what Professor Turley said. And, remember, Professor Turley voted for Hillary Clinton. He is not a Trump supporter. He was very impartial. And he said, and I quote the professor, "Trump does not state a quid pro quo in the call. He is using his influence to prompt the Ukrainians to investigate and to cooperate with the Justice Department. If President Trump honestly believed there was a corrupt agreement with Hunter Biden that was not fully investigated by the Obama administration, the request for an investigation is not corrupt." And, again, I was quoting Professor Turley.

I would also like to quote the Mueller report. And just an aside: We have to remember, months ago, Robert Mueller came in here and he said there was no evidence of collusion, no evidence of obstruction. But, again, we are back here.

Okay, let me just go back to the Mueller report. There was discussion of "corruptly" in that report. As it pertains to obstruction of justice, it was stated, quote, "'Corruptly' means acting with an

improper motive or with intent to obtain an improper advantage for himself or someone else, inconsistent with the official duty and the rights of others."

By that standard, by Mueller's own standard, the President's behavior is entirely inconsistent with the definition of the underlying statute.

With that, I yield back to my friend and colleague from Alabama.

Mrs. ROBY. I yield the remainder of my time to the gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. I thank my friend, Mrs. Roby, so much.

First of all, I was astounded, having been a prosecutor—I have defended some cases. I have been a judge. I have sent a lot of people to prison. But I have never sent someone to prison where the victim didn't know or figure out that they were a victim.

That is extraordinary to hear, that you can commit a crime like bribery or theft or robbery and the victim never knows, never figures out they are the victim. I have never sent anybody to prison when the victim——

Mr. COLLINS. Would the gentleman——

Mr. GOHMERT [continuing]. Didn't know they were a victim.

Mr. COLLINS. Mr. Gohmert.

Mr. GOHMERT. Yes. I will yield.

Mr. COLLINS. I want to make a—Mrs. Roby——

Chairman NADLER. It is Mrs. Roby's time.

Mr. COLLINS. I will let it go.

Mrs. ROBY. I yield to Mr. Collins.

Mr. COLLINS. Nope. I yield back to Mr. Gohmert.

Mr. GOHMERT. And, also, there is probably nobody on this committee that has followed what has happened over time in Ukraine more than I have. And there is no question, Putin wants the old Soviet empire back.

And what happened when President Bush was in office, Putin had Russia invade Georgia. And President Bush reacted strongly, and he put sanctions in place. And so what happened when President Obama took office and Secretary Clinton was in office? They went over there with a red plastic "reset" button, and the message was clear to Putin: "Look, Bush overreacted when you invaded Georgia, so you can invade Ukraine, and we are okay." That may not have been what they intended, but that is exactly what Putin heard, and that is why he invaded Ukraine, Crimea.

And you are upset at Trump? For heaven's sake.

Chairman NADLER. The gentleman's time has—the gentlelady's time has expired.

For what purpose does Mr. Raskin seek recognition?

Mr. RASKIN. I move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. RASKIN. Thank you very much.

Our colleagues reproved Mr. Cicilline for raising Ambassador David Sondland, who is President Trump's Ambassador to the EU, which has fascinated me, of course, because that is President Trump's pick. He contributed a million dollars to the Trump campaign; he became the Ambassador to the EU. They don't like him now because he clarified his testimony to say, yes, there was defi-

nitely a quid pro quo at the heart of this whole thing. So, now, of course, they turn on the President's own Ambassador.

But we don't have to rely on his word—I started to mention this before—because he had a lunch with David Holmes, who was the senior State Department official at the U.S. Embassy in Kyiv. And they went out to a restaurant, and Ambassador Sondland got President Trump on the phone. And Holmes could hear the conversation. And this is all uncontradicted by other witnesses who were there. And, essentially, Ambassador Sondland said to him that, you know, "Zelensky loves your ass, and you are going to get exactly what you want from him."

And, afterwards, Holmes says, "Well, you know, what is it we can get from him?" "Well, it is the big stuff." And Holmes said, "The big stuff? Well, you mean like the war? Dealing with Russia?" "No. The big stuff. What President Trump cares about."

Okay. Now, I am not quoting verbatim because I don't have it in front of me, but the substance of this is very clear. What does he care about? What can benefit him? Like the Bidens.

And it is very clear from multiple witnesses exactly what President Trump wanted to get from President Zelensky. He wanted a statement on television that Ukraine was investigating and was going to investigate Vice President Joe Biden. And he wanted a statement contradicting the 2016 understanding by our Intelligence Committee and by Special Counsel Mueller that there had been a sweeping and systematic campaign by Russia to interfere in our campaign and saying it was Ukraine that interfered in our campaign.

That is what he wanted. That was the big stuff. He didn't care about the Russian war on the people of Ukraine. He didn't care about corruption.

They invite us to believe that Donald Trump is an anticorruption crusader who was shaking down President Zelensky about corruption, when he doesn't raise any corruption on that call, except for what he believed was going on with the Bidens; except that he reduced the anticorruption funding for Ukraine; except he doesn't raise it anywhere else that we can find.

And what do you know? You pick up The New York Times yesterday. President Trump had to pay $2 million to charities because he ripped off his own charity for millions of dollars. This is the anticorruption crusader they want us to believe in, the guy who had to pay $25 million to students at the phony Trump University, which the attorney general of New York called a classic bait-and-switch operation. This is the guy that they want us to believe was shaking down the President of Ukraine because he had some secret anticorruption agenda that actually wasn't related to the Bidens, that wasn't related to rehabilitating the totally discredited Russian conspiracy theory that it was Ukraine and not Russia that interfered in our campaign in 2016.

Come on. Get real. Be serious. We know exactly what happened here. Seventeen witnesses. It is uncontradicted. There is no rival story. No rival story at all.

And our colleagues will not even tell us whether in theory they think it would be wrong for the President of the United States to shake down foreign governments to come and get involved in our

Presidential campaigns in order to harm the President's political opponents. They won't even tell us in principle whether they think that is wrong, because they think it is too dangerous at that point.

We know that they don't accept the facts. We know they don't accept the evidence. They don't like the fact that the depositions took place in the basement? Where should they have been? On the first floor? The second floor? Would they accept the facts if we found some other room? Would that be all right?

Because their people were there. I was in that room. There were Democrats; there were Republicans. The Democratic counsel got an hour; the Republican counsel got an hour. It was even on both sides.

Enough of these phony process objections. Let's get back to the facts of what happened. The President of the United States shook down a foreign power to come get involved in our election. That is wrong.

I yield back.

Mr. DEUTCH. Mr. Chairman?

Chairman NADLER. The gentleman yields back.

Mr. DEUTCH. Mr. Chairman? Down here.

Chairman NADLER. For what purpose does the gentleman seek recognition?

Mr. DEUTCH. I move to strike the last word.

Chairman NADLER. No, no, no. Their side.

Mr. DEUTCH. Sorry.

Chairman NADLER. The gentleman, Mr. Armstrong, is recognized. For what purpose does Mr. Armstrong seek recognition?

Mr. ARMSTRONG. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. ARMSTRONG. Thank you, Mr. Chairman.

First, I think it bears mentioning that there is a lot about David Holmes I would say, but what I would say first is that, for a guy who heard part of one-half of a 3-minute phone call, he had a 40-minute opening statement. And Sondland testified that Biden was never linked in his mind until the transcript was released at the end of August.

And the Democratic report does not—not the Republican report—the Democratic report does not establish any language between the announcement or understanding of investigations for his personal political benefit. The only testimony Democrats rely on to prove that allegation is Ambassador Sondland's testimony.

However, they conveniently leave out the most crucial aspect of the Ambassador's testimony, and that is, after being questioned, he only presumed the linkage. In fact, he admitted in his public testimony that no one in the world told him there was any linkage. But this is the basis for the Democrats' Article I.

I want to go to a little broader reason of why we should accept Mr. Jordan's amendment. A Democratic Senator was quoted saying, "Never, in my view, had America been led by such a dangerous head of state." He bemoaned that America was misled by a "reckless and arrogant President." That was Senator Robert Byrd from West Virginia describing George W. Bush.

Ronald Reagan was accused of abuse of power for pushing a growth-based economic agenda, for committing troops to Lebanon, or for turning back the Sandinistas in Nicaragua.

Clinton, excluding the impeachment, was accused of abuse of—accusations for an Asia fund-raising scandal; four dozen donors were arrested; aides getting sweetheart appointments; use of the FBI to dig up dirt on political employees; Waco; and a Swedish slush fund.

George W. Bush was accused of abuse of power for domestic spying, an Energy Task Force controversy, Presidential Records Act, steel tariffs, the Iran-Iraq war, and NSA overreach.

Obama's IRS engaged in politically motivated targeting of charitable groups; Fast and Furious gun-running scandal; collected telephone records on AP journalists without a warrant; the seizure of private property under the guise of environmental protection.

The problem we are running into, which is going to last far longer than today and far longer than this Congress, is this will become the new normal. Every one of those things I mentioned had reports written about them. They probably had election consequences. There were hearings held. You know what they didn't have? A nebulous, ambiguous charge of abuse of power.

If you cannot prove an underlying crime, you do not get to use all of the evidence you are presenting forward. This will continue. This will move forward. In the history of our country, the party who is not in the White House has accused the White House of abuse of power. It started 200 years ago. It will continue into the future. Except, now, congratulations, it will be impeachment every single time one party controls the House of Representatives and the other party is in the White House.

And, with that, I would yield to my friend from Louisiana.

Mr. JOHNSON of Louisiana. I thank my friend.

I just want to point out, we are talking about—and we have been for the last 2 hours—this amendment that Mr. Jordan brought. He wants to strike Article I of the resolution, because the resolution isn't worth the paper it's written on.

Why do we need to do that? Article II, Section 4 of the Constitution is what gives us the standard for impeaching a President. You have to have treason; you have to have bribery or a high crime and misdemeanor. You guys have defaulted to this amorphous abuse-of-power allegation. It is not a criminal act. It is not a crime. It is certainly not a high crime.

There is one problem that everybody can—to summarize all this—if you are getting lost in the arguments at home, here is what it comes down to. In the 243-year history of this country, there are only two previous Presidents that have been impeached by a vote of the House. It was, of course, Andrew Johnson and Bill Clinton.

In both of those and in the lengthy Nixon impeachment investigation, evidence clearly established that specific criminal acts were committed. Evidence clearly established that specific criminal acts were committed.

These guys don't have that here. They know it. You know it. It is not on paper in the resolution in Article I or Article II. It is in nothing that has been said here in the last 2 hours.

These facts don't change. This is a completely unprecedented, single-party impeachment charade, and everybody at home can see that clearly. These things don't change, and they won't.

I will yield back to my friend.

Chairman NADLER. It is Mr. Armstrong's time.

Mr. COLLINS. Mr. Armstrong. Mr. Armstrong.

Mr. ARMSTRONG. I yield to my friend from Florida.

Mr. GAETZ. I thank the gentleman for yielding.

No evidence.

Quote, "When Time asked Yermak if he ever felt there was a connection between U.S. military aid and the request for investigations, Yermak was adamant. 'We never had that feeling. We did not have the feeling this aid was connected to any one specific issue.'"

Mr. Chairman, I seek unanimous consent to enter this Time magazine article of 12/10/2019 into the record.

Chairman NADLER. Without objection, the article will be entered.

[The information follows:]

MR. GAETZ FOR THE OFFICIAL RECORD

TIME

Exclusive: Top Ukraine Official Andriy Yermak Casts Doubt on Key Impeachment Testimony

Andriy Yermak, a top adviser to Zelensky, at his office in Kyiv on Dec. 4 Paolo Verzone—Agence VU for TIME

BY **SIMON SHUSTER / KYIV**

DECEMBER 10, 2019

Since the start of the public impeachment hearings in Congress last month, Andriy Yermak, a top adviser to the President of Ukraine, has heard his name come up again and again in witness testimony. He took part in many of the events at the center of the impeachment inquiry, and the 300-page report released last week by the inquiry mentions Yermak dozens of times.

But in his first interview about those public hearings, Yermak has questioned the recollections of crucial witnesses in the impeachment inquiry into President Donald Trump's alleged abuse of his office for political gain.

"Listen, I want to tell you straight," Yermak told TIME in the interview on Dec. 4, the first time he has openly discussed his views on the public impeachment hearings. "Of course, now, when I watch these shows on television, my name often comes up, and I see people there whom I recognize, whom I met and know," he says, referring to the witness testimony. "That is their personal opinion, especially the positions they expressed while under oath. I have my own truth. I know what I know."

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The most crucial point at which Yermak's recollection contradicts the testimony of the inquiry's witnesses relates to a meeting in Warsaw on Sept. 1, when Ukrainian President Volodymyr Zelensky met with U.S. Vice President Mike Pence. The meeting was part of an ongoing effort by the Zelensky administration to improve ties with the Trump administration.

One of the American diplomats who attended that meeting, Gordon Sondland, the U.S. Ambassador to the European Union, testified before the inquiry last month that he pulled Yermak aside after the Warsaw meeting and delivered an important message: U.S. aid to Ukraine would probably not resume until Zelensky's government announced two investigations that could implicate President Trump's political rivals.

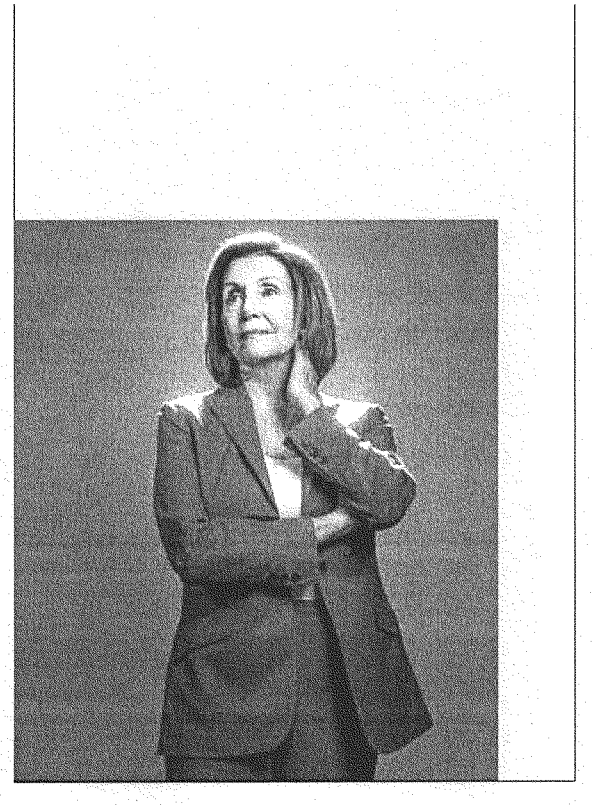
"I told Mr. Yermak that I believed that the resumption of U.S. aid would likely not occur until Ukraine took some kind of action on the public statement that we had been discussing for many weeks," Sondland testified.

This statement was allegedly intended to announce two investigations: one into the discredited claims that Ukraine helped Hillary Clinton's campaign in the 2016 presidential election, and another related to the work that Hunter Biden, the son of presidential candidate Joe Biden, did for a Ukrainian gas company, Burisma Holdings, while his father was the U.S. Vice President.

| SPOTLIGHT STORY |

'We've Upped the Ante.' Why Nancy Pelosi Is Going All in Against Trump

From impeachment to Iran, the House Speaker is taking on President Trump



Based on the testimony from Sondland and other witnesses, the final report from the House Intelligence Committee concluded last week that Sondland made this offer of a quid pro quo clear to Yermak that day in Warsaw. "Following this meeting, Ambassador Sondland pulled aside President Zelensky's advisor, Mr. Yermak, to explain that the hold on security assistance was conditioned on the public announcement of the Burisma/Biden and the 2016 election interference investigations," the report states.

Yermak disputes this. "Gordon and I were never alone together," he said when TIME asked about the Warsaw meeting. "We bumped into each other in the hallway next to the escalator, as I was walking out." He recalls that several members of the American and Ukrainian delegations were also nearby, as well as bodyguards and hotel staff, though he was not sure whether any of them heard his brief conversation with Sondland. "And I remember – everything is fine with my memory – we talked about how well the meeting went. That's all we talked about," Yermak says.

These comments cast doubt on an important moment in the impeachment inquiry's reconstruction of events: specifically, the only known point at which an American official directly tells the Ukrainians about the link between U.S. aid and the announcement of specific investigations.

In a statement, Sondland's lawyer said "Ambassador Sondland stands by his prior testimony and will not comment further." Yermak said no one from the congressional committees that are overseeing the impeachment inquiry has contacted him to seek his testimony, nor have any other U.S. officials.

In his initial testimony to the impeachment inquiry in October, Sondland said he never knew the U.S. aid to Ukraine was conditional on the investigations Trump wanted. But the following month, Sondland amended his testimony with a new sworn statement, in which he described the conversation with Yermak in Warsaw. "I now recall speaking individually with Mr. Yermak, where I said that resumption of U.S. aid would likely not occur until Ukraine provided the public anti-corruption statement that we had been discussing for many weeks," Sondland wrote in the amended testimony.

Legal experts said at the time that the amendment looked like an attempt to protect Sondland from accusations that his initial testimony had misled Congress. Lying to Congress is a crime that can carry a punishment of up to five years imprisonment.

The White House rejected Sondland's amended testimony at the time, saying that it was only his assumption that there was a link between the aid and the

investigations, and claiming that he had not "identified a solid source" for his claims that this link existed. President Zelensky and his advisers have previously denied knowing about such a link.

In an interview with TIME and three European publications on Nov. 30, President Zelensky denied ever talking to Trump "from the position of a quid pro quo." "That's not my thing," he said during that interview.

President Trump and his allies seized on those remarks as evidence of his innocence. "The Ukrainian president came out and said very strongly that President Trump did absolutely nothing wrong. That should be case over," Trump told reporters on the day TIME published that interview.

Independent fact-checkers found these remarks misleading, and noted that President Zelensky also voiced criticism of the Trump Administration during the interview. In particular, Zelensky questioned the fairness of the decision to block U.S. military aid to Ukraine, suggesting that this was not the way strategic allies should behave toward each other.

Many observers criticized Trump for cherry-picking parts of the Zelensky interview last week, and pointed out that Ukraine is still deeply dependent on the U.S. for financial and political support, making it difficult for Zelensky and his aides to contradict Trump's arguments against the impeachment inquiry.

The new interview with Yermak is likely to revive that debate. When TIME asked him whether he had ever felt there was a connection between the U.S. military aid and the requests for investigations, Yermak was adamant: "We never had that feeling," he says. "We had a clear understanding that the aid has been frozen. We honestly said, 'Okay, that's bad, what's going on here.' We were told that they would figure it out. And after a certain amount of time the aid was unfrozen. We did not have the feeling that this aid was connected to any one specific issue."

One of the top priorities for the Ukrainian government's foreign policy is to arrange a state visit to the U.S. and a meeting between Trump and Zelensky in

the Oval Office. On the morning of our interview, Yermak had met in Kyiv with two senior U.S. diplomats who testified before the inquiry last month, George Kent and Philip Reeker, in part to discuss the Ukrainian hope of visiting the White House soon. "My colleagues supported me," Yermak said, referring to Kent and Reeker. He added that they did not discuss any specific dates for the visit. (The U.S. embassy declined to make Reeker and Kent available for comment during their visit to Kyiv last week.)

"Once the President has meetings in the White House, in Congress and in business circles, it will create a final understanding that this is a new team, a new set of leaders in Ukraine, a set of leaders who have come to change the country, to fight corruption, who in the course of three months in parliament, and six months of our tenure, have achieved a whole lot," Yermak says.

For Yermak, the most unpleasant part of the public impeachment hearings so far has been the publication of his private communications with senior U.S. diplomats. These messages appear to show Yermak discussing the wording of a statement that President Zelensky could make to announce the investigations Trump wanted.

In his interview with TIME, Yermak suggested that the published messages do not give a full picture of the conversations he had with U.S. officials about this, especially his exchanges with Kurt Volker, the State Department's special envoy to Ukraine.

"I do not intend to publicize what I wrote to anyone. Those are my principles," Yermak said.

When TIME pointed out that his private communications with U.S. officials had already been made public as part of the impeachment inquiry, Yermak added: "I am not going to comment on whether that was all we wrote to each other, whether it was incomplete or something else. But I remember very clearly what I said, what I did and whom I wrote to. I can tell you 100%, and I can answer for this, that everything I did was right. Everything I did was within the law, and I never crossed the line, never violated legal norms or moral ones."

According to the report issued last week as part of the impeachment inquiry, the closest that Ukraine came to announcing the investigations Trump wanted was during an interview that President Zelensky had planned to give CNN in September.

"After hearing from President Trump, Ambassador Sondland promptly told the Ukrainian leader and Mr. Yermak that 'if President Zelensky did not clear things up in public, we would be at a stalemate,'" the report states. "President Zelensky responded to the demand relayed by Ambassador Sondland, by agreeing to make an announcement of investigations on CNN."

Yermak also disputed this series of events. "The interview with CNN did not happen because of a scheduling conflict, and that's the only reason," he tells TIME. "This statement, which people are choosing to focus on – such statements were put out countless times, and will probably be repeated many times again, because that is our position. To fight corruption. To carry out honest investigations," Yermak added.

But the findings of the impeachment inquiry so far have shown that Trump wanted Ukraine to open two specific investigations, both of which could be used for his political benefit back home. Asked how close Ukraine came to announcing these investigations, and whether that announcement would have helped Trump politically, Yermak said: "Politics doesn't have patience for hypotheticals. 'What if this, and what if that.'"

He added, "Look, we are principled in our position. We did not violate anything. We did not do anything that would amount to crossing a line. At all times we kept our word. We did what we said we would do. So I think it wouldn't be right to give assessments of what line someone may have approached. We never entered into a conspiracy with anyone. We never participated in any conversations under the carpet. It was all public and transparent."

CONTACT US AT EDITORS@TIME.COM.

Chairman NADLER. For what purpose does Mr. Cohen seek recognition?

Mr. COHEN. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COHEN. Thank you, sir.

I took theater and drama when I was in college one course, and I was told the first thing you have to do is have the willing suspension of disbelief. The Republicans, obviously, took that course over and over and over again.

And they don't—I mean, they are the Fifth Avenue crowd. They have talked about Sondland. That is the man the President appointed as his Ambassador to the EU. That is the man he said was a great guy. That is the man who is still employed. And Sondland said they were all in the loop. Pompeo, Giuliani, Mulvaney, Bolton—they were all in the loop. And it was about the quid pro quo. It was about having an investigation announced on CNN, and then you will get the military aid. And Sondland told, in Warsaw, one of the aides to President Zelensky, "You have to announce the investigation." It was a strong-arm. They did it.

And where do we get these people in the loop to testify? They have been asked to testify; the President says no. He won't let them testify. Because he knows that if they tell the truth, it will hurt his case, because they know that they held up the military aid.

President Zelensky has no choice. He needs America to protect himself from the big bear, Russia. They say he hasn't said that he felt pressured. Well, A, he is an actor, and, B, he is a politician. And he depends on us. He has no choice. And so he can't say that. But you knew it, and he told people, and he knew the aid was being withheld. They knew it on July the 25th. There were communications from the Embassy that have been released that they knew the aid was being held up. They knew it was being held up.

There was no reason for President Trump to tell Sondland, "No quid pro quo, I don't want anything," except for saying, I want you to testify that I told you this. Because he knew that the whistleblower had come out and blown their cover, and he knew that the jig was up. So he needed to find a way to say something that would be in the record. And Sondland remembered it.

Their best witness—they talk about the three professors, three of the most respected professors in America, all of who came in here and said this is the most impeachable President. This abuse of power is one of the most serious offenses you can imagine. It is the Constitution, it is the law of the land. And if you abuse your power, that is the most impeachable crime you can be charged with.

And they forget their witness, Mr. Turley, said what the President did was wrong. He didn't come in and give a clean bill of health to the President. He said, you need some more information, you need some more proof. But you can't get the proof because the President won't allow his men to testify. One of them is writing a book. One of them is still in the interim job. The other one is running for Senator. They can't do it.

The proof is there. This is the most abusive act we can imagine, trying to influence our elections with foreign interference. That takes power away from the American people, and that would end

our country as we know it—a democracy, a shining city on the hill, a beacon of hope to people around the world who followed our revolution by changing their governments to giving people the power and not kings. And this is a way to revert back to a king, a man who thinks he can do whatever he wants. If it is Article II, says, "I can do whatever I want; I am President." That is not right.

When he said, "I need a favor though," he was talking about getting dirt on the Bidens. He feared Joe Biden as his primary political rival. Michael Cohen told us, the President doesn't come out and say exactly what he wants; he speaks in code. That is the President's code. Michael Cohen knows it, and Michael Cohen is in prison now.

Individual 1 is not in prison because Individual 1 could not be indicted because of the Justice Department's policies that say you can't indict a sitting President. But Michael Cohen is in prison because he facilitated the payments to Ms. Daniels and the payments to Ms. McDougal.

You talk about abuse of power. Abuse of power is having a charitable foundation and taking advantage of the charities and using the money for your own purposes and having to pay a $2 million fine and not being allowed to be on a board ever again because you don't have the character to be over a charitable foundation. Abuse of power is ripping off people with Trump University and paying $25 million.

I yield back the balance of my time.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Cline seek recognition?

Mr. CLINE. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. CLINE. Thank you, Mr. Chairman.

I am not going to go into why I don't see any of the remarks from the gentleman from Tennessee in these Articles of Impeachment, but I do want to say, I am a little incredulous. As a prosecutor, I am just so amazed at what the majority are calling facts. They keep talking about the facts and the evidence. Well, their evidence is in dispute because it is based on hearsay, opinion, and speculation. These are not facts; this is testimony about what somebody thought or what somebody concluded from acts taken by members of the administration.

The charge is abuse of power, but what the majority is really upset about is the fact that the President and the administration is exercising its power under the Constitution, its authorized powers.

For example, the President's authority to set foreign policy and fire, for example, an ambassador is not a smear on an official. It is the use of Article II, Section 2 of the Constitution. The President is authorized by statute to put a stop on the distribution of funds. The President is instructed in the NDAA to ask for and monitor investigations into corruption in the Ukraine.

When you talk about direct testimony from individuals like Lieutenant Colonel Vindman and Mr. Morrison, you have the fact that they were on the call, and the transcript speaks for itself, but you have opinions and conclusions after that.

And when it comes to actual testimony that hasn't been heard, it just shows that the majority really doesn't have any interest in getting to the bottom of this question, because if they did care about actually finding out facts, they would be calling Mr. Yermak back into this committee. They would be delaying this process. Because what we have read from this article in Time magazine is incredible and exculpatory and, quite frankly, a bombshell.

When you have specific rejection of claims made by Ambassador Sondland that he was told the aid to Ukraine would not be released unless investigations were launched, why is he not in here?

"When asked if he thought there was a connection between the aid and the investigations, Yermak stated, 'We never had that feeling.' He added that 'we had a clear understanding that the aid has been frozen. We honestly said, "Okay, that's bad, what's going on here?" We were told that they would figure it out. And after a certain amount of time, the aid was unfrozen. We did not have the feeling that this aid was connected to any one specific issue.'"

If you ignored this evidence and you were in a court case, you would lose your law license for allowing a case to go forward without this exculpatory evidence being provided to the defense. It is just so ridiculous to me that we are not taking time to look further into this.

And, with that, I want to yield to Mr. Collins, the ranking member.

Mr. COLLINS. Thank you, Mr. Cline.

Well, I appreciate so much the gentleman from Tennessee. He just answered a ton of questions for me about his understanding of props and theatrics by his study of drama in his higher education, because now we understand a lot of things.

But, also, we have another thing. Folks who have studied drama also understand you read the lines. They can read the transcript. Quit saying, "I want you to do me a favor." It is not in the transcript. It must be hard to read. I guess "me" and "us" gets confused when you are trying to make up facts. That is what is happening here.

But he also just proved my point. While Mr. Jordan's article is actually—the amendment is actually good, because it is what I have said all along. The moment I saw that they decided to use abuse of power, what they did is they gave their whole conference carte blanche to make up anything they want and call it abuse of power, because they don't have anything else to give. They don't have actual crime that they can add up. If they did, as was portrayed from the gentleman from Maryland and so many others—if you had the crime, if you had it, you would have put it in the articles. You didn't do it.

But then the last thing that is amazing to me, and the gentleman from Tennessee said it, he called Mr. Zelensky a politician and an actor in a derisive way, basically implying politicians lie—well, we have seen that this morning, even in just what they are talking about, how they can't even read a transcript—and that he is an actor.

It is amazing to me how we on this committee are denigrating Mr. Zelensky in the eyes of his country and in the world because we can't make a case against this President. This is the tragedy of

this impeachment right now, is they are trying to denigrate—because they can't make the fact that he felt pressured. That is a critical element of their case.

I yield back to Mr. Cline.

Mr. COHEN. Unanimous consent request.

Chairman NADLER. Who yields back?

Who is seeking recognition?

Mr. COHEN. Unanimous consent request.

Chairman NADLER. Who is seeking recognition for a unanimous consent request?

The gentleman will state his unanimous consent.

Mr. COHEN. I would like a unanimous request to introduce the editorial from the USA Today today that called for the impeachment of the President——

Chairman NADLER. Without objection.

Mr. COHEN [continuing]. From the Los Angeles Times, from The Philadelphia Inquirer, and from The Boston Globe.

Chairman NADLER. Without objection.

[The information follows:]

MR. COHEN FOR THE OFFICIAL RECORD

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OPINION

Impeach President Donald Trump | Philadelphia Inquirer Editorial Board

Updated: December 11, 2019 - 5:55 PM

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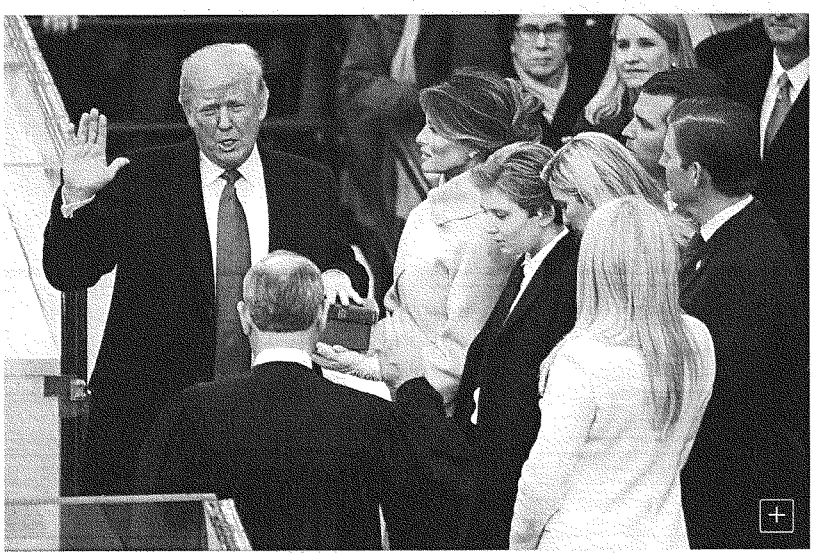

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MATT ROURKE / AP

Since taking office as president in 2017, Donald Trump has used the unfiltered power of social media to broadcast his daily disdain and mockery of rivals, and to promote his version of the truth.

That he has continued this mockery to the impeachment process — the most serious action Congress can initiate beyond a declaration of war — is of grave concern.

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On Tuesday, the Democratic leadership of the House of Representatives unveiled two articles of impeachment against the president, calling for his trial and removal from office, and charging abuse of power and obstruction of Congress.

The first article charges Trump with abuse of power for "soliciting the interference of a foreign government to influence the 2020 presidential election." Trump's pressuring Ukraine to act on his behalf in the campaign, holding federal aid hostage in the process, has harmed our national security – and our democracy.

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But it is the second article – the obstruction of Congress, by his "unprecedented, categorical and indiscriminate defiance of subpoenas" — that should have us all frightened. It reads:

"In the history of the Republic, no President has ever ordered the complete defiance of an impeachment inquiry or sought to obstruct and impede so comprehensively the ability of the House of Representatives to investigate 'high Crimes and Misdemeanors.' This abuse of office served to cover up the President's own repeated misconduct and to seize and control the power of impeachment — and thus to nullify a vital constitutional safeguard."

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In defying these orders, and through his continued ridicule of the impeachment process and the members of Congress who initiated it, Trump has severely disrespected his office and the document he swore to protect and uphold. Should this process end with a trial and a Senate vote to remove him from office — a prospect that seems highly unlikely — it's not hard to imagine that he would insist that the process was invalid and refuse to go.

Such an act of tyranny is what the Constitution was created to protect against. That is why this impeachment process is urgent and should move forward without delay.

The impeachment investigation has been an attempt to get to the truth about the president's abuse of power. One career civil servant after another has testified to the same facts confirming the whistle-blower complaint that triggered this investigation. Those facts have not been disputed, even by most of the president's defenders.

That ensures that the shocking language describing Trump's actions — "high crimes and misdemeanors," "threat to national security," and "clear and present danger" — are not partisan weapons.

And that is why we endorse a vote to impeach the president. While his removal from office is unlikely, his crimes against the country, and the Constitution, warrant that outcome.

The articles are expected to go to a full House vote next week. All eyes should be on two local lawmakers, Jeff Van Drew, a Democrat from New Jersey who voted against an impeachment inquiry, and Brian Fitzpatrick, a Republican who has shown a propensity for challenging the party line. Both need to step up on the impeachment vote – if not to punish abuse of power, then to affirm Congress' standing as a coequal branch of government.

Posted: December 11, 2019 - 5:55 PM
The Inquirer Editorial Board | opinion@inquirer.com

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● BREAKING PRUDENTIAL TOWER'S TOP OF THE HUB, SKYWALK TO CLOSE

BREAKING: PRUDENTIAL TOWER'S TOP OF THE HUB, SKYWALK TO CLOSE

EDITORIAL

Impeach the president

Updated December 5, 2019, 5:23 p.m.

The House Intelligence report makes a clear case for impeaching President Trump. ANDREW HARNIK/ASSOCIATED PRESS

From the founding of this country, the power of the president was understood to have limits. Indeed, the Founders would never have written an impeachment clause into the Constitution if they did not foresee scenarios where their descendants might need to remove an elected president before the end of his term in order to protect the American people and the nation.

The question before the country now is whether President Trump's misconduct is severe enough that Congress should exercise that impeachment power, less than a year before the

2020 election. The results of the House Intelligence Committee inquiry, released to the public on Tuesday, make clear that the answer is an urgent yes. Not only has the president abused his power by trying to extort a foreign country to meddle in US politics, but he also has endangered the integrity of the election itself. He has also obstructed the congressional investigation into his conduct, a precedent that will lead to a permanent diminution of congressional power if allowed to stand.

The evidence that Trump is a threat to the constitutional system is more than sufficient, and a slate of legal scholars who testified on Wednesday made clear that Trump's actions are just the sort of presidential behavior the Founders had in mind when they devised the recourse of impeachment. The decision by House Speaker Nancy Pelosi to proceed with drafting articles of impeachment is warranted.

Much of the information in the Intelligence Committee report, which was based on witness interviews, documents, telephone records, and public statements by administration officials, was already known to the public. The cohesive narrative that emerges, though, is worse than the sum of its parts. This year, the president and subordinates acting at his behest repeatedly tried to pressure a foreign country, Ukraine, into taking steps to help the president's reelection. That was, by itself, an outrageous betrayal: In his dealings with foreign states, the president has an obligation to represent America's interests, not his own.

But the president also betrayed the US taxpayer to advance that corrupt agenda. In order to pressure Ukraine into acceding to his request, Trump's administration held up $391 million in aid allocated by Congress. In other words, he demanded a bribe in the form of political favors in exchange for an official act — the textbook definition of corruption. The fact that the money was ultimately paid, after a whistle-blower complained, is immaterial: The act of withholding taxpayer money to support a personal political goal was an impermissible abuse of the president's power.

Withholding the money also sabotaged American foreign policy. The United States provides military aid to Ukraine to protect the country from Russian aggression. Ensuring that fragile young democracy does not fall under Moscow's sway is a key US policy goal, and one that the president put at risk for his personal benefit. He has shown the world that he is willing to

corrupt the American policy agenda for purposes of political gain, which will cast suspicion on the motivations of the United States abroad if Congress does not act.

To top off his misconduct, after Congress got wind of the scheme and started the impeachment inquiry, the Trump administration refused to comply with subpoenas, instructed witnesses not to testify, and intimidated witnesses who did. That ought to form the basis of an article of impeachment. When the president obstructs justice and fails to respect the power of Congress, it strikes at the heart of the separation of powers and will hobble future oversight of presidents of all parties.

Impeachment does not require a crime. The Constitution entrusts Congress with the impeachment power in order to protect Americans from a president who is betraying their interests. And it is very much in Americans' interests to maintain checks and balances in the federal government; to have a foreign policy that the world can trust is based on our national interest instead of the president's personal needs; to control federal spending through their elected representatives; to vote in fair elections untainted by foreign interference. For generations, Americans have enjoyed those privileges. What's at stake now is whether we will keep them. The facts show that the president has threatened this country's core values and the integrity of our democracy. Congress now has a duty to future generations to impeach him.

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USA TODAY

OPINION | Editorial *This editorial reflects the opinion of this publication's Editorial Board.*

USA TODAY's Editorial Board: Impeach President Trump

The president's Ukraine shakedown and stonewalling are too serious for the House to ignore: Our view

The Editorial Board USA TODAY

Published 5:36 p.m. ET Dec. 11, 2019 | **Updated 5:03 p.m. ET Dec. 12, 2019**

"Put your own narrow interests ahead of the nation's, flout the law, violate the trust given to you by the American people and recklessly disregard the oath of office, and you risk losing your job."

USA TODAY's Editorial Board wrote those words two decades ago when it endorsed the impeachment of President Bill Clinton, a Democrat. Now, in graver circumstances with America's system of checks and balances at stake, they apply to another president facing impeachment, Republican Donald Trump.

The current board has made no secret of our low regard for Trump's character and conduct. Yet, as fellow passengers on the ship of state, we had hoped the captain would succeed. And, until recently, we believed that impeachment proceedings would be unhealthier for an already polarized nation than simply leaving Trump's fate up to voters next November.

Trump leaves Democrats little choice

Unless public sentiment shifts sharply in the days and weeks ahead, that is the likely outcome of this process — impeachment by the Democratic-controlled House of Representatives followed by acquittal in the GOP-controlled Senate. So why bother? Because Trump's egregious transgressions and stonewalling have given the House little choice but to press ahead with the most severe sanction at its disposal.

Clinton was impeached by the House (but not removed by the Senate) after he tried to cover up an affair with a White House intern. Trump used your tax dollars to shake down a vulnerable foreign government to interfere in a U.S. election for his personal benefit.

GOP LEADER ON HOUSE JUDICIARY COMMITTEE: Articles establish nothing impeachable and allege no crime

In his thuggish effort to trade American arms for foreign dirt on former Vice President Joe Biden and his son Hunter, Trump resembles not so much Clinton as he does Richard Nixon, another corrupt president who tried to cheat his way to reelection.

This isn't partisan politics as usual. It is precisely the type of misconduct the framers had in mind when they wrote impeachment into the Constitution. Alexander Hamilton supported a robust presidency but worried about "a man unprincipled in private life desperate in his fortune, bold in his temper" coming to power.

Impeachment, Hamilton wrote, was a mechanism to protect the nation "from the abuse or violation of some public trust."

Approve articles of impeachment

Both articles of impeachment drafted by the House Judiciary Committee warrant approval:

►**Abuse of power.** Testimony before the House Intelligence Committee produced overwhelming evidence that Trump wanted Ukraine's new president to announce investigations into the Bidens and a debunked theory that Ukraine, not Russia, interfered in the 2016 U.S. election.

To pressure the Ukrainian leader, Trump withheld a White House meeting and nearly $400 million in congressionally approved security aid, funding that was released only after an unnamed official blew the whistle.

To former national security adviser John Bolton, the months-long scheme was the equivalent of a "drug deal." To Bolton's former aide Fiona Hill, it was a "domestic political errand" that "is all going to blow up." To Bill Taylor, the top U.S. diplomat in Ukraine, "it's crazy to withhold security assistance for help with a political campaign." And to Ukrainian soldiers, fighting to fend off Russian aggression in the eastern part of their country, the money was a matter of life and death.

►**Obstruction of Congress.** Trump has met the impeachment investigation with outright and unprecedented defiance. The White House has withheld documents, ordered executive branch agencies not to comply with subpoenas and directed administration officials not to testify.

Allowing this obstruction to stand unchallenged would put the president above the law and permanently damage Congress' ability to investigate misconduct by presidents of either party.

The president's GOP enablers continue to place power and party ahead of truth and country. Had any Democratic president behaved the way Trump has — paying hush money to a porn star, flattering dictators and spewing an unending stream of falsehoods — there's no doubt congressional Republicans would have tried to run him out of the White House in a New York minute. Twenty-seven Republicans who voted to impeach or convict Clinton remain in Congress. If they continue to defend Trump, history will record their hypocrisy.

Our support for Trump's impeachment by the House — we'll wait for the Senate trial to render a verdict on removal from office — has nothing to do with policy differences. We have had profound disagreements with the president on a host of issues, led by his reckless deficits and inattention to climate change, both of which will burden generations to come.

Policy differences are not, however, grounds for impeachment. Constitutional violations are.

Bill Clinton should be impeached and stand trial "because the charges are too serious and the evidence amassed too compelling" to ignore, the Editorial Board wrote in December 1998.

The same can be said this December about the allegations facing Donald Trump. Only much more so.

If you can't see this reader poll, please refresh your page.

Mr. COLLINS. I object. I want to read it.

Chairman NADLER. The objection is heard.

Mr. COHEN. I would love for him to read them.

Chairman NADLER. Who else seeks——

Mr. COLLINS. It proves that I can read. The transcripts undoubtedly I would not be able to read.

Chairman NADLER. Who seeks recognition? Does anyone else seek recognition on this amendment?

For what purpose does Mr. Steube seek recognition?

Mr. STEUBE. I move to strike the last word, Mr. Chair.

Chairman NADLER. The gentleman is recognized.

Mr. STEUBE. The fact that members of this committee would insinuate that Ukrainians died at the hands of Russians because they didn't get aid is absolutely ridiculous. Having actually served in a combat theater and knowing what that is like, to blame that aid was delayed a few weeks would have saved lives is, frankly, insulting to me and to all that served.

Now Democrats want you to believe that Ukrainians died and it is Trump's fault. Why don't we impeach him on that?

Members on the other side of the aisle in this committee now are talking about bribery and laying out a case for bribery and laying out elements for bribery. Yet, if their case was so compelling and overwhelming and they had all the elements, then why isn't it in the Articles of Impeachment? It is not in either one.

They didn't include it because there is no evidence for that charge. The aid was released before the deadline set out by Congress. They released the aid. The Ukrainians didn't start any investigations. They also got a meeting with President Trump. And President Trump doesn't have to meet with foreign leaders, and he still agreed to meet with them.

Article II, Section 4 of the United States Constitution says, "The President, Vice President, and all civil Officers . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." We do not have that here.

In every impeachment, Congress has interpreted this section to mean that the President has committed an actual criminal act, one that is outlined in a criminal statute. For example, Nixon, he was accused of a criminal act; Bill Clinton, three. These were crimes that, if not tried in the House of Representatives, could have been tried in the criminal court.

This standard of criminality provides clarity. And as one witness who testified before this committee, Mr. Turley, explained, "Although criminality is not required, clarity is necessary. That comes from a complete and comprehensive record that eliminates exculpatory motivations or explanations."

But throughout this investigation, the Democrats couldn't seem to find any criminal act on the part of the President. So instead of relying on historical precedent of criminality, they decided to impeach him for abuse of power, a vague phrase that appears nowhere in the Constitution when discussing impeachment and has no basis in fact or in evidence but, rather, is deeply rooted in personal opinion and perception.

Mr. Turley also explained the implications of this occurrence. Quote, "We have never impeached a President solely or even largely on the basis of a noncriminal abuse-of-power allegation. There is good reason for that unbroken record. Abuses of power tend to be even less defined and more debatable as a basis for impeachment than some of the crimes already mentioned."

He went on to say that "the principal problem with proving an abuse-of-power theory is the lack of direct evidence due to the failure to compel key witnesses to testify or production of key documents."

Now let's talk about the direct evidence that they have. There is none. The only person who would have firsthand knowledge of the quid pro quo, bribery, extortion, or whatever buzzword the Democrats want to trot out next is President Zelensky, who has categorically denied any such agreement or pressure.

Herein lies the issue with hinging your entire impeachment on a noncriminal abuse-of-power allegation: The facts don't support your claims.

So let's review. Never in the history of the United States has a President been impeached solely or largely on the basis of abuse of power. Every President who has been impeached has been impeached for criminal acts. Democrats found no evidence of criminal misconduct on the part of the President. The Democrats have even failed to even prove a noncriminal standard for abuse of power and have relied on hearsay and conjecture.

What the Democrats are trying to do here is pull the wool over the eyes of the American people and make them think that wrongdoing has occurred, where there is none. By using fancy rhetoric and flowery language, they think that they can convince a Nation of their ill-conceived ideas. Don't fall for it, America.

I yield the remainder of my time to Mr. Jordan.

Mr. JORDAN. I thank the gentleman for yielding.

If the Democrats are going to take some of Sondland, you have to take all of Sondland. If you are going to mention him 611 times in your report, if you are going to build your case around the guy who presumed—presumed—there was a quid pro quo, the guy who had to file an addendum to his deposition, if you are going to do all that, you can't ignore the direct conversation he had with the President of the United States, where he asked him, "Mr. President, what do you want from Ukraine?"

What did the President say? Interesting. Mr. Sondland left this out of his opening statement, his 20-some-page opening statement. "What do you want from Ukraine?" What did the President say? "I want nothing. I want no quid pro quo. I want him to do what he said. I want him to do what he ran on."

You can't ignore that. The one piece of direct evidence—you want all this presumption. You want all this addendum. If you are going to take some of Sondland, you have to take all of him.

I yield back—I will yield to Mr. Steube.

Mr. STEUBE. I yield to Mr. Gaetz.

Mr. COLLINS. Yield back.

Mr. STEUBE. I have 30 seconds.

Mr. COLLINS. Thirty seconds.

Mr. STEUBE. I had 30 seconds left before they cut the clock.

Chairman NADLER. The gentleman will proceed.

Mr. STEUBE. I yield to Mr. Gaetz.

Mr. GAETZ. I thank the gentleman for yielding.

I just think the gentleman from Tennessee, Mr. Cohen's debate on the last subject really shows what we are dealing with. This is not a rifle-shot impeachment with facts and evidence. This is birdshot.

I mean, he talked about everything from, you know, the campaign finance concerns, to Trump University, concerns about charities. This is like pin the tail on your favorite impeachment theory, because they don't have evidence for any one single thing to impeach the President for.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. McClintock seek recognition?

Mr. MCCLINTOCK. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. MCCLINTOCK. Thank you.

Mr. Chairman, the Constitution introduces the President with 15 words: "The executive Power shall be vested in a President of the United States of America." It does not vest any authority in lieutenant colonels at the NSC, ambassadors, State Department officials, or Cabinet Secretaries. The only authority that these officials exercise is delegated to them by the President. So all the criticisms and resentments and personal and political disagreements that we have heard from those officials are completely irrelevant.

It is dangerous that so many officials in the executive branch believe that they have independent authority to override Presidential policy, leak classified documents, and actively work to undermine the lawful discharge of the President's duties under Article II. If their judgment can replace that of the President, it means that the people of the United States have simply been removed from the equation.

Now, someone said during the discussion today that the President has actually committed real crimes. But the article does not charge such crimes. Why not? Because there is no evidence to support them. If there was evidence, you know that in a heartbeat they would have included these charges. So it is obvious they don't even believe their own rhetoric.

One member said, "We are not restricted as the Department of Justice is." Think about what that statement means. The Department of Justice is restricted by the Bill of Rights. The Bill of Rights sets forth basic principles of due process: the right to confront your accuser; the right to call witnesses in your defense; charges have to be supported by evidence, not gossip; and you have the right to appeal to the courts to protect these rights.

Yes, the Department of Justice is restricted by the Bill of Rights, but our Bill of Rights, with its due-process restrictions, restricts all of us who take the oath of office. And that includes Congress. We are restricted to respect these rights also. Only, the majority is now placing themselves above the supreme law of the land.

The lawful exercise of executive power is simply not an impeachable offense. The President is responsible for faithfully executing the laws. The Foreign Corrupt Practices Act makes it a crime to

offer something of value to secure business in a foreign country. Well, the facts of Mr. Biden's actions in the Ukraine certainly look like they cross that line. Does the President have the authority to request cooperation of a foreign government to investigate potentially corrupt interactions between U.S. officials and their own officials? Of course he does.

The Democrats impute the most sinister motives to this request. Well, nothing in the conversation suggests that. "Do us a favor because our country has been through a lot and Ukraine knows a lot about it." That is the exact quote.

Now, the National Defense Authorization Act specifically requires the administration to determine that Ukraine is taking steps to combat corruption before aid can be released. Now, the Democrats have made much of the fact that the Secretary of Defense certified this in May. Well, they ignore two facts. Number one, the Secretary of Defense exercises no authority independent of the President. The buck still stops at the President's desk. And, two, the President retains responsibility to determine that the findings of his administration remain valid, particularly as he assesses the intention of a newly elected President and newly elected parliament.

And lest we forget, last year, three Democratic Senators wrote to the Ukrainian Government, demanding that it cooperate in investigating President Trump. The Democrats found absolutely nothing objectionable about this. The only difference I see is that the President actually has the authority and the responsibility to make such a request.

So what is at stake here? The worst possible interpretations of the President's motives in discharging his constitutional powers are being imputed to him by his most vitriolic opponents. Now, there is nothing extraordinary about that. It is called politics.

But if this can become the new standard of impeachment, that Congress can impeach any President whose motives his opponents question, if this is allowed to replace treason, bribery, and other high crimes and misdemeanors as the standard for nullifying a national election and substituting the judgment of Congress instead of the judgment of the American people, well, then no President can make any decision without subjecting the Nation to the travesty going on today. The executive branch will be subordinated to the legislative, serving at the pleasure of Congress, and the separation of powers at the heart of our Constitution will have been utterly destroyed.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does the ranking member, Mr. Collins, seek recognition?

Mr. COLLINS. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COLLINS. Thank you, Mr. Chairman.

As we went through this amendment, which I think is probably one of the most telling amendments and when put to a vote is going to tell a lot—because this is the most amorphous amendment that you could have. This is the one that even when I was waiting for the announcement from the chairman and others at the po-

dium, I was actually there and was being interviewed, and when I heard this one come up and confirmed that abuse of power was one of their Articles of Impeachment, it was simply stunning.

And my first reaction has been made and rung true completely here today by many of the members on the majority, including the gentleman from Tennessee just recently, who just confirmed it. Abuse of power for Articles of Impeachment means anything they want it to mean. It is the carte blanche coverage. It is saying, we don't really have a case to our caucus, but go out and make it up. Just go out and say what you don't like. If he didn't say something nice to this, if he didn't do a policy you don't like, do this, and that is going to cover you, you will be okay. Because, remember, this is always about an election.

You know how we continue to know this? We keep misquoting the transcript. They don't have the facts, so we keep misquoting the transcript, saying, "Do me a favor." Again, it is simple. Read it. It is us, our country. I mean, if you have a case, make it, but don't make it up because you don't have it.

What we have here also is this continual, just repeated attacks on the Ukrainian President, Mr. Zelensky, the repeated attacks. Because we are either claiming he is a liar or a puppet or, as was just called, he is a politician and an actor so disregard him. Wow, that is a lot of concern for the Ukrainian people, taking on their very President they have just elected.

When we understand and we look at this, this is how it gets to the problem. When you get to a certain point and you can't make your case, when you can't factually add it up, when you have law school professors tell you, "Well, if you think this, think this, then the inference is okay," then we have lowered the standard to where anything can be brought in.

The factual case that has just been made over the past almost 3 hours now by the minority side has laid bare the case on abuse of power. There is none. You can make it up, you can call it whatever you want, and you can go try and sell that to the American people, but, you know, they are not buying it. They are not.

And it is going to get harder and harder for members to actually go to that well next week or go to that ballot where they actually stick their card in and vote yes on abuse of power and then actually have to go back and explain that. It is easy in this room; you have help from your colleagues. But when you are back home trying to explain why you are going to take down a President, duly elected, over abuse of power because of some of the arguments we have heard this morning, that is just amazing.

There is true skepticism about what went on in the Ukraine, and it is deeply rooted with this President. And, by the way, there was another time, in the late 2017 and early 2018, Ukraine aid was held. It is not the first time. Skeptical of foreign aid—he ran on this. I have said this before. Most people are amazed that he actually does what he said he was going to do. He runs on a campaign that our foreign aid needs to be looked at. He actually does those kinds of things. That is what a President who shows true leadership does.

The pause was for 55 days. Also, other countries' aid was also held. Lebanon was actually held. Others were actually held. This

is not a new thing. Do not let the majority try to convince the American people that withholding aid or not looking into corruption is a new thing. Don't let them do it.

In the words, like I said, others, maybe that is what—you know, when you are having to play a part, you have to do that. You have to make it up. It is called ad lib. And that is what they are doing.

Mr. Hale testified, one of the more egregious ones. And I have a friend of mine who texted me just a few minutes ago. Mr. Steube has brought this up, I have brought this up, but, again, it needs to be hit, that one of the things perpetrated this morning out to the American people is that people lost their lives in the Ukraine over this held aid. This friend of mine who texted me just a few minutes ago lost limbs on his own body in defense of our country in a war zone. And he says, don't let them get away with this because this is a future act.

Mr. Hale testified to this fact. In fact, he repudiated it in his deposition. We want to talk about facts? Go to the deposition. Go to the transcript that he had. He said this was future aid, had nothing to do with running the Army right then.

In war zones, people get hurt and people die. And Russia has invaded Ukraine. They are fighting that. It is a hot war. People will.

But to blame this conversation because you have such a weak case that you are going to try and it throw that in just to scare the American people, that is not right.

Make a case, have your facts, put it in the articles. But when you can't do that, you go in the back room, you start writing Articles of Impeachment and you say, "Uh-oh, we have a problem. Let's put something in there that all of our conference can get behind because they don't like the President."

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. Dean seek recognition?

Ms. DEAN. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. DEAN. Thank you, Mr. Chairman.

I rise to speak in opposition to this amendment and, to my colleagues on the other side of the aisle, to remind you of the facts that have been uncovered and to review them and put them on the record again for the American public. Because facts do matter.

Notice the contrast between the conversation on this side of the aisle and that. They run away from the facts. They are afraid to admit to themselves or to the American public of what the President's behavior really adds up to. So let me just recite the facts.

When Ukrainian President Zelensky raised the issue of U.S. military assistance to Ukraine during the July 25 call, President Trump replied, quote, "I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about that," end quote.

Congress appropriated and authorized $391 million in security assistance to Ukraine. On May 23, the Department of Defense certified to Congress that Ukraine had completed the requisite anticorruption reform actions to qualify for the security assistance appropriated by Congress. The President himself directed the aid to be put on hold.

In July, Ukrainian officials asked Pentagon staff about the hold on military assistance. No legitimate public policy or national security rationale exists—and the President has not brought one forward—for President Trump's decision to withhold the security assistance from Ukraine.

Providing aid to Ukraine is in the national security interest of the United States. Withholding it is in the personal political interest of the President and of Putin.

President Trump failed to say the word "corruption" during his April 21 call with President Zelensky. President Trump failed to say the word "corruption" during his July 25 call to President Zelensky.

The aid to Ukraine was released only after House committees announced an investigation into the administration's decision to halt the aid.

The President instructed all witnesses from the administration not to testify and withheld all relevant documents from House investigators.

On October 3, when asked by a reporter what he hoped President Zelensky would do following their July 25 call, President Trump told the American public and the world, "Well, I would think that, if they were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer."

On October 17, at a press briefing in the White House, Acting Chief of Staff Mick Mulvaney said President Trump absolutely mentioned corruption related to the DNC server in connection with the security assistance during his July 25 call and that that server was part of, quote, "why we held the money up," end quote. Upon taking a question from a reporter attempting to clarify the acknowledgement of a quid pro quo, Mulvaney relied, quote, "We do that all the time with foreign policy. Get over it."

Let me remind you of a statement that Dr. Fiona Hill made in her opening statement and her extraordinary, powerful opening statement, incredible testimony before this Congress. She said, and I quote, "If the President or anyone else impedes or subverts the national security of the United States in order to further a domestic, political, or personal interest, that is more than worthy of your attention."

I ask my colleagues respectfully on the other side of this dais, is it not worthy of our attention to uphold the Constitution and ask the President to do the same? Or do they think it is proper, do they think it is okay for any President, not just this one, but for any President to invite foreign interference into our elections?

And, with that, Mr. Chairman, I yield to the gentleman from Rhode Island.

Mr. CICILLINE. I thank the gentlelady for yielding.

Mr. Chairman, there is a letter that was signed by more than 500 legal scholars across the ideological spectrum that I would like to just read from very briefly.

Speaking of the President's conduct, they say, "The President's conduct is precisely the type of threat to our democracy that the Founders feared when they included the remedy of impeachment in the Constitution. We take no position on whether the President committed a crime, but conduct need not be criminal to be im-

peachable. The standard here is constitutional. It does not depend on what Congress has chosen to criminalize."

They go on to say, "Impeachment is an especially essential remedy for conduct that corrupts elections."

I know that my time is about to expire, so I will come back to this before I introduce it, because I would like to read some additional parts of it.

I yield back.

Chairman NADLER. The gentlelady yields back.

I recognize myself on the amendment, and I yield to Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman.

I would like to just continue to read, because this, again, is a letter signed by more than 500 constitutional scholars. And I think some of the confusion my colleagues have been struggling with is the difference between impeachable offenses and violations of the criminal statute, so I hope this will help clarify that.

They write, "Impeachment is a remedy for grave abuses of the public trust. Impeachment is an especially essential remedy for conduct that corrupts elections. The primary check on a President is political. If a President behaves poorly, voters can punish him or her at the polls. A President who corrupts the system of elections seeks to place himself beyond the reach of this political check.

"At the Constitutional Convention, George Mason described impeachable offenses as 'attempts to subvert the Constitution.' Corrupting elections subverts the process by which the Constitution makes the President democratically accountable. Put simply, if a President cheats in his effort at reelection, trusting the democratic process to serve as a check to that election is no remedy at all. This is what an impeachment is for."

They go on to say in this letter, "Whether President Trump's conduct is classified as bribery, as a high crime or misdemeanor, or both, it is clearly impeachable under our Constitution."

So, in asking unanimous consent that this letter and the more than 500 legal scholars who signed it be made part of the record, I hope my colleagues on the other side of the aisle will understand the basis of this Article of Impeachment: that the President of the United States violated the public trust, undermined the national security of the United States, betrayed our national interests by using the enormous power of his office not to advance the public good, not to advance the policies of the United States and the interests of the United States, but to advance his own personal political benefit.

That is exactly what the Framers spoke about. That is not my conclusion alone. It was the conclusion of the scholars we heard from in our hearing and more than 500 legal scholars that have joined them.

And so I hope we will put to rest this notion that you have to violate a criminal statute. You know, a President could deface a post office, a mailbox. That is a Federal crime. No one would suggest the President could be impeached for that. So the Framers are talking about the abuses of the public trust, a violation of the most sacred oath to honor the interests of the American people and not to advance your own personal political interests.

These constitutional scholars say it much better than I can and as well as Professor Raskin has said, so I ask unanimous consent it be made part of the record.

Chairman NADLER. Without objection.

[The information follows:]

MR. CICILLINE FOR THE OFFICIAL RECORD

Letter to Congress from Legal Scholars

Legal Scholars on Impeachment Follow
Dec 6, 2019 · 3 min read

We, the undersigned legal scholars, have concluded that President Trump engaged in impeachable conduct.

We do not reach this conclusion lightly. The Founders did not make impeachment available for disagreements over policy, even profound ones, nor for extreme distaste for the manner in which the President executes his office. Only "Treason, Bribery, or other high Crimes and Misdemeanors" warrant impeachment. But there is overwhelming evidence that President Trump betrayed his oath of office by seeking to use presidential power to pressure a foreign government to help him distort an American election, for his personal and political benefit, at the direct expense of national security interests as determined by Congress. His conduct is precisely the type of threat to our democracy that the Founders feared when they included the remedy of impeachment in the Constitution.

We take no position on whether the President committed a crime. But conduct need not be criminal to be impeachable. The standard here is *constitutional*; it does not depend on what Congress has chosen to criminalize.

Impeachment is a remedy for grave abuses of the public trust. The two specific bases for impeachment named in the Constitution — treason and bribery — involve such abuses because they include conduct undertaken not in the "faithful execution" of public office that the Constitution requires, but instead for personal gain (bribery) or to benefit a foreign enemy (treason).

Impeachment is an especially essential remedy for conduct that corrupts elections. The primary check on presidents is political: if a president behaves poorly, voters can punish him or his party at the polls. A president who corrupts the system of elections seeks to place himself beyond the reach of this political check. At the Constitutional Convention,

George Mason described impeachable offenses as "attempts to subvert the constitution." Corrupting elections subverts the process by which the Constitution makes the president democratically accountable. Put simply, if a President cheats in his effort at re-election, trusting the democratic process to serve as a check through that election is no remedy at all. That is what impeachment is for.

Moreover, the Founders were keenly concerned with the possibility of corruption in the president's relationships with foreign governments. That is why they prohibited the president from accepting anything of value from foreign governments without Congress's consent. The same concern drove their thinking on impeachment. James Madison noted that Congress must be able to remove the president between elections lest there be no remedy if a president betrayed the public trust in dealings with foreign powers.

In light of these considerations, overwhelming evidence made public to date forces us to conclude that President Trump engaged in impeachable conduct. To mention only a few of those facts: William B. Taylor, who leads the U.S. embassy in Ukraine, testified that President Trump directed the withholding of hundreds of millions of dollars in military aid for Ukraine in its struggle against Russia — aid that Congress determined to be in the U.S. national security interest — until Ukraine announced investigations that would aid the President's re-election campaign. Ambassador Gordon Sondland testified that the President made a White House visit for the Ukrainian president conditional on public announcement of those investigations. In a phone call with the Ukrainian president, President Trump asked for a "favor" in the form of a foreign government investigation of a U.S. citizen who is his political rival. President Trump and his Chief of Staff Mick Mulvaney made public statements confirming this use of governmental power to solicit investigations that would aid the President's personal political interests. The President made clear that his private attorney, Rudy Giuliani, was central to efforts to spur Ukrainian investigations, and Mr. Giuliani confirmed that his efforts were in service of President Trump's private interests.

Ultimately, whether to impeach the President and remove him from office depends on judgments that the Constitution leaves to Congress. But if the House of Representatives impeached the President for the conduct described here and the Senate voted to remove him, they would be acting well within their constitutional powers. Whether President

Trump's conduct is classified as bribery, as a high crime or misdemeanor, or as both, it is clearly impeachable under our Constitution.

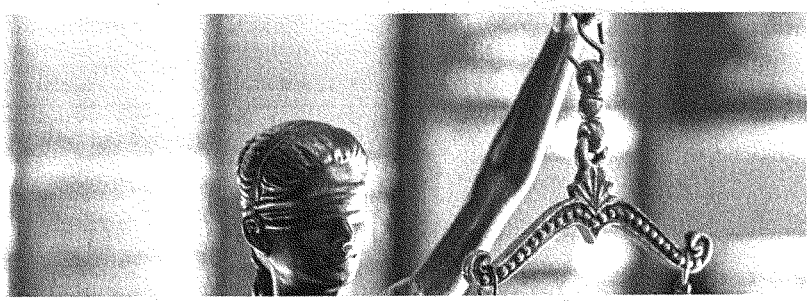
Signed,*

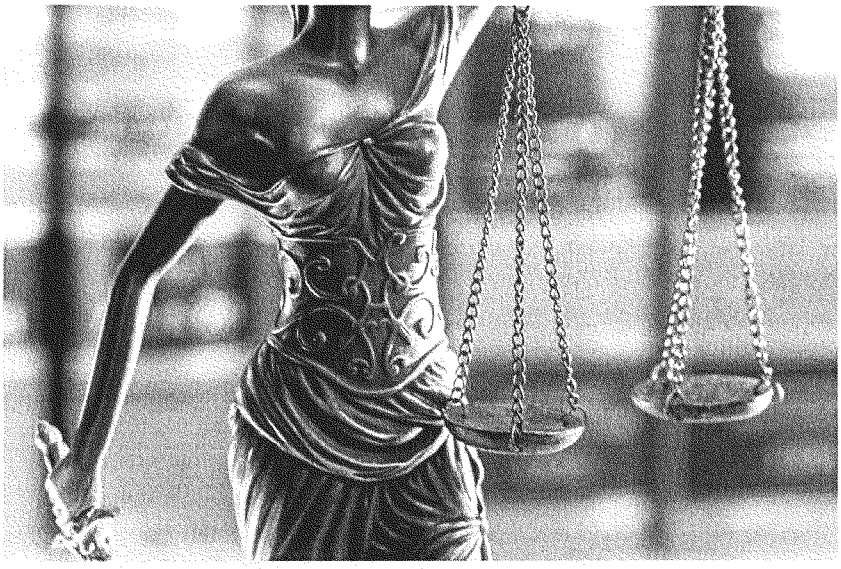
☐	First name	Last name	Title
1	Mark	Aaronson	Professor of Law Emeri
2	Nancy	Abramowitz	Professor of Practice
3	Kathryn	Abrams	Herma Hill Kay Disting
4	Jeffrey	Abramson	Professor of Law and G
5	Arthur	Acevedo	Professor of Law
6	Nadia	Ahmad	Associate Professor of
7	Miriam	Albert	Professor of Skills
8	Martha	Albertson Fineman	Robert W Woodruff Pro

878 records

*Affiliations noted for identification purposes only.

If you are a legal scholar and would like to add your name, click here. Protect Democracy will update this list daily with new signatories.





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Chairman NADLER. Reclaiming my time, I would simply point out a few things.

Number one, that the impeachment of President Nixon, although he had committed many crimes, the committee voted impeachment for abuse of power and obstruction of justice. It did not specify a specific crime.

I would also point out that the majority staff report of the Judiciary Committee back in 1974, not just now, and I believe in 1998, but certainly 1974, pointed out that crimes and impeachable offenses are different things. There are crimes which may not be impeachable. There are impeachable offenses which may not be crimes. An impeachable offense, a high crime and misdemeanor, is a grave and serious offense against the Constitution, against the structure and function of the government. I would refer you to the Federalist Papers.

I would also say one other thing. We have repeatedly heard that the Democrats are accusing President Zelensky and Mr. Yermak of lying because President Zelensky said he wasn't pressured. Well, of course he said he wasn't pressured. The United States is a powerful Nation on which his nation is dependent. He has a gun to his head. The gun is the fact that the President of the United States, upon whom he depends for military aid, for help in many different ways, has shown himself willing to withhold that aid and to do other things based on what he says and based on whether he is willing to play along with the President for his personal political goals.

So of course he denies he was pressured, because he knows that if he didn't deny that, there might be heavy consequences to pay.—and you cannot credit that denial without any aspersions on his character but simply on the fact that the President of the United States holds a gun to his head.

I yield back.

And the question is on the amendment.

Those in favor, say aye.

Opposed, no.

In the opinion of the chair, the noes have it.

Mr. COLLINS. Roll call.

Chairman NADLER. Roll call is requested. The clerk will call the roll.

Ms. STRASSER. Mr. Nadler?

Chairman NADLER. No.

Ms. STRASSER. Mr. Nadler votes no.

Ms. Lofgren?

Ms. LOFGREN. No.

Ms. STRASSER. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. JACKSON LEE. No.

Ms. STRASSER. Ms. Jackson Lee votes no.

Mr. Cohen.

Mr. COHEN. No.

Ms. STRASSER. Mr. Cohen votes no.

Mr. Johnson of Georgia?

Mr. JOHNSON of Georgia. No.

Ms. STRASSER. Mr. Johnson of Georgia votes no.

Mr. Deutch?
Mr. DEUTCH. No.
Ms. STRASSER. Mr. Deutch votes no.
Ms. Bass?
Ms. BASS. No.
Ms. STRASSER. Ms. Bass votes no.
Mr. Richmond.
[No response.]
Ms. STRASSER. Mr. Jeffries?
Mr. JEFFRIES. No.
Ms. STRASSER. Mr. Jeffries votes no.
Mr. Cicilline?
Mr. CICILLINE. No.
Ms. STRASSER. Mr. Cicilline votes no.
Mr. Swalwell.
Mr. SWALWELL. No.
Ms. STRASSER. Mr. Swalwell votes no.
Mr. Lieu?
[No response.]
Ms. STRASSER. Mr. Raskin?
Mr. RASKIN. No.
Ms. STRASSER. Mr. Raskin votes no.
Ms. Jayapal?
Ms. JAYAPAL. No.
Ms. STRASSER. Ms. Jayapal votes no.
Mrs. Demings?
Mrs. DEMINGS. No.
Ms. STRASSER. Mrs. Demings votes no.
Mr. Correa?
Mr. CORREA. No.
Ms. STRASSER. Mr. Correa votes no.
Ms. Scanlon?
Ms. SCANLON. No.
Ms. STRASSER. Ms. Scanlon votes no.
Ms. Garcia?
Mr. GARCIA. No.
Ms. STRASSER. Ms. Garcia votes no.
Mr. Neguse?
Mr. NEGUSE. No.
Ms. STRASSER. Mr. Neguse votes no.
Mrs. McBath?
Mrs. MCBATH. No.
Ms. STRASSER. Mrs. McBath votes no.
Mr. Stanton?
Mr. STANTON. No.
Ms. STRASSER. Mr. Stanton votes no.
Ms. Dean?
Ms. DEAN. No.
Ms. STRASSER. Ms. Dean votes no.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. No.
Ms. STRASSER. Ms. Mucarsel-Powell votes no.
Ms. Escobar?
Ms. ESCOBAR. No.

Ms. STRASSER. Ms. Escobar votes no.
Mr. Collins?
Mr. COLLINS. Aye.
Ms. STRASSER. Mr. Collins votes aye.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. Aye.
Ms. STRASSER. Mr. Sensenbrenner votes aye.
Mr. Chabot?
Mr. CHABOT. Aye.
Ms. STRASSER. Mr. Chabot votes aye.
Mr. Gohmert?
Mr. GOHMERT. Aye.
Ms. STRASSER. Mr. Gohmert votes aye.
Mr. Jordan?
Mr. JORDAN. Yes.
Ms. STRASSER. Mr. Jordan votes yes.
Mr. Buck?
Mr. BUCK. Aye.
Ms. STRASSER. Mr. Buck votes aye.
Mr. Ratcliffe?
Mr. RATCLIFFE. Yes.
Ms. STRASSER. Mr. Ratcliffe votes yes.
Mrs. Roby?
Mrs. ROBY. Aye.
Ms. STRASSER. Mrs. Roby votes aye.
Mr. Gaetz?
Mr. GAETZ. Aye.
Ms. STRASSER. Mr. Gaetz votes aye.
Mr. Johnson of Louisiana?
Mr. JOHNSON of Louisiana. Aye.
Ms. STRASSER. Mr. Johnson of Louisiana votes aye.
Mr. Biggs?
Mr. BIGGS. Aye.
Ms. STRASSER. Mr. Biggs votes aye.
Mr. McClintock?
Mr. MCCLINTOCK. Aye.
Ms. STRASSER. Mr. McClintock votes aye.
Mrs. Lesko?
Mrs. LESKO. Aye.
Ms. STRASSER. Mrs. Lesko votes aye.
Mr. Reschenthaler?
Mr. RESCHENTHALER. Aye.
Ms. STRASSER. Mr. Reschenthaler votes aye.
Mr. Cline?
Mr. CLINE. Aye.
Ms. STRASSER. Mr. Cline votes aye.
Mr. Armstrong?
Mr. ARMSTRONG. Yes.
Ms. STRASSER. Mr. Armstrong votes yes.
Mr. Steube?
Mr. STEUBE. Yes.
Ms. STRASSER. Mr. Steube votes yes.

Chairman NADLER. Are there any members who wish to vote who haven't voted?

The clerk will report.

Ms. STRASSER. Mr. Richmond, you are not recorded.

Mr. RICHMOND. No.

Ms. STRASSER. Mr. Richmond votes no.

Chairman NADLER. Are there any other members who haven't voted who wish to vote?

The clerk will report.

Ms. STRASSER. Mr. Chairman, there are 17 ayes and 23 noes.

Chairman NADLER. The amendment is not agreed to.

Are there any further amendments to the amendment in the nature of a substitute?

Mr. GAETZ. Mr. Chairman.

Chairman NADLER. Mr. Gaetz.

Mr. GAETZ. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman NADLER. The gentleman has an amendment at the desk. The clerk will report the amendment.

Ms. LOFGREN. I reserve a point of order.

Chairman NADLER. The gentlelady reserves a point of order.

Ms. STRASSER. Amendment to the Amendment in the Nature of a Substitute to H. Res. 755 Offered by Mr. Gaetz of Florida. Page 3, strike lines 10 through 11, and insert the following: (A) a well-known corrupt company, Burisma, and its corrupt hiring of Hunter Biden; and—

[The amendment of Mr. Gaetz follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 755 OFFERED BY MR. GAETZ CFL

Page 3, strike lines 10 through 11, and insert the following:

1 (A) a well-known corrupt company,
2 Burisma, and its corrupt hiring of Hunter
3 Biden; and

☒

Chairman NADLER. The gentleman is recognized to explain his amendment.

Mr. GAETZ. Thank you, Mr. Chairman.

This amendment strikes the reference to Joe Biden as the center of the proposed investigation and replaces it with the true topic of the investigation, Burisma and Hunter Biden.

An essential element of the Democrats' case on abuse of power is that the Bidens did nothing wrong. It can only be an abuse of power and not a correct use of power if the President was pursuing something under which there was no reasonable basis to ask a question about Hunter Biden and Burisma.

Hunter Biden and Burisma—well, that is an interesting story. And I think just about every American knows there is something up with that. $86,000 a month? No experience? Working for some foreign government while your dad is the Vice President of the United States? Is there anyone who believes this is okay?

I know we have a few of my Democrat colleagues who maybe run for President—or might run for President one day. Would you let your Vice President have their son or daughter or family member out moonlighting for some foreign company?

Mr. GAETZ. Maybe I will use language familiar to the former Vice President. Come on, man. This looks dirty as it is. Hunter Biden was making more than five times more than a board member for ExxonMobil. I have heard of that company.

And so I wanted to read up on Hunter Biden, learn a little more about him. I found this very extensive profile in the New Yorker, and here is what it says: Hunter said that at that point, he had not slept for several days. Driving east on Interstate 10, just beyond Palm Springs, he lost control of his car, which jumped the median and skidded to a stop on the shoulder of the westbound side. He called Hertz, which came to collect the damaged car and gave him a second rental. The Hertz rental officer told me he found a crack pipe in the car and on one of consoles a line of white powder residue. Beau Biden's attorney general badge was on the dashboard.

Hertz called the Prescott Police Department, and officers filed a narcotics offense report, listing items seized in the car, including a plastic bag containing white powdery substance, a Secret Service business card, credit cards, and Hunter Biden's driver's license. That is what we would call evidence.

And I don't want to make light of anybody's substance abuse issues. I know the President is working real hard to solve those throughout the country. But it is a little hard to believe that Burisma hired Hunter Biden to resolve their international disputes when he could not resolve his own dispute with Hertz rental car over leaving cocaine and a crack pipe in the car.

It continues. Hunter stayed in Los Angeles for about a week. He said that he needed to get away and forget soon after his arrival in L.A. He said he asked a homeless man in Pershing Square where he could buy crack. Hunter said that the man took him to a nearby homeless encampment, where a narrow passageway between tents someone put a gun to his head before realizing that he was the buyer. He returned to buy more crack a few times that week.

Again, you know, not casting any judgment on any challenges someone goes through in their personal life, but it is just hard to believe that this was the guy wandering through homeless encampments buying crack that was worth $86,000 a month to Burisma Holdings. And that might be one of the reasons why when ABC asked Hunter Biden, Hey, do you think you would have gotten this job in the absence of your dad being the Vice President. Well, he said, probably not.

And then I looked to the record evidence, and I looked to the testimony of Mr. Kent. Mr. Kent was one of the witnesses they called on the first day. He said Burisma was so dirty that our own Embassy had to pull out of a joint sponsorship with them. When Ambassador Yovanovitch was being prepped for her Senate confirmation, the Obama administration was so worried about the corruption around Burisma and Hunter Biden that they held special prep moments to try to get ready for the inevitable questions about this obvious corruption that the President asked about.

Mr. Kent, again, one of the witnesses from the first day, also gave testimony that the head of Burisma had stolen $23 million in the U.S. and the U.K., and that he paid a bribe to get off the hook.

So, again, it is not as if Burisma is pulling out new plays. Their playbook is to do dirty stuff and then go and pay bribes and hire the people necessary to make those problems go away.

This is why the minority hearing issue is so important, by the way. You wonder why Republicans are so angry that we didn't have a hearing to put on our own witnesses and our own evidence. And you may wonder why, well, if they feel so good about their case, why did they block our ability to put in evidence? It is because we have the ability to show that Burisma is corrupt. We have the ability to show that Hunter Biden is corrupt. And that totally exculpates the President, because there is no way in the United States of America that honestly pursuing actual corruption is an impeachable offense. That is why I offer the amendment, and I encourage my colleagues to vote for it.

Ms. LOFGREN. Mr. Chairman, I withdraw my point of order.

Mr. JOHNSON of Georgia. Mr. Chairman.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Georgia. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to this amendment. And I would say that the pot calling the kettle black is not something that we should do. I don't know—I don't know what members, if any, have had any problems with substance abuse, been busted in DUI. I don't know. But if I did, I wouldn't raise it against anyone on this committee. I don't think it is proper.

And, you know, I think we got to get back down to what is most important here. This is something—this is a question that stands out like a big throbbing sore toe inside of a shoe that is too small, and that is this question: Is it ever okay for a President of the United States of America to invite foreign interference in an upcoming Presidential election campaign? Silence. Silence.

Mr. COLLINS. Is the gentleman seeking an answer? I'll be glad to answer.

Chairman NADLER. The gentleman has the time.

Mr. JOHNSON of Georgia. The silence was and is deafening. And there will be plenty of time for you to respond to that question, and I would invite you to do so. I gave you an opportunity of about 10 or 15 seconds while you could get your story together, and nobody came up with a story. So I am going to let you move to strike the last word and explain that to the American people.

It is never proper for a United States President to hold a foreign country over a barrel to make them do that President's personal bidding, and holding needed security assistance, dangling it, and dangling the fact that I will give it to you if you do this.

I mean, that is exactly what happened. The American people understand what happened. Those are the facts. The President said it when he released the transcript of the summary of that phone call on July 25. The summary of the President's own words shows that the President tried to get President Zelensky to interfere in the upcoming Presidential election. That is established by the facts.

So this is not about Hunter Biden, and they have said that on the other side repeatedly, up until they start talking about Hunter Biden having some substance abuse problems. You can't have it both ways. Let's be honest. This is about our conscience, the conscience of the Nation, the conscience of my friends on the other side of the aisle. Do you believe that we should allow this to go unaddressed, what the President did? Because we are a country of precedent. We are a country of rule of law. We are a country of norms and traditions. Are we going to allow the violation of our norms, our traditions, our legal precedent, because, after all, bribery was not a crime, there was no criminal code when the Framers passed the Constitution, but they said bribery in there. And what bribery meant was I am offering you something if you do something for me. I will give you this. In other words, you give me this, I will give you that. That is what we had in this case. That is what bribery means. It doesn't depend on a statute; it depends on what we know was done.

And so, let's not get bogged down in technicalities and in character assassination. Let's keep our eye on what really happened in this case, and whether or not our consciences dictate that we do something about it. We can't let it go unaddressed. And the way that we deal with this grave abuse of the public trust is with the drastic action that it requires, because this is a drastic circumstance. The drastic action is impeachment, and that is why we are here today, and I ask my colleagues to let your conscience be your guide.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Sensenbrenner seek recognition?

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SENSENBRENNER. Mr. Chairman, my mind is boggled by the gentleman from Georgia saying that, oh, bribery was okay until 1787, when the Constitution was adopted, and 2 years later, when

Congress passed the first criminal code. First of all, there is a common law definition of bribery. I think people, long before 1787, realized that bribery was no good. But we also had criminal codes in each of the 13 independent States, colonies, before the Declaration of Independence.

Mr. JOHNSON of Georgia. Will the gentleman answer my question?

Mr. SENSENBRENNER. No, I didn't interrupt you.

Chairman NADLER. The gentleman will suspend. The gentleman has the time. The gentleman will resume.

Mr. SENSENBRENNER. Okay. The second thing is that if you, on the other side of the aisle, believe that Joe Biden is a man who tells the truth, you ought to support this amendment, because Joe Biden ever since Hunter's involvement with Burisma has been repeatedly asked whether he made any arrangements to get Hunter this really cushy job. And he said, no, or my son's business involvements are my son's. I am not involved in that.

So you put Joe Biden's name in your Articles of Impeachment when the real malefactor is Hunter Biden. Hunter is not running for anything. And if the real malefactor really is Hunter Biden, I guess your claim that the President was trying to influence the 2020 election would go out the window. But if you think that Joe Biden is a man who tells the truth—and I will give him the benefit of the doubt, because I think he deserves it—then let's get rid of Joe Biden in this Article of Impeachment, substitute his son's name in there and proceed.

I challenge you, because every one of you that will vote no on this amendment is going to be saying, I think that Joe Biden is a liar. If you don't think that Joe Biden is a liar, vote yes.

I yield back the balance of my time to Mr. Gaetz.

Mr. GAETZ. Thank you, Mr. Chairman.

And, again, it is important to analyze the burden of proof here. It is the Democrats who are saying any question about the Biden situation, Burisma, it can only be an abuse of power. And I think this amendment really reflects how the President was using his power perfectly, entirely appropriately, and it also shows how scared they are of the facts.

If we had the opportunity to call in those who were engaged in, worked with the Ukrainian Embassy, folks like Alexandra Chalupa, if we were able to bring forward Hunter Biden, if we were able to demonstrate the bias of the whistleblower, the American people would see we are not in this debate and in this discussion because the President did anything wrong or impeachable or criminal. We are here fundamentally because they cannot accept the fact that he won the 2016 election.

And I think all Americans know the President has a different approach. But to accept their standard would mean that if someone announces that they are running for office, it is kind of like an instant immunity deal for anything that they would ever do.

I mean, are they really saying that if Joe Biden, Hunter Biden, Burisma were engaged in some corrupt act that just because Joe Biden announced for the Presidency that that somehow ought to absolve him of that criminal activity? It is a ludicrous position. Maybe it is informed by the fact that you all got a little lucky on

the Hillary Clinton stuff, you know. She thought that because she was in a Presidential election that her crimes didn't have to be held to account, and in a way that turned out to be the case.

But you know what, it shouldn't be the standard in the United States of America. And I am glad that we have a President who is, at times, skeptical of foreign aid, who does put America first, who understands that in corrupt places, the resources we provide don't always make it to an area of need.

Let me conclude with this: Once the meetings happened that demonstrated that President Zelensky was a true reformer, that he wasn't corrupt, that he was honest, honest from the point of his campaign all the way up until the point when he said there was no pressure put on him or his government for this aid, if you accept that proposition, it is very clear that the President was entirely appropriate in those questions. And I got to say in debate on the last amendment, now we have reached the point in time where President Trump isn't the only President being attacked in this hearing. I heard the gentleman from Tennessee go after Zelensky, as well, an actor, a politician. And they presume he is a liar when he says there was nothing wrong. You know what, they can't——

Mr. COHEN. Mr. Chairman, can I respond? My name was called.

Mr. GAETZ. They are attacking Zelensky, and it just shows the absurdity of the endeavor.

Chairman NADLER. The gentleman's time is expired.

For what purpose does Ms. Jackson Lee seek recognition?

Mr. COHEN. I was asking if I could respond, as my name was—as I was called.

Chairman NADLER. For what purpose does Ms. Jackson Lee seek recognition?

Ms. JACKSON LEE. I move to strike the last word.

Chairman NADLER. The gentlewoman is recognized.

Ms. JACKSON LEE. I thank the chairman.

This is about distraction, distraction, distraction. Our good friends spent 3 hours saying the President did not target the Bidens. Now they are saying that he did. So which is it?

Now, I am holding the classified/unclassified conversation, and let me just clarify a certain point. And that point is that I did read the transcript, and it did say "us," but there is nothing in the President's notes that even suggested that the question that he asked was for the American people.

In testimony by Mr. Goldman, who obviously went through every aspect of this, I asked a question about whether or not the President said anything from the notes that are given, the briefing that is given by those representatives of the United States Government, the staff of the National Security Council, the State Department, the Defense Department, on corruption.

He didn't speak anything about corruption that he was briefed on. And if you go through the call, he continues to mention the Bidens. And so, this, again, is about Ukraine. The President did ask Ukraine, the President of Ukraine, a vulnerable leader of a country that is fledgling and trying to survive.

Now, let me say that I intend to introduce into the record an article that indicated very clearly that people did die. Trump froze

military aid as Ukrainian soldiers perished in battle, L.A. Times. I ask unanimous consent to submit that into the record.

Chairman NADLER. Without objection.

[The information follows:]

MS. JACKSON LEE FOR THE OFFICIAL RECORD

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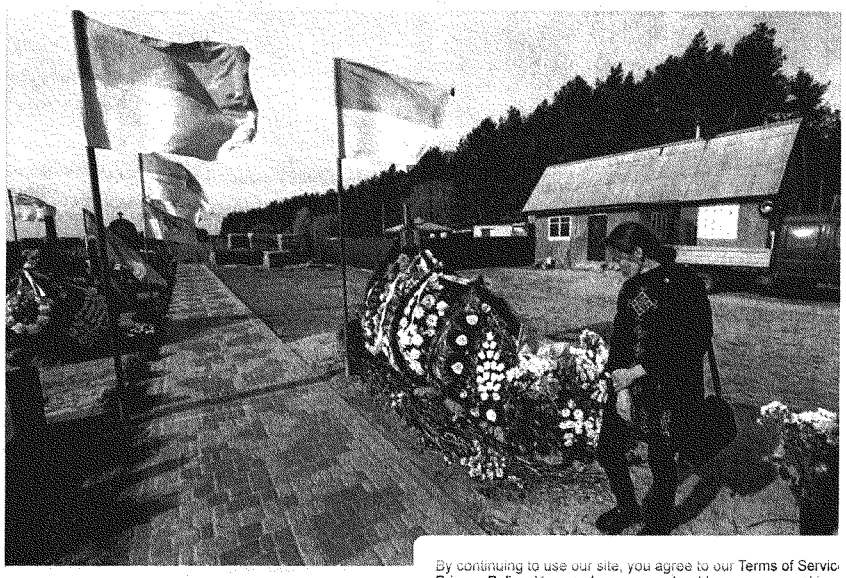
Trump froze military aid — as Ukrainian soldiers perished in battle



Anastasia Golota at the graveside of her husband, Oleksandr

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OBUKHIV, Ukraine — When President Trump froze hundreds of millions of dollars in security assistance to Ukraine in July, Oleksandr Markiv was in a trench defending his country's eastern front line against Russia-backed separatist militias.

Two months later, Markiv, 38, was dead, killed by shrapnel during a mortar attack on his battalion's position in a notoriously dangerous defense point known as the Svitlodarsk Bulge.

Markiv was one of 25 Ukrainian fatalities on the front line since July 18, the day Trump quietly put on hold a $391-million military aid package appropriated by Congress for Ukraine last year.

Democrats accuse Trump of holding Ukraine's allotted military aid hostage in exchange for promises from Ukrainian President Volodymyr Zelensky to investigate the dealings of Trump's political rival, Joe Biden.

Although there is no way to link Markiv's or the dozens of other deaths directly to the lack of aid, military officials and other Ukrainians say they felt exposed, vulnerable and, at least temporarily, abandoned by their foremost ally: Washington.

"U.S. aid to Ukraine has been very complex and fluid, alternating between more economic aid in the 1990s to more civil society support after 200

Rory Finnin, a professor of Ukrainian studies at

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Although the Trump administration said in September that it had lifted the freeze on military aid, it "has not reached us yet," Oleksandr Motuzianyk, a spokesman for the Ukrainian Defense Ministry, said this week. "It is not just money from the bank. It is arms, equipment and hardware."

At the time Russian President Vladimir Putin annexed Ukraine's Crimean peninsula and the war was breaking out in Donbas, Ukraine's armed forces and its equipment had been stripped down and sold off under then-President Viktor Yanukovich. The Kremlin-favored leader was ousted in the Maidan protests in 2014 and fled to Russia.

Tens of thousands of Ukrainians, like Markiv, volunteered to help fight the Russia-backed separatists in the east. Many of them were sent to the front line wearing sneakers and without flak jackets and helmets, let alone rifles and ammunition. Ukrainians across the country organized in an unprecedented, united civil movement not seen since World War II to raise money to supply their ragtag military with everything from soldiers' boots to bullets.

The West, including the U.S., stepped in to provide billions of dollars in security assistance that included armored Hummer SUVs, military ambulances and medical supplies, radar and communications equipment, night-vision goggles and drones.

Bolstering Ukraine's battle against Russia in the Donbas follows decades of what the U.S. saw as vital support for the country of 45 million's post-Soviet transition.

Washington has poured money into developing and stabilizing Ukraine as a way to bring it into the Western fold. This irritated the Kremlin, which sees Ukraine as belonging firmly in Moscow's perceived sphere of influence.

Whereas Ukraine had been for nearly three decades at the center of a tug of war between the West and Moscow, Trump's July phone call with Zelensky turned Ukraine into a battlefield for American domestic politics that comes at a high price for Ukrainians fighting on the front line.

"If the United States will drag us into their dome

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the co-founder of a new nongovernmental organization lobbying for democratic reforms in Ukraine.

Ukraine would have managed to defend itself against Russia without U.S. assistance, but Kyiv's losses "would have been much heavier," said Gen. Viktor Muzhenko, who was chief of staff from 2014 until 2019.

The U.S. donations of counter-battery radar systems, which warns troops about incoming mortar and artillery fire and pinpoints where the firing came from, has saved "hundreds if not thousands of our soldiers' lives," Muzhenko said.

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Oleksiy Tikhonchuk, the commander of Markiv's battalion, said such a system could have saved his deputy's life.

On Sept. 27, Markiv's unit was hit first by a mortar attack, and then rounds of a large-caliber machine gun, Tikhonchuk said.

"All the soldiers were hiding in the trenches, holes and dugouts, but Sasha decided to climb on top of his dugout to visually spot where the fire was coming from to adjust our return fire," he said, using the diminutive name for Oleksandr. Markiv was struck when their position took a direct hit from a mortar round. He died three hours later during an operation to remove the shrapnel from his head in a military hospital in Svitlodarsk.

Many Ukrainian battalions have the American radar systems, but Markiv's squad did not, Tikhonchuk said. "That cost him his life."

Funeral for Ukrainian solider killed in battle

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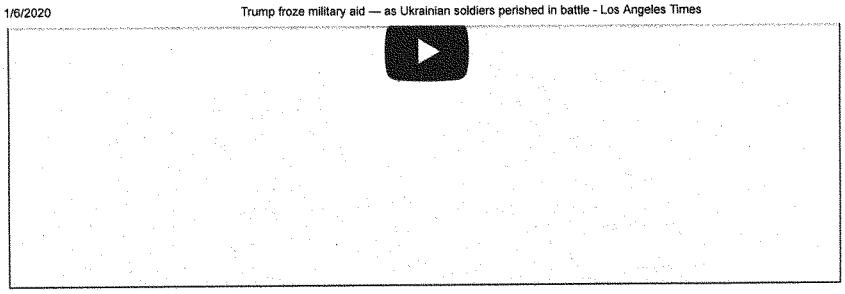
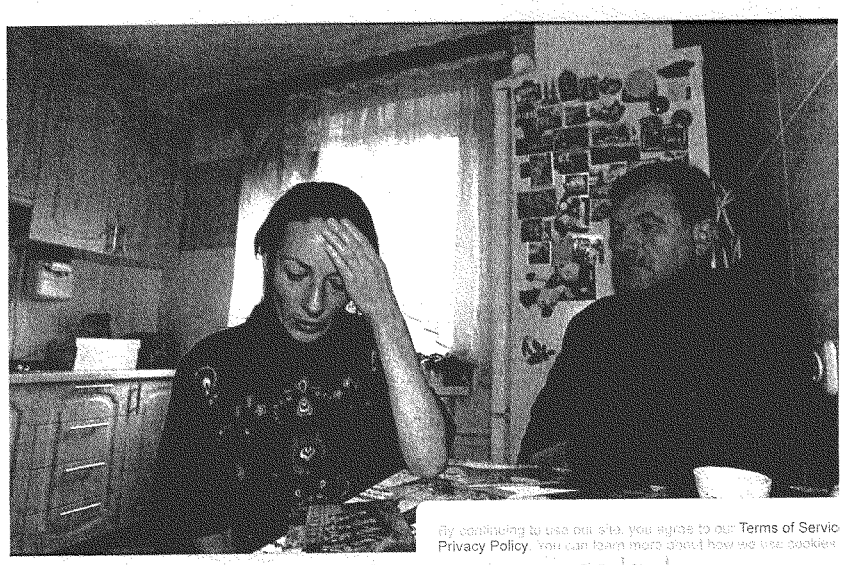


In her grief, Markiv's widow doesn't want to make her husband's death about geopolitics.

Anastasia Golota has enough to worry about with their son, Svetoslav, 9, who refuses to believe that his father is dead.



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"He gets upset when I go to the cemetery, he tells me he doesn't think he's there," Golota, 37, said as she walked backed to the car from her husband's grave. Ukraine's national blue and yellow flags flap in the wind and mark the graves of 34 soldiers from this former chemical factory town killed during the conflict.

More than 14,000 Ukrainians have died and about 1.5 million displaced in the conflict. For many in Ukraine, it's still hard to accept that Kyiv is in an armed conflict with its neighbor, Russia, with whom it shares deep historical, linguistic and cultural ties. Many Ukrainians and Russians also have family ties on both sides of the border. Golota is half Russian. Her mother moved from Russia to Ukraine as a child during the Soviet Union years.

"I don't understand what Russia wants from our little country," said Golota's mother, Marina.

But Markiv understood perfectly well what Russia's ambitions were for Ukraine, Golota said. He was a patriot with a deep commitment to Ukraine's independence, just as his great-grandfather had been as a member of the nationalist, paramilitary Ukrainian Insurgent Army that fought the Soviet Red Army in the 1940s.

He had worked in the Obukhiv tax office in 2010 and watched as Yanukovich helped his business associates divvy up local government offices to run the city like their personal fiefdoms.

Markiv was very principled and hated the endemic corruption in his country under Yanukovich, she said.

When the Maidan revolution started in 2013, she and Markiv took turns standing on the square and taking care of their son at home. Her husband helped drag the wounded to the makeshift medical hospitals set up on Kyiv's Independence Square at the height of the clashes between government riot police and protesters.

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Anastasia Golota, widow of Oleksandr Markiv, holds a photo of her husband in their home in Obukhiv, Ukraine. (Sergei L. Loiko/For The Times)

He joined the 72nd mechanized brigade and became a lieutenant and served two years, surviving several attacks while losing many battalion mates. In 2016, he joined the Rapid Response Brigade of the National Guard, where he became a senior lieutenant of an antiaircraft missile battalion.

In an obituary, friends described Markiv as "a lieutenant only on paper. In life, he was an ordinary, sociable and reliable fellow." He wasn't below peeling potatoes in the trenches with those ranked below him, they said.

But the death of Golota's husband is also the story of a Ukrainian soldier changed by war.

He went to war in 2014 saying he hoped his bullets didn't kill anyone, Golota said. When he was on the front, he would lie to his wife about his location and tell her he was at a training base so she wouldn't worry, she said.

But after his first tour, Markiv was different, she said. When he was home on leave, his mind was on war. He was constantly checking YouTube for updated videos about what was happening on the front, Golota said.

"He just could not return to life in peace," she said.

When he returned from training at a U.S.-led joint operation center in western Ukraine in 2016, a program run as part of the American security aid package, Markiv told his wife that the foreign assistance helped, but it wouldn't be enough.

"It is up to us Ukrainians to fight this war," he told his wife.

As Trump's impeachment inquiry continues in Washington, Ukrainians take little consolation in the fact that their country will continue to be in t

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instructor in Kyiv, the capital. "But Trump is a businessman. He doesn't care for democracy or freedom. He doesn't care if we survive in the war against Russia or not."

Perhaps now, Trump wishes he'd never meddled with Ukraine, Yeremko said.

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Ms. JACKSON LEE. But the facts are, President Trump provided $510 million in aid in 2017, and $359 million in 2018, but he wanted to stop in 2019, the year or months before the 2020 election.

In addition, President Trump's advisers confirmed that President Trump's investigations of 2016 election interference and the Bidens were not U.S. policy. And as well, they have debunked any association that there was anything to the impropriety of the former Vice President and his service as it related to Ukraine.

I think it is also important that the Department of Defense and State Department have confirmed that Ukraine had met all anticorruption benchmarks and the aid should be released. That is the policy of the United States of America. There was no need for this President to, in essence, try to make up his own policy. And his own statement of administrative policies—and I ask unanimous consent to have those in the record—this is from the White House. Nothing in this said to discuss corruption. Why? Because Ukraine had already met the standards of independent executive agencies, that they had met that standard of corruption. Their money should have been released.

And we well know, as the process of the whistleblower and the timing, that President Zelensky, desperate for money, people dying in the field, was asked to do a CNN announcement. And he was going to be on one of CNN's well-known shows dealing with international politics, but it was stopped in its tracks, as testified by witnesses under oath, because of the whistleblower statement.

Let me be very clear. There is some representation of crime, crime, crime. First of all, our scholars indicated that these are impeachable offenses. The conduct of the President is impeachable, and there is enough evidence to show. But, as I indicated yesterday, this, my friends, is a legal document, the Constitution. It is a legal document. You can breach and violate the law of the Constitution. There are constitutional crimes. And the vastness of the impeachment process does include the excess of power by the President of the United States.

Now, I knew Barbara Jordan, and my friends wanted to quote her. She also said: The Framers confided in the Congress the power, if need be, to remove a President in order to strike a delicate balance between a President swollen with power, and grown tyrannical, and preservation of the independence of the executive.

You can violate the crimes of the Constitution, abuse of power includes that. This amendment should be defeated.

Chairman NADLER. The gentlelady's time is expired.

For what purpose does Mr. Ratcliffe seek recognition?

Mr. RATCLIFFE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RATCLIFFE. I thank the chair.

I want to answer my colleague from Georgia, Mr. Johnson's question that he asked before. Is it ever okay to invite a foreign government to become involved in an election involving a political opponent? The answer is yes. It better be. We do it all the time. Have you that quickly forgotten how the Trump-Russia investigation proceeded?

The Obama administration asked Great Britain and Italy and Australia and other countries to assist in its investigation of a per-

son who was a political opponent from the opposite party. I keep hearing over and over again, you can't investigate political opponents. We have a member of this committee who was, as a member of this committee and the Intelligence Committee, investigating his political opponent Donald Trump at the very moment he was running to replace him as President. My colleague on the Intel Committee, Mr. Castro, was investigating President Trump at the very same moment his brother was running to replace President Trump.

President Trump is the only one with the really legitimate reason to be doing it. He is the chief executive, chief executive. We are in the Judiciary Committee, right? We do understand the Constitution. We do understand that the President, as the unitary executive, is the executive branch. And all power in the executive branch derives from the President. And the President can and should ask for assistance from foreign governments in ongoing criminal investigations.

There was an ongoing criminal investigation into what happened in 2016. The Attorney General Barr, at the time of the July 25 call, had long before that appointed U.S. Attorney John Durham to investigate exactly that issue. It wasn't just appropriate, it was absolutely the President's constitutional duty.

And Hunter Biden, the President has, as the chief executive, the ability to ask about matters where there is a prima facie case of corruption. What do we have with respect to Hunter Biden? Tons of money for a position where he has no Ukrainian experience, where he has no experience with Ukraine or with energy. And at the very same time that the Ukrainians were deciding that Hunter Biden was the perfect person to get that sweetheart deal, the Chinese were deciding that Hunter Biden was the perfect person to get a sweetheart deal to manage $1.5 billion in financial assets.

And when the Ukrainian Government wanted to investigate corruption, like we all keep talking about they need to, well, they start investigating Burisma and what happens? Joe Biden says, you better fire that prosecutor investigating corruption into Burisma, or you are not going to get $1 billion, and 6 hours later, that is what happened. That is called influence pedaling. That is a crime. And there is a prima facie case of that, and it is absolutely appropriate for a President to ask about that.

I yield to my friend, Mr. Jordan.

Mr. JORDAN. I thank the gentleman for yielding.

I just want to respond to the comments from the gentlelady from Texas. She said the President made up his own policy. Well, that is how it works in our country. You get your name on a ballot. You run for office. You go talk to the American people. They evaluate it all, on Election Day, they decide who they want making the policy. That is how it works in our country. It is not the unelected people telling the elected individual how we do things, because the unelected people aren't directly accountable to we the people.

It is what makes our system the best, the greatest. And when you turn that on its head, that is when you get problems. And we saw it happen, because we heard Chuck Schumer say on January 3, 2017, when you mess with the Intelligence Community, they have six ways from Sunday of getting back at you. Now, that is a scary statement, because that is saying the unelected people can

get back at the person who put their name on a ballot and got elected to high office, the highest office in this situation.

So for someone in the United States Congress to say the President made up his own policy, and somehow that is wrong, that should be a frightening position to take, but I guess that is where the Democrats are today in their quest to go after this President, making statements like that, statements by our colleague, and statements by Senator Schumer.

I yield back.

Chairman NADLER. The gentleman yields back.

Ms. LOFGREN. Mr. Chairman.

Chairman NADLER. For what purpose does Ms. Lofgren seek recognition?

Ms. LOFGREN. To strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. LOFGREN. You know, there are issues for the election and then there are issues for this committee. The behavior of Vice President Biden's son and, frankly, the behavior of President Trump's two sons and daughter may be discussed in the election, but here we are talking about the abuse of Presidential authority.

The President must take care that the laws be faithfully executed. We know from the emails from the State Department to the Department of Defense that the Ukrainians knew that the aid was being withheld. That is documentary evidence. We also know that whatever was going on that people might not like with the Vice President's son and the Vice President, that was known in 2015, 2016, 2017, 2018.

It wasn't until Vice President Biden was beating President Trump in the polls that this issue was raised to try and force a foreign country to invent an investigation to be used politically. That is not seeing that the laws are faithfully executed. That is an abuse of Presidential authority.

And I would yield now to the gentleman from Florida, Mr. Deutch.

Mr. DEUTCH. And I thank my friend from California.

It has been about 3 hours since I made this point. I guess it needs to be made from time to time. We just can't simply allow the mischaracterization and the misstatement of the rules, the history of the rules, and House Resolutions to advance political arguments here. We can't stand for it.

And so, I want to address, again, these statements that there is some right to have witnesses come in. It is absolutely true that that is the case, over 50 years, ago when the rule was written, when Rule VI was written, it said it is normal procedure for witnesses representing both sides of the issue to give testimony at committee hearings. And that is what happened at the December 4 meeting, and that is what happened at the December 9 meeting. Let's be honest about the rules.

And House Resolution 660, I would point out again, provides an opportunity for the President of the United States to come. He could have come on December 4. He could have sent any of his witnesses, and he didn't. But no one should be surprised, because that has been the President's approach throughout, is to refuse to allow anyone, anyone, with the kind of information that my colleagues

claim they are interested in from coming to testify, from coming to answer questions directly.

And with that, I yield to my friend from New York, Mr. Jeffries.

Mr. JEFFRIES. I thank the distinguished gentleman from Florida. There were 12 fact——

Ms. LOFGREN. It is my time. I would be happy to yield to the gentleman from New York.

Mr. JEFFRIES. I thank the distinguished gentlelady from California.

There were 12 fact witnesses who testified during the Intel hearing, 12. And we don't hear a thing about those witnesses from my colleagues on the other side of the aisle, a thing. Those witnesses were not political operatives. They were patriots. In fact, they were Trump appointees: Ambassador Taylor, Trump appointee. Ambassador Sondland, Trump appointee. Dr. Fiona Hill, Trump appointee. Jennifer Williams, Trump appointee. Lieutenant Colonel Vindman, Trump appointee. Ambassador Volker, Trump appointee.

They all confirmed that Donald Trump pressured a foreign government to target an American citizen for political gain, and at the same time, withheld, without justification, $391 million in military aid, undermining America's national security.

Let's just look at Ambassador Volker's testimony. He testified about the issue of raising the 2016 elections of Vice President Biden, all these things that I consider to be conspiracy theories. What was his response? It was pretty simple. Quote, "I think the allegations against Vice President Biden are self-serving and not credible." That is what this is all about.

I yield back.

Ms. LOFGREN. Mr. Chairman, I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Gohmert seek recognition?

Mr. GOHMERT. In support of the amendment.

Chairman NADLER. Does the gentleman desire to strike the last word?

Mr. GOHMERT. Thank you, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. GOHMERT. It is amazing. We are hearing from the same people accusing us of covering up, not willing to face the truth. They are the same arguments that we have been hearing for 3 years now. First, it was accusing us of not being willing to face the facts about Russian collusion and the President scheming with Russia, and that turned out all to be lies. We were right, and those accusing us of not facing the truth were the ones who were not facing the truth.

We heard about all kinds of other allegations, and we said, Well, that doesn't appear to be supported. Well, we weren't facing the truth. And there was a lot of media support for those positions. But we still persisted that we were the ones that were right. And this week, these things are all being borne out. We were right; they were wrong.

And now, we are not hearing anybody come in and say, Hey, we are really sorry when we accused you all of being crazy and not facing the truth. You were right, there was no Russia collusion. You were right, there was no extortion.

And my friends across the aisle keep changing the subject. What the call made clear is we are interested in finding out about if there was Ukrainian collusion or interference in our election.

Now, it is amazing how the majority can take two positions that counter-indicate each other. First of all, they say there was no effort by Republicans, including President Trump, to stop interference from foreign countries. We hear that over and over, including yesterday and today.

And yet, the only way to step up and do what President Obama refused to do—if you remember, President Obama belittled President Trump, candidate Trump for saying he was concerned about outside interference. And, in fact, President Obama made a mockery of anybody that was so stupid that they thought somebody like Russia or others might interfere and affect our election. He made fun of them.

He wouldn't do anything about outside interference, because apparently, he must have thought the outside interference was going to help Hillary Clinton. As we have heard, there apparently are some people that certainly are accused in Ukraine of doing all they could to help Hillary Clinton. In fact, it was unheard of to have a foreign Ambassador in our country step up and come out with support for Hillary Clinton.

So what we continue to see is projecting. Somebody on their side engages in illegal or improper conduct, and that is what they accuse President Trump or us of doing. And all of this self-righteousness about, you know, for political purposes, I mean, this is from a transcript from December 1, 1943, when President Roosevelt was talking to Marshal Stalin. He is talking with Stalin. This is apparently in Tehran they are meeting, but he wanted to talk to him about internal American politics.

And from the stenographers, they say that President Roosevelt said there were, in the United States, 6 to 7 million Americans of Polish extraction. As a political man, he didn't want to lose their votes. And he was explaining he couldn't go public. He didn't care when basically the Soviet Union took over Poland. He didn't care if they cut down Poland's borders from the east and from the west. And he goes on to say, they say jokingly, that when the Soviet armies invade and occupy these areas of Lithuania, Latvia, Estonia, he did not intend to go to war with the Soviet Union on this point, but he continues to emphasize, you know, some of these things he can't go public with.

These kind of things have gone on by Democrats for many decades. And here they come after the one guy. He wants to get to the bottom of 2016 foreign interference, and what do they accuse him of? Of getting foreign interference. No, you can't root out foreign interference until you know what it was.

So you can't have it both ways. Well, I guess the Democratic Party can have it both ways, but this has got to stop before it goes too much further.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Chabot seek recognition?

Mr. CHABOT. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. CHABOT. Thank you, Mr. Chairman.

I said at a previous hearing before this committee that you were investigating the wrong guy, that it should have been Biden or Bidens, that Ukraine was the third most corrupt nation on earth, and that Hunter Biden had just put himself right smack dab in the middle of that corruption. And that even though Democrats and many of their friends in the media would have you believe that Burisma-Biden corruption, that this was all just a vast right wing conspiracy allegation when, in actuality, it was the Obama administration that raised this issue first.

Back in 2015, George Kent reported his concerns about Hunter Biden to the Vice President's office. And the former Ambassador to Ukraine, Marie Yovanovitch—sorry about that—said she was coached by the Obama administration on how to answer pesky questions related to Hunter Biden and Burisma that might arise during her Senate confirmation process. And nearly every single witness who testified at the Intelligence Committee impeachment inquiry agreed that Hunter Biden's Burisma deal created, at the very least, the appearance of a conflict of interest.

Yet, the Democrats on the Intelligence Committee, under Chairman Schiff, and now Democrats on this committee, are determined to sweep all this under the rug, ignore it, not let us call witnesses on it; instead, rush to impeach this President.

You have got the Vice President, Joe Biden, in charge of overseeing our Ukrainian policy, and his son, Hunter Biden, receiving $50,000 a month, even though he had no identifiable expertise in energy, or in Ukraine. Yet, the Democrats wouldn't let us call witnesses or delve into this. And it was interesting that Joe Biden got in an argument with a man at one of his events in Iowa recently, called the man a liar and challenged him to a pushup contest, and spouted off a bunch of other malarkey.

And now the committee, this committee is conducting an impeachment investigation against President Trump, based on, as Professor Turley put it recently, wafer-thin evidence, and they are ignoring evidence of something that truly doesn't smell right. Wafer-thin evidence. And this was a professor who acknowledged that he had not voted for President Trump. In fact, all four witnesses who testified, none of them had voted for him. But he said wafer-thin evidence, that is what we are being called to impeach a President on.

And while we are doing that, there are so many things that are getting ignored. Now, it looks like one thing, the USMCA trade deal, which is very important to replace NAFTA, it looks like we might actually get that across the finish line. I certainly hope so, because it will be good for the country. It is bipartisan.

But I think if there is anything good to come out of this impeachment, it is probably that that actually will get passed, because the Democrats want to show we did something, we did something, because they haven't done much of anything else. Very little has passed into law. We had 68,000 Americans who died from opioid overdoses last year alone. I think it was 70,000 the year before that.

And even though the number has gone down a bit, it is not necessarily because we are doing a whole lot better. It is because of

Narcan, not quite as many people are dying, but there are just as many people that are involved with this scourge, these opioids and other drugs.

Our southern border is still a sieve. We have far too many people coming across our southern border. That is something we ought to be able to work on in a bipartisan manner in this committee, to do something about that, and our asylum laws, which need to be reformed. We got a $22 trillion debt hanging over our head.

The reason I am mentioning these issues, this committee has jurisdiction over all these things. It isn't doing a thing, because we have been spending all our time for the last year on impeachment in one form or another. But I have a bill, a balanced budget amendment, which would actually move in the right direction of doing something about that. We should have done it years ago.

Those are all in our jurisdiction. Other things like infrastructure, not in our jurisdiction, but the United States Congress ought to act on it. Our highways and our bridges are crumbling in this country. It is actually something we generally agree on. But the Democrats probably don't want the President to take any credit for that, so that is not likely to happen. It is unfortunate, taking up all this time on impeachment when there are so many other things that we ought to be working on for the benefit of the American people.

Chairman NADLER. For what purpose does Mr. Jordan seek recognition?

Mr. JORDAN. I yield to the ranking member.

Mr. COLLINS. I want to just take a quick second. It is amazing, though, to hear now they have gotten really sensitive about process on the majority side when we actually pointed out the tragedy and the travesty of being a rubber stamp on this committee, and the gentleman from Florida has brought out a couple things. But let me just remind, as he said just a few minutes ago, the White House could have sent anything. No. It is just like everything else. It all goes to the whim and the whimber of the chairman and the majority. They can't send anybody they want. It all goes to their majority opinion.

I yield back to the gentleman.

Mr. JORDAN. I yield to the gentleman from Florida.

Mr. GAETZ. I thank the gentleman for yielding.

If Democrats can't prove that the Bidens are clean, then President Trump can't be guilty of abusing power if he is asking a reasonable question. They cannot prove that the questions into the Bidens are unreasonable.

Now, the gentleman from New York said, Well, you just aren't listening to the witnesses. I listened very closely to the witnesses. What I heard was Mr. Kent say that they were so concerned about Burisma, we had to pull out of a partnership with the Embassy. So if it is okay for our Embassy to ask the questions, why isn't okay for the President?

I listened to Ambassador Yovanovitch when she gave testimony. She said that she was having to do special preparation to have to answer these sticky questions about why the Vice President's son was off moonlighting for some foreign energy company.

So if it is okay for Yovanovitch to ask those questions, if it is okay for the Obama administration to ask those questions, why

isn't okay for President Trump to ask those questions? Here is one thing I know: Corrupt people, they don't just steal once. They kind of get into this like cycle and culture of corruption. And it is disappointing.

I go back to this New Yorker article. I am reading directly from it. One of Kathleen's motions—this is regarding Hunter Biden's divorce—contains a reference to a large diamond that had come into Hunter's possession. When I asked him about, he told me he had been given the diamond by Chinese energy tycoon, Ye Jianming. Hunter told me that two associates accompanied him to his first meeting with Ye in Miami, and they surprised him by giving him a rare vintage of scotch worth thousands of dollars.

So this guy wasn't just taking these weird jobs from the Ukrainians. He was taking diamonds and scotch from the Chinese. And I think it is entirely appropriate for the President of the United States to figure out why that is the case. The American people watching today know that this is an impeachment movement that is losing steam.

I was watching CNN on the way into the hearing this morning, maybe one of the only folks. But I was watching, and I heard Gloria Borger say the polling on impeachment is bad for Democrats. I heard Jim Sciutto say that Chairman Nadler had gone on CNN's air and said, Well, once we have these public hearings, we will animate all this public support for impeachment. Well, now you have had the hearings, you have called the witnesses. And you know what? You are losing ground. You are losing ground with the media, you are losing ground with the voters, and you are even losing ground among your own Democrat colleagues.

I believe the public reporting I have seen that some of your more moderate members in districts that President Trump won are begging you to pursue something other than impeachment. This blood lust for impeachment is not going to be visited on us or President Trump. It is going to be visited on your own Members, and they are asking you not to do this.

The only standard that Speaker Pelosi, Chairman Nadler, and Chairman Schiff set was a bipartisan standard. They said this has to be bipartisan. They said it all throughout the 2018 calendar year. But now, the only thing that has changed is not a strengthening of the evidence, it is that we are going into an election. And they have taken a look at the candidates that they have in the Democratic field, and they have realized that they have to create this impeachment platform because their candidates aren't capable of defeating President Trump in a fair fight. We know that. The American people know that.

And so, the only bipartisan vote that has occurred on impeachment was a bipartisan vote against opening the inquiry. And the only possibility for movement from that vote to now, despite wasting all our time, despite having all these hearings, despite all the damage to our institutions through this very weird and aberrational investigation you have run, the only risk is that you will lose more votes than you started with. You lost two of your Members the first time. You are not going to lose less than two of your Members. You only have a risk of losing more than two of your Members.

And you know what, Republicans are united. We see this for what it is. And we know, just as my colleague from Ohio, Mr. Jordan, said, this is not just an attack on President Trump politically, though it is the election that motivates them for this bizarre behavior. It is not just an attack on the Presidency. It is an attack on us. It is an attack on those of us who believe in this President, who understand very well who we voted for. And he has got some nontraditional ways of doing business, but we also see the great success of this country, more jobs, more opportunity. They have no answer for that in the upcoming election, and it is why we are here.

Chairman NADLER. The gentleman's time is expired.

For what purpose does Mr. Biggs seek recognition?

Mr. BIGGS. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. BIGGS. Thank you, Mr. Chairman.

I mentioned before that looking at the evidence, I am stunned that my colleagues on the other side of the aisle perpetually read every inference you can make in the light most negative to the President, and yet, this whole proceeding and the way this has been shaped up indicates that there is an incredible inference against their credibility, because of the way they have stacked the cards against the President.

So I want to read—you know, I support the gentleman's amendment, and I want to read this from a Ukrainian source who was named and cited in a recent publication. It says, quote: "By inviting influential foreigners, Ukrainian business wants to get additional protection, PR and lobby mechanisms to grasp additional spheres of interest. Having Hunter Biden on board, the owner of Burisma wanted to correct the image and to get cover, because authorities are scared by the U.S. Embassy in Ukraine. Hunter Biden, using the political capabilities of his family, acted as a rescue buffer between Burisma and Ukraine law enforcement agencies. His work in the company of a corrupt official smells."

Now, so let's take a look at the actual document, the transcript that they keep, our colleagues keep referring to. Page 4: The other thing President Trump says, there is a lot of talk about Biden's son, that Biden stopped the prosecution, and a lot of people want to find out about that. So whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution, so if you can look into it, it sounds horrible to me.

That is the essence of what they want to impeach President Trump for. So it begs the question. It simply begs the question, really: Do you get immunity? Is it an immunity granting event to have a relative run for public office? Do you get immunity for that?

Let's flip it on its end. The question is, does the President have the authority to request an investigation? Most assuredly. He mentions the Attorney General here. It is clear that he would like an investigation into the corruption surrounding Ukraine. Because what does President Zelensky go on to say? He goes on to talk about trying to restore the honesty in his country. That is what he is talking about. You got the Attorney General. You got the President of both countries acknowledging that there is corruption, and let's get it fixed up.

And it leads you back to this whole question of the Democrats wanting to impeach President Trump for these amorphous abuse of power issues, these amorphous abuse of Congress issues, obstruction of Congress. It is just bizarre. So Hunter Biden is placed on the board of Burisma in 2014. Joe Biden calls for the removal of the chief prosecutor, Viktor Shokin, in 2016.

In the meantime, evidence is clear that Burisma's company paid about $3.4 million to a company called Rosemont Seneca Bohai, the company of Hunter and his partner, Archer. That is really intriguing. The investigation surrounding Burisma stopped. And Burisma's reputation in Ukraine is low, and it was dubious, even before this impeachment inquiry raised it to new attention.

Now, let's face it. According to Ukrainian sources, Burisma is not on everybody's front burner in the Ukraine, but it is here, because we were providing hundreds of millions of dollars to the Ukraine in foreign aid. And this President said, we need to stop corruption. He mentions specifically the corruption that he had heard about. Is that impeachable? No. Is asking for an investigation to get to the bottom of it—because you do not get immunity just because your father is running for public office, just because anyone related to you is running for public office.

And I will tell you, this President has done a remarkable job in spite of 3 years of constant harassment by the Democrats of this body and the media on the left of this country. We have a great economy. He is trying to bring order to the border. We have more people working than ever before. This President has restored the military and actually prestige around the world. There are no more apology tours on the foreign policy side that we saw in the previous administration. He has really worked to make America's esteem and greatness reprise.

Chairman NADLER. The gentleman's time is expired.

For what purpose does Mr. Cicilline seek recognition?

Mr. CICILLINE. Move to strike the last word, Mr. Chairman.

Chairman NADLER. You are recognized.

Mr. CICILLINE. I want to just begin very quickly and respond to the gentleman from Ohio's lamenting about the productivity of this Congress, and remind my friends on the other side of the aisle and the American people that we have passed nearly 400 pieces of legislation since Democrats took the majority. 275 of those bills are bipartisan. They range in legislation to drive down the cost of prescription drugs, to protect coverage for preexisting conditions, to provide equal pay for equal work, to raise the minimum wage for 33 million Americans, the biggest anticorruption bill since Watergate, H.R. 1, legislation to restore net neutrality, to respond to the climate crisis, universal background check, and we recently completed negotiations on the new trade deal.

So the list is exhaustive. Sadly, 80 percent of those bills are lying on Mitch McConnell's desk awaiting action. So I urge my colleagues, maybe instead of trying to mischaracterize what is one of the most productive Congresses in modern history, we ought to assert some energy in persuading Mitch McConnell to do his job and bring those bills to the floor.

Now let's get back to the facts of this impeachment hearing. First and foremost, there has been this effort to really confuse what this

is about, and what this impeachment is about. It is about the President of the United States using the power of his office to smear a political opponent, to drag a foreign power into our elections, to corrupt the elections and leverage hundreds of millions of dollars of taxpayer money to accomplish that objective.

So this amendment would like to wish away the motive of the President to engage in this corrupt scheme, but you can't wish it away. You can't amend it away. The facts are the facts. The allegations that we are talking about here originated in 2015. That is according to the minority report as well. And in 2017 and 2018, foreign assistance was provided by Ukraine. What happened in 2019? What changed? The President is losing in a national poll by double digits to Joe Biden. Those are the facts.

Third, multiple witnesses, Trump administration officials, testified that Vice President Biden did nothing wrong, including Mr. Kent, Ambassador Yovanovitch, Mr. Holmes, Ambassador Volker. Vice President Biden's firing of the prior prosecutor was done in accordance with official U.S. policy. It was approved by the Justice Department. It was the policy of the United States. It was supported by the European Union and many countries throughout Europe, and a bipartisan coalition in Congress. This was a corrupt prosecutor. It was official U.S. policy that the Vice President was executing.

By contrast, what we have in this case, the basis of this impeachment proceeding is exactly the opposite. What President Trump was doing was not official U.S. policy, and all the witnesses confirmed that. It was not done through the Justice Department, and it was done against the advice of all of his advisers.

And so, that is what is very different about what we are confronting today. And this was work which was not done by the apparatus of the State Department. This is an effort that was led by the President's personal attorney, Rudolph Giuliani. This scheme was led by this whole apparatus outside the State Department.

So let's not confuse these two things. Facts matter. The truth matters. You cannot continue just to make assertions when the record is completely the opposite.

Mr. SWALWELL. Would the gentleman yield?

Mr. CICILLINE. And I would like to yield to the gentleman from California, Mr. Swalwell.

Mr. SWALWELL. I thank the gentleman.

If President Trump and my Republican colleagues were so interested in rooting out corruption in Ukraine, there was so much they could do that they never did. My Republican colleagues, for many years, were in the majority. For many years, the Vice President's son was on this board. They never investigated this. Their concern only came about once Vice President Biden became President Trump's chief political opponent.

On April 21 of this year, President Trump called President Zelensky to congratulate him. In his talking points, President Trump was told to bring up rooting out corruption in Ukraine. President Trump never did it. But the White House, in their talking points, lied to the American people and said the President had.

July 25, again, National Security Council members worked really hard to tell the President, impress upon the Ukrainian President

he needs to root out corruption in his country. The President never brings up corruption. If the President wanted to investigate any individual U.S. citizen, there is a formal process we go through. The President never asked the Attorney General to do this.

The President was never interested in fighting corruption in Ukraine. He was only interested in weaponizing corruption in Ukraine for his own personal benefit, and that is why we must hold him accountable for an abuse of power.

And I yield back.

Mr. CICILLINE. I have a unanimous consent request.

Chairman NADLER. The gentleman yields back.

I recognize the gentleman for a unanimous consent request.

Mr. CICILLINE. Thank you, Mr. Chairman.

I would ask that this article dated February 12, 2019, just 2 weeks before the call to President Zelensky entitled "Trump asked top political advisers whether he should worry about running against Joe Biden" be made a part of the record.

Chairman NADLER. Without objection.

[The information follows:]

MR. CICILLINE FOR THE OFFICIAL RECORD

Trump asked top political advisors whether he should worry about running against Joe Biden

cnbc.com/2019/03/06/trump-asked-advisors-whether-he-should-worry-about-facing-joe-biden-in-2020.html

March 6, 2019

- President Donald Trump has a private meeting with close advisors at the White House to discuss a wide range of topics, including concerns about possibly facing former Vice President Joe Biden in 2020.
- Trump asks whether he should be concerned about Biden potentially capturing the Democratic nomination, according to people with direct knowledge of the matter. Biden still hasn't said whether he is running.
- Trump had reportedly expressed concern during the 2018 midterm campaign about potentially facing Biden, although the president has said publicly that he isn't worried.

President Donald Trump speaks during a cabinet meeting in the Cabinet Room of the White House in Washington, DC on February 12, 2019.

Mandel Ngan | AFP | Getty Images

President Donald Trump had a private meeting Monday with close advisors at the White House to discuss a wide range of topics, including the 2020 presidential election — and concerns about possibly facing former Vice President Joe Biden, CNBC has learned.

At the meeting, the president seemed to indicate to some of his confidants that he is concerned about the prospect of facing Biden, according to one person who attended the gathering and declined to be named. In particular, Trump asked whether he should be concerned about Biden potentially capturing the Democratic nomination, according to people with direct knowledge of the matter.

Trump had reportedly expressed concern during the 2018 midterm campaign about potentially facing Biden, although the president has said publicly that he isn't worried.

The advisors told Trump that they're not convinced Biden would appeal to the Democratic Party's left wing or make it through a primary. They also told the president they believe Biden's opponents will say he's out of touch with the base of his own party. Biden, who leads in several primary polls of Democratic voters, has said that he's in the "final stages" of deciding whether he will run for president.

When asked why the president spoke about Biden, one of the people with knowledge of the gathering told CNBC that the former vice president "is the least crazy out of all" the potential Democratic 2020 candidates. This person pointed to Biden's more moderate

viewpoints compared with those of other Democrats running or considering entering the race.

Another person familiar with the exchange brushed it off saying "no conclusions were reached," and that Trump is "gonna win in 2020 regardless."

VIDEO5:3005:30

Former US Rep. Barney Frank weighs in on the 2020 Democratic field

Squawk Box

Trump has ripped Biden for considering a 2020 run. In a recent Fox News interview, the president said he's not concerned about the Democratic field.

"I'm not worried. So far I love the competition, I love what I see," Trump said in January. When asked at the time whom he would like to run against, Trump didn't commit to a particular candidate but went on to call Biden "weak" and claimed President Barack Obama "took him off the trash heap" when he chose him to be his vice president in 2008.

A White House spokeswoman referred CNBC to the Trump campaign. Kayleigh McEnany, the Trump campaign's press secretary, did not return repeated requests for comment. Biden's spokesman declined to comment.

The first contests of the primary are under a year away, while the first Democratic debates are slated for later this year. Early polls show Biden is the favorite among Democratic primary voters and may have an advantage over the president in a one-on-one election.

In a 2018 POLITICO/Morning Consult poll, Biden led in a head-to-head matchup with Trump. Forty-four percent of voters said they would pick the former Delaware lawmaker, while Trump received support from 37 percent. The survey was of 1,993 registered voters from July 26 to July 30.

Biden is leading in most of the national polls of the potential Democratic field, including a Morning Consult survey that shows him with 31 percent of early primary voters saying they would back him if he runs. Behind him are Sens. Bernie Sanders of Vermont, Kamala Harris of California and Elizabeth Warren of Massachusetts. The poll has a margin of error of plus or minus 1 percent.

The Biden dilemma

Political strategists from both sides of the aisle have mixed views about whether the president and his team should be worried about Biden entering the 2020 race.

Democratic political strategist Mary-Anne Marsh questioned whether the third time will be the charm for the former vice president after he failed to make it through the primary the two other times he ran for the White House.

"I think the biggest question is: Will Joe Biden be the better candidate when he runs this time compared to the two other times? He never made it to the general. So I think that's a big question," said Marsh, who worked on campaigns for Sens. John Kerry and Ted Kennedy. "Biden doesn't appeal to activists who dominated in 2016 and particularly the 2018 cycle. They are progressive, more women and people of color, and Biden's space are likely older, male and white."

Biden, who represented Delaware in the U.S. Senate for more than three decades, ran for president in 1988 and 2008.

A key Biden strength that could help him in the 2020 race is his skill on the stump. Democratic operatives involved with the 2018 midterms were grateful for Biden's assistance on the campaign trail as the party took back the majority in the House of Representatives.

VIDEO1:2501:25

Biden gives strongest signal yet he's planning to run for president

The Bottom Line

"Biden would be a huge problem for President Trump in a general election. Look at the midterms. He campaigned across the country and was a huge hit," said Tyler Law, former national press secretary for the Democratic Congressional Campaign. Biden, for instance, went to Pennsylvania during a special election and helped Democrat Conor Lamb pull off a victory in a Republican-held district.

Other strategists see former New York City Mayor Mike Bloomberg's decision not to run as an opportunity for Biden.

"With the announcement [Tuesday] from Bloomberg that he is not running, I think there is even more of an opening for Biden in the Democratic primary," said Christian Ferry, who worked as a deputy campaign manager for Republican Sen. John McCain's 2008 run for president. "Biden can appeal to working-class Democrats who felt no connection to Hillary Clinton and independents who would be scared of a more progressive nominee."

According to the most recent Gallup poll, Trump has an approval of 90 percent with Republican voters but he continues to struggle with independent voters. Only 35 percent of independents back him. In 2016, he won independent voters with a narrow margin over Clinton.

Overall, Gallup shows 43 percent of participants approve of the president's performance during his first term, while 54 percent disapprove. A Quinnipiac poll in December, meanwhile, showed that 53 percent of voters held a favorable view of Biden, while 33 percent saw him unfavorably.

Chairman NADLER. There are a number of votes on the floor. The committee will stand in recess until after the votes. Please reconvene immediately after the votes.

The committee stands in recess.

[Recess.]

Chairman NADLER. The committee will come to order.

When we recessed, we were considering the amendment offered by Mr. Gaetz. We will continue that consideration now. For what purpose does Mr. Buck seek recognition?

Mr. BUCK. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. BUCK. Thank you, Mr. Chairman.

Mr. Chairman, I have heard continually from the other side this argument about obstruction of justice, obstruction of Congress, rather, I apologize, and I am baffled. And the more I think about it, the more I am baffled. In Colorado, we have a different term for that. We call it a campaign promise. You see, when Congress has a 14-percent approval rating, it is somewhere between being as popular as shingles and an all-expense-paid trip to North Korea.

We have a national deficit, a national debt, of over $22 trillion. We have a deficit of over $1 trillion this year. We were sent here to obstruct this Congress. We were sent here to make sure that this power of the purse is actually exercised around this place. We were sent here to make sure that we didn't nationalize and ruin healthcare. We were sent here to secure the border and to do our very best to prohibit sanctuary cities in this country. We were sent here to stop this body from ignoring States' rights.

Yesterday, we passed the NDAA bill. Somehow, someone slipped in a provision that every Federal employee, every Federal, not just Defense Department employees, but every Federal employee will be given 3 months of paid family leave. Every Federal employee. All those Americans sitting out there don't get that. It's exactly why we're here, to make sure that we hold Congress to a higher standard.

And if you issue an Article of Impeachment for obstructing Congress, you're going to make this President more popular, not less popular. Congress is an embarrassment, and this President is holding his campaign promises, moving the Embassy to Jerusalem, cutting taxes, cutting regulations, sustaining an amazing economy with low unemployment, job creation, bringing manufacturing jobs back, negotiating trade deals.

I think that we should be talking about how we support this President and how we support this agenda and not how we undermine the positive direction that we are going in this country.

And, with that, I yield back.

Mr. DEUTCH. Will the gentleman yield for a question?

Mr. BUCK. No.

Chairman NADLER. The gentleman yields back. For what purpose does Mrs. Lesko seek recognition?

Mrs. LESKO. Thank you, Mr. Chair, to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. LESKO. Thank you, Mr. Chair. The Democrats' Articles of Impeachment claim that the President had corrupt purposes in pursuit of personal political benefit used to influence the 2020

United States Presidential election. Well, they have absolutely no proof of that.

Let's read the actual transcript of the phone call in question, and I want to remind you for the people that read it, there is only one section in this entire transcript, and it is not until page 4 out of 5 that President Trump brings up Biden, which was well into the July 25th call.

President Trump said to the Ukrainian President, and I quote: The other thing. There's a lot of talk about Biden's son, that Biden stopped the prosecution, and a lot of people want to find out about that, so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution, so if you can look into it, it sounds horrible to me.

To anyone who hasn't seen the video of Joe Biden bragging that he got a prosecutor fired, I recommend you watch it. It is very telling. Biden brags about how he got the Ukrainian prosecutor fired who had been investigating Burisma. Burisma, to remind you, is the corrupt Ukrainian company that hired Hunter Biden, Joe Biden's son, to serve on their board at the very same time that Vice President Biden was the point man to Ukraine. Joe Biden said he told Ukraine he wouldn't give them $1 billion if they didn't fire the prosecutor. He said, and I quote, if the prosecutor is not fired, you're not getting the money.

Put yourself in President Trump's shoes. He has seen or heard about the video of Joe Biden bragging about how he got the prosecutor fired, the same prosecutor that had been investigating the same corrupt company where Biden's son got a cushy spot on the board, getting paid at least $50,000 a month at the same time that Joe Biden, while serving as Vice President, was the point man to Ukraine.

My Democratic colleagues seem convinced that the President was targeting Biden to influence the 2020 election. That is their main premise of these Articles of Impeachment. But it is just as likely, and I would say more likely, that President Trump wanted to get to the bottom of possible corruption with the Bidens, Burisma, and Ukraine.

And, with that, I yield back.

Chairman NADLER. The gentlelady yields back.

I now recognize myself for 5 minutes to strike the last word.

And I just want to say the central issue of this impeachment is the corruption of our institutions that safeguard democracy by this President. There are two basic protections we have for our democracy: free and fair elections. And the President in Article I is charged with trying to subvert the free and fair elections by extorting a foreign power into interfering in that election to give him help in his campaign. We cannot tolerate a President subverting the fairness and integrity of our elections.

The second major safeguard of our liberties designed by the Framers of the Constitution is the separation of powers. The power is not united in one dictator but is spread out through the executive represented by the President, the Congress, and the judiciary. The second Article of Impeachment charges that the President sought and seeks to destroy the power of Congress.

Congress may be unpopular, and maybe we should be reelected or maybe we shouldn't be reelected. That is a question for the voters. But the institutional power of Congress to safeguard our liberties by providing a check and a balance on the executive is absolutely crucial to the constitutional scheme to protect our liberties. Central to that is the ability to investigate the actions of the executive branch, to see what is going on, and to hold the executive, the President, or people working for him accountable. The second Article of Impeachment says that the President sought to destroy that by categorically withholding all information from an impeachment inquiry.

Now, that is different from contesting some subpoenas on the basis of privilege. Some may be contestable; some may not be. But a categorical withholding of information—"We will prohibit anybody in the executive branch from complying with any congressional subpoena, no matter how justified; we will make sure that nobody in the executive branch gives any document to Congress with respect to this inquiry"—is a subversion of the congressional power to keep the executive in check. So whether you think Congress is behaving well or badly, whether it is popular or unpopular, if you want a dictator, then you subvert the ability of Congress to hold the executive in check. What is central here is, whether we want a dictator? No matter how popular he may be, no matter how good or bad the results of his policies may be, no President is supposed to be a dictator in the United States.

When I hear colleagues of mine arguing that Congress is unpopular, and, therefore, obstruction of Congress is a good thing, this shows terrible ignorance or lack of care for our institutions, for our democracy, for our form of government, for our liberties. I, for one, will protect our liberty, do everything I can to protect our liberties, our democracy, our free and fair elections, and the separation of powers that says Congress and the President and the judiciary check each other. Nobody can be a dictator. I yield back.

Mr. JOHNSON of Louisiana. Mr. Chairman.

Chairman NADLER. I now recognize Mr. Johnson. For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Louisiana. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Louisiana. Mr. Chairman, I will speak to the Gaetz amendment, which is why we are here right now, but I wanted to address what you just said. I think it is a really beautiful argument. I think you should make it in court because that is what you are supposed to do under our system. If you want to make that argument, you are supposed to go to a Federal court, the third branch of government, to resolve a dispute between the executive and the legislature. That is what has always happened before, but you guys won't do it. You could go make that argument, but you are not going to do it. You know why? Because you guaranteed your base you would get an impeachment by December, by Christmas. This is ridiculous. It is a travesty of justice and all due process, and that is why we are so concerned.

Now, I do love the Gaetz amendment, and to reset the table because we just had a break, it is a really good one. I think the people back home aren't able to follow because they don't have all the

handouts, but this is all he wants to do. So, on page 3 at lines 10 through 11, it currently reads that President Trump suggested an investigation of, quote, a political opponent, former Vice President Joseph R. Biden, Jr., unquote. So Mr. Gaetz' amendment is real simple. It is just three lines. He wants to replace that with, quote, a well-known corrupt company, Burisma, and its corrupt hiring of Hunter Biden, unquote.

Now, that is such a logical amendment because it comports with the facts and everything we have been saying here that a lot of people back home are probably scratching their heads right now and saying: Well, I wonder why the Democrats would oppose that.

Well, here is why. A constituent sent me a note during our break for the vote series, and he said this, quote: Let me get this straight. President Trump's phone call amounts to an abuse of power, but Vice President Biden's actions do not?

Let's review what we know. I pulled those facts. Let me go through them here real quick. First, in Biden's case, he personally withheld U.S. aid until the prosecutor he wanted fired was actually fired. Biden received a personal benefit for his official act, namely, the ability of his son to continue to collect money from a corrupt Ukrainian company. Hunter and Joe Biden had a direct financial stake in avoiding an investigation of Burisma that might lead to the company's demise, then his gravy train would stop. Of course, this is just obvious. Everybody can see it.

There was an article in The New York Times that was published in May, May 1, 2019, stating the following about the Ukrainian's prosecutor ouster, quote: Among those who had a stake in the outcome was Hunter Biden, Mr. Biden's younger son, who at the time was on the board of an energy company owned by a Ukrainian oligarch who had been in the sights of the fired prosecutor general, unquote. And of course, Joe Biden had a personal interest in avoiding a political scandal involving his son.

Clearly, a requested informational investigation into Biden's dealings was justified as an informational investigation into an abuse of power by the previous administration. But, of course, if President Trump's requested informational investigation was justified, then no impeachment charge against him is justified. It can't be an abuse of power by President Trump to inquire about an abuse of power that is so painfully obvious by Vice President Biden. In other words, any theory of impeachment on these facts has to collapse on itself, and it ends up exonerating President Donald J. Trump. That is the reason they won't accept the amendment, but it is why every single one of us who is looking at these facts objectively really has an obligation to do it.

Now, I have a minute and a half left. Let me correct something else that was in the record. We have a lot of facts to correct, and we may be here a while doing that. My good friend and trusted friend, Ms. Lofgren, said before the break at some point that the Ukrainians knew about the hold on the aid. But the fact is that senior Ukrainian Government officials did not know about the delay in funding until August 28th. Ukrainian Embassy officials who contacted the State Department and DOD officials were reportedly acting rogue with the then Ukraine Ambassador to the U.S. and working to withhold information from Kyiv to undermine

the new Zelensky administration, the swamp drainer, the guy who was going to clean up the corruption that President Trump affirmed later. Andriy Yermak has publicly confirmed that the President's close advisors, President Zelensky's close advisors, had no knowledge of the hold until it was made public by the Politico article on August 28th.

Look. That is a fact. Like everything else they are trying to obscure here, you can't take your eye off the ball. I know this is hard to follow back home from conscientious constituents of ours and citizens who trying to do their duty, tying to be informed and engaged as an electorate. It is hard to follow. But what you have to know is that both the process and the substance of these arguments is completely empty. It is vapid. That is why we are wasting our time here. I am out of time, and I will yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Stanton seek recognition.

Mr. STANTON. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. STANTON. There has been some discussion today as to what is the reason why we are here. It has been suggested by some that we are here because we disagree with the President and his policies. A few moments ago, we heard a list of some policies where there actually might be some disagreement with the President of the United States.

You know, we do have some policy disagreements with the President of the United States. We do disagree strongly about separating children from their parents at the southern border. We do disagree strongly with this President in his attempt to eliminate preexisting condition protections under the Affordable Care Act. We disagree strongly with this President about his decision to remove us from the international climate change accord.

But none of those are the reasons we are here today, voting today on Articles of Impeachment. We are only here today voting on these two Articles of Impeachment because this President has chosen to put his personal interest ahead of the national interest. We are only here today because this President chose to attempt to withhold public resources in order to gain an unfair advantage in an election.

That is the reason why we are here. That is the only reason why we are here. We are here voting on these two articles, but we are also here for the very important principle. Is any person above the law? That is what each member has to think about as they make this important decision, not trying to divert attention from the core facts or try to make this important vote today about something other than it is. That is what we need to focus on, and I hope we will for the rest of this hearing. And at this point, I will yield to the gentlelady from Texas, Congresswoman Escobar.

Ms. ESCOBAR. Thank you, Mr. Stanton.

There is much reference, there has been much reference made to the transcript, and I use air quotes because it is not an official transcript. I want to remind everyone that this was a document provided to us by the White House with ellipses in the documents, and we don't know exactly what was stated because it is not an official document.

Much has been made also about this idea of the use of "do us a favor," as though the United States of America and foreign policy experts and State Department experts were clamoring to get information on Burisma or information on Hunter Biden or Joe Biden.

We heard from Mr. Goldman last week, and I asked him specifically if his committees had investigated that claim, that there was some legitimate concern by the government about corruption regarding Burisma, and he said they thoroughly investigated it and found absolutely no evidence.

Mr. Trump is welcome to be here. He was welcome to be here. He was welcome to participate. His lawyers, so that he—if he has any information that would exonerate him about this, he could present it at any time. He has not.

Now, let's compare that to the fact that he has prohibited witnesses from coming before our committee and other committees. He has prevented documents from seeing the light of day. He has intimidated witnesses, so let's remember that he is doing absolutely everything possible to hide his wrongdoing. If he could prove otherwise, he would.

Now, compare that with the information that was created through the investigations: over 300 pages in a report, over 17—or 17 witnesses, over 200 text messages. That is just what was able to make light of day. That is just what we were able to discover because of patriots willing to come forward.

So, again, I would say if there is any evidence that the American Government or foreign policy advisors or experts or the diplomats that dealt Ukraine believed that this was about us, then the President can show the evidence. Thank you, Mr. Stanton. I yield back.

Mr. STANTON. Thank you very much.

And, Mr. Chair, I yield back to you.

Chairman NADLER. The gentleman yields back. For what purpose does Mr. Deutch seek recognition?

Mr. DEUTCH. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. DEUTCH. Thank you, Mr. Chairman. Mr. Chairman, the colleague from Louisiana is exactly right. It gets confusing. It does. There is a lot that we have been talking about, which is why it is so important to always return to facts, and I just wanted to set a couple of facts straight.

We heard that we were somehow sent here, Members of Congress are somehow sent here to defend the President or to defend the President's policies or to defend an overturning of the status quo. I didn't really understand the suggestion because the fact is, and I think everyone on the dais, everyone on our committee, everyone in America knows and needs to be reminded we are sent here to defend the Constitution, and the Constitution provides three coequal branches of government.

And when the President of the United States chooses to refuse to engage with the coequal branch of government that is this body, when the President, through his lawyer, makes clear that he will not respect the Constitution, will silence anyone who might have information to provide to Congress, will instruct them to not turn over a single document, that is the obstruction of Congress we are talking about.

And the suggestion that it is somehow standard operating procedure in the United States of America for a President to defy Congress completely and then for our friends on the other side to throw up their hands and say: Every President does it. The way that we resolve these issues is to go to court. We have three coequal branches of government. If one branch says they're going to completely obstruct the business of the second, then we just go to court. That is the way it works in our country.

Again, it is important to remind people of the facts in the Constitution. That is not how it works. It doesn't work that way. It has never worked that way. Never in the entire history of our country have we had a President of the United States simply defy a coequal branch altogether. There is no example. My friends on the other side of the aisle cannot point to a single example where a President has said: I will not cooperate with you in any part of your work, period. This is not a legitimate effort. You are not a coequal branch of government, and then simply says: But you can go to court because that is how things always work.

Again, it is just important to remember the facts are clear: No President has ever, ever, ever obstructed Congress in the manner that we have seen from President Trump.

Mr. JOHNSON of Louisiana. Will the gentleman yield?

Mr. DEUTCH. In a moment.

And so, as we go forward—and I don't know how much longer we will be here—it is always important to make sure that the facts are clear and that we don't muddy the waters by suggesting that something that is so unprecedented, that we have never seen before in the history of our country is somehow just part and parcel of the way that things work around here. They don't. We know it. My friends on the other side of the aisle know it. The American people know it, but Mr. Johnson is right. Sometimes it is important to remind them of it. I yield——

Mr. RASKIN. Will the gentleman yield? Thank you, Mr. Deutch. I just want to add a little constitutional postscript to underscore the point that Mr. Deutch is making here. Article I of the Constitution gives the House of Representatives the sole power of impeachment. It gives the Senate the sole power of trial.

In a Supreme Court decision called United States v. Nixon, the Supreme Court emphasized that the rules and the procedures developed, including the evidentiary rules, are completely within the power of the House and the Senate and cannot be second guessed by the courts.

And in terms of general congressional oversight, the gentleman is perfectly correct. The Supreme Court has emphasized that the fact-finding investigative power of Congress is essential to, integral to, and built into our legislative power. James Madison said that those who mean to be their own governors must arm themselves with the power that knowledge gives. And where does Congress get the knowledge to legislate for the people? We get it through subpoenas, through the discovery process, and so on. No administration in history has ever attempted to do what this administration has done, which is to pull the curtain down over the executive branch and to deny us all of the investigative requests that we have. I yield back.

Chairman NADLER. The gentleman yields back. For what purpose does the gentleman seek recognition?

Mr. COLLINS. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COLLINS. Thank you. Look. We are going to be here a long time tonight, and don't let anybody worry. There is plenty of malls we can go to. So, if anybody thinks that might be in our midst, don't worry about it. Keeping asking because if we have to fact check you all night, we will because this is all that has been happening right now.

Let's go back to the transcript. The transcript. Every witness testified that the transcript was fine, and the transcript was accurate. The transcript reflected the call. Everyone testified to that. They was able to make it additions. They were able to make—a process.

Talk about ellipses. You want to talk about ellipses? Look at, you know, they should have put the ellipses in the Articles of Impeachment. The wide gaps here of fact and logic are amazing in this.

So, I mean, this is—let's go back to the facts. Let's get back to what we are saying. I do appreciate the fact that my friend from Florida, Mr. Deutch, said that we are muddying the waters. The way that we have tried to get these facts out today and what I have heard from my majority colleagues over the last 6 hours, if this is muddying the waters, y'all are an EPA hazardous waste site at this point. This is muddying the waters because you don't have the facts to get to where you need to get to, and you just want to continue to say, well, it was, it was, it was. We just don't like him.

Even the chairman. This is about an issue of when we go back that we are trying to get a dictator. I love how we throw these words in. "We are trying to stop a dictator. We are trying to stop a dictator." That is not what you are trying to do. You are using inflammatory language because you want to make a better point because, right now, your facts are failing. And you put two Articles of Impeachment that you really don't want to defend because either you defend them passionately, and you look sort of silly doing it, or you don't defend it, and you look even worse for bringing them.

So, again, we can fact check this all night. We are here to do this. It is just amazing, though, that after 3 and a half hours earlier, laying out everything that happened, looking at what went forward, these actually going forward are not what is happening here.

So, again, let's get at one thing clearly for those who may have tuned back in after lunch, maybe after nap. The transcripts were accurate. You know how I know that? Because everybody testified that they were. Even Fiona Hill said the ellipses didn't mean—that was not even an issue for them. The transcript was accurate, so let's quit perpetrating that discussion point out there. That talking point, let's mark off our list. Let's discuss the fact of us is accuracy. It is actually called reading. You read the transcript as it is put in. It says "us," not "me." These are the kind of things that are simple as we go forward. With that, I yield to Mr. Jordan.

Mr. JORDAN. I thank the ranking member for yielding. I just want to go back to something that the gentlelady from Texas mentioned a few minutes ago. She questioned whether the transcript was complete. Remember what Colonel Vindman testified to. He said it was complete and accurate. Lieutenant Colonel Vindman

said that in his deposition, in his—in the testimony in the hearing, complete and accurate transcript. So to say—to suggest that it is not is just not consistent with the testimony we received from your witnesses. Remember, Lieutenant Colonel Vindman is the same guy who wouldn't tell us all the folks he talked to about the call. Wouldn't tell us. He said he shared the call with five people but would only tell us four of those individuals, but that is the guy who told us that the transcript was complete and accurate. I yield back to the ranking member.

Mr. COLLINS. I yield to the gentleman from Louisiana, Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you very much. I just want to respond to my colleague over here, Mr. Raskin. He was a constitutional law professor. I was a constitutional law litigator for 20 years. We could debate this all day long, but you just misstated U.S. v. Nixon, okay. And I don't want to get too deep in the weeds for the folks back home, but this is really important.

In that case, in 1974, the Supreme Court recognized the existence of executive privilege, which is a protection that requires a balance of interest between the legislative and executive branches by the judicial branch. But here is the important thing: They said in that case there is not an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances. That is a quote from the court. But the corollary, the other side of that is true as well. Congress doesn't have an absolute, unqualified authority to demand evidence from the President, either. That is the whole reason that you have to go to the third branch of the judiciary.

This is a legitimate claim of privilege. It is a legitimate issue that the courts could decide. It is a case of first impression, as my colleague knows, because this specific set of facts has not been addressed yet, and it should be resolved by the courts.

Professor Turley addressed this in his testimony to this committee, and he said, quote, he wrote in his submission: The answer is obvious. A President cannot substitute his judgment for Congress on what they are entitled to see, and likewise, Congress cannot substitute its judgement as to what the President can withhold. The balance of those interests is performed by the third branch that is constitutionally invested with the authority to review and resolve such disputes.

Mr. RASKIN. Would my friend yield?

Mr. JOHNSON of Louisiana. Wait a minute.

That's the answer. So, if we are going to cite Supreme Court cases, let's put it in the appropriate context, and let's acknowledge——

Mr. RASKIN. My friend——

Mr. JOHNSON of Louisiana [continuing]. That this is an issue. I yield 20 seconds.

Mr. RASKIN. Thank you. We are citing different cases. I am talking about the 1993 Judge Walter Nixon case which was——

Mr. COLLINS. I will remind the gentlemen from the constitutional scholars on both sides of this argument, it is my time, not y'all's.

Mr. JOHNSON of Louisiana. I am sorry. I yield back. Fair enough.

Mr. COLLINS. No, Mr. Raskin. We are done with this.

I yield back my time.

Chairman NADLER. The gentleman yields back. For what purpose does Ms. Dean seek recognition?

Ms. DEAN. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. DEAN. You know, let's go back. As has been stated today, the Constitution devotes only a few sentences to impeachment, so I am going to read one. It is Article I, Section 2, the very last sentence. The House of Representatives shall choose their Speaker and other officers and shall have the sole power of impeachment. As Professor Raskin just told us, properly, the Constitution uses the word "sole" only twice. Sole, not shared. Not shared with the judiciary. Not shared with the executive. This means that we have the sole opportunity and obligation, frankly, to determine what evidence is necessary for impeachment. Sole, not shared with the executive.

Think back. Judiciary Chairman Peter Rodino warned President Nixon about his failure to comply with subpoenas issued in the Watergate impeachment inquiry. Under the Constitution, it is not within the power of the President to conduct an inquiry into his own impeachment to determine which evidence and what version or portion of that evidence is relevant and necessary to such an inquiry. These are matters which, under the Constitution, Rodino wrote, the House has the sole power to determine. Sole, not shared with the executive. Sole, not shared with the courts.

It's a civics lesson. Don't let the other side who have such talented constitutional attorneys over there distract you. This is not an ordinary dispute, folks. This is a very rare, thankfully, very rare dispute. It is not an ordinary dispute where you go to the court. We don't need permission to go—to use our constitutional rules. If President Trump is allowed to refuse to comply with requests for information, it would gut the House impeachment power and undermine our bedrock principle of separation of powers.

Last night, as we left here, I wanted to just tell you this. I went outside, and there was a team of about 12 high school students from Ohio with their teacher, and they said, would you mind stopping for a minute? Could we just talk to you for a minute? It was so interesting to watch and to listen and to hear what was going on at this important, historic time. We loved learning about our Constitution and how much you prize this Constitution. Thank you for protecting it for us.

And you know what they said to me? We didn't understand this before, but I do now: It is your job. It is the House's job to determine what evidence comes in.

We do not need permission from the President. We do not need permission from the courts. In fact, we have an obligation to do our job under this simple smart document.

Today, December the 12th, marks the anniversary of Pennsylvania coming into the Union. I think about those Framers in my city of Philadelphia, so wisely thinking through these words. Today marks 232 years since those wise men fought thought through how would we conceive of our government and how would we maintain self-government.

Do not be confused by the lawyers on the other side who would teach the wrong civics lesson and distract you with the notion we

need to go to court. We need permission of a President. We need permission of a court. We do not.

With that, I yield.

Ms. JACKSON LEE. Will the gentlelady yield?

Ms. DEAN. I would like to yield to the gentlelady from Texas.

Ms. JACKSON LEE. I thank the gentlelady and for her very forceful response. And might I just say to the obstruction of Congress, neither Mr. Nixon nor Mr. Clinton obstructed Congress in the manner that this President is doing.

The underlying amendment had to do with corruption, and I raised the point of the document that speaks about the July 25th call. Let me just quickly say that the language is "I would like you to do us a favor, though." And as the White House has distorted the interpretation, the "us" does not have any reference to the Department of Justice, the Department of Defense, the Department of State. And clearly, in this same document, he mentions the Vice President. He mentions CrowdStrike. All of those have been debunked. It is clear that the Vice President was operating as the Vice President of the United States at the time, and he was operating, he was operating on an official policy to deal with Ukraine. This is about the President seeking to have Ukraine investigate this political opponent for personal and private reasons. No one misinterpreted what was said. And Lieutenant Colonel Vindman immediately went to the legal counsel in the White House that immediately went dark and never responded because he was so offended by this campaign effort.

With that, I yield back, and I thank the gentlelady for yielding.

Chairman NADLER. The gentlelady leads back.

For what purpose does Mr. Reschenthaler seek recognition?

Mr. RESCHENTHALER. Permission, Mr. Chairman, to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RESCHENTHALER. Thank you, Mr. Chairman. I yield to my colleague and good friend from Texas.

Mr. GOHMERT. I thank my dear friend from Pennsylvania. You don't have to be a constitutional scholar if you just had Coach Barker for civics in high school as I did. This is unique, so we don't need to hear from the courts. This, we are told, is uncharted territory because no President has just completely refused.

Let me just touch on a little bit here on both of those issues. This is uncharted territory. Never in the history of this country have we had an impeachment proceeding begun by lies that got a warrant from a secret court that turned out and had been documented to be lies and then kept getting warrants, three after that, based on lies. And not one person on the other side of the aisle is the least bit embarrassed that they went to a secret court and got warrants based on lies, first, to investigate or spy on a campaign or surveil, electronically surveil, as Horowitz said, but this is uncharted territory. Nobody wants to apologize on the other side. Okay. I get that. It might be politically embarrassing. But to say we don't need to go to court? I mean, the Obama administration was just incredible at getting subpoenas, doing document dumps of stuff that didn't—we really weren't looking for, asking for, especially from Judiciary, but the other stuff that we demanded, we couldn't get it.

And we tried to get Boehner to go to court. Let's get a court order requiring it so that we can hold them in contempt. That's the only way we'll ever get this done, and he wouldn't do it. And so those of us that understand the Constitution and understand they're not just two articles, we understood we needed to get that court order to back us up so it wasn't us abusing the offices of Congress. We had, as Turley and Dershowitz and others pointed out, you head to court. You go.

And another thing that is uncharted territory, we started this impeachment proceeding about the Russia hoax and the Russia collusion and demanding all these documents about the Russia collusion, and it kept changing. And then it went to bribery and extortion and emoluments and all these other things. Never in history has a President been accused of crimes with a target constantly changing.

Now, when you subpoena documents, there has to be a reasonable basis for requesting information or subpoenaing witnesses. You have got to have a reasonable basis. And when you keep changing the allegations against the party from whom you are demanding information, then they have the reasonable expectation to advise them of what the new charge is today, what the new evidence is today. But they couldn't give any of those, and I would have been very surprised if you had—now, you will find some Obama appointees that might have upheld subpoenas, but not the Supreme Court because this is so unreasonable.

And to the earlier allegation that, gee, even though nobody in the Ukrainian Government has said they were a victim, well, it is because the President had a gun to their head. Well, that is not the case. The reason that they are not saying that is because they knew this is the most helpful President they have had since the steel curtain fell. Because this is a President, unlike the Obama administration when they were under attack and Ukrainians really were dying, we offered up blankets and Meals Ready to Eat and military stuff, but this is a President that has really helped them defend themselves. This is a President that really made a difference for Ukraine. So it wasn't a gun to their head. They see this as a helpful President.

And another thing. If a victim does not admit to being a victim, anybody who has been a prosecutor surely knows this. You can go to court, force it to court, and the victim says "I wasn't a victim," you don't get a conviction. And if you do, that is not sustained because that is what courts and Congress call a no-evidence point.

You have a no-evidence point. That is why you had to drop bribery, although it does apply to Vice President Biden. You smartly dropped the bribery, and now you have this elusive abuse of power. This is outrageous, and it needs to come to an end.

Chairman NADLER. The gentleman's time has expired. For what purpose does Mr. Jeffries seek recognition?

Mr. JEFFRIES. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JEFFRIES. The gentleman from Texas talked about reasonable basis. The reasonable basis here is that there is uncontroverted evidence that the President pressured a foreign government, Ukraine, to target an American citizen, Joe Biden, for

political gain, and at the same time withheld, without explanation, $391 million in military aid that had been allocated on a bipartisan basis.

Ambassador Taylor, West Point graduate, Vietnam War veteran, appointed by Reagan, Bush, Trump to the diplomatic corps said the following about the withholding of that military aid: No legitimate public policy basis, no legitimate national security basis, no legitimate substantive basis. That is why Congress proceeded. We had more than 200 national security professionals, Democrats and Republicans, who expressed concern with the President's wrongdoing and said this undermines American national security. That is the basis for the impeachment inquiry. But what the President has done has said, unlike the Madisonian vision of democracy where there are checks and balances, separate and coequal branches of government, I, alone, can determine what the Representatives of the people see in connection with a legitimate investigation.

And at the same time, this is a President that attacks everybody to distract. He attacks everybody who won't bend the knee to Donald J. Trump. He has attacked John McCain, a war hero. He has attacked Mitt Romney, 2012 Republican nominee. He has attacked Bob Mueller, a Marine, a distinguished professional in law enforcement. He has attacked your former Speaker, Paul Ryan. He attacks Gold Star families. He even attacked today a 16-year-old teenage activist, Greta Thunberg. Are you here to defend that as well? And so what has happened is that, instead of addressing the substance of the allegation, you want to attack Joe Biden and his family.

Elijah Cummings is no longer with us. He is in heaven just like the prophet Elijah, but his spirit is with us, and we are better than this. We are proceeding in a serious, solemn, and sober fashion because the allegations are deadly serious. Is it okay for the President to solicit foreign interference in the 2020 election or not? Who should decide the outcome of our elections? Is it the Russians, the Chinese, the Ukrainians, or the American people? It should be the American people. And that is why we are here at this moment, and so let's have a serious discussion about it and stop attacking Americans who refuse to bend the knee to this President.

Ms. LOFGREN. Would the gentleman yield?

Mr. JEFFRIES. I yield to the gentleman from Tennessee.

Mr. COHEN. Thank you, sir. One of the issues, big issues here, is Trump conditioning military aid on an investigation of the Bidens. Joe Biden, period, his primary political opponent in his mind. The Republicans have said: No, it was about corruption. It wasn't about them.

But listen to what they have talked about today. All they have talked about is the Bidens; Hunter Biden's automobile audible accident, Hunter Biden's this, Hunter Biden's that, Hunter Biden's salary. They haven't brought up the corruption of the past Ukrainian leaders or any Ukrainian business. It is all the Bidens. Their defense speaks to the truth of the allegations in this article, that it was all about the Bidens. They are all about the Bidens, and that is what it is about.

Mr. GOHMERT. Will the gentleman yield?

Mr. COHEN. I yield.

Mr. GOHMERT. I did bring up——

Mr. COHEN. I yield back to Mr. Jeffries.

Mr. GOHMERT. Okay. I shouldn't have tried to correct you again, I guess.

Mr. JEFFRIES. Foreign interference in an American election solicited by the President is not okay. That is an abuse of power. It undermined our national security. The President should be held accountable because no one is above the law.

Chairman NADLER. The gentleman yields back. For what purpose does Mr. Neguse seek recognition?

Mr. NEGUSE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. NEGUSE. Thank you, Mr. Chairman. I think the gentleman from New York laid out in such an articulate way the basis and the justification for both Article I and Article II before us. But I just want to touch on the debate around obstruction of Congress and explain to my colleagues and the American people why this instance is so unprecedented.

I will first just say with much respect to my colleague from Colorado, I want to assure the American people that obstruction of Congress to Coloradans means the same thing that it does to everyone else in this country. It means the defiance of lawfully issued subpoenas by the United States House of Representatives. It means impeding the ability of the House of Representatives to perform its constitutional duty. And unlike the obstruction of Congress that has taken place in the past, this President's obstruction of Congress has been total, has been absolute, and has been categorical.

In 1999 and 1998 when President Clinton was the subject of an impeachment inquiry, this committee propounded 81 interrogatories to his administration, and he responded. In 1974, during the Watergate investigation, Nixon's chief of staff testified. Nixon's counsel testified.

In this instance, the President has taken steps to ensure that this committee does not receive, and the intelligence committee as well, key testimony from any host of officials in our government.

And just to give you a historical context, I will read to you a quote: All members of the White House staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

That is from Richard Nixon's administration.

So I hope again as we consider the gravity of the articles before us that we can stay true to the facts and recognize that when we say that no President in the history of this Republic has ever completely defied an impeachment inquiry as this one has, we mean it. And with that——

Ms. LOFGREN. Would the gentleman yield?

Mr. NEGUSE. I will yield to the distinguished gentlewoman from California.

Ms. LOFGREN. I enjoyed listening to you. You are absolutely correct in your reporting of what occurred during both the Nixon and Clinton impeachment, but I want to address the issue from a slightly different point of view. Not only has President Trump refused to provide information that he should have provided, he didn't assert a privilege. He just said no.

I actually have just reread the letter from Mr. Cipollini, the President's lawyer, dated October 8, 2019. It is page after page after page of complaining about how the House is proceeding, but the Constitution says Congress shall have the sole authority to impeach. We decide how to proceed, not the White House. And in the end, without asserting any privilege whatsoever, he just announces they are not going to cooperate, provide any information. This isn't something that needs to be adjudicated by the third branch, the judicial branch, because there is no—there is no privilege being asserted here. It is simply no. That has never happened before, never happened before in the history of the United States.

And I will tell you. In addition to being improper, a valid article, Article II that we are considering today, if this behavior persists, the balanced, carefully balanced sharing of power between the three branches of government is gone forever. It means that only one branch, the executive branch, will have the right to decide what happens in the United States of America, and that is a very different type of country than we have enjoyed for over 200 years, and it is not a piece of good news for freedom in the United States. And I yield back to Mr. Neguse with thanks for recognizing me.

Mr. NEGUSE. I yield back the balance of my time.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. McClintock seek recognition?

Mr. MCCLINTOCK. Strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. MCCLINTOCK. Mr. Chairman, I have to offer a different perspective on this. The doctrine of executive privilege actually began with a subpoena that the House issued to President George Washington in 1796 demanding all the papers relating to the Jay Treaty. President Washington refused that subpoena because he said that the powers of the House did not extend to treaties. He ultimately only provided that information to the Senate as a function of its treaty approval process.

So, in the doctrine, that dates back to those days is derived from the separation of powers between the executive and legislative branches. Congress can no more intrude into the policy discussions of the President than the President can intrude into our own policy discussions. That is essential to the separation of powers.

Now, there is a natural tension between the branches. That is a byproduct of that separation of powers. And when that tension cannot be resolved, then we turn to the judiciary. That is the appropriate way to resolve this, different interpretations of the boundaries between the Congress and the President, the appropriate response is judicial review, not impeachment.

The President has every right to assert his constitutional rights, and he has every responsibility to defend the prerogatives of his office. His very oath of office compels him to do so.

In matters like this, the courts have acted quickly to resolve such disputes. The Democrats aren't willing to go to the courts. What Article II says is we are not willing to go to court. We will take the law into our own hands. These are the same people who tell us that no one is above the law, of course, except for themselves. What they are saying is Congress alone will decide the limits of our own power. This is the essence of despotism. The reason why we

separate powers of government is that so one branch alone cannot unilaterally define its own power, and yet this is the power that the Democrats are now abrogating to themselves.

It is true. We have the sole power of impeachment under the Constitution. But that power does not exceed the bounds that are established by that very Constitution. Those bounds include the grounds for impeachment which this committee has ignored, and they include the separation of powers that protect one branch from intrusion of the other.

I want you to think about the essence of the Democrats' claim and what it means to American jurisprudence. You face an abusive prosecutor who is making false accusations. Well, you have constitutional rights that you are guaranteed to use to protect yourself. You have got the right to confront your accuser. You have got the right to call witnesses in your defense. You have the right to be protected from unreasonable searches and seizures.

But this article says, if you go to court to defend your rights, that is automatically an obstruction of justice or, in this case, an obstruction of Congress, and the very fact that you tried to defend your constitutional rights is evidence of guilt. These are the tools of tyrants, and we have already seen these tools used against college students in Title IX prosecutions, and they produced a frightening litany of injustices. Now these tools are being brought into this attempt to nullify the 2016 national election that the left has refused to accept, and that should scare the hell out of every person in this country. I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Correa seek recognition?

Mr. CORREA. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. CORREA. Thank you, Mr. Chairman. I just wanted to do a little fact checking, if I can, for my folks back in California in Orange County. I know some of my colleagues compared Vice President's Biden withholding of aid to President Trump's withholding of aid, and I just want to make sure that I have the facts correct here.

It is my understanding that Vice President Biden held up the aid in order to have the firing Mr. Shokin. This was in accordance with U.S. policy, express U.S. policy that was supported by Europe and a bipartisan Congress. Yet you have President Trump who held up almost $400 million of again bipartisan-approved aid. And I know my colleagues are saying that he did this to rout out corruption, and I think there are channels of pursuing help in investigations.

On September 25th, there was a public press release put out by the DOJ saying that President Trump never asked them to investigate this matter, so I am left to conclude that this must have been for the President's personal gain.

The President interjected his personal lawyer, Rudy Giuliani, who told us, and I quote, this is not about foreign policy, closed quote. Rudy Giuliani went on to say this information—open quote, this information will be very, very helpful to my client, closed quote. And, again, he said open, quote, I guarantee you, Joe Biden will not get to election day without being investigated.

Again, comparing and contrasting holding up foreign aid to support U.S. public policy versus holding up foreign aid against U.S. stated policies.

Mr. Chair, I yield.

Mr. CICILLINE. Would the gentleman yield back—yield?

Mr. CORREA. Yes.

Mr. CICILLINE. Thank you. I thank the gentleman for yielding.

I know that there has been an effort to try to suggest that the Trump administration or the President was interested in corruption and that is why he held up the aid. The evidence is absolutely to the contrary—all of the evidence. And in fact, sometimes you have to go back to the source. If you look at the report completed by the intelligence committee, a 300-page report, 17 witnesses, over 100 hours of testimony. They make findings of fact. There is fact, and there is make-believe. The findings of fact, and I am going to read right from the report: The President solicited the interference of a foreign government, Ukraine, in the 2020 U.S. Presidential election. In furtherance of this scheme, President Trump directly and acting through his agents within and outside the U.S. Government sought to pressure and induce Ukraine's newly elected President Zelensky to publicly announce unfounded allegations that would benefit President Trump's personal political interest and reelection effort. As part of the scheme, President Trump—this is, again, findings of fact—personally and directly requested for the President of Ukraine that the government of Ukraine publicly announce the investigation into the President—the Vice President and his son. President Trump ordered the suspension of $391 million in vital military assistance urgently needed by Ukraine to resist Russia aggression.

And here is the important part. In directing and orchestrating the scheme to advance his personal political interests, President Trump did not implement, promote, or advance U.S. anticorruption policies. In fact, the President sought to pressure and induce the government of Ukraine to announce politically motivated investigations, lacking legitimate prediction that the United States Government otherwise discourages and opposes as a matter of policy in that country and around the world. In so doing, the President undermined U.S. policy supporting anticorruption reform and rule of law in Ukraine and undermined U.S. national security.

So the findings of fact that are detailed in the report completely refute that claim. And, again, I would turn to the most important fact. The President of the United States abused the power of his office, the enormous power of the Presidency, not to advance the public good, but to advance the political interests of Donald Trump. He used taxpayer funds, nearly $400 million, to leverage that, and in doing so, undermined the national security of the United States. He must be held accountable because no one in this country, no one, including the President of the United States, is above the law. And the one body that is charged with making certain that we vindicate the power of the people to hold the President accountable is the Congress of the United States.

Mr. CICILLINE. If you are not up to the job, you don't belong in Congress.

I yield back.

Chairman NADLER. The gentleman yields back.

The question now occurs on the Gaetz amendment.

Those in favor, say aye.

Opposed, no.

In the opinion of the Chair, the nays have it, and the amendment is not agreed to.

Mr. COLLINS. Roll call.

Chairman NADLER. Roll call is requested. The clerk will call the roll.

Ms. STRASSER. Mr. Nadler.

Chairman NADLER? No.

Ms. STRASSER. Mr. Nadler votes no.

Ms. Lofgren?

Ms. LOFGREN. No.

Ms. STRASSER. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. JACKSON LEE. No.

Ms. STRASSER. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. COHEN. No.

Ms. STRASSER. Mr. Cohen votes no.

Mr. Johnson of Georgia?

Mr. JOHNSON of Georgia. No.

Ms. STRASSER. Mr. Johnson of Georgia votes no.

Mr. Deutch?

Mr. DEUTCH. No.

Ms. STRASSER. Mr. Deutch votes no.

Ms. Bass?

Ms. BASS. No.

Ms. STRASSER. Ms. Bass votes no.

Mr. Richmond?

Mr. RICHMOND. No.

Ms. STRASSER. Mr. Richmond votes no.

Mr. Jeffries?

Mr. JEFFRIES. No.

Ms. STRASSER. Mr. Jeffries votes no.

Mr. Cicilline?

Mr. CICILLINE. No.

Ms. STRASSER. Mr. Cicilline votes no.

Mr. Swalwell?

Mr. SWALWELL. No.

Ms. STRASSER. Mr. Swalwell votes no.

Mr. Lieu?

[No response.]

Ms. STRASSER. Mr. Raskin?

Mr. RASKIN. No.

Ms. STRASSER. Mr. Raskin votes no.

Ms. Jayapal?

Ms. JAYAPAL. No.

Ms. STRASSER. Ms. Jayapal votes no.

Mrs. Demings?

Mrs. DEMINGS. No.

Ms. STRASSER. Mrs. Demings votes no.

Mr. Correa?

Mr. CORREA. No.
Ms. STRASSER. Mr. Correa votes no.
Ms. Scanlon?
Ms. SCANLON. No.
Ms. STRASSER. Ms. Scanlon votes no.
Ms. Garcia?
Mr. GARCIA. No.
Ms. STRASSER. Ms. Garcia votes no.
Mr. Neguse?
Mr. NEGUSE. No.
Ms. STRASSER. Mr. Neguse votes no.
Mrs. McBath?
Mrs. MCBATH. No.
Ms. STRASSER. Mrs. McBath votes no.
Mr. Stanton?
Mr. STANTON. No.
Ms. STRASSER. Mr. Stanton votes no.
Ms. Dean?
Ms. DEAN. No.
Ms. STRASSER. Ms. Dean votes no.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. No.
Ms. STRASSER. Ms. Mucarsel-Powell votes no.
Ms. Escobar?
Ms. ESCOBAR. No.
Ms. STRASSER. Ms. Escobar votes no.
Mr. Collins?
Mr. COLLINS. Aye.
Ms. STRASSER. Mr. Collins votes aye.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. Aye.
Ms. STRASSER. Mr. Sensenbrenner votes aye.
Mr. Chabot?
Mr. CHABOT. Aye.
Ms. STRASSER. Mr. Chabot votes aye.
Mr. Gohmert?
Mr. GOHMERT. Aye.
Ms. STRASSER. Mr. Gohmert votes aye.
Mr. Jordan?
Mr. JORDAN. Yes.
Ms. STRASSER. Mr. Jordan votes yes.
Mr. Buck?
Mr. BUCK. Aye.
Ms. STRASSER. Mr. Buck votes aye.
Mr. Ratcliffe?
Mr. RATCLIFFE. Yes.
Ms. STRASSER. Mr. Ratcliffe votes yes.
Mrs. Roby?
Mrs. ROBY. Aye.
Ms. STRASSER. Mrs. Roby votes aye.
Mr. Gaetz?
Mr. GAETZ. Aye.
Ms. STRASSER. Mr. Gaetz votes aye.
Mr. Johnson of Louisiana?

Mr. JOHNSON of Louisiana. Aye.
Ms. STRASSER. Mr. Johnson of Louisiana votes aye.
Mr. Biggs?
Mr. BIGGS. Aye.
Ms. STRASSER. Mr. Biggs votes aye.
Mr. McClintock?
Mr. MCCLINTOCK. Aye.
Ms. STRASSER. Mr. McClintock votes aye.
Mrs. Lesko?
Mrs. LESKO. Aye.
Ms. STRASSER. Mrs. Lesko votes aye.
Mr. Reschenthaler?
Mr. RESCHENTHALER. Aye.
Ms. STRASSER. Mr. Reschenthaler votes aye.
Mr. Cline?
Mr. CLINE. Aye.
Ms. STRASSER. Mr. Cline votes aye.
Mr. Armstrong?
Mr. ARMSTRONG. Yes.
Ms. STRASSER. Mr. Armstrong votes yes.
Mr. Steube?
Mr. STEUBE. Yes.
Ms. STRASSER. Mr. Steube votes yes.
Chairman NADLER. Did everyone vote who wished to vote?
The clerk will report.
Ms. STRASSER. Mr. Chairman, there are 17 ayes and 23 noes.
Chairman NADLER. The amendment is not agreed to.
Are there any further amendments to the amendment in the nature of a substitute?
Mr. BIGGS. Mr. Chairman.
Chairman NADLER. For what purpose does Mr. Biggs seek recognition?
Mr. BIGGS. I have an amendment at the desk.
Chairman NADLER. The gentleman has an amendment at the desk. The clerk will report the amendment.
Ms. STRASSER. Amendment to the Amendment in the Nature of a Substitute to H. Res. 755 Offered by Mr. Biggs of Arizona.
[The amendment of Mr. Biggs follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 755 OFFERED BY MR. BIGGS OF ARIZONA

Page 4, strike line 8 and all that follows through line 13, and insert the following:

1 (3) The aid was released within days of Ukrain-
2 ian President Zelenskyy signing two major anti-cor-
3 ruption measures into law, convincing President
4 Trump that the new Ukrainian administration was
5 serious about reform measures, and consistent with
6 Administration policy to ensure foreign aid is not
7 used for corrupt purposes.

☒

Ms. LOFGREN. I reserve a point of order.

Chairman NADLER. The gentlelady reserves the point of order.

The gentleman is recognized to explain his amendment.

Mr. BIGGS. Is she going to read the amendment, sir?

Chairman NADLER. The clerk will read the amendment.

Ms. STRASSER. Page 4, strike line 8 and all that follows through line 13, and insert the following: (3) The aid was released within days of Ukrainian President Zelensky signing two major anti-corruption measures into law, convincing President Trump that the new Ukrainian administration was serious about reform measures, and consistent with Administration policy to ensure foreign aid is not used for corrupt purposes.

Chairman NADLER. The gentleman will explain his amendment.

Ms. LOFGREN. I withdraw my point of order.

Mr. BIGGS. Thank you, Mr. Chairman.

I draw my colleagues' attention to a letter sent yesterday from the Office of Management and Budget regarding the temporary pause on aid to Ukraine. The letter is addressed to Mr. Tom Armstrong, the general counsel of the GAO, and I ask unanimous consent that it be included in the record.

Chairman NADLER. Object.

Mr. BIGGS. The entire reason we are here today is because Democrats have accused the President of conditioning aid to Ukraine on investigations into his political opponent. Today, Democrats have continued to claim President Trump withheld or froze foreign aid to Ukraine, but the OMB letter walks through the entire process behind this temporary delay.

First, the money was paused, but DOD was permitted to engage in all of the activities short of obligation necessary to ensure that DOD would not be precluded from obligating the funds prior to the expiration.

The money was paused, according to the letter, pending a policy decision, and what was the policy decision? Your two witnesses, Fiona Hill and David Hale, testified that there was an ongoing global review of foreign assistance generally to ensure any programs receiving funds were actually worthy beneficiaries of our assistance, that the programs made sense, et cetera. Mr. Hale further testified that the President's skeptical views on foreign assistance guided the foreign affairs review.

In fact, the only direct evidence for the reasons for the pause come from OMB official Mark Sandy, who testified that he learned in September that the pause was related to, quote, "the President's concern about other countries contributing more to Ukraine," close quote. He explained how OMB received requests for information on what other countries were contributing to Ukraine, which OMB provided in the first week of September. The aid was released, of course, on September 11.

So Democrats want to impeach the President for trying to ensure that taxpayer funds are spent efficiently and responsibly.

Democrats have accused this President of a myriad of things, including violation of the Impoundment Control Act, which prohibits the Executive from essentially pocket-vetoing funds appropriated by Congress. This letter that I am trying to introduce shows instead that the administration never intended or actually violated

the law. In fact, it shows that he always intended to disburse the funds. That is why DOD was permitted to engage in all activities in preparation for the delivery of the aid.

You have not made your case, again.

The OMB letter walks through a great lengthy history behind programmatic delays. I am sure this would be boring to my friends on the other side, since it technocratically destroys their central theory for impeachment.

In the letter, the OMB general counsel said, "Even with the temporary withholding, the Department of Defense was able to obligate about 84 percent of the $250 million before the end of the fiscal year on September 30." In the last year of the Obama administration, it was only 79 percent. More recently, in 2018, it was 83 percent; in 2017, 91 percent.

Let's get back to it. The specific language of the appropriations authority says, "For the Ukraine Security Assistance Initiative, $250 million is hereby appropriated to remain available until September 30, 2019." That is point one, "to remain available until September 30, 2019."

When we authorize funds, we give the administration a deadline. The administration complied with that deadline. The administration acted completely and totally within the bounds of the law.

Secondly, the OMB's letter now definitively destroys the insinuation that the President chose to delay for malicious or corrupt purposes. The bottom line is the aid was lawfully delayed and lawfully delivered. And that means that this entire process has been a sham.

And, with that, I am going to address a couple of issues that I heard.

I heard one of my colleagues on the other side say not too long ago that the President should come in and prove his own innocence. Think about what that does. "Come in and prove your own innocence." First of all, that is antithetical to the Anglo-American judicial process. It is antithetical to the Constitution, particularly the Bill of Rights. It is antithetical to what we do here.

Someone said that Vindman was complaining about the transcript, but, as has been gone over today, the transcript was complete and accurate according to Mr. Vindman.

Someone said—and I would ask this of my colleagues. Under the standard that was given earlier by one of my colleagues, if the President exercised executive privilege and requested a declaratory judgment from a court, if the privilege was upheld, would you undertake, then, to impeach the judge? I mean, think about that. Your standard, giving absolute process authority to the House, would impel you to impeach a judge who sustained a lawful exercise of the privilege of the Executive.

So I think, Mr. Chairman, you have overgone your bounds, and when we get back to my amendment, it basically covers and sets forth clearly what the withholding or the pause of the Ukrainian aid was about. And they got their money, and they got it on time.

Chairman NADLER. The gentleman yields back.

Without objection, the material previously submitted by Mr. Cohen, Mr. Swalwell, and Mr. Biggs will be admitted into the record.

Chairman NADLER. For what purpose does Ms. Bass seek recognition?

Ms. BASS. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. BASS. Thank you, Mr. Chair.

I find it interesting that the story certainly seems to be changing. You mentioned the information from OMB, but when the Acting Chief of Staff gave his press conference, he said very clearly that the aid was being withheld because of the need to investigate the 2016 election. Now you are talking about corruption.

I think that the notion that President Zelensky did not feel pressure and was just fine with military assistance being withheld—first of all, they did know that the military assistance was being withheld. And there was no reason for the administration to hold back because of corruption, considering that the Department of Defense had already said that there was no problem and that the aid could be released.

The aid was released after the administration was busted, after there was pressure from Congress for the aid to be released. After word leaked out and the whistleblower came forward, then the aid was released. I think it is very important to remember that.

President Zelensky not feeling pressure and he was just fine? He was essentially being held hostage. He was a newly elected President. His nation was at war, and part of his country was seized by the Russians. So what on Earth was he supposed to say? Was he supposed to publicly complain and criticize President Trump, when the whole world knows how the President doesn't respond to anything except for praise? What hostage would come forward and complain publicly against their captors, especially if they knew that the aid could be withheld or they could be compromised at any point in time?

Last week, President Zelensky had his first meeting with President Putin, and, unfortunately, we were not there. He had that meeting alone.

We absolutely compromised his ability to defend his nation. Several times it has been said that no lives were lost, but I would like to ask unanimous consent to enter into the record an article from Newsweek talking about the fact that 13 Ukrainian soldiers were killed.

Chairman NADLER. Without objection.

[The information follows:]

MS. BASS FOR THE OFFICIAL RECORD

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THIRTEEN UKRAINIAN SOLDIERS DIED DURING TRUMP-ORDERED FREEZE ON MILITARY AID

BY **DAVID BRENNAN** ON 10/4/19 AT 5:03 AM EDT

NEWS DONALD TRUMP UKRAINE MILITARY AID RUSSIA

At least 13 Ukrainian soldiers were killed while President Donald Trump's administration was withholding military aid from the country from mid-July to mid-September.

The men, aged from 20 to 45, are among at least 78 Ukrainian soldiers killed in action up to mid-September this year in the east of the country, according to various local media and Ukrainian government reports.

It is impossible to say whether timely delivery of American aid would have helped any individual soldier. But their deaths are a potent reminder that while the Trump administration was wrangling over military assistance, Kiev was—and remains—locked in a deadly struggle with its Russian-backed separatist adversaries.

The administration's decision to delay almost $400 million in military aid was communicated to the State and Defense departments on July 18, according to *The Washington Post*. The Ukrainian government was not immediately made aware of the freeze.

U.S. shipments to Ukraine have included small arms, electronic warfare systems and a wide range of personnel gear and technology, including night-vision goggles.

Recent aid has also included anti-tank Javelin missiles, lauded as a symbol of Trump's commitment to helping Ukraine face down Russian and Russian-backed forces in the Donbass region. Congress earmarked at least at least $50 million of the aid shipment for weaponry, Politico reported. The aid package was released on September 11.

While issue was playing out in Washington and Kiev, Ukrainian soldiers were still dying in the east. According to the *Kyiv Post*, at least three soldiers were killed at the end of July.

Bohdan Bihus, 28, Oleksandr Bardalym, 33, and Roman Dzhereleiko, 31, were all killed by seperatist forces on July 18 and 19. Bihus died in an explosion, while both Bardalym and

Dzhereleiko were killed by snipers. The *Kyiv Post* reported that Bardalym was shot dead while trying to evacuate a wounded comrade.

Seven more men died in August: Oleksandr Sharko, 30, Vladyslav Rak, 20, Serhiy Shandra, 24, Vasyl Kurdov, 20, Roman Romanenko, 25, Vasyl Yevstyhneyev, 38, and Tykhon Kurbatov, 26.

Four of the men—Sharko, Rak, Shandra and Kurdov—were marines all killed together on the morning of August 6. The men were caught in an enemy artillery barrage while conducting engineering work on their positions.

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At least three more soldiers were killed before the aid was released on September 11. The *Kyiv Post* reported that one soldier was killed on September 2. The Unian news agency noted that another soldier was killed by enemy shelling on September 4 and another on September 5.

The war in Donbass has claimed more than 13,000 lives since fighting erupted in 2014. Another 30,000 people have been wounded. More than 3,300 of those killed were civilians, while more than 1.6 million people have been forced from their homes.

At least six civilians were killed and 22 injured in eastern Ukraine during July and August this year, according to the Office of the United Nations High Commissioner for Human Rights.

A visitor stands at a wall at St. Michael's Monastery covered with photos of the Ukrainian soldiers killed in the war against Russian separatists in the Donbass region of eastern Ukraine on October 3, 2019 in Kiev, Ukraine.
SEAN GALLUP/GETTY IMAGES/GETTY

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Ms. BASS. President Zelensky agreed to publicly announce the investigations in an interview on CNN, but the Ukraine canceled that interview days after the President's scheme was exposed and the military aid was released, which further underscores the pressure that the Ukrainians felt when the aid was withheld.

The President knew this when President Zelensky asked for a, quote, "favor." As Lieutenant Colonel Vindman testified, this was not a friendly request; it was a demand. For weeks, the Ukrainian officials pushed back on the demand of the President and his agents, advising U.S. officials that they did not want to be an instrument in Washington's domestic reelection politics.

This was not just business as usual. This was not the President just being concerned about corruption.

But as the President's pressure campaign increased and the President began withholding critical assistance from Ukraine, something that the Ukrainians learned about no later than July 25, the Ukrainians became desperate—so desperate, in fact, that, as Ambassador Sondland told the President, President Zelensky was willing to do anything.

And although the aid has been released, the power disparities between the two countries has not changed. Ukraine continues to depend on the United States for military aid, and President Zelensky needs the support of America and its leader as he strives to bring an end to the war with Russia. It is no surprise, therefore, that President Zelensky expressed that he didn't feel pressure, but the evidence reveals a different picture.

The evidence is clear that President Trump took advantage of Ukraine's vulnerability and abused the powers of his office to pressure Ukraine to help his reelection complain. This is the highest of high crimes, and President Trump must be held accountable.

You know, in addition to compromising Ukraine, this compromised our standing in the world. Because what does it say to our allies, what does it say to vulnerable new democracies, when they need the assistance of the United States, they better be prepared to help the President's reelection? It compromises our standing in the world, and why would allies trust us anymore if this is the way that they are treated?

I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Chabot seek recognition?

Mr. CHABOT. To strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. CHABOT. Thank you, Mr. Chairman.

I just have three points that I would like to make here.

First of all, as well as being on this committee, the Judiciary Committee, I am also a member of the Foreign Affairs Committee, have been for the last 23 years. And one thing that has really been concerning to me is about this phone call that the gentleman mentions in the amendment—and I appreciate him offering this amendment—but relative to that phone call that our President, President Trump, had with the President of Ukraine, the number of people that were listening in on this phone call. And is that in the national interest of our country?

It is incredible how many people—you think our President is talking to their President. You have all these people listening in. And if they are listening in, shut up about it. You know, the President is talking frankly with another President. You know, he is going to make comments. In that call, he made some disparaging comments relative to another important ally of ours, Germany and Angela Merkel.

It is not particularly helpful to have them say—hear our President saying something like, "Well, they will give you lip service about coming to your defense and giving you aid, but they really won't be there for you. We will be here," you know, talking about how important the United States is as an ally. Our Presidents do that, but, you know, you think you are doing that in confidence with the other country, not having everybody else listening in.

So our State Department, the executive branch, and many others need to tighten up these phone calls for our national security interests. And that goes whether we have a Republican administration, as we do right now, or a Democratic administration, as we have maybe decades down the road.

Secondly, relative to obstruction of Congress, which is one of the two charges, there weren't any—no crimes alleged, essentially, but obstruction of Congress. We have three branches of government. And, of course, it is alleged that, you know, Congress, the legislative branch, said, "We want you to bring witnesses and evidence," et cetera, from the other branch, executive branch, and since they didn't do it, rather than go to court—which they could have done. The legislative branch, this branch, basically the Democrats because they are in control here in the House, they could have filed a lawsuit, they could have had the courts decide.

That is what happened some years ago back in the Nixon impeachment. He wouldn't turn over the tapes, so they went to the court. The Supreme Court ultimately said—it may have taken some months, but they said, "You have to turn those tapes over," and he did. And he resigned because there was bad stuff in those tapes, the smoking gun, so to speak. And that is what they could have done here.

But instead of going to the court, which is what you are supposed to do—they are kind of the referee between the legislative branch and the executive branch—they said, "No, we are not going to go to court; we are just going to impeach this guy," which they have wanted to do since he got inaugurated. And we had one Member of Congress on their side who said they had to impeach him or, otherwise, he was going to get reelected.

So there is so much politics in there, and there really shouldn't be.

And the third point I wanted to make is that I think the Democrats, unfortunately, are really lowering the bar on impeachment in our country. You know, I happen to be a history major from the second-oldest college in the country, the College of William and Mary. Two hundred years, our Nation's history, we had one impeachment, Andrew Johnson, for 200 years. And, now, in less than 50 years, we are on our third, which is really unfortunate, I believe.

I think they are lowering the bar. They are making this too routine. And I think that is very dangerous, because when you have—I think in the near future, when you have a President and you have a House of different parties, we are going to see this more and more often.

And this is very divisive for our country. We are not together enough on so many things, and I think this is going to further divide us, and I think that is really unfortunate.

We saw, for example, you know, years and years ago—it reminds me a little bit of when Bork was nominated to the Supreme Court. Some of the press here are probably old enough to remember that, and maybe some Members of the institution in general. But when the Democrats went after Bork, then we saw a tit-for-tat down the road. And I am afraid you are going to see that here relative to impeachment of our Presidents too.

So I think both sides ought to step back and consider what we are doing here, because impeachment can be very divisive. And I have been through one of these before. I was one of the House managers in Bill Clinton's about 20 years ago, and they are ugly. So I have a lot of sympathy for the House managers that are going to be picked, probably some from this committee, in the near future.

And I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Richmond seek recognition?

Mr. RICHMOND. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RICHMOND. Mr. Chairman, we have had a lot of conversation today, and I would just like to break it down into a simple term that everyone at home can understand, especially my home district, where we speak a lot of Spanish, we speak a lot of French. We don't go around speaking a lot of Latin.

And so here is why we are here today. Some people say "quid pro quo." Some people translate into the American definition of "a this for a that." And the question is, what was the "this"? The "this" was an Oval Office visit and much-needed military aid for the "that." And the "that" was an investigation into Joe Biden, the primary political opponent.

And, look, when you describe a crime, you want to make sure that you tell the jury and the people listening about motive. The motive was that he was afraid, President Trump was afraid that Joe Biden was beating him in the polls and would defeat him for his reelection. How do we know that, very quickly? Because we have introduced articles where he said it. He gave out the aid in 2016, he gave—in 2017. He gave out the aid in 2018. 2019, the polls come out, he withholds the aid and he asks for an investigation.

But that is just motive. But let's go to sworn witness testimony, because that is the part I want us to focus on.

And the other side talked about the credibility of Lieutenant Colonel Vindman, and they accepted some of the things that he said as fact. Well, if you are going to accept some of the things he said as fact, let's accept them all as fact. It was Lieutenant Colonel Vindman that said under oath, Ambassador Sondland "began to re-

view what the deliverable would be in order to get the meeting." "The deliverable." That was the "that" for the meeting. And he said specifically it was an investigation into the Bidens.

Let's go to John Bolton, who said—he described this this-for-that deal as a "drug deal."

So if we look at all of the testimony of people under oath, they clearly say that this was a swap of an Oval Office visit or military aid for an investigation into the Bidens.

Now, the whistleblower comes forward, the Trump administration panics, and then they develop everything that we have now, and that is called the excuse or the defense.

First excuse: "Well, they didn't know the money was being held." Not true. There is an email—two emails where they expressed concerns about it. Then you have Ms. Croft, who testified that two individuals from the Ukrainian Embassy asked about an OMB hold on the security assistance roughly a week apart. And she recalled that that occurred before it was publicly announced. So that is one.

Second, their defense or excuse is that President Trump wanted to investigate corruption. Now, that is just laughable on its face. If President Trump wanted to investigate corruption, he could start at 1600 Pennsylvania Avenue, look in the mirror. Or he could look around the cast of criminals that have been indicted from his circle. You have his lawyer, you have his National Security Advisor, you have Michael Flynn, Rick Gates, Paul Manafort. The circle goes on. He is surrounded by criminals.

Then we hear, "Well, can't be obstruction of Congress. You all could have just went to court." Well, we are in December. We have an ongoing crime; we have a crime in progress. That is what the 911 call would say from a police officer. "We have a crime in progress." And they are saying, with a crime in progress, why didn't you just schedule an appointment to call the police?

We have an emergency to our national election going on right now. Our oath to the Constitution requires us to take this drastic, solemn, and regrettable step, but it is necessary, because if we don't protect Americans' precious right to vote, it is clear that the other side won't.

And so I talked about the courage of Esther yesterday. Today, I am reminded of Judas. Because Judas, for 30 pieces of silver, betrayed Jesus. For 30 positive tweets, for an easy reelection, the other side is willing to betray the American people their precious right to vote and the future of our great country.

And, with that, I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Gohmert seek recognition?

Mr. GOHMERT. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. GOHMERT. I am really intrigued. First we are told that the offense is withholding aid, even though it was provided, and, in fact, provided tremendously more helpful in both substance and in amount than the prior administration that just let people die over there. But I thought the acknowledgement had been, the aid was provided. But now we are told, this is an ongoing crime. So those two statements don't seem to work together well. But, you know, the double standards, they serve one party well.

When it comes to the obstruction of Congress, the position of the majority is a tyrannical position: When we ask for something, you either give it or we are throwing you out of office. Never mind we don't know what we are going to charge you with. We figure if we keep requesting enough documents—kind of like Chairman Schiff getting phone records and release them. Maybe we can intimidate people by getting their records and releasing them enough that they will do what we say. That is tyrannical.

And, in fact, when we look at obstruction of Congress, violation of the rules, the majority could have gone ahead and passed a tyrannical rule and said, "We are not going to allow the minority to have a minority witness day, even though it is in the rules, because we are tyrants and we don't care." But they didn't pass that rule. It is still part of the rules.

So, once this thing is rushed through, probably tonight, whenever, through the Rules Committee, they will probably come out with a rule, as the ranking member mentioned earlier, and say, gee, all such points of order are waived. You know, all of the times that the majority violated the rules, we are going to waive those, and nobody can raise them to stop this impeachment. That really is abuse of power. It certainly is.

And I had a document prepared to offer as an amendment in the nature of a substitute which would just change the President's name to that of Chairman Schiff and Chairman Nadler regarding abuse of power and obstruction of Congress, because there are plenty of bases for that. But it would not have been ruled germane, so I wasn't going to waste time.

But obstruction of Congress, when there is no referee, there is no adjudication, there is nothing but a majority that says, "You give us what we want until we find a crime, or we are going to throw you out of office," that is so unreasonable, especially given the history of the last 3 years, when the charges came and the charges went.

The President was—I think it was a huge mistake for him ever to allow Don McGahn to testify for 30 hours when it was a bogus charge to begin with. They are setting perjury traps. Thank God Don McGahn didn't fall into one.

But this is even more outrageous. "Give us what we demand, or we are going to throw you out of office."

You know, there is another thing that could have been done besides going to court. Could have passed a bill requiring the President to do certain things, turn over certain things, and gotten the Senate to agree. The President vetoes it. You override the veto. Then you—which is kind of what happened to Andrew Johnson. Then you could really have a legitimate obstruction of Congress; it is not just obstruction of a majority in one-half of the Congress. But that wasn't done either.

And even if that had been done, either the President or the Congress would end up having to go to the Supreme Court to get the courts to say this was a lawful act. But in the case of Congress and Andrew Johnson, it was an unconstitutional act to say he couldn't fire the Secretary of State.

So, either way, you have to end up in court at some point before it can be an obstruction of Congress. But the majority was in a

hurry, and when the majority—this majority is in a hurry, then justice is undone, and so is our future.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. Scanlon seek recognition?

Ms. SCANLON. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. SCANLON. As I understand it, the amendment before us is based on a letter that has just been issued by the White House, months after the whole issue of the propriety of this July call was raised.

So, you know, I think it takes us back to basics again, and the basics being, if it looks like a duck and it swims like a duck and it quacks like a duck, it is probably a duck. And I am afraid that the July 25 call is a duck.

You know, we have the President's own words: "I want you to do us a favor, though." And then he goes on to talk about the favors that he wants involving election assistance for him—to clarify what happened in the 2016 election and then start attacking his opponent in the 2020 election.

Immediately upon hearing this, national security professionals around the world say, "Whoa, this is wrong." Okay? This quacks likes a duck. Okay? The President is going against all of our carefully thought-out national security policy to ask for what one witness called a domestic political favor. Okay? So, right off the bat, it makes no sense to the professionals here.

Then we start hearing this thing that, "Oh, well, he is really talking about corruption." Well, no. The Department of Defense had said it was okay to release the aid here because they had already certified that corruption wasn't an issue. The people on the ground, the ambassadors, the national security professionals who had been appointed by this President said, "No, that is not an excuse."

We then hear that OMB officials, Office of Management and Budget officials, are saying, "Whoa, who is holding up the aid? We don't have a problem with the aid." Oh, it is the President. The President is holding up the aid.

Then we hear from the Department of Justice, "Well, we didn't have anything to do with any inquiries into our American citizens. That is not the DOJ's interest."

So the only person who had an interest in this was the President, and it was his personal interest. The unanimous opinion of all of our agencies in the U.S. Government was this was against our national security and our national interests.

So it is now, only now, after the President has refused to allow us to inquire from anyone else who was in the room and was on the call, and after denying all of this evidence, only now, after Articles of Impeachment have been filed, only now does the White House come up with an explanation? It is way too little, it is way too late, and it smells like a duck.

So, with that, I would yield back to the chair.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Gaetz seek recognition?

Mr. GAETZ. I move to strike the last word.

Chairman Nadler. The gentleman is recognized.

Mr. GAETZ. Thank you.

Before I make my point, during the break, a Reuters photographer, Josh Roberts, approached the dais and took pictures of the notes on the desks of several of my Democratic colleagues. We noticed that, announced it to staff, and that reporter—that photographer has been removed.

And I would just say, no member, Republican or Democrat, should be subject to that. We ought to have the opportunity to take our notes, participate in debate, and have a fair discussion.

Substantively, though, President Trump did nothing wrong. As we have sat here today, each and every action of the President has been explained. We have offered the basis, the understanding, we have gained an appreciation for why a President would have reasonable concern about Ukraine, why a President would have specific concern about this Biden-Burisma nexus.

Here is what you haven't heard today. You haven't heard any defense of Burisma from them. You haven't heard them say, "Oh, well, this was all bogus; the President should not have been asking this question," because we have put into the record—we have cited in the record the testimony of people like George Kent, who said that there were deep, legitimate concerns; even the testimony of Ambassador Yovanovitch about having to expressly prepare for that.

Then they say, "Well, this aid has been withheld. The withholding of this aid is this bad Presidential conduct." But the Biggs amendment that I encourage my colleagues to support ripens the fact that there was a very understandable reason for why the aid was released when it was. And it had nothing to do with the election or anything like that. It had to do with the fact that the Ukraine took substantive steps to ensure that our aid would be appropriately used for the cause that is now, apparently, the cause celebre of the left, and that is defending the Ukraine against Russia.

Then they say, "Oh, well, the President's next bad act is this great obstruction of Congress." They have subjected President Trump to more Presidential harassment than at any other time in American history—attacking his family, not allowing his administration to continue to do its work on behalf of the people. And, amazingly, despite all this distraction, despite all of the obstruction of the President that the Democrats have engaged in, jobs are rising, wages are rising, our economy is restored and renewed.

There are a few things my colleagues said—the colleague from Rhode Island read, "Well, these are the findings of fact. Let me tell you what the factual findings are." I just want America to know, he was reading from the Adam Schiff report, the same Adam Schiff report that Adam Schiff himself would not sit there and explain. They lacked so much confidence in that report that, when it was presented to the Judiciary Committee, they had some of their donors asking questions of other of their donors and then doing this weird switcheroo that was very unexplainable.

I don't know how my very smart colleagues, like the gentleman from New York, can say there is uncontradicted evidence of pressure—uncontradicted evidence of pressure. What do they think

Zelensky's statements are? When Zelensky says there is no pressure, that is, at a bare minimum, evidence. When Mr. Yermak says there is no pressure, that is evidence. There is no evidence of a quid pro quo. There is no evidence of conditionality.

And the reason you know they lack that evidentiary basis is because they have to keep changing their language. When their pollsters and pundits told them to call it bribery, oh, that was the message of the week. Bribery was on every one of their lips. But then when we asked the witnesses, did you see any bribery, were you a part of any bribery, the answer was no, and so they have to keep evolving the claims because there is no factual predicate.

I also heard my colleague from New Orleans say that this hearing would be informed by our understanding of regret, there would be this deep sense of regret. Well, my friend is from a deep blue district, so he probably won't be the one regretting it the most. The folks that will be regretting what they are doing are the Democrats in swing districts, who probably aren't coming back. I would tell them, for the upcoming year: Rent, don't buy, here in Washington, D.C.

And so, today, the only question that we are left with when we conclude this hearing is whether or not, as we move impeachment to the floor of the House of Representatives, which will occur more rapidly: Will they lose votes, or will they lose the majority?

Because if these folks who promised to come here and work with us on healthcare and infrastructure vote for this impeachment, they won't be back. We will be holding the gavels. And we will remember not just how you treated us, not just how you treated the President; we will remember how you treated the American people. And we are going to come and restore a sense of honor and integrity in the next election.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Cicilline seek recognition?

Mr. CICILLINE. I move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. CICILLINE. I first want to respond to the gentleman from Ohio's reference that people who are listening on the call should just shut up. I couldn't disagree more passionately.

These extraordinary, courageous patriots who love our country spoke up when they saw something that was wrong, that violated the law, violated the Constitution, and undermined the national security interests of the United States. And thank God they did. Otherwise, the President of the United States would have gotten away with this scheme of dragging foreign interference into our elections to help him cheat in 2020.

So I salute the extraordinary men and women in the Foreign Service and our intelligence community for the courage they have shown in coming forward and reporting what they have seen. I wish we could find more of it on this committee.

But I want to say, you know, facts are a stubborn thing. This amendment, unfortunately, is just not true. Because what we know is, this scheme, called a "drug deal" by the President's own Mr. Bolton, called a "domestic political errand" by another Trump appointee for which there was "no explanation"—my Republican col-

leagues are trying to find an answer, and so they say, "Oh, it was because he was fighting corruption."

The idea that Donald Trump was leading an anticorruption effort is like Kim Jung-un leading a human rights effort. It is just not credible. It is just not credible. And we have facts that will demonstrate that.

So, for example, at the very time you claim he is interested in ferreting out corruption in Ukraine, you know what he proposed? Cutting by more than 50 percent anticorruption efforts in Ukraine. And here is an article: "Trump administration sought billions of dollars in cuts to programs aimed at fighting corruption in Ukraine and elsewhere." We restored the money, Congress restored the money. He proposed deep cuts. That is not evidence of a serious commitment to fighting corruption.

In addition to that, in a letter to the chairman of the Foreign Affairs Committee, the Secretary of Defense says, "On behalf of the Secretary of Defense"—this is dated May 23, 2019, long before the July call—"On behalf of the Secretary of Defense and in coordination with the Secretary of State, I have certified that the Government of Ukraine has taken substantial actions to make defense institutional reforms for the purpose of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by U.S. assistance." There is a certification.

And so there is only one explanation for why it was finally released: There was a report of a whistleblower report being filed. The President got caught.

And so this notion that somehow this President was concerned about corruption is defied by all the evidence collected. I know you want to believe it. It is just not supported by the evidence.

And so this amendment is silly. It is inaccurate. It mischaracterizes the overwhelming body of evidence that was collected in this investigation.

The President of the United States attempted to drag a foreign power into our election, to corrupt the 2020 election, to cheat, undermined our national security, betrayed the national interests of this country, and he must be held accountable.

I yield the balance of my time to Mr. Swalwell from California.

Mr. SWALWELL. I thank the gentleman.

And I just want to have a reset of the facts here, because my colleagues claim that so many of these facts are in dispute, but I want to hear someone dispute the fact that Rudy Giuliani was Donald Trump's personal lawyer.

I want to hear someone dispute the fact that, when Rudy was hired, the anticorruption ambassador, Marie Yovanovitch, was fired.

I want to hear someone dispute the fact that Donald Trump told Vice President Pence to not go to President Zelensky's inauguration.

I want to hear someone dispute the fact that President Trump ignored the talking points about anticorruption in his both April 21 and July 25 calls with President Zelensky.

Mr. COLLINS. Will the gentleman yield?

Mr. SWALWELL. I want to hear someone dispute the fact that President Trump invoked his political rival's name four times on that July 25 call.

I want to hear someone dispute the fact that the President's Chief of Staff said, "We are withholding the military aid because the Ukrainians need to investigate 2016." Not "I," "we"—"we," as in Mick Mulvaney and Donald Trump.

I want to hear someone dispute the fact that Ambassador Sondland said that a White House meeting absolutely, quid pro quo, conditioned on the investigations.

I also listened to your witness, Professor Turley, and he said, "President Trump's call was anything but perfect." That was your witness who said it was anything but perfect.

I want to see a show of hands on your side: Does anyone agree with the one witness that you were able to bring that that call was anything but perfect?

That is sad. And you will regret that you have sanctioned this.

And I yield back.

Chairman Nadler. The gentleman——

Mr. JOHNSON of Louisiana. Mr. Chairman?

Chairman NADLER. It is Mr. Cicilline's time.

Mr. CICILLINE. I yield back, Mr. Chairman.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Louisiana. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Louisiana. I want to speak in favor of the Biggs' amendment. I will ignore Mr. Swalwell's rhetorical question. It is kind of a silly one.

I do want to refute what Mr. Cicilline has said and what some of the others have said here, that there is just no evidence in the record that the President was concerned about corruption. I mean, of course that is absurd. Everybody at home knows this. The President has been talking about foreign governments and foreign corruption and the misuse of American taxpayers' treasure since before he ran for President. He tweets about it all the time. I mean, everybody knows this. This is one of these things in the law that is just well understood. We would call it "res ipsa loquitur."

But, look, every witness in the record, every witness, testified that President Trump was concerned about corruption with foreign governments. That includes Ukraine. And the White House released a transcript of the remarks between President Trump and President Zelensky before the bilateral meeting in New York, September 25. This is after the funds were released, of course. But he is explaining that he became convinced that the new Ukrainian administration was serious about reform measures. Let me read you a couple of excerpts from that.

President Trump says, "Hi. I'm here with the President of Ukraine. He is very, very strongly looking into all sorts of corruption and some of the problems they've had over the years. I think it's one of the primary reasons he got elected," the President says. "His reputation is absolutely sterling. It's an honor to be with you."

You go through the transcript. President Zelensky responds a few moments later, "Thank you for your support, especially now

when, you know, we have two—really, two wars in Ukraine. The first one is with corruption, you know? But we'll fight. No, we'll be the winner in this fight, I'm sure."

A couple of pages later in the transcript, President Trump goes back: ". . . and stop corruption in Ukraine, because that will really make you great. That will make you great personally"—he's talking to Zelensky—"and it'll also be so tremendous for your nation in terms of what you want to do and where you want to take it."

Later, President Trump says, "I want him to do whatever he can. This was not his fault. He wasn't there"—the previous years. "He's been here recently, just recently. But whatever he can do in terms of corruption, because the corruption is massive."

"I know the President. I've read a lot about Ukraine. He wants to stop corruption."

The President continues, "He was elected, I think, number one, on the basis of stopping corruption, which unfortunately has plagued Ukraine. And if he could do that, he is doing, really, the whole world a big favor. I know, and I think he's going to be successful."

It goes on and on through the transcript. And I will ask unanimous consent to enter a clean copy of this into the record, Mr. Chairman.

Chairman NADLER. Without objection.

[The information follows:]

MR. JOHNSON (LA) FOR THE OFFICIAL RECORD

Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting | New York, NY

whitehouse.gov/briefings-statements/remarks-president-trump-president-zelensky-ukraine-bilateral-meeting-

InterContinental New York Barclay
New York, New York

2:19 P.M. EDT

PRESIDENT TRUMP: Well, thank you very much, everybody. We're with the President of Ukraine, and he's made me more famous, and I've made him more famous. (Laughter.) I will say he's got a great reputation. He's very, very strongly looking into all sorts of corruption and some of the problems they've had over the years. I think it's one of the primary reasons he got elected. His reputation is absolutely sterling. And it's an honor to be with you.

And we spoke a couple of times, as you probably remember. And they'd like to hear every single word, and we give them every single word, and then they'll say, "Well, about today?" I think the press would like to stay in the meeting, but we have lots of witnesses, if you'd like to have it.

But the country of — our country is doing phenomenally well. We are — we have the best economy we've ever had. We have the best employment numbers that we've ever had. We have now almost 160 million people working, which is more than we've ever had. So we're doing very well in every respect. And I have a feeling that your country is going to do fantastically well. And whatever we can do. You just take care of yourself. Thank you.

PRESIDENT ZELENSKY: Thank you very much. Thank you very much, Mr. President.

Thank you very much. It's a great pleasure to me to be here, and it's better to be on TV than by phone, I think.

PRESIDENT TRUMP: Yeah. (Laughter.)

PRESIDENT ZELENSKY: And, Mr. President, thank you very much. And I'm not the first time to stay in New York —

PRESIDENT TRUMP: Right.

PRESIDENT ZELENSKY: — but I know that you've never been in Ukraine.

PRESIDENT TRUMP: That's right.

PRESIDENT ZELENSKY: And your predecessor also — how do you say it in English? — didn't find time; I mean that. (Laughter.)

PRESIDENT TRUMP: Right.

PRESIDENT ZELENSKY: So, can you give me a word that you will come to our great country?

PRESIDENT TRUMP: Well, I'm going to try. (Laughter.) And I know a lot of people — I will say this: I know a lot of people from Ukraine. They're great people. And I owned something called the Miss Universe pageants years ago, and I sold it to IMG. And when I ran for President, I thought maybe it wouldn't be the greatest thing to own the Miss Universe and Miss USA pageants. But it's a great thing. And we had a winner from Ukraine, and we've really had — we got to know the country very well in a lot of different ways. But it's a country, I think, with tremendous potential.

PRESIDENT ZELENSKY: Yes, I know it, because I'm from this country.

PRESIDENT TRUMP: Right. (Laughter.)

PRESIDENT ZELENSKY: And I want to thank you for the invitation to Washington.

PRESIDENT TRUMP: Right.

PRESIDENT ZELENSKY: You invited me. But I think — I'm sorry, but I think you forgot to tell me the date. (Laughter.) But I think in the near future.

PRESIDENT TRUMP: They'll tell you the date.

PRESIDENT ZELENSKY: (Laughs.) Yes, they know before us. And I want to thank you — to thank you, especially, Mr. President, to USA, to your government. Like I said, I know many people, many faces, like the Second Family, after you — my Ukrainian family, we know each other.

Thank you for your support, especially now when — you know, when we have two — really, two wars in Ukraine. The first one is with corruption, you know. But we'll fight — no, we'll be winner in this fight, I'm sure. And the priority — my priority is to stop the war on Donbass and to get back our territories: Crimea, Donbass, Luhansk.

Thank you for your support in this case. Thank you very much.

PRESIDENT TRUMP: Well, thank you very much, Mr. President. If you remember, you lost Crimea during a different administration, not during the Trump administration.

PRESIDENT ZELENSKY: Yeah. So you have chance to help us.

PRESIDENT TRUMP: That's right. I do. But that was during the Obama administration that you lost Crimea, and I didn't think it was something that you should have. But that was done a long time ago, and I think it was handled poorly. But it's just one of those things.

One of the elements that we discussed is the United States helps Ukraine, but I think that other countries should help Ukraine much more than they're doing — Germany, France, the European Union nations. They really should help you a lot more. And I think maybe, together, we'll work on that. They have to feel a little bit guilty about it because they don't do what they should be doing.

You're very important to the European Union. You're very important — strategically, very important. And I think they should spend a lot more in helping Ukraine. And they know that also, and they actually tell me that, but they don't seem to produce. So I'm sure you'll talk to them, and I'll certainly be talking to them.

PRESIDENT ZELENSKY: Thank you very much, Mr. President. And, you know, now we need — I want to tell you that we now (inaudible) the new country. And, I'm sorry, but we don't need help; we need support. Real support. And we thank — thank everybody, thank all of the European countries; they each help us. But we also want to have more — more. But I understand, so only together, America and EU — only together we can stop the war. And, you know, we are ready. We just want to tell that we are — remember that we are the biggest country in Europe, but we want to be the richest one. It's true; it's in my heart.

PRESIDENT TRUMP: Well, you know, you have great people in Ukraine, and you have very talented people —

PRESIDENT ZELENSKY: Very smart.

PRESIDENT TRUMP: — in terms of manufacturing, in terms of some of the things they do. And we'll be doing — we're doing trading already, but we should be doing a lot more trading with Ukraine. But you have very talented people. They make great things. You're at the top of the line, really. So that's very important.

And the other thing is I've heard you actually have — over the last fairly short period of time, you've really made some progress with Russia. I hear a lot of progress has been made. And just keep it going. It'd be nice to end that whole disaster.

PRESIDENT ZELENSKY: First of all, I want to tell you, before — before the relations with Russia — I will prolong, just one minute — I mean, you have to know — I want world to know that now we have the new team, the new parliament, the new government.

PRESIDENT TRUMP: Right.

PRESIDENT ZELENSKY: So now we (inaudible) about 74 laws, new laws, which help for our new reforms: land reform, big privatization. They did the law about concessions. Did — we (inaudible) general for security, and we launched the Service Secretary.

Is it right Service Secretary?

AIDE: Yes. Anti-corruption court, as well.

PRESIDENT ZELENSKY: An anti-corruption court. As we came, we did — we launched the anti-corruption court. It began to work on the 5th of September. It was — you know, it was — after five days, we had the new government.

So, we are ready. We want to show that we — we just come. And if somebody, if you — if you want to help us, so just let's do businesses cases. We have many investment cases. We're ready.

PRESIDENT TRUMP: And stop corruption in Ukraine, because that will really make you great. That will make you great personally, and it'll also be so tremendous for your nation, in terms of what you want to do and where you want to take it.

Thank you very much. It's a great honor.

PRESIDENT ZELENSKY: Thank you very much, Mr. President.

Q President Zelensky, have you felt any pressure from President Trump to investigate Joe Biden and Hunter Biden?

PRESIDENT ZELENSKY: I think you read everything. So I think you read text. I'm sorry, but I don't want to be involved to democratic, open elections — elections of USA.

No, you heard that we had, I think, good phone call. It was normal. We spoke about many things. And I — so I think, and you read it, that nobody pushed — pushed me.

Yes.

PRESIDENT TRUMP: In other words, no pressure.

Q President Trump, would — President Trump, would you like Mr. Zelensky to —

PRESIDENT TRUMP: Because you know what? There was no pressure. And you know there was — and, by the way, you know there was no pressure. All you have to do it see it, what went on on the call. But you know that. But you can ask a question, and I appreciate the answer.

Go ahead.

Q Mr. President, would you like President Zelensky to do more on Joe Biden and investigate (inaudible)?

PRESIDENT TRUMP: No. I want him to do whatever he can. This was not his fault; he wasn't there. He's just been here recently. But whatever he can do in terms of corruption, because the corruption is massive.

Now, when Biden's son walks away with millions of dollars from Ukraine, and he knows nothing, and they're paying him millions of dollars, that's corruption.

When Biden's son walks out of China with $1.5 billion in a fund — and the biggest funds in the world can't get money out of China — and he's there for one quick meeting, and he flies in on Air Force Two, I think that's a horrible thing. I think it's a horrible thing.

But I'm going far beyond that. I know the President, and I've read a lot about Ukraine. I've read a lot about a lot of countries. He wants to stop corruption.

He was elected — I think, number one — on the basis of stopping corruption, which unfortunately has plagued Ukraine. And if he could do that, he's doing, really, the whole world a big favor. I know — and I think he's going to be successful.

Q Mr. President, on Rudy Giuliani, why do you think it's appropriate for your personal attorney to get involved in government business?

PRESIDENT TRUMP: Well, you'd have to ask Rudy. I will tell you —

Q You mentioned it to the President here.

PRESIDENT TRUMP: I will tell you this, that Rudy is looking to also find out where the phony witch hunt started, how it started. You had a Russian witch hunt that turned out to be two and half years of phony nonsense.

And Rudy Giuliani is a great lawyer. He was a great mayor. He's highly respected. I've watched the passion that he's had on television over the last few days. I think it's incredible the way he's done.

What he's at is he wants to find out where did this Russian witch hunt that you people really helped perpetrate — where did it start. How come it started? It was all nonsense. It was a hoax. It was a total hoax. It was a media hoax and a Democrat hoax. Where did it start?

And Rudy has got every right to go and find out where that started. And other people are looking at that, too. Where did it start? The enablers — where did it all come from? It was out of thin air. And I think he's got a very strong right to do it. He's a good lawyer; he knows exactly what he's doing. And it's very important.

Q Mr. President, do you believe that the emails from Hillary Clinton — do you believe that they're in Ukraine? Do you think this whole thing originated —

PRESIDENT TRUMP: I think they could be. You mean the 30,000 that she deleted?

Q Yes.

PRESIDENT TRUMP: Yeah, I think they could very well — boy, that was a nice question. I like that question. (Laughter.) Because, frankly, I think that one of the great crimes committed is Hillary Clinton deleting 33,000 emails after Congress sends her a subpoena. Think of that. You can't even do that in a civil case; you can't get rid of evidence like that. She deleted 33,000 emails after — not before — after receiving the subpoena from the U.S. Congress.

I mean, I have never heard — now, she's done far worse than that. Although, I don't know how much worse it can be. But there were many other things she did that were wrong. But that's so obvious. She gets a subpoena from the United States Congress and she deletes them. And then she said, as I remember it, that, "Oh, well, they had to do with the wedding and yoga." She does a lot of yoga, right? So they had 33,000 emails about the wedding of her daughter and yoga. I don't think so.

How she got away with that one is just — but it's one of many. And it's corrupt government. Because we have corruption also, Mr. President. We have a lot of corruption in our government. And when you see what happened with Hillary Clinton, when you see what happened with Comey, and McCabe, and all of these people — we have a lot of things going on here too. Hopefully, it's going to be found out very soon. But I think that a lot of progress has been made. A lot of progress has been made.

Q Will the military aid continue? Can you assure that it will continue in the future?

PRESIDENT TRUMP: Well, we're working with Ukraine. And we want other countries to work with Ukraine. When I saw "work," I'm referring to money. They should put up more money. We put up a lot of money. I gave you anti-tank busters that — frankly, President Obama was sending you pillows and sheets. And I gave you anti-tank busters. And a lot of people didn't want to do that, but I did it.

And I really hope that Russia — because I really believe that President Putin would like to do something. I really hope that you and President Putin get together and can solve your problem. That would be a tremendous achievement. And I know you're trying to do that.

Q President Zelensky, in the phone call, you said that you would look into Joe Biden — you would ask your prosecutor to look into the matter. Have you had that conversation —

PRESIDENT TRUMP: Well, I think — no, I haven't. But I think that — I think this —

Q I'm asking President Zelensky.

PRESIDENT TRUMP: I think that somebody, if you look at what he did, it's so bad — where his son he goes to China, he walks away with a billion and a half dollars. He goes to Ukraine and he walks away with $50,000 a month and a lot of money in addition to that. And the whole thing with the prosecutor in Ukraine.

And he's on tape. This isn't like "maybe he did it, maybe he didn't." He's on tape doing this. I saw this a while ago. I looked at it and I said, "That's incredible. I've never seen anything like that." Now, either he's dumb, or he thought he was in a room full of really good friends, or maybe it's a combination of both, in his case.

Q President Zelensky —

PRESIDENT ZELENSKY: I heard your question. Thank you very much. Don't cry.

I mean that we have independent country and independent general security. I can't push anyone, you know? That's it. That is the question — that is the answer. So I didn't call somebody or the new general security. I didn't ask him. I didn't push him. That's it.

Q Do you feel obligated to fulfill your promises to President Trump?

PRESIDENT ZELENSKY: Just — sorry.

Q (Speaks Ukrainian.)

PRESIDENT ZELENSKY: (Speaks Ukrainian.)

(As interpreted.) Obligated to do what? (Speaks Ukrainian.)

Q (Speaks Ukrainian.)

PRESIDENT ZELENSKY: (Speaks Ukrainian.)

Q (Speaks Ukrainian.)

PRESIDENT ZELENSKY: (Speaks Ukrainian.)

PRESIDENT TRUMP: You want to just —

PRESIDENT ZELENSKY: I'm sorry.

(As interpreted.) Concerning the investigation, actually, I want to underscore that Ukraine is an independent country. We have a new prosecutor general in Ukraine — a highly professional man with a Western education and history to investigate any case he considers and deems appropriate.

While we have many more issues to care about and to tackle, we have (inaudible), we have Maidan, we have corruption cases, as President Trump rightly mentioned about that. So we know what to do, and we know where to go and what to tackle.

Q President Trump, is it appropriate to ask the Attorney General to be involved in this matter?

THE PRESIDENT: Go ahead.

Q Did you ask House Speaker Nancy Pelosi to find a way out of impeachment yesterday?

PRESIDENT TRUMP: Not at all. No. Look, she's lost her way. She's been taken over by the radical left. She may be a radical left herself, but she really has lost her way. I spoke to her about guns yesterday. She didn't even know what I was talking about. She's not interested in guns.

Q Did it even come up or no?

PRESIDENT TRUMP: I'll tell you what: Nancy Pelosi is not interested in guns and gun protection and gun safety. All she is thinking about is this. She's been taken over by the radical left, the whole Democrat Party. And you take a look at what's happening in the media today. The whole party is taken over by the left.

And thank you very much. My poll numbers have gone up. But I don't want it to go up for this reason. When they look, and when you see what's happening, people are really angry at Democrats. They're really angry at the Democrat Party.

And things like, as an example, drug pricing — getting drugs down — things like gun safety, infrastructure, the Democrats can't talk about that because they've been taken over by a radical group of people. And Nancy Pelosi, as far as I'm concerned, unfortunately she's no longer the Speaker of the House.

Thank you very much, everybody. Thank you. Thank you very much.

END

2:36 P.M. EDT

Mr. JOHNSON of Louisiana. Thank you.

But I just want to say that, with this, it is just one additional piece, as with all the other pieces of evidence. The very thin, paper-thin record that we have here, one thing is very clear that you can't even—I don't even think you can refute it with a straight face: Everybody knows the President is concerned about the misuse of American taxpayer dollars overseas. It is one of his primary, driving forces. It is one of his main talking points.

So, for anybody that is sitting here today and pretending like that isn't the case, that he wasn't—oh, Ukraine, the third-most-corrupt nation in the world, is the only one on the list that he wasn't concerned about? It just doesn't even—it doesn't hold water. It doesn't make sense. And nobody back home is buying this. No one.

So let's stop with the games. Let's acknowledge this for what it is. And let's move on.

I yield back.

Chairman NADLER. The gentleman yields back.

Mr. COLLINS. The gentleman is yielding——

Mr. JOHNSON of Louisiana. I yield the remainder of my time—I am sorry. I had some left. I yield to Mr. Jordan.

Mr. JORDAN. Well, I just wanted to answer the statement that the gentleman from Rhode Island made a little bit earlier. He said, pointing at Mr. Biggs' amendment, that his amendment was not true.

His amendment is real clear. It says, the Ukrainians, under President Zelensky, signed two major anticorruption measures. That is exactly what they did. They enacted this high anticorruption court when the parliament was first sworn in, and they got rid of absolute immunity for members of their parliament—two pretty darn important anticorruption measures.

In fact, Mr. Morrison, when he testified in front of this committee, told us—no, excuse me, when he did his deposition, he told us that, when they were there with Ambassador Bolton visiting with the Ukrainians, August 27, he said the Ukrainians were tired because they had been up all night preparing this legislation, putting it together. That is how focused they were on this. And then when it passed, when it was enacted, that is, in fact, when the aid was released.

I yield, if I could, if the gentleman would—I will yield back, and you yield to the——

Mr. JOHNSON of Louisiana. And I yield to the ranking member. No?

I yield to Mr. Gaetz.

Mr. GAETZ. Thank you, Mr. Chairman.

I think House Democrats would have you believe that somehow this impeachment effort is the outgrowth of organic activity from the President, when the reality is they have intended to impeach this President from the very beginning.

And it was actually the chairman, when campaigning to be the head of the Judiciary Committee, who said that he would be best on the impeachment issue. This is a New York Times article, December 18, 2017. And it says, "As our constitutional expert, and with his demonstrated leadership on impeachment in the '90s, Nadler is our strongest member to lead a potential impeachment."

This is what Chairman Nadler wrote on his pocket-size campaign literature to his fellow Democrats when he wanted the job. He was literally campaigning on impeachment before the President even made the phone call to President Zelensky.

It is who they are. It is what they have wanted. And it is all because they cannot stand the fact that the America First movement is the most powerful movement in American political history.

And, Mr. Chairman, I seek unanimous consent to enter into the record this New York Times article from December 18, 2017, outlining——

Chairman NADLER. Without objection.

Mr. GAETZ [continuing]. Your ambition on impeachment.

[The information follows:]

MR. GAETZ FOR THE OFFICIAL RECORD

The New York Times | https://nyti.ms/2kH2jsl

In Fight for Judiciary Slot, Democrats Broach the 'I' Word: Impeachment

By Nicholas Fandos

Dec. 18, 2017

WASHINGTON — Representative Jerrold Nadler of New York has a bold pitch to take over the top Democratic spot on the House Judiciary Committee — that he is best positioned to lead impeachment proceedings against President Trump.

"As our constitutional expert, and with his demonstrated leadership on impeachment in the 90s, Nadler is our strongest member to lead a potential impeachment," Mr. Nadler wrote on a pocket-size leaflet outlining his record.

Not so fast, says Representative Zoe Lofgren of California, his main opponent for the slot. Not only was she on the committee when Bill Clinton was impeached in 1998, but she was a part of its staff during the proceedings against Richard M. Nixon two decades earlier — a better model, she argues, for taking on Mr. Trump.

Democrats have no shortage of priorities before the Judiciary Committee, which handles a range of hot-button issues, including immigration, guns, abortion and domestic surveillance. But with Democrats increasingly bullish about their chances of retaking the House next year, the candidates fighting for control of the committee have dispensed with niceties and are openly campaigning on the "I" word: Impeachment.

"It may never come to that. We have no idea what Bob Mueller will provide," Ms. Lofgren said in an interview last week, referring to the special counsel, Robert S. Mueller III, who is investigating links between Mr. Trump's campaign and Russia.

But, she continued, "Should it come to that, I hope that I would have the experience to cope with that in a very orderly and fair and informed manner."

House Democrats will choose between the two seasoned Democrats on Wednesday, when they vote to replace Representative John Conyers Jr., who held down the top Democratic seat on the panel for a quarter century before accusations of sexual misconduct forced him into unexpected retirement earlier this month. And as rumors sweep through the Capitol that Mr. Trump could soon fire Mr. Mueller, Democrats have whipped themselves into a frenzy, seeing themselves as possibly the last line of defense.

"We're in the fight of our lives in 2018 and the rule of law is at the center of all the controversy," said Representative Jamie Raskin, a freshman from Maryland who is a constitutional law scholar. "The position is central to our ability to stand up for the Constitution and the Bill of Rights."

Given its broad policy portfolio, the committee tends to attract some of the most partisan members from both parties, and over the years the committee has earned a reputation as one of the most cutthroat in Congress. Impeachment hearings in 1998 devolved into partisan brawls, and the Judiciary Committee chairman at the time, Henry Hyde of Illinois, became the chief prosecutor of Mr. Clinton in his Senate trial. Mr. Hyde also became a target of Democratic partisans, accused of his own marital infidelity three decades before Mr. Clinton's sex-charged proceedings.

That experience is clearly informing the fight now for the Democratic top slot.

Mr. Nadler, 70, who represents parts of Manhattan's Upper West Side and Brooklyn, pitches himself as a fighter with a lifelong commitment to civil rights and civil liberties and an expertise in constitutional law — a distinction he argues will count should the House explore an impeachment case against Mr. Trump.

He also has a claim on being one of his party's oldest Trump foils: In the 1990s, he was a prominent opponent of Trump projects on the West Side of Manhattan. His crusade against Mr. Trump earned him little love from the New York developer. Mr. Trump, then a frequent Democratic donor, called Mr. Nadler one of the three worst politicians in America.

"No, I don't relish having a constitutional crisis," Mr. Nadler said in an interview in his office last week.

He continued: "Yes, I do relish fighting to protect the constitutional order, to protect people, to protect our democratic system. Yes, if we have to have that fight, I want to be a leader here."

Ms. Lofgren, 69, an immigration lawyer from the south San Francisco Bay Area and one of the most senior female Democrats in the House, has tacked a slightly different course. She has made the case that California is underrepresented in top committee posts and that she is better positioned to advance immigration reform — a claim that got a boost last week in the form of a letter of support from Representative Luis V. Gutiérrez, an Illinois Democrat who is viewed as one of the foremost immigration reform advocates among Democrats.

But Ms. Lofgren has also argued that she can offer the committee something Mr. Nadler cannot — a woman as its leader.

The issue has taken on added weight at a time when revelations about and changing views of sexual misconduct are rapidly reshaping Congress and the committee itself. Mr. Conyers, 88, resigned amid accusations that he had sexually harassed former employees and reached a confidential settlement with one who said she was fired after rejecting his advances. At the same time, Democrats have moved quickly and assertively to try to claim the mantle as the party of women.

"This is part of the whole panoply of how we show to the country we are listening," Ms. Lofgren said, pointing out that women occupy only five of the top Democratic slots on the House's 20 standing committees.

House Democratic leaders have elected to keep quiet, fearing accusations of undue influence at an inopportune moment. Representative Nancy Pelosi, the minority leader, is thought to be supporting Ms. Lofgren, a fellow Californian and longtime confidante, but her silence has been received by at least some lawmakers as a sign that they should be free to vote for Mr. Nadler.

The Democrats' steering committee is scheduled to vote on Tuesday and will make a recommendation to the party caucus, ahead of its full vote on Wednesday. Mr. Nadler may have a structural advantage because Democrats tend to give weight to seniority and he has served on the committee two years longer than Ms. Lofgren.

But Democratic lawmakers and senior party aides said they expected the results to be close — in part because both Mr. Nadler and Ms. Lofgren are thought to be safe hands in which to place the committee's agenda.

"It's a critical position right now," said Representative Raúl M. Grijalva of Arizona. "They are both very good and capable people."

Common Questions About Impeachment

- **What is impeachment?**
  Impeachment is charging a holder of public office with misconduct.
- **Why is the impeachment process happening now?**
  A whistle-blower complaint filed in August said that White House officials believed they had witnessed Mr. Trump abuse his power for political gain.
- **Can you explain what President Trump is accused of doing?**
  President Trump is accused of breaking the law by pressuring the president of Ukraine to look into former Vice President Joseph R. Biden Jr., a potential Democratic opponent in the 2020 election.
- **What did the President say to the president of Ukraine?**
  Here is a reconstructed transcript of Mr. Trump's call to President Volodymyr Zelensky of Ukraine, released by The White House.
- **What is the impeachment process like?**
  Here are answers to seven key questions about the process.

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Mr. JOHNSON of Louisiana. Back home, in my 2 seconds left, we call that a mike-drop moment.

I yield back.

Chairman NADLER. The gentleman yields back.

Ms. JAYAPAL. Mr. Chairman.

Chairman NADLER. For what purpose does Ms. Jayapal seek recognition?

Ms. JAYAPAL. To strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. JAYAPAL. Thank you, Mr. Chairman.

I want to go back to the facts, and I want to go back to this amendment. My colleague from Florida said that this amendment is putting forward a, quote, "understandable reason" for why the President withheld the aid and then suddenly released the aid.

And my colleagues on the other side have also made the point that we don't know what the intent was of the President. This is the stated intent, that, because he was waiting for the Ukrainian Government to do some massive anticorruption measures, that that was the intent.

But I just want to remind people again of what I said yesterday: The President is the smoking gun. After his call with President Zelensky, the President came out on to the lawn, and he was asked by a reporter, "What did you want to get out of that call with President Zelensky?" And the President said, "I wanted him to"—and these aren't the exact words, but he basically said, "I wanted him to open an investigation into the Bidens. It's that simple." So the President himself has told us what his intent is.

But let's go on to say that, if my Republican colleagues, as some just did, argue that the President—nobody can argue that the President is so interested in corruption—of course, he is so interested in corruption—I would go back, again, to the facts that are on the table, which is that in 2017 and in 2018 the President released aid not just to any country but to Ukraine.

Now, my colleagues have also said that the President knew that President Zelensky was an anticorruption fighter but they just wanted to see if maybe he was really going to follow through. So they are saying that the person before this President, before President Zelensky, the previous President of Ukraine, was a corrupt individual. They have said that through their remarks. Well, if that President was corrupt, why, if President Trump cared so much about corruption, why did he release the aid in 2017 and 2018 to Ukraine?

Then I would like to get to the question of this particular amendment. I looked at that OMB letter, and I would call that an after-the-fact cover-up. Why do I say that? I say that because, if you look at the timeline—and some of my colleagues have laid out pieces of this, but let me lay out a few more.

On June 18—we already know about the May letter that the Department of Defense sent saying that Ukraine had passed all of its anticorruption requirements. On June 18, the Department of Defense publicly announced that it would release the military aid to Ukraine.

Lieutenant Colonel Vindman testified that by July 3 he was aware of the hold and he was aware that the Office of Management

and Budget, OMB, was making queries that were, quote, "abnormal." He used that word, "abnormal."

Fiona Hill testified that there was no explanation given for the hold. Under Secretary of State David Hale testified that he was frustrated because he was simply told that this was the President's wish.

In August—in August—several OMB divisions—several divisions—wrote a joint memo recommending that military aid go to Ukraine as soon as possible. And they said in that memo that it was necessary, this military aid was necessary for supporting a stable and peaceful Europe.

I would also note that, just recently, just a few weeks ago, two OMB officials resigned, and they resigned because of deep concerns that they had about what they were being asked to do. One of those individuals worked in the legal department that issued this after-the-fact cover-up memo from OMB.

Now, let me just ask the American people this. If the President had deep concerns about corruption and was waiting for Ukraine to take major steps on corruption, let me ask you what you think any President might do in that situation.

Might they ask the Department of Defense to follow up on those major anticorruption things that they were trying to get done? He did not do that.

Would that President inform top agencies about those concerns? No, he didn't do that either. In fact, they were all universally in agreement that the aid should be released.

And might the President inform Congress that this was something that he was concerned about and he had to withhold the aid? He didn't do that either.

After-the-fact cover-up memo, that is all this is. And we need to oppose this amendment.

I yield back.

Chairman NADLER. The gentlelady's time has expired.

For what purpose does Mr. Collins seek recognition?

Mr. COLLINS. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COLLINS. It is amazing that this is an after-the-fact cover-up since it was asked for by a Democratic Senator. A Democratic Senator asked for this letter. So that is an after-the-fact cover-up, when a Democratic Senator asks for a letter explaining the process on how this happens? An after-the-fact cover-up?

This is exactly what I thought would happen when we would come back from lunch and come back from our break. All the things were over, their arguments were dead, everything was going—and they said, "Well, let's get back in there and tell the same things over and over again. Maybe the ones who were watching in the morning wasn't watching in the afternoon."

That has to be one of the best ones I have heard, though, an after-the-fact cover-up, when it was asked for by a Democratic Senator just a few weeks ago. How is that an after-—I mean, I guess Trump is to blame for a Democratic Senator thinking, "Ooh, be careful what you wish for."

But there are other things that are coming out again. One of the things that really bugged me here is this lawful delay. This money

was not due to be appropriated. It could have been by Congress if we would have said do it on a certain date. We said by September 30.

So, really and truly, if there was no interaction between the U.S. and Ukraine and the money was not released until September 30, there was nothing wrong here, and there is still nothing wrong here.

It has been evidenced to me that the evidence reveals that only the majority—again, this one is just mind-boggling. How does anybody in the press or anybody else let them get away with the continual belittling of Mr. Zelensky? They have called him a politician, derogatorily. They have called him an actor. They have called him weak. They have called him everything else in the world. "He is cowering." I mean, use the adjectives.

And I will go back to their adjective. You know, if they don't believe me here, if it looks like a duck, acts like a duck, walks like a duck, well, this is what they are doing. They are tearing him down in the eyes of the public. And they keep doing it over and over again to try and get at the President. This is crazy.

You know why they do that, though? Again, I am going to repeat it one more time, because there seems to be a problem of reruns around here. The reason they keep repeating this is because they can't make their case.

Mr. COLLINS. They keep putting this out there and, again, it is amazing to me.

The next untruth that we are dealing with here today, and this one is very sensitive to many in the military, many who have been texting me who have served overseas in our military and others. When they say, and put in an article, we agreed to put it in the record, 13 Ukrainian soldiers were killed during President Donald Trump's administration, withholding aid from the country from mid-July to September. Guess what, my colleagues? There were Ukrainians killed when they had received their previous aid. There were Ukrainians who were killed in this battle before.

This is the most despicable, despicable of drive-bys, to say that this money—Under Secretary Hale has told you over and over. You talk about evidence. Read the transcript. He said this was prospective money, not current money. But yet we keep putting it in the record, because if you tell the story enough times, somebody out there is going to believe it. That is despicable for these 13 who lost their lives in Ukraine, and it is despicable for anyone who has actually fought in a battle for this country. Don't keep doing it, and if they do, call them out on it. We are going to call facts facts here.

There is no crime. You know why? It is interesting. My friend from California just said, where are they on these different things, where are the Democrats? My question is, where are your crimes? You talk about them, you want people to think they are there. You want people to come out and say, well, there is bribery, extortion, high-minded words. And you do it over and over and over again.

The problem is, if you had it, you would have put articles on it. You don't have it, so you didn't put articles on it. That is the stain on your articles. That is the stain on this committee. This committee couldn't make their case, so they came up with abuse of power so they could put anything in it.

And today, we have heard that over and over and over again. Why? Because at the end of the day, the aid was delivered, nothing was held, but yet we are going to tell, because there was supposedly pressure that the two on the call said didn't exist and the Ukrainian leader said did not exist, over and over and over again, but our majority would rather to besmirch Mr. Zelensky and take him down, because they can't make their case.

My question is, who are they hurting now? They are trying to take down the American President and they are trying to take down the Ukrainian President at the same time by making him look small in the middle of his own country in the middle of a hot war. You can't have quid pro quo, you can't have pressure if the gentleman who is supposedly pressured says there is no pressure. You can't make excuses for him when he goes out over and over again and talks about it, because he looks at it as it was in the call.

But also to me, it is just amazing, continuing this discussion to get people distracted. People died because money was held. That is not true. Quit saying it. And I don't care how many times you put it in a Newsweek article, it is still not true. When you understand what is going on here, at the end of the day, it is very simple. I will make it very slow for you to copy. They can't make a crime. They hold back to the fact that we can impeach him for anything, and that is what they have done.

I yield back.

Mr. SWALWELL. Unanimous consent request, Mr. Chairman.

Chairman NADLER. The gentleman yields back.

Mr. SWALWELL. Unanimous consent request.

Chairman NADLER. The gentleman is recognized.

Mr. SWALWELL. Los Angeles Times story, October 16, Trump froze military aid as Ukrainian soldiers perished in battle.

I yield back.

Chairman NADLER. Without objection.

[The information follows:]

MR. SWALWELL FOR THE OFFICIAL RECORD

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WORLD & NATION

Trump froze military aid — as Ukrainian soldiers perished in battle

Anastasia Golota at the graveside of her husband, Oleksandr

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OBUKHIV, Ukraine — When President Trump froze hundreds of millions of dollars in security assistance to Ukraine in July, Oleksandr Markiv was in a trench defending his country's eastern front line against Russia-backed separatist militias.

Two months later, Markiv, 38, was dead, killed by shrapnel during a mortar attack on his battalion's position in a notoriously dangerous defense point known as the Svitlodarsk Bulge.

Markiv was one of 25 Ukrainian fatalities on the front line since July 18, the day Trump quietly put on hold a $391-million military aid package appropriated by Congress for Ukraine last year.

Democrats accuse Trump of holding Ukraine's allotted military aid hostage in exchange for promises from Ukrainian President Volodymyr Zelensky to investigate the dealings of Trump's political rival, Joe Biden.

Although there is no way to link Markiv's or the dozens of other deaths directly to the lack of aid, military officials and other Ukrainians say they felt exposed, vulnerable and, at least temporarily, abandoned by their foremost ally: Washington.

"U.S. aid to Ukraine has been very complex and fluid, alternating between more economic aid in the 1990s to more civil society support after 200

Rory Finnin, a professor of Ukrainian studies at

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Although the Trump administration said in September that it had lifted the freeze on military aid, it "has not reached us yet," Oleksandr Motuzianyk, a spokesman for the Ukrainian Defense Ministry, said this week. "It is not just money from the bank. It is arms, equipment and hardware."

At the time Russian President Vladimir Putin annexed Ukraine's Crimean peninsula and the war was breaking out in Donbas, Ukraine's armed forces and its equipment had been stripped down and sold off under then-President Viktor Yanukovich. The Kremlin-favored leader was ousted in the Maidan protests in 2014 and fled to Russia.

Tens of thousands of Ukrainians, like Markiv, volunteered to help fight the Russia-backed separatists in the east. Many of them were sent to the front line wearing sneakers and without flak jackets and helmets, let alone rifles and ammunition. Ukrainians across the country organized in an unprecedented, united civil movement not seen since World War II to raise money to supply their ragtag military with everything from soldiers' boots to bullets.

The West, including the U.S., stepped in to provide billions of dollars in security assistance that included armored Hummer SUVs, military ambulances and medical supplies, radar and communications equipment, night-vision goggles and drones.

Bolstering Ukraine's battle against Russia in the Donbas follows decades of what the U.S. saw as vital support for the country of 45 million's post-Soviet transition.

Washington has poured money into developing and stabilizing Ukraine as a way to bring it into the Western fold. This irritated the Kremlin, which sees Ukraine as belonging firmly in Moscow's perceived sphere of influence.

Whereas Ukraine had been for nearly three decades at the center of a tug of war between the West and Moscow, Trump's July phone call with Zelensky turned Ukraine into a battlefield for American domestic politics that comes at a high price for Ukrainians fighting on the front line.

"If the United States will drag us into their dome

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the co-founder of a new nongovernmental organization lobbying for democratic reforms in Ukraine.

Ukraine would have managed to defend itself against Russia without U.S. assistance, but Kyiv's losses "would have been much heavier," said Gen. Viktor Muzhenko, who was chief of staff from 2014 until 2019.

The U.S. donations of counter-battery radar systems, which warns troops about incoming mortar and artillery fire and pinpoints where the firing came from, has saved "hundreds if not thousands of our soldiers' lives," Muzhenko said.

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Oleksiy Tikhonchuk, the commander of Markiv's battalion, said such a system could have saved his deputy's life.

On Sept. 27, Markiv's unit was hit first by a mortar attack, and then rounds of a large-caliber machine gun, Tikhonchuk said.

"All the soldiers were hiding in the trenches, holes and dugouts, but Sasha decided to climb on top of his dugout to visually spot where the fire was coming from to adjust our return fire," he said, using the diminutive name for Oleksandr. Markiv was struck when their position took a direct hit from a mortar round. He died three hours later during an operation to remove the shrapnel from his head in a military hospital in Svitlodarsk.

Many Ukrainian battalions have the American radar systems, but Markiv's squad did not, Tikhonchuk said. "That cost him his life."

Funeral for Ukrainian solider killed in battle

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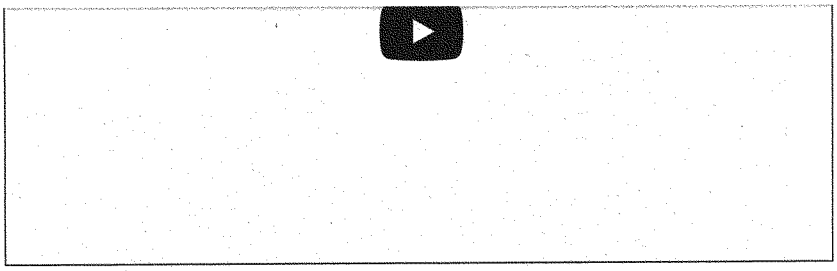
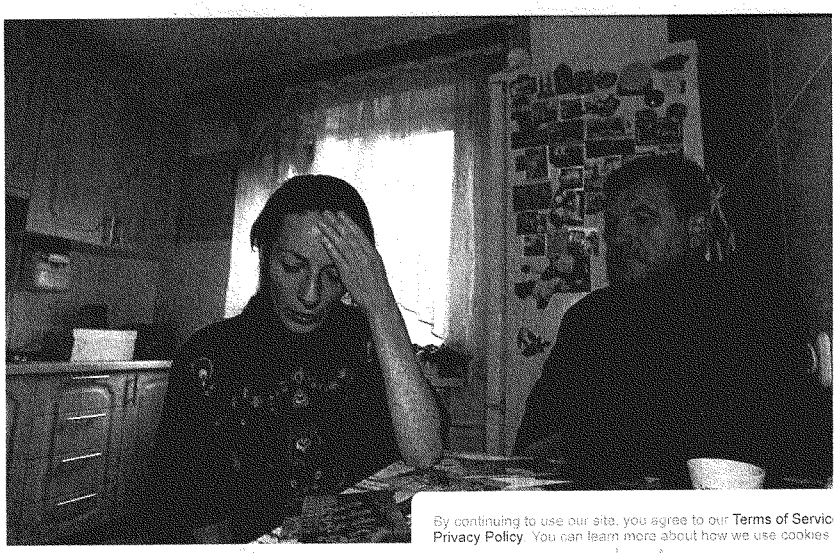


In her grief, Markiv's widow doesn't want to make her husband's death about geopolitics.

Anastasia Golota has enough to worry about with their son, Svetoslav, 9, who refuses to believe that his father is dead.



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"He gets upset when I go to the cemetery, he tells me he doesn't think he's there," Golota, 37, said as she walked backed to the car from her husband's grave. Ukraine's national blue and yellow flags flap in the wind and mark the graves of 34 soldiers from this former chemical factory town killed during the conflict.

More than 14,000 Ukrainians have died and about 1.5 million displaced in the conflict. For many in Ukraine, it's still hard to accept that Kyiv is in an armed conflict with its neighbor, Russia, with whom it shares deep historical, linguistic and cultural ties. Many Ukrainians and Russians also have family ties on both sides of the border. Golota is half Russian. Her mother moved from Russia to Ukraine as a child during the Soviet Union years.

"I don't understand what Russia wants from our little country," said Golota's mother, Marina.

But Markiv understood perfectly well what Russia's ambitions were for Ukraine, Golota said. He was a patriot with a deep commitment to Ukraine's independence, just as his great-grandfather had been as a member of the nationalist, paramilitary Ukrainian Insurgent Army that fought the Soviet Red Army in the 1940s.

He had worked in the Obukhiv tax office in 2010 and watched as Yanukovich helped his business associates divvy up local government offices to run the city like their personal fiefdoms.

Markiv was very principled and hated the endemic corruption in his country under Yanukovich, she said.

When the Maidan revolution started in 2013, she and Markiv took turns standing on the square and taking care of their son at home. Her husband helped drag the wounded to the makeshift medical hospitals set up on Kyiv's Independence Square at the height of the clashes between government riot police and protesters.

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Anastasia Golota, widow of Oleksandr Markiv, holds a photo of her husband in their home in Obukhiv, Ukraine. (Sergei L. Loiko/For The Times)

He joined the 72nd mechanized brigade and became a lieutenant and served two years, surviving several attacks while losing many battalion mates. In 2016, he joined the Rapid Response Brigade of the National Guard, where he became a senior lieutenant of an antiaircraft missile battalion.

In an obituary, friends described Markiv as "a lieutenant only on paper. In life, he was an ordinary, sociable and reliable fellow." He wasn't below peeling potatoes in the trenches with those ranked below him, they said.

But the death of Golota's husband is also the story of a Ukrainian soldier changed by war.

He went to war in 2014 saying he hoped his bullets didn't kill anyone, Golota said. When he was on the front, he would lie to his wife about his location and tell her he was at a training base so she wouldn't worry, she said.

But after his first tour, Markiv was different, she said. When he was home on leave, his mind was on war. He was constantly checking YouTube for updated videos about what was happening on the front, Golota said.

"He just could not return to life in peace," she said.

When he returned from training at a U.S.-led joint operation center in western Ukraine in 2016, a program run as part of the American security aid package, Markiv told his wife that the foreign assistance helped, but it wouldn't be enough.

"It is up to us Ukrainians to fight this war," he told his wife.

As Trump's impeachment inquiry continues in Washington, Ukrainians take little consolation in the fact that their country will continue to be in t

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instructor in Kyiv, the capital. "But Trump is a businessman. He doesn't care for democracy or freedom. He doesn't care if we survive in the war against Russia or not."

Perhaps now, Trump wishes he'd never meddled with Ukraine, Yeremko said.

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Mr. RASKIN. I object.

Mr. COLLINS. I am not sure how many times that this is being perpetrated, but it was prospective money, not current money.

Chairman NADLER. The gentleman does not have the time.

Mr. Deutch. For what purpose does Mr. Deutch seek recognition?

Mr. DEUTCH. Unanimous consent request.

Chairman NADLER. The gentleman is recognized.

Mr. DEUTCH. I ask unanimous consent to submit for the record the May 23 letter from John Rood certifying that the Government of Ukraine has taken action to make institutional reforms to decrease corruption.

Chairman NADLER. Without objection.

[The information follows:]

MR. TED DEUTCH FOR THE OFFICIAL RECORD

Dear Mr. Chairman:

On behalf of the Secretary of Defense, and in coordination with the Secretary of State, I have certified that the Government of Ukraine has taken substantial actions to make defense institutional reforms for the purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by U.S. assistance. An assessment of the actions taken by Ukraine, the remaining areas in need of defense institutional reform, and the methodology used to evaluate this reform are included in this letter. Furthermore, now that this defense institutional reform has occurred, we will use the authority provided by section 1250 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 (Public Law 114-92), as amended most recently by section 1246 of the John S. McCain NDAA for Fiscal Year 2019 (Public Law 115-232), to support programs in Ukraine further. Implementation of this further support will begin no sooner than 15 days following this notification. This authority will be used to provide appropriate security assistance, including training, equipment, and logistics support, supplies, and services, to the military and other security forces of the Government of Ukraine.

Pursuant to Section 9013 of the Department of Defense (DoD) Appropriations Act, 2019 (division A of Public Law 115-245), we are notifying the committees of this obligation.

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed $125 million, and the quantity of items will remain consistent with the stated nature and scope of the program.

The primary methodology used to inform this certification was persistent U.S. engagement with Ukraine, including, but not limited to: 1) the Secretary's meetings with Minister of Defense Poltorak; 2) a visit to Kyiv by the U.S. Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia; 3) Lieutenant General (Retired) Keith Dayton's bilateral consultations with and participation in Ukraine's Defense Reform Advisory Board in his role as U.S. Senior Defense Advisor on Ukraine; 4) former Secretary of the Navy Dr. Donald Winter's visit to Kyiv in his role a U.S. Senior Defense Industry Advisor; 5) senior level engagements led by the Department of State, including the U.S.-Ukraine Strategic Partnership Commission; 6) U.S. European Command's efforts through the Multinational Joint Commission on Ukraine; 7) the Joint Multinational Training Group – Ukraine training program; and 8) other advisory efforts through the Ministry of Defense Advisors Program, Defense Governance and Management

Team, Cooperative Technology Security Dialogue, and the U.S. Embassy in Kyiv and U.S. Mission to NATO in Brussels.

Through these engagements, the United States has effectively helped Ukraine advance institutional reforms through a number of substantial actions to align Ukraine's defense enterprise more closely with NATO standards and principles. The Ukrainian Government adopted legislation to authorize the Ministry of Defense to conduct direct procurement from international manufacturers, including through the Foreign Military Sales program. Furthermore, to strengthen civilian control of the military, the ministry is making progress toward increasing civilian staff, as most prominently illustrated by the fact that the Minister of Defense is now a civilian. Minister Poltorak also initiated an ambitious program to reform the command and control system in line with Euro-Atlantic principles, which will further strengthen civilian control, and to separate force generation from force employment functions, which will improve the management of Ukraine's forces. Lastly, Ukraine committed in writing to defense industry reforms and requested a Senior Defense Industry Advisor to improve the ability of Ukraine's domestic industry to provide critical material to the Ukrainian armed forces and transform the state-owned enterprise.

Substantial progress has been made on defense reform since 2014, but there remain areas that require significant attention. Although Ukraine has made a commitment to defense industry reforms, increased transparency in acquisition and budgeting will require a sustained effort. DoD is supporting Ukraine with the development of a transformation plan to bring its industry in line with global best practices, which will likely be a multi-year effort. The implementation of a modern human resources management system is another area that still requires attention. Moreover, Ukraine, with U.S. advice and mentoring, continues to mature its processes and procedures to ensure technology security, proper accountability, and end-use controls for U.S.-provided equipment. The United States remains committed to assisting with the implementation of these reforms to bolster Ukraine's ability to defend its territorial integrity in support of a secure and democratic Ukraine.

This notification is provided to meet the requirements of section 1250 of the NDAA for Fiscal Year 2016, as amended. Descriptions of the programs and associated training are enclosed. I am sending identical letters to the other congressional defense committees, the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs.

Sincerely,

John C. Rood

Mr. DEUTCH. And I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. DEUTCH. Thank you, Mr. Chairman.

Mr. Chairman, the ranking member was right; it is important to repeat some of what has been said because most of America doesn't watch all day long. But for people who do, they need to understand that the reason we are here, the reason that we are moving forward on Articles of Impeachment is because the President of the United States abused his power by soliciting foreign interference in his own reelection, thereby cheating American voters.

It is true that on May 23, the date that the Under Secretary of Defense certified that Ukraine had taken action to make institutional reforms to combat corruption, it is true that they had done that that day. It is an important day, because we have talked a lot about Ukraine needing the assistance, the security assistance, as they were at war with Russia, and they did. They also needed the White House meeting.

And also on May 23, it is just important for us to remember what the facts are. On May 23, a delegation returned from President Zelensky's inauguration. They met with the President and the President told them, work with Rudy. Ambassador Sondland said, work with Giuliani or abandon the goal of a White House meeting.

Let me say a word about Ambassador Sondland. My colleagues have challenged Ambassador Sondland's credibility, but it is important to pay attention to what he and others have testified to under oath. And if you think that a million dollar donor to President Trump is not credible, then we should look at all of the testimony and the text messages and the emails to others and examine it closely.

So they came back and they said, work with Rudy. And then on May 29, the President invited President Zelensky to the White House. So President Zelensky expected that he would be coming. And Sondland then said that there was a prerequisite of investigations. Lieutenant Colonel Vindman said that Sondland told the Ukrainians on July 10 to treat the investigation—that the investigation of the Bidens was a deliverable necessary to get the meeting.

Then on July 19, Ambassador Sondland emailed Robert Blair and Lisa Kenna and Brian McCormack and Chief of Staff Mulvaney and Secretary Perry and Secretary Pompeo, all of them, and said that Zelensky was prepared to receive POTUS' call and offer assurance on the investigation.

Then Volker had breakfast with Giuliani and texted Ambassador Sondland and said, most important is for Zelensky to say he will help with the investigation. And then Volker texted the morning of the call. He texted Yermak and said, heard from the White House. Assuming President Zelensky convinces Trump that he will investigate and get to the bottom of what happened, we will nail down a date for a visit to Washington.

Those are the facts. That is what was provided in text messages and emails. There has been all this focus on the call. This is an effort that started the moment that this delegation got back from the inauguration, and it continued through the end of May and

June and July. And then there was a call. But it continued on through August and through September.

This isn't one time with eight lines. This is a concerted effort to make sure that Ukraine, who was at war with Russia, understood that they weren't going to get their security assistance and they weren't going to get their White House meeting until they announced an investigation of the President's principal political opponent. That is abuse of power.

Multiple times my colleagues over here have asked if anyone objects to the President of the United States abusing his power for political gain like that.

But I would finish with this: Ambassador Taylor, when he came and testified under oath, he said, during our call on September 8, Ambassador Sondland tried to explain that President Trump is a businessman. When a businessman is about to sign a check to someone who owes him something, he asks that person to pay up before signing. I argued, he said, that made no sense. Ukrainians did not owe President Trump anything. That is true. They owed him nothing to get the White House meeting, they owed him nothing to get their aid, and they owed nothing to him for his assistance in his campaign.

And I yield back.

Mr. SENSENBRENNER. Mr. Chairman?

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Sensenbrenner seek recognition?

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SENSENBRENNER. I yield to the ranking member.

Mr. COLLINS. Thank you, Mr. Sensenbrenner.

It is amazing to me that, again, the things that will come out of this markup is not the simple fact that they are going to mark up this and they will send it to the floor. It is what they will perpetrate to try to hide the weakness of their argument.

I have now given the article that the gentleman from California wants admitted, again, perpetrating the falsehood that people were killed because of money. And in the own article, which is biased against the President, biased against the whole situation, it has this line: Although there is no way to link Markiv's and the other dozens of deaths directly to the lack of aid.

Yeah, let's keep putting stuff in here that proves your pathetic argument. The article itself, which is biased against the President, actually says there is no way to link it, but yet we are doing it every time in here. Keep giving them. I will keep accepting them. Wonderful article. Great job, because you are making my point. I guess I can hush and just let you make my point for me, but all you want to do is besmirch the dead and go after Mr. Zelensky as weak and powerless. That is what is going to come out of this.

So I guess I will withdraw my objection on this. It makes my point. You all have any more you want to put in, keep going, but besmirching the dead is not going to get you anywhere.

I yield back. I yield back to Mr. Sensenbrenner.

Mr. SENSENBRENNER. I yield back.

Chairman NADLER. The gentleman yields back.

Ms. LOFGREN. Mr. Chairman?

Chairman NADLER. The gentleman yields back.

Without objection, the material will be inserted in the record.

Ms. LOFGREN. I have a unanimous consent request.

Chairman NADLER. The gentlelady is recognized for a unanimous consent request.

Ms. LOFGREN. I would like to ask unanimous consent to put a Roll Call article into the record entitled, "Ukrainian lives hung in the balance as Trump held up aid," quoting a National War College official about the adverse impact on the war.

Chairman NADLER. Without objection.

[The information follows:]

MS. LOFGREN FOR THE OFFICIAL RECORD

Ukrainian lives hung in balance as Trump held up aid

rollcall.com/news/congress/ukrainian-lives-hung-in-balance-as-trump-held-up-aid

John M. Donnelly October 24, 2019

Ukrainian soldiers on the front line in the eastern Donbass region in June 2018. (Oleksandr Rupeta/NurPhoto via Getty Images)

On June 6, Russian-allied forces in Ukraine's eastern Donbass region fired a volley of artillery shells on Ukrainian soldiers based in a rural area, even though Moscow had signed a ceasefire agreement the day before.

Two young Ukrainian soldiers — 28-year-old Dmytro Pryhlo and 23-year-old Maksym Oleksiuk — were killed in their dugout by that shelling in the settlement of Novoluhanske, Ukrainian commanders said at the time. Eight other Ukrainian soldiers suffered concussions and other injuries.

Pryhlo and Oleksiuk were just two men. But the day before, the Russians had killed another Ukrainian soldier. The day before that, they had killed two others. And in the nearly five-plus years before that, thousands more had fallen.

In total, upward of 13,000 people, at least a quarter of them civilians, have been killed since 2014, when Russia annexed Ukraine's Crimea region and started a separatist uprising in Donbass, where some 35,000 Russian-backed fighters are said to still be stationed.

The pace of casualties in the war in Donbass has waned — due largely, experts say, to some $1.5 billion in U.S. military aid in the last five years. So has press coverage of the conflict. But lives are still lost on a weekly, and sometimes daily, basis.

The deaths of Pryhlo and Oleksiuk came at a critical time and highlighted a key battlefield vulnerability. Less than two weeks after they were killed, the Pentagon announced that $250 million in new U.S. military aid — weapons, training, medical supplies and more — would arrive soon in Ukraine, part of a roughly $391 million fiscal 2019 aid package.

Significantly, the new aid included not just weapons like grenade launchers and rifles but also counter-artillery radars and other defensive systems that, though they would arrive too late to have detected and defended against the shelling in Novoluhanske, might very well help Ukraine see and defend against similar artillery attacks in the future, experts said.

Moreover, the delay in delivering those radars and other aid deferred the Ukrainian military's ability to upgrade its capabilities.

Much more important than its operational benefits, these observers say, the aid has conveyed the message to Ukraine — and above all, to Russia — that the United States stands with Ukraine.

The White House's withholding of this support — which administration officials, including the president, had directly or indirectly told top Ukrainian government officials about last summer — sent the opposite message.

"It is a significant mistake to withhold this aid for any reason, and particularly for domestic considerations," said retired Adm. James Stavridis, who commanded U.S. forces in Europe from 2009 to 2013. "Doing so is a gift to Vladimir Putin."

Psychological, operational effect

Trump's monthslong freeze on the money, which he dropped in September, is a key basis for the House impeachment inquiry. But the support to Ukraine is usually discussed in almost clinical terms — as an "aid package" or "security assistance" or similarly abstract terms.

To the contrary, however, Trump's apparent decision to use the aid money to coerce a partner nation into helping his political fortunes posed life-and-death risks to Ukrainian families like Pryhlo's and Oleksiuk's, according to lawmakers from both parties, U.S. military officers and analysts who focus on Ukraine.

[***Mulvaney acknowledges 2016 election investigation was tied to Ukraine aid freeze***]

Americans have mostly forgotten about the simmering conflict in Ukraine, but the war is still a lethal reality for those in the middle of it. And to Ukrainians, U.S. support for their military against Russia's much larger force is an existential issue.

"There is no doubt the U.S. assistance plays a very significant role in the Ukrainian military's ability to fight the war in Donbass," said Mariya Omelicheva, a professor of strategy at the National War College in Washington. "The delay has a profound impact on the tactical and operational preparedness and, more importantly, psychological preparedness and trust in the ally."

Congressional proponents of Ukraine aid told CQ Roll Call that the American weapons and training are critical to saving lives.

"Ukraine's ability to defend itself is directly linked to the unimpeded flow of U.S. military assistance," said Democratic Sen. Jeanne Shaheen of New Hampshire, a member of the Armed Services Committee. "For this reason, Congress — on a bipartisan basis — demanded that the administration lift its hold before more people died. It was a grim realization to learn that these lives were being threatened because of political interference from the White House."

Sen. Rob Portman, an Ohio Republican and member of the Foreign Relations Committee, was among the lawmakers who pressed the administration to free the money for Ukraine after the hold became public in late August. Trump, in fact, cited Portman's entreaties in September as being critical in the decision to belatedly release the aid money, which Trump had claimed was being withheld to try to get other countries to contribute more and because Ukraine was too corrupt to properly handle the money.

Portman said the aid makes a real tactical and strategic difference in Ukraine.

"With this recent funding, we have provided vital assistance to help the Ukrainian military continue on their path of reform and implement improved training and readiness to be able to defend their homeland against Russian aggression," he said.

'Undoubtedly' more deaths

Less than two months after the attack in Novoluhanske, the now well-known Trump administration campaign to coerce Ukraine into investigating unfounded allegations into one of Trump's top political opponents crested, a growing number of U.S. government officials have told Congress in testimony and whistleblower complaints.

A centerpiece of the pressure campaign was withholding the latest tranche of military aid, a threat that was communicated directly and indirectly by multiple administration officials up to and including the president last summer, his critics have charged.

The acting U.S. ambassador to Ukraine, William Taylor, told House lawmakers behind closed doors Tuesday about a visit he paid, apparently in late July, to Ukrainian commanders on the front lines in the country's eastern region of Donbass.

In the testimony, Taylor recounted being able to see "the armed and hostile Russian forces on the other side of the damaged bridge across the line of contact."

Taylor knew by then that the aid money had been held up to coerce Ukrainian President Volodymyr Zelenskiy — and so did Zelenskiy and other Ukrainian officials, Taylor said.

But the commanders whom Taylor visited on the front lines did not know about it, and that made Taylor "uncomfortable," the ambassador wrote in testimony to House impeachment investigators, a document first made public by The Washington Post.

"Over 13,000 Ukrainians had been killed in the war, one or two a week," he said in his prepared remarks.

"More Ukrainians would undoubtedly die without the U.S. assistance," he added matter-of-factly.

Russian roulette

The Trump administration's freeze on aid to Ukraine threatened, if only temporarily, to undercut a U.S. ally suffering casualties in a shooting war and to instead serve the interests of Russia.

A similar dynamic is at play in the Middle East. Trump apparently acquiesced to Turkey's invasion of northern Syria earlier this month and in the bargain cut off U.S. support for the Syrian Kurds, another long-time partner ensnared in battle. There, too, Russia benefited, having stepped into the vacuum and seen its influence grow.

Trump's Syria move has triggered GOP outrage, while Republicans have largely defended Trump in the impeachment probe despite bipartisan support on Capitol Hill for the Ukraine aid package. The Syria decision is still unfolding, while the Ukraine aid is back on; and the Syrian Kurds' plight is more pressing now than a handful of Ukrainian deaths seem to be.

In any event, bipartisan congressional backing for continuing to arm Ukraine was shown this year when the continuing resolution that the U.S. government is currently operating under was written to extend for another year the statutory authority for the military aid for Ukraine.

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Chairman NADLER. For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Georgia. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

I move in opposition to the Biggs amendment. My colleague from Georgia talks about how Democrats are trying to make President Zelensky look weak. Well, I tell you, that brings to mind the picture of President Trump and President Zelensky meeting in New York in September at the U.N., and a big chair for President Trump, a little chair for President Zelensky, big 6-foot-4 President Trump, 5-foot-11 Mr. Zelensky, President Zelensky. And they are standing there and President Trump is holding court. And he says, oh, by the way, no pressure. And you saw President Zelensky shaking his head as if his daughter was downstairs in the basement duct-taped.

I mean, there is an imbalance of power in that relationship. It always has been. And there is no way that the nation of Ukraine can stand up to the power, to the power of the United States of America. And President Trump used that unequal bargaining position. He leveraged his power in that relationship, not for the benefit of the United States of America, but for his own benefit.

He again held President Zelensky over a barrel up there in New York, the same way he did on the telephone call on the 25th of July. And he told him, look, I know that you need those Javelins, but I need you to do me a favor or do us a favor. And who was "us," by the way? Was it the American people or was it the Trump campaign and all of those corrupt officials that he aligns himself with, half of whom are in jail or facing charges or facing sentencing. Who was he talking about "us"? It wasn't the American people. It was the Trump Organization and the Trump campaign. And that is wrong.

It is wrong for the United States President to use his position for himself. It is wrong. And that is what President Trump did, and that is what we are holding him accountable for today. And President Trump pretty much sold out our Constitution for his own personal benefit.

We are called upon today with the question of whether or not we are going to sell out our positions, whether or not we are going to be sellouts. I mean, each and every one of us had a career before we came to Congress. I myself was a criminal defense lawyer, and I enjoy my job. I am honored to represent the biggest client that I have ever represented, and that is the citizens of the Fourth Congressional District of Georgia. But I would gladly, to protect the Constitution, give up my job that I love, and I would go back to Georgia to do what I used to do, if I had to pay a heavy price for doing what was right for the Constitution.

And that is what my friends on the other side of the aisle are charged with now. I know that there is a lot of fear about them being in Zelensky's position, about them being in that little small chair with the President with the bully pulpit, the right wing media, FOX News, everything being on his side, and him levying and leveraging that power against them as they approach their primaries.

They don't want to get primaried. I know that that is the desire. But let's not sell out the country for our own desire, which is exactly what we are charged with protecting our country from President Trump doing. Let's not do that. Let's make ourselves look good in the eyes of history. Let's do the right thing.

And, with that, I will yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does the gentlelady from Florida, Ms. Mucarsel-Powell, seek recognition?

Ms. MUCARSEL-POWELL. Thank you, Mr. Chairman. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. MUCARSEL-POWELL. Thank you.

I want to respond to—I have been here all day listening to all the comments from my Republican colleagues. And the one thing that has continued to be mentioned is that there has been no crime committed. And I have been asked by some of the people that live in my district, live in my community, Americans that say, but what is the crime?

And I have to say that there is no higher crime than for the President to use the power of his office to corrupt our elections. We are seeing behavior from this President that we have not seen in the history of our country, violating three of the most dangerous violations of the Constitution: One, abuse of power through self-dealing; two, betrayal of national security; three, corruption of our elections.

And I want to make something very clear. We are here today because the President of the United States of America has violated the law. The President's conduct meets all the elements of criminal bribery under 18 U.S.C. 201(b)(2)(A), a public official demands or seeks anything of value personally in return for being influenced in the performance of any official act.

Why are we here? How did we get here? The inspector general of the intelligence community brought to Congress an urgent and credible threat to our national security, to our democracy. That is why we are here today. You have heard conspiracy theories. You have heard things that are not true to distract from the fact that this President abused the power of his office to extort a foreign government for his own private political gain, not for the interests of the United States of America.

Now, you also hear about that we are trying to overturn our election. If you see, they have a poster over there saying that we are trying to overturn the election. That couldn't be anything farther from the truth. It is a ridiculous statement.

Impeachment is a crucial part of the Constitution that ensures a democratic government. It was created by the Founders as a check to prevent a President from becoming a king. And it is incredible to me to see some of my colleagues bend over backwards to cover up for this President. My sister is a yoga teacher. She doesn't contort the way some of my Republican colleagues distort the facts, all to protect this President.

The Founders knew that elections would come every 4 years, but included impeachment in the Constitution to protect the republic against a President who would be an imminent threat to our de-

mocracy. And that is why we are here today, because this President has shown us that he is welcoming foreign interference.

He has asked Russia, he has asked Ukraine, he has asked China, asking them to investigate his political opponents. We have seen it. We have seen those videos. That is direct evidence. We have documentary evidence. We have a transcript of a call. We have text messages. We have emails from Ambassador Sondland. Everyone was in the loop.

This is a scheme that began back in February and March. This was a complaint that was brought forth to Congress, because it was an urgent and credible threat. The President of the United States has violated the law. He has abused his power. He is undermining our freedoms, our democracy. We must act. That is why we are here today. No one, no President in this country is above the law.

I yield back my time.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Armstrong seek recognition?

Mr. ARMSTRONG. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. ARMSTRONG. I think that argument would have a lot more merit on the abuse of power charge if we don't take a look back and look at the whole destination and how we got here. And the reason I say that is because for 2 years, we heard about Russian conspiracy, Russian collusion. How are we going to prove it? The chairman of the Intelligence Committee went on national TV and said he had direct evidence of Russian conspiracy.

Well, the Mueller report came out. And actually, if you watch the media, about a week before the Mueller report came out, we started switching to obstruction and obstruction of justice. And so we go through that. Then the Mueller report comes out and shows there is absolutely no conspiracy, absolutely no collusion. So we are going to check that off the list.

Now we go to 10 articles of obstruction of justice. And we walk through it and we bring Bob Mueller into the Judiciary hearing. And I am pretty certain there were people marking out statutes next to the Washington Monument of gratitude and gravitas of Bob Mueller. Well, that hearing fell flat, and obstruction of justice was abandoned.

So then we moved into a July 25 phone call, and we went to quid pro quo. And quid pro quo kept going and kept going, but then they decided that wasn't working really well. So we poll tested bribery. And bribery had a little bit of a problem, because you cannot prove the elements of the crime. And I don't care how many different ways we say it, when the victim of the crime, alleged victim continues to go on national TV, international press conferences every step of the way and deny that he was a victim and deny that there was a crime, we move on. So we move from things of campaign finance, which didn't even work in the Mueller report, and continue to moving forward.

So instead of starting an investigation in a general way and moving towards a specific crime, we try and pick 17 different specific crimes. And when they never get there, instead of doing what any reasonable investigator would do and say, there is no there there,

we take it all and we put it together and then we say, well, because we can't prove any of it, we are going to use all of it.

And so if we want to know why we are here today, that is why we are here today. Because this started the day President Trump got elected. It has continued—it has continued through all the Mueller report. Not to be deterred, in a separate different thing, the day after the Mueller report hearings happened in the Judiciary Committee, I was in the Oversight Committee when they subpoenaed the personal emails of every member of the Trump family.

This is never going to stop. I agree with my colleague from Ohio; it is never going to stop. And we will continue to move forward, but you cannot move through all of these specific crimes, use these words for weeks at a time, and the minute they fall apart, we just move on to the next thing. I think that is why you are losing the support of the American people. I think that is why you are losing the support of your colleagues on your side of the aisle in Congress, and that is why we are here. So let's call it like it is and explain how we got here, why we are here, and where we continue to go.

And with that, I——

Mr. COLLINS. Will the gentleman yield?

Mr. ARMSTRONG. Yeah, I will yield to the ranking member.

Mr. COLLINS. Thank you.

Mr. Armstrong, you just brought up a great point. You know why we know what you just said is true? You know, again, we have gotten a lot of nontruth here and we just say it over and over enough so people will believe it. But what you just said is completely true, that this will never end. You know why we know that? Adam Schiff's own words and Al Green's own words. Adam Schiff, even the other day giving one of his press conferences, which he loves dearly. He loves to testify in front of cameras, just not in front of members, where he has to actually answer questions. And he said, we are just going to keep—no matter what happens, we are going to keep investigating, investigating, investigating, investigating, investigating. We are going to start. I mean, Mr. Ratcliffe, you are on the Intel Committee and I know others on this are. Well, it would be nice if you all get back to oversight of the intelligence community. That would be nice. Shocking proposition for a committee that is supposed to be doing that.

But then also, Mr. Green said, we can impeach him over and over and over again. This is what is happening. It is a farce. We can't come up with crimes, so we say crimes. We can't put them in the articles because we can't make it happen. But yet, just like you said, I just want to commend you for telling the truth. You told the truth. This is not going to end no matter what, except—and the reason we know it is because we don't have to infer. We don't have to find articles to put in the record. We just listen to their own words.

I yield back to Mr. Armstrong.

Mr. ARMSTRONG. And, with that, I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mrs. Demings seek recognition?

Mrs. DEMINGS. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. DEMINGS. You know, I rise today in opposition of this amendment. It is so obvious. It is so obvious that it is a last-minute, after-the-fact desperate scramble to cover up the President's wrongdoing. And I tell you what, we are not falling for it, and I really do believe the American people are not falling for it and probably are offended by it.

You know, my Republican colleagues have talked about a lot of things today, and they are really working very hard to protect the President, it appears, like at any and all cost. But I really wish that my colleagues on the other side would work as hard to protect voting rights for the American people, believing that everybody should have the right to vote, and that cheating in our elections by anyone at any time or any place is just not right.

It just amazes me to suggest that abuse of power is somehow inadequate or inappropriate or not serious enough. Abuse of power by the highest position in the land, the leader of the free world, that abuse of power is not enough to impeach this President or any other President.

But the Framers were so desperately concerned about abuse of power by the President, they were terrified of the thought of an unprincipled man, a person finding their way into the White House. To suggest that abuse of power is not serious, is not enough is simply ridiculous to me.

The President has a constitutional duty, and that really is the highest document in the land, to violate the Constitution. He has a constitutional duty to faithfully execute the law. Well, that is what it says, to faithfully execute the law. Is there anybody here—I don't care what comes out of your mouth today. Is there anybody here who believes that this President has faithfully executed the law and faithfully executed the duties, the sacred trust that has been put in his hands and on his shoulder? He is supposed to faithfully execute the law, not ignore it, not abuse it, and not forget it.

The President is supposed to be motivated by public interest, public interest, the interests of the people. But rather than remembering that or caring about that—I am not really sure he ever really did—the President chose to try to coerce a foreign power, a newly elected young President that we all were excited about, an anticorruption President, the President tried to coerce him into interfering in the 2020 elections.

The things that I have heard today about the Vice President's child, the things I have heard about the Vice President's son, when we have millions of people in this country who are suffering from addiction; I just believe to protect this President at any cost is shameful.

Article II in the Nixon impeachment said this: The article principally addressed President Nixon's use of power, including powers vested solely in the President, to aid his political allies, harm his political opponents, and gain improper personal political advantages. In explaining this Article of Impeachment, the House Judiciary Committee then stated that President Nixon's conduct was undertaken for his personal political advantage and not in the furtherance of any valid national policy objective. The President abused his power. And to me, and at least the members on this side of the dais, that matters.

And, with that, I yield the remaining time to Mr. Richmond from Louisiana.

Mr. RICHMOND. Thank you, Mr. Chairman.

Very quickly, I just want to remind people that when—or the people watching—that when you look at the credibility of a testimony and weighing the evidence, you can look at other things. So I want to enter into the record, unanimous consent, The Guardian article, "Roger Stone to Michael Cohen: The men in Trump's orbit implicated in crimes."

Chairman NADLER. Without objection.

Mr. RICHMOND. CNN Politics, "Six Trump associates have been convicted in Mueller-related investigation."

Chairman NADLER. Without objection.

Mr. RICHMOND. In honor of my wise grandmother, who said, birds of a feather flock together.

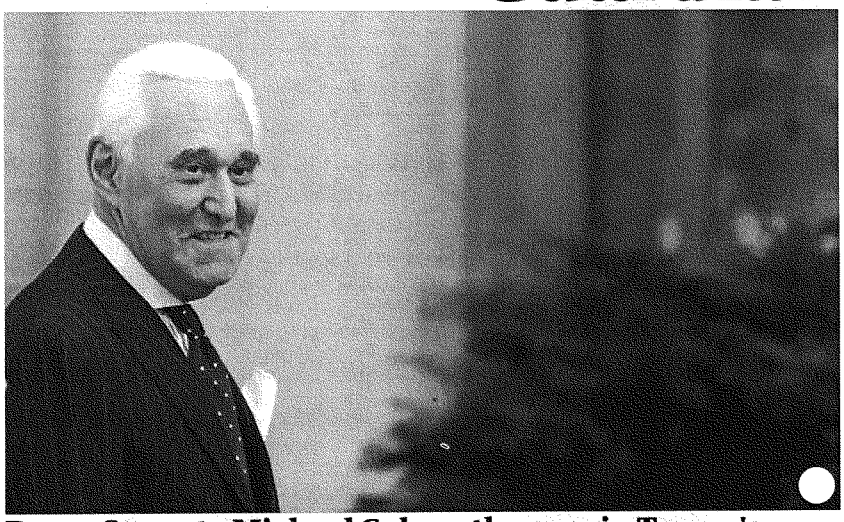
And then also, "President Trump has made 13,435 false or misleading claims over 993 days."

Chairman NADLER. Without objection.

[The information follows:]

MR. RICHMOND FOR THE OFFICIAL RECORD

The Guardian



Roger Stone to Michael Cohen: the men in Trump's orbit implicated in crimes

Roger Stone is the latest among a growing list of people once in the president's inner circle who have been convicted on federal charges

Victoria Bekiempis

Fri 15 Nov 2019 15.44 EST

Roger Stone, Donald Trump's longtime adviser, was convicted on Friday of obstructing a congressional investigation into Russian meddling in the 2016 election.

The verdict makes Stone only the latest among a growing list of people once in the president's inner circle who have been convicted on federal charges. Below is a list of others in Trump's orbit - or that of his associates - implicated in federal crimes.

Michael Cohen

The president's former lawyer and fixer, Cohen pleaded guilty to bank fraud, tax fraud, and campaign violations involving hush-money payouts to two women - the adult film star Stormy Daniels, and former Playboy model Karen McDougal. Cohen was sentenced to 36 months in federal prison.

Paul Manafort
The once powerful lobbyist who worked as Trump's campaign chairman was convicted in August 2018 of bank fraud, tax fraud and failing to disclose foreign bank accounts. The next month, Manafort admitted to conspiracy, such as money laundering and unregistered lobbying, as well as a second conspiracy count involving witness tampering. Manafort, who will spend about seven and a half years in prison for the federal cases, also faces state criminal charges in New York for alleged fraud and conspiracy.

Michael Flynn
Trump's former national security adviser pleaded guilty to lying to the FBI over his communication with Russia amid the presidential transition in 2016. Flynn lied about his contact with Russia's ambassador, such as urging Russia not to react to sanctions placed by Barack Obama.

Rick Gates
Manafort's business partner pleaded guilty in February 2018 to conspiring to defraud the US and lying to the FBI. He also admitted to helping Manafort manipulate financial documents, conceal foreign income, cheat tax authorities and mislead banks for credit. Gates, who was also a Trump campaign official, brokered a deal with Robert Mueller - serving as a star witness against Manafort and Stone.

George Papadopoulos
In 2017, Papadopoulos pleaded guilty to lying to the FBI about the schedules of meetings with purported Russian intermediaries. Papadopoulos in March 2016 met with a Maltese professor in London, who claimed that the Russians had incriminating information on Trump's then rival, Hillary Clinton - "thousands of emails". Papadopoulos was sentenced to 14 days in prison.

Alex van der Zwaan
A Dutch lawyer who worked with Manafort, Van der Zwaan pleaded guilty to lying to the FBI about his communications with Gates and a person potentially linked to Russian intelligence. Van der Zwaan worked on a Manafort-commissioned report to defend ex-Ukrainian president Viktor Yanukovych from international scrutiny. He was incarcerated for 12 days.

Richard Pinedo
The online fraudster pleaded guilty after it was revealed that his business setting up US bank accounts, and then illegally peddling them over the internet, had enabled a Russian operation that utilized social media to meddle with the election. His cooperation enabled Mueller's pursuit of Russian troll farms.

Konstantin Kilimnik
The Russian political operative and Manafort associate is charged with obstructing justice. He was swept up in Manafort's plan to leverage his relationship with Trump to settle multimillion-dollar debts to an oligarch.

Sam Patten
Lobbyist Patten had ties to Kilimnik. He admitted to diverting $50,000 from a Ukrainian oligarch to Trump's presidential inauguration committee. He pleaded guilty and agreed to cooperate with Mueller.

America faces an epic choice...

... in the coming year, and the results will define the country for a generation. These are perilous times. Over the last three years, much of what the Guardian holds dear has been threatened - democracy, civility, truth. This US administration is establishing new norms of behaviour. Anger and cruelty disfigure public discourse and lying is commonplace. Truth is being chased away. But with your help we can continue to put it center stage. It will be a defining year and we're asking for your help as we prepare for 2020.

Rampant disinformation, partisan news sources and social media's tsunami of fake news is no basis on which to inform the American public in 2020. The need for a robust, independent press has never been greater, and with your help we can continue to provide fact-based reporting that offers public scrutiny and oversight. You've read more than 12 articles in the last four month. Our journalism is free and open for all, but it's made possible thanks to the support we receive from readers like you across America in all 50 states.

"America is at a tipping point, finely balanced between truth and lies, hope and hate, civility and nastiness. Many vital aspects of American public life are in play - the Supreme Court, abortion rights, climate policy, wealth inequality, Big Tech and much more. The stakes could hardly be higher. As that choice nears, the Guardian, as it has done for 200 years, and with your continued support, will continue to argue for the values we hold dear - facts, science, diversity, equality and fairness." - US editor, John Mulholland

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We also want to say a huge thank you to everyone who supported the Guardian in 2019. You provide us with the motivation and financial support to keep doing what we do. We're asking our readers to help us raise $1.5m to support our rigorous journalism in the new year. Every contribution, big or small, will help us reach it. **Make a gift from as little as $1. Thank you.**

Chairman NADLER. And the gentleman's time has expired.

For what purpose does Ms. Jackson Lee seek recognition?

Ms. JACKSON LEE. To strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. JACKSON LEE. Mr. Chairman, thank you.

And I wanted to speak first to the underlying amendment that calls for the acknowledgement that the aid was released, in the article, the first article, I believe. And I want to again recount, not only the July 25 call, where previously I had indicated the President's language that asked "I would like you to do us a favor, though," that that was not tied to the "us'" representing the entity of a public representation, which would be the United States of America, established foreign policy by the Secretary of State, established foreign policy by the Secretary of Defense. And that is because, of course, the Secretary of Defense and State had already certified that Ukraine was working to graduate to—working to ensure the end of corruption. They had met the standards that were required for funding.

The other thing is that when Lieutenant Colonel Vindman thought that the words that he heard were appalling and seemed, to him, to be inappropriate for a call to the President, as relates to a question tying the military aid to investigation of Biden and others, son and others, not official policy, he immediately gave it to the NSC counsel, John Eisenberg. John Eisenberg took the information and then ultimately put it in a separate coded filing and asked that the lieutenant colonel not say anything about it.

That is unusual, because you would think that if it was normal business, if it had to do with standard U.S. foreign policy, it would be okay to talk about that call. But they knew a major mistake had been made. They knew that the President had offered to give military aid if he got an investigation against his political rival, and his political rival happened to be Joe Biden. And he knew that that was, in fact, conspicuously using public office and public money for public and private desires.

Let me also say that our friends talk about the courts. We have not shied away from the courts. In fact, Judge Howell, regarding the 6e grand jury materials, specifically said, there is an impeachment inquiry, you can't stand in the way, Mr. President. Judge Jackson indicated in her decision that the President was not a king.

And so we are here to talk about, not as a mother, someone's child who may have some concerns, like every American's child may have, which I am saddened that those personal matters were raised. We are here to talk about the abuse of this President and the obstruction of Congress, another amendment that we voted against, because in Rodino's statement during the Nixon proceedings, he made it very clear to President Nixon regarding his failure to comply with subpoenas issued pursuant to the Watergate impeachment inquiry.

And the Constitution reinforces the fact that we have the sole power of impeachment, and the underlying decisions of the two court decisions I mentioned was that we were in an impeachment inquiry. And as a reminder to my colleagues, this committee ulti-

mately approved an Article of Impeachment against Richard Nixon on the obstruction of Congress matter.

I wanted to clean up and bring some more points on that. And it was clear that it was a case where the President could not dictate to the House impeachment inquiry what he was refusing to give or not. This is where my friends steer off the rails. They refuse to acknowledge the facts of the case. The President took public money with a public intent—with a private intent to use those moneys to deny Mr. Zelensky, who was going to go ahead and announce investigations on CNN but was stopped in his tracks when the whistleblower's letter or statement was released. It was out the bag that the President had done this on the July 25 call. Let's be clear. This is about facts and the Constitution.

I yield back, Mr. Chairman.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mrs. McBath seek recognition?

Mrs. MCBATH. Thank you, Mr. Chairman.

Ladies and gentlemen, I have been sitting here all day.

Chairman NADLER. Does the gentlelady strike the last word?

Mrs. MCBATH. Yes. Excuse me. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. MCBATH. I have been anxiously sitting here all day long. And I just want to be able to say this to the American people before our day ends today. My colleagues and I have been explaining the evidence that we have heard. We have been talking about all the documents and heard from so many witnesses along the way.

And as we have been—as we have been upholding our constitutional obligation to defend the Constitution, some today have argued that we have not upheld our constitutional obligation to legislate, to solve problems, and that all we want to do is impeach the President of the United States.

And I truly want to assure the American people and to give you hope that this is not true. I want to make sure that we set the record straight so that you know that we have been working on your behalf. And despite what many people in this country think, Congress can walk and chew gum at the same time.

This Congress has been working very, very hard on behalf of the American people, in spite of everything that is happening with this impeachment. This very day, a bill, we passed a bill that lowers the cost of prescription drugs for hundreds of millions of Americans, H.R. 3. It will save our taxpayers over $456 billion over the next decade and allow for the expansion of Medicare coverage, including hearing, dental, and vision benefits. Just this week, we achieved monumental changes to the U.S.-Mexico-Canada Trade Agreement. Yes, we have been waiting a very long time for that. This agreement is huge. It is a huge win for our families, our workers and business owners in every district across the United States. And we continue to work to make sure that we stay competitive in a global environment.

Yesterday, we voted to support the NDAA, legislation that will keep our country safe and will give a raise to our servicemembers, and includes important reforms, like paid parental leave for all Federal employees and repealing the widow's tax.

And even on this committee, we have worked together. This week, my Republican colleague, Congressman Reschenthaler, and I were among a bipartisan group of lawmakers who introduced legislation that would end online child exploitation. Since we have been sitting in this room today, a deal has been forged by our colleagues to fund our government and avoid another shutdown.

Throughout this investigation, my colleagues and I have been fulfilling our duties as Members of Congress. Do not be deceived. We have been working on the American public's behalf every single day, in spite of the tragedy that we are in now with this impeachment.

This Congress, the House of Representatives, we have passed over 275 bills, 275 bills. And we are defending our democracy and delivering on the promises that we made to each and every one of our constituents.

I want the American public to know this: We are truly disheartened by what is happening here with impeachment, but do know that we are working on your behalf each and every single day. We will continue to do what we swore an oath to do, and that is to protect and serve you. Even in this moment, in this tragedy, be rest assured we will do just that.

And I yield back the balance of my time.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Raskin seek recognition?

Mr. RASKIN. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RASKIN. Thank you very much, Mr. Chairman.

You know, in law school, I teach my students to try to take the best argument of their opponents and not the worst arguments. And so I am going to ignore all of the frivolous process objections about the rooms and the temperature and all that kind of stuff we have heard about, and I am going to try to make what I think is the best argument or reconstruct the best argument that has come out today.

And I understand that our colleagues face a difficult task, because 70 percent of the American people believe that the President has done something wrong in these actions of trying to pressure a foreign government to get involved in our election. And so they have got a problem there. And they have got another problem, which is that there is an overwhelming and uncontradicted body of evidence that the President did that.

The President withheld hundreds of millions of dollars in security assistance that we had voted for a besieged foreign ally resisting Russian aggression because he was trying to get the President of that country, Zelensky, to agree to conduct a press conference in which he would say he was investigating the Bidens. And he also wanted President Zelensky to validate Vladimir Putin's favorite disinformation conspiracy theory about the 2016 campaign, which is that it was Ukraine and not Russia that engaged in this sweeping and systematic campaign to interfere in our election.

So what do you do with that? Well, we can understand why they have been talking about process for months. But I think they understand this is a serious investigation with rigorous methods and serious, inescapable conclusions. And the American people are fo-

cused on it. A majority not only support the investigation, a majority would like to see the President impeached, according to FOX News, anyway, at one point. But, in any event, huge numbers of Americans are very disturbed by this.

So what have they come up with? Well, they have not found an alibi. There is no fact alibi. He can't claim somebody else did it. But they have come up with a defense which to me looks like really a mitigating factor, a plea for mercy. The President did all of these things, but his motive is misunderstood.

All of us think that he was doing it because he wanted to advance his own reelection prospects, and in some sense he wanted to help, for whatever reason, his friend Vladimir Putin. And Putin has already been on TV bragging about the fact that everybody is focused on Ukraine in the 2016 election and not Russia. Note to Mr. Putin, that is not right. We understand exactly what is going on here.

But, in any event, the new argument is that the President was not trying to advance his own political interests. What he was trying to do was to advance his passionately held and yet little-known campaign against corruption. And that is why so much of our discussion today has been about corruption, because they are trying to say he was waging this campaign about corruption.

Now, we have noted a number of problems there. And I want to just try to catalog some of the other ones to try to put this into some order so people can understand the problem with their best argument. The first is that the President never raised the word "corruption" on the July 25 telephone call. Biden's name was mentioned several times. It wasn't corruption, corruption, corruption. It was Biden, Biden, Biden. And he never raised any other companies at all. It was all about Burisma, Hunter Biden's company. That is all that he mentioned. And as far as we know, he has never mentioned any other company in connection with corruption in Ukraine.

In 2017 and 2018, when Congress voted money for Ukraine, the President passed it along. He didn't raise corruption in Ukraine. He didn't even raise the Bidens at that point. It only became an issue in 2019. In 2019, why? Because Joe Biden had surpassed him in the public opinion polls, and now suddenly, it was a big issue and so he cared about it.

Well, what is the other evidence here? The President's team, Rudy Giuliani and Parnas and Fruman, engaged in a smear campaign against the U.S. Ambassador, who was crusading against corruption in Ukraine, and the President got her out of the way. He pulled her back. So all the evidence shows they were promoting corruption and a corrupt scheme; they weren't trying to attack it.

I yield back, Mr. Chairman.

Chairman NADLER. The gentleman yields back.

Mrs. LESKO. Mr. Chairman.

Chairman NADLER. For what purpose does the gentlelady seek recognition?

Mrs. LESKO. Thank you, Mr. Chairman. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. LESKO. And briefly, Mr. Chairman and members, Mr. Raskin, my colleague Mr. Raskin just said Bidens's name was used multiple times. Well, I think that is a little misleading. Again, the only place in this whole telephone call where Biden is even brought up is in one little paragraph, and that was on page 4 of 5 pages of the transcript.

I mean, most of this call was about congratulating President Zelensky and the new Parliament, talking about how, you know, a lot of these European countries aren't pitching in with the aid that was to Ukraine as much as the United States has, and, you know, all kinds of things. It was a long phone call, and it is really disingenuous to say that the whole thing was about this and Biden was mentioned several times.

Let me read again. In fact, I know that President Trump tweets this out, "read the transcript," and I wish people would, because everybody watches TV and they get all these comments. But I did this with my husband. I said, would you just please read the transcript? It is only five pages long. It doesn't take that much time. And, you know, after he read it, it was like, that is it? That is all they got?

But here, this is the mention about Biden. Again, page 5: "The other thing, there is a lot of talk about Biden's son, that Biden stopped the prosecution, and a lot of people want to find out about that, so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution, so if you can look into it, it sounds horrible to me." That is it, folks. That is all there is.

So, Mr. Chairman, I yield back.

Chairman NADLER. The gentlelady yields back.

The question now occurs on the amendment.

Those in favor, say aye.

Opposed, no.

In the opinion of the Chair, the noes have it, and the amendment is not agreed to

Mr. COLLINS. Roll call.

Chairman NADLER. A roll call is requested. The clerk will call the roll.

Ms. STRASSER. Mr. Nadler?

Chairman NADLER. No.

Ms. STRASSER. Mr. Nadler votes no.

Ms. Lofgren?

Ms. LOFGREN. No.

Ms. STRASSER. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. JACKSON LEE. No.

Ms. STRASSER. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. COHEN. No.

Ms. STRASSER. Mr. Cohen votes no.

Mr. Johnson of Georgia?

Mr. JOHNSON of Georgia. No.

Ms. STRASSER. Mr. Johnson of Georgia votes no.

Mr. Deutch?

Mr. DEUTCH. No.

Ms. STRASSER. Mr. Deutch votes no.
Ms. Bass?
Ms. BASS. No.
Ms. STRASSER. Ms. Bass votes no.
Mr. Richmond?
Mr. RICHMOND. No.
Ms. STRASSER. Mr. Richmond votes no.
Mr. Jeffries?
Mr. JEFFRIES. No.
Ms. STRASSER. Mr. Jeffries votes no.
Mr. Cicilline?
Mr. CICILLINE. No.
Ms. STRASSER. Mr. Cicilline votes no.
Mr. Swalwell?
Mr. SWALWELL. No.
Ms. STRASSER. Mr. Swalwell votes no.
Mr. Lieu?
[No response.]
Ms. STRASSER. Mr. Raskin.
Mr. RASKIN. No.
Ms. STRASSER. Mr. Raskin votes no.
Ms. Jayapal?
Ms. JAYAPAL. No.
Ms. STRASSER. Ms. Jayapal votes no.
Mrs. Demings?
Mrs. DEMINGS. No.
Ms. STRASSER. Mrs. Demings votes no.
Mr. Correa?
[No verbal response.]
Ms. STRASSER. Ms. Scanlon?
Ms. SCANLON. No.
Ms. STRASSER. Ms. Scanlon votes no.
Ms. Garcia?
Mr. GARCIA. No.
Ms. STRASSER. Ms. Garcia votes no.
Mr. Neguse?
Mr. NEGUSE. No.
Ms. STRASSER. Mr. Neguse votes no.
Mrs. McBath?
Mrs. MCBATH. No.
Ms. STRASSER. Mrs. McBath votes no.
Mr. Stanton?
Mr. STANTON. No.
Ms. STRASSER. Mr. Stanton votes no.
Ms. Dean?
Ms. DEAN. No.
Ms. STRASSER. Ms. Dean votes no.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. No.
Ms. STRASSER. Ms. Mucarsel-Powell votes no.
Ms. Escobar?
Ms. ESCOBAR. No.
Ms. STRASSER. Ms. Escobar votes no.
Mr. Collins?

Mr. COLLINS. Aye.
Ms. STRASSER. Mr. Collins votes aye.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. Aye.
Ms. STRASSER. Mr. Sensenbrenner votes aye.
Mr. Chabot?
Mr. CHABOT. Aye.
Ms. STRASSER. Mr. Chabot votes aye.
Mr. Gohmert?
Mr. GOHMERT. Aye.
Ms. STRASSER. Mr. Gohmert votes aye.
Mr. Jordan?
Mr. JORDAN. Yes.
Ms. STRASSER. Mr. Jordan votes yes.
Mr. Buck?
Mr. BUCK. Aye.
Ms. STRASSER. Mr. Buck votes aye.
Mr. Ratcliffe?
Mr. RATCLIFFE. Yes.
Ms. STRASSER. Mr. Ratcliffe votes yes.
Mrs. Roby?
Mrs. ROBY. Aye.
Ms. STRASSER. Mrs. Roby votes aye.
Mr. Gaetz?
Mr. GAETZ. Aye.
Ms. STRASSER. Mr. Gaetz votes aye.
Mr. Johnson of Louisiana.
Mr. JOHNSON of Louisiana. Aye.
Ms. STRASSER. Mr. Johnson of Louisiana votes aye.
Mr. Biggs?
Mr. BIGGS. Aye.
Ms. STRASSER. Mr. Biggs votes aye.
Mr. McClintock?
Mr. MCCLINTOCK. Aye.
Ms. STRASSER. Mr. McClintock votes aye.
Mrs. Lesko?
Mrs. LESKO. Aye.
Ms. STRASSER. Mrs. Lesko votes aye.
Mr. Reschenthaler?
Mr. RESCHENTHALER. Aye.
Ms. STRASSER. Mr. Reschenthaler votes aye.
Mr. Cline?
Mr. CLINE. Aye.
Ms. STRASSER. Mr. Cline votes aye.
Mr. Armstrong?
Mr. ARMSTRONG. Yes.
Ms. STRASSER. Mr. Armstrong votes yes.
Mr. Steube?
Mr. STEUBE. Yes.
Ms. STRASSER. Mr. Steube votes yes.
Chairman NADLER. Has everyone voted who wishes to vote?
Ms. STRASSER. Mr. Correa, you are not recorded.
Chairman NADLER. Mr. Correa.
Mr. CORREA. No.

Ms. STRASSER. Mr. Correa votes no.

Chairman NADLER. Anyone else who wishes to vote who hasn't voted?

The clerk will report.

Ms. STRASSER. Mr. Chairman, there are 17 ayes and 23 noes.

Chairman NADLER. The amendment is not agreed to.

Are there any further amendments to the amendment in the nature of a substitute?

Mr. RESCHENTHALER. Mr. Chairman, I have an amendment at the desk.

Chairman NADLER. Mr. Reschenthaler has an amendment at the desk. The clerk will report.

Ms. STRASSER. Amendment to the amendment in the nature of a substitute to H. Res. 755, offered by Mr. Reschenthaler of Pennsylvania.

Ms. LOFGREN. I reserve a point of order.

Chairman NADLER. The gentlelady reserves a point of order.

Ms. STRASSER. Page 5, beginning on line 6, strike Article II.

Ms. LOFGREN. I withdraw my point of order.

Chairman NADLER. The gentleman is recognized for 5 minutes to explain his amendment.

[The amendment of Mr. Reschenthaler follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 755 OFFERED BY MR. RESCHENTHALER OF PENNSYLVANIA

Page 5, beginning on line 6, strike article II.

☒

Mr. RESCHENTHALER. Thank you, Mr. Chairman.

My amendment would strike all of Article II, which is the obstruction of Congress charge. The facts simply do not align with the Democrats' claim of obstruction.

Our government has three branches for a reason. When there is a disagreement between the executive and the legislative branch, it is supposed to be resolved by the third branch, the court. Republicans recognized this in 2011, when they investigated President Obama's Fast and Furious scandal. The Fast and Furious scandal allowed 2,000 firearms to fall into the hands of drug cartels and resulted in the death of an American Border Patrol agent. People actually died in President Obama's scandal.

Throughout the Republicans' investigation of that scandal, they made numerous attempts to accommodate the Obama administration. Yet, despite their efforts, President Obama invoked executive privilege and barred testimony and documents. So what did the Republicans do? The appropriate thing. They went to the courts.

Compare those efforts with what we have seen from the Democrats during this impeachment sham. House Democrats could have worked with the administration to reach accommodations for their requests, but they didn't. House Democrats should have worked through the courts, but they didn't. And why is that? It is simple. Because they have a political expedient deadline to send this mess out of Congress and to the Senate before Christmas.

So despite what you hear from my colleagues, the administration has consistently cooperated with Democrats, even though they have been out to get this President since the very moment he was elected.

Let's just go through the numbers. Over 25 administration officials have testified before the House Oversight Committee. Over 25. Over 20 administration officials have testified before this very committee. The administration has also handed over more than 100,000 pages of documents since the start of this sham impeachment inquiry.

Now, let's contrast that with the conduct from the Democrats. Democrats have threatened witnesses that, quote/unquote, any failure to appear in response to a letter requesting their presence would constitute evidence of obstruction. Let me just go through that language. It is a letter would constitute evidence of obstruction. That is not a subpoena, that is a letter.

Democrats have also told the State Department employees that if they insisted on using agency counsel to protect executive branch confidentiality interests, they would have their salaries withheld. That kind of sounds like abuse of power, but I digress a little bit.

Democrats have not afforded this President basic procedure protections, such as the right to see all the evidence, the right to call witnesses, or the right to have counsel at hearings.

But it is not just the Trump administration that has been railroaded by the Democrats. Judiciary Democrats voted down my own subpoena, my own motion to subpoena the whistleblower, even though I said that he or she could testify in executive session, which would be private, and yet they voted it down on party lines. Chairman Nadler also refused requests to have Chairman Schiff

testify before this committee. House Democrats also have denied every Republican request for a fact witness.

So I ask, who is really obstructing Congress? The Democrats have no case when it comes to obstruction. This obstruction charge is completely baseless and bogus. If they really wanted to charge someone with obstruction, how about they start with Adam Schiff?

Thank you, and I yield back the remainder of my time.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. Bass seek recognition?

Ms. BASS. To strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. BASS. I would like to begin by answering my colleague's question. He asked, who is really obstructing Congress? Who is obstructing Congress? President Donald Trump.

The text of the Constitution devotes only a few sentences to a discussion of impeachment power, yet among those few sentences is the clear statement that the House possesses the sole power of impeachment.

And what that means is that it is within the sole discretion of the House to determine what evidence is necessary then for it to gather in order to exercise that power. So it is unnecessary for the House to go to the court to enforce subpoenas issued pursuant to an impeachment investigation. If it did, the House's sole power of impeachment would be beholden to the dictates of the judicial rather than the executive branch.

Past Presidents have disapproved of impeachments, criticized the House, doubted its motives, and insisted they did nothing wrong. But no President, however, including President Nixon, who was on the verge of being impeached for obstruction of Congress, had declared himself and the entire branch of government he oversees totally exempt from subpoenas issued by the House, pursuant to its sole power of impeachment.

President Trump has made compliance with every demand a condition of even considering whether to honor subpoenas, and he has directed his senior officials to violate their own legal obligations to turn over subpoenas and provide testimony. Indeed, the House was only able to conduct its inquiry into the Ukraine matter because several witnesses, like the Ambassadors, the Lieutenant Colonel Vindman, had the courage to defy the President's unlawful command. President Trump's conduct toward the current House impeachment inquiry is unprecedented.

My colleagues talk about information that we should wait to get from the courts. We really wouldn't have to wait to get it from the courts if the President would comply and provide documents. I remember when Ambassador Sondland was testifying and he said that he was testifying from memory, because he wasn't even allowed to have access to his own notes in the State Department.

President Trump has abused his power and is a continued threat to our democracy and national security. He is putting self before the country, and no one is above the law. When I think of our elections and my concern for our election next year, our election should be decided by us. Our foreign policy and national security should be based on America's interests, not the President's personal and political interests.

We have talked over and over again about the real reason for all of this was his concern about corruption, but as one of my colleagues said earlier today, if he was concerned about corruption, he would be concerned about what is going on in the White House and all of the people who he has been affiliated with who are either awaiting sentences, sent to prison, serving time, or are awaiting court.

So it is noteworthy that members of the minority never actually defend President Trump's misconduct by disputing the facts of the case, but instead try to deflect and distract with irrelevant issues.

So I just want to end, someone asked this earlier, but I don't believe my colleagues on the other side of the aisle ever answered. Forget President Trump. Is it ever okay for a President to invite foreign interference in our election?

And, with that, I yield to my colleague from California.

Ms. LOFGREN. Thank you for yielding.

I would like to ask unanimous consent to put into the record the letter from the President's counsel, Pat Cipillone, dated October 8, 2019.

Chairman NADLER. Without objection.

[The information follows:]

MS. LOFGREN FOR THE OFFICIAL RECORD

THE WHITE HOUSE

WASHINGTON

October 8, 2019

The Honorable Nancy Pelosi
Speaker
House of Representatives
Washington, D.C. 20515

The Honorable Eliot L. Engel
Chairman
House Foreign Affairs Committee
Washington, D.C. 20515

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

The Honorable Elijah E. Cummings
Chairman
House Committee on Oversight and Reform
Washington, D.C. 20515

Dear Madam Speaker and Messrs. Chairmen:

I write on behalf of President Donald J. Trump in response to your numerous, legally unsupported demands made as part of what you have labeled—contrary to the Constitution of the United States and all past bipartisan precedent—as an "impeachment inquiry." As you know, you have designed and implemented your inquiry in a manner that violates fundamental fairness and constitutionally mandated due process.

For example, you have denied the President the right to cross-examine witnesses, to call witnesses, to receive transcripts of testimony, to have access to evidence, to have counsel present, and many other basic rights guaranteed to all Americans. You have conducted your proceedings in secret. You have violated civil liberties and the separation of powers by threatening Executive Branch officials, claiming that you will seek to punish those who exercise fundamental constitutional rights and prerogatives. All of this violates the Constitution, the rule of law, and ***every past precedent***. Never before in our history has the House of Representatives—under the control of either political party—taken the American people down the dangerous path you seem determined to pursue.

Put simply, you seek to overturn the results of the 2016 election and deprive the American people of the President they have freely chosen. Many Democrats now apparently view impeachment not only as a means to undo the democratic results of the ***last*** election, but as a strategy to influence the ***next*** election, which is barely more than a year away. As one member of Congress explained, he is "concerned that if we don't impeach the President, he will get reelected."[1] Your highly partisan and unconstitutional effort threatens grave and lasting damage to our democratic institutions, to our system of free elections, and to the American people.

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[1] Interview with Rep. Al Green, MSNBC (May 5, 2019).

For his part, President Trump took the unprecedented step of providing the public transparency by declassifying and releasing the record of his call with President Zelenskyy of Ukraine. The record clearly established that the call was completely appropriate and that there is no basis for your inquiry. The fact that there was nothing wrong with the call was also powerfully confirmed by Chairman Schiff's decision to create a false version of the call and read it to the American people at a congressional hearing, without disclosing that he was simply making it all up.

In addition, information has recently come to light that the whistleblower had contact with Chairman Schiff's office before filing the complaint. His initial denial of such contact caused *The Washington Post* to conclude that Chairman Schiff "clearly made a statement that was false."[2] In any event, the American people understand that Chairman Schiff cannot covertly assist with the submission of a complaint, mislead the public about his involvement, read a counterfeit version of the call to the American people, and then pretend to sit in judgment as a neutral "investigator."

For these reasons, President Trump and his Administration reject your baseless, unconstitutional efforts to overturn the democratic process. Your unprecedented actions have left the President with no choice. In order to fulfill his duties to the American people, the Constitution, the Executive Branch, and all future occupants of the Office of the Presidency, President Trump and his Administration cannot participate in your partisan and unconstitutional inquiry under these circumstances.

I. Your "Inquiry" Is Constitutionally Invalid and Violates Basic Due Process Rights and the Separation of Powers.

Your inquiry is constitutionally invalid and a violation of due process. In the history of our Nation, the House of Representatives has never attempted to launch an impeachment inquiry against the President without a majority of the House taking political accountability for that decision by voting to authorize such a dramatic constitutional step. Here, House leadership claims to have initiated the gravest inter-branch conflict contemplated under our Constitution by means of nothing more than a press conference at which the Speaker of the House simply announced an "official impeachment inquiry."[3] Your contrived process is unprecedented in the

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[2] Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

[3] Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

history of the Nation,[4] and lacks the necessary authorization for a valid impeachment proceeding.[5]

The Committees' inquiry also suffers from a separate, fatal defect. Despite Speaker Pelosi's commitment to "treat the President with fairness,"[6] the Committees have not established any procedures affording the President even the most basic protections demanded by due process under the Constitution and by fundamental fairness. Chairman Nadler of the House Judiciary Committee has expressly acknowledged, at least when the President was a member of his own party, that "[t]he power of impeachment . . . demands a rigorous level of due process," and that in this context "due process mean[s] . . . the right to be informed of the law, of the charges against you, the right to confront the witnesses against you, to call your own witnesses, and to have the assistance of counsel."[7] All of these procedures have been abandoned here.

These due process rights are not a matter of discretion for the Committees to dispense with at will. To the contrary, they are constitutional requirements. The Supreme Court has recognized that due process protections apply to all congressional investigations.[8] Indeed, it has been recognized that the Due Process Clause applies to impeachment proceedings.[9] And precedent for the rights to cross-examine witnesses, call witnesses, and present evidence dates back nearly 150 years.[10] Yet the Committees have decided to deny the President these elementary rights and protections that form the basis of the American justice system and are protected by the Constitution. No citizen—including the President—should be treated this unfairly.

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[4] Since the Founding of the Republic, under unbroken practice, the House has never undertaken the solemn responsibility of an impeachment inquiry directed at the President without first adopting a resolution authorizing a committee to begin the inquiry. The inquiries into the impeachments of Presidents Andrew Johnson and Bill Clinton proceeded in multiple phases, each authorized by a separate House resolution. *See, e.g.*, H.R. Res. 581, 105th Cong. (1998); H.R. Res. 525, 105th Cong. (1998); III Hinds' Precedents §§ 2400-02, 2408, 2412. And before the Judiciary Committee initiated an impeachment inquiry into President Richard Nixon, the Committee's chairman rightfully recognized that "a[n] [inquiry] resolution has always been passed by the House" and "is a necessary step." III Deschler's Precedents ch. 14, § 15.2. The House then satisfied that requirement by adopting H.R. Res. 803, 93rd Cong. (1974).

[5] Chairman Nadler has recognized the importance of taking a vote in the House before beginning a presidential impeachment inquiry. At the outset of the Clinton impeachment inquiry—where a floor vote was held—he argued that even limiting the time for ***debate*** before that vote was improper and that "an hour debate on this momentous decision is an insult to the American people and another sign that this is not going to be fair." 144 Cong. Rec. H10018 (daily ed. Oct. 8, 1998) (statement of Rep. Jerrold Nadler). Here, the House has dispensed with any vote and any debate ***at all.***

[6] Press Release, Nancy Pelosi, Transcript of Pelosi Weekly Press Conference Today (Oct. 2, 2019).

[7] *Examining the Allegations of Misconduct Against IRS Commissioner John Koskinen (Part II): Hearing Before the H. Comm. on the Judiciary*, 114th Cong. 3 (2016) (statement of Rep. Jerrold Nadler); *Background and History of Impeachment: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 105th Cong. 17 (1998) (statement of Rep. Jerrold Nadler).

[8] *See, e.g.*, *Watkins v. United States*, 354 U.S. 178, 188 (1957); *Quinn v. United States*, 349 U.S. 155, 161 (1955).

[9] *See Hastings v. United States*, 802 F. Supp. 490, 504 (D.D.C. 1992), *vacated on other grounds by Hastings v. United States*, 988 F.2d 1280 (D.C. Cir. 1993).

[10] *See, e.g.*, III Hinds' Precedents § 2445.

To comply with the Constitution's demands, appropriate procedures would include—at a minimum—the right to see all evidence, to present evidence, to call witnesses, to have counsel present at all hearings, to cross-examine all witnesses, to make objections relating to the examination of witnesses or the admissibility of testimony and evidence, and to respond to evidence and testimony. Likewise, the Committees must provide for the disclosure of all evidence favorable to the President and all evidence bearing on the credibility of witnesses called to testify in the inquiry. The Committees' current procedures provide ***none*** of these basic constitutional rights.

In addition, the House has not provided the Committees' Ranking Members with the authority to issue subpoenas. The right of the minority to issue subpoenas—subject to the same rules as the majority—has been the standard, bipartisan practice in all recent resolutions authorizing presidential impeachment inquiries.[11] The House's failure to provide co-equal subpoena power in this case ensures that any inquiry will be nothing more than a one-sided effort by House Democrats to gather information favorable to their views and to selectively release it as only they determine. The House's utter disregard for the established procedural safeguards followed in past impeachment inquiries shows that the current proceedings are nothing more than an unconstitutional exercise in political theater.

As if denying the President basic procedural protections were not enough, the Committees have also resorted to threats and intimidation against potential Executive Branch witnesses. Threats by the Committees against Executive Branch witnesses who assert common and longstanding rights destroy the integrity of the process and brazenly violate fundamental due process. In letters to State Department employees, the Committees have ominously threatened—without any legal basis and before the Committees even issued a subpoena—that "[a]ny failure to appear" in response to a mere letter ***request*** for a deposition "shall constitute evidence of obstruction."[12] Worse, the Committees have broadly threatened that if State Department officials attempt to insist upon the right for the Department to have an agency lawyer present at depositions to protect legitimate Executive Branch confidentiality interests—or apparently if they make any effort to protect those confidentiality interests ***at all***—these officials will have their salaries withheld.[13]

The suggestion that it would somehow be problematic for anyone to raise long-established Executive Branch confidentiality interests and privileges in response to a request for a deposition is legally unfounded. Not surprisingly, the Office of Legal Counsel at the Department of Justice has made clear on multiple occasions that employees of the Executive Branch who have been instructed not to appear or not to provide particular testimony before Congress based on privileges or immunities of the Executive Branch cannot be punished for

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[11] H.R. Res. 581, 105th Cong. (1998); H.R. Res. 803, 93rd Cong. (1974).

[12] Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to George P. Kent, Deputy Assistant Secretary, U.S. Department of State 1 (Sept. 27, 2019).

[13] *See* Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to John J. Sullivan, Deputy Secretary of State 2-3 (Oct. 1, 2019).

following such instructions.[14] Current and former State Department officials are duty bound to protect the confidentiality interests of the Executive Branch, and the Office of Legal Counsel has also recognized that it is unconstitutional to exclude agency counsel from participating in congressional depositions.[15] In addition, any attempt to withhold an official's salary for the assertion of such interests would be unprecedented and unconstitutional.[16] The Committees' assertions on these points amount to nothing more than strong-arm tactics designed to rush proceedings without any regard for due process and the rights of individuals and of the Executive Branch. Threats aimed at intimidating individuals who assert these basic rights are attacks on civil liberties that should profoundly concern all Americans.

II. The Invalid "Impeachment Inquiry" Plainly Seeks To Reverse the Election of 2016 and To Influence the Election of 2020.

The effort to impeach President Trump—without regard to any evidence of his actions in office—is a naked political strategy that began the day he was inaugurated, and perhaps even before.[17] In fact, your transparent rush to judgment, lack of democratically accountable authorization, and violation of basic rights in the current proceedings make clear the illegitimate, partisan purpose of this purported "impeachment inquiry." The Founders, however, did not create the extraordinary mechanism of impeachment so it could be used by a political party that feared for its prospects against the sitting President in the next election. The decision as to who will be elected President in 2020 should rest with the people of the United States, exactly where the Constitution places it.

Democrats themselves used to recognize the dire implications of impeachment for the Nation. For example, in the past, Chairman Nadler has explained:

> The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against a dire threat, and we must not do so without an overwhelming consensus of the American people. There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in our

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[14] *See, e.g.*, *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. __, *19 (May 20, 2019); *Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege*, 8 Op. O.L.C. 101, 102, 140 (1984) ("The Executive, however, must be free from the threat of criminal prosecution if its right to assert executive privilege is to have any practical substance.")

[15] *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. __, *1-2 (May 23, 2019).

[16] *See* President Donald J. Trump, Statement by the President on Signing the Consolidated Appropriations Act, 2019 (Feb. 15, 2019); *Authority of Agency Officials To Prohibit Employees From Providing Information to Congress*, 28 Op. O.L.C. 79, 80 (2004).

[17] *See* Matea Gold, *The Campaign To Impeach President Trump Has Begun*, Wash. Post (Jan. 21, 2017) ("At the moment the new commander in chief was sworn in, a campaign to build public support for his impeachment went live . . . .").

> politics for years to come, and will call into question the very legitimacy of our political institutions.[18]

Unfortunately, the President's political opponents now seem eager to transform impeachment from an extraordinary remedy that should rarely be contemplated into a conventional political weapon to be deployed for partisan gain. These actions are a far cry from what our Founders envisioned when they vested Congress with the "important trust" of considering impeachment.[19] Precisely because it nullifies the outcome of the democratic process, impeachment of the President is fraught with the risk of deepening divisions in the country and creating long-lasting rifts in the body politic.[20] Unfortunately, you are now playing out exactly the partisan rush to judgment that the Founders so strongly warned against. The American people deserve much better than this.

III. There Is No Legitimate Basis for Your "Impeachment Inquiry"; Instead, the Committees' Actions Raise Serious Questions.

It is transparent that you have resorted to such unprecedented and unconstitutional procedures because you know that a fair process would expose the lack of any basis for your inquiry. Your current effort is founded on a completely appropriate call on July 25, 2019, between President Trump and President Zelenskyy of Ukraine. Without waiting to see what was actually said on the call, a press conference was held announcing an "impeachment inquiry" based on falsehoods and misinformation about the call.[21] To rebut those falsehoods, and to provide transparency to the American people, President Trump secured agreement from the Government of Ukraine and took the extraordinary step of declassifying and publicly releasing the record of the call. That record clearly established that the call was completely appropriate, that the President did nothing wrong, and that there is no basis for an impeachment inquiry. At a joint press conference shortly after the call's public release, President Zelenskyy agreed that the call was appropriate.[22] In addition, the Department of Justice announced that officials there had reviewed the call after a referral for an alleged campaign finance law violation and found no such violation.[23]

Perhaps the best evidence that there was no wrongdoing on the call is the fact that, after the actual record of the call was released, Chairman Schiff chose to concoct a false version of the call and to read his made-up transcript to the American people at a public hearing.[24] This

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[18] 144 Cong. Rec. H11786 (daily ed. Dec. 18, 1998) (statement of Rep. Jerrold Nadler).

[19] The Federalist No. 65 (Alexander Hamilton).

[20] *See id.*

[21] Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

[22] *President Trump Meeting with Ukrainian President*, C-SPAN (Sept. 25, 2019).

[23] Statement of Kerri Kupec, Director, Office of Public Affairs, Dept. of Justice (Sept. 25, 2019) ("[T]he Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted.").

[24] *See Whistleblower Disclosure: Hearing Before the H. Select Comm. on Intel.*, 116th Cong. (Sept. 26, 2019) (statement of Rep. Adam Schiff).

powerfully confirms there is no issue with the actual call. Otherwise, why would Chairman Schiff feel the need to make up his own version? The Chairman's action only further undermines the public's confidence in the fairness of any inquiry before his Committee.

The real problem, as we are now learning, is that Chairman Schiff's office, and perhaps others—despite initial denials—were involved in advising the whistleblower before the complaint was filed. Initially, when asked on national television about interactions with the whistleblower, Chairman Schiff unequivocally stated that "[w]e have not spoken directly with the whistleblower. We would like to."[25]

Now, however, it has been reported that the whistleblower approached the House Intelligence Committee with information—and received guidance from the Committee—***before*** filing a complaint with the Inspector General.[26] As a result, *The Washington Post* concluded that Chairman Schiff "clearly made a statement that was false."[27] Anyone who was involved in the preparation or submission of the whistleblower's complaint cannot possibly act as a fair and impartial judge in the same matter—particularly after misleading the American people about his involvement.

All of this raises serious questions that must be investigated. However, the Committees are preventing anyone, including the minority, from looking into these critically important matters. At the very least, Chairman Schiff must immediately make available all documents relating to these issues. After all, the American people have a right to know about the Committees' own actions with respect to these matters.

* * *

Given that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in it. Because participating in this inquiry under the current unconstitutional posture would inflict lasting institutional harm on the Executive Branch and lasting damage to the separation of powers, you have left the President no choice. Consistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.

Your recent letter to the Acting White House Chief of Staff argues that "[e]ven if an impeachment inquiry were not underway," the Oversight Committee may seek this information

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[25] Interview with Chairman Adam Schiff, MSNBC (Sept. 17, 2019).

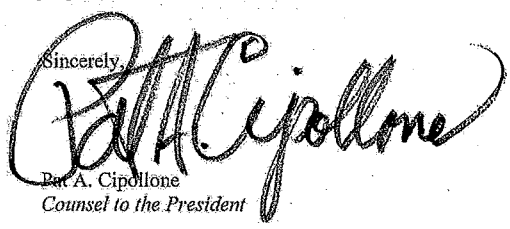
[26] Julian Barnes, et al., *Schiff Got Early Account of Accusations as Whistle-Blower's Concerns Grew*, N.Y. Times (Oct. 2, 2019).

[27] Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

as a matter of the established oversight process.[28] Respectfully, the Committees cannot have it both ways. The letter comes from the Chairmen of three different Committees, it transmits a subpoena "[p]ursuant to the House of Representatives' impeachment inquiry," it recites that the documents will "be collected as part of the House's impeachment inquiry," and it asserts that the documents will be "shared among the Committees, as well as with the Committee on the Judiciary as appropriate."[29] The letter is in no way directed at collecting information in aid of legislation, and you simply cannot expect to rely on oversight authority to gather information for an unauthorized impeachment inquiry that conflicts with all historical precedent and rides roughshod over due process and the separation of powers. If the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers enshrined in our Constitution.

For the foregoing reasons, the President cannot allow your constitutionally illegitimate proceedings to distract him and those in the Executive Branch from their work on behalf of the American people. The President has a country to lead. The American people elected him to do this job, and he remains focused on fulfilling his promises to the American people. He has important work that he must continue on their behalf, both at home and around the world, including continuing strong economic growth, extending historically low levels of unemployment, negotiating trade deals, fixing our broken immigration system, lowering prescription drug prices, and addressing mass shooting violence. We hope that, in light of the many deficiencies we have identified in your proceedings, you will abandon the current invalid efforts to pursue an impeachment inquiry and join the President in focusing on the many important goals that matter to the American people.

Sincerely,



Pat A. Cipollone
Counsel to the President

cc: Hon. Kevin McCarthy, Minority Leader, House of Representatives
Hon. Michael McCaul, Ranking Member, House Committee on Foreign Affairs
Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on Intelligence
Hon. Jim Jordan, Ranking Member, House Committee on Oversight and Reform

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[28] Letter from Elijah E. Cummings, Chairman, House Committee on Oversight and Government Reform, et al., to John Michael Mulvaney, Acting Chief of Staff to the President 3 (Oct. 4, 2019).

[29] *Id.* at 1.

Ms. LOFGREN. Reflecting on the comments made by my colleague from California, certainly we had a right to receive information. We have a right to make a judgment on the information that we have been able to obtain because impeachment is solely in the province of the Congress.

But just on the narrow issue of the assertion of privilege, I think it is important to note that the privilege—no privilege was asserted in this letter by the counsel. He doesn't say it is executive privilege. He doesn't say anything that you could take to court. He just says he doesn't like what we are doing, and they are not going to give us anything. Not a piece of paper, not a witness, just no. And that is an absurd situation. It is not acceptable, and it is really obstruction of Congress.

And I thank the gentlelady for yielding and yield back to her.

Ms. BASS. I think my time has expired. I yield back.

Chairman NADLER. The gentlelady's time has expired.

Mr. SENSENBRENNER. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Sensenbrenner seek recognition?

Mr. SENSENBRENNER. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SENSENBRENNER. Listening to my two colleagues, from California, this seems to be the greatest amount of circular reasoning that we have heard in the last couple of days. There has been a lot of it, but this is one that I think grabs the blue ribbon.

Because what I hear is that an impeachment inquiry, if the White House does not give the House of Representatives and this committee everything we ask for, then that is obstruction of Congress and an impeachable offense. And that is not what the law said, and it is not what the law should be.

There are certain privileges and immunities that the President has irrespective of whether we are doing oversight or whether we are using our Article II power, the sole power of impeachment. And he ought to be able to present those, you know, in a court of law. This is not a court of law.

You know, I don't blame White House Counsel Cipillone for not saying that there were any privileges involved because we know what the answer's going to be, and that is we are going to blow any claim of privilege away. We are going to blow any type of executive immunity away. We are going to simply say we want it, and you have got to give it to us no matter whether it is private information or doing some legitimate oversight.

Now, we know that the rejection of the argument that we shouldn't have to go to court for that is bogus because the House of Representatives has gone to court to try to get enforcement of subpoenas that are as a result of this impeachment inquiry. The enforcement against Don McGahn, you know, has gotten as far as the D.C. Circuit. There are others that are pending a little bit further backwards in the judicial system.

But what I would like to ask my friends on the majority side is okay. Say we are done with this impeachment inquiry next week. The House passes both Articles of Impeachment, and then it goes to the Senate for trial. Does that mean that the whole nexus of why you were attempting to enforce those subpoenas is gone? Are

you going to go to court and say it is gone? Are you going to move to dismiss those actions to support enforcement of the subpoenas? If you are following the argument that I just heard, you have got to do it, but I doubt it. I yield back.

Chairman NADLER. The gentleman yields back. I recognize myself for 5 minutes.

The actions of the White House and the President in this case are different in kind from all previous actions of executives, of Presidents. It is not a question of asserting privilege, as it is not a question of adjudicating rights even in court. Rather, the counsel wrote, "given that your inquiry lacks any legitimate constitutional foundation, the executive branch cannot be expected to participate in it." It is not up to the President to decide whether an impeachment inquiry by the Congress is legitimate or not. That is out of function. That shows right there a usurpation by the President of Congressional power. Number one.

Number two. If the White House had simply asserted privileges for a number of witnesses, that could be adjudicated. It may very well be that had we chosen to oppose that as a reason for an impeachment, and maybe that would be invalid. But that is not what we are talking about. We are talking about the President saying he does not recognize our impeachment, and he will not participate in it. He will not grant anything. That is an obstruction of Congress. It is a usurpation of Congress's role to decide whether to have an impeachment inquiry. And it is a decision to completely try to frustrate that inquiry by denying all participation, and by denying all documents and all witnesses without asserting any privileges.

It has nothing to do with privileges. Privileges may be adjudicated in court. An assertion by the executive —that the impeachment power cannot be exercised by Congress is an obstruction of Congress, and if allowed to get away with it, it eliminates the power of impeachment as a check on the power of the presidency. That is a large step toward dictatorship.

Because the threat of impeachment is the only threat, the only enforcement mechanism that Congress has on a President who would usurp powers and destroy the separation of powers, especially given the Department of Justice's policy that a sitting President, cannot be indicted and the administration's assertion that he cannot even been investigated criminally. That leaves only impeachment as a remedy and as a check on presidential power, and if you don't want a dictatorship, you have to allow Congress to exercise the power of impeachment.

And the House has the sole power of impeachment which means we have the right to get the documents we demand, maybe subject to certain privileges, but that is not at issue here because no privileges have been asserted.

Instead, what has been asserted is that the executive has the right to determine that the impeachment inquiry is invalid. They usurp the role of the House. This is an insertion of tyrannical power. That is why we must impeach the President on this article.

To go along with this amendment and get rid of Article II and say this, in effect, is permissible for the President to deny the impeachment power of the House is a long step away from constitu-

tional government, a long step away from any control of the power of the President, and a long step toward tyranny, and I oppose the amendment. I yield back.

Mr. BUCK. Mr. Chairman.

Chairman NADLER. Who seeks recognition?

Mr. BUCK. I just wanted to ask if you would yield for one minute, one quick question on that.

Chairman NADLER. I yielded back. I will yield.

Mr. BUCK. I just wanted to ask. You said it is the only—or to paraphrase, it is the only remedy. Why is court not an appropriate remedy in this case?

Chairman NADLER. Court might be an appropriate remedy if a privilege were asserted. I am not willing to say that you couldn't mount an impeachment based on overbroad assertions of privilege, but no privileges have been asserted. There is nothing for a court to review. The President has directed everyone in the executive branch is do not provide a piece of paper. Do not testify. There is nothing for the court to review.

He has simply asserted that he doesn't recognize the constitutional power of Congress to impeach. He won't recognize it. He think it is invalid, and that is not his function to do. It is our function to determine whether an impeachment inquiry is valid or not. It is a valid inquiry.

Mr. BUCK. Isn't the next step, then, to hold a witness in contempt for either not producing documents or not appearing?

Chairman NADLER. If a privilege were asserted, yes, but it has gone beyond that. We could certainly do that, but it is not a sufficient remedy. The only remedy for a President who says the House does not have the power to have an impeachment inquiry is to say that is an obstruction of Congress.

Mr. BUCK. My time has expired. I yield back.

Mr. CHABOT. Mr. Chairman.

Chairman NADLER. Who seeks recognition?

Mr. CHABOT. Move to strike.

Chairman NADLER. For what purpose does Mr. Chabot seek recognition?

Mr. CHABOT. Move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. CHABOT. Thank you, Mr. Chairman. I appreciate the gentlemen offering his amendment to strike the second article which I think, unfortunately, is as ridiculous as the first article in this case. An obstruction charge requires a concerted effort to interfere with or impede a Congressional election. What the President did, asserting executive privilege, is not in any way, shape, or form obstruction. Executive privilege is a time-honored, constitutionally protected right of each and every administration. And it has been asserted time and time again by administration after administration, both Republican and Democratic.

When Congress disagrees with a particular assertion of executive privilege, the remedy is not impeachment. The remedy is to go to court and let the third branch of government, as I mentioned a little while ago, decide who is correct. That is why we have checks and balances in this country. We have got three branches of government. There are all supposed to keep an eye on each other. And

in this case, the remedy is to go to the courts and let the courts decide if the President and this Congress disagree.

Except that the House Democrats have decided that they don't want to wait for the courts to decide, not when they can instead just impeach the President and maybe damage him politically, although apparently that is not happening. But I think that was their goal.

You want to talk about abuse of power. What the House Democrats are doing here is a clear case, in my view, of abusing their office for political gain. The majority really should hold themselves in contempt for conducting this one-sided, biased impeachment investigation and then attacking the White House for refusing to participate in such a patently unfair process.

And I think if you look at the record of this President thus far, and he is only been in office 3 years at this point, the accomplishments are quite considerable. Impeaching a President that has published these types of things is just patently absurd. Look at the economy right now. And why is the economy doing so well? I think it is principally two things, the Tax Cuts and Jobs Act that this President pushed and was passed when the previous Congress was in control. It was Republicans in both the House and the Senate at that time.

The Democrats kept screaming oh, these are tax cuts for the rich, tax cuts for the rich. About 85 percent of the American people had their taxes reduced. Yes, wealthy people got their taxes cut, but so did virtually everybody else in this economy. That is one of the principal reasons that we are seeing the economy continue to grow. That is one of the reasons that unemployment in this country is so low right now. It is at historic lows, about 50 years.

And it is not just wealthy people doing well. A lot of people are doing well, and it is because of the tax cuts, about, as I mentioned, 85 percent of the people got their taxes cut. Unemployment in this country among African Americans, Hispanic Americans, Asian Americans is at all-time low. Unemployment, all-time low among those groups because of this President's policies in conjunction with Congress back when the Republicans were in the majority.

I happen to be the ranking member, the lead Republican on the House Small Business Committee. I was the chairman of that committee for the last 2 years. Small businesses all across America are doing very well right now. Their confidence is at all-time highs. Why is it so important that small businesses do well? Well, about 70 percent of the new jobs created in the American economy are created by small business folks all across this country. They are the backbone of the American economy.

And the other thing, the other reason I think other than taxes being reduced why you are seeing the economy grow so well is because he has reduced the red tape, the bureaucracy, the regulations that come out of Washington because when he was running as a candidate, he said his goal was to get rid of two existing regulations right now, red tape, two existing regulations for every new regulation coming out of Washington. That was a tough goal, but we have even exceeded that. So those two things together, I think, are one of the principal reasons this economy is growing so well.

There is so many things that you could talk about about this successes, but one that is actually going to happen soon is improving NAFTA, USMCA. And again, hopefully the Democrats are going to pass this. They are in control here in the House now, and they face a challenge because if they pass it, then the President's obviously going to get some credit because he has been pushing this. They don't really want the President to necessarily get any credit, but they are also trying to get rid of the label of being a do nothing Congress since they have been in control now. So they are going to apparently impeach the President, and at the same time, pass the USMCA.

It is unfortunate that it takes impeaching the President to pass it, but I am really happy that we are impeaching him because—excuse me—that we are passing the USMCA because that is really good for the country.

And I yield back, Mr. Chairman.

Chairman NADLER. The gentleman yields back before he gets into too much trouble. For what purpose does Ms. Scanlon seek recognition?

Ms. SCANLON. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. SCANLON. I am really uncomfortable with the suggestion that has been made several times today that the U.S. Constitution is for sale. You know, there is no exception in the Constitution that allows a President to cheat in an election just because the economy's going well. My oath to protect and defend the Constitution isn't for sale. Look. If President Trump's obstruction, abuse of power, and obstruction of Congress are not impeachable, nothing is.

Article I charges Trump with the abuse of power for attempting to undermine our elections. The primary check on a President becoming a king is elections. This President abused his powers to undermine our elections. That is Article I.

Article II which my colleague has suggested we should abandon charges President with obstruction of Congress for blocking the production of all documents and witnesses subpoenaed by Congress in the impeachment investigation. Congress' power to investigate and impeach the President is the backstop to elections, to protect our government from being overrun by a tyrannical executive.

The President has undermined our Constitution by obstructing Congress' impeachment power without a legal basis. For a Constitution to operate properly, it depends upon people acting in a reasonable manner. We are not dealing with an executive at this point who is acting in a reasonable manner.

You know, often people ask lawyers oh, can I sue, and it is an old lawyer joke that of course, you can sue. The question is, can you win. President Trump has made a career out of suing, knowing that he had no chance to win. He has clogged up our courts for decades, and he usually loses because he hasn't a legal leg to stand on. That is the situation we are in now. He has defied congressional subpoenas without a legal leg to stand on. He hasn't claimed executive privilege which is something that could go to the courts. He has made up something called absolute immunity.

Never before in the history of our country have we had a President who said you can't talk to anyone in my administration. You can't see any documents. When we had Hope Hicks come before us, his communications secretary come before this committee several months ago, she was subject to a claim of absolute immunity. She wasn't allowed to testify to anything that had happened, that she'd seen, that had been done from the moment she walked into the White House until she left. She wasn't allowed to tell us where her office was.

I mean, this is the kind of absolute, I am tempted to say iron curtain that this President has tried to place between his administration and the American people. There is no way in hell I will vote to remove obstruction of Congress from these articles, and I yield back.

Chairman NADLER. The gentlelady yields back.

Mr. JORDAN. Mr. Chairman.

Chairman NADLER. The gentlelady yields back. For what purpose does Mr. Jordan seek recognition?

Mr. JORDAN. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JORDAN. I support the gentleman from Pennsylvania, his amendment. He said—in his remarks, he said the real obstruction came from Chairman Schiff. So true. And you know who the first victim was? This committee. This committee. Unless you were on the Intel Committee, the Oversight Committee, or the Foreign Affairs Committee, you couldn't sit in for the 17 fact witnesses. You couldn't be a part of those depositions.

Now, some people tried. My good friend from Florida tried to get in as a member of the committee that is now marking up the Articles of Impeachment, but he wasn't allowed. So the first victim of the real obstruction to get to all the information was this committee. The committee charged with writing up the Articles of Impeachment, marking them up as we speak, wasn't allowed to be in there for the 17 fact witnesses that we all deposed.

But the Democrat rules were even worse. No subpoena power for Republicans. Depositions, as I said, done in secret in the bunker in the basement of the Capitol. In those depositions, remember, these witnesses were subpoenaed. They are supposed to answer our questions, but only the Democrats got all their questions answered. There were questions that Republicans asked that the chairman of the Intel Committee prevented the witnesses from answering.

Democrats denied Republicans witnesses for the open hearings. We weren't allowed to call the witnesses we want. We had to submit a list. We put a couple on the list from the 17 people that Adam Schiff subpoenaed just so we could have some people that we thought might help make the real case and present the facts, but we weren't allowed to call our witnesses.

And of course, the one witness that we really wanted to call, even though Adam Schiff initially said that we would get a chance to hear from him, we weren't allowed to, and that is the whistleblower. Remember when this all happened in September? Adam Schiff told us we are going to get to hear from the whistleblower, the whistleblower with no firsthand knowledge who was biased

against the President, who worked with Joe Biden. He said we are going to get to hear from him but then changed his mind.

What changed? What changed the chairman's mind? Well, remember the day after, the day after the call, the whistleblower writes this memo and says the call was—all described as this crazy fighting, but he waits 18 days to file his complaint. But what happens in that 18-day timeframe? The whistleblower goes off and sees Adam Schiff, gets some marching orders from Adam Schiff's staff, and everything changes.

We don't get to hear from him. We don't get to hear from the person—and because we don't get to hear from the whistleblower, remember the complaint that gets filed on August 12th? The very first point the whistleblower makes in that complaint, he says this: Over the past 4 months, more than half a dozen U.S. officials informed me about this effort. We have no idea. The committee marking up Articles of Impeachment, we have no idea who those half a dozen U.S. officials are. We don't know if we talked to them. We don't know if they came and testified. We don't know if they are the people—my guess is Colonel Vindman was one of them, but who knows?

We don't know because we never got to talk to the individual who started it all with the complaint that the chairman of the Intel Committee told us when it all started, we are going to get to hear from him, but then when it is discovered that his staff had communicated with the whistleblower, no, no, no, we are not going to get to.

So the real victim of the obstruction here is this committee. We have not had any fact witnesses. We have had four Democrat witnesses in front of us, three law professor that the Democrats, the majority called in, and one Democrat law professor that the Republicans called in. That is all we have heard from. Those are the four witnesses and then a bunch of staff. None of the 17 witnesses.

So I support the gentleman from Pennsylvania's amendment, and he is exactly right. The obstruction came from the chairman of the Intel Committee.

With that, I yield back.

Ms. SCANLON [presiding]. The gentleman from Rhode Island is recognized. I am sorry. Do you seek recognition?

Mr. CICILLINE. Move to strike the last word.

Ms. SCANLON. Okay. You are recognized.

Mr. CICILLINE. Madam Chair, so we are charged with taking the facts that have been established in this investigation and applying them to the Constitution that we have sworn to protect and defend. So let's return for a minute to the facts. This series of events was described by Trump officials, Ambassador Bolton to be particular, as a drug deal. It was described by Dr. Fiona Hill as a domestic political errand. But there was direct evidence collected from 17 witnesses, over 100 hours of testimony, 260 text messages, the transcript of the President's own words, emails between high-ranking officials of the Trump administration.

And what we know, what the direct evidence is is that the President of the United States hired Rudy Giuliani to lead this effort. The President engaged in a smear campaign against Ambassador Yovanovitch and then fired her because she was an anticorruption

fighter. The President put a hold on military aid to Ukraine. The President, and others acting on his behalf, demanded that President Zelensky publicly announce an investigation of the President's chief political rival.

The President put The Three Amigos, Ambassadors Sondland, Perry, and Volker, in charge of Ukraine. The President refused to have a meeting or release aid until the public announcement of the investigation of his political opponent. The President told the Vice President, Vice President Pence, not to attend the new President of Ukraine's inauguration, and the President spoke to Ambassador Sondland about what Ambassador Sondland described as a quid quo pro, just to name a few highlights of the evidence.

But what we know also if you look, drill down a little more, and I want to speak specifically about Trump administration officials who were in the middle of this activity. On July 21st, 2019, there was a text from Ambassador Taylor to Ambassador Sondland, and I quote, President Zelensky is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic reelection politics.

David Holmes testified, I was surprised that the requirement was so specific and concrete. This was a demand that President Zelensky personally commit to a specific investigation of President Trump's political rival on a cable news channel. Mr. Holmes also testified in response to a question during counsel's examination. You are acknowledging, I think, Mr. Holmes, are you not, that Ukraine very much felt pressured to undertake these investigations that the President, Rudy Giuliani, and Ambassador Sondland and others were demanding? Answer from Mr. Holmes. Yes, sir.

Ambassador Taylor has a call on September 8 with Ambassador Sondland, and Ambassador Taylor says—this is a career diplomat, a Vietnam war hero. Ambassador Taylor says during our call, Sondland tried to explain to me that President Trump is a businessman, and when a businessman is about to sign a check to someone who owes him something, the businessman asks the other person to pay up before signing the check. Ambassador Volker made the same argument. I argued to both of them that that explanation made no sense. Ukranians did not owe President Trump anything, and holding up security assistance for domestic political gain was crazy.

And finally, on September 9, Ambassador Taylor in a text exchange with Ambassador Sondland again says, as I said on the phone, I think it is crazy to withhold security assistance for help with a political campaign, end quote.

So the record is filled with evidence that, in fact, the President of the United States abused the enormous power of his office in an effort to cheat in the 2020 election, to drag foreign interference into the 2020 election, and to corrupt an American presidential election. And he used the power of his office with the help of taxpayer funds to leverage his effort to drag foreign powers into our election.

And when I hear my colleagues on the other side of aisle say who is the victim? The victim is American democracy. The victim is the people we represent who expect us to honor our oath to protect and defend the Constitution. Are my Republican colleagues really say-

ing that it is okay for a President to invite or drag or persuade or coerce foreign powers to distort an American presidential election?

We have men and women who have given their lives to defend our democracy. We owe it to them to be sure that you know who gets to decide who is going to be American President? The American people, not some foreign power. That is a sacred right of citizens of this country. And if we allow this President to get away with this, we will have lost our democracy, and we will have conveyed that right to foreign powers, and we will no longer have a democracy.

So I urge my colleagues to support these Articles of Impeachment so we can again vindicate the right of the American people to determine their own future and to elect their own leaders. And with that, I yield back.

Mr. JOHNSON of Louisiana. Madam Chair.

Ms. SCANLON. For what purpose does the gentleman seek recognition?

Mr. JOHNSON of Louisiana. Move to strike the last word.

Ms. SCANLON. The gentleman is recognized.

Mr. JOHNSON of Louisiana. Thank you. I just want to urge support for this amendment striking Article II. There has been a lot said today, as everybody has acknowledged, and I—I am just struck by the hyperbolic language that is being used on the other side and this breathless charge that we hear over and over about Article II, that this is the first time in the history of republic that any President has invoked this kind of privilege or invoked this kind of immunity over subpoenas from Congress, and of course, it is just simply not true.

I mean, a cursory review of the history, even a review of the witness testimony that was presented in this very committee a week ago would show you that that is just simply a baseless charge. The truth is, in the history of this republic, there has never been a single party fraudulent impeachment process deployed against a President like the one that is being used against Donald Trump. That is what is unprecedented here.

It is not the claim that a President doesn't want to turn over witnesses or documents. That, as we have said many times today, is actually quite common. And, by the way, let's remember. It needs to be noted again that President Trump has consistently cooperated with this Congress in fulfilling it oversight and investigation responsibilities. I noted the statistics this morning when we started. Over 25 administration officials have testified before the House Oversight Committee this year. Over 20 have testified before the House Judiciary Committee. At the start of the impeachment inquiry this year, the House also—the White House produced more than 100,000 pages of documents to the Oversight Committee.

In spite of their allegation, the Democrats know that President Trump has a lawful cause to challenge these subpoenas because they involve direct communications between high-ranking advisors and a President. That is very sensitive stuff. It is always recognized to be privileged. There is a special legal protection that applies there, and we need the courts to sort through the nuances of that.

And most of these individuals, by the way, that they have subpoenaed are not related to the Ukraine matter at hand. Any objective observer would regard this as a mere fishing exposition—expedition. Some would even call it presidential harassment because the administration is being used by these Democrat committee chairs to advance their political agenda. This agenda does not allow them time to proceed to a court to do this the right way, to go through the process that is historic and comports with our custom and practice and our tradition and the Constitution.

Professor Turley was our only witness, the only one we have been allowed in the Judiciary Committee on our side, and the very, I think, exceptional testimony that he submitted to us in writing. He said this. I want to read you this excerpt because it is right on point. Quote. This is page 42 of his document. If this committee elects to seek impeachment on the President's failure to yield the Congressional demands in an oversight or impeachment investigation, listen, it will have to distinguish a long line of cases where prior Presidents sought the very same review while withholding witnesses and documents.

Take the Obama administration position, for instance, on the investigation of Fast and Furious which was mentioned earlier. Congress justifiably began an oversight investigation into that scandal. Some Members called for impeachment proceedings, but President Obama invoked executive privilege and barred essential testimony and documents. President Obama did that. This is not unprecedented, okay. This is custom and practice.

Now, Professor Turley continues. The position of the Obama administration was regarded as extreme there, and some even said absurd, but here is the important point. President Obama had every right to seek judicial review in the matter, and many members of this very committee supported that position. Basing impeachment, Professor Turley continues, on this obstruction theory would itself be an abuse of power by Congress. It would be extremely dangerous precedent to set for the future Presidents and Congresses in making an appeal to the judicial branch into a high crime and misdemeanor, unquote.

Here is the deal. Impeachment was never intended to be a remedy for political disagreements. It wasn't intended to be a remedy even for legal disagreements between the legislative branch and the executive branch. That is why there is a third branch of government. That is why we have the judiciary.

This is a very dangerous road, indeed, as President—Professor Turley noted. And I hope and pray that future Congresses can and will exercise greater restraint than has what—what has been shown by Chairman Schiff and Speaker Pelosi and Chairman Nadler and the rest. The stability of our republic is going to depend on that in the future. And I—I pray that we can put this genie back in the bottle. I yield back.

Ms. SCANLON. For what purpose does the gentlewoman from Florida seek recognition?

Ms. MUCARSEL-POWELL. I strike to—I move to strike the last word.

Ms. SCANLON. The gentlewoman is recognized.

Ms. MURCASEL-POWELL. Thank you. You know, it is truly disheartening to hear my colleagues on the other side argue in favor of crippling the very institution that they are a part of. The power of impeachment has built in due process protections. We are the American people's duly elected representatives, and we, Members of Congress, are empowered to hold to account corrupt and criminal Presidents.

When the President obstructs an impeachment inquiry, he is obstructing the people who have a right to know how the President is running their government. After all, that is the basis of our government; by the people, for the people. We have requested hundreds of documents and have been provided with absolutely not one document.

The President has actually instructed the State Department to not give us the information that we have asked. He has told witnesses, people that we have subpoenaed, to come in front of Congress to testify—to not come and testify.

Talk about a dangerous precedent. I think that the people deserve to know how he is using the office of the Presidency to advance his own interests above those of the people whom was elected to serve. The President has abused his office and is now using that power of the office to hide the extent of that abuse from the people. That is abuse of power. That is an impeachable offense.

And I just want to end by saying that it is also appalling that throughout this process, the President and the Republican party have continuously attacked Foreign Service officers, the men and women of the military, our intelligence community, those who protect us every day, undermining our national security. They are patriots, and they should be treated as such. After all, we are all Americans. I yield back.

Chairman NADLER [presiding]. The gentlelady yields back. For what purpose does Mr. Gohmert seek recognition?

Mr. GOHMERT. I rise in support of the amendment.

Chairman NADLER. Does the gentleman strike the last word?

Mr. GOHMERT. Yes, I do.

Chairman NADLER. The gentleman is recognized.

Mr. GOHMERT. You know, this is so surreal. You know, it seems that we have come to a time when right is wrong, wrong is right, bullies are the victims, and the victims are called bullies. For 3 years, this President has been harassed. He has been electronically surveilled, spied upon as normal people would call it. Allegations have never ceased. They continue, and they are continuing today.

At some point, you would think that someone would look at the abuses by Congress, by the Justice Department, friends of our Democrats, by the FBI, friends of our Democrats who hated the President when he was nothing but a candidate. At some point, somebody would go this is out of control. We need to step back and say wait, wait. This—this train is off the tracks. It is time to get, and here is the word, reasonable. What has gone in the last 3 years is not reasonable.

There is a doctrine those who are attorneys know. If you are going to try to pursue some remedy, you need to have clean hands. The majority has been so abusive. Sure, this administration has produced tons of witnesses after subpoenas, some without. Some-

times it is just negotiated. But normally what happens is a subpoena is received, and it means you are not going to be able to use an agency attorney even though—and an agency attorney will not be allowed in even though the only way that the witness can appear and have executive privileges properly claimed is to have an agency or department attorney with them, and that is when things get negotiated and get worked out.

But some of our friends know that if they are abusive enough with subpoenas and with law fare, just not warfare but using the law as a weapon, you can run people out of office. They successfully did that continually suing Sarah Palin, Ryan Zinke. He couldn't afford to keep hiring individual lawyers when agency lawyers couldn't come. This is the kind of stuff that has been going on.

And so this will end up—since our friends are not being reasonable, were not willing to negotiate with the administration so agency lawyers could come claim executive privilege, even though the target kept changing. They didn't know what they were going to come testify about. They were being accused of all kinds of different things. That kept changing, and it is changed even in the last 48 hours, 24 hours. It has changed. How do you defend yours when the charge keeps changing? I mean, this is like a Stalinesque type court system. You know, you don't get to meet and cross examine your witnesses. And in fact, we will just have some law professor that is paid by our friends come in and explain what the witnesses probably said, did say, what it is. That is all you need to hear.

If you are going to vote on guilt or innocence, impeachment or not. You don't need to hear the witnesses. We don't need no stinkin' witnesses. Just bring us the chance to vote, and we will vote. It is an outrage.

There is nothing reasonable about what is going on, and especially—it is so ironic. This is the same week when the corruption of the Department of Justice has been shown, and there is no sorrow, no apology, no—no remorse whatsoever by this incredible, abusive system.

So the obstruction of Congress is by people in Congress. The administration has not been unreasonable. They have seen what has happened when this abusive Justice Department gets people in a perjury trap. They have got nothing to go on, but if we can get you in and get you to testify, then we can prosecute you if you make a mistake while you are testifying. It was very, very reasonable not to come answer the subpoenas when you couldn't have an agency lawyer, and there was no negotiation with the other side. I yield back.

Chairman NADLER. The gentleman yields back. For what purpose does Ms. Dean seek recognition?

Ms. DEAN. To strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. DEAN. Throughout the course of this investigation, we have seen a stark contrast between the patriots who stood up to tell the truth and those who have turned a blind eye to the truth. And so tonight, to those patriots, I want to lift you up. I want to tell you thank you. I am in awe of you. I am in awe of your courage to uphold your oath at great personal sacrifice and professional cost.

Patriots like Lieutenant Colonel Alexander Vindman, Purple Heart recipient and Iraq war veteran. Ambassador William Taylor, Bronze Star recipient and Vietnam war veteran. Marie Yovanovitch, extraordinary former Ambassador to Ukraine who joined the Foreign Service during the Reagan administration. Dr. Fiona Hill, former Deputy Assistant to the President and Senior Director of Europe and Russia on the National Security Council, and so many others.

More than a dozen other witnesses in this administration who confirmed the details of the wrongdoing of a President. They described a President who reflexively and repeatedly abused his power for personal gain, jeopardizing our security and our own democracy. These patriots had the courage to live up to their oath. Their words mattered.

Patriots. My family knows something about the sacrifice of service. Two of my brothers served in the Navy during the Vietnam War, my brother Bob serving two tours in Vietnam. And I am lucky to serve with those who have served on my own staff. First Lieutenant Colin Milon who was recently called to service, to active duty, and staffers Tim Mack and Dave Corrigan, proud Marines.

Now as Members of Congress, it is our turn to stand up. Dr. King once said the ultimate measure of a man is not where he stands in moments of comfort and convenience. It is where he stands at times of challenge and controversy. This is a time of great challenge. And some of my colleagues do not want to face the realities of a President's wrongdoings, and so I ask my colleagues tonight. What are you afraid of? This country was built by those who were brave enough to stand up against King George. We are called to stand up against Donald J. Trump. What are you afraid of? Look to our Framers. Look to our patriots for courage because this is about courage, the courage to honor our oath, my oath, your oath.

Mr. Chairman, I will with somberness of purpose, yet with confidence in our Constitution, be voting no on this amendment and be voting yes on these Articles of Impeachment.

And with that, I yield back.

Mr. BIGGS. Mr. Chairman.

Chairman NADLER. The gentlelady yields back. For what purpose does Mr. Biggs seek recognition?

Mr. BIGGS. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. BIGGS. Thank you, Mr. Chairman. I support the Reschenthaler amendment, and I offer this to you. Charging the President with obstruction of Congress is, frankly, unprecedented, and in itself, it threatens our system of government. The principles of separation of powers and checks and balances demand that a President be permitted to resist demands that the President finds overly broad, burdensome, harassing, or otherwise violative of his constitutional privileges. It is an absurdity to claim that the granting to Congress of the sole power of impeachment implies duties to the President to cooperate in any and all congressional requests, no matter their merit.

Disputes between the branches are actually a feature. They are a feature of our—of our system. They are not a bug in the system.

The branches are required to engage in a process of accommodation to reach an agreement that takes into account the relative equities of the side—of both sides. But both branches have rights and interests to protect. We do, and the executive does. If those disputes cannot be resolved, the courts are to step in. Anything less threatens the separation of powers that is a very foundation of this Constitution.

This majority has taken the position, quite frankly, the dubious position that despite their precedent to the contrary that a vote of the full House is not required to open an impeachment proceeding. Think of the implication of that. Any rogue committee chairman can, on his or her own, commence an impeachment proceeding against a President. That Chairman can then submit whatever subpoenas and document requests they wish under the theory of these articles the President has no choice but to comply with a single rogue committee chairman because his failure to do so would be impeachable. How does that comport with separation of powers? The House should not be able to artificially create an impeachable offense through its own action.

President Trump's actions are not unprecedented. Many Presidents have defied congressional subpoenas, including President Obama on many occasions, as my colleague from Louisiana just pointed out a moment ago. Many Presidents have outright refused to cooperate with Congressional investigations as well, and I am going to give you three historical cases that are not artifacts but are actual cases where, for instance, President Jackson said in 1837, he called a House subpoena illegal and unconstitutional, unconstitutional stating that he would repel all such attempts as an invasion of the principles of justice, as well as of the Constitution, and he shall esteem it his sacred duty to the people of the United States to resist them as he would the establishment of a Spanish inquisition. That is from Andrew Jackson.

Later, President Coolidge said in a New York Times article from April 24 that he sent a message in that ope ed piece to the Senate saying that he would cease to participate in their unwarranted intrusion and questioning the legitimacy of their investigation.

And in 1948, for instance, President Truman published an executive order in the Federal Register ordering executive departments to respectfully decline any subpoena pertaining to congressional investigation into executive branch personnel. And then we have the recent Obama example.

So if you had a problem, you don't necessarily—the chairman said that—well, that he didn't exert privilege. Well, actually, he claimed executive privilege in a very broad way. You all were—you all were very disgusted about it when he initially did it.

But typically what would happen is I would issue a subpoena, have it served. The person doesn't show up. Guess what we do? We go into court, and we prove the providence of our subpoena. The court then issues an additional order. Maybe it is a warrant for arrest, maybe it is a fine, maybe it is a contempt citation, but we avail ourselves of the process. You haven't done that.

And you haven't done it because Mr. Schiff said so just last week, because he didn't want to take the time to avail himself of the process that you claim you are defending. And that is precisely why

Professor Turley and all who look at this with objective eyes say you are the ones abusing the process. You are abusing Congress. And you are abusing the President and the executive branch.

But I am afraid what happens is we actually denigrate our body, and we denigrate the very process that we claim to be protecting today.

With that, I yield back.

Chairman NADLER. The gentleman yields back. For what purpose does Ms. Escobar seek recognition?

Ms. ESCOBAR. Move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. ESCOBAR. Thank you, Chairman. We have heard our colleagues argue that obstruction of Congress has not happened. One of our colleagues called the charge ridiculous. Another colleague said, quote, the President has consistently cooperated with Democrats. A stunning statement.

You know, I have had the incredible privilege of serving on the House Judiciary Committee now for almost a year. We were—the freshmen were sworn in January 3, and we have had many, many, many hearings. And there is a thread that runs through all those hearings, especially those hearings where we are trying to provide proper oversight over the President of the United States. And that thread is that my colleagues complain bitterly about our efforts to be a check, our efforts to perform our obligation under the Constitution, and our efforts to provide oversight.

We hear time and time again, and this idea that the President has cooperated, that is the claim that is actually absurd. In fact, during some of our oversight hearings, we heard the President say that he was covered under absolute immunity. Without listing the documents or the reasons why, he deserved absolute immunity.

And no President, not even Richard Nixon, no President, has refused to honor subpoenas during impeachment. So if you can imagine, this President has achieved a new low and lowered the bar significantly.

If it were not for the patriots, and I associate myself with the statement by Representative Dean who thanked them. They are heroes. They put their reputations, their names, their safety, and their security at risk so that they could defend this country and defend the Constitution and uphold the oath of office, the oath that they took as public servants.

But let's find out just how cooperative this President has been during this investigation and I would like to ask Representative Swalwell, my colleague who serves on Intelligence.

Representative Swalwell, how many documents did you all request during this investigation?

Mr. SWALWELL. 71,000.

Chairman NADLER. The gentlelady yields to Mr. Swalwell.

Mr. SWALWELL. On pages 30 and 31 of the Intelligence Committee findings, it was 71 documents to the White House.

Ms. ESCOBAR. And how many witnesses?

Mr. SWALWELL. Twelve witnesses we asked to show up who the President directed to not show up.

Ms. ESCOBAR. How many—so just so that the American public understands, you requested 72 documents, 12 witnesses. How

many times documents and how many witnesses did the President provide?

Mr. SWALWELL. Twelve were asked to show up, and he directed them not to show up. Zero of the 71 witness—71 documents were provided.

Ms. ESCOBAR. Thank you so much, Representative Swalwell.

I want to ask the American people what is the President trying to hide from you? Why is he trying to keep you in the dark? If he has nothing to hide, then let him come forward with those documents and those witnesses.

I want to conclude by just touching a little bit on something I mentioned last night. Unfortunately, we have come to expect this kind of behavior from the President. And this really is a very, very tragic moment in American history, a very dark moment in American history. But it is made even more tragic by enablers who seek to make sure that they protect one man at any cost, one man who is not for America, one man who is for himself.

This is a reckoning for us, and this is a moment when we should be standing with the patriots. I am very proud—as dark as this moment is, I am very proud to stand with the patriots here on this committee, and I will continue to stand with the patriots who defend this country.

Mr. Chairman. I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Cline seek recognition?

Mr. CLINE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. CLINE. Thank you, Mr. Chairman. We have already talked today about the lack of evidence and support of the first Article of Impeachment, the abuse of power article. They can't prove bribery. They can't prove extortion. They can't even prove a campaign finance violation. Since they don't have the elements to prove any crime, they created one, and said that there was, quote, no higher crime. There are higher crimes. There are actual crimes, but since the President didn't commit one, here we are. It is laughable if it weren't so sad.

We do know a few things, though, the same four facts that have been repeated throughout. Both President Trump and President Zelensky have said there were no pressure on the call, there was no conditionality of aid in the call transcript, the Ukranians were not aware that the aid was withheld when the President spoke, and we have the Time Magazine article involving Andriy Yermak which hasn't been pursued by this committee, and fourth, Ukraine didn't open the investigation but still received the aid and a meeting with President Trump. You know, my colleague said earlier we can't prove any of it, so we are going to accuse him of all of it and call it abuse of power. That is it to a point.

So now we have an article, a second article charging obstruction of Congress. The Democrats have alleged that the President directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives. The facts don't match up with these claims. The President has legitimate Constitutional privileges, and the courts can and should determine the boundaries of these privileges.

The White House released two call transcripts to the public for review during this process. Ambassador Sondland said the President told him, go tell the truth when the Ambassador told the President he was asked to testify before Congress.

In addition, these claims of obstruction ignore the appropriate role of the third branch of government, to review conflicts between the executive and Congress. The majority, by seeking to impeach the President for failing to yield to their demands in an oversight or impeachment investigation, fails to distinguish instances where prior Presidents sought the very same review while withholding testimony and documents.

They also ignore instances where the two branches negotiated in good faith over the return of documents. But after the failure of the majority to negotiate in good faith over the rules for this very impeachment proceeding, why would we think that there would be an effort by the President to acknowledge and work in good faith to resolve said dispute? Better that, in their minds, to wait for the courts to resolve it which is their right.

President Obama, during the Fast and Furious investigation, invoked executive privilege and barred essential testimony and documents. During its litigation, the Obama administration argued the courts had no authority over its denial of such witnesses and evidence to Congress, but the Federal Court and the Committee on Oversight and Government Reform versus Holder disagreed.

Professor Turley in his testimony to this committee testified that he thinks the Democrats' impeachment process is an abuse of power. He said, quote, what I am saying is that if you want a well-based, a legitimate impeachment case to set this abbreviated schedule, demand documents, and then impeach because they haven't been turned over when they go to a court, when the President goes to a court, I think that is an abuse of power. If you make a high crime and misdemeanor out of going to the courts, it is an abuse of power. It is your abuse of power. I urge my colleagues to support this amendment.

And I yield back the balance of my time.

Chairman NADLER. The gentleman yields back. For what purpose does Ms. Jayapal seek recognition?

Ms. JAYAPAL. Move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. JAYAPAL. Thank you, Mr. Chairman. My Republican colleagues have been putting forward a lot of excuses today, and so I want to go through the ones that we have heard the most.

Ms. JAYAPAL. First, they have said that the President's behavior was all about his supposedly legitimate concern about corruption, but what we know is that all of President Trump's agencies, all of his advisers, everyone unanimously told him that Ukraine had passed all the anticorruption benchmarks. What we know is that the Department of Defense said no further review on Ukraine corruption was necessary, what we know is that President Trump's budget cuts aid for Ukraine, designed to fight Ukraine corruption, and what we know is that President Trump before both the calls with President Zelensky in April and July was given official talking points, official talking points, on corruption in Ukraine and yet, he never used those talking points.

In fact, he never mentioned the word "corruption" on either call. The only two names that President Trump mentioned were Joe and Hunter Biden on July 25. Second excuse the Republicans put forward, they suggest that this was all about the President's desire to get the European Union to share more of the burden of foreign assistance. Well, let's look at that.

Mr. Holmes told us that Europe provides four times as much assistance, more aid to Ukraine than we do. And actually, the United States' aid largely gets paid back. On top of that, Ambassador Sondland, President Trump's ambassador to the European Union, testified clearly that nobody ever told him to go to the European Union, and actually asked for more military aid to be provided. That simply wasn't the case. The only thing that President Trump told Ambassador Sondland to communicate to Ukraine, what was that? He told us that resumption of aid would likely not occur unless President Zelensky announced the investigations, and Ambassador Sondland made clear, and this is a quote, "Unless Zelensky went to the mic and announced these investigations, there would be a stalemate over the aid."

So what were these investigations? 2016 election interference and Burisma, meaning the Bidens. So, finally, left with no other defenses, my Republican colleagues say that President Trump had a legitimate reason to investigate Vice President Biden. But, once again, let's look at the facts. That makes no sense whatsoever. The minority's own report states that the allegations against the Bidens were from 2015. 2015. But President Trump readily gave military aid to Ukraine in 2017, and then, again, in 2018. President Trump's own aids told him that there was no merit to these investigations.

So what changed? What led to the sudden push to hold up congressionally approved, desperately needed military aid without telling anybody the reason? Vice President Biden began beating President Trump in the polls. The evidence is clear. When President Trump said, Do us a favor, though, who was the "us"? We know. We know who the us was because he said it. President Trump told President Zelensky that his personal attorney, his personal lawyer, Rudy Giuliani, quote, "very much knows what is going on." President Trump could have gone through official channels if he wanted, he could have asked for the Attorney General to conduct an investigation, he could have conducted all sorts of legitimate investigations, but he didn't, and we know that, too, because the Department of Justice said that President Trump never asked them to do any investigations, or even talk to Ukraine.

Instead, President Trump asked his personal attorney because "us" was not about America. The President was not putting America first. This wasn't official policy. This wasn't what was right for our country. Every witness told us that, too.

This was personal. It was all for President Trump's personal political gain to benefit his own campaign and his re-election, and that is why he used his personal attorney to do that. He abused his power, he abused the power entrusted to him by we, the people, and he placed our safety, millions of dollars of taxpayer money on the table. That is an abuse of power. We must impeach Donald J. Trump.

I yield back.

Chairman NADLER. The gentlelady yields back.

What purpose does Mr. Armstrong seek recognition?

Mr. ARMSTRONG. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. ARMSTRONG. Talk about obstruction of Congress and subpoenas, and I would like to talk about subpoenas for a little bit, and the Democratic majority's abuse of subpoenas and how it started. And it started in this committee with a subpoena to the Attorney General, Bill Barr. That compliance with that subpoena would have required him to violate the law.

So like a reasonable, rational, deliberative body we are, what did we do? We held him in contempt. We held the Attorney General of the United States in contempt of Congress for not violating the law. But it gets better, because after that, we held a hearing in Judiciary about whether or not we should have held him in contempt. Oversight Democrats subpoenaed documents from commerce, legal documents, relating directly to a case that was pending in front of the Supreme Court.

And as I stated earlier, those same Democrats on oversight subpoenaed the personal emails of President Trump's children. Democrats on Ways and Means have subpoenaed President Trump's tax returns for purely political purposes. Speaking of politics, Adam Schiff used the subpoena power of the Intelligence Committee to obtain phone records. He then released the phone records of a member of the press and the ranking member and his political opponent. But when you are going—you cannot weaponize the subpoena power of Congress in order to harass the executive branch, and then not expect the executive branch to use every legal remedy at their disposal to oppose those subpoenas. You can continue with an impeachment proceeding. It is a political proceeding, but what you cannot do is charge obstruction because you are going to continue faster than allowing the courts to decide it.

And before I finish, I would just like to point out a couple things. You know who we haven't subpoenaed? Ambassador Bolton. You basically begged to have one issued to him. We haven't subpoenaed the whistleblower. We haven't subpoenaed Adam Schiff. We haven't subpoenaed Adam Schiff's staff member who talked with the whistleblower. We haven't subpoenaed all the people that the whistleblower mentioned he talked to in relation to this phone call.

So if we want to talk about abuse and obstruction and why these things are going on, I think—as another comment Professor Turley said in a different hearing, we have met the enemy, and he is us.

And with that, I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Deutch seek recognition?

Mr. DEUTCH. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. DEUTCH. Thank you, Mr. Chairman.

Mr. Chairman, there are two Articles of Impeachment, each is vitally important. Obstruction of Congress matters to all of us who value the separation of powers here in the House, and it will matter to all of those who value the separation of powers in the United States Senate. Article I vests in the House the sole power of im-

peachment. That is set forth in the Constitution, so what has the President done? President Trump is the first and only President in American history to openly and indiscriminately defy all aspects of the constitutional impeachment process.

October 26, the President argued that Congress should not even be allowed to impeach him under the Constitution, and then on October 8, the White House counsel acting on behalf of the President, wrote a letter to the House and said that President Trump cannot permit his administration to participate.

Well, this is not a fishing expedition. This is a matter of grave importance, and we have talked about, at length, the abuse of power that the President has exhibited, but why did the President refuse to produce—we have heard about the dozen of officials that he has blocked, but what about all of the documents that we have asked for? What about the witnesses who did come forward who told us about the briefing materials for President Trump's call with President Zelensky that were prepared by Lieutenant Colonel Vindman, and the National Security Council staff summaries of conclusions from meetings relating to Ukraine, including military assistance? What about the memorandum of conversation from President Trump's meeting in New York with President Zelensky on September 25?

And what of the—all of the additional documents from the Vice President, the notes taken by Jennifer Williams during the call between President Trump and President Zelensky, the briefing materials prepared for the vice president's meeting with President Zelensky. On November 24, a news report revealed the White House conducted an internal records review and turned up hundreds of documents that reveal extensive efforts to generate after-the-fact justification for the decision.

That is what we are talking about. Obstruction of Congress matters because we know what we are looking for, we know how important it is. The President has stood in the way of this House of Representatives doing its important work. The President should allow, should have allowed these officials to speak, should have allowed these documents to speak. My colleagues on the other side understand this is not a fishing expedition. They know that these documents are there, and if they were to help the President, they would be urging the President to work with us, rather than obstruct us. We have to proceed with this obstruction of Congress in Articles of Impeachment, and I oppose this amendment.

I yield the balance of my time to Mr. Johnson.

Mr. JOHNSON of Georgia. Thank you, Mr. Deutch. Tonight we are called upon to protect the Nation's core values, and I tell you, money and the economy are not our core values. Cutting regulations are not our core values. Tax cuts for the top 1 percent, not our core values. Withholding desperately needed security assistance from an ally, desperately in need, is not a core value. Coercing a foreign power to interfere in a presidential election is not our core value. Giving Congress the finger as it seeks to exercise its authority as a coequal branch of government is not a core value.

I will tell you what a core value is: fair and free elections and respect for the Constitution, and to take care that your duties are faithfully executed as President. That is our core value. The faith-

ful execution of the office of the President, the upholding of the oath of office are our core values. To the best of your ability, preserving, protecting, and defending our Constitution. That is the Nation's core values.

When a President commits a grave abuse of the public trust by running roughshod over the high office of President, then Congress is left with no choice but to do its duty to protect the public and the republic from clear and present danger. We must impeach this President.

And with that, I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Jeffries seek recognition?

Mr. JEFFRIES. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JEFFRIES. Donald Trump pressured a foreign government to target an American citizen for political gain. And at the same time, withheld $391 million in military aid from a vulnerable Ukraine without justification as part of a scheme to solicit foreign interference in the 2020 election. The July 25 rough transcript is a smoking gun, and Donald Trump's words pulled the trigger. Five words: Do us a favor, though. An essential question for us to resolve on this committee, is whether the President sought a political favor, or is he, as my Republican colleagues suggest, an anticorruption crusader?

That notion is laughable, but let's just check the record to see what it says. Donald Trump spoke to the Ukrainian President twice. Once on April 21, he did not use the word "corruption" once. He had a second call with the President of Ukraine on July 25. He did not use the word "corruption" once. Donald Trump's own Department of Defense wrote a letter to the Congress on May 23 and said that the new Ukrainian Government, the new Ukrainian Government, has satisfied all necessary preconditions to receive the aid, including the implementation of anticorruption protocols. That was Donald Trump's Department of Defense saying there are no corruption concerns that should justify the withholding of the aid. That is why so many Trump-appointed witnesses came forward and were troubled.

And I just want to enter into the record three, Lieutenant Colonel Alexander Vindman, who was on the call, reported his concern because, quote, "They had significant national security implications for the country," and Lieutenant Colonel Vindman said it is improper for the President of the United States to demand a foreign government investigate a U.S. citizen for a political opponent.

That was Lieutenant Colonel Vindman, Iraq war veteran, Purple Heart recipient, 20 years of active duty. Gordon Sondland, ambassador appointed by Donald Trump, what did he say? Everybody was in the loop. It was no secret. Was there a quid pro quo? The answer is yes. Is Sondland a Never Trumper? He was appointed by Donald Trump. He gave $1 million to Trump's inauguration.

And then, of course, there is Bill Taylor, West Point graduate. What did he say? To withhold that assistance for no good reason other than help with a political campaign made no sense. It was illogical. It could not be explained. It was crazy. That is the record evidence that has been established.

Donald Trump did not care about alleged corruption in Ukraine; he sought a political favor. And at the same time that Donald Trump was allegedly concerned with corruption in Ukraine, he authorized $8 billion in weapon sales to the corrupt kingdom of Saudi Arabia and other gulf states. $8 billion in April, he authorized, but he was supposedly concerned about corruption.

This is a regime that butchered a Washington Post journalist with a bone saw, and then lied about it. And at the same time he was withholding money from Ukraine, he authorized $8 billion in weapon sales over the objection of Congress. The President pressured a foreign government to target an American citizen for political gain. He solicited foreign interference in the 2020 election. The record is clear. He abused his power. He must be held accountable because in America, no one is above the law.

I yield back, Mr. Chair.

Chairman NADLER. The gentleman yields back.

For what purposes does Mr. Collins seek recognition?

Mr. COLLINS. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COLLINS. I have listened to this and this idea of the process, and I fully support this amendment because, frankly, we are in a position right here where we don't need to be, but it has also been very interesting just to listen all day today to the trying to build a case out of nothing. And like I said, I have already went through the fact that the majority has already disparaged beyond belief Mr. Zelensky. I am not sure why they chose to delve in character assassination, but they did and they still are. I am not sure why they choose to continue to put out articles saying that members of the Ukraine military died because of aid that was withheld.

That was—it is just a lie, and even their own articles to proves it says, Well, we can't actually say that that is true, but keep sending it out there. Believe me, the American people are watching this farce. But it is amazing to me to listen to my colleagues now talk about how we do proper process in subpoenas.

Let me just take you on a little wonderland trip back through this committee this year in which we issued more subpoenas, and did more things that were just amazingly outrageous than I could ever imagine.

In fact, we have learned some stuff this year, and no offense to my chairman, he has been doing as best he could to satisfy the many demands of being the chairman that has to go over to get impeachment over, but we have learned this year that subpoenas were, you know, they just help you look better in court.

We learned that subpoenas are a conversation starter. I am not sure what that is about, but I know in court that they are not a conversation starter, they are a compelling information. They are actually wanting us to move forward, and so when you really look at this, and you start talking about how the Democrats have been denied process and denied this, it is really interesting to me that, again, 70-something days—the other day, I think, the gentlelady from California said that—tried to make a comparison was not fast that the Ken Starr investigation—but that was after almost 3-1/2 years of investigation. In this one, we have had since September till now.

The majority, frankly, is acting like petulant children who are not getting their way quick enough because Santa Claus hasn't come yet. Believe me, they are getting ready to vote for their Christmas present. I think the American people next November will remember this Christmas present. But he goes back even further. I remember a time—if we want to talk about the sanctity of subpoenas, then why did the majority withdraw from the Kupperman suit? Why did they withdraw from that?

If they wanted to continue, they could have done this, they could have had this charade and still stayed in court. No, it is just a waste of time. We are not going to do it. So don't hand me these high and mighty arguments about process. This is not about obstructing Congress right now. It is about Congress just being petulant, and saying we don't want what we don't want because we wanted it now, and I can turn back to February of this year, Acting Attorney General Whitaker.

You remember this? I will remind some of the folks because many of you are here who wrote about this. They were trying to get Acting Attorney General Whitaker here because they were trying to make political points before—as the year got started, because there was nothing rolling yet, Mueller hadn't happened, so they couldn't talk about it except in broad generic terms. Bill Barr wasn't sworn in yet and 1 week before Bill Barr was sworn in, we brought in Mr. Whitaker.

Now, we threatened him with a subpoena and made public declaration about a subpoena, until we found out the night before they sent him a letter saying, if you show up, we won't do that subpoena. No, we won't do that. I mean, we found it all right here. We talked about it. So it is a little bit hard for me to hear how this Congress, this committee—and we are not even going to get started on Mr. Schiff, who, again, loves a camera, loves a microphone, loves his own gavel, but doesn't like to actually have to answer questions about his own work, and what he has actually done. He doesn't like to have to answer questions of him and Mr. Goldman last week when Mr. Goldman was here on who actually ordered the matching of that so that they could unmask ranking member and journalists when they could have just as easily put in if it had been proper member one, Congressperson one, individual—it doesn't matter. They could use whatever they wanted to, but no, they did it for drive-by purposes.

So tonight, as we hear the angst, and we hear the just plain out, just flying out hypocrisy, remember, that this is a majority that had one thing in mind, and I will not deny that they have not passed bills, but I will also deny that they have not passed bills enough that actually can get any bipartisanship in the Senate which is known for that. We have done that before in this committee.

We pass bills that actually get signed into law. Instead, we want to talk about subpoenas that we don't enforce, processes we don't follow. Why? Because you can't make the argument. You don't have abuse of power and you definitely don't have obstruction of Congress.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mrs. Demings seek recognition?

Mrs. DEMINGS. Move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. DEMINGS. Mr. Chairman, I rise in opposition to this amendment. One of my colleagues said a minute ago that we are using the law as a weapon. Well, the law is a weapon against people who violate it, don't respect it, don't obey it. My Republican colleagues have claimed that there is not enough here to impeach a President. I have heard them previously say that this is merely about eight lines from one phone call. Well, perhaps they forgot that the pressure against Ukraine lasted for months. Perhaps they forgot that trying to limit this to merely eight lines on one phone call underestimates the risk to our national security and our national interests. For you see, Ukraine's ability to protect themselves against Russian aggression is directly tied to our ability to protect ourselves from Russian aggression, but that is right. This President only cares about, and I quote, "the big stuff." Big stuff. Big things that are directly tied to his personal agenda, but my colleagues also seem to ignore the pattern of behavior, the pattern of misconduct, and certainly the abuse of power.

First, the President welcomed interference in the 2016 election. His campaign had multiple contacts with Russia, and he himself publicly invited Russia to interfere. Remember this? Russia, if you are listening, I hope you are able to find the 30,000 emails that are missing. Then, after the special counsel was assigned to investigate the President's conduct, the President tried to cover it up by obstructing the investigation and refusing to cooperate.

Then this one really, as someone used to say, takes the cake, just one day after the special counsel testified before Congress, the President was at it again. Apparently, undeterred and emboldened. He demanded interference into the 2020 elections, telling a vulnerable ally, I would like you to do us a favor, though, and conditioned official acts on the announcement of a sham investigation into the President's chief political rival.

And true to form, after the President's scheme was exposed, after he was caught, and Congress launched an investigation, the President tried to cover it up by trying to undertake a complete blockade of Congress's investigation. The President's misconduct is a part of a pattern.

First, the President invites foreign powers to interfere in our elections, and then he obstructs lawful inquiries into his behavior whether by Congress or by law enforcement, and then he does it again. Because, remember, he believes he is above the law, and he certainly has the full support of my colleagues on the other side of the aisle.

Most recently, the President suggested publicly that China, why don't you come on in. The water's warm. China should interfere in our elections by investigating former Vice President Joe Biden. The President has taken no accountability for his misconduct. He has shown no remorse. No surprises there. Rather, he has doubled-down and made clear that he will continue to solicit interference in our election for his own personal gain, not the gain of the American people. He will continue to disregard a coequal branch of government that were designed to keep the executive branch in check.

In other words, unless he is stopped, the President will continue to erode our democracy and the values on which our country was founded. We cannot, and we will not, allow that to happen.

And Mr. Chair, I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Ratcliffe seek recognition?

Mr. RATCLIFFE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RATCLIFFE. I yield to Mr. Reschenthaler.

Mr. RESCHENTHALER. I thank the gentleman from Texas. There is a saying, and it is that facts don't care about your feelings, so let's go through some facts. Let's talk about the Trump administration and how much they actually have cooperated with Congress. In the report, the Schiff report, Chairman Schiff argued that President Trump has obstructed the impeachment inquiry.

In letters sent to request deposition witnesses, Chairman Schiff wrote, and I quote: "Any failure to appear for a scheduled deposition shall constitute evidence of obstruction of the House's impeachment inquiry," end quote. However, there is ample evidence of the administration complying with the congressional oversight in investigations during 2017 and 2018, even with congressional probes the administration did not find legitimate.

For example, over 25 administration officials testified before the House Oversight Committee, over 20 administration officials had testified before the House Judiciary Committee. Additionally, as of the start of the Democrats' impeachment inquiry, the administration has produced more than 100,000 pages of documents to the House Oversight Committee. That is over 100,000 pages of documents. I must say, they produced them in a timely manner. They didn't dump them within 48 hours of a hearing, but again, I digress. The administration also engaged in investigations that they disagreed with.

For example, the House Oversight Democrats initiated a sweeping investigation into the White House security clearances practices, despite the President's broad authority to grant security clearances to whomever the administration wishes. In that investigation, the administration provided the current White House security officer to brief both members and staff of the White House security clearance process.

The administration has also provided committee staff with in camera reviews of over 500 pages of White House documents and policies related to the security clearance process. The FBI has also allowed committee staff to review in camera hundreds of documents pertaining to the rule the White House security clearance has played has briefed both members of the committee staff on their role on the White House security clearance process and provided committee staff with multiple follow-up briefings regarding their own internal security clearance process.

We have heard Democrats talk this evening about the border, so let's just talk about the border and the administration's willingness to open themselves up to review in that regard, too. The administration has produced more than 9,600 documents in response to the committee's subpoenas related to child separation at the border. Again, that is over 9,600 documents. Additionally, in August and

September of 2019, the administration accommodated nine separate multi-day surprise congressional visits to ICE and DHS facilities across the country. The administration has worked with the committee staff to observe 11 CBP holding facilities, 13 ICE detention facilities, and six State licensed, privately run facilities that contract with HHS. So contrary to the assertions from the Democrats, the Trump administration has cooperated substantially in matters related to the border and elsewhere. But let's just contrast that with the Democrats combative posture.

In letters to the State Department employees, the committee threatened witnesses that, and I quote: Any failure to appear, any failure to appear in response to a mere letter requesting their presence for deposition shall, and I quote, "constitute evidence of obstruction." This is just letters, not subpoenas.

In letters to State Department employees and in letters to the State Department employees, the committee threatened witnesses that if they insist on having agency counsel present to protect the executive branch in a confidentiality interest, or if they make any effort to protect confidentiality interests at all, these officials will have their salaries withheld, withholding of salaries.

The committees have not afforded the President basic protections, such as the right to seal evidence, the right to present evidence, the right to call witnesses, the right to have counsel present at hearings, the right to cross-examine all witnesses, the right to make objections relating to examination of witnesses, or the admissibility of testimony and evidence, and not afford the President the right to respond to evidence and testimony presented.

Thank you. I yield the remainder of my time.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Swalwell seek recognition?

Mr. SWALWELL. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SWALWELL. My colleagues, the urgency of this moment is the grave risk that the President will, again, abuse his power of the presidency to try and secure his re-election. We have reason to be concerned. The presidency gives him great powers to cause others to interfere in our elections. And the only protection we have is to act now, because the President is cheating right now. And to any of my colleagues who ask, Why move on this right now? It is a crime spree in progress. And as Chairman Schiff said earlier this week, what are we supposed to do? Just let him cheat one more time, expect him to eventually do the right thing?

And here is what my colleagues' logic amounts to if we wait. It amounts to this: Allow the building to burn, collapse, fall to the ground, and then you should call the fire department. This President has set our democracy on fire and we must act to save it. And there is an urgency to act and this President is not only being impeached because of what he has done, it is because of what he continues to do. We know what he has done. Not really disputed. Abused his power, asked a foreign government to help him cheat, jeopardized our national security, integrity of our elections for his own personal gain. But this was not a one-off. We have come to learn, as Mrs. Demings just explained, this is what he does and this is what he will keep doing.

In 2016, as he said, Russia, if you are listening, hack my opponent's emails. You will be rewarded. Turns out, Russia was listening. Turns out, Russia hacked his opponent's emails. That day they sought to hack his opponent's emails. And that investigation, he went to great lengths to obstruct it.

So why is it so urgent that we act right now? The President's lawyer was just in Ukraine. The President's lawyer said in May, I am not meddling in an election; we, not I, we, Donald Trump and I, are meddling in an investigation, and that meddling continues today, but the President's own words tell us about his current intent.

On October 2, the President said, "and you know we have been investigating on a personal basis through Rudy and others corruption in the 2016 election. I think that, if we are honest about it, they should start a major investigation into the Bidens. That simple." On October 3, the President stood on the White House lawn and confirmed that he wanted Ukraine to investigate the Bidens. But then, he added a country, because that is what he does—Russia, Ukraine. He said China should also investigate the Bidens.

My colleagues, we should not have to hope or pray that China wasn't listening when he said that, but fortunately, people on this committee are listening. Americans are listening. People who know right from wrong, our children are listening. Are you listening? And what we hear deeply concerns us about what the President will do next. And we are not helpless and, in fact, we know that the courage to act is the only thing that has stopped this President. That is not a leap of faith.

You see, it was the courage of Dr. Fiona Hill and Lieutenant Colonel Vindman to, quote, "go to the lawyers'" when they heard that the President was conditioning a White House visit for investigations. It was the courage of the whistleblower to come forward. That is what got Ukraine the aid. The President got caught, then Ukraine got the aid. If those people were not courageous and acted, Ukraine would not have the aid today. So we must follow their pattern conduct and act.

We have pattern evidence that not only Donald Trump acts corruptly, but that when you show courage and act against him, you can stop him. It is actually the only way to extinguish his corrupt ways. If unchecked, my colleagues, Donald Trump does not get better, he gets worse. He gets more corrupt, and we can't wait till the next election to hold him accountable. Not when he is trying to rig the next election, so we must act to protect our national security, the integrity of our elections, and honor our oath to the Constitution.

I yield back.

Chairman NADLER. The gentleman yields back. The question is on the amendment. Those in favor say, aye.

Mr. COLLINS. Mr. Chair? Mr. Chair? Mr. Chair, we have someone asking for time.

Chairman NADLER. I didn't see a request.

Mr. COLLINS. I see it right here. You saw it. You now recognized him. You have now recognized him.

Chairman NADLER. I will recognize Mr. Gaetz.

Mr. GAETZ. Thank you, Mr. Chairman. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. GAETZ. Well, they are right, they can't wait until the next election, but it is not the reason they say. The reason they can't wait till the next election is because they have taken a look at their candidate field and they have fundamentally changed every standard that they have set for themselves for impeachment for the American people. Whether you like President Trump or don't like President Trump, it would at least be worth acknowledging the Democrats have moved the goalposts on what it would require to bring us to this point, and to harm our Nation and to distract us so much from the critical needs of American people, who probably wonder why we are not focused on them right now.

First, they told us it has to be bipartisan. Now, I get folks watching at home might think that I am somebody who really likes the President and I would probably be a hard vote for him to get for impeachment. But it is not just that they can't convince the President's supporters not to abandon him, they can't even convince the President's critics to abandon him. I mean, Jeff Van Drew, Collin Peterson, two members of Congress, two Democrats, they are not fans of the President; they are critics of the President. And yet, they didn't vote with Democrats, they voted with Republicans. We have even got some Republicans, my colleague Will Hurd from Texas, he doesn't mind being a critic of the President and he was honest with Democrats. He told them, this is not impeachable conduct.

They told us that the process would be fair. And yet, when even members of this committee sought the opportunity not to read a transcript, or see someone's second performance of their testimony, but to see their first-hand account how they reacted, how they were breathing, did they fidget when they responded, we wanted to see those things and we were excluded by the Intelligence Committee.

Democrats said that to put our country through this, it would require compelling and overwhelming evidence. And each and every time, they try to cast doubt on the President's conduct, we are able to show a legitimate concern the President had in corruption. We are able to cite the transcript that demonstrates no conditionality. And time and again, Democrats say, Well, there is just no factual debate about what the President did. The factual debate comes from President Zelensky. It is President Zelensky who said I wasn't pressured. And they said, Oh, well, Zelensky might not have known, but Yermak, he knew. Sondland talked to Yermak and conveyed this shakedown. And the very day they introduced Articles of Impeachment, Yermak gives an interview and says, We never really perceived this as an exchange of military for aid for any one thing.

Time and again, they let us down in their claims, but one thing we know for certain, is that this was a sad inevitability. I had someone ask me recently, do you feel some sense of history, some sense of moment that you are about to vote on impeachment? And sadly, I knew this time was coming since the Democrats took control of the House of Representatives. Because they didn't lay out a plan to appropriate for the budget, work with us on critical

generational issues. They set out a plan for impeachment. How do we know that?

When the chairman himself campaigned for the lead Democrat role in the Judiciary Committee, he didn't say, pick me because I am a great legislator around some particular issue set; he said pick me because I will be the person that can best lead our caucus through a potential impeachment. They have had a blood lust for impeachment. It has been their obsession. And it is deeply saddening to us. We take absolutely no joy in the fact that it is so consuming.

But here we stand on the verge of it, and my expectation is that this new standard in this second article with just the notion of obstruction of Congress is their excuse for not being able to prove obstruction of justice. Public reporting has been how the chairman went to the Democratic caucus and sought support to bring an article for obstruction of justice, and couldn't get their support, so now here we are with obstruction of Congress, sort of the low energy version of the obstruction of justice claim that they wanted.

They hoped they were going to be able to convict and accuse and evidenced some claim on bribery. That is what their pollsters and pundits told them would be best as they solemnly tell us this is sad to them. They were out polling what lexicon, what word choice would help them make the case to the American public, and so they settled on bribery. You all in the media heard it. You heard them on every show talking about, oh, this is the new standard. Speaker Pelosi speaking in this new language, and then we asked the witnesses, were you apart of bribery? Did you see bribery? And the evidence wasn't there, and so instead of bribery, instead of treason, extortion, you have abuse of power, the low energy version.

I am disappointed in my colleagues, but probably even those who don't support the President would share that disappointment in this very moment.

And I yield back.

Chairman NADLER. The gentleman yields back.

Mr. RESCHENTHALER. Mr. Chairman, I have a unanimous consent request.

Chairman NADLER. I recognize Mr. Reschenthaler for the purpose of a unanimous consent request.

Mr. RESCHENTHALER. Thank you, Mr. Chairman.

I ask unanimous consent to enter the letter I referenced, which is a letter from Chairman Engel to John Sullivan in which Chairman Engel says that officials who insist on counsel will have their salaries withheld.

Chairman NADLER. Without objection.

[The information follows:]

MR. RESCHENTHALER FOR THE OFFICIAL RECORD

Congress of the United States
Washington, DC 20515

October 1, 2019

The Honorable John J. Sullivan
Deputy Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20230

Dear Mr. Deputy Secretary:

We are responding to a letter sent earlier today by Secretary of State Michael Pompeo attempting to block testimony from current and former State Department officials sought by our Committees for depositions as part of the House of Representatives' impeachment inquiry.

We are writing to you because Secretary Pompeo now appears to have an obvious conflict of interest. He reportedly participated personally in the July 25, 2019 call, in which President Donald Trump pressed President Volodymyr Zelensky of Ukraine to investigate the son of former Vice President Joseph Biden immediately after the Ukrainian President raised his desire for United States military assistance to counter Russian aggression.[1]

If true, Secretary Pompeo is now a fact witness in the impeachment inquiry. He should not be making any decisions regarding witness testimony or document production in order to protect himself or the President. Any effort by the Secretary or the Department to intimidate or prevent witnesses from testifying or withhold documents from the Committees shall constitute evidence of obstruction of the impeachment inquiry.

Given the Secretary's own potential role, and reports of other State Department officials being involved in or knowledgeable of the events under investigation, the Committees may infer that he is trying to cover up illicit activity and misconduct, including by the President. This would be a blatant cover-up and a clear abuse of power.

In his letter, Secretary Pompeo claims that Congress lacks the authority to conduct depositions without agency representatives in the room, despite our clear authority and a long precedent of doing so. He argued that "the five officials subject to your letter may not attend any interview or deposition without counsel from the Executive Branch present."[2]

Yet, when Secretary Pompeo served previously as a Member of the House of Representatives—and as one of the key Republican Members of the Benghazi Select Committee—he held exactly the opposite view. The House rule that protects witnesses in

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[1] *Pompeo Took Part in Ukraine Call, Official Says*, Wall Street Journal (Sept. 30, 2019) (online at www.wsj.com/articles/pompeo-took-part-in-ukraine-call-official-says-11569865002).

[2] Letter from Secretary of State Michael R. Pompeo, State Department, to Chairman Eliot L. Engel, Committee on Foreign Affairs (Oct. 1, 2019).

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depositions was adopted by the House of Representatives in January 2019. The same rule has been in place for more than a decade under both Republican and Democratic Chairmen of the Committee on Oversight and Reform, and it was in place during Secretary Pompeo's tenure on the Benghazi Select Committee.[3]

The Constitution authorizes Congress to "determine the Rules of its Proceedings."[4] The regulations that govern House depositions state:

> Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, Committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.[5]

This rule is intended for exactly these types of circumstances—to prevent an agency head with an obvious conflict of interest, and who is directly implicated in the abuses we are currently investigating, from trying to prevent his own employees from coming forward to tell the truth to Congress.

Such interference may subject Department officials who engage in this obstruction to liability under several federal statutes:

- It is a criminal violation punishable by fine or up to five years in prison to, "by threats or force, or by any threatening letter or communication," influence, obstruct, or impede or endeavor to do so, "the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House."[6]

- Under the Whistleblower Protection Act, employees who speak to Congress have the right not to have adverse personnel actions taken against them. Any retaliatory actions taken against State Department employees who cooperate with Congress may constitute violations of this law.[7]

- Any Department official who "prohibits or prevents" or "attempts or threatens to prohibit or prevent" any officer or employee of the Federal Government from

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[3] Deposition Procedures for the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Congressional Record, H4056 (May 9, 2014) (online at www.congress.gov/113/crec/2014/05/09/CREC-2014-05-09-pt1-PgH4056.pdf); Rules of the Committee on Oversight and Reform for the 116th Congress (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Rules%20-%20passed.pdf).

[4] U.S. Const., Art. I, sec. 5, cl. 2.

[5] 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25, 2019) (online at www.congress.gov/116/crec/2019/01/25/CREC-2019-01-25-pt1-PgH1216-2.pdf).

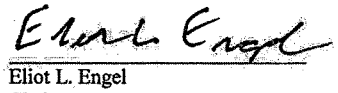
[6] 18 U.S.C. §1505.

[7] Whistleblower Protection Act, 5 U.S.C. § 2302; *See also* 5 U.S.C. §7211.

> speaking with the Committee could have his or her salary withheld pursuant to section 713 of the Financial Services and General Government Appropriations Act.[8]

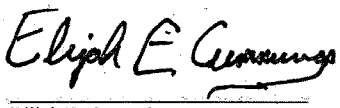
For all of these reasons, the Department must immediately halt all efforts to interfere with the testimony of State Department witnesses before Congress. If you have any questions, please contact the Committee on Foreign Affairs at (202) 225-5021.

Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs

Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

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[8] P.L. 116-6, § 713 ("No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who ... prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee.").

Mr. RESCHENTHALER. Thank you.

Chairman NADLER. The question now occurs on the amendment. Those in favor say, aye. Aye. Those opposed, no. No. In the opinion of the chair, the noes have it and the amendment is not agreed to.

Mr. COLLINS. Roll call.

Chairman NADLER. The roll call is requested. The clerk will call the roll.

Ms. STRASSER. Mr. Nadler?

Chairman NADLER. No.

Ms. STRASSER. Mr. Nadler votes no.

Ms. Lofgren?

Ms. LOFGREN. No.

Ms. STRASSER. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. JACKSON LEE. No.

Ms. STRASSER. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. COHEN. No.

Ms. STRASSER. Mr. Cohen votes no.

Mr. Johnson of Georgia?

Mr. JOHNSON of Georgia. No.

Ms. STRASSER. Mr. Johnson of Georgia votes no.

Mr. Deutch?

Mr. DEUTCH. No.

Ms. STRASSER. Mr. Deutch votes no.

Ms. Bass?

Ms. BASS. No.

Ms. STRASSER. Ms. Bass votes no.

Mr. Richmond?

Mr. RICHMOND. No.

Ms. STRASSER. Mr. Richmond votes no.

Mr. Jeffries?

Mr. JEFFRIES. No.

Ms. STRASSER. Mr. Jeffries votes no.

Mr. Cicilline?

Mr. CICILLINE. No.

Ms. STRASSER. Mr. Cicilline votes no.

Mr. Swalwell?

Mr. SWALWELL. No.

Ms. STRASSER. Mr. Swalwell votes no.

Mr. Lieu?

[No response.]

Ms. STRASSER. Mr. Raskin.

Mr. RASKIN. No.

Ms. STRASSER. Mr. Raskin votes no.

Ms. Jayapal?

Ms. JAYAPAL. No.

Ms. STRASSER. Ms. Jayapal votes no.

Mrs. Demings?

Mrs. DEMINGS. No.

Ms. STRASSER. Mrs. Demings votes no.

Mr. Correa?

Mr. CORREA. No.

Ms. STRASSER. Mr. Correa votes no.

Ms. Scanlon?
Ms. SCANLON. No.
Ms. STRASSER. Ms. Scanlon votes no.
Ms. Garcia?
Ms. GARCIA. No.
Ms. STRASSER. Ms. Garcia votes no.
Mr. Neguse?
Mr. NEGUSE. No.
Ms. STRASSER. Mr. Neguse votes no.
Mrs. McBath?
Mrs. MCBATH. No.
Ms. STRASSER. Mrs. McBath votes no.
Mr. Stanton?
Mr. STANTON. No.
Ms. STRASSER. Mr. Stanton votes no.
Ms. Dean?
Ms. DEAN. No.
Ms. STRASSER. Ms. Dean votes no.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. No.
Ms. STRASSER. Ms. Mucarsel-Powell votes no.
Ms. Escobar?
Ms. ESCOBAR. No.
Ms. STRASSER. Ms. Escobar votes no.
Mr. Collins?
Mr. COLLINS. Aye.
Ms. STRASSER. Mr. Collins votes aye.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. Aye.
Ms. STRASSER. Mr. Sensenbrenner votes aye.
Mr. Chabot?
Mr. CHABOT. Aye.
Ms. STRASSER. Mr. Chabot votes aye.
Mr. Gohmert?
Mr. GOHMERT. Aye.
Ms. STRASSER. Mr. Gohmert votes aye.
Mr. Jordan?
Mr. JORDAN. Yes.
Ms. STRASSER. Mr. Jordan votes yes.
Mr. Buck?
Mr. BUCK. Aye.
Ms. STRASSER. Mr. Buck votes aye.
Mr. Ratcliffe?
Mr. RATCLIFFE. Yes.
Ms. STRASSER. Mr. Ratcliffe votes yes.
Mrs. Roby?
Mrs. ROBY. Aye.
Ms. STRASSER. Mrs. Roby votes aye.
Mr. Gaetz?
Mr. GAETZ. Aye.
Ms. STRASSER. Mr. Gaetz votes aye.
Mr. Johnson of Louisiana?
Mr. JOHNSON of Louisiana. Aye.
Ms. STRASSER. Mr. Johnson of Louisiana votes aye.

Mr. Biggs?
Mr. BIGGS. Aye.
Ms. STRASSER. Mr. Biggs votes aye.
Mr. McClintock?
Mr. MCCLINTOCK. Aye.
Ms. STRASSER. Mr. McClintock votes aye.
Mrs. Lesko?
Mrs. LESKO. Aye.
Ms. STRASSER. Mrs. Lesko votes aye.
Mr. Reschenthaler?
Mr. RESCHENTHALER. Aye.
Ms. STRASSER. Mr. Reschenthaler votes aye.
Mr. Cline?
Mr. CLINE. Aye.
Ms. STRASSER. Mr. Cline votes aye.
Mr. Armstrong?
Mr. ARMSTRONG. Yes.
Ms. STRASSER. Mr. Armstrong votes yes.
Mr. Steube?
Mr. STEUBE. Yes.
Ms. STRASSER. Mr. Steube votes yes.

Chairman NADLER. Has every member voted who wishes to vote? The clerk will report.

Ms. STRASSER. Mr. Chairman, there are 17 ayes and 23 noes.

Chairman NADLER. The amendment is not agreed to. Are there any further amendments to the amendment in the nature of a substitute?

Mr. JORDAN. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Jordan seek recognition?

Mr. JORDAN. I have an amendment at the desk.

Ms. LOFGREN. I reserve a point of order.

Chairman NADLER. The gentlelady reserves a point of order. The clerk will report the amendment.

Ms. STRASSER. Amendment to the amendment in the nature of a substitute, H. Res. 755, offered by Mr. Jordan of Ohio, page 4, strike line 23, and all that follows through page 5, line 5. Page 8, strike lines 10 through 17.

[The amendment of Mr. Jordan follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE H. RES. 755

OFFERED BY M_. Jordan

Page 4, strike line 23 and all that follows through page 5, line 5.

Page 8, strike lines 10 through 17.

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Chairman NADLER. The gentleman is recognized for the purpose of explaining his amendment.

Ms. LOFGREN. I withdraw my point of order.

Chairman NADLER. Point of order is withdrawn.

Mr. JORDAN. Thank you, Mr. Chairman. This simply strikes the last eight lines in Article I and the last eight lines in Article II. Look, you have a rigged and rushed process when you don't have the facts on your side. We have been through these facts many times. Ukraine didn't know aid was held up at the time of the call, but the Democrats assert that President Trump was pressuring Zelensky on the call to investigate the Bidens in order to get the aid that he didn't even know was on hold. That is their argument. And, oh, by the way, down the road, President Zelensky says, there was no pressure on the call. No pushing, no linkage whatsoever. But you have a rigged and rushed process when you don't have the facts. You have a rigged and rushed process when you can't accept the will of the American people.

Speaker of the House Pelosi, Nancy Pelosi called the President an imposter just 3 weeks ago. The Democrats have never accepted the will of the American people, and that is why they have been out to get this President since even before he was elected. And, of course, you have a rigged and rushed process when you are afraid that you can't beat the President at the ballot box. When you are nervous about next fall's election, you have this kind of process, a rigged and rushed process.

This is not about the concern. This is not really about the concern Mr. Swalwell talked about earlier, concern that somehow the President was going to do something wrong and try to influence the election. No, no. This is about their concern that they can't win next year, based on what the President has accomplished in the past 3 years. I mean, it is an amazing record in spite of the Democrats being completely against the President, in spite of the mainstream press being against the President, frankly, in spite of a few Republicans being against the President, it is amazing what has been accomplished. Taxes have been cut, regulations reduced, the economy growing at an unbelievable rate, lowest unemployment in 50 years; 266,000 jobs added last month alone; 54,000 in the manufacturing sector; Mr. Gorsuch, Mr. Kavanaugh on the court; a lot of other Federal judges confirmed; out of the Iran deal; embassy in Jerusalem; hostages home from North Korea; new NAFTA agreement going to be voted on next week.

Yeah, you guys, you guys—it is a rigged, rush process, because you are nervous about next November. Mr. Green says we have to impeach him because he is going to win the election. We know what this is about.

Think about this President. Think about—this is why the American people like him so much is because he is doing what he said he would do. Every presidential election I have been able to participate in, both candidates, Republican and Democrat candidates, when they campaigned for the job, they tell—they tell the country, if you elect me, I am going to move the embassy to Jerusalem. Republicans, Democrats, they all campaign on it. Then they get elected and they come up with a million reasons why they can't do what they said they were going to do.

More importantly, what the American people elected them to do, and they never get it done. But this President said nope. I am going to do it even though the same people, the same interagency consensus that we have heard so much about over the last 3 months in this impeachment inquiry, even though that same interagency consensus was probably against him on that move, this President said I am going to do it. And it has been a good thing. And that is what the American people appreciate, and that is why we got this rigged and rushed process because it is really about next November. They are all afraid.

Some of their colleagues have said it straight up. They are all afraid that they can't beat him at the ballot box, so they are going to do this rigged, rushed, and wrong impeachment process. So I would urge a yes vote on the amendment, and I would yield the remainder of my time to the gentleman——

Mr. GOHMERT. Well, I just wanted to ask the gentleman from Ohio a question. Based on the standards the Democrats are asserting here, if somebody is in the House or Senate running for President, and they support or push impeachment of the President, would they be subject to being expelled for abusing their position? Just curious.

Mr. JORDAN. I think I will let my colleague answer that question, but what I do know is, I think my colleagues on the other side of the aisle are, as I said, nervous about their prospects next November against President Trump based on his amazing record of leadership in the last 3 years.

With that, I would yield back. Thank you.

Chairman NADLER. The gentleman yields back.

I will recognize myself to speak in opposition to the amendment. I think that the facts amply demonstrate the charges in these two Articles of Impeachment, namely, that the President put his own interest in front of the interest of the country, that he sought to use the power of the presidency to withhold military aid from an ally and to extort that ally into making an announcement of a bogus investigation of a political opponent for his own personal benefit, and that he obstructed Congress by refusing all cooperation and instructing the executive branch not to cooperate with Congress in the impeachment inquiry.

This amendment simply takes the last two paragraphs out of each article. It takes the paragraph that says wherefore, the President should be impeached. It renders the two articles simply a catalog of various bad acts by the President, but takes the force and effect of the articles entirely away. It is silly. If you believe that the President is guilty of what the articles charge him with, you should vote for the Articles of Impeachment. If you believe he is not, you should vote against the Articles of Impeachment. But to try to have this amendment, which simply renders the articles—catalogs of bad acts and takes out the effective sentences, is silly, so I urge a no vote on this amendment. And I will then urge, of course, that we adopt the Articles of Impeachment.

I yield back the balance of my time.

Mrs. LESKO. Mr. Chair.

Mr. COLLINS. Mr. Chairman.

Chairman NADLER. What purpose does Mr. Collins seek recognition?

Mr. COLLINS. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COLLINS. I think it is really interesting how you just described this because, really, this is what we have seen this entire time. The facts here is really all that you have. You just keep throwing around these bad facts that you don't like, and it is interesting to me also that the catalog—and you finally got to it. It took a little bit to get there, but the catalog of bad acts that you don't like and that this simply takes away the punishment, if you would, or what the actual end result would be. It should not surprise anyone here, though, because this is what the Democratic party and majority have done all year.

In fact, they did it one time on the floor of the House when the Speaker of the House broke the rules of the House on the floor and instead of owning up to breaking the rules of decorum on the floor, she had everybody come back down on the majority side and vote to restore her right to speak, even though she blatantly broke the rules.

So don't give me this high and mighty, Oh, we are taking away the rules and just having a list of ideas here. That is what we have been doing all year. I told the audience just the other—I told the group just the other day, that you can always judge many things by what you spend time on and what you spend money on. Spend time on; spend money on. I have said already that this is an impeachment of talking calendar, and I believe that to be true because we are seeing it tonight. We are seeing it in this whole process—three hearings—two hearings, I am sorry, two hearings and a markup. That is all we are doing here. The rubber stamp in this committee is out. So it is a time issue, because they have been told, and I understand the leadership wants this to happen. This is why it is happening. They have got no choice. I feel for the chairman in that regard because he doesn't have a choice in this. The Speaker and others have told him, this is what is going to happen, and we see how it is playing out, but it goes back to even further at the first of the year. This is a time and money issue. This is a calendar and clock issue, because the committees, the Intelligence Committee and the Judiciary Committee decided early on to spend money to bring outside help in to prepare for tonight. They didn't know exactly it was going to be like this in January or November and December when they did hire that extra help to come in, but they knew they were going to get to it somehow. They just didn't know how.

And they kept waiting and they kept waiting, so they hired extra outside counsel. They did it on the Intelligence Committee and they wanted it because all they were going to do is investigate the President. And they did.

The only thing I can say on that part is, congratulations, they finally made it to what they have always wanted to do, and that is what we are seeing right here. But to describe this tonight and describe it as it was just described is simply taking away the punishment and just listing a lot of bad acts. I could do that about this majority all year in these committee and these investigations. We

have had more hearings in which they got to basically screaming at administration witnesses, but yet offering no solutions. It is mind-boggling. It is dehumanizing, as one of my colleagues said. We were talking about immigration.

Now, today, to, again, come before this committee to take all of this and never have a fact witness, I think it was really interesting what my friend from Florida said, it is actually there is a purpose to see people at witness even if they have testified before to see how they would actually answer questions.

And in this committee that would have been a good thing, but we don't have that. But to say, with a straight face, and I appreciate this, to say, Well, at the end of the day, all we are doing here is taking away the punishment because you have a list of bad actors, when the majority have done that all year, and especially the classic case of the Speaker on the floor of the House breaking the law of the rules of the floor and then having the majority come down and restore her rights just simply because they didn't like the fact that she had broke the rules.

You see, this is where we are at. It is a money and time issue. It would be nice if it was high and noble. It would have been nice except for all the crimes they have talked about. Extortion, bribery, fraud. It would have been nice if they could have found actual facts enough to put that into an article. They couldn't. They won't. Why? Because they can't—maybe it is because also they are having trouble explaining those because they couldn't—poll testing wasn't good enough, and also they got members who need to go back to their districts and say, Oh, my, I was forced to do this, but really the President's a bad guy and this is an abuse of power.

Again, say it long enough, somebody might believe it, but this is where we are at and it is really interesting, again, from obstruction of Congress to watch this Congress, this majority work is just truly, truly amazing. And to say this, when no facts put together abuse of power, obstruction of Congress, this is all they have got, all they have to make this excuse, good luck. That dog ain't hunting anymore. Nobody is. It just ain't working.

With that, I yield back.

Chairman NADLER. The gentleman yields back.

Mrs. LESKO. Mr. Chair.

Chairman NADLER. Does anyone else seek recognition?

Mrs. LESKO. Mr. Chair.

Chairman NADLER. What purpose does Mrs. Lesko seek recognition?

Mrs. LESKO. Thank you, Mr. Chair. I think it is an appropriate time—or I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. LESKO. Thank you, Mr. Chair. I think it is an appropriate time to remind you again of your own words that were stated just a few months ago last year. During an interview on MSNBC's Morning Joe on November 26, 2018, Chairman Nadler outlined a three-prong test that he said would allow for a legitimate impeachment proceeding. And now I quote Chairman Nadler's remarks. There really are three questions, I think. First, has the President committed impeachable offenses? Second, do those offenses rise to the gravity that is worth putting the country through the drama

of impeachment? And number three, because you don't want to tear the country apart, you don't want half of the country to say to the other half for the next 30 years, we won the election; you stole it from us.

You have to be able to think at the beginning of the impeachment process that the evidence is so clear, of offenses so grave that once you have laid out all the evidence, a good fraction of opposition, voters will reluctantly admit to themselves they had to do it.

Mrs. LESKO. Otherwise, you have a partisan impeachment, which will tear the country apart. If you meet these three tests, then I think you do the impeachment.

Now, let's see if Chairman Nadler's three-prong test has been met. First, has the President committed an impeachable offense? No. There has been no witness, no Democrat witness, fact witness, that can prove that fact. Second, do those offenses rise to the gravity that is worth putting the country through the drama of impeachment? Absolutely not. And third, have the Democrats laid out a case so clear that even the opposition has to agree? No.

You and House Democrat leadership are tearing the country apart. You said the evidence needs to be clear. It is not. You said offenses need to be grave. They are not. You said that once the evidence is laid out, that the opposition will admit they had to do it. Well, that hasn't happened. In fact, polling and the fact that not one single Republican voted on the impeachment inquiry resolution or the Schiff report, and I doubt that one single Republican will vote on these Articles of Impeachment tonight or on the floor of the House of Representatives reveals that the opposite is, in fact, true.

In fact, what you and your Democratic colleagues have done is the opposite of what you said had to be done. This is a partisan impeachment and it is tearing the country apart.

And, with that, I yield back.

Chairman NADLER. The gentlelady yields back.

Does anyone else seek recognition?

Mr. JOHNSON of Louisiana. Mr. Chairman, I seek recognition.

Chairman NADLER. For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Louisiana. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Louisiana. Thank you.

Mr. Chairman, I am just rising to speak in support of this amendment from Mr. Jordan, and I think it is really appropriate. I don't think we are asking for anything extraordinary here, because I am reading this resolution as it is drafted, and the language just jumps off the page.

I mean, this is really personal. The lines that he is seeking to strike with this amendment should be struck. I mean, the vitriol, the hatred just drips from the pleading here. I mean, it sounds like it came right out of the Peter Strzok-Lisa Page exchanges, the vitriol, the hatred for Donald Trump. Listen to what it says right here. This is right here on the page, the lines that we want to strike, it says, in part: President Trump warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor or trust or profit under the United States.

I mean, look, they don't just want to remove him from the Oval Office, okay. They want to crush him. They want to destroy Donald Trump. They want to banish him from the marketplace. I mean, it is just so over the top. It is so over the top.

Professor Turley is, again, the only witness—I remind everybody, this is the only witness that we have been allowed in the Judiciary Committee, the committee that has appropriate jurisdiction over this issue. We got one witness in the process. And he was not a Donald Trump supporter. He came in famously and said, I didn't vote for him, don't support him, but I came to give objective analysis, because my allegiance is to the Constitution. That is what Professor Turley said.

You know what he got for that objective analysis that he delivered to this committee so well, so articulately? He got death threats. He had to publish an op-ed a few days later explaining that there was this outcry, a call for him to be removed from his teaching position at his university, his law school. Death threats because he gave an objective view of the Constitution. The vitriol, the DEFCON level. The political DEFCON scale is at one right now, and it is so crazy, and it is because of language like this in the resolution that is pushing this.

But I will tell you what Professor Turley said, a couple of excerpts in his summary of all this. He said, quote, as I have stressed—this is in his written report that he submitted to us. As I have stressed, it is possible to establish a case for impeachment based on noncriminal allegation of abuse of power. Right. But although criminality is not required in such a case, clarity is necessary.

That comes from a complete and comprehensive record that eliminates exculpatory motivations or explanations. The problem is that this is an exceptionally narrow impeachment resting on the thinnest possible evidentiary record. Even under the most flexible English impeachment model, there remained an expectation that impeachments couldn't be based on presumption or speculation on key elements. If the underlying allegation could be noncriminal, the early English impeachments followed a format similar to a criminal trial, including calling of witnesses and all the rest.

He said, the history of American Presidential impeachment shows restraint even when there are substantive complaints against the conduct of Presidents. Indeed, some of our greatest Presidents could have been impeached for acts in direct violation of their constitutional oaths of office, but it didn't happen because cooler heads prevailed in the Congress.

Professor Turley continues: This misuse of impeachment has been plain during the Trump administration. Members have called for removal based on a myriad of objections against this President. Representative Al Green of Texas filed a resolution in the House for impeachment after Trump called for players kneeling during the National Anthem to be fired.

I mean, come on. You don't like his political positions, great, but you can't impeach a President because you don't like him. That is not how this system works. We are in a constitutional republic. There are rules here. There are standards. You don't get to make that decision; the voters in this country do. And we have an elec-

tion coming up in about 11 months. Let the people decide. Don't put yourselves in their place. You don't have the right to do it. You are not following the proper procedure. You are not doing this the right way. It is a rarely used constitutional device in our history. It is supposed to be.

Professor Turley ended this way, and I will too. He said, quote: "Despite my disagreement with many of President Trump's policies and statements, impeachment was never intended to be used as a midterm corrective option for a divisive or unpopular leader," unquote.

Look, we get it, you don't like him. That doesn't mean you can banish him from the marketplace. You can't send him out of his businesses and say he can't hold a position of honor or trust. You don't get the right to do that; the people of this country do. We live in a republic. I am just sick of this.

I yield back. I don't yield back. I yield to the gentleman, Mr. Jordan. Do you want the time? I got 30 seconds.

Mr. JORDAN. Thirty seconds, thank you.

Look, in 2016, the Democrats had the insurance policy, Peter Strzok and Lisa Page. That was their deal in 2016, the FBI. 2020, it is impeachment. 2020, they are going to use impeachment. Insurance policy didn't work in 2016. Impeachment is not going to work in 2020, because the American people appreciate what this President is getting done on their behalf.

I yield back.

Chairman NADLER. The gentleman yields back.

Does anyone else seek recognition?

Mr. GOHMERT. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Gohmert seek recognition?

Mr. GOHMERT. Ask to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. GOHMERT. Thank you.

It truly is amazing. We have heard over and over that this was all about the Bidens, all about getting information on a Presidential candidate, the Bidens. But if you look at what the President said, he is talking about, you know, we have been through, this country, our country has been through a lot, and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine.

They say CrowdStrike. It is news to me, but my Democrat friends will know better. I didn't know Biden was involved with CrowdStrike. I didn't know he was involved with the DNC server being hacked. I didn't know that was all part of his thing, but that is what the President is asking about, because there has been information that there were some people in Ukraine that knew something about that, and that is what he is asking about. So I appreciate the revelation from my friends across the aisle Biden was in the middle of all that.

So I guess you have one of your wealthy people. The server, they say Ukraine has it. Again, I didn't know Biden was all in up to his eyeballs in that. But there are a lot of things that went on, the whole situation. And I think you are surrounding yourself with

some of the same people. I would like to have the Attorney General call you and your people. I would like to get to the bottom of it.

So that was the whole thing about the 2015, 2016 election, but according to our friends, Biden was in the middle of all of this mess.

So, anyway, it is interesting. But my friend from Ohio has a brilliant amendment. They say it is not personal, that this isn't just about an election; that this is trying to undo the unfairness of the prior election, even though it turns out there was no Russia collusion. And it sounds like that there was, despite what the media is saying, that we know the Ukrainian Ambassador came out lambasting Trump.

Clearly, that would not have been done without official okay. They were all in for Hillary Clinton. That is why it was reported that they were figuring, after the election that Trump won, maybe we better try to warm up to Trump. But there has been so much made of the fact that President Trump did not ask the former corrupt administration for help in rooting out corruption. That is just almost unfathomable that that point would continue to be made all day today.

In 2019, you had the election of a man in Ukraine, Zelensky, that said he was going to fight corruption. And President Trump heard from our own people, we think he is sincere, we really think he is going to try to fight corruption. So, of course, this is the first time that he talks to a Ukrainian leader, because he knew he couldn't trust the other ones. They were supporting Hillary Clinton. They were corrupt. Why would he talk to them about helping root out the corruption?

So to say this was all about Biden, for heavens sake, that is ridiculous. But my friend from Ohio's amendment puts our friends to the test. Is it really about trying to correct what you say was an unfair election, which we know now from the Horowitz report it was unfair, but it was from the Democrat side, from the Trump hater side. So if that is really the case, then let's just strike the part that says he can't ever run for office again or be reelected again. Right? Wouldn't that help some of your vulnerable Democrats if you made it more reasonable like that, or do you want to continue to persist in making it so personal that it is walk off the plank time for anybody that wants to try to be reasonable about what is going on here?

So we will see, but it is a good amendment. I would encourage my colleagues on both sides of the aisle. Help some of your vulnerable people out. Vote for Mr. Jordan's amendment. You will be better off. The country will be better off, because I feel sure he will be reelected.

And the scary part for me, though, is the bar has been set so low, I am really afraid, no matter what party is in the White House, if there is an opposing party in Congress, they are going to use this tactic to try to take them down. One silver lining, though. It has been hard to know who all the deep state people were, especially in the State Department. By our friends going through this, we now know who the people are that don't want the swamp drained, and we can deal with that.

I yield back.

Chairman NADLER. The gentleman yields back.

I now recognize myself.

Mr. SWALWELL. Mr. Chairman.

Chairman NADLER. I recognize myself—oh, I am sorry. For what purpose does Mr. Swalwell seek recognition?

Mr. SWALWELL. I yield to the Chairman.

Chairman NADLER. Thank you.

Impeachment was put into the Constitution because the Framers recognized that a President might arise who posed such a threat to the country, to our democratic system, to our free elections, that we couldn't wait until the next election to cure it. That is why impeachment was put into the Constitution.

Now, we have heard a lot of very distracting facts about what Hunter Biden may or may not have done about all kinds of things, and about what our Members may have said 3, 4 years ago. All of that is irrelevant. What is relevant is, that there are ample facts to demonstrate that President Trump put his personal interests above the interests of the country, its citizens, and the Constitution. This is the highest of constitutional crimes, an abuse of power.

Abuse of power is the preeminent crime, which the Framers, even in the Federalist Papers, talked about as high crimes and misdemeanors for the purpose of impeachment. In President Trump's abuse of power, he did it in two ways. Number one, he endangered our free elections by inviting foreign powers to interfere to influence our elections twice. He invited the Russians in 2016. Remember, "if the Russians, if you are listening, please find the emails." That was a direct solicitation and, in fact, they tried to hack into the emails of the Democrats that very night. And then he tried to cover it up.

And then for 2020, he asked the Ukrainians to announce a bogus investigation of the person he perceived as his major political opponent in the 2020 election. And it is basically admitted. Mick Mulvaney said, "we did it." The President on the transcript shows very clearly that he did it. The circumstances of the withheld aid shows very clearly it was a quid pro quo.

Yes, we know that eventually the aid was released, and that the President said there was no quid pro quo. Both of those things happened after he was caught and it was public. Obviously, the bank robber caught in the act afterwards says, I didn't mean to rob the bank. But he was, in fact, caught in the act.

He tried to cover it up again. He obstructed Congress by directing the entire administration, everybody in the executive branch, to not answer any questions. Do not testify. Do not give any documents. Fundamentally different from what other Presidents have done on occasion, which is to oppose certain subpoenas on grounds of privilege. He didn't assert any privilege. He just said nobody should cooperate. I will decide whether it is a valid impeachment inquiry. I will take the function of Congress to myself, because I don't recognize Congress' right. That is a threat to the separation of powers and a threat to our liberty.

It is noteworthy that Members of the minority speak about every other subject, but they hardly bother to dispute the facts of the case, which are clear. That is why we have heard so much today

with distracting and irrelevant issues. Even I would say other things. It is clear that it is an abuse of power for the President or any Member of Congress, for that matter, to condition official actions on their own personal gain.

I was impressed by Mr. Ratcliffe's honesty, but I was startled to hear him say that it is okay for a President to invite foreign interference in our elections. It is okay for a President to cheat and try to rig the election.

The urgency of this impeachment, the reason why we cannot wait for the next election is that the President has tried to rig the last election and this one too, and he is repeating it. He goes out on the White House lawn and he says, China, why don't you come in and try to rig the election. He had Mr. Giuliani in the Ukraine this past week trying to enlist assistance to rig the election.

So the President must be impeached to safeguard the security of our elections and to safeguard the separation of powers, both of which are essential to safeguard our liberties.

I thank the gentleman for yielding. I yield my time back to him.

Mr. RATCLIFFE. Mr. Chairman, since I have been referenced, may I respond?

Chairman NADLER. It is Mr. Swalwell's time.

Mr. SWALWELL. I do not yield. And I yield back.

Chairman NADLER. The gentleman yields back.

Mr. RATCLIFFE. You don't want to correct the false statement?

Chairman NADLER. The gentleman yields back.

Who else seeks recognition?

For what purpose does Mr. Sensenbrenner seek recognition?

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. RATCLIFFE. I appreciate my colleague yielding to correct the record where the chairman of the House Judiciary Committee just made a false statement, said that I said that it was okay to solicit foreign interference in an election. I never used the word "interference."

Chairman NADLER. Okay.

Mr. RATCLIFFE. I said foreign involvement in investigations, and I used as an example for that the Obama administration. It was just a few hours ago, you may not remember.

I can't believe we are sitting here at the end of this, an impeachment inquiry in the House of Representatives. And I look at how all of this started. It started with a phone call, a congratulatory phone call between two Presidents. And the very next day, someone contacted someone, and a week later, someone walked into the office of Chairman Schiff. And that person walked out, a week later, a whistleblower, went to the Inspector General and filed a complaint where they falsely claimed that President Trump had made a demand of President Zelensky. They made a false statement in writing and then they made a false statement verbally in the course of what should have been an investigation.

We sit here today about to vote on impeaching a President where neither the House Judiciary Committee, the House Intelligence Committee, or any House committee where the Democrats are in

charge has asked a single question of a single witness about how this started, because you go back to that phone call. And the two people that were on it, the only two people that know, not just what they said, but what they meant when they said it, and they both said it was a great call.

So, first, let me say I am sorry. Let me say I am sorry to the President of Ukraine. I am sorry that as a result of all of this, you have been labeled a pathological liar by my Democratic colleagues. And I am sorry that they pretend to care about the Ukraine, but they have just made it incredibly hard and more difficult for your country ever to get military assistance.

I am also sorry to the other person that was on that call who knew what he said when he meant it, President Trump. I am sorry, President Trump, that you have tried to keep every promise. You have given us a great economy, and you did it against incredible headwinds where you were falsely accused of treason. You were accused of being a Russian agent by the folks in this room. And when that failed, we sit here today because now they are framing you because you said, I would like you to do us a favor, though, because our country has been through a lot.

My last apology is to the American people. I am sorry. I am sorry that you have had to view this spectacle. I am sorry to the 63 million of you that are so deplorable that as a result of this, you are being told your votes don't count.

I yield back.

Mr. SENSENBRENNER. I yield back as well.

Chairman NADLER. The gentleman yields back.

Does anyone else seek recognition on this amendment?

Mr. RESCHENTHALER. Mr. Chairman.

Chairman NADLER. For what purpose does Mr. Reschenthaler seek recognition?

Mr. RESCHENTHALER. To strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. RESCHENTHALER. Thank you, Mr. Chairman.

We have been here a while, and I do want it to be noted that I do have several other amendments for tonight. But speaking on this amendment, speaking in support of my colleague Jim Jordan's amendment, but I think that we are getting way too caught up in the weeds in particular.

So we have got to just zoom out and think about why we are here. We are here because the Democrats, again, are terrified that the President is going to win reelection. Let's just go through a list of his accomplishments.

Donald Trump signed the largest scale criminal justice reform legislation in decades, in decades. And I should add, if it weren't for this waste of time with impeachment, we could be working on more bipartisan criminal justice reform. Particularly, I have a criminal justice bill called Clean Slate that would expunge nonviolent felony offenses for hundreds of thousands of individuals. Lisa Blunt Rochester is working with me on that. She is a Democrat, as you know. But anyhow, I digress again.

Donald Trump is also ensuring our warfighters can be warfighters. I was a defense attorney in the Navy. I actually defended a Navy SEAL who was falsely accused of covering up abuse

on a well-known terrorist. And I can tell you that when our warfighters are dragged into the court-martial process, they have to constantly then second-guess themselves on the battlefield. And finally, we have a President that is recognizing that warfighters should be warfighters, and they should be focused on capturing and killing targets, not worrying about wrongful prosecutions back at home.

Additionally, the President has placed two conservative Justices on the Supreme Court, who will uphold the Constitution. Additionally, under this administration, we are seeing a natural gas renaissance. Just come to western Pennsylvania and just see how the economy is roaring, because we are finally taking advantage of the natural resources we have. And we can use this natural gas for energy. We can use it for manufacturing. We can use it for petrochemicals. It is fantastic that we are finally taking advantage of the natural resources we have.

Additionally, this President has done a lot for manufacturing, particularly the steel industry, which is coming back. And, again, just come to western Pennsylvania where steel manufacturing is coming back.

Donald Trump is also investing and focused in our border security and building a wall. Under this President's leadership, we are enhancing our national security and going after terrorists and others who wish to do us harm.

But, again, we are here because the Democrats don't want to talk about the red hot Trump economy. They don't want to talk about the lowest unemployment rates in 50 years. We are here because Democrats don't want to talk about how President Trump has finally held China accountable for currency manipulation, for dumping steel and aluminum in American markets. Someone is finally holding China accountable for IP theft and forced IP transfers. That is President Trump who is doing that.

President Trump has also renegotiated trade deals to benefit American workers and farmers. We should have passed USMCA months ago, months ago. But, again, we haven't done it because we are dealing with impeachment. The President has also worked on free trade agreements with Japan. He has worked on free trade agreements across South America.

President Trump has also reduced regulations. You know, there is only one way to increase revenue, and that is to increase GDP. There are only two ways to increase GDP. You either cut taxes or you reduce regulations. You can do both, but this President supports both. That is why you have such a strong economy.

But, again, the Democrats don't want to talk about this. So instead, we are talking about impeachment, because it distracts from their real agenda, which includes such ludicrous ideas as banning airplanes, getting illegal immigrants taxpayer-funded healthcare, abolishing or defunding ICE, banning fracking, banning fossil fuels. Good luck making a cell phone without petrochemicals. They also don't want to talk about taking private healthcare away from American citizens.

So, again, that is really why we are here. This whole process is a distraction, is an attempt to hide a radical far left agenda. And it is also an attempt to hide the facts. Again, the facts indicate that

there was no quid pro quo and there was no obstruction of Congress.

With that, I yield.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Cicilline seek recognition?

Mr. CICILLINE. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. CICILLINE. It seems important to remind my Republican colleagues why we are here. Well, of course, we have policy disagreements with the President. This is not about a policy disagreement. This is about an obligation we have to protect and defend the Constitution of the United States. We all began our term of office by raising our right hand and promising to protect and defend the Constitution.

And we are here because the President of the United States engaged in a scheme to drag a foreign power into our elections, to corrupt our elections, for his own personal benefit, and he used hundreds of millions of dollars of taxpayer money to attempt to achieve that objective.

And think about this. There is nothing more sacred than protecting the right to free and fair elections in this country. It is the heart and soul of our democracy. And the President of the United States reached out to a foreign power in an attempt to drag them into corrupting our elections, to help him cheat and win in the election in 2020.

And so when my Republican colleagues say people are worried about the election, we are worried. But the person who is really worried about the outcome is clearly President Trump, because he is reaching out to a foreign power asking them to help him cheat in the 2020 election. And we have a solemn responsibility to stand up and to protect our democracy and prevent this President or any President from attempting to corrupt our elections.

And so if we don't do that, if we allow President Trump to get away with trying to cheat in 2020, particularly in light of what he did in 2016, we won't have a democracy. We will have a king or a monarch. The American people will lose their voice and their right to self-determination and to elect their own leaders.

And so, you know, my Republican colleagues should remember that Trump administration officials, many of them saw this scheme and became very alarmed. The President's own Ambassador, Mr. Bolton, Ambassador Bolton called it a drug deal. Dr. Fiona Hill, another Trump administration official, called it a domestic political errand.

The investigation began by the Intelligence Committee, 17 witnesses, 100 hours of testimony, 260 text messages examined, transcripts of the President's own words on the call, emails exchanged between high-level Trump officials.

And we know the direct evidence. The President put the Three Amigos—Ambassador Sondland, Perry, and Volker—in charge of this. The President refused to have a meeting or to release the funds that were put on hold until a public announcement of a bogus investigation against his chief political rival. He told the Vice President, don't go to the inauguration. He spoke to Ambassador

Sondland. And Ambassador Sondland testified it was a quid pro quo.

The President hired his personal lawyer, Rudy Giuliani, to lead this effort. He smeared Ambassador Yovanovitch and then fired her because she stood in the way. She was an anticorruption champion, and she stood in the way of the President's scheme. And the President and those acting on his behalf demanded that Zelensky, President Zelensky publicly announce investigation of his chief political rival.

And it should be remembered, the American people should know that President Zelensky—the evidence is filled with examples of Trump administration officials who say things like President Zelensky is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic reelection politics.

And Ambassador Taylor has a call with Ambassador Sondland saying, during our call, Sondland tried to explain to me that President Trump is a businessman, and when a businessman is about to sign a check to someone who owes him something, the businessman asks that person to pay up before signing the check, and that I argued to both Ambassador Volker and Ambassador Taylor that Donald Trump isn't owed anything by the Ukrainians. And I quote, "and holding up security assistance for domestic political gain is crazy."

And so there is tremendous evidence in the record. The President of the United States attempted to leverage foreign military assistance to Ukraine to drag a foreign power to corrupt our elections and allow him to cheat in 2020. We can't allow this to happen.

If we don't hold this President accountable and move forward with impeachment, we can have every confidence the President will continue to do this. He is continuing to do it. Rudy Giuliani was in Ukraine last week. This is a crime in progress. And either we are going to do something about it and protect the rights of the American people to decide their own future and elect their own President or we are going to let some foreign power do it. And you know who has the right to elect the American President? The citizens of this country and no one else. Men and women have died on the battlefield to protect our democracy. The least we can do is show the courage to stand up tonight and do our part to protect our democracy.

And, with that, I yield back.

Chairman NADLER. The gentleman yields back.

Does anyone else seek recognition on the amendment?

Mr. ARMSTRONG. For what purpose does Mr. Armstrong seek recognition?

Mr. ARMSTRONG. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. ARMSTRONG. And I am going to go back to actual language of the amendment, and particularly the removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

So at numerous points in time during today's debate, my friends on the other side of the aisle have held up a pocket Constitution, waved it around. I think it is interesting nobody has read from it

yet, and I think there is a reason for that, but I am going to read from the Constitution.

And if we want to talk about Article I, which we are so fond of, then let's go to Article I, section 2, clause 5. The House of Representatives shall choose their Speaker and other officers and shall have the sole power of impeachment. Article I, section 2 deals with the U.S. House of Representatives. Article I, section 3 deals with the Senate. The Senate shall have the sole power to try all impeachments. Article I, section 3, clause 6. Judgement in case of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. Article I, section 3, clause 7.

The language in this bill is overbroad, gives the U.S. House of Representatives and this impeachment article more power than the Constitution allows.

We have heard through the course of this investigation, when we have complained about process, when we have talked about secrecy, when we have not been allowed to use minority rights, that this is more akin to a special counsel. Adam Schiff has referred to himself as a special counsel. Or it is more akin to an investigation or a grand jury. Well, right now, what we are doing is becoming the judge, jury, and executioner.

The Senate has determined that issues of removal and disqualification are divisible from other Articles of Impeachment. Essentially, what happens in the Senate is there is a two-thirds vote if an impeachment is granted and then a simple majority in which to say whether they are going to hold from other office. And while the House has the sole power of impeachment, the Constitution also provides that the Senate has the sole power to trial impeachment. The Constitution describes the Senate's conviction power, which allows the Senate to remove an official from office and disqualification of that official from holding future office.

The Democrat Articles of Impeachment state the President should be removed from office and disqualified to hold future office. The House has no constitutional authority to include this language that suggests the President should be removed from office. At best, it is unnecessary and, at worst, it is an overbroad description of what the actual power of this body is.

To include the language that the President should be disqualified from office is prejudicial to the constitutionally prescribed process that the Senate will take up. And I agree with my friend from Ohio and others on my side, it really shows the true motives of the Senate.

It is circular how this has all gone. It started in 2016. Now we are back to 2020. In the middle, we had, again, collusion, conspiracy, obstruction, quid pro quo, bribery, extortion, all of these other crimes. We have come to the nebulous part of this.

There have been a lot of smart lawyers on my friends' side on the other side of this case, so I can't imagine this is an omission. And what we are truly doing is taking power away from the United States Senate, which is at their sole discretion. You have the right to proceed with this, we know this. And we have seen how this has gone. It has been fast-tracked and railroaded since day one. And you can equate yourself to a grand jury, a special counsel, an inves-

tigation, but you have no right, as the U.S. House of Representatives, to be judge, jury, and executioner. So while you may say taking this language out is ridiculous, I think it is actually constitutional.

And, with that, I yield back.

Chairman NADLER. The gentleman yields back.

Does anyone else seek recognition on this amendment?

For what purpose does Mr. Gaetz seek recognition?

Mr. GAETZ. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. GAETZ. Thank you, Mr. Chairman.

There has been much said about motive this evening from my Democratic colleagues. They seek to opine as to the President's motives rather than looking at his own words reflecting in the transcript. They seek to opine into his motive rather than listening to the direct statements of President Zelensky that he felt no conditionality and no pressure in communications with the administration.

But this amendment, this amendment shows the true motive of the Democrats, because it is not about some cleansing of the office. It is not about some restoration of national security. If it was about national security, they would have been all up in arms when President Obama withheld military aid to the Ukrainians. But they weren't. It is all just a show to demonstrate some attack on the President.

Four facts never change. President Trump and President Zelensky both deny conditionality. The transcript shows no quid pro quo. Ukraine was not aware of any delay in military aid at the time of the call, and the aid was ultimately delivered, in the absence of the investigations the Democrats are talking about. Nothing has changed those four facts.

But I do wonder, if we had had the opportunity to hear witnesses, what more would we have learned beyond that? If we would have been able to call Chairman Schiff as a witness, like we had asked, maybe we would have learned about his office's contact with the whistleblower. Maybe we could have asked Chairman Schiff why he felt it appropriate to go engage in some weird theatrical reperformance of a transcript that never existed. It was just a fake thing that he did in the Intelligence Committee. Maybe we could have asked him why he wasn't fully forthcoming about his office's contact with the whistleblower when he was asked about it on national television.

We could have asked Chairman Schiff his reasons for omitting exculpatory evidence in the majority's report. And most certainly, we would have wanted to ask Chairman Schiff whether it was his decision or someone else's decision to publish correspondence and communications between the President's personal lawyer and others, journalists, and even a Member of Congress.

We could have also learned a lot probably from the whistleblower. We could have learned about who the multiple sources were that they spoke to and whether or not the information was accurate, whether or not it was reliable and verifiable. We could have asked the whistleblower why the outreach to Chairman Schiff's staff in this particular way, whether or not it was truly a

sincere concern or the result of some political bias. We could have asked the whistleblower about potential contacts with Presidential campaigns.

We could have asked Nellie Ohr a lot of questions too. She was on our witness list. We probably would have wanted to know from Nellie Ohr how is it that one of the top people at the Department of Justice can have a spouse that goes and moonlights for people trying to dig up dirt on a Presidential campaign and then see that very dirt shuttled into the Department of Justice, injected into the bloodstream of our intelligence community, and then used as an illegitimate basis to go and spy on American citizens. We probably would have asked Nellie Ohr which Ukrainian legislators she was talking to to dig up dirt on the President. What was on the thumb drive that she gave to her husband?

We would have had a lot of questions for Alexandra Chalupa. Alexandra Chalupa was the intermediary between the DNC and elements of the Ukrainian Government that were working against President Trump. We could have asked Alexandra Chalupa whose idea at the DNC was it to have a specific operative assigned to the Ukraine to impair our elections? Whose idea was that? Who funded it? Was it some specific donor? Was it some elected official that was out there trying to bring Ukraine into our elections? We could have asked Alexandra Chalupa who at the Ukrainian Embassy were you talking to? What elements in the Ukrainian Government were engaged in trying to see President Trump defeated?

I mean, we already saw Ukraine engaging in our elections in plain view when you have the Ambassador from Ukraine writing op-eds criticizing the President, animating the President's legitimate concern that, hey, maybe we ought to ask a few questions of these folks. Maybe we ought to verify that Zelensky is the real deal that he, in fact, turned out to be.

I don't know that we have learned a great deal at these hearings, other than the fact that the Democrats have been hell-bent on impeachment since they first took the majority, that they have been unfair in their process, that they have been unable to evidence accusations against the President with anything other than hearsay and conjecture, but I would have liked to have known a lot more. And that is why the rules of the House allow it. That is why no matter who is in charge, the minority gets to call witnesses and bring forward evidence, because you know what, it is clear to the American people watching that the President did not do something to justify this impeachment. But I think we could have done a lot more to fulfill the President's promise to drain the swamp if we would have actually followed the rules.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Richmond seek recognition?

Mr. RICHMOND. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RICHMOND. Mr. Chairman, I would start by yielding time to my colleague from California, Ms. Lofgren.

Ms. LOFGREN. Thank you.

You know, there is a doctrine where if you can't argue the facts, you can't argue the law, argue a lot, you know. In the Constitution,

it has the very language that is in the article, and I would just like to read this.

"Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States." The exact same language that is being complained about this evening with Mr. Trump was put into the articles by the Republicans relative to Mr. Clinton.

And I yield back with thanks.

Mr. RICHMOND. Thank you to my colleague from California.

And I would just remind, because it was brought up by my colleague from Louisiana that this was some extraordinary language designed to go after Donald Trump. This committee, the Judiciary Committee in the House, when it impeached Judge Thomas Porteous from Louisiana, which my colleague is very aware of, and it went over to the Senate and was voted on unanimously, 96 to 0, had the same exact language in it.

There is nothing extraordinary about the language in this. What is extraordinary is the gymnastics and hurdles that my colleagues on the other side are going through to make sure that they just throw a whole bunch of stuff at the wall, hope that they confuse the American people, hope that something sticks.

My friend on the other side just mentioned that this President wanted to make sure that this new Ukrainian administration was not corrupt like the last one. Well, he gave the last corrupt administration $550 million.

Again, what a judge will tell you when you are on a jury is you get to apply common sense. And if it doesn't make sense, you don't have to believe it. So if you gave $550 million to an administration you knew that was corrupt, what happens between 2018 and 2019, besides you being scared to death of your next political opponent? But what the judge will also tell you is that you do not have to take everything that everybody says as fact.

But in this case, let's look at the three witnesses that testified under oath. Vindman, Lieutenant Colonel, Purple Heart. He said it was a meeting in exchange for an investigation into the Bidens. Sondland, Trump supporter, said that it was a quid pro quo. Bill Taylor, West Point, said that it was crazy to withhold military aid for an investigation. All under oath, all with the penalty of perjury.

Who do they offer on the other side? President Trump. 14,435 lies to date since he has been President, not under oath, but we should take his word for it. Then it is so absurd, because in a call—we know the President's vocabulary. We know what he does and what he does not say. He may say bigly, he might say great, he might say winning a lot. But in his ordinary conversation, he does not use the words "quid pro quo."

So when he has the conversation after the whistleblower is known to everybody, he gets a call. First thing out of his mouth, hey, I don't want a quid pro quo. Where did that come from? It came from the fact that you are guilty of the crime that is charged. Just like a kid who just got caught going into the cookie jar with crumbs on his mouth when his mother says, what are you doing? I didn't eat that cookie. That is what we have, a call out of the

blue. The first thing he says is, I don't want a quid pro quo, I want them to do the right thing.

No, you would not have held up their vital military aid. You have to understand that this is a country that is being occupied by his friend Putin, and he is holding up the vital aid for them to protect their country, because he says it is about corruption.

But we know from the facts in this case, from the three people who testified under oath, that all this was about was making sure that he gets an investigation into Joe Biden. Why was that important? Because when you panic, you go back to what worked the first time. And an investigation where he got to run around the country saying, lock her up, he figured if he can get another investigation, he can run around the country saying, lock him up, and it might work again.

With that, Mr. Chairman, I yield back.

Chairman NADLER. The gentleman yields back.

Who else seeks recognition?

For what purpose does Mr. Chabot seek recognition?

Mr. CHABOT. Move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. CHABOT. Thank you.

Mr. Chairman, you didn't give us a lot of witnesses in this committee and no fact witnesses, but we did get one professor, Professor Turley, who early on in his talk mentioned that he didn't vote for the President, and none of the other witnesses did either.

One thing he did say, the evidence that you have against him that you are bringing these impeachment charges on is wafer thin, wafer-thin evidence. What is not wafer thin is the partisan resolve by the Democrats, at least on this committee, to get rid of this President.

And they have been looking for an excuse to impeach this President for a long time. And now they think they have got one, but we obviously know he is not going to be removed from office. But it is embarrassing and it is a mark and it is really unfortunate, because the country really shouldn't be put through this.

But I think one of the things that we ought to do is look at the things that this President has actually accomplished that they are talking about getting rid of. This is a President that has successfully grown this economy. If you look at the savings accounts and 401(k) accounts of so many Americans and so many retirees, they are up as the stock market is. Now, that is not going to go on forever, but it is certainly something positive that most Americans can be pleased about.

There are more Americans now employed than ever before in our Nation's history. Manufacturing jobs, which we really used to be hurting in this country and have been in decline for a long time, are now coming back. Manufacturing jobs are increasing by hundreds of thousands. Unemployment, as I mentioned, 50-year low. Four million Americans no longer need to rely upon food stamps. That is a positive thing.

Retail sales are up. We are finally becoming energy independent. In fact, the U.S. is now a net natural gas exporter for the first time in 60 years, 60 years, we are now an exporter of natural gas. Right-to-Try, that I remember the President, and I am sure my Demo-

cratic colleagues remember this too, the President was encouraging us to pass a Right-to-Try law, which allows people who oftentimes don't have a lot of chance. They have got a disease that has been considered fatal, and they would like to try some drug that maybe comes out some years down the road, but they are willing to try it now. Because of this, it is giving some people hope and hopefully will save some lives. That was the President's idea.

Our military is stronger than it has been in a long, long time. And thank God, we are actually increasing the pay for our men and women in uniform, and they deserve even more. There are two great judges, I would argue, some of my Democratic colleagues would probably disagree with me here, but two great judges on the Supreme Court now.

Elections have consequences. They would have been very, very different had Hillary Clinton been elected last time. Elections have consequences. And there are many circuit court judges that they are filling in the Senate, and thank God for that.

The President withdrew us from that awful Iran deal, which essentially allowed money, billions of dollars to go to terrorists, that is now being used against us by Iran. We have seen the embassy, our U.S. Embassy move to Jerusalem. Thank God for that.

Finally, we are starting to strengthen our southern borders, although we have got a long way to go there.

Despite all these things, when the Democrats took over the House earlier this year in January, one of the first things they did, Articles of Impeachment were introduced earlier this January in the House. And that very same day, one of their Members in a profanity-filled speech famously said, we are going to impeach the bleep. She didn't bleep it, obviously. And another said, if we don't impeach the President, he might well get reelected. I mean, is that a reason to impeach a President, because he might get reelected? Well, it was to them.

You know, it really goes back 2 years inauguration that—the hatred for this President when he got elected. We saw it in the streets here in Washington. Now, a lot of people came up here to protest, and that is fine. We also saw a lot of windows broken. We saw one person, you know, say that she was dreaming about blowing up the White House and that sort of thing. So it really did get ugly.

The bottom line is here they have been looking for an excuse for years now to impeach this President. They are wafer thin. We should not be moving forward on something like this. The country deserves a lot better than they are getting in this impeachment process. And I will be glad when we get beyond this, because it is bad for the country, very divisive.

And I yield back.

Chairman NADLER. The gentleman yields back.

Does anyone else seek recognition on this amendment?

For what purpose does Mr. Buck seek recognition?

Mr. BUCK. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. BUCK. Thank you, Mr. Chairman.

I hear my colleague from Rhode Island say that this isn't about policy differences. This is about our obligation to protect and defend our Constitution. It is about courage.

Well, of course, it is about policy differences, because you said nothing on your side when President Obama sent his surrogates out to lie about Benghazi. You said nothing when President Obama's administration entered into a gun-running deal with Mexican cartels and the Fast and Furious program was developed. You said nothing about Democrat leaders.

This is about a policy difference. And it is not about courage. I don't question anyone's courage on the other side of the aisle. I question your judgment. I don't question your courage. And I think that the American people are getting tired, and I say that because I have a friend from college, Jim. And Jim sent me a text.

And just so you know a little bit about Jim, his dad was a pastor south of the Mason-Dixon Line in the sixties and seventies, who was a leader in the civil rights movement. Jim didn't vote for Donald Trump, he didn't vote for Mitt Romney, he didn't vote for John McCain. But Jim sent me a text and he said, would you tell your Democrat colleagues that I am voting for Donald Trump this next time around. And by the way, he tells me that he believes that your party is overreaching at this point. Overreaching.

The last text he sent me was kind of interesting. He said the stock market closed at a record high. They are losing.

But I thought about that overreach comment, and I thought about what was the most ludicrous of the ways that this group of Democrats in the House have tried to take out this President. And there are a lot to choose from. My favorite happens to be the 25th Amendment. I thought when you all came up with the 25th Amendment, it was right at the top.

You call in a professor from Yale, and that professor from Yale could have been right out of a movie about the old Soviet Union. She says, testifying in Congress, well, it takes a majority of the Cabinet to invoke the 25th Amendment, but this President might be—he would need an examination. And when asked by a member could he be detained, could the President of the United States be detained for purposes of an examination, she said yes. Right out of the old Soviet Union. That was my favorite.

My second favorite was the Emoluments Clause, because I had to run to the Constitution to figure out what in the heck you guys were talking about with the Emoluments Clause. But I guess anybody that is successful and that has worldwide businesses is going to be subject to an Emoluments Clause argument. Thankfully, you didn't include that in this set of articles.

You have had four now on the floor of the House, and you think that somehow we are not showing courage when we stand here and tell you you don't have the facts to convict this President on these charges. And you don't.

The thing that is going to change is when this moves over to the Senate, you lose the narrative. Because the Republicans in the Senate will call Hunter Biden. They will call the whistleblower. And you better wait and see what the American public does when all of the facts are out. You don't get to hide the facts in the basement anymore. All the facts are going to be coming out.

So I asked a few of my friends whether they had any favorites, and I will yield to my friend from Arizona, if he would like to talk about some of his more outrageous scenarios that our friends the Democrats have proposed on this President.

Mr. BIGGS. I thank my friend for yielding.

And you really took—the 25th Amendment really was right at the top of the heap there. But, I mean, virtually every time the President tweets something, I have heard criticism that he should be impeached for tweeting. In fact, the Harvard Law professor who was in here last week wrote a piece that he should be impeached for tweeting, in 2017. That was fun.

The other one is the bribery, the bribery issue. That was fun too, because when Professor Karlan tried to explain it, it took her 5 minutes to try to explain what the bribery was. And then we didn't hear any more from our colleagues about what bribery was.

I yield back.

Chairman NADLER. The gentleman yields back.

Who seeks recognition?

Mr. JEFFRIES. Mr. Chairman?

Chairman NADLER. Mr. Jeffries seeks recognition. For what purpose does the gentleman seek recognition?

Mr. JEFFRIES. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JEFFRIES. My colleague suggested that we are here because we have policy disagreements with this President. We do have some policy disagreements with this President. We disagree with the fact that you passed as your signature legislative accomplishment in the last Congress a GOP tax scam where 83 percent of the benefits went to the wealthiest 1 percent. You exploded the deficit and the debt. We disagree with that.

We disagree with your policy of separating God's children from their parents and caging those children. That was unacceptable, unconscionable, and un-American. We disagree with that.

We disagree with your effort, which is ongoing, to strip away healthcare protections from more than 100 million Americans with preexisting conditions. We disagree with that as well.

But we are not here at this moment undertaking this solemn responsibility because we disagree with his policy positions. We will deal with that next November. We are here because the President pressured a foreign government to target an American citizen for political gain, thereby soliciting foreign interference in the 2020 election by withholding $391 million in military aid without justification.

Now, the President says that was perfect. Here is what others have had to say about that. Ambassador Sondland, who gave the President a million dollars for the inauguration, said it was a quid pro quo. Lieutenant Colonel Vindman, Iraq war veteran, said it was improper. Dr. Fiona Hill, Trump appointee, what does she say? Political errand. Ambassador Taylor, West Point graduate, appointed by Reagan, Bush, and Trump, Vietnam war hero. He said it was crazy. And John Bolton, a super conservative, Trump National Security Advisor, said it was a drug deal. What would the Framers of the Constitution have said? Impeachable.

I yield to my colleague from California, Eric Swalwell.

Mr. SWALWELL. I thank the gentleman.

In my colleagues' efforts to defend this President, you want him to be someone he is not. You want him to be someone he is telling you he is not. You are trying to defend the call in so many different ways, and he is saying, guys, it was a perfect call. He is not who you want him to be.

Mr. SWALWELL. And let me tell you how selfish his acts were. And, Ranking Member Collins, you can deny this as much as you want. People died in Ukraine at the hands of Russia. And Ukraine, since September 2018 when it was voted on by Congress, was counting on our support. 1 year passed, and people died. And you may not want to think about that. It may be hard for you to think about that, but they died when this selfish, selfish President withheld the aid for his own personal gain.

And I get it. Oh, Obama, you know, he only gave them XYZ. We have proven the record that President Obama gave them not only military capabilities, military training, and medical equipment, so don't tell yourself the Ukrainians didn't die. They died.

Ambassador Taylor, he said these were weapons and assistance that allowed the Ukrainian military to deter further incursions by the Russians against Ukrainian territory. If that further incursion, further aggression were to take place, more Ukrainians would die, so it is a deterrent effect these weapons provided. But you didn't only hurt Ukraine, Mr. President, by doing this. You helped Russia.

And to my colleagues who believe we have such an anticorruption President in the White House, I ask you this: How many times did this anticorruption President meet with the most corrupt leader in the world, Vladimir Putin? How many times did he talk to him? Sixteen times between meetings and phone conversations. And how many conditions did the President put on Vladimir Putin to get such an audience with the most powerful person in the world at the highest office? Zero conditions. That is who you are defending, so keep defending him. We will defend the Constitution, our national security, and our elections.

I yield back.

Chairman NADLER. The gentleman yields back. Who seeks recognition? Mr. Cline, for what purpose do you seek recognition?

Mr. CLINE. Mr. Chairman, I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. CLINE. Mr. Chairman, first, I want to thank the gentleman, my colleague, Mr. Jeffries, for laying bare what we all have known is that they have policy differences, and as he said, they will deal with it next November. They are not really interested in removing this President from office. They don't think that the Senate is going to remove him from office. They get it. This is all a political exercise on their end just to help them in next November's election. That is what it is all about for them. And it is infuriating to me that they put on this show and wave their Constitutions, which they must have just found because, you know, I have been at this a long time, and I don't see folks on their side of the aisle waving the Constitution, much less reading from it very often, but it is good to know what their—that they are actually finally talking

about what their real motives are: to use this as a political maneuver for advantage in the 2020 election.

And, with that, I yield to the ranking member.

Mr. COLLINS. Thank you for yielding. Mr. Swalwell, I am not sure if the hearing is bad on that end because, undoubtedly, it is. I did not say no one died. Undoubtedly, you can have trouble reading an article that said people died. No one said that. And you can accuse whatever because you are just sitting there just telling untruths because you don't get it because you have a personal agenda. And maybe you are auditioning for the prospect of being an impeachment manager. That is great. But you can't get into this one. Because as someone who sat there and watched people die on the battlefield, I know when people die. I know when they come into the hospital, and they have been shot up, and they have been hit with IEDs.

So to come in here and to take a shot and say, oh, Mr. Collins doesn't think people died, that is a load of hogwash. In fact, it is so wrong to give a cheap shot to say what didn't happen when you can't even read your own article you put into commission. I mean, maybe we can go by word by word: although there is no way to link Markiv's or dozens of other deaths directly to lack of aid. Under Secretary Hale said this was prospective, not at the time.

I am not sure what part, and I can maybe draw a picture and put it on a chart for you. That is the most ridiculous comment, and there has been a lot of them here. That is the most amazing, amazing lack of honesty and integrity that I have seen so far. Looking at your own article to say that I never said no one died. We know people died. Let me explain it to you. In wars, people die. Is that difficult to understand? Maybe that is why you are back here with us tonight. It is not hard to understand. And to say that.

Again, two things, the most amazing things today. Tearing down the Ukrainian President, President Zelensky, and besmirching the folks who died. That is just amazing to me, even for this majority, to sit there and keep repeating the lie after lie after lie. They died. Mr. Hale, Under Secretary of State, said that was prospective money, not current money. People died when there was money released earlier. Are we going to claim that that was because we didn't give them enough money? I don't know.

I get it. Y'all got an agenda to push, and the clock is ticking. But to sit there and come back with that one, and to accuse me that I said that they didn't—that nobody died? I never said nobody died. Undoubtedly, you don't understand that because your own article that you wanted to get in so quickly said there is no way to actually tell what they died of because even this was an article that was slanted against the position that the President had.

So, if you want to continue this debate, go right ahead. Because for the men and women out there who served in the military, who have watched—and been overseas, who watched this and understand the world who were fighting, even in the Ukraine and others right now, for you to say that is just wrong. But they will get it.

Mr. DEUTCH. Will the gentleman yield?

Mr. COLLINS. I am not yielding to anyone. I mean, maybe—like I said, maybe it is a reading comprehension problem. Maybe we just don't have it. Maybe it is just because we don't have the facts

to make the argument. I will go back to the facts that always is. We know nothing happened. We know that you couldn't actually make the case. Otherwise, you would have wrote them in the Articles of Impeachment. You can't do it.

So what do we do? Today, we have taken the tack of tearing down Mr. Zelensky, just tearing him down, and then also continuing the unfortunate misrepresentation of money and deaths of soldiers fighting for their country. That is the dark stain that we see today. I yield back.

Ms. JACKSON LEE. Mr. Chairman.

Chairman NADLER. Mr. Cline's time has now expired.

Ms. JACKSON LEE. Mr. Chairman.

Chairman NADLER. Ms. Jackson Lee, for what purpose do you seek recognition?

Ms. JACKSON LEE. Strike the last word, Mr. Chairman.

Mr. NADLER. The gentlelady is recognized.

Ms. JACKSON LEE. I am going to take a different perspective than my good friend from Georgia, Mr. Collins. Just remind us of the words of George Washington. The Constitution is a guide which I will never abandon. To the American people who have watch this debate, to the men and women who are wearing a uniform around the Nation, I hope that you will understand that we will never abandon the Constitution. That is why we are here today to discuss the Articles of Impeachment.

When I began my words yesterday, I said: We the people of the United States, as evidenced by James Madison, promote the general welfare but establish the Constitution for the United States of America.

Let me speak very briefly to say that the language the gentleman is trying to strike has already been established, that it was in the constitutional articles or the Articles of Impeachment in 1998.

Let me also say that my good friends are speaking to an audience of one, a person who now is absorbing all the accolades and all the great work that he has done, and I have no quarrel with their representation of their President. But I don't serve a man or a President. Benjamin Franklin, to the throngs of those who were outside the Constitutional Convention, answered the question when they shouted out, "Mr. Franklin, what do we have, a monarchy or a Republic," and he said, "A Republic if we can keep it."

Today, the majority, the Democrats, are attempting to keep this Republic and to maintain that the President of the United States cannot abuse his power and cannot obstruct Congress. Chairman Rodino made it very clear. He made it very clear by stating that the President of the United States at that time in the Nixon proceedings, could not design for himself how the impeachment inquiry would work.

And then, to talk about the President's use of his public office with public funds to, in essence, get a foreign entity to help him with his campaign besmirching the elections, undermining the integrity of the elections for the American people.

I disagree with the President on cutting SNAP for poor people, on separating children. I disagree as a Texan for the wall because my fellow Texans are against it. But the real issue is the power imbalance between the President of Ukraine, newly elected President,

a President who would run on the "get corruption out" campaign. Literally, he campaigned—his party was an anticorruption party. And he comes hat in hand on this conversation because he missed the President at the inauguration. He did not go. He sent Sondland, and he sent Perry. Mr. Pence did not go. And so he wanted to say anything that he could to make sure that he would get these dollars. And calling for an investigation on an opponent, it was not beneath him. How do you think that he would admit now publicly that he is willing to do it?

But let me show you the atmosphere in which Ukraine lived. Putin relations reclaims Crimea. Right on their border, arrogantly, without in any defense by Ukraine. They lost. Crimea was taken. Just like we would have lost Mississippi or Texas or New York or California.

And then they lived in the atmosphere of a jetliner explodes over Ukraine, shot down by Russian weapons, by separatists supported by Ukraine—by Russia. And then Ukraine—in Ukraine, the U.S. trains an Army in the west to fight the east, impacting our national security.

So let me say to my colleagues: I read the Constitution regularly. My predecessor always said: Keep a Constitution in your hand. Barbara Jordan said: We the people. But I am clear that the imbalance of power between Ukraine and the United States and two heads of State would have caused that President to do almost anything. And as Ambassador Sondland said, he will do anything you desire him to do, and he will call for investigations. And so he was willing to go on CNN and announce those investigations.

The President has abused his power. The President has tried to obstruct Congress in trying to create his own way of us doing our impeachment inquiry. I believe we are doing the right thing, and I support the Articles of Impeachment.

I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. McClintock seek recognition.

Mr. MCCLINTOCK. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. MCCLINTOCK. Mr. Chairman, dare I state the obvious? I have not heard a new point or an original thought from either side——

Mr. COHEN. Amen.

Mr. MCCLINTOCK [continuing]. In the last 3 hours. The same talking points have been repeated over and over again ad nauseam by both sides. Repeating a fact over and over doesn't make it true, and denying a fact over and over doesn't make it false. Everybody knows this. Everybody watching knows this. This hearing has been enough of an institutional embarrassment without putting it on an endless loop, so if I could just offer a modest suggestion. If no one has anything new to add, that they resist the temptation to inflict what we have already heard over and over again, with. And, with that, I yield back.

Ms. SCANLON [presiding]. The point is well taken.

Who else seeks recognition? Okay.

Mrs. Roby. For what purpose do you seek recognition.

Mrs. ROBY. Move to strike the last word.

Ms. SCANLON. The gentlewoman is recognized.

Mrs. ROBY. I yield to Mr. Jordan.

Mr. JORDAN. Yeah, and I thank the gentlelady for yielding. I heard the last speaker from Texas on the other side talk about election interference, talking about campaigns. How about the FBI spying on four American citizens associated with the Trump campaign in 2016? And the people running that investigation, Peter Strzok and Lisa Page, people running that investigation were the ones who said: We are going to stop Trump.

They are the ones who said: Trump should lose 100 million to zero.

They are the ones who said: We have an insurance policy.

They are the ones who ran that investigation when they went to the FISA court and lied to the court—we just learned this 2 days ago—lied to the court 17 times, didn't tell the court the guy who wrote the dossier was, quote, desperate to stop Trump, the dossier they are using to get a warrant to further spy on the Trump campaign. Didn't tell the court the guy who wrote the dossier was working for the Clinton campaign. That is probably a pretty important fact that they get to the court. They didn't do that.

Didn't tell the court that guy that wrote the dossier, Christopher Steele, was fired by the FBI because he was out talking to the press. Didn't tell them all that, so we are talking about election interference. How about that fact? And now, now in 2020, now in 2020, we don't have the FBI spying on people with the Trump campaign yet. We don't have them going to the FISA court and lying. What we have instead, insurance policy instead now is impeachment. That is what they are doing. That is how they are going to make it a little tougher on the President to win reelection. That is what this is about, and that is why it is so wrong. Let the American people decide. We are 11 months away, less than 11 months away from the next election. Let the American people decide.

We already had the FBI try to weigh in 2016 and do all the things that Mr. Horowitz just told us about this week. Now, in 2020, the Democrats in Congress are trying to create some kind of insurance policy with this impeachment effort. Let the American people decide. I yield back to the gentlelady from Alabama.

Mrs. ROBY. I thank the gentleman. I will yield the remainder of my time to Mr. Reschenthaler.

Mr. RESCHENTHALER. Thank you. I appreciate it. There has been some talk about Javelin missiles tonight, and I just want to—I just want to draw attention to some of what the Democrat witnesses have said. I have just got to find it on my desk.

You know what? Let's talk about the law instead. I have heard it be said tonight when the facts aren't on your side and when the law isn't on your side, just argue for a long time. The facts are on our side, and so is the law. If you look at the legal definition again, it is very clear that the Democrats cannot make out a prima facie case. It is interesting to note, too, that the Democrats have become originalists all of a sudden.

So let's just go back to the statute. The Federal bribery statute contains the following elements: whoever being a public official corruptly demands or seeks personally anything of value in return for being influenced in the performance of an official act.

So we can take any one of those elements and deconstruct it.

Let's just start at official act because we haven't hit that yet tonight. Official act. A meeting in the White House is not a, quote/unquote, official act under the Supreme Court's McDonnell precedent. Setting up a meeting, talking to another official, or organizing an event without more does not fit the definition of an official act. So, right there, under Supreme Court precedent, you don't have an official act.

We can also look at the element "anything of value." The Department of Justice Criminal Division Public Integrity Section opined in September that something as nebulous as an investigation is not of sufficient concrete value to constitute something of value under the Federal campaign finance laws. Presumably, the same would be true under the bribery statute. So, again, if we are arguing the law, I will sit here and argue it all night because the law is on our side. You cannot make out a prima facie case.

Again, I was a district judge in Pennsylvania. I decided cases at the preliminary hearing level. I would have dismissed this every single time it came before me because there are not the elements needed to support a prima facie case.

I only have 30 seconds left, so if someone would yield me more time, I would appreciate it, but let me just go back into corruptly. The President did not have corrupt intent. Again, the Democrats are using a parody version of Chairman Schiff when he was talking about the President when he said, quote/unquote, make up dirt about my opponent. The President didn't actually say that. That was a parody of Chairman Schiff, and, unfortunately, it is being used to support this element. If anybody has more time, I would appreciate if it would be yielded to me.

With that, I yield back.

Ms. LOFGREN. Mr. Chairman. Mr. Chairman.

Chairman NADLER [presiding]. Who seeks recognition on this amendment?

Mr. BIGGS. Mr. Chairman.

Ms. LOFGREN. It is on this side.

Mr. BIGGS. I have not already gone. You are incorrect, sir. Did you recognize me?

Chairman NADLER. No. I am told you have already spoken on this.

Mr. BIGGS. That would be an error, sir.

Chairman NADLER. I am sorry?

Mr. BIGGS. The amendment of Jordan?

Chairman NADLER. No. You have spoken on the amendment already.

Mr. BIGGS. No, not on Jordan. Not on Jordan.

Chairman NADLER. On this amendment. That is what our records say. Does anyone else seek recognition? No one else seeks recognition?

Mr. BIGGS. Mr. Chairman, point of order. Mr. Buck yielded to me.

Chairman NADLER. Mr. Ratcliffe is recognized. Does Mr. Ratcliffe seek recognition?

Mr. RATCLIFFE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. RATCLIFFE. I yield to my friend from Arizona.

Mr. BIGGS. Thank you, Mr. Ratcliffe.

I guess this means we are not doing the minority hearing day. Does anyone know? I would just say that James Madison—we have heard people intone James Madison. He said at the Convention of 1787 that impeachment was for, quote, removal of an officer who had rendered himself justly criminal in the eyes of the majority of the people, closed quote. Majority of the people. You don't have that. What you have here is a slop bucket that you are calling your Articles of Impeachment.

So what we have heard over the last 2 days is basically every grievance that Democrats have against this President. You have stuck the ladle in that slop bucket, and you try to throw it out there, and you have tried to pigeonhole that grievance into one of two things, either the obstruction of Congress or abuse of power. That is the problem that you have here is that you are all over the map because you can't deliver a crime. There is no high crime. There are no misdemeanors. There is no bribery.

Remember, Professor Collins tried to explain bribery, what the bribery might have been. It took her almost a full 5 minutes. And after she was done, we didn't hear anybody talking about bribery any more as an impeachable offense. We talked about quid quo pro, and that was pretty much off the table until tonight. It has kind of revved back up again. But the bottom line is this: You don't have a specific charge, so you used the two amorphous, weak areas to go forward. So, I mean, you have been trying different avenues for 3 years now.

And I am reminded that one of my colleagues on the other side said: You want Trump to be something he isn't when the reality is that is projection. The reality is you want him to be something he isn't. That is why you are trying to impeach him. That is why you have tried all kinds of theories that have all fallen flat, and the big one was the Mueller—the Mueller impeachment. You really wanted that one. That didn't work so well. It didn't work so well because there was nothing there.

I will say something about President Zelensky and this discussion with the President. He himself, President Zelensky, without instigation in this conversation at all about Ambassador Yovanovitch after she had been recalled said her attitude towards me was far from the best, and she admired the previous President, and she was on his side. This is the anticorruption crusader you keep talking about. And then you talk about Poroshenko, President Poroshenko as being corrupt, and I am not saying he wasn't, but President Zelensky said: Yovanovitch was on his side. She would not accept me as the new President well enough.

So the reason I bring that up is because you have repeatedly said there is nothing contested here. The facts are not contested, but I go back to something that I think is very important. All of the inferences you have drawn have been designed to go against this President and paint him in the light least favorable, and that is because you have tried to project him into being something you want him to be. But when you look at this facts and the direct evidence, the direct evidence is real clear. Ukraine received the aid, provided nothing in return, and they stated, President Zelensky and Foreign

Minister—the Foreign Minister, Yermak, said they felt no pressure. There was no pressure there.

And even Ambassador Sondland, who you relied on over 600 times in your effort said: Hey, you know what? I don't have—nobody in the world told me anything. I just presumed it. You don't have a case. You have never had a case. You just wanted to have a case. And that is the sadness about it. You are impeaching him because you have wanted to for 3 years. You can't beat him in a reelection, you are not going to beat him in a reelection, so you had to go to impeachment, and that is a tragedy for America. I yield.

Chairman NADLER. The gentleman yields back. For what purpose does Mr. Neguse seek recognition?

Mr. NEGUSE. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. NEGUSE. Thank you, Mr. Chair.

And with much respect to my colleague who quoted James Madison, you know, there has been this description of abuse of power as amorphous by some and nebulous, I think was the word that one of my colleagues has used in this long debate tonight. And I would offer you the following quote, which is that liberty may be endangered by the abuse of liberty but also by the abuse of power. That quote is from James Madison.

The part of this debate that has been so frustrating for me and I think for a lot of Americans who are watching tonight is the diminishment of the public servants, the patriots, who stepped forward and provided the evidence that demonstrates that this President abused his power, people like Lieutenant Colonel Vindman who served this country bravely overseas; people like Ambassador Bill Taylor, a West Point graduate, a Vietnam veteran; people like Dr. Fiona Hill; people like Laura Cooper; official after official after official from the Trump administration. These individuals serve in the President's administration.

Ambassador Taylor was not appointed by President Obama. He was appointed by President Trump. So I would hope that my colleagues, as we proceed with the solemn duty that this committee is charged with, that we respect the people who came forward, who have served under Republican and Democratic administrations, that tell the truth under oath, and to help this committee as it seeks to hold this administration accountable.

And, with that, I yield to Ms. Lofgren from California.

Ms. LOFGREN. I thank you, Mr. Neguse. I was just listening to this debate, and you know, we are most of us here lawyers, but the idea that the Founding Fathers in 1789 would be considering the U.S. Code precedent and the McConnell case precedent and the honest services Supreme Court case precedent in 1789 is simply ridiculous. Mr. Neguse has pointed out what the Founding Fathers had in mind with the impeachment clause, and we know that high crimes and misdemeanors is essentially actions that the President uses with the extraordinary power that he has been given under the Constitution to subvert the constitutional order, to prevent the constitutional system from working. And that is the concern that we have here, not only that the President has done that, but that he is not contrite. He is not correcting his behavior. He is continuing to do it. He is presenting an ongoing threat that he will

continue to subvert the constitutional order. So I thank Mr. Neguse for yielding to me on the idea that these court cases would have been precedent in 1789. I yield back to Mr. Neguse.

Mrs. LESKO. Mr. Chair.

Mr. NEGUSE. Mr. Chair, I would yield the balance of my time to Mr. Cicilline from Rhode Island.

Mr. CICILLINE. Thank you, Mr. Neguse. I just want to remind my colleagues we have introduced in the record a letter from 500 scholars that really reinforces the point Mr. Neguse just made, and I will read from it. Impeachment is an especially essential remedy for conduct that corrupts elections. The primary check on a President's power is political. If a President behaviors poorly, voters can punish him or his party at the polls. But a President who corrupts the system of elections seeks to place himself beyond the reach of this political check. At the Constitutional Convention, George Mason described impeachable offenses as attempts to subvert the Constitution. Corrupting elections subverts the process by which the Constitution makes the President democratically accountable. Put simply, if a President cheats in his efforts at reelection, trusting the Democratic process to serve as a check through that election is no remedy at all. This is what impeachment is for.

I ask my Republican colleagues, how many of you would allow or solicit a foreign power to help in your reelections? Please raise your hands. Not one of you because you know it would violate the Constitution——

Mr. BUCK. Will the gentleman yield?

Mr. CICILLINE [continuing]. And you now it would corrupt the rights of the American people to decide who will represent them in the Congress of the United States. You know, I was the mayor of Providence. It would be like if I got a federal grant of a million dollars to fight gang violence, and my police chief called me and said, "Where is that money," and I said, "You know what, Chief, before I send it over, do me a favor and announce an investigation into my political rival," I would be arrested on the spot. That is what we are talking about.

Chairman NADLER. The gentleman——

Mrs. LESKO. Mr. Chairman.

Chairman NADLER. The gentleman's times has expired. For what purpose does the gentlewoman——

Mrs. LESKO. Thank you. Mr. Chairman, I move to strike the last word.

Chairman NADLER. No. You have already spoken on this amendment.

Mrs. LESKO. Oh, I apologize. I thought——

Chairman NADLER. The question is now on the amendment.

Those in favor, say aye.

Opposed, no.

In the opinion of the chair, the nays have it.

Mr. COLLINS. Roll call.

Chairman NADLER. The amendment is not agreed to.

Mr. COLLINS. Roll call.

Chairman NADLER. A roll call vote has been requested. The clerk will call the roll.

Ms. STRASSER. Mr. Nadler.

Chairman NADLER. No.
Ms. STRASSER. Mr. Nadler votes no.
Ms. Lofgren?
Ms. LOFGREN. No.
Ms. STRASSER. Ms. Lofgren votes no.
Ms. Jackson Lee?
Ms. JACKSON LEE. No.
Ms. STRASSER. Ms. Jackson Lee votes no.
Mr. Cohen?
Mr. COHEN. No.
Ms. STRASSER. Mr. Cohen votes no.
Mr. Johnson of Georgia?
Mr. JOHNSON of Georgia. No.
Ms. STRASSER. Mr. Johnson of Georgia votes no.
Mr. Deutch?
Mr. DEUTCH. No.
Ms. STRASSER. Mr. Deutch votes no.
Ms. Bass?
Ms. BASS. No.
Ms. STRASSER. Ms. Bass votes no.
Mr. Richmond?
Mr. RICHMOND. No.
Ms. STRASSER. Mr. Richmond votes no.
Mr. Jeffries?
Mr. JEFFRIES. No.
Ms. STRASSER. Mr. Jeffries votes no.
Mr. Cicilline?
Mr. CICILLINE. No.
Ms. STRASSER. Mr. Cicilline votes no.
Mr. Swalwell?
Mr. SWALWELL. No.
Ms. STRASSER. Mr. Swalwell votes no.
Mr. Lieu?
[No response.]
Ms. STRASSER. Mr. Raskin?
Mr. RASKIN. No.
Ms. STRASSER. Mr. Raskin votes no.
Ms. Jayapal?
Ms. JAYAPAL. No.
Ms. STRASSER. Ms. Jayapal votes no.
Mrs. Demings?
Mrs. DEMINGS. No.
Ms. STRASSER. Mrs. Demings votes no.
Mr. Correa?
Mr. CORREA. No.
Ms. STRASSER. Mr. Correa votes no.
Ms. Scanlon?
Ms. SCANLON. No.
Ms. STRASSER. Ms. Scanlon votes no.
Ms. Garcia?
Mr. GARCIA. No.
Ms. STRASSER. Ms. Garcia votes no.
Mr. Neguse?
Mr. NEGUSE. No.

Ms. STRASSER. Mr. Neguse votes no.
Mrs. McBath?
Mrs. MCBATH. No.
Ms. STRASSER. Mrs. McBath votes no.
Mr. Stanton?
Mr. STANTON. No.
Ms. STRASSER. Mr. Stanton votes no.
Ms. Dean?
Ms. DEAN. No.
Ms. STRASSER. Ms. Dean votes no.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. No.
Ms. STRASSER. Ms. Mucarsel-Powell votes no.
Ms. Escobar?
Ms. ESCOBAR. No.
Ms. STRASSER. Ms. Escobar votes no.
Mr. Collins?
Mr. COLLINS. Aye.
Ms. STRASSER. Mr. Collins votes aye.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. Aye.
Ms. STRASSER. Mr. Sensenbrenner votes aye.
Mr. Chabot?
Mr. CHABOT. Aye.
Ms. STRASSER. Mr. Chabot votes aye.
Mr. Gohmert?
Mr. GOHMERT. Aye.
Ms. STRASSER. Mr. Gohmert votes aye.
Mr. Jordan?
Mr. JORDAN. Yes.
Ms. STRASSER. Mr. Jordan votes yes.
Mr. Buck?
Mr. BUCK. Yes.
Ms. STRASSER. Mr. Buck votes yes.
Mr. Ratcliffe?
Mr. RATCLIFFE. Yes.
Ms. STRASSER. Mr. Ratcliffe votes yes.
Mrs. Roby?
Mrs. ROBY. Aye.
Ms. STRASSER. Mrs. Roby votes aye.
Mr. Gaetz?
Mr. GAETZ. Aye.
Ms. STRASSER. Mr. Gaetz votes aye.
Mr. Johnson of Louisiana?
Mr. JOHNSON of Louisiana. Aye.
Ms. STRASSER. Mr. Johnson of Louisiana votes aye.
Mr. Biggs?
Mr. BIGGS. Aye.
Ms. STRASSER. Mr. Biggs votes aye.
Mr. McClintock?
Mr. MCCLINTOCK. Aye.
Ms. STRASSER. Mr. McClintock votes aye.
Mrs. Lesko?
Mrs. LESKO. Aye.

Ms. STRASSER. Mrs. Lesko votes aye.
Mr. Reschenthaler?
Mr. RESCHENTHALER. Aye.
Ms. STRASSER. Mr. Reschenthaler votes aye.
Mr. Cline?
Mr. CLINE. Aye.
Ms. STRASSER. Mr. Cline votes aye.
Mr. Armstrong?
Mr. ARMSTRONG. Yes.
Ms. STRASSER. Mr. Armstrong votes yes.
Mr. Steube?
Mr. STEUBE. Yes.
Ms. STRASSER. Mr. Steube votes yes.
Chairman NADLER. Are there any members of the committee who wish to vote who haven't voted?
The clerk will report.
Ms. STRASSER. Mr. Chairman, there are 17 ayes and 23 noes.
Chairman NADLER. The amendment is not agreed to. The committee will now stand in recess for half an hour.
[Recess.]
Chairman NADLER. The pending matter before the committee is the amendment in the nature of a substitute.
Mr. SENSENBRENNER. Mr. Chairman.
Chairman NADLER. For what purpose does the gentleman seek recognition?
Mr. SENSENBRENNER. To strike the last word on the amendment in the nature of a substitute.
Chairman NADLER. The gentleman is recognized.
Mr. SENSENBRENNER. Mr. Chairman, this debate is going to be the last of a very long day that we have had. I would like to start out by commending the chairman for following the rules. You know, I think that this markup has been a lot better than it could have been, and I think the chairman has been probably very even-handed on that.
With that being said, you know, let me say that the chairman and those on his side of the aisle are dead-wrong on all of the issues that we have been debating, both today and last night as well as beforehand.
The Constitution says that the President and other civil officials can be impeached for treason, bribery, or other high crimes and misdemeanors. I think it is very obvious that there was no treason or bribery alleged here. And it goes down to what has been alleged in these two articles, whether they really are high crimes and misdemeanors. I would submit the answer on both of them is an emphatic "no."
What is accused of being, you know, an abuse of power is, in my opinion, a policy disagreement on how the President should have approached the issues that are outlined there.
And let me say that, as far as foreign aid goes—and the issue of the $391 million of foreign aid to Ukraine is the one in the center—is that practically every bit of foreign aid that the United States disburses following a congressional appropriation is contingent on some thing or another. And one of the common threads, whether it is so stated in the foreign aid enactment or not, is

whether or not there is any type of corruption that is involved in that.

I think we all have conceded that Ukraine has been a pretty corrupt country and that President Zelensky was elected on an anticorruption platform, and we wish him well in cleaning the place up. But the fact is that I think the President would have been derelict in his duty, at least, had he held off or just given the foreign aid without trying to check on corruption. And that was what was going on.

As far as obstruction of Congress is concerned, earlier today, I talked a bit about the fact that this article is drafted so loosely and so weakly that it turns the United States into a parliamentary form of government. And the consequence of that is that, whenever we have a President and the majority of the House of Representatives controlled by opposite parties, you are going to attempt to see the majority in the House of Representatives try to impeach the President.

But I would like to, finally, say that we have heard an awful lot about the fact that if Donald Trump is not impeached or removed from office he is going to steal the 2020 election. That is one of the most outlandish predictions that I have ever heard.

The 2020 election is going to be looked at very closely by representatives of both of the candidates, by the news media, by a lot of citizens, whether they are involved with the campaigns of the candidates or not. And it is going to be pretty darn hard to steal the 2020 election after all of this has happened.

But what is happening here is there is an attempt to steal the 2016 election 3 years after the fact. Because if Donald Trump is impeached and removed from office based on this flimsy record, based upon all of the problems of extinguishing minority rights, both in the Intelligence Committee and before tonight here, that will end up stealing the 2016 election. It will end up voiding the votes of the 63 million people who voted for Donald Trump for President of the United States. And I think that that will be something that will haunt this country for decades to come.

The time to stand up for the Constitution is now. The time to determine how you stand up to the Constitution is by voting no on both Articles of Impeachment.

And I yield back the balance of my time.

Chairman NADLER. The gentleman yields back the balance of his time.

For what purpose does the gentleman from Tennessee seek recognition?

Mr. COHEN. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COHEN. Thank you, sir.

I join with Mr. Sensenbrenner in commending the chairman on his running this committee tonight. It has been very difficult. It has been a long day, and all of our—we are a little bit tired. At least, I am. And the chairman has done a great job.

But I totally disagree with Chairman Sensenbrenner in his summation of what we have before us. I think they are dead-wrong in their opinion on the Articles of Impeachment.

There are two articles. This is in no way stealing an election. If Donald Trump is removed from office, the election of 2016 is not nullified. Mike Pence will be the President, and that is no walk in the park. It is the same policies; some of them may be even worse. Maybe a little bit better ethics and morals and a little bit more civility, but as far as policies, they would be about the same.

There has been a lot of discussion of what we have had here, but basically this is an issue about abuse of power based on testimony of Lieutenant Colonel Vindman, Ambassador Yovanovitch, Ambassador Taylor, and Dr. Hill. These are four independent class acts, people we should all look to.

I mean, we all talk about them as patriots. They are patriots, but they are career Foreign Service folk who have done great jobs for America, are nonpartisan. And they came forth out of a sense of duty to testify. And what they have testified to is what happened with Ukraine was wrong, that there was an abuse of power. And that is why they came forth.

And to say that this whole process is corrupt is basically an affront to each of those four patriots who came forward, to those four career Foreign Service officials, those four people who are nonpartisan. They did a service to this country.

The fact is, the facts are undisputed that what happened was "a favor, though," "although I'd like to ask you for a favor, though," and then Mulvaney going out, "Get used to it, that's politics, that's what happened." And then we had Sondland say they were all in on it, and it was the requirement, and to get the military aid, you have to announce the investigation. There is nothing other than that.

And we have been here—the last few hours, they have been using it as a campaign ad for Trump. "He had the markets up," all that kind of stuff. SNAP payments are being cut drastically, and poor people are going to be hurt. And they didn't benefit from the Trump tax scam.

Bob Corker, who served in the Senate, said the two biggest mistakes he made when he was up here were voting for the tax scam, which he didn't call it that, and then voting for the budget that came afterwards, exploding the debt.

And somebody on the other side talked about how we need to be up here and fighting the—they have exploded the debt. They have no traditional Republican philosophy whatsoever.

The Kurds? Sayonara. They have ruined us in the Middle East forever. Trump just sold them out for his friend in Turkey. And the Kurds were—to hell with you. And we gave Syria to the Russians.

And, just yesterday, Trump met with Lavrov, the Russian Ambassador. No report of what they talked about, except the White House said they talked about influence, not to have influence in the next election, that Trump told him, "You shouldn't try to influence our next elections." Lavrov said, "We didn't discuss the elections. That's not true." It is hard to figure out which one is lying. Neither one of them have a very good track record.

So I hope we can get it finished today, pass these two articles, and do what is important to protect our democracy, support our oath, abide by our oath, support the Constitution, and support our

national security, all of which have been jeopardized by Donald J. Trump by his self-dealing with Ukraine.

I said earlier today that the President of Ukraine was an actor and a politician. I wasn't saying anything bad about him. A lot of actors are great. I love actors. I love politicians. I am a politician. But that is why he couldn't say that he was under any duress or any influence or he felt like he was being pressured. He couldn't say that, because he is in an inferior position. It is like a battered wife with her husband around who beat her up. He can't say to the police some, oh—she can't say "he beat me up" because he is there and when the police leave he'll do it again. And so he was in a terrible position.

I look forward to meeting him. I am going to be in Ukraine in February. And I think he is going to do a wonderful job.

And for some people over there that said Ukraine was the third-worst in the world, it is, like, 120th in the rankings out of 180. Not good, but not the third-worst.

I yield back the balance of my time, and God bless the United States of America.

Chairman NADLER. The gentleman yields back. I think we all share those sentiments.

Who else seeks recognition?

For what purpose does Mr. Chabot seek recognition?

Mr. CHABOT. I move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. CHABOT. Thank you, Mr. Chairman.

Before I get into impeachment, I just have to respond to the gentleman from Tennessee who made a couple remarks. I would start off by saying I really like the gentleman from Tennessee, Mr. Cohen. It is mutual. We have worked on a number of bills together, introduced them, and he is really a good guy.

But he is flat-out wrong about the taxes. The tax cuts have really helped this country. That is one of the main reasons we are seeing the economy take off and people's bank accounts and their savings accounts and their retirement accounts are so much better and more positive right now, because the Republican and a Republican Congress passed those tax cuts, without a single Democratic vote.

And the difference—one big difference between the two parties is Republicans want to cut your taxes and Democrats, in general—not every one of them, but most of them—want to raise your taxes. Just a big difference.

But relative to impeachment, back in the early 1970s, I was a college student, and our Nation was going through another impeachment at the time, Richard Nixon. I had actually voted for him. He was the first President I voted for, in 1972. And, obviously, he got in trouble and was going to be impeached, but he resigned before he was—the Articles of Impeachment were voted out of the Judiciary Committee, this committee, but then, before the House took it up, he resigned from office.

And little did I know that about 25 years later our Nation would be going through another impeachment, and that was Bill Clinton, obviously, and that I would be very closely involved in that. And of the 41 people on this committee, 5 of us were here in those days: Mr. Sensenbrenner and I on the Republican side, and the chair-

man, Mr. Nadler, and Ms. Lofgren and Ms. Jackson Lee. All five of us were in that.

Mr. Sensenbrenner and I happened to be House managers, the prosecutors in the case. And some of the folks on the other side are going to get that opportunity, and good luck. And Mr. Sensenbrenner remembers, Henry Hyde was our leader at the time, and he said, "We are not going to be very welcome over there," and we weren't. So we will see what happens when you all are over there.

But, you know, Bill Clinton, he was impeached by the House, and then the Senate, obviously, did not remove him from office. And I think it is very likely that is what we are going to see happen in this case.

But, back then, Bill Clinton had put his hand on the Bible and swore to tell the truth, the whole truth, and nothing but the truth. And then he lied. He committed perjury. And that is something hundreds of people were in jail across the country for at the time. And I thought and still think the President shouldn't be above the law.

He had committed a high crime and misdemeanor. Very different from this case. They are not even alleging a crime in this case. There is clearly not a high crime and misdemeanor. And that is why I will be voting against impeaching the President in this instance.

And I think the Democrats have been looking for an excuse to impeach this President for a long time now. In fact, when they took over the House, one of their Members filed Articles of Impeachment that very day. And, really, since inauguration day, many of them wanted to impeach him.

This is really all about—in my view, it is all about politics. It is all about hurting the President, hurting his reputation. They dislike him intensely, as I mentioned the other day. They really loathe this President. And they are trying to hurt his chances in the next election. It may well do just the opposite.

But one of my real concerns—and I have a lot of them—about this whole thing, but the one that I really—and I mentioned this earlier today—am very concerned about is that the Democrats are really lowering the bar for impeaching a President in the future.

It is becoming too routine. It is becoming the new normal. For 200 years in our Nation, we had had one impeachment, one, in 200 years, Andrew Johnson. And, now, in less than 50 years, we are in our third one this time around.

And I really am concerned that, from now on, in all likelihood, when you have the President of the United States and you have the House of Representatives and they are opposite parties, you are going to end up with the base in the House of Representatives pushing very hard at Members to impeach that President.

And it is very divisive for the Nation. So many other things don't get done when you are going through an impeachment. You know, for example, opioids. About 70,000, almost, Americans lost their lives last year, but we have done very little about opioids in this committee, and we have jurisdiction over it. Doing something about our southern border, which is still like a sieve. Far too many people come in illegally. This committee's responsibility, but we do almost

nothing there. And overall in Congress, our infrastructure, roads and highways, it is crumbling, but we do very little about that.

So I think the American people deserve a lot better than what they are getting from this committee or from this Congress.

So, in any event, I want to thank the folks out there, and God bless America.

Chairman NADLER. The gentleman's time has expired.

For what purpose does Mr. Deutch seek recognition?

Mr. Deutch. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. DEUTCH. Thank you, Mr. Chairman.

Mr. Chairman, I want to start by agreeing with Mr. Sensenbrenner. It is always the right time to defend the Constitution. And that is the very reason that we are here.

There are two Articles of Impeachment. The first is abuse of power. The President of the United States abused his power by soliciting foreign interference in our elections, cheating the American voters.

How did he do it? He leveraged lifesaving, taxpayer-funded military aid that Ukraine desperately needed for assistance in his reelection campaign. And he leveraged a White House meeting that he had promised to the new Ukrainian President that President Zelensky desperately needed to show Vladimir Putin that the United States is willing to stand with Ukraine. And he leveraged that meeting for assistance in his reelection campaign. That is abuse of power.

Now, my colleagues have suggested that, somehow, abuse of power is not a serious offense, that we should make light of the President's actions, not treat it as the constitutional violation that it is. In fact, abuse of power was a principle concern of the Framers of the Constitution. And it was clear what it meant: the exercise of official power to obtain an improper personal benefit while ignoring or injuring the national interest. That is abuse of power.

It is rooted in the President's duty, constitutional duty, to faithfully execute the law, to put service over self, to put the country over his personal interests.

I note for my colleagues that all four of the constitutional scholars who testified, including the Republicans' own witness, have confirmed that abuse of power is an impeachable offense.

President Trump's actions, in fact, exemplify the Framers' fears and the very reason that abuse of power is a high crime. Worse—worse—than President Nixon, President Trump pressured a foreign government to aid in his corrupt scheme.

That is the abuse-of-power article.

But there is a second article: obstruction of Congress.

We know that no President in history—in history—has directed the entire executive branch not to cooperate with an impeachment inquiry, has told every member of the executive branch not to speak to any of the impeachment inquiry—to any of the impeachment inquiry issues.

Now, the question is, when you look at the abuse of power, which is a constitutional violation, and then you look at the President's obstruction of Congress, it leads to some questions I would like my colleagues to think about as we head toward this important vote.

Think about the people who the President has blocked from speaking. Think about Mick Mulvaney. Now, Mick Mulvaney acknowledged—the Acting Chief of Staff acknowledged a quid pro quo, says it happens all the time. That is abuse of power. Then the President wouldn't let him speak. That is obstruction of Congress. Why won't he let him speak? What does he have to hide?

Think about Secretary Perry. Ambassador Taylor described a highly irregular Ukraine policy channel led by Rudy Giuliani that included Sondland, Volker, and Rick Perry. That contributes to the abuse of power, it highlights the abuse of power, but it also is obstruction of Congress. Why won't the President allow him to speak? What is he afraid of?

Think about John Bolton. Fiona Hill testified that Bolton told her to notify NSC counsel about the rogue effort. He said, "I am not a part of whatever drug deal Sondland and Mulvaney are cooking up." Bolton, in fact, called Giuliani a "hand grenade who's going to blow everybody up." That is the abuse of power. Obstruction of Congress is clear. Why won't the President let him testify? What is he hiding?

And, finally, John Eisenberg. Lieutenant Colonel Vindman couldn't believe what he heard on the call. He reported it to Eisenberg. Now Eisenberg can't speak. What is it that the President is afraid he will say? That is obstruction of Congress.

Abuse of power and obstruction of Congress together, that is what these articles are about. We are protecting the Constitution. We are protecting the American people and our elections. That is why we need to proceed with these Articles of Impeachment.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Reschenthaler seek recognition?

Mr. RESCHENTHALER. I move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentleman is recognized.

Mr. RESCHENTHALER. Thank you, Mr. Chairman.

You know, I have been a prosecutor, and I was a prosecutor in Baghdad when I was in the Navy, prosecuted terrorists, actually, in the Iraqi court system. I was a defense attorney in the Navy. I actually got to defend a Navy SEAL against trumped-up charges by the Obama administration. And I had the honor of serving as a district judge in my hometown in the South Hills of Pittsburgh.

So I have been all sides of a courtroom, and I can tell you that I would defend this case every single day. And it is because the facts just aren't there.

Let's go through each article. Abuse of power, or quid pro quo, bribery—call it whatever your focus group wants to call it, because, at the end of the day, you don't have the facts to make out the case.

You don't have the facts because the other party on your quid pro quo, your alleged quid pro quo, never felt pressure. We have a primary document, a primary source of information—that is, the transcript of the call—that shows there was no connection. We also have the other party, President Zelensky, who said at no time did the Ukrainians feel any pressure to have an investigation.

We also know that no investigation of Biden ever took place. We also know that aid was given to Ukraine, aid that they never knew at the time was being under review, and aid that came in the form of Javelin missiles, not what the Obama administration gave, which were well wishes and blankets.

So, again, no case can be made for abuse of power.

Obstruction of Congress, this is what we would describe as ripe—or, not ripe. It isn't ripe because only letters have been sent; there has been no subpoena.

And how this works is, a subpoena is issued. The executive branch exercises their executive privilege, just like Obama did, and then the courts decide this. The courts have never decided this. So where is the obstruction? It doesn't exist.

So I would defend this case every single day. As a judge, I would dismiss this for lack of merit. Even if the facts are viewed in light most favorable to the Democrats, you still, again, cannot make out what we as lawyers call a prima facie case. This case would be dismissed on day one in a courtroom.

But I will tell you what case I would prosecute. I would prosecute Schiff for abuse of power any day of the week. Why? How about the fact that he subpoenaed phone records from a Member of Congress? How about the fact that he singled out Devin Nunes's cell phone number and leaked that? How about the fact that he dumped over 8,000 pages on the Judiciary Committee 48 hours before we had a hearing in this committee? That is abuse of power, and that is what I would prosecute every day of the week.

Obstruction? I would prosecute the Democrats for obstruction of Congress too. How about the fact that I had a motion to subpoena the whistleblower, the whistleblower who—by the way, you cannot point to any statute—there is no statute that gives that whistleblower the right to be anonymous. Does not exist, no matter what you say. I had a motion to subpoena the whistleblower 2 weeks ago. That motion was denied. I never got my subpoena. And it was done in a partisan fashion, straight down partisan line.

So that is the obstruction, and I would prosecute that every single day.

Folks, that is the legal analysis. This is nothing more than a political hit job.

Thanks, and I yield the remainder of my time.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. SCANLON seek recognition?

Ms. SCANLON. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. SCANLON. You know, I want to reiterate, this is not about disagreements with the President's policies or personality or even his tweets. We are not judging the President himself; we are judging his actions.

And I understand that he ran to disrupt the government. The problem is, he went further. By abusing his power, he endangered our elections and our national security.

He remains an ongoing threat to both. He has shown a pattern of inviting foreign interference in our elections and trying to cover it up twice. He is threatening to do it again.

So we have heard a lot of loose talk about what evidence we have or don't have. There is plenty of direct evidence of the President's wrongdoing, including, for example, his July 25 call record, in which he said to the Ukrainian President, "I want you to do us a favor, though," and then proceeded to request investigations into his political rival and a debunked conspiracy theory that the Senate and all of our national security services have rejected.

We have the testimony of his appointees, Ambassadors Sondland and Volker, about the May 23 meeting in which the President said to them, "Talk to Rudy."

We have testimony of three firsthand witnesses to the July 25 call, two of whom promptly reported the call to their superiors and to legal counsel.

We have the testimony of David Holmes, who overheard the President ask Ambassador Sondland whether President Zelensky was going to, quote, "do the investigation."

We have the President's many public statements, including his October 3 statement that Ukraine and China should investigate his political rival.

Even the minority counsel, Mr. Castor, admitted that there was direct evidence. He said, quote, "We had some direct evidence on certain things, and we had some direct evidence on the May 23 meeting, and Sondland gave some direct evidence," end quote.

The secondhand accounts are also extensively corroborated. For example, Ambassador Taylor and Mr. Morrison both testified that, during a September 7 phone call with Ambassador Sondland, President Trump said there was no quid pro quo but that President Zelensky had to go to the microphone and announce investigations, kind of giving with one hand and taking away with the other.

Ambassador Sondland testified he had no reason to dispute Ambassador Taylor's and Mr. Morrison's testimony about this conversation.

There is also circumstantial evidence. There was no contemporaneous explanation given for the President's decision to withhold the military aid that had bipartisan support from Congress. That didn't come until after the Articles of Impeachment were filed.

And the uniform consensus of the State Department, the Defense Department, and White House witnesses is that the aid should have been released. Given these facts, the only logical explanation, as Ambassador Sondland concluded, was that, like the White House meeting, the aid was being used to leverage pressure on President Zelensky.

At the end of the day, the evidence is overwhelming and indisputable. President Trump's personal lawyer, Rudy Giuliani, pushed Ukraine to investigate his political rival and a debunked conspiracy theory. His efforts had nothing to do with U.S. policy and were taken on the President's behalf and with the President's knowledge. President Trump directed U.S. officials and President Zelensky himself to work with Mr. Giuliani.

President Trump ordered the critical military aid for Ukraine be withheld. Ukrainian officials were informed the aid would not be released unless President Zelensky publicly announced an investigation. And President Trump refused to release the aid until his pressure campaign on the Ukraine was exposed.

President Trump refused to arrange a meeting with President Zelensky, and President Trump's agents advised Ukrainian officials that the White House meeting would be scheduled only after President Zelensky committed to the investigations.

President Trump ignored the anticorruption talking points prepared for his calls. President Trump asked President Zelensky directly to investigate President Trump's chief political rival. And President Trump stonewalled Congress's investigation.

You know, I don't know what more you can ask for here. I mean, we have admissions from the President; we have corroboration from people he has appointed. The only thing you can do is stick your head in the sand if you are not willing to see what happened here.

And, with that, I would yield to my colleague from Florida. Is she here? Okay.

Ms. MUCARSEL-POWELL. Oh, thank you.

Ms. SCANLON. You are welcome.

Ms. MUCARSEL-POWELL. Two seconds. I will wait for the next yield.

Ms. SCANLON. I am sorry. Okay.

Chairman NADLER. The time of the gentlelady has expired.

Ms. SCANLON. Sorry.

Chairman NADLER. For what purpose does Mr. Armstrong seek recognition?

Mr. ARMSTRONG. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. ARMSTRONG. So, for weeks, my Democratic colleagues talked about quid pro quo, and then they poll-tested bribery. But they had a problem, because these things will never change: There was no pressure. Both President Zelensky and President Trump said that there was no pressure, no victim. The aid was released, and there was no investigation.

And you know what else? There was no whistleblower. There was no Adam Schiff.

So we are left with abuse of power and obstruction of justice. An impeachment is either a solemn constitutional affair, which this is absolutely not, or whatever the majority wants it to be, which this absolutely is. If you cannot prove any of it, I guess you are going to use all of it.

So why not expand it to all the way back to where this thing all started? Bob Mueller. And buried in the bottom of Article II of this impeachment is the language, "These actions were consistent with President Trump's previous efforts to undermine United States Government investigations into foreign interference in United States elections."

This is nothing more than a legislative drive-by, or, probably more accurate, the majority's attempt to return to the scene of a noncrime. But I guess after 2 years, 19 lawyers, 40 agents, 500 warrants, 2,800 subpoenas, $30 million, there is simply no way they could leave it out.

So here is just a reminder: "The investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian Government in its election interference activities"—Mueller report, page 2.

This started the day President Trump won the election. This has been the forgone conclusion since the day the Democrats won back the majority. This was never about facts or fairness. So here we are, where we were always going to be, on a purely partisan impeachment that is destined to fail in the Senate.

And, with that, I yield back.

Chairman NADLER. The gentleman yields back.

For what purposes does Ms. Lofgren seek recognition?

Ms. LOFGREN. To strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. LOFGREN. You know, I have listened carefully to this very long debate this evening and throughout the last 2 weeks, and I think it is important to look back to the Founders and the foundation of what it is that we are doing here.

The Founders knew that the powers given to the President needed to have the capacity to be curbed in the case of abuse. The Framers of the Constitution consciously adopted a particular phrase from the English practice to help define the constitutional grounds for removal. The content of the phrase "high crimes and misdemeanors'" for the Framers is to be related to what the Framers knew on the whole about the English practice, the broad sweep of English constitutional history, and the vital role impeachment had played in the limitation of royal prerogatives and the control of abuses of ministerial and judicial power.

Now, when you are coming to private affairs in ordinary criminal law, it is possible in advance to define what it is you can't do. You can't steal that money; you can't hit that person. But when you are talking about the abuse of Presidential power, you can't always specifically define what a bad actor in the White House might do. And, therefore, you have the term "high crimes and misdemeanors'" and you have the abuse of Presidential power.

It is important to note that in the second Article of Impeachment against Richard Nixon there was an article for abuse of power. The article principally addressed President Nixon's use of power, including the powers vested solely in the President, to aid his political allies, harm his political opponents, gain improper personal political advantages. He used his power—and this is a quote: "It was undertaken for his personal political advantage and not in furtherance of any valid national political objective. His Presidential powers"—and, again, this is a quote—"were seriously incompatible with our system of constitutional government and warranted removal from office."

We have a situation similar here, but I want to address the issue raised by my colleague from Ohio. Because I do agree that there can be a tendency in the country these days to immediately think, "Well, I don't like that. Let's go to impeachment." And that has, frankly, been prevalent since the Clinton impeachment.

Lying under oath is a crime. Lying about sex is a shame. But neither one involved the use of Presidential powers. And the use of impeachment in that instance—really, in the proper way, it was never the abuse of Presidential power—I think put in the public mind that this is a tool to be used for disagreements about policy. Nothing could be further than the truth.

I was disappointed—I voted against the Iraq war, but the Congress voted. Some people thought we should have Articles of Impeachment about that. No, that did not undercut the constitutional order. Congress voted. It was a mistake, but it was the President and the Congress together. It was not the President usurping the powers of another branch of government.

Here we have a situation that is so obvious. If you look at the facts, it is just inconceivable—the things I have heard today are just stunning to me, that you could reach a conclusion as the, really, defense counsel here grasping at straws.

The President misused his Presidential power to gain a personal benefit, to the detriment of the interests of the United States. It was an abuse of power that harmed us, and it is ongoing. It is a threat to the constitutional order. It meets the definition of high crimes and misdemeanors. It is abuse of Presidential power.

And it is our responsibility to use the tool that our Founders gave us in the Constitution to preserve that constitutional order. We must impeach.

I yield back.

Chairman NADLER. The gentlelady yields back.

Who seeks recognition?

For what purpose does Mr. Gohmert seek recognition?

Mr. GOHMERT. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. GOHMERT. Thank you.

Just a quick comment, comments about President Clinton's actions. When you lie under oath, it is perjury. It is a crime. And I understand the comment that he wasn't acting in his official capacity. That would set back the #MeToo movement, if they took that position, you know, having sex with an employee that is that much younger, when you are President of the United States. That is not in his official capacity.

But no matter how long we spend today, tonight, tomorrow, it doesn't make up for the fact that we did not have fact witnesses.

I mean, this reminds me, historically, of the trial of Socrates. You know what? He got convicted by the jury of 501 people. Why? Because he was arrogant. You want to try Donald Trump for being arrogant? I am sure you would have a lot of Republicans vote with you on that. Yeah, he is arrogant. He has a lot to be arrogant about. But that is not a crime. It is not a high crime, for sure. And it is certainly not a misdemeanor. It is bothersome to people. Some people like it. But that is not what impeachment is supposed to be about.

And to have had a trial, what few hearsay, gossip-mongering witnesses there were, come into a Star Chamber and secrete their testimony so people can't see them, can't hear them—but we have Adam Schiff put it together in a big report. And we received the report. Don't have much time to review it. But that is all we need. We don't even get to hear from the preparer of the report and get to cross-examine him. This is a Stalinesque-type proceeding. That is the way it worked under Stalin. You didn't get to find out what the fact witnesses—because usually there weren't any, just like here.

So what do you have? You have people come in and give appearance, give their impressions, and give an appearance and, "Oh, gee, we are well-educated." You know, great. That is fine.

And if you are ever not sure about being good at rationalizing, go to law school. You are trained to do that, so that when you hate a person, like the three witnesses obviously do Donald Trump, you can come in and just misrepresent facts and use those to base your opinions on them. Just great.

But look at what really started it. It started before Mueller. It started back—Carter Page had worked for the CIA to help them against the Russians. And what do they do? They pervert that, lie to the FISA court, and say, "Oh, he has worked with Russians," misrepresent who he is, what he did, and what a patriot he was, and then get a warrant. And then, as time goes on, they lie about it.

And where did this all come from? It came from Hillary Clinton's campaign, the Democratic National Committee. And they hired Fusion GPS. They hired a foreigner to affect our election. And they worked with an Australian, an Italian. And they—actually, Christopher Steele admitted, "You know what? Those people that gave me that information, they may have been Russian. They may have been Ukrainians." It would be nice to know, but the majority doesn't want us to get there.

And the very week we find out how bad this travesty was, the top people in the FBI and the Department of Justice perverted justice because they didn't like the guy that might get elected. They did everything they could, they used all these foreign resources to try to change the outcome of the 2016 election. And when that didn't work, then they came forward with impeachment. It was, "Oh, let's project what we did on Donald Trump." But it turned out he didn't do that.

And even Mueller and Weissmann, as much as they hated Trump, they couldn't find anything to use against President Trump. So we had to drop the Russian collusion, we had to drop the treason. Oh, what about obstruction of justice? Well, it is not obstruction of justice when you know you are innocent and you know the Department of Justice is trying to set you up and you are trying to expose the truth.

No, it was others who were obstructing the true justice. Vindman? For heaven's sake, you set that guy up as a hero. He is no hero. He was mad because Trump didn't do what he told him.

For those who believe in praying for this country, pray for mercy. We can't afford justice or the country ends.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. Garcia seek recognition?

Ms. GARCIA. I move to strike the last word, Mr. Chairman.

Chairman NADLER. The gentlelady is recognized.

Ms. GARCIA. Mr. Chairman, 5 more minutes—5 more minutes in a very long, long day. But when you look at what the other side has presented in defense of the President, what do we get? Nada. Nothing.

None of you all will defend the President's actions, because, quite simply, you cannot defend the indefensible. You just can't. Even if

you like him or support his actions, you just won't defend what he did.

It is really quite simple. It is not complicated at all. He offered official acts in exchange for a political favor. He is a clear and present danger to do it again. He ignored the power of the people, and he will do it again. It is really just that simple.

The President is an imminent threat. The President has shown us his pattern of conduct. He has made clear that he will continue to abuse his power to corrupt the 2020 elections. We must act with a sense of urgency to protect our democracy and defend our Constitution.

In the Clinton case, the House voted to impeach 72 days after it authorized an inquiry. It has been 94 days since Congress launched its investigation into the President's dealings with Ukraine. Impeachment is a charging decision, like a grand jury or a prosecutor makes, and we have seen more than enough evidence here to charge and move to trial in the Senate.

It is the President who is abusing his power. What is not fair is the President's blanket refusal to participate in this inquiry for the sole purpose of hiding the facts from the American people.

Federal courts have ruled that Congress has a constitutional right to obtain documents and testimony from the Trump administration. One Federal court said that the President's obstruction is a farce and he is openly stonewalling. And I agree. He is the first President to engage in wall-to-wall stonewalling and, in some respects, an outright cover-up of his own behavior.

He has refused to comply with all of the congressional subpoenas that have been issued to try to uncover the truth about his misconduct—an act that no other citizen can do without consequence. As has been stated before, even President Nixon shared documents and allowed current and former aides to testify as part of the impeachment process, and the committee still recommended an Article of Impeachment against him for obstruction.

Last night, I reminded us that all this is really about preserving and protecting our democracy for the little boys and girls across this Nation so that they will know about what it means to make a promise, to make a pledge, and to keep it. Because democracy is a gift that each generation gives to the next. And that is why we have to take action, we have to move forward, and we must impeach the President.

With that, Mr. Chairman, I yield the remainder of my time to my colleague from Florida, Ms. Mucarsel-Powell.

Ms. MUCARSEL-POWELL. Thank you, Ms. Garcia.

I just wanted to answer to what Mr. Chabot said earlier and clarify that I, along with so many of my colleagues, so many of us that you see sitting on this dais, we did not come here to impeach the President of the United States. We came to lower healthcare costs, and that is exactly what we did today. We voted on H.R. 3 today to lower prescription drug prices.

They say, "Let the American people decide." Well, that is why, last week, we voted on the Voting Rights Amendment Act, which many of my Republican colleagues voted against.

"Let Americans decide." Yes, that is exactly why we are here, because we don't want Russia, Ukraine, or China making the decision

for us in our American Government. This President has committed the highest crime by abusing the power of his office, inviting foreign interference in our elections, and that is why we are here today.

Please, don't confuse Americans with false claims and pushing debunked conspiracy theories. We are here to tell the American people the truth.

I yield back.

Chairman NADLER. The gentlelady yields back.

Who seeks recognition?

For what purpose does Mr. McClintock seek recognition?

Mr. MCCLINTOCK. To strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. MCCLINTOCK. Mr. Chairman, I have lost track of the number of newspaper articles that have been entered into the record in these proceedings, but I think it is a telling commentary on the quality of the case that this committee is relying on to support the exercise of one of the most profound actions that we can take. I think it underscores the dereliction of duty of a Judiciary Committee drafting Articles of Impeachment without a single fact hearing. Virtually the entire record is the Schiff report and newspaper clippings.

As I reminded the committee yesterday, this week, Mr. Schiff's report on FISA abuse was categorically and completely contradicted by the inspector general's report. Mr. Schiff's work is not exactly what you can call the gold standard of accuracy, reliability, or incisive analysis.

And newspaper clippings, with all due respect, are not exactly the solid foundation that can support our wielding such power. Impeachment should be made of sterner stuff. A matter so momentous as this should be considered thoroughly and dispassionately and fairly.

Mr. Chairman, to substitute our judgment for that of the American people, by nullifying a national election, is a very weighty matter. If you are going to do that, you should have a record of fact that no reasonable person can deny. If a one-sided report from Adam Schiff and a newspaper scrapbook is the foundation of impeachment, then I predict we will crumble and disintegrate before the Senate finishes its consideration.

Abuse of power is exactly the vague and expansive ground that the Founders considered as maladministration and rejected in favor of the narrow ground of treason, bribery, or other high crimes and misdemeanors. The lawful exercise of the President's constitutional authority is not impeachable. And the moment that we make it so, the President becomes a servant of Congress, and the separation of powers which is, which has protected our freedom for nearly two-and-a-half centuries, will be greatly diminished.

And, similarly, the President's assertion of long-established boundaries that maintain the separation of powers is also not impeachable. And once we make it so, we also clearly diminish the separation of powers.

The overwrought political hyperbole that we have heard over and over through these hearings ought to warn us that we are straying into partisan motives, which must never animate the impeachment

power of Congress. Public opinion has not coalesced around this act, which should also alert us to the danger that, by proceeding, we would further divide and alienate the American people and roil and agitate the political waters of this Nation.

You have failed to define any law that the President has violated. If you could, you should clearly articulate that, you should support it with legally admissible evidence, and put it in the articles. Otherwise, your case is simply a disagreement with decisions the President is authorized to make.

And, again, this is a matter that our Constitution reserves to the voters and not to the Congress. And by denying the witnesses requested by the minority, you have blinded the committee to getting the whole story. If you are truly confident of your case, you should have nothing to fear from what a full airing of testimony would offer.

The most chilling observation I have heard is that we can do this because we are not restricted like the Department of Justice is. Well, the same rights of due process and the same fidelity to the Constitution are required of us.

In the impeachment of Andrew Johnson, Congress made many of the same mistakes that we are making tonight. I would urge my colleagues to carefully consider how history has judged them and how it will judge us.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Ms. Jayapal seek recognition?

Ms. JAYAPAL. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. JAYAPAL. Thank you.

Mr. Chairman, we just continue to hear the same excuses for the President's behavior. And this is such a grave moment that we are in. We are talking about the highest constitutional crimes: abuse of power and obstruction of Congress. And so let me once again just review the facts.

First, my Republican colleagues have said that this is about corruption. But all of President Trump's agencies, all of his advisors, everyone unanimously told him that Ukraine had passed all the anticorruption benchmarks. The Department of Defense said that Ukraine had passed their review on anticorruption benchmarks and no further corruption policies were needed. President Trump's administration cut programs designed to fight corruption in Ukraine.

And President Trump was given talking points by the National Security Council that specifically said, "Say these things about corruption." But guess what happened on those calls in April and July? President Trump did not mention corruption. He did not use the talking points that he was given. The only two names that he mentioned on the July 25 call were Joe and Hunter Biden.

Second, the Republicans suggested that this was all about President Trump's concerns with burden-sharing with our allies. But that wasn't true. That wasn't true. Mr. Holmes testified that burden-sharing was not a problem. Europe was actually contributing four times as much money as the United States did. And Ambassador Sondland testified that he was never asked to go to the Euro-

pean Union and ask for more money. And, remember, Mr. Sondland is President Trump's Ambassador to the European Union.

What was Ambassador Sondland told to communicate to Ukraine by President Trump? He was told to say that resumption of aid would likely not occur unless President Zelensky announced the investigation. Specifically, he said that, quote, "unless Zelensky went to the mike and announced these investigations, there would be a stalemate over the aid." And what were those investigations? 2016 election interference and Burisma, meaning the Bidens.

So, finally, left with nothing else to argue in defense of the President, the Republicans have raised one more thing, which is that President Trump had a legitimate reason, somehow a legitimate reason, to investigate Vice President Biden. But, once again, that makes no sense. It makes no sense. Because the facts are that that issue of Biden and Burisma went back to 2015, and President Trump released aid in 2017 and 2018. So he clearly didn't have a problem with the issues of 2015, because he had two opportunities to release aid and he did. But something changed in 2019, and the only thing that changed is that Vice President Biden suddenly started beating President Trump in the polls.

So the evidence is clear. President Trump said, "Do us a favor, though." And who was the "us"? Well, he told us. He told us exactly what he meant by "us." He told President Zelensky that "us" meant deal with Rudy Giuliani, President Trump's personal attorney, who knows—and this is a quote—"very much knows what is going on."

President Trump could have gone through official channels, if he wanted, if this investigation was actually legitimate. He could have asked the Department of Justice to initiate an investigation into the Bidens and Burisma. But he didn't do that. He did not do that. And the Department of Justice said that he didn't do that. He never asked them to do an investigation or even talk to Ukraine. Instead, President Trump asked his personal attorney.

Because "us" was not about America. This wasn't about official policy. This wasn't about what was right for our country. This was not about putting America first.

Ms. JAYAPAL. Every witness testified to that as well. This was personal. It was all for President Trump's personal, political gain. This was to benefit Trump's own re-election campaign and that is why he had his personal attorney do this. He abused his power, he abused the power that the people entrusted to him, he abused the office, and he placed our safety, millions of dollars of taxpayer money all at risk for his own personal political election and that is the one thing the President can't do.

He cannot use our money, the powers of the office that we entrusted to him, we, the people, not for us, but for himself. That is the gravest abuse of power and this President has left us no choice but to impeach him.

I yield back.

Chairman NADLER. The gentlelady yields back.

For what purpose does Mr. Johnson seek recognition?

Mr. JOHNSON of Louisiana. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chairman. This morning I began by outlining our important role today. Most of us are attorneys on this committee and in this case we are also called to serve as finders of fact. We are supposed to carefully and objectively analyze the claims not against our personal preferences, but against the record of evidence. And now we have done that for the past 12 hours and it is time to summarize our case. At the end of the day, now, literally, the end of the day, there are just two short articles to this impeachment resolution they brought before us—abuse of power and obstruction of justice, and let's review both.

On the first, the Democrats know there is zero direct evidence in the record of these proceedings to show that President Trump engaged in any scheme of any kind as they have alleged or that he intended in his dealings with Ukraine to influence the 2020 election.

All they have argued today is based on hearsay, speculation, and conjecture completely. The truth is, there is not a single fact witness that could provide testimony to support their paper thin case, which is precisely why we have been given no opportunity for a fact witness or a minority hearing. What the evidence does show is that President Trump holds a deep-seated genuine and reasonable skepticism of Ukraine due to its history of pervasive corruption and his administration sought proof that the newly-elected President Zelensky was a true reformer.

President Trump wanted to ensure that American taxpayer funded security assistance would not be squandered overseas by what is reported to be the third most corrupt Nation in the world. The Trump-Ukraine discussions were never about what will happen in 2020, but rather about what already happened in 2016.

The Democrats' second claim is that President Trump obstructed justice by simply doing what virtually every other President in the modern era has also done, to assert a legitimate executive privilege and legal immunity to avoid subpoenas issued to various White House officials. There is simply no evidence of any impeachable offense here either. And if they had not promised an impeachment to their liberal base by Christmas, the Democrats could and should have simply gone a few blocks away to the Federal Court to get a simple order compelling the extra documents and information they subpoenaed, but that is what is always been done in the past, but they didn't have time for that here because they are trying to meet their own arbitrary, completely reckless, and Machiavellian timeline to take down a President they loathe.

The real abuse of power here is on the part of the House Democrats, as they have feverishly pursued this impeachment 20 times faster than the impeachment investigation of Bill Clinton to reach their predetermined political outcome. Along the way, they have steam rolled over constitutionally guaranteed due process, previously sacrosanct House rules, and the Federal rules of civil procedure. They have ignored or blocked exculpatory evidence, intimated witnesses, restricted Republican lines of questioning, denied defense witnesses an involvement of the President's counsel, restricted Republican review of evidence, denied minority hearing, and violated proper minority notice and fairness at every single stage.

The founders of this country warned against a single party impeachment for good reason. They feared that it would bitterly and perhaps irreparably divide our Nation. Our chairman, Mr. Nadler, gave a speech about that 20 years ago when he was opposing the impeachment of Bill Clinton. The obvious truth is that our liberal colleagues have vowed to impeach President Trump since the day of his election. Their reason of the day changed at least a half of dozen times over the last 3 years, but they could never get any traction or any facts to justify those various conspiracy theories.

As the next election in 2020 is drawing so close now and their candidates for President are so terribly weak, they obviously met somewhere at liberal high command about 75 days ago and convinced Nancy Pelosi they had to pull the trigger. The problem is, they have done that and in all those hearings in the basement, they couldn't uncover a single fact to justify their latest conspiracy theory about Ukraine.

So what to do? They are left with no choice. To desperately create a totally fraudulent, unprecedented process to try to railroad Donald Trump. The results are what our expert witness testified as quote, the shortest proceeding with the thinnest evidentiary record and the narrowest grounds ever used to impeach a President.

I am a constitutional law attorney by profession and have actually enjoyed the sparse 4 minutes of real intellectual debate we had to today on the actual contours of Article II, Section 4, but every high school civic student at home can read its plain language and see what is expressly required to impeach a President.

You need treason, bribery, or a high crime or misdemeanor. None of that exists here. And everybody knows it. Those high school students at home know it, our constituents know it, and in their heart of hearts, even our friends on the other side of the room tonight know it. My good friend Mr. Cohen said in his closing a few moments ago that he is proud to be a politician, but I would say with all sincerity this moment doesn't call for politicians. The weight of history is upon us here, and this moment calls for statesmen.

This impeachment is going to fail. And the Democrats are going to justly pay a heavy political price for it, but the Pandora's box they have opened today will do irreparable damage to our country in the years ahead and that is the real tragedy of the vote we are about to take. God help us.

I yield back.

Chairman NADLER. The gentleman yields back. For what purpose does Ms. Bass seek recognition?

Ms. BASS. I move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Ms. BASS. A little while ago, one of my colleagues on the other side of the aisle was saying that the President was not—the reason why aid was withheld was because the President wanted to investigate corruption. The idea that the most corrupt President that we have seen in recent history withheld military aid because he was concerned about corruption is ludicrous.

As my colleagues have pointed out, both calls that President Trump had with President Zelensky, Trump never mentioned corruption. The Department of Defense vetted giving the aid and said

that it was okay. Once upon a time, President Trump loved his generals. This time he ignored them. 'Members of Congress authorized the aid and lobbied the White House to release the aid. Staff from the Office of Management and Budget resigned because they were worried about what was going on and why the aid was withheld. They were worried about what the President was doing and they believed that withholding the aid was wrong.

Trump even cut funding for programs to deal with corruption in countries like Ukraine, so a man that is so concerned about corruption also has interesting friends. He has bromances with some of the world's most corrupt leaders, the leaders from Saudi Arabia, Turkey. He had the President Erdogan from Turkey just a couple of weeks ago at the White House, but we know his number 1 pal is President Putin.

So all the President's men, all the men around him that were indicted, arrested, incarcerated, my mother used to say that if you lay down with dogs, don't be surprised if you get up with fleas. The man who claimed he wanted to clean up the swamp created his own swamp and he is drowning in it now.

I do have to say, though, that I have empathy for my Republican colleagues because I don't believe that they have a choice. They have to defend the President and they dare not step out of line because if they do, they will suffer the consequences.

A few of my Republican colleagues earlier did try to say that they didn't believe that the President's conduct was appropriate and they got slapped quickly. The President said, his conduct, he said, the call was absolutely perfect, and so now you don't hear any of them saying or questioning whether his behavior was appropriate.

You have to fall in line and not only do you have to fall in line, you have to praise him constantly, like those famous press conferences we have seen in the Oval Office where they one by one go around the table and talk about their praise for him. It makes me feel like a meeting that would take place in North Korea where you have to praise dear leader.

So you have to fall in line because the entire reason was corruption, but I know that you know better. You have to say that he did nothing wrong. One of my colleagues said that we are lowering the bar on impeachment. I believe that we have lowered the bar on the Presidency. It is so sad to see my colleagues who I believe know what is better. They are not able to say it. They know that the man is corrupt.

When it comes to impeachment, there is no higher crime than for the President to use the power of his office to corrupt our elections. We will move to impeach President Trump because of the abuse of power through self-dealing, the betrayal of national security in the service of foreign interest and the corruption of our elections that undermine our Democratic system.

So, if my colleagues on the other side of the aisle can't bring themselves to do what is right and impeach a President that they know is a threat to our election, that they know is a threat to our standing in the world, then we will have to do it and we will have to move to impeach.

I yield now to Representative Jackson Lee.

Ms. JACKSON LEE. I thank the gentlelady for yielding. My conclusory remarks are simply this: To my friends on the other side of the aisle, to the Americans who listened, to the soldiers everywhere who wear uniforms, I have no angst, I have no dislike of anyone who voted for anyone in 2016. I take issue at insult that one would suggest the work of this committee is about a dislike for those who voted for President Trump.

President Trump is before this committee in Articles of Impeachment for his own behavior. For his desire to do with public monies and a public position to do a private matter and a political matter, and that is to get dirt on his 2020 potential opponent. In honoring and defending the Constitution, we defend and honor ourselves and for that reason, as an indicting body through Articles of Impeachment, we will give the opportunity for the Congress to decide on President Trump's ultimate results. But I stand with the Constitution and stand for justice.

I yield back.

Chairman NADLER. The gentlelady's time is expired.

For what purpose does Mr. Swalwell seek recognition?

Mr. SWALWELL. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. SWALWELL. Fool me once, shame on you. Fool me twice, shame on me. If we allow the President of the United States to again abuse his office for his own personal gain, it is shame on all of us. It is shame on our Constitution. We know he is going to do that again because on June 12th of this year he told George Stephanopoulos before this phone call with President Zelensky happened that if he could again receive help from a foreign government as he did from Russia, he would do it again.

On July 24, Bob Mueller testified to our committee. He said that the President could be charged with up to ten crimes of obstruction of justice, but the Department of Justice prevents him from doing that. The next day the President did it again.

Every prosecutor when they are assigned a case will open up the file and the first thing we all do is we look at the rap sheet. Was this an aberration or is this a pattern of conduct that the person engages in? But it is not just prosecutors who look or use a rap sheet, we all do it in our everyday lives.

If you are a small business owner and you are hiring an employee and find out that they have multiple thefts in their past from their employer, you probably wouldn't hire them. If you are a parent looking for a night out in hiring a baby-sitter and multiple references said the baby-sitter is always late, you wouldn't ask that person to watch your kids. If you are going to a restaurant for an anniversary and saw multiple bad Yelp reviews, you wouldn't go to that restaurant.

The President doesn't just have bad reviews, he has really bad prior conduct. Serious priors. He is a repeat offender, crimes against our Constitution, and yes, crimes that one day may be prosecuted statutorily. He has abused his power in the past. He is abusing his power right now. He will abuse it tomorrow.

We have a Department of Justice who will continue to protect him, but, fortunately, the American people have a Congress who

can say that he is not above the law and we are not helpless in holding him accountable.

And I will yield to the gentleman from Rhode Island.

Mr. CICILLINE. I thank the gentleman. You know, we have heard a lot of explanation about why we are here tonight that we don't like the policies of the President. We don't like the President, but the one thing we haven't heard, the real reason we are here tonight is the conduct of the President. The grave misconduct.

And so I just want to recount very quickly, again, the evidence that was presented in text messages and call records and emails and hundreds of press statements and tweets. President Trump acknowledging that he had been engaged on a personal basis through Rudy his lawyer in investigating Ukraine.

That President Zelensky is sensitive about Ukraine being taken seriously not merely as an instrument in Washington domestic reelection politics as Ambassador Sondland said; that David Holmes testified under oath, I was surprised the requirement was so specific and concrete. There was a demand that President Zelensky personally commit to a specific investigation of President Trump's political rival on cable news and the evidence goes on and on and on of the President's effort to use the enormous powers of his office to betray the national interests and cheat in the election in 2020 and to use hundreds of millions of dollars of taxpayer money to attempt to achieve that objective.

Our founders talked about abuse of power because they recognized that the power of the Presidency was enormous and there was a danger that a President would use that power not for the public good, but for his own personal or political or financial advantage, and so they created Articles of Impeachment to give a final check against that abuse of power. No one is here because we want to do this. We are here because we have no choice. We are not acting out of hate; we are acting out of love of our country and love of our democracy.

And when generations look back on this moment, they will ask what did we do to preserve our democracy and the only thing we can do to preserve that is to hold this President accountable because if we don't, they will ask us why we failed to preserve the greatest democracy on Earth that has been an example to the world. And in this moment, we have to find the courage to be sure we can answer that question for all future generations and not be part of an effort to undermine the greatest democracy known to man.

And so I urge my colleagues tonight, we must approve these Articles of Impeachment so we can make it clear that nobody in this country, in the greatest country in the world, is above the law, even the most powerful person, the President of the United States.

And with that, I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mr. Jeffries seek recognition?

Mr. JEFFRIES. Move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. JEFFRIES. The record is clear: Donald Trump abused his power by soliciting foreign interference in the 2020 election and thereby undermine the integrity of our democracy as well as our

national security. But my Republican colleagues have spent all day arguing process. That is what you do when you can't defend the indefensible, you argue process.

Well, here is a process concern that you might reflect upon. Earlier today, Mitch McConnell gave some indication as to how a possible trial in the Senate may run and this is what Senator McConnell said. I am going to coordinate with the President's lawyers so there won't be any difference between us on how to do this. In other words, the jury, Senate Republicans, are going to coordinate with the defendant, Donald Trump, on how exactly the kangaroo court is going to be run.

I submit to you, respectfully, that is a process concern that the American people should be worried about. Now, America is a resilient Nation and we have been through moments of turmoil before and we have always come through. We are resilient Nation.

Lincoln said during the height of the civil war, America is the last best hope on Earth. FDR said on the eve of the second world war, democracy is not dying. Reagan said in the midst of the Cold War, America is a shining city on a Hill. What exactly will history say about us? Will we put principle over party? Will we put the Constitution above corruption? Will we put democracy over demagoguery? What exactly will history say about us?

I yield now to my distinguished colleague from the great State of Texas, Ms. Escobar.

Ms. ESCOBAR. Thank you, Mr. Chairman. I am going to speak directly to the American people, once again, and I am going to ask that they bypass the Republican talking points that they have heard over and over and over again, especially for those Americans who have been listening and watching all day, and instead go directly to the evidence yourself.

Over 100 hours of testimony, testimony by some of America's greatest patriots, over 250 text messages, Mick Mulvaney's own words, Mr. Mulvaney is the President's chief of staff, and finally the President's own words. His own words inviting Russia, Ukraine, and China into our election.

The Republican colleagues that we have on this committee claim there is not enough evidence. Review it for yourself. And as to obstruction, we have given a number of examples about obstruction, but we have a living example that was released just tonight. And actually before I talk about that example, if my colleagues, my Republican colleagues think the President is so free from wrongdoing, I would ask them to join us in calling on President Trump to release it all.

Release the witnesses. Release the documents. Let the American public make up their own minds. Let them see it all. Call on transparency, join us. But they won't because the obstruction is convenient.

Tonight there was a victory. The center for public integrity sued in Federal Court for documents related to the Ukraine scandal, and this is what they have got. They won in court, but what they got were heavily redacted documents. Why? Because the President doesn't want these documents to see the light of day.

I ask for unanimous consent, Chairman, to enter these documents——

Chairman NADLER. Without objection.

[The information follows:]

MS. ESCOBAR FOR THE OFFICIAL RECORD

FOIA Production, December 12, 2019 DOD and OMB to Center for Public Integrity Submitted by the Honorable Veronica Escobar

docs.house.gov/meetings/JU/JU00/20191211/110331/HMKP-116-JU00-20191211-SD9007.PDF

Ms. ESCOBAR [continuing]. Into the record along, with the article "Trump Administration Resists Ukraine Disclosures Ordered By Court."

Chairman NADLER. Without objection.

Ms. ESCOBAR. I yield back.

Chairman NADLER. The time of the gentlelady has expired.

For what purpose does the Ranking Member, Mr. Collins seek recognition?

Mr. COLLINS. I move to strike the last word.

Chairman NADLER. The gentleman is recognized.

Mr. COLLINS. Thank you, Mr. Chairman.

As we are coming to the end here, it is amazing to me, especially from hearing from one of the—my—frankly, either side of the aisle, one of my closest friends on this dais, Mr. Jeffries, make a statement that said that the only thing we had to offer was a process argument all day. He may have had to come in and out—I am not sure—but for the most part for over 12 hours we have ordered the fact and argued the facts that there is over and over and over again that the call, the aid was released, there was nothing done. And that has been our argument.

We have a process argument because the process argument has a lot to do with where we are at right now, but the facts have been taken on and rebuffed every single hour of this day since 9:00. It is amazing to me also, though, that one thing that my friend said, though, is, as we look forward to this and going forward, it has to be said. This is basically the concerning part for many of us is the focus group impeachment.

When you couldn't make, as one of my colleagues Mr. Richmond said, quid pro quo is not something we all use but bribery is something somebody understands. Extortion is what somebody understands. You know, doing something illegal is something we understand.

And what we have heard today from my colleagues is a lot of discussions about crimes that they couldn't charge, crimes that they wouldn't put in the Article of Impeachment. If they were so set that he did all of these crimes that were always mentioned, then put them in the articles but you can't. That is the biggest flaw and struggle you are having right now. And I know we still have just a little bit of debate left, but that is the issue we are dealing with. You can't put them in there.

And for those who have said that you will not defend the actions of this President, we are defending the President's actions. We defend them that there is nothing wrong, and I will do them right now. For someone to say we haven't, again, is not listening. The problem we are having is this is a clock-and-calendar impeachment. It never got answered.

One of the things that has just disturbed me most, as I have worked with this chairman now in the minority and majority on both ways, and it is amazing to me how little we have gotten in this. I wrote six letters to this chairman about issues of how we are to actually conduct it, what has now become the real short rubber stamp version of impeachment which we have tonight in the Judiciary Committee. I received an answer to none of those letters,

except one, just the other night when it was rejected of any of our witnesses, not a chance that we have any of our witnesses.

So in some ways I turn it back on the Democrats. What were you scared of? What were you afraid of that they might actually say? Because we didn't get it—we just summarily rejected them. So my question would be honest, what are you afraid of from the witnesses, some of which had already been called, that we wanted to call?

When we are understanding of the fact that we have now become a committee that unfortunately mirrored what the chairman said over 20 years ago. We have accepted the facts from other places and not checked them out ourselves. We have regurgitated, thrown out, talked about other peoples' work, but yet not having a chance to look at it ourself. We are the rubber stamp.

This is no longer the Judiciary Committee that actually is a trier of fact or a witness interrogator. It is a rubber stamp to what someone else, Mr. Schiff, in particular, has told us and that is sad, because that is not what this committee is about.

I have watched last Congress as my friends, who are now in the majority were in the minority, make passionate arguments for hours at a time on very little, nothing including the rules of the committee. We went almost I think it was 7 or 8 hours on the rules of the committee. Pass it. I understand that. That is what this committee is about.

But can you tell me honestly from the majority's perspective that we have almost spent less hours percentage-wise on impeachment of actually doing anything remotely related to a hearing as you did in the minority when you were arguing about the rules of the committee and the oversight? That should tell you a lot about what this is about.

Because we are spending more time in the minority arguing about things that really in the end of the day were not moving the needle and we are spending less time percentage-wise arguing about what unfortunately called the highest of all calls that you are doing and honoring the Constitution and honoring the call that you have had as a commitment to serve in this body.

I think it is just not congruent with what you are doing. The other problem I have is this is going to be never-ending. It does not matter. In just a matter of a few weeks, whenever the Senate finishes up whatever they do, then we are back to this again; and I know that because Adam Schiff told me so. I know this because Al Green has told me so. They will impeach him over and over and over again, investigate him over and over and over again. I guess I am waiting for the committee hearings schedule in February to see what we are investigating next. I guess that will dominate us because it is all it has here.

But the one most disturbing thing of all today is at the end of the day, if you can't make that President Zelensky felt threatened, then you attack President Zelensky. I cannot believe just in the last little bit here he was actually called a battered wife, President Zelensky called a battered wife. The absolute destruction in compared to a battered wife is just amazing that this is where we have stooped in this committee at this time during this important moment.

Vote no on this impeachment debacle.

I yield back.

Chairman NADLER. The gentleman yields back.

For what purpose does Mrs. Demings seek recognition?

Mrs. DEMINGS. Move to strike the last word.

Chairman NADLER. The gentlelady is recognized.

Mrs. DEMINGS. Thank you so much, Mr. Chairman.

Just a couple of things I want to clear up right off the bat. I feel compelled to say that Lieutenant Alexander Vindman is a hero because he received the Purple Heart for sustaining injuries in Iraq, and I am extremely proud of him for his courage on and off the battlefield.

Secondly, we can say this one more time. The Intelligence Committee did not subpoena the phone records of any Member of Congress or any member of the press. Abuse of power has been defined as official misconduct, commission of an unlawful act done in an official capacity which affects the performance of official duties.

President Trump sought an announcement of political investigations in return for performing two official acts. Number 1, he conditioned release of vital military assistance in Ukraine on President Zelensky's public announcement of the investigations. Now imagine if there was a mayor who withheld critical dollars from a police chief to fight terrorism until that chief went to a microphone and simply announced an investigation of the mayor's political opponent. I do not believe any community, anywhere would allow that.

Number 2, the President conditioned a head-of-state meeting at the White House on Ukraine, publicly announcing the investigations.

And, finally, President Trump acted corruptly throughout this course of conduct because he offered to perform these official acts in exchange for a private, political benefit rather than because it was in the country's interest.

This last element, the President acting corruptly is perhaps the most important act and it bears repeating because it explains why this article is structured as an abuse of power. It has been suggested that it is as simple as we hate the President. I don't hate the President. I attended President Trump's inauguration. I wanted to be there to watch the peaceful transfer of power. I felt it was my duty. Before coming to Congress, I had provided dignitary protection for Republican and Democratic Presidents. I always considered it an honor.

But President Trump, with all that has been said, with all of the excuses that we have heard today, President Trump used his office to serve himself, to serve his private benefit and by doing so, he jeopardized America's national security interests and the integrity of our precious elections. Every vote should count. And went all out to completely obstruct any investigation into his wrongdoing.

Yes, we have heard it many times. Yes, the President was duly elected by the American people. We know that, and we take it very seriously. I want my vote to count and everybody, I believe, who pressed their way to the polls want their vote to count. But are you suggesting that the American people will allow the President to do anything that he wants to do anytime, anyplace, anywhere?

To my Republican colleagues, I reject what you are willing to settle for. We have a responsibility to hold the President accountable, and I plan on doing my constitutional duty. He shall be held accountable.

And with that, Mr. Chairman, I yield back.

Chairman NADLER. The gentlelady yields back.

There being no further amendments, we have concluded debate on the amendment in the nature of a substitute. The question occurs on the amendment in the nature of a substitute.

All those in favor respond by saying aye.

Opposed no.

In the opinion of the Chair, the ayes have it and the amendment in the nature of a substitute is agreed to.

To be clear, the ayes have it and the amendment in the nature of a substitute is agreed to.

To be clear, the vote this committee just took was not a vote on final passage of the article. It was a procedural vote which precedes final passage of each of the articles. It has been a long two days of consideration of these articles, and it is now very late at night. I want the members on both sides of the aisle to think about what has happened over these last few days and to search their consciences before we cast our final votes.

Therefore, the committee will now stand in recess in tomorrow morning at 10:00 a.m. at which point I will move to divide the question so that each of us may have the opportunity to cast up or down votes on each of the Articles of Impeachment and so that history be our judge.

The committee is in recess.

Mr. COLLINS. Mr. Chairman, Mr. Chairman, there was no consulting for the ranking member on your schedule for tomorrow in which you have just blown up schedules for everyone? You chose not to consult the ranking member on a schedule issue of this magnitude? So typical. This is—this is the kangaroo court that we are talking about. Not even consult.

Mr. GOHMERT. It's Stalin-esque. Let's have a dictator. It is good to hear about that.

Mr. COLLINS. Unbelievable.

Chairman NADLER. Ten a.m. tomorrow.

[Whereupon, at 11:15 p.m., the committee recessed, to reconvene at 10:00 a.m., Friday, December 13, 2019.]

MARKUP OF H. RES. 755, ARTICLES OF IMPEACHMENT AGAINST PRESIDENT DONALD J. TRUMP

FRIDAY, DECEMBER 13, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to call, at 10:03 a.m., in Room 1100, Longworth House Office Building, Hon. Jerrold Nadler [chairman of the committee] presiding.

Present: Representatives Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries, Cicilline, Swalwell, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Mucarsel-Powell, Escobar, Collins, Sensenbrenner, Chabot, Gohmert, Jordan, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong, and Steube.

Staff Present: Amy Rutkin, Chief of Staff; Perry Apelbaum, Staff Director and Chief Counsel; Aaron Hiller, Deputy Chief Counsel and Chief Oversight Counsel; Barry Berke, Counsel; Norm Eisen, Counsel; Arya Hariharan, Deputy Chief Oversight Counsel; James Park, Chief Constitution Counsel; Joshua Matz, Counsel; Sarah Istel, Counsel; Matthew Morgan, Counsel; Kerry Tirrell, Counsel; Sophia Brill, Counsel; Charles Gayle, Counsel; Maggie Coodlander, Counsel; Matthew N. Robinson, Counsel; Ted Kalo, Counsel; Priyanka Mara, Professional Staff Member; William S. Emmons, Legislative Aide/Professional Staff Member; Madeline Strasser, Chief Clerk, Rachel Calanni, Legislative Aide/Professional Staff Member; Julian Gerson, Professional Staff Member; Anthony Valdez, Fellow; Thomas Kaelin, Fellow; David Greengrass, Senior Counsel; John Doty, Senior Advisor; Moh Sharma, Member Services and Outreach Advisor; John Williams, Parliamentarian; Jordan Dashow, Professional Staff Member; Shadawn Reddick-Smith, Communications Director; Daniel Schwarz, Director of Strategic Communications; Kayla Hamedi, Deputy Press Secretary; Kingsley Animley, Director of Administration; Tim Pearson, Publications Specialist; Janna Pickney, IT Director; Faisal Siddiqui, Deputy IT Manager; Nick Ashley, Intern; Alex Espinoza, Intern; Alex Thomson, Intern; Mariam Siddiqui, Intern; Catherine Larson, Intern; Kiah Lewis, Intern; Brendan Belair, Minority Staff Director; Bobby Parmiter, Minority Deputy Staff Director/Chief Counsel; Ashley

Callen, Minority Chief Oversight Counsel; Danny Johnson, Minority Oversight Counsel; Jake Greenberg, Minority Oversight Counsel; Paul Taylor, Minority Chief Counsel, Constitution Subcommittee; Daniel Flores, Minority Chief Counsel, Antitrust Subcommittee; Ella Yates, Minority Member Services Director; Jon Ferro, Minority Parliamentarian; and Erica Barker, Minority Deputy Parliamentarian.

Chairman NADLER. The Judiciary Committee will come to order, a quorum being present.

Thank you.

The Judiciary Committee will come to order, a quorum being presented. Having agreed yesterday to the amendment in the nature of a substitute of the Articles of Impeachment against President Donald J. Trump, the pending business is reporting the resolution favorably to the House.

A reporting quorum being present, the question is now on the motion to report the resolution H. Res. 755 as amended favorably to the House. Pursuant to Clause 5 of House Rule 16, because the resolution contains two distinct propositions, we will divide the question between the two articles. The question now is on Article I of the resolution, impeaching Donald J. Trump for abusing his powers.

The clerk will call the roll.

Ms. STRASSER. Mr. Nadler?

Chairman NADLER. Aye.

Ms. STRASSER. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. STRASSER. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. JACKSON LEE. Aye.

Ms. STRASSER. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. COHEN. Aye.

Ms. STRASSER. Mr. Cohen votes aye.

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. STRASSER. Mr. Johnson of Georgia votes aye.

Mr. Deutch?

Mr. DEUTCH. Aye.

Ms. STRASSER. Mr. Deutch votes aye.

Ms. Bass?

Ms. BASS. Aye.

Ms. STRASSER. Ms. Bass votes aye.

Mr. Richmond?

Mr. RICHMOND. Yes.

Ms. STRASSER. Mr. Richmond votes yes.

Mr. Jeffries?

Mr. JEFFRIES. Aye.

Ms. STRASSER. Mr. Jeffries votes aye.

Mr. Cicilline?

Mr. CICILLINE. Aye.

Ms. STRASSER. Mr. Cicilline votes aye.

Mr. Swalwell?

Mr. SWALWELL. Aye.
Ms. STRASSER. Mr. Swalwell votes aye.
Mr. Lieu?
[No response.]
Ms. STRASSER. Mr. Raskin?
Mr. RASKIN. Aye.
Ms. STRASSER. Mr. Raskin votes aye.
Ms. Jayapal?
Ms. JAYAPAL. Aye.
Ms. STRASSER. Ms. Jayapal votes aye.
Mrs. Demings?
Mrs. DEMINGS. Aye.
Ms. STRASSER. Mrs. Demings votes aye.
Mr. Correa?
Mr. CORREA. Yes.
Ms. STRASSER. Mr. Correa votes yes.
Ms. Scanlon?
Ms. SCANLON. Aye.
Ms. STRASSER. Ms. Scanlon votes aye.
Ms. Garcia?
Ms. GARCIA. Aye.
Ms. STRASSER. Ms. Garcia votes aye.
Mr. Neguse?
Mr. NEGUSE. Aye.
Ms. STRASSER. Mr. Neguse votes aye.
Mrs. McBath?
Mrs. MCBATH. Aye.
Ms. STRASSER. Mrs. McBath votes aye.
Mr. Stanton?
Mr. STANTON. Aye.
Ms. STRASSER. Mr. Stanton votes aye.
Ms. Dean?
Ms. DEAN. Aye.
Ms. STRASSER. Ms. Dean votes aye.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. Aye.
Ms. STRASSER. Ms. Mucarsel-Powell votes aye.
Ms. Escobar?
Ms. ESCOBAR. Aye.
Ms. STRASSER. Ms. Escobar votes aye.
Mr. Collins?
Mr. COLLINS. No.
Ms. STRASSER. Mr. Collins votes no.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. No.
Ms. STRASSER. Mr. Sensenbrenner votes no.
Mr. Chabot?
Mr. CHABOT. No.
Ms. STRASSER. Mr. Chabot votes no.
Mr. Gohmert?
Mr. GOHMERT. My vote is no.
Ms. STRASSER. Mr. Gohmert votes no.
Mr. Jordan?
Mr. JORDAN. No.

Ms. STRASSER. Mr. Jordan votes no.
Mr. Buck?
Mr. BUCK. No.
Ms. STRASSER. Mr. Buck votes no.
Mr. Ratcliffe?
Mr. Ratcliffe. No.
Ms. STRASSER. Mr. Ratcliffe votes no.
Mrs. Roby?
Mrs. ROBY. No.
Ms. STRASSER. Mrs. Roby votes no.
Mr Gaetz?
Mr. GAETZ. No.
Ms. STRASSER. Mr. Gaetz votes no.
Mr. Johnson of Louisiana?
Mr. JOHNSON of Louisiana. No.
Ms. STRASSER. Mr. Johnson of Louisiana votes no.
Mr. Biggs?
Mr. BIGGS. No.
Ms. STRASSER. Mr. Biggs votes no.
Mr. McClintock?
Mr. MCCLINTOCK. No.
Ms. STRASSER. Mr. McClintock votes no.
Mrs. Lesko?
Mrs. LESKO. No.
Ms. STRASSER. Mrs. Lesko votes no.
Mr. Reschenthaler?
Mr. RESCHENTHALER. No.
Ms. STRASSER. Mr. Reschenthaler votes no.
Mr. Cline?
Mr. CLINE. No.
Ms. STRASSER. Mr. Cline votes no.
Mr. Armstrong?
Mr. ARMSTRONG. No.
Ms. STRASSER. Mr. Armstrong votes no.
Mr. Steube?
Mr. STEUBE. No.
Ms. STRASSER. Mr. Steube votes no.

Chairman NADLER. Has everybody member voted who wishes to vote?

Mr. GOHMERT. Mr. Chairman——

Chairman NADLER. The clerk——

Mr. GOHMERT [continuing]. May I ask how I am recorded?

Chairman NADLER. How is the gentleman recorded?

Ms. STRASSER. Mr. Gohmert, you are recorded as no.

Mr. GOHMERT. I want to make sure.

Chairman NADLER. The clerk will report.

Ms. STRASSER. Mr. Chairman, there are 23 ayes and 17 noes.

Chairman NADLER. The article is agreed to.

The question now is on Article II of the resolution, impeaching President Donald J. Trump for obstructing Congress.

The clerk will call the roll.

Ms. STRASSER. Mr. Nadler?

Chairman NADLER. Aye.

Ms. STRASSER. Mr. Nadler votes aye.

Ms. Lofgren?
Ms. LOFGREN. Aye.
Ms. STRASSER. Ms. Lofgren votes aye.
Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
Ms. STRASSER. Ms. Jackson Lee votes aye.
Mr. Cohen?
Mr. COHEN. Aye.
Ms. STRASSER. Mr. Cohen votes aye.
Mr. Johnson of Georgia?
Mr. JOHNSON of Georgia. Aye.
Ms. STRASSER. Mr. Johnson of Georgia votes aye.
Mr. Deutch?
Mr. DEUTCH. Aye.
Ms. STRASSER. Mr. Deutch votes aye.
Ms. Bass?
Ms. BASS. Aye.
Ms. STRASSER. Ms. Bass votes aye.
Mr. Richmond?
Mr. RICHMOND. Yes.
Ms. STRASSER. Mr. Richmond votes yes.
Mr. Jeffries?
Mr. JEFFRIES. Aye.
Ms. STRASSER. Mr. Jeffries votes aye.
Mr. Cicilline?
Mr. CICILLINE. Aye.
Ms. STRASSER. Mr. Cicilline votes aye.
Mr. Swalwell?
Mr. SWALWELL. Aye.
Ms. STRASSER. Mr. Swalwell votes aye.
Mr. Lieu?
[No response.]
Ms. STRASSER. Mr. Raskin?
Mr. RASKIN. Aye.
Ms. STRASSER. Mr. Raskin votes aye.
Ms. Jayapal?
Ms. JAYAPAL. Aye.
Ms. STRASSER. Ms. Jayapal votes aye.
Mrs. Demings?
Mrs. DEMINGS. Aye.
Ms. STRASSER. Mrs. Demings votes aye.
Mr. Correa?
Mr. CORREA. Yes.
Ms. STRASSER. Mr. Correa votes yes.
Ms. Scanlon?
Ms. SCANLON. Aye.
Ms. STRASSER. Ms. Scanlon votes aye.
Ms. Garcia?
Ms. GARCIA. Aye.
Ms. STRASSER. Ms. Garcia votes aye.
Mr. Neguse?
Mr. NEGUSE. Aye.
Ms. STRASSER. Mr. Neguse votes aye.
Mrs. McBath?

Mrs. MCBATH. Aye.
Ms. STRASSER. Mrs. McBath votes aye.
Mr. Stanton?
Mr. STANTON. Aye.
Ms. STRASSER. Mr. Stanton votes aye.
Ms. Dean.
Ms. DEAN. Aye.
Ms. STRASSER. Ms. Dean votes aye.
Ms. Mucarsel-Powell?
Ms. MUCARSEL-POWELL. Aye.
Ms. STRASSER. Ms. Mucarsel-Powell votes aye.
Ms. Escobar?
Ms. ESCOBAR. Aye.
Ms. STRASSER. Ms. Escobar votes aye.
Mr. Collins?
Mr. COLLINS. No.
Ms. STRASSER. Mr. Collins votes no.
Mr. Sensenbrenner?
Mr. SENSENBRENNER. No.
Ms. STRASSER. Mr. Sensenbrenner votes no.
Mr. Chabot?
Mr. CHABOT. No.
Ms. STRASSER. Mr. Chabot votes no.
Mr. Gohmert?
Mr. GOHMERT. No.
Ms. STRASSER. Mr. Gohmert votes no.
Mr. Jordan?
Mr. JORDAN. No.
Ms. STRASSER. Mr. Jordan votes no.
Mr. Buck?
Mr. BUCK. No.
Ms. STRASSER. Mr. Buck votes no.
Mr. Ratcliffe?
Mr. RATCLIFFE. No.
Ms. STRASSER. Mr. Ratcliffe votes no.
Mrs. Roby?
Mrs. ROBY. No.
Ms. STRASSER. Mrs. Roby votes no.
Mr Gaetz?
Mr. GAETZ. No.
Ms. STRASSER. Mr. Gaetz votes no.
Mr. Johnson of Louisiana?
Mr. JOHNSON of Louisiana. No.
Ms. STRASSER. Mr. Johnson of Louisiana votes no.
Mr. Biggs?
Mr. BIGGS. No.
Ms. STRASSER. Mr. Biggs votes no.
Mr. McClintock?
Mr. MCCLINTOCK. No.
Ms. STRASSER. Mr. McClintock votes no.
Mrs. Lesko?
Mrs. LESKO. No.
Ms. STRASSER. Mrs. Lesko votes no.
Mr. Reschenthaler?

Mr. RESCHENTHALER. No.

Ms. STRASSER. Mr. Reschenthaler votes no.

Mr. Cline?

Mr. CLINE. No.

Ms. STRASSER. Mr. Cline votes no.

Mr. Armstrong?

Mr. ARMSTRONG. No.

Ms. STRASSER. Mr. Armstrong votes no.

Mr. Steube?

Mr. STEUBE. No.

Ms. STRASSER. Mr. Steube votes no.

Chairman NADLER. Has every member of the committee who wishes to vote voted?

The clerk will report.

Ms. STRASSER. Mr. Chairman, there are 23 ayes and 17 noes.

Chairman NADLER. The article is agreed to. The resolution is amended as ordered reported favorably to the House. Members will have 2 days to submit views. The resolution will be reported as a single amendment in the nature of a after substitute. Without objection, the staff is authorized to make technical and conforming changes.

Without objection, the committee is adjourned.

Mr. COLLINS. Mr. Chairman——

Chairman NADLER. For what purpose does the gentleman seek recognition?

Mr. COLLINS. Pursuant to Clause 2(L) of Rule 11, I give notice of intent to file dissenting views.

Chairman NADLER. The notice is heard.

Without objection, the committee is adjourned.

[Whereupon, at 10:10 a.m., the committee was adjourned.]