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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 24, 2020, at 2 p.m.

## Senate

WEDNESDAY, JANUARY 22, 2020

The Senate met at 1 p.m. and was called to order by the Chief Justice of the United States.

### TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment.

The Chaplain will lead us in prayer.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, author of liberty, we gather in this historic Chamber for the solemn responsibility of these impeachment proceedings. Give wisdom to the distinguished Chief Justice, John Roberts, as he presides.

Lord, You are all-powerful and know our thoughts before we form them. As our lawmakers have become jurors, remind them of Your admonition in 1 Corinthians 10:31, that whatever they do should be done for Your glory. Help them remember that patriots reside on both sides of the aisle, that words have consequences, and that how something is said can be as important as what is said. Give them a civility built upon integrity that brings consistency in their beliefs and actions.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Chief Justice led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### THE JOURNAL

The CHIEF JUSTICE. Senators, will you please be seated.

If there is no objection, the Journal of the proceedings of the trial are approved to date.

Without objection, it is so ordered.

The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Michael C. Stenger, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Donald John Trump, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. McCONNELL. Mr. Chief Justice, for the information of all of our colleagues, no motions—no motions—were filed this morning, so we will proceed to the House managers' presentation. We will go for approximately 2 hours and take a short recess when there is an appropriate break time between presenters.

The CHIEF JUSTICE. Pursuant to the provisions of S. Res. 483, the managers for the House of Representatives have 24 hours to make the presentation of their case.

The Senate will now hear you.

### OPENING STATEMENT

Mr. Manager SCHIFF. Mr. Chief Justice, Senators, counsel for the President, and my fellow House managers: I want to begin by thanking you, Chief Justice, for a very long day, for the way you have presided over these proceedings. I want to thank the Senators also. We went well into the morning, as you know, until I believe around 2 in the morning. You paid attention to every word and argument you heard from both sides in this impeachment trial, and I know we are both deeply grateful for that.

It was an exhausting day for us, certainly, but we have adrenaline going through our veins. For those who are required to sit and listen, it is a much more difficult task. Of course, we know our positions. You have the added difficulty of having to weigh the facts and the law. So I want to begin today by thanking you for the conduct of the proceedings yesterday and inviting your patience as we go forward. We have some very long days yet to come.

So let us begin.

"When a man unprincipled in private life, desperate in his fortune, bold in his temper, possessed of considerable talents, having the advantage of military habits, despotic in his ordinary demeanor, known to have scoffed in private at the principles of liberty—when such a man is seen to mount the hobby horse of popularity, to join in the cry of danger to liberty, to take every opportunity of embarrassing the general government and bringing it under suspicion, to flatter and fall in with all the nonsense of the zealots of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the day, it may justly be suspected that his object is to throw things into confusion that he may ride the storm and direct the whirlwind.”

Those words were written by Alexander Hamilton in a letter to President George Washington at the height of the panic of 1792, a financial credit crisis that shook our young Nation. Hamilton was responding to sentiments relayed to Washington as he traveled the country that America, in the face of that crisis, might descend from a republican form of government, plunging instead into that of monarchy.

The Framers of the Constitution worried then, as we worry today, that a leader might come to power not to carry out the will of the people he was elected to represent but to pursue his own interests. They feared that a President would subvert our democracy by abusing the awesome power of his office for his own personal or political gain. And so they devised a remedy as powerful as the evil it was meant to combat: impeachment.

As centuries have passed, our Founders achieved an almost mythical character. We are aware of their flaws, certainly some very painful and pronounced indeed. Yet, when it came to the drafting of the new system of government never seen before and with no guarantee it would succeed, we cannot help but be in awe of their genius, their prescience even, vindicated time and again.

Still, maybe because of their brilliance and the brilliance of their words, we find year after year it more difficult to imagine them as human beings. This is no less true of Alexander Hamilton, notwithstanding his recent return to celebrity. But they were human beings. They understood human frailties, even as they exhibited them. They could appreciate, just as we can, how power can corrupt. Even as we struggle to understand how the Framers might have responded to Presidential misconduct of the kind and character that we are here to try, we should not imagine for one moment that they lacked basic common sense or refuse to apply it ourselves.

They knew what it was like to live under a despot, and they risked their lives to be free of it. They knew they were creating an enormously powerful executive, and they knew they needed to constrain it. They did not intend for the power of impeachment to be used frequently or over mere matters of policy, but they put it in the Constitution for a reason: for a man who would subvert the interests of the Nation to pursue his own interests; for a man who would seek to perpetuate himself in office by inviting foreign interference and cheating in an election; for a man who would be disdainful of constitutional limit, ignoring or defeating the other branches of government and their coequal powers; for a man who believed that the Constitution gave him the right to do anything he wanted and practiced in the art of deception;

for a man who believed that he was above the law and beholden to no one; for a man, in short, who would be a King.

We are here today in this hallowed Chamber undertaking this solemn action for only the third time in history because Donald J. Trump, the 45th President of the United States, has acted precisely as Hamilton and his contemporaries feared. President Trump solicited foreign interference in our democratic elections, abusing the power of his office, to seek help from abroad to improve his reelection prospects at home. When he was caught, he used the powers of that office to obstruct the investigation into his own misconduct.

To implement this corrupt scheme, President Trump pressured the President of Ukraine to publicly announce investigations into two discredited allegations that would benefit President Trump's 2020 Presidential campaign. When the Ukrainian President did not immediately assent, President Trump withheld two official acts to induce the Ukrainian leader to comply: a head-of-state meeting in the Oval Office and military funding. Both were of bright consequence to Ukraine and to our national interests in security, but one looms largest. President Trump withheld hundreds of millions of dollars in military aid to a strategic partner at war with Russia to secure foreign help with his reelection—in other words, to cheat.

In this way, the President used official state powers available only to him and unavailable to any political opponent to advantage himself in a democratic election. His scheme was undertaken for a simple but corrupt reason—to help him win reelection in 2020. But the effect of the scheme was to undermine our free and fair elections and to put our national security at risk.

It was not even necessary that Ukraine undertake the political investigations the President was seeking. They merely had to announce them. This is significant, for President Trump had no interest in fighting corruption, as he would claim after he was caught. Rather, his interest was in furthering corruption by the announcement of investigations that were completely without merit.

The first sham investigation that President Trump desired was into former Vice President Joe Biden, who had sought the removal of a corrupt Ukrainian prosecutor during the previous U.S. administration.

The Vice President acted in accordance with U.S. official policy at the time and was supported unanimously by our European allies and key global financial institutions, such as the International Monetary Fund, which shared the concern over corruption.

Despite this fact, in the course of this scheme, President Trump and his agents pressed the Ukrainian President to announce an investigation into the false claim that Vice President Biden

wanted the corrupt prosecutor removed from power in order to stop an investigation into Burisma Holdings, a company on whose board Biden's son Hunter sat.

This allegation is simply untrue. It has been widely debunked by Ukrainian and American experts alike. That reality mattered not to President Trump. To him, the value in promoting a negative tale about former Vice President Biden—true or false—was its usefulness to his reelection campaign. It was a smear tactic against a political opponent that President Trump apparently feared.

Remarkably but predictably, Russia, too, has sought to support this effort to smear Mr. Biden, reportedly hacking into the Ukraine energy company at the center of the President's disinformation campaign only last week.

Russia almost certainly was looking for information related to the former Vice President's son so that the Kremlin could also weaponize it against Mr. Biden, just like it did against Hillary Clinton in 2016, when Russia hacked and released emails from her Presidential campaign.

President Trump has made it abundantly clear that he would like nothing more than to make use of such dirt against Mr. Biden, just as he made use of Secretary Clinton's hacked and released emails in his previous Presidential campaign.

That brings us to the other sham investigation that President Trump demanded the Ukrainian leader announce. This investigation was related to a debunked conspiracy theory, alleging that Ukraine, not Russia, interfered in the 2016 Presidential election. This narrative, propagated by the Russian intelligence services, contends that Ukraine sought to help Hillary Clinton and harm then-Candidate Trump and that a computer server providing this fiction is hidden somewhere in Ukraine.

That is the so-called CrowdStrike conspiracy theory. This tale is also patently false, and, remarkably, it is precisely the inverse of what the U.S. intelligence communities' unanimous assessment was that Russia interfered in the 2016 election in sweeping in systemic fashion in order to hurt Hillary Clinton and help Donald Trump.

Nevertheless, the President evidently believed that a public announcement lending credence to these allegations by the Ukrainian President could assist his reelection by putting to rest any doubts Americans may have had over the legitimacy of his first election, even as he invited foreign interference in the next.

To the degree that most Americans have followed the President's efforts to involve another foreign power in our election, they may be most familiar with his entreaty to the Ukrainian President on the now infamous July 25 call to “do us a favor, though” and investigate Biden and the 2016 conspiracy theory.

That call was not the beginning of the story of the President's corrupt scheme, nor was it the end. Rather, it was merely part—although, a significant part—of a months' long effort by President Trump and his allies and associates who applied significant and increasing pressure on Ukraine to announce these two politically motivated investigations.

Key figures in the Trump administration were aware or directly involved or participated in the scheme. As we saw yesterday, one witness—a million-dollar donor to the President's inaugural committee put it this way: Everyone was in the loop.

After twice inviting Ukraine's new President to the White House without providing a specific date for the proposed visit, President Trump conditioned this coveted Head-of-State meeting on the announcement of these sham investigations. For Ukraine's new and untested leader, an official meeting with the President of the United States in the Oval Office was critical. It would help bestow on him important, domestic, and international legitimacy, as he sought to implement an ambitious anti-corruption platform.

Actual and apparent support from the President of the United States would also strengthen his position as he sought to negotiate a peace agreement with Russia's President Vladimir Putin, seeking an end to Russia's illegal annexation and continued military occupation of parts of Ukraine.

But most pernicious, President Trump petitioned hundreds of millions of dollars in congressionally appropriated taxpayer-funded military assistance for the same purpose to apply more pressure on Ukraine's leader to announce the investigations. This military aid, which has long enjoyed bipartisan support, was designed to help Ukraine defend itself from the Kremlin's aggression.

More than 15,000 Ukrainians have died fighting Russian forces and their proxies—15,000. The military aid was for such essentials as sniper rifles, rocket-propelled grenade launchers, radar night-vision goggles, and other vital support for the war effort.

Most critically, the military aid we provide Ukraine helps to protect and advance American national security interests in the region and beyond. America has an abiding interest in stemming Russian expansionism and resisting any nations' efforts to remake the map of Europe by dint of military force, even as we have tens of thousands of troops stationed there.

Moreover, as one witness put it during our impeachment inquiry, the United States aids Ukraine and her people so that we can fight Russia over there and we don't have to fight Russia here.

When the President's scheme was exposed and the House of Representatives properly performed its constitutional responsibility to investigate the matter, President Trump used the same

unrivaled authority at his disposal as Commander in Chief to cover up his wrongdoing.

In unprecedented fashion, the President ordered the entire executive branch of the United States of America to categorically refuse and completely obstruct the House's impeachment investigation. Such a wholesale obstruction of congressional impeachment has never before occurred in our democracy. It represents one of the most blatant efforts of a coverup in history.

If not remedied by his conviction in the Senate and removal from office, President Trump's abuse of his office and obstruction of Congress will permanently alter the balance of power among the branches of government, inviting future Presidents to operate as if they are also beyond the reach of accountability, congressional oversight, and the law.

On the basis of this egregious misconduct, the House of Representatives returned two Articles of Impeachment against the President: first, charging that President Trump corruptly abused the powers of the Presidency to solicit foreign interference in the upcoming Presidential election for his personal political benefit; and, second, that President Trump obstructed an impeachment inquiry into that abuse of power in order to cover up his misconduct.

The House did not take this extraordinary step lightly. As we will discuss, impeachment exists for cases in which the conduct of the President rises beyond mere policy disputes to be decided otherwise and without urgency at the ballot box.

Instead, we are here today to consider a much more grave matter, and that is an attempt to use the powers of the Presidency to cheat in an election. For precisely this reason, the President's misconduct cannot be decided at the ballot box, for we cannot be assured that the vote will be fairly won.

In corruptly using his office to gain a political advantage, in abusing the powers of that office in such a way to jeopardize our national security and the integrity of our elections, in obstructing the investigation into his own wrongdoing, the President has shown that he believes that he is above the law and scornful of constraint.

As we saw yesterday on the screen, under article II he can do anything he wants. Moreover, given the seriousness of the conduct at issue and its persistence, this matter cannot and must not be decided by the courts, which apart from the presence of the Chief Justice here today, are given no role in impeachments in either the House or the Senate.

Being drawn into litigation, taking many months or years to complete, would provide the President with an opportunity to continue his misconduct. He would remain secure in the knowledge that he may tie up the Congress and the courts indefinitely, as he has with Don McGahn, rendering the

impeachment power effectively meaningless.

We also took the step with the knowledge that this was not the first time the President solicited foreign interference in our elections. In 2016, then-candidate Trump implored Russia to hack his opponent's email account, something that the Russian military agency did only hours later—only hours later.

When the President said, "hey, Russia, if you're listening," they were listening. Only hours later they hacked his opponent's campaign.

The President has made it clear this would also not be the last time, asking China only recently to join Ukraine in investigating his political opponent.

Over the coming days, we will present to you and to the American people the extensive evidence collected during the House's impeachment inquiry into the President's abuse of power—overwhelming evidence, notwithstanding his unprecedented and wholesale obstruction of the investigation into that misconduct.

You will hear and read testimony from courageous public servants who upheld their oath to the Constitution and their legal obligations to comply with congressional action, despite a categorical order by President Trump not to cooperate with the impeachment inquiry.

These are courageous Americans who were told by the President of the United States not to cooperate, not to appear, not to testify, but who had the sense of duty to do so. But more than that, you will hear from witnesses who have not yet testified, such as John Bolton and Mick Mulvaney, Mr. Blair and Mr. Duffey. And if you can believe the President's words last month, you will also hear from Secretary Pompeo. You will hear their testimony at the same time as the American people; that is, if you allow it, if we have a fair trial.

During our presentation, you will see documentary records, those the President was unable to suppress, that exposed the President's scheme in detail. You will learn of further evidence that has been revealed in the days since the House voted to impeach President Trump, even as the President and his agents have persisted in their efforts to cover up their wrongdoing from Congress and the public.

You will see dozens of new documents providing new and critical evidence of the President's guilt that remain at this time in the President's hands and in the hands of the Department of Defense and the Department of State and the Office of Management and Budget, even the White House. You will see them and so will the American people if you allow it—if, in the name of a fair trial, you will demand it.

These are politically charged times. Tempers can run high, particularly where this President is concerned, but these are not unique times. Deep divisions and disagreements were hardly

alien concepts to the Framers so they designed impeachment power in such a way as to insulate it as best they could from the crush of partisan politics. The Framers placed the question of removal before the Senate, a body able to rise above the fray, to soberly judge the President's conduct or misconduct for what it was, nothing more and nothing less.

In Federalist No. 65, Hamilton wrote:

Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation, to preserve, unawed and uninfluenced, the necessary impartiality between an individual accused, and the representatives of the people, his accusers?

It is up to you to be the tribunal that Hamilton envisioned. It is up to you to show the American people and yourselves that his confidence and that of the other Founders was rightly placed. The Constitution entrusts you to the responsibility of acting as impartial jurors, to hold a fair and thorough trial, and to weigh the evidence before you no matter what your party affiliation or your vote in the previous election or the next. Our duty is to the Constitution and to the rule of law.

I recognize there will be times during the trial that you may long to return to the business of the Senate. The American people look forward to the same but not before you decide what kind of democracy that you believe we ought to be and what the American people have a right to expect in the conduct of their President.

The House believes that an impartial juror, upon hearing the evidence that the managers will lay out in the coming days, will find that the Constitution demands the removal of Donald J. Trump from his office as President of the United States. But that will be for you to decide. With the weight of history upon you, and as President Kennedy once said: "With a good conscience our only sure reward. . . ."

In drafting our Constitution, the Framers designed a new and untested form of government. It would be based on free and fair elections to ensure that our political leaders would be chosen democratically and by citizens of our country alone. Having broken free from a King with unbridled authority who often placed his own interests above that of the people, the Framers established a structure that would guarantee that the Chief Executive's power flowed only from his obligation to the people rather than from a sovereign whose power was confirmed on him by divine right.

In this new architecture, no branch of government or individual would predominate over another. In this way, the Founders ensured that their elected leaders and their President would use the powers of office only to undertake that which the people desired and not for their personal aggrandizement or enrichment.

What did those who rebelled and fought a revolution desire? Nothing dif-

ferent than what we, the generations that have followed, desire: that no person, including and especially the President, would be above the law. Nothing could be more dangerous to a democracy than a Commander in Chief who believed that he could operate with impunity, free from accountability—nothing, that is, except a Congress that is willing to let it be so.

To ensure that no such threat can take root and subvert our fledgling democracy, the Framers divided power among three coequal branches of government—the executive, the legislative, and the judicial branches—so that ambition may be made to counter ambition. They provided for Presidential elections every 4 years, and the Framers required that the President swear an oath to faithfully execute the law and to preserve, protect, and defend the Constitution of the United States.

Even with these guardrails in place, the Framers understood an individual could come to power who defied that solemn oath, who pursued his own interests rather than those of the country he led. For that reason, the Framers adopted a tool used by the British Parliament to restrain its officials: the power of impeachment. Rather than a mechanism to overturn an election, impeachment would be a remedy of last resort, and, unlike in England, the Framers applied this ultimate check to the highest office in the land, to the President of the United States. Impeachment removal of a duly elected President was not intended for policy disputes or poor administration of the State. Instead, the Framers had in mind the most serious of offenses: those against the public itself.

Hamilton explained that impeachment was not designed to cover only statutory common law crimes but instead crimes against the body politic. Hamilton wrote:

The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may, with peculiar propriety, be denominated political, as they relate chiefly to injuries done immediately to the society itself.

In other words, impeachment would be confined to abuses of people's trust and to the society itself. This is precisely the abuse that has been undertaken by our current President when he withheld money in support for an ally at war to secure a political benefit. The punishment for those crimes would fit the political nature of the offense. As James Wilson—a delegate of the Constitutional Convention and a future Associate Justice of the Supreme Court—reasoned that impeachment "was confined to political characters, to political crimes and misdemeanors, and to political punishments." The Framers determined that punishment would be neither prison nor fines but, instead, limited to removal from office and disqualification from holding future office.

The Framers chose to undertake impeachment for treason, bribery, or other high crimes and misdemeanors to underscore the requirement of an offense against society. In this phrase, "high" modifies both the crimes and the misdemeanors in that both relate to a high injustice, a transgression committed against the people and to the public trust. The Framers had two broad categories in mind: those actions that are facially permissible under the President's authority but are based on corrupt motives, such as seeking to obtain a personal benefit through public office, and those that far exceed the President's constitutional authority or violate the legal limits on that authority.

In article I, we deal with the first evil which the Framers wished to guard against; that is, cases in which a President corruptly misused the power otherwise bestowed on him to secure a personal reward. Guarding against a President who undertakes official acts with a corrupt motive of helping himself is at the heart of the impeachment power. As one scholar explained, the President's duty to faithfully execute the law requires that he undertakes actions only when motivated in the public interest rather than in their private self-interest. Efforts to withhold official acts for personal gain countermand the President's sacred oath and, therefore, constitute impeachable behavior as it was conceived by the Framers.

In article II, we also deal with the second evil contemplated by the Founders, who made it clear that the President ought not operate beyond the limits placed on him by legislative and judicial branches. Impeachment was warranted for a President who usurped the power of the Constitution that was not granted to him, such as to defy Congress the right to determine the propriety, the scope, and the nature of an impeachment inquiry into his own misconduct.

The Framers fashioned a powerful Chief Executive but not one beyond accountability of law. When a President wields power in ways that are inappropriate and seek to extinguish the rights of Congress, he exceeds the power of constitutional authority and violates the limits placed on his conduct. Obstruction of a separate and coequal branch of government for the purposes of covering up an abuse of power not only implies a corrupt intent but also demonstrates a remarkable antipathy toward the balance of power contemplated and enshrined in our Constitution. It is a betrayal of the President's sacred oath of office and of his duty to put the country before himself.

On September 24, 2019, Speaker of the House NANCY PELOSI announced that the House of Representatives would move forward with an official impeachment inquiry into President Donald J. Trump. The announcement followed public reporting in the United States

and Ukraine that the President and his agents sought Ukraine's help in his reelection effort and revelations that the White House was blocking from Congress an intelligence community whistleblower complaint possibly related to this grave offense.

The next day, on September 25, under extraordinary pressure, the White House released publicly the record of the July 25 call between President Trump and Ukrainian President Vladimir Zelensky. The call record revealed that President Trump explicitly requested that the new leader undertake investigations beneficial to President Trump's reelection campaign. Upon release of the record of the call, President Trump claimed that the call was "perfect." Far from perfect, the call record revealed a President who used his high office to personally and directly press the leader of a foreign country to do his political dirty work. Asking for a favor, President Trump insisted that President Zelensky investigate a formidable potential political opponent, former Vice President Joe Biden, as well as the baseless conspiracy theory that Ukraine, not Russia, interfered in the 2016 election to assist then-Candidate Trump's opponent.

Witnesses who listened to the call as it transpired testified that they immediately recognized these requests did not represent official U.S. policy and, instead, were politically charged appeals, not appropriate for a President to make. Key witnesses emphasized it was not necessary that Ukraine actually undertake the investigations, only that the Ukrainian President denounce them.

President Trump's objective was not to encourage a foreign government to investigate legitimate allegations of misconduct or wrongdoing abroad, made clear, as well, by the fact that the investigations he wanted announced have been discredited entirely. Rather, the President simply wanted to reap a political benefit by tarnishing a political rival and in attempting to erase from history his previous election misconduct. To compel the Ukrainian President to do his political dirty work, President Trump withheld from President Zelensky two official acts of great importance: that coveted White House meeting to which President Zelensky had already been invited and \$391 million in military assistance for the Ukrainians to fight the Russians.

For a strategic partner of the United States in a hot war with Russian-backed forces inside its own borders, this symbolic support conferred on it by an Oval Office visit with the President of the United States and the life-saving support of our military aid was essential. As the House's presentation will make clear, in directly soliciting foreign interference and withholding those official acts in exchange for the announcement of political investigations beneficial to his election, the

President put his own interest above the national interest.

President Trump undermined the integrity of our free and fair elections by pressing a foreign power to influence our most sacred right as citizens, our right to freely choose our leaders, and he threatened our national security by withholding critical aid from a partner on the frontlines of war with Russia, an aggressor that has threatened peace and stability on an entire continent. In so doing, the President sacrificed not only the security of our European allies but also our Nation's core national security interests. President Trump undertook this pressure campaign through handpicked agents inside and outside of government who circumvented traditional policy channels. President Trump intentionally bypassed many U.S. Government career officials with responsibility over Ukraine and advanced his scheme primarily through the effort of his personal attorney Rudy Giuliani. President Trump carried out this scheme with the knowledge of senior administration officials, including the President's Acting Chief of Staff Mick Mulvaney, Secretary of State Mike Pompeo, Vice President MIKE PENCE, National Security Council Legal Advisor John Eisenberg, and White House Counsel Pat Cipollone.

When the President became aware that the scheme would be uncovered, he undertook an unprecedented effort to obstruct the House of Representatives' impeachment inquiry to hide it from the public and from Congress, including all evidence related to his misconduct. That coverup continues today as the administration has not provided a single document pursuant to lawful subpoenas by the House.

The administration also continues to prevent witnesses from cooperating, further obstructing the House's efforts—efforts the President is, no doubt, proud of but which threaten the integrity of this institution and this Congress as a coequal branch of power—and our ability not only to do oversight but to hold a President who is unindictable accountable.

Despite these efforts to obstruct our inquiry, the House of Representatives uncovered overwhelming evidence related to the President's misconduct through interviews with 17 witnesses who appeared before the Intelligence, Oversight and Reform, and Foreign Affairs Committees. Many of these witnesses bravely defied White House orders not to comply with duly authorized congressional subpoenas. Were it not for them—were it not for Ambassador Marie Yovanovitch, who was the first through the breach—we may never have known of the President's scheme.

I want you to imagine, just for a minute, what kind of courage that took for Ambassador Yovanovitch—the subject of that vicious smear campaign—to risk her reputation and her career to stand up to the President of

the United States, who was instructing her through his agents: You will not cooperate. You will not testify. You will tell them nothing.

Then, there is Bill Taylor, a West Point graduate and a Vietnam veteran with a Bronze Star and something he was even more proud of—the Combat Infantryman Badge. He knows what courage is. He showed a different kind of courage in Vietnam, but he also showed courage, as did others, in coming forward and defying the President's order that he obstruct to tell the American people what he knew.

But for the courage of people like them and Lieutenant Colonel Vindman, a Purple Heart recipient, we would know nothing of the President's misconduct—nothing. When the President directs his ire toward these people, this is why—because they showed the courage to come forward.

Now, in the Intelligence Committee, we held 7 open hearings with 12 fact witnesses. Separately, the Judiciary Committee held public hearings with constitutional law experts and counsel from the House Intelligence Committee as it sought to determine whether to draft and consider Articles of Impeachment. The House also collected text messages related to the President's scheme from a witness who provided limited personal communications.

Since the conclusion of our inquiry, new evidence has continued to come to light, through court-ordered releases of administration documents and public reporting, underscoring that there is significantly more evidence of the President's guilt which he continues to block from Congress, including the Senate. Nevertheless, the documents and testimony that we were able to collect paint an overwhelming and damning picture of the President's efforts to use the powers of his office to corruptly solicit foreign help in his reelection campaign and withhold official acts and military aid to compel that support.

Over the coming days, you will hear remarkably consistent evidence of President Trump's corrupt scheme and coverup. When you focus on the evidence uncovered during the investigation, you will appreciate there is no serious dispute about the facts underlying the President's conduct, and this is why you will hear the President's lawyers make the astounding claim: You can't impeach a President for abusing the powers of his office. It is because they can't seriously contest that that is exactly—exactly—what he did, and so they must go find a lawyer somewhere.

Apparently, they could not go to their own Attorney General. It was just reported in a memo he wrote, as part of the audition for Attorney General, that the President can be impeached for abusing the public trust. He couldn't go to Bill Barr for that opinion. He couldn't even go to Jonathan Turley, their expert in the House, for an opinion. No, they had to go outside of these

experts, outside of constitutional law, to a criminal defense lawyer and professor. And why? Because they can't contest the facts. The President was the key player in the scheme. Everyone was in the loop. He directed the actions of his team. He personally asked a foreign government to investigate his opponent. These facts are not in dispute.

Ultimately, the question for you is whether the President's undisputed actions require the removal of the 45th President of the United States from office because he abused his office and the public trust by using his power for personal gain by seeking illicit foreign assistance in his reelection and covering it up.

Other than voting on whether to send our men and women to war, there is, I think, no greater responsibility than the one before you now. The oath that you have taken to impartially weigh the facts and evidence requires serious and objective consideration—decisions that are about country, not party; about the Constitution, not politics; about what is right and what is wrong.

After you consider the evidence and weigh your oath to render a fair and impartial verdict, I suggest to you today that the only conclusion consistent with the facts and law—not just the law but the Constitution—is clear as described by constitutional law experts' testimony before the House: If this conduct is not impeachable, then nothing is.

Let me take a moment to describe to you how we intend to present the case over the coming days.

You will hear today the details of the President's corrupt scheme in narrative form, illustrating the timeline of the effort through the testimony of the numerous witnesses who came before the House as well as through documents and materials we collected as evidence during the investigation. After you hear the factual chronology, we will then discuss the constitutional framework of impeachment as it was envisioned by the Founders.

Before we analyze how the facts of the President's misconduct and cover-up lead to the conclusion that the President undertook the sort of corrupt course of conduct that impeachment was intended to remedy, let me start with a preview of the President's scheme, the details of which you will hear during the course of this day.

President Trump's months-long scheme to extract help with his 2020 reelection campaign from the new Ukrainian President involved an effort to solicit and then compel the new leader to announce political investigations. The announcement would reference two specific investigations. One was intended to undermine the unanimous consensus of our intelligence agencies, Congress, and Special Counsel Robert Mueller that Russia interfered in the 2016 election to help then-Candidate Trump and another to hurt the Presidency of former Vice President Joe Biden.

The Kremlin itself has been responsible for first propagating one of the two false narratives that the President desired. In February 2017, less than a month after the U.S. intelligence community released its assessment that Russia alone was responsible for a covert influence campaign designed to help President Trump win the 2016 election, President Putin said:

As we all know, during the Presidential campaign in the United States, the Ukrainian government adopted a unilateral position in favor of one candidate. More than that, certain oligarchs—certainly with the approval of political leadership—funded this candidate—or a female candidate to be more precise.

Those were Putin's words on February 2, 2017.

Of course, this is false, and it is part of a Russian counternarrative that President Trump and some of his allies have adopted.

Fiona Hill, the Senior Director for Europe and Russia at the National Security Council, described Russia's effort to promote this baseless theory. (Text of videotape presentation:)

Dr. HILL. Based on questions and statements I have heard, some of you on this committee appear to believe that Russia and its Security Services did not conduct a campaign against our country and that, perhaps, somehow, for some reason, Ukraine did. This is a fictional narrative that has been perpetrated and propagated by the Russian Security Services themselves. The unfortunate truth is that Russia was that foreign power that systematically attacked our democratic institutions in 2016. This is the public conclusion of our intelligence agencies, confirmed by bipartisan congressional reports. It is beyond dispute even if some of the underlying details must remain classified.

Mr. Manager SCHIFF. This, of course, was not the first time that President Trump embraced Russian activity and disinformation.

On July 24 of last year, Special Counsel Robert Mueller testified before Congress that Russia interfered in the 2016 election in a "sweeping and systemic fashion" to benefit Donald Trump's political campaign. Mueller and his team found "the Russian Government perceived that it would benefit from a Trump Presidency and worked to secure that outcome." They also found that the Trump campaign expected it would benefit electorally from information stolen and released through Russian efforts.

Just as he solicited help from Ukraine in 2019, in 2016 then-Candidate Trump also solicited help from Russia in his election effort. As you will recall, at a rally in Florida, he said the following:

(Text of videotape presentation:)

Mr. TRUMP. Russia, if you are listening, I hope you're able to find the 30,000 emails that are missing. I think you will probably be rewarded mightily by our press. Let's see if that happens.

Mr. Manager SCHIFF. Following Special Counsel Mueller's testimony, during which he warned against future interference in our elections, did the President recognize the threat posed to

our democracy and renounce Russian interference in our democracy? Did he choose to stand with his own intelligence agencies, both Houses of Congress, and the special counsel's investigation in affirming that Russia interfered in our last election?

He did not.

Instead, only one day after Special Counsel Mueller testified before Congress, empowered in the belief that he had evaded accountability for making use of foreign support in our last election, President Trump was on the phone with the President of Ukraine, pressing him to intervene on President Trump's behalf in the next election.

Let's take a moment to let that sink in.

On July 24, Bob Mueller concludes a lengthy investigation. He comes before the Congress. He testifies that Russia systemically interfered in our election to help elect Donald Trump, that the campaign understood that, and that they willfully made use of that help. On July 24, that is what happens.

On the very next day—the very next day—President Trump is on the phone with a different foreign power, this time Ukraine, trying to get Ukraine to interfere in the next election—the next day.

That should tell us something. He did not feel chained by what the special counsel found. He did not feel deterred by what the special counsel found. He felt emboldened by escaping accountability, for the very, very next day, he is on the phone, soliciting foreign interference again.

Now, that July 25 phone call between President Trump and President Zelensky was a key part of President Trump's direct and corrupt solicitation of foreign help in the 2020 election.

The question likely sounded familiar to President Zelensky, who had been swept into office in a landslide victory on a campaign of rooting out just the type of corruption he was being asked to undertake on this call with our President.

Zelensky campaigned as a reformer, as someone outside of politics who would come up and clean up corruption, who would end the political prosecutions, end the political investigations. And what is his most important and powerful patron asking him to do? To do exactly what he campaigned against. No wonder he resisted this pressure campaign.

Now, President Trump had been provided talking points for discussion by the National Security Council staff beforehand, including recommendations to encourage President Zelensky to continue to promote anti-corruption reforms in Ukraine. So the National Security staff understood what was in the U.S. national security interests, and that was rooting out corruption, and they encouraged the President to talk about it.

But as you see from the record of the call—and I join the President in saying "read the call"—that topic was never



addressed. The word “corruption” never escapes his lips.

Instead, President Trump openly pressed President Zelensky to pursue the two investigations that would benefit him personally.

In response to President Zelensky’s gratitude for the significant military support the United States had provided to Ukraine, President Trump said:

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.

That is that crazy conspiracy theory I talked about earlier that there is this server somewhere in Ukraine that shows that, in fact, it was Ukraine that hacked the DNC, not the Russians. That is a Russian propaganda conspiracy theory, and here it is being promulgated by the President of the United States. And more than promulgated, he is pressuring an ally to further this Russian propaganda because he was referring to this extensively discredited conspiracy theory that Ukraine was the one that really hacked the DNC—the Democratic National Committee—servers in 2016.

And that reference to CrowdStrike—well, that is an American cyber security firm. And the theory—this kooky conspiracy theory—is that CrowdStrike moved the DNC servers to Ukraine to prevent U.S. law enforcement from getting it.

If Ukraine announced an investigation into this fabrication, President Trump could remove what he perceived to be a cloud over his legitimacy—legitimacy of his last election, Russia’s assistance with his campaign—and suggest that it was the Democratic Party that was the real beneficiary of that.

On the call, President Trump told Zelensky: “Whatever you can do, it’s very important that you do it if that’s possible.”

President Zelensky agreed that he would do the investigation saying: “Yes it is very important for me and everything that you just mentioned earlier.”

President Trump then turned to his second request, asking President Zelensky to look into the sham allegation into former Vice President Biden. President Trump said to President Zelensky:

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.

There is no question what President Trump intended in pressing the Ukrainian leader to “look into” his political rival. Even after the impeachment inquiry began, he confirmed his desire on the south lawn of the White House, declaring not only that Ukraine

should investigate Biden but that China should do the same.

Let’s see what he said.

(Text of Videotape presentation:)

NEWS REPORTER. What exactly did you hope Zelensky would do about the Bidens after your phone call? Exactly.

PRESIDENT TRUMP. 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.

They should investigate the Bidens, because how does a company that is newly formed—and all these companies, if you look at—

And, by the way, likewise, China should start an investigation into the Bidens, because what happened in China is just about as bad as what happened with—Ukraine.

Mr. Manager SCHIFF. The day after that July 25 phone call, President Trump sought confirmation that President Zelensky understood his request to announce the politically motivated investigations and that he would follow through.

After meeting with Ukrainian officials, including President Zelensky and his top aide, the President’s hand-picked Ambassador to the European Union, Gordon Sondland, called President Trump from an outdoor restaurant in Kyiv to report back. This was the second conversation between the two about Ukraine in as many days.

David Holmes, an American diplomat dining with Sondland, overheard the call, including the President’s voice through the cell phone. I described part of that call last night.

Holmes testified that President Trump asked Sondland: “So he’s going to do the investigation?” Sondland replied that he is going to do it, adding that President Zelensky will do “anything you ask him to do.”

After the phone call, Holmes “took the opportunity to ask Ambassador Sondland for his candid impression of the President’s views on Ukraine.” According to Holmes:

(Text of Videotape presentation:)

Mr. HOLMES. In particular, I asked Ambassador Sondland if it was true that the President did not give a [expletive] about Ukraine. Ambassador Sondland agreed the President did not give a [expletive] about Ukraine. I asked, why not, and Ambassador Sondland stated, the President only cares about . . . “big stuff.” I noted there was . . . “big stuff” going on in Ukraine, like a war with Russia. And Ambassador Sondland replied that he meant . . . “big stuff” that benefits the President, like the . . . “Biden investigation” that Mr. Giuliani was pushing. The conversation then moved on to other topics.

Mr. Manager SCHIFF. Those three days in July—the 24th, the 25th, and the 26th—reveal a lot about President Trump’s effort to solicit help from a foreign country in assisting his own reelection.

On the 24th, Special Counsel Mueller testifies that Russia interfered in our 2016 election to assist the Trump campaign, which knew about the interference, welcomed it, and utilized it. That is the 24th.

The 25th is the day of the call, when President Trump, believing he had escaped accountability for Russian meddling in the first election and is welcoming of it, asked the Ukrainian President to help him undermine the special counsel’s conclusion and help him smear a political opponent, former Vice President Biden.

And then, the third day in a row in July, President Trump sought to ensure that Ukraine had received his request and understood it and would take the necessary steps to announce the investigations that he wanted.

Three days in July. In many ways those 3 days in July tell so much of this story. This course of conduct alone should astound all of us who value the sanctity of our elections and who understand that the vast powers of the Presidency are reserved only for actions which benefit the country as a whole, rather than the political fortunes of any one individual.

President Trump’s effort to use an official head-of-state phone call to solicit the announcement of investigations helpful to his reelection is not only conduct unbecoming a President, but it is conduct of one who believes that the powers of his high office are political tools to be wielded against his opponents, including by asking a foreign government to investigate a United States citizen, and for a corrupt purpose. That alone is grounds for removal from office of the 45th President.

But these 3 days in July were neither the beginning nor the end of this scheme. President Trump, acting through agents inside and outside of the U.S. Government, including his personal attorney, Rudy Giuliani, sought to compel Ukraine to announce the investigations by withholding the head-of-state meeting in the Oval Office until the President of Ukraine complied.

Hosting an Oval Office meeting for a foreign leader is an official act available only to one person—the President of the United States. And it is an official act that President Trump had already offered to President Zelensky during their first phone call on April 21 and in a subsequent letter to the Ukrainian leader.

Multiple witnesses testified about the importance of a White House meeting for Ukraine. For example, Deputy Assistant Secretary George Kent explained that a White House meeting was “very important” for Ukrainians to demonstrate the strength of their relationship with “Ukraine’s strongest supporter.”

Dr. Fiona Hill of the National Security Council explained that a White House meeting would supply the new Ukrainian Government with “the legitimacy that it needed, especially vis-à-vis the Russians” and that the Ukrainians viewed a White House meeting as “a recognition of their legitimacy as a sovereign state.”

This White House meeting would also prove to be important for three hand-picked agents whom President Trump

placed in charge of U.S.-Ukraine issues: Ambassador Sondland, Ambassador Volker, and Energy Secretary Rick Perry, the so-called three amigos. They hoped to convince President Trump to hold an Oval Office meeting with Zelensky.

During a meeting of the three amigos on May 23, President Trump told them that Ukraine had tried to “take [him] down” in 2016. He then directed them to “talk to Rudy” Giuliani about Ukraine.

It was immediately clear that Giuliani, who was pursuing the discredited investigations in Ukraine on the President’s behalf, was the key to unlocking an Oval Office meeting for President Zelensky.

Giuliani by then had said publicly that he was actively pursuing investigations President Trump corruptly desired and planning a trip to Ukraine. Giuliani admitted: “We’re not meddling in an election, we’re meddling in an investigation.”

On May 10, however, Giuliani canceled the trip to Ukraine to dig up dirt on former Vice President Biden and the 2016 conspiracy theory, just as President Zelensky won elections for the Presidency and Parliament.

Faced with a choice between working with Giuliani to pursue an Oval Office meeting—understanding it meant taking part in a corrupt effort to secure the political investigations—or abandoning efforts to support our Ukrainian ally, the President’s agents fell into line. They would pursue the White House meeting and explain to Ukraine that announcement of the investigations was the price of admission.

As Ambassador Sondland made clear: (Text of Videotape presentation:)

Mr. SONDLAND. I know that members of this committee frequently frame these complicated issues in the form of a simple question: Was there a quid pro quo? As I testified previously with regard to the requested White House call and the White House meeting, the answer is yes.

Mr. Manager SCHIFF. This quid pro quo was negotiated between the President’s agents, Rudy Giuliani, and Ukrainian officials throughout the summer of 2019 in numerous telephone calls, text messages, and meetings, including during a meeting hosted by then-National Security Advisor John Bolton on July 10.

Near the end of that July 10 meeting, after the Ukrainians again raised the issue of a White House visit, Ambassador Sondland blurted out that there would be agreement for a White House meeting once the investigations began. At that point Bolton “immediately stiffened” and abruptly ended the meeting.

During a subsequent discussion that day, Sondland was even more explicit. LTC Alex Vindman, a director for Europe and Ukraine on the National Security Council, testified that Sondland began to discuss the “deliverable” required to get the White House meeting. What Sondland specifically mentioned

was “investigation of the Bidens.” This is, again, in that meeting in the White House with a Ukrainian delegation and an American delegation. Sondland explained in that meeting that he had an agreement with Acting Chief of Staff Mick Mulvaney whereby President Zelensky would be granted the Oval Office meeting if he went forward with the investigations.

After the meeting, Vindman’s supervisor, Dr. Hill, reported back to Bolton, who told her to tell John Eisenberg, the National Security Council legal advisor, that he was not “part of whatever drug deal Sondland and Mulvaney are cooking up on this.” She reported their concerns, as did Vindman.

It remains unclear what action, if any, Bolton or Eisenberg took once they were made aware of Mulvaney and Sondland’s drug deal. Both refused to testify in our inquiry. However, Dr. Hill testified that she understood that Mr. Eisenberg informed Mr. Cipollone of her concerns about the drug deal.

If this body is serious about a fair trial—one that is fair to the President and to the American people—we again urge you to allow the House to call both Eisenberg and Bolton, as well as other key witnesses with firsthand knowledge who refused to testify before the House on the orders of the President.

Additional testimony and documents are particularly important because, according to Sondland, “Everyone was in the loop” when it came to the President’s self-serving effort. In part relying on email excerpts, Sondland explained that the President’s senior aides and Cabinet officials knew that the White House meeting was predicated on Ukraine’s announcement of the investigations beneficial to the President’s political campaign.

Hill characterized the quid pro quo succinctly:

(Text of Videotape presentation:)

But it struck me when yesterday, when you put up on the screen Ambassador Sondland’s emails and who was on these emails, and he said, These are the people who need to know, that he was absolutely right. Because he was being involved in a domestic political errand, and we were being involved in national security foreign policy, and those two things had just diverged.

Mr. Manager SCHIFF. In effect, President Zelensky was being drawn into this domestic political area. He grew wary of becoming involved in another country’s election and domestic affairs.

Bill Taylor, the Acting U.S. Ambassador for Ukraine at the time, described a conversation he had with a senior aide to the Ukrainian leader. He said:

(Text of Videotape presentation:)

[Also] on July 20, I had a phone conversation with Oleksandr Danylyuk, President Zelensky’s national security advisor, who emphasized that President Zelensky did not want to be used as an instrument in a U.S. reelection campaign.

Mr. Manager SCHIFF. Remember that conversation when you hear coun-

sel say that the Ukrainians felt no pressure to be involved in a U.S. reelection campaign. But that concern did not deter President Trump. In his conversation with Sondland shortly before the July 25 call, the President made clear that he not only wanted Ukraine to do the investigations or announce them, but also a White House meeting would be scheduled only if President Zelensky confirmed these investigations, as Volker communicated to President Zelensky’s top aide by text less than 30 minutes before the phone call between Trump and Zelensky.

Again, we are talking about July 25, in a text 30 minutes before the Trump-Zelensky phone call. Here is what it says—with Volker texting Andriy Yermak, a top aide to President Zelensky.

Good lunch—thanks. Heard from White House—assuming President Z convinces trump he will investigate/“get to the bottom of what happened” in 2016, we will nail down day for visit to Washington. Good luck! See you tomorrow—kurt.

Mr. Manager SCHIFF. Well, those words couldn’t be much clearer: “assuming President Z convinces trump he will investigate/“get to the bottom of what happened” in 2016, we will nail down [the] . . . visit to Washington.” That is a text 30 minutes before that call.

Counsel for the President would like you to think this is just about that call. You don’t get to look outside the four corners of that call. They don’t want you to look at the months that went into preparing for that call or the months of pressure that followed. But you can just look at, right now, what happened 30 minutes before that call in this text message: “Heard from White House—assuming President Z convinces trump he will investigate/“get to the bottom of what happened” in 2016.”

If you were wondering whether President Zelensky was aware of what he was going to be asked on that call, this is how you can tell. He was prepped. Of course he was prepped. In fact, the missing reference in the call record to Burisma was a signal Colonel Vindman recognized that clearly he had been prepped for that call. Why else would the name of this particular energy company come up in that conversation?

Well, President Zelensky clearly got the message. Toward the end of the call with President Trump, President Zelensky said:

I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also wanted to ensure you that we will be very serious about the case and will work on the investigation.”

Thank you for the invitation. On the other hand, I want to assure you that we will be very serious about the case, and we will work on the investigation.

President Zelensky clearly understood the quid pro quo for the White House meeting on July 25, but his reticence to be used as a political pawn



kept President Trump from moving forward with a promise to schedule the meeting, and so the President and his agents pressed on.

In August, Giuliani met with a top Ukrainian aide and made it clear that Ukraine must issue a public statement and announce investigations in order to get a White House meeting. Fearful of getting involved in U.S. domestic politics and having entered office with a promise to clean up government and corruption, President Zelensky and his aides preferred a generic statement about investigations, but Giuliani insisted. No, the statement must include two specific investigations that would benefit President Trump.

Let's look at a comparison between the statement the Ukrainians preferred and the one that Giuliani required.

On the left—and I will read it in case you can't see the screens—the Yermak draft, the Ukrainian draft, says: "We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, which in turn will prevent the recurrence of this problem in the future." That is pretty generic.

But here is the Giuliani-Volker-Sondland response. This is what had to be included: "We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes." Up to that point, it is exactly the same, until you get to "including those involving Burisma and the 2016 US elections," and then it goes back to the Ukrainian draft: "which in turn will prevent the recurrence of this problem in the future."

You can see in this such graphic evidence that the Ukrainians did not want to do this. They didn't even want to mention this. Giuliani had to insist: No, no, no; we are not going to be satisfied with some generic statement. After all, I think we can see this isn't about corruption—no, this is about announcing investigations to damage Biden and to promote this fiction about the last election.

So here in these texts, you see that Giuliani, Volker, and Sondland have added these references to Burisma—a thinly-veiled reference to former Vice President Biden—and the 2016 election. They wished to ensure that the Ukrainians mentioned the sham investigation President Trump required.

The Ukrainians recoiled at the new statement, recognizing that releasing it would run directly counter to the anti-corruption platform that Zelensky campaigned on and would embroil them in U.S. election politics. As a result, Zelensky didn't get his White House meeting. He still hasn't gotten his White House meeting.

Senators, witness testimony, text messages, emails, and the call record itself confirm a corrupt quid pro quo for the White House meeting—an official act available only to the President of the United States—in exchange for the announcement of political investigations. The President and his allies

have offered no explanation for this effort—except that the President can abuse his office all he likes, and there is nothing you can do about it. You can't indict him. You can't impeach him. That is because they cannot seriously dispute that President Trump corruptly used an official White House visit for a foreign leader to compel the Ukrainian President into helping him cheat in the next election.

The White House meeting, of course, was not the only official act that President Trump conditioned on the announcement of investigations into Biden and the conspiracy theory meant to exonerate President Trump on Russia's interference on his behalf in the last election. In a far more draconian step, as we discussed, the President withheld \$391 million of military aid.

Several weeks before this phone call with President Zelensky but after Giuliani was already pressing Ukrainian officials to conduct the investigations his client sought, President Trump ordered the hold on Ukraine's military aid. Significantly, this was after Congress had already been notified that most of it was prepared to be spent. Ukraine had met all of the critical conditions for anti-corruption and defense reforms in order to receive the funds. We conditioned the funds. They met the conditions. The funds were ready to go.

At the time and even today, witnesses uniformly testified that the order to hold the funding came without explanation to the foreign policy and national security officials responsible for Ukraine. The only message from the Office of Management and Budget was that the hold was implemented at the direction of the President.

Since Russia's illegal incursion into Ukraine in 2014, the United States has maintained a bipartisan policy of delivering hundreds of millions of dollars of military aid to Ukraine each year, which several Senators here have personally invested significant time and effort to ensure. It was President Trump himself who originally authorized additional financial support for military assistance to Ukraine in 2017 and 2018 without reservation, making his abrupt decision to withhold assistance in 2019 without explanation all the more surprising to those responsible for Ukraine policy.

That confusion, however, would soon disappear. The President used the hold on military aid as leverage to pressure Ukraine to announce these investigations that he hoped would help his reelection campaign. The only difference between the prior years when the President approved the aid without question and the inexplicable hold on aid in 2019 was the emergence of Joe Biden as a potentially formidable obstacle to the President's reelection.

These funds that the President withheld—these funds—they don't just benefit Ukraine; they benefit the security of the United States by ensuring that Ukraine is equipped to defend its own borders against Russian aggression.

As Ambassador Taylor noted in his deposition, the United States provides Ukraine with "radar and weapons and sniper rifles, communications that save lives. It makes Ukrainians more effective. It might even shorten the war. That is what our hope is, to show the Ukrainians can defend themselves—and the Russians, in the end, will say: OK, we are going to stop." That is in our interest. This isn't just about Ukraine or its national security; it is about our national security. This isn't charity; it is about our defense as much as Ukraine's.

Ambassador Taylor also said that the American aid was "a concrete demonstration of the United States' commitment to resist aggression and defend freedom." This is what this country is supposed to be about, right? Resisting aggression, defending freedom, not exporting corrupt ideas—that is what we are supposed to be about, right?

It was against this backdrop that American officials responsible for Ukraine policy sat in astonishment, according to Ambassador Taylor, when they learned about the hold. Officials immediately expressed concerns about the legality of President Trump's hold on the assistance to Ukraine. Their concerns were well warranted, as the Government Accountability Office, which was just last night pooh-poohed by the President's counsel—well, that is just some institution of Congress. Like they are just going to be inherently biased, right? Well, they are a nonpartisan organization that both parties have come to rely upon. But I am not surprised that they don't like the conclusion of the GAO, because the Defense Department warned them that this was going to be the conclusion, and that conclusion was that the hold on aid was not only wrong, it was not only immoral, it was also illegal. It violated the law—a law that we passed so that Presidents could not refuse to spend money that we allocated for the defense of others and for ourselves.

The Impoundment Control Act prevents the President and other government officials from unilaterally making funding decisions when Congress has made its intent clear. In fact, the act exists precisely because of previous Presidential abuses of Congress's power of the purse during the Nixon era. The nonpartisan GAO ruled that the hold on military aid was not only illegal but that holding underscores the President's efforts to go to any lengths to ensure his own personal benefit rather than take care that the laws be faithfully executed as he swore he would do when he took his oath of office.

Now, because of recent Freedom of Information Act responses in media reports, we now know additional details about how senior officials expressed serious reservations about the legality of the hold at the time. This is not like some big surprise. This is not like something that just came out of the blue—whoa, an independent watchdog

agency found this was illegal. No, they knew this was illegal at the time. These concerns were raised at the time.

Certain individuals who may have further information about the hold who refused to testify at the President's direction—including his Chief of Staff, Mick Mulvaney; Robert Blair; OMB official Michael Duffey, all of them—all of them defied congressional subpoenas but were included in important email communications that have been made public only recently.

As you know, these and many other categories of documents from the White House, the Defense Department, and OMB were subpoenaed by the House and none was produced—none—at the President's direction and through Mr. Cipollone's intervention. Although the investigation developed an overwhelming body of evidence that clearly proves that the President implemented this hold to pressure Ukraine to announce investigations, the full story behind the hold—the full and complete story—is within your power to request.

As you consider the evidence we present to you, ask yourselves whether the documents of witnesses that have been denied by the President's complete and unprecedented obstruction could shed more light on this critical topic. You may agree with the House managers that the evidence of the President's withholding of military aid to coerce Ukraine is already supported by overwhelming evidence and no further insight is necessary to convict the President, but if the President's lawyers attempt to contest these or other factual matters, you are left with no choice but to demand to hear from each witness with firsthand knowledge. A fair trial requires nothing less.

Let's look at some of the evidence that we gathered, notwithstanding this obstruction.

First, the President withheld the aid without explanation and against the advice of his own agencies, Cabinet officials, national security experts, including Secretary Pompeo, Secretary Esper, Ambassador Bolton, and others. Only Mick Mulvaney, a central figure in this effort, reportedly supported the hold, and he told us why. During a press briefing, Mulvaney personally acknowledged that the hold was ordered as part of a quid pro quo designed to get Ukraine to undertake the investigation President Trump signed.

Second, the reason for the security assistance hold was undoubtedly on the President's mind during the telephone call with President Zelensky on July 25. Near the beginning of their conversation, President Zelensky expressed his gratitude for U.S. military assistance, noting the United States' "great support in the area of defense." Immediately after President Zelensky's reference to defense and military support, President Trump responded by saying: "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." President Trump then proceeded to openly press Ukraine to conduct these investigations.

Third, numerous officials were aware that President Trump was withholding the White House meeting until the Ukrainian President announced the investigations. That the President would ratchet up pressure on Ukraine to compel its action stunned Ukraine experts like Ambassador Taylor but followed logically for those engaged in the President's corrupt scheme.

Fourth, by the end of August, there was still no explanation for the hold, despite ongoing efforts from numerous officials to persuade the President to release the money. The leverage of the White House meeting had not succeeded in coercing Ukraine to announce the investigations, providing the President and his agents every reason to use the most aggressive lever of influence, hundreds of millions of dollars in military support, to compel Ukraine to act. If they didn't feel pressure, they wouldn't have done it. They wouldn't have done it, but of course they did.

Imagine if this country were dependent on a more powerful country for our defense; imagine if we were at war; imagine if we were waiting for weapons to defend ourselves, something our Framers could have understood; imagine that we found ourselves in those circumstances, and much to our astonishment, we couldn't even get a meeting with our ally, much to our astonishment, they were withholding aid from us. Would you think we would feel pressure? Of course we would. The Framers had common sense, and so must we.

Are we to accept: Well, the President said there was no quid pro quo; I guess that closes the case? In every courtroom in America, jurors—and I know you are not just jurors. I led the Clinton trial. You are jurors and judges. Jurors all over America are told: You don't leave your common sense at the door. Well, we don't have to leave our common sense at the door here too. Two plus two equals four.

The aid was withheld. You are asking for it. We are asking for it. His own aides are asking for it, and no one can get an explanation. The Ukrainians can't get an explanation. All the Ukrainians get is: We want you to do these investigations. They are promised a White House meeting. They want a White House meeting. They need a White House meeting. They are going to be going into negotiations with Putin. They want to show strength, and they can't get in the door. They see the Russian Foreign Minister get in the door of the White House. We see the photos of the President and the Russian Foreign Minister, or the Ambassador, what a great time they are having, but, no, the President of Ukraine, our ally, can't get in the door. They are not stupid. They know what is going on here. They are not stupid.

Remember that conversation I referenced yesterday when the Ukrainians threw it right back in our face—when Ambassador Volker said to his Ukrainian counterpart: You shouldn't investigate the former President. You shouldn't engage in those political investigations. The Ukrainian response was: You mean like the one you want us to do on the Bidens and the Clintons? They are not stupid.

By the end of August, there was still no explanation for the hold, despite efforts by numerous people to seek the release of the funding. The leverage hadn't succeeded in getting the President to—in coercing Ukraine to announce the investigations, and so the aid was withheld. Two witnesses privy to this scheme testified that the only logical conclusion to reach about the President's continued hold on the aid was that it was intended to put more pressure on Ukraine to announce the investigations. As I said, they testified it was as simple as two plus two equals four.

We can do math, and, more importantly, so can the Ukrainians, and maybe even more importantly than that, so can the Russians. Multiple senior officials, including President Trump himself, have confirmed this logical conclusion. On September 7, Ambassador Sondland spoke directly to President Trump, who by that point was aware that a whistleblower complaint was circulating that alleged the contours of his scheme and that Congress and the public were beginning to ask probing questions about the hold on aid, including whether the withholding of the aid was in exchange for reelection help.

During that call of September 7—so in July you have got Mueller's testimony. You have got the call itself. You have got a followup call the next day, where the President is speaking to Sondland and wants to make sure they are going to do the investigations. You have got August, where they are trying to hammer out a statement, and the Ukrainians are still resisting.

Then you have September. On September 7, Ambassador Sondland is on the phone with President Trump. At that point, he is aware that a whistleblower has filed a complaint alleging the contours of this scheme and Congress and the public are beginning to ask questions about the hold on aid, including whether this was to get help in his reelection.

During this call between the President and Ambassador Sondland, without a prompt, President Trump told Sondland: There is no quid pro quo. Now, why would he do that? That is not something that comes up in normal conversation, right? Hello, Mr. President, how are you today? No quid pro quo.

That is the kind of thing that comes up in a conversation if you are trying to put your alibi out there. If you heard about a whistleblower complaint, if you had seen allegations, if you

know Congress is starting to sniff around, no quid pro quo. But—and I know this is astonishing—so much of the last 3 years has been a combination of shock and yet no surprise. Yet, even while the President is saying no quid pro quo, what does he say? Zelensky must publicly announce the two political investigations, and he should want to do it. No quid pro quo, except this quid pro quo.

Sondland immediately relayed the message to President Zelensky, informing him that without the announcement of the political investigations, they would be at a stalemate. Sondland made clear that this reference to a stalemate meant the release of the security assistance.

President Zelensky, after hesitating for weeks to join the President's corrupt scheme, finally relented. President Zelensky informed Sondland that he agreed to do a CNN interview, and Sondland understood that he would use that occasion to mention these items, meaning the two investigations at the heart of the scheme.

Candidate Zelensky, who was swept into office with a landslide victory on a promise of fighting corruption, would be forced to undertake just the same kind of corrupt act he had been elected to clean up. Upon learning this, Ambassador Taylor called Sondland to register his deep concern, telling him that it was crazy—crazy. Taylor later texted Sondland to reinforce the point: "As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign."

"As I said on the phone"—clearly, they had discussed it. "As I said on the phone."

Taylor testified about the message and the events leading up to it. Taylor said that security assistance was so important for Ukraine, as well as our own national interest. To withhold that assistance for no good reason other than help with the political campaign made no sense. It was counterproductive to all of what we had been trying to do. It was illogical. It could not be explained. It was crazy.

What is more, Ambassador Taylor also came to learn that President Trump wanted Zelensky in a public box.

He testified—Mr. Goldman was asking the question: "Now, you reference a television interview and a desire for President Trump to put Zelensky in a public box, which you also have in quotes."

Now, this is in reference, I think, to his written testimony.

"Was that reference to 'in a public box' in his notes?"

You remember he kept detailed notes.

Taylor's answer: "It was in my notes."

"And what did you understand that to mean, to put Zelensky in a public box?"

And Taylor responds: "I understood that to mean that President Trump,

through Ambassador Sondland, was asking for President Zelensky to publicly commit to these investigations, that it was not sufficient to do this in private, that this needed to be a very public statement."

So we saw earlier, the side-by-side comparison, right, of what the Ukrainians wanted to say. They wanted to make no mention of these specific investigations, and now Giuliani insisted: No, no, no. This isn't going to be credible unless you mention these specific investigations. This is what it is going to take. And now you see that Ambassador Sondland has acknowledged to Ambassador Taylor that it is not enough to use even the right language, apparently. It has to be done in public. We are not going to take any private commitment. It has got to be done in public.

As we would later come to understand, this is because President Trump didn't care about the investigations being done. He just wanted them announced. He wanted Zelensky in a public box. He wanted it announced publicly.

Ambassador Taylor also testified that he understood from Sondland that because Trump was a businessman, he would expect to get something in return before signing a check.

(Text of Videotape presentation.)

Mr. TAYLOR. During our meeting, during our call on September 8, Ambassador Sondland tried to explain to me that President Trump is a businessman. 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. Ambassador Volker used the same language several days later while we were together at the Yalta European strategy conference. I argued to both that the explanation made no sense. Ukrainians did not owe President Trump anything.

Mr. Manager SCHIFF. This is very telling. Ambassador Taylor, a Vietnam veteran, a West Point graduate, said that Ukrainians didn't owe us anything. Clearly, Donald Trump felt Ukrainians owed him, right?

This is not about Ukraine's national security. It is not about our national security. It is not about corruption. No, it is about what is in it for me. Those Ukrainians owe me before I sign a check.

And, by the way, that is not his money. That is your money. That is the American people's money for their defense.

But here we see Ambassador Sondland explain: No, President Trump is a businessman. Before he even signs a check, he wants to get something, and, of course, that something he was going to sign that check for or he was going to make that payment for, with our tax dollars—that thing that he was going to buy with those tax dollars—was a smear of his opponent and an effort to lift whatever cloud he felt was over his Presidency because of the Russian interference on his behalf in the last election.

The President has offered an assortment of shifting explanations after the

fact for the hold on aid, including that he withheld the money because of corruption in Ukraine or concerns about burden-sharing with other European countries. But those arguments are completely without merit.

First, the President's own administration had determined by the time of the hold that Ukraine had undertaken all necessary anti-corruption and defense reforms in order to receive the funds. The Defense Department and State Department officials repeatedly made this clear as the hold remained and threatened the ability of the agency to spend the money before the end of the fiscal year.

Second, the evidence revealed that the President only asked about the foreign contributions to Ukraine in September, nearly 2 months after the President implemented the hold and as it became clear that the public, Congress, and a whistleblower were becoming aware of the President's scheme.

The after-the-fact effort to come up with a justification also belies the truth. The European countries provide far more financial support to Ukraine than the United States. Their support is largely economic. Ours also includes a lot of military support, but Europe is a substantial financial backer of Ukraine.

There is something else remarkable about this that I was struck by yesterday as we were going through the importance of the witness testimony and looking at some of those redacted emails in which the administration sought to hide its misconduct.

In those redactions, when we got to see what was beneath them, there was an indication that this is very close-hold. This is a need-to-know basis only. Do you remember that? We will show you that again, but it is one of those emails that only came to light, I believe, recently, and it is not because the administration wanted you to see this information. We see there is a desire not to let people know about this hold.

If the President were fighting corruption, if he wanted Europeans to pay more, why would he hide it from us? Why would he hide it from the Ukrainians? Why would he hide it from the rest of the world? If this were a desire for Europe to pay more, why wouldn't he charge Sondland to go ask Europe for more? Why wouldn't he be proud to tell the Congress of the United States: I am holding up this aid, and I am holding it up because I am holding up corruption?

Why wouldn't he? Because, of course, it wasn't true. There is no evidence of that.

And, once more, the White House admitted why the President held up the money. The President's own Chief of Staff explained precisely why during the October 17 press conference. Let's see, again, what he had to say.

(Text of Videotape presentation.)

Mr. MULVANEY. That was—those were the driving factors. Did he also mention to

me in the past that the corruption related to the DNC server? Absolutely. No question about that. But that's it. That's why we held up the money. Now, there was a report—

Mr. KARL. So the demand for an investigation into the Democrats was part of the reason that he went on to withhold funding to Ukraine?

Mr. MULVANEY. The look-back to what happened in 2016 certainly was part of the thing that he was worried about in corruption with that nation and absolutely appropriate.

Mr. Manager SCHIFF. But Mulvaney didn't just admit that the President withheld the crucial aid appropriated by Congress to apply pressure on Ukraine to do the President's political dirty work. He also said that we should just "get over it." Let's watch.

(Text of Videotape presentation.)

Mr. KARL. Let's be clear. What you just described is a quid pro quo. It is funding will not flow unless the investigation into the Democratic server happened as well.

Mr. MULVANEY. We do that all the time with foreign policy. If you read the news reports and you believe them—what did McKinney say yesterday? Well, McKinney said yesterday that he was really upset with the political influence in foreign policy. That was one of the reasons he was so upset about this. And I have news for everybody: Get over it. There's going to be political influence in foreign policy.

Mr. Manager SCHIFF. Should the Congress just get over it? Should the American people just come to expect that our Presidents will corruptly abuse their office to seek the help of a foreign power to cheat in our election? Should we just get over it? Is that what we have come to? I hope and pray that the answer is no.

We cannot allow a President to withhold military aid from an ally or to elicit help in a reelection campaign. I hope that we don't have to just get over that. I hope that we just don't have to get accustomed to that.

Is that what we want to tell our constituents, that, yes, the President withheld aid from an ally? Yes, it damaged our national security. And, yes, he wouldn't meet with the foreign leaders important to us unless he got help in the next election. And, yes, it is wrong to try to get a foreign power to help.

It is kind of cheating, really, if we are going to be honest about it and blather about it. It is cheating. Americans are supposed to decide American elections, but, you know, I guess we just need to get over it. I guess that is just what we should now expect of a President of the United States.

I guess there is really no remedy for that anymore. The impeachment, maybe that was a good idea 200 years ago, but I guess we just need to get over it. I guess maybe the President really is above the law because they say you can't indict the President.

The President says you can't even investigate the President. The President is in court saying, you can not only not indict the President, you can't even investigate the President. The Attorney General's position is that you can't even investigate the President.

Are we really prepared to say that? The only answer to the President's misconduct is that we need to get over it? What are we to say to the next President? What are we to say to the President who is from a different party, who refuses the same kind of subpoenas, and the President says to you or his Chief of Staff says to you or her Chief of Staff says to you: Just get over it. I am not doing anything different than Donald Trump did. Just get over it. He asked for help in the next election, I am asking for help in the next election. Just get over it. We do this kind of thing all the time.

People are cynical enough as it is about politics, about people's commitment to their good, cynical enough without having us confirm it for them.

I think it is more than crazy. Those were Ambassador Taylor's words. I think it is more than crazy. I think it is a gross abuse of power.

And I don't think that impeachment power is a relic. If it is a relic, I wonder how much longer our Republic can succeed.

For months, President Trump and his agents had pressured Ukraine to announce investigations, and President Zelensky finally yielded. As previously noted, he scheduled a CNN interview and planned to publicly announce the politically motivated investigations.

He informed Sondland of this plan during a September 7 phone call. In the same call, Sondland related to President Zelensky that Trump required that the Ukrainian leader make the public announcement in order to get the critical military aid.

President Trump's corruption had finally worn down President Zelensky, overcoming his effort to remain true to his anti-corruption platform—until events intervened.

Before Zelensky could do the interview, President Trump learned that his scheme had been exposed. Facing public and congressional pressure on September 11, the President finally released the hold on aid to Ukraine. Just like the implementation of the hold, he provided no reason for the release, but the reason is quite simple. The President got caught.

In late August, President Trump learned about a whistleblower complaint that was winding its way through the intelligence agencies on its way to Congress.

On September 9, three House committees announced an investigation into President Trump's Ukraine misconduct and that of his proxy, Rudy Giuliani. Later that day, again, September 9, the intelligence community inspector general notified the Senate and House Intelligence Committees of the existence of the complaint and the fact that it was being withheld from Congress, contrary to law and in an unprecedented fashion.

Facing significant public pressure on September 11, the President gave up and released the money to Ukraine. One week later, President Zelensky canceled the CNN interview.

And rather than demonstrate attrition or acknowledged wrongdoing, the President instead has continued his effort, even after the impeachment investigation began. He not only continued to call on Ukraine to investigate his political opponent, he called on China to do the same.

This should concern all of us. It is a confirmation not only of the scheme to pressure Ukraine to help his political campaign but a clear sign that the President believes that these corrupt acts are acceptable.

A President this unapologetic, this unbound to the Constitution and the oath of office, must be removed from that office lest he continue to use the vast prejudicial powers at his disposal to seek advantage in the next election.

President Trump's abuse of powers of his office undermined the integrity of our free and fair elections and compromised America's national security.

If we don't stand up to this peril today, we will write the history of our decline with our own hand. If President Trump is not held to account, we send a message to future Presidents, future Congresses, and generations of Americans that the personal interests of the President can fairly take precedent over those of the Nation. The domestic effects of this descent from democracy will be a weakened trust in the integrity of our elections and the rule of law and a steady decline of the spread of democratic values throughout the world.

For how can any country trust the United States as a model of governance if it is one that sanctions precisely the political corruption and invitation to foreign meddling that we have long sought to help eradicate in burgeoning democracies around the world? To protect against foreign interference in our elections, we have guardrails built into our democratic system. We have campaign finance laws to ensure that political assistance can come only from domestic actors, and we take seriously the need to shore up the integrity of our voting systems so that a foreign government or actor cannot change vote tallies. The promise of one person, one vote is only effective if each vote is cast free of foreign interference. Americans decide American elections—at least they should.

Now, what if electoral corruption is even more insidious? What happens when the invitation comes from within? Our Framers understood that threat too. George Mason noted at the Constitutional Convention that impeachment was a necessary tool because "the man who has practiced corruption and by that means procured his appointment in the first instance" could seek to repeat his guilt.

In June of last year, President Trump was clear that, if a foreign government offered dirt on his political opponent, he would take it, a statement deeply at odds with the guidance provided at the time by his own FBI Director, the former Federal Election

Commission Chair, and our Constitution, written some 233 years ago. In no uncertain terms, it admonishes against any person holding office of profit or trust accepting any present from any foreign state.

But President Trump did more than take the foreign help in 2019, as he had done in 2016. This time, he had not only asked for it in the July 25 call, but when he didn't get the help from the Ukrainian President in the form of announced investigations, he withheld hundreds of millions of dollars in taxpayer-funded military aid and a coveted White House meeting to increase the pressure on Ukraine to comply. Later, he demonstrated no remorse and continued to encourage Ukraine to conduct the political investigations he wanted, even asking other countries to do so.

The consequences of these actions alone have shaken our democratic system. What message will we send if we choose not to hold this President accountable for his abuse of power to solicit reelection interference in our upcoming election? The misconduct undertaken by this President may lead future Presidents to believe that they, too, can use the substantial power conferred on them by the Constitution in order to undermine it. Nothing could weaken the integrity of our elections more, and no campaign finance law or statement by a future FBI Director could stand up to the precedent of electoral misconduct set by the President of the United States if we do not say clearly that this behavior is unacceptable and, more than unacceptable, impeachable.

We also undermine our global standing. As a country long viewed as a model for democratic ideals worth emulating, we have, for generations, been the "shining city upon a hill" that President Reagan described. America is not just a country but also an idea. But of what worth is that idea if, when tried, we do not affirm the values that underpin it?

What will those nascent democracies around the world conclude; that democracy is not only difficult but maybe that it is too difficult? Maybe that it is impossible? And who will come to fill the void we leave when the light from that shining city upon a hill is extinguished? The autocrats with whom we compete, who value not freedom and fair elections but the unending rule of a repressive executive; autocrats who value not freedom of the press and open debate but disinformation, propaganda, and state-sanctioned lies.

Vladimir Putin would like nothing better. The Russians have little democracy left, thanks to Vladimir Putin. It is an autocracy; it is a thugocracy. The Russian story line, the Russian narrative, the Russian propaganda, the Russian view they would like people around the world to believe is that every country is just the same, just the same corrupt system: There is no dif-

ference. It is not a competition between autocracy and democracy. No, it is just between autocrats and hypocrites.

They make no bones about their loss of democracy. They just want the rest of the world to believe you can't fight it anywhere. Why take to the streets of Moscow to demand something better if there is nothing better anywhere else. That is the Russian story. That is the Russian story. That is who prospers by the defeat of democracy. That is who wins by the defeat of our democratic ideals. It is not other democracies; it is the autocrats who are on the rise all over the world.

I think all of us in this room have grown up in a generation where each successive generation lived with more freedom than the one that came before. We each had more freedom of speech and associations, the freedom to practice our faith. This was true at home. It was true all over the world. I think we came to believe this was some immutable law of nature, only to find it isn't, only to come to the terrible realization that this year fewer people have freedom than last, and there is no guarantee that next year people will live in more freedom than today. And the prospect for our children is even more in doubt.

It turns out, there is nothing immutable about this. Every generation has to fight for it. We are fighting for it right now. There is no guarantee that this democracy that has served us so well will continue to prosper. We will struggle to protect this idea, and even as we do, we will struggle to protect our security in more tangible ways. Support for an independent and democratic Ukraine, which is the literal bulwark against Russian expansionism in Europe, is essential to our security. Russia showed that when it invaded Ukraine in 2014 and sought to redraw the map of Europe.

Was our commitment to Ukraine's independence and sovereignty just an empty promise or are we prepared to support its efforts to keep Russia contained so they and we may all eventually enjoy a long peace?

Russia is not a threat—I don't need to tell you—to Eastern Europe alone. Ukraine has become the de facto proving ground for just the types of hybrid warfare that the 21st century will become defined by: cyber attacks, disinformation campaigns, efforts to undermine the legitimacy of state institutions, whether that is voting systems or financial markets. The Kremlin showed boldly in 2016 that, with the malign skills it honed in Ukraine, they would not stay in Ukraine. Instead, Russia employed them here to attack our institutions, and they will do so again. Indeed, they have never stopped. Will we allow the primary country now fighting Russia to be weakened, placing our troops in Europe at greater risk and opening the door to greater interference in our affairs at home?

If we allow the President of the United States to pursue his political

and personal interests rather than the national interests, we send a message to our European allies that our commitment to a Europe free and whole is for sale to the highest bidder. The strength of our global alliances relies on a shared understanding of what that alliance stands for: one built on the rule of law, on free and fair elections, and on a shared struggle against aggression from autocratic regimes.

We are countries built on a commitment to our people, not unyielding loyalty to a President who would be King.

A President has a right to hold a call with a foreign leader, yes. And he has a right to decide the time and location of a meeting with that leader, yes. And he has a right to withhold funding to that leader should the law be followed and the purpose be just.

But he does not, under our laws and under our Constitution, have a right to use the powers of his office to corruptly solicit foreign aid—prohibited foreign aid—in his reelection. He does not. He does not have the right to withhold official Presidential acts to secure that assistance, and he certainly does not have the right to undermine our elections and place our security at risk for his own personal benefit. No President, Republican or Democratic, can be permitted to do that.

Now let me turn to the second Article of Impeachment, which charges the President with misusing the powers of his office to obstruct and interfere with the impeachment inquiry.

The evidence you will hear during the House presentation is equally undeniable and damning. President Trump issued a blanket order directing the entire executive branch not to cooperate with the impeachment inquiry and to withhold all documents and testimony. His order was categorical. It was indiscriminate and historically unprecedented. No President before President Trump 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.

The President was able to block agencies across the executive branch from producing any records or documents to the House investigative committees, despite duly authorized subpoenas. The White House continues to refuse to produce a single document or record in response to a House subpoena that remains in full force and effect. The Department of State and Office of Management and Budget, Department of Energy, and the Department of Defense continue to refuse to provide a single document or record in response to House subpoenas that remain in full force and effect.

It is worth underscoring this point. The House has yet to receive a single document from the executive branch agencies pursuant to its subpoenas. Not a single piece of paper, email, or other record has been turned over—not one.

While I pause to get a drink of water, let me let you know for your timing that I have about 10 minutes left in my presentation. So the end is in sight.

President Trump has also successfully blocked witnesses—nine of them—under subpoena from testifying, witnesses with firsthand knowledge of the President's actions, including his closest aides, some of whom were directly involved in executing the President's improper orders. These witnesses include Mick Mulvaney and Robert Blair; Russell Vought, the acting head of the Office of Management and Budget; Michael Duffey, a senior official; and the President's chief legal advisor on the National Security Council, John Eisenberg, among others.

The managers will present in detail what these officials knew about their role in executing different parts of the President's scheme. There is no dispute, nor could there be, that President Trump's order substantially obstructed the House impeachment inquiry. That obstruction continues unabated today, even as we stand here at the start of the President's trial.

The President has been able to do so only because of the uniquely powerful position he holds as our Commander in Chief. No other American could seek to obstruct an investigation into his own wrongdoing this way. No other American could use the vast powers and levers of his government to conduct a corrupt scheme to benefit themselves and then use those same powers to suppress evidence and bar any cooperation with the authorities investigating them—not a police chief, not a mayor, not a Governor, not any elected official in the country, and certainly not any unelected official in the country.

For those folks watching us from around the country, you know what would happen to them if they defied a lawful subpoena.

They got a subpoena commanding them to appear. You know what would happen to them because they are not above the law: They would be arrested; they would be detained; they would be incarcerated; they would be forced to comply. They are not above the law, and neither are we, and neither is the President.

And, yet, despite the fact that he is not above the law, despite the President's extensive and persistent efforts, the House heard from courageous witnesses who obeyed lawful subpoenas, and we gathered overwhelming evidence. The House built a formidable case that forms the basis of these articles.

The second article for obstruction of Congress is not simply about President Trump's decision to obstruct a congressional investigation or even an impeachment inquiry. It should not be misunderstood as some routine dispute between two branches of government, nor should it be reduced to the notion that the President was simply protecting himself or fighting back against a partisan or overzealous Con-

gress. The charges in the second article are much more serious and urgent than that.

First, the President's attempt to obstruct the inquiry so categorically and comprehensively is part and parcel of the President's furious effort to conceal, suppress, and cover up his own misconduct. From the very first moment his actions were at the risk of coming to light, President Trump has sought to hide and cover up key evidence, even as his scheme to pressure Ukraine was still underway.

As the House's presentation will make clear, the President's coverup started even before the House began to investigate the President's Ukraine-related activity. The President learned early on of the existence of a lawful whistleblower complaint from within the intelligence community that would ring the first alarm. He deployed the White House and Justice Department to intervene in an unprecedented fashion to conceal and then withhold from Congress—for the first time ever—a credible and urgent whistleblower complaint, even though the law requires that it be provided to the congressional intelligence committees.

Once the impeachment inquiry was underway in late September, the President used the immense and unique power at his disposal to direct and maintain at every turn the categorical defiance of congressional scrutiny, even as he attacked the inquiry itself and its witnesses. The President offered multiple and shifting justifications for obstructing the House's inquiry, each of them deficient, while his actions and statements powerfully reflect his own consciousness of guilt.

Second, the ramifications of the President's obstruction go beyond the sinister motives of simply covering up his actions. His obstruction strikes at the heart of our Constitution. It threatens the last line of defense our Founders purposefully enshrined in our system to protect our democracy.

If Presidents can obstruct an impeachment inquiry undertaken by the House and evade accountability in the Senate for doing so, they usurp an essential power granted exclusively to the Congress—and for a reason. Presidents could seize for themselves the power to neutralize and nullify the impeachment clause in order to shield themselves from any accountability. And if Congress is unable to investigate and impeach a President for abuse of their office, our democracy's essential check on a rogue President would fail. It would no longer protect the American people from a corrupt President who presents an ongoing threat. This is the outcome every American should be concerned about and one that the Founders warned us about.

Through the impeachment clause, the Framers of the Constitution empowered Congress to thoroughly investigate Presidential malfeasance—and to respond, if necessary, by removing

the President from office. This entire framework depends on Congress's ability to discover, and then to thoroughly and effectively investigate, Presidential misconduct. Without the ability of Congress to do that, the impeachment power is a nullity. If you can't investigate it, you can't enforce it and can't apply it.

What we confront here, in the second Article of Impeachment, is therefore an impeachable offense aimed at destroying the impeachment power itself. When a President abuses the power of his office to so completely defy House investigators, and does so without lawful cause or excuse, he attacks the Constitution itself. He confirms that he sees himself as above the law. His actions destabilize the separation of powers, which defines our democracy and preserves our freedom, and establish an exceedingly dangerous precedent. And he proves that he is willing to destroy a vital safeguard against tyranny—a safeguard meant to protect the American people—just to advance his own personal interests in covering up evidence.

The House's presentation of the second article will therefore focus on three core areas that confirm the President's obstruction and require his removal from office: first, the singular importance and role of the impeachment clause for our democracy and why an effort by a President to obstruct an impeachment inquiry is, in and of itself, an impeachable offense; second, why the President's extensive effort to cover up evidence of his misconduct is unprecedented in American history and without lawful cause or justification; and, finally, why the President's obstruction poses a direct threat to our system of self-governance, with consequences for all Americans—today and in the future—and for both Chambers of Congress.

Over the coming days, you will hear from the House managers details of this scheme and the effort to hide it from Congress. The Articles of Impeachment that the House presented go to the heart of those efforts, and let me share a few takeaways.

The House of Representatives has found that, using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 U.S. 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 U.S. Presidential election improperly and to his advantage.

President Trump also sought to pressure the Government of Ukraine to take these steps by conditioning official U.S. Government acts of significant value to Ukraine on Ukraine's public announcement of these investigations. He engaged in this scheme or course of conduct for corrupt purposes



in pursuit of his 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 U.S. democratic process. He thus ignored and injured the interests of the Nation.

As part of the House's impeachment inquiry, the committees undertaking the investigation served subpoenas seeking documents and testimony deemed vital to the inquiry from various executive branch agencies and offices and current and former officials.

In response, and 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.

As George Washington and his troops retreated across the Delaware River in early December 1776, they were read the words of Thomas Paine, published that month in his pamphlet, "The American Crisis":

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in the crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman.

Seventeen days later, George Washington crossed the Delaware, leading to a decisive victory for those who would come to shape our promising young country.

As much as our Founders feared an unchecked Chief Executive able to pursue his own will over the will of the people, they also feared the poison of excessive factionalism that could divert us from a difficult service to our country. As George Washington warned in his farewell address, "the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it."

Our political parties and affiliations are central to our democracy, ensuring that good and bad political philosophies alike are considered in the marketplace of ideas. Here, the American people can choose between the policies of one party or another and make decisions about their political leaders up to and including the President of the United States based on the degree to which that person represents their interests and values. That is not factionalism; that is the foundation of our democracy.

But when a leader takes the reins of the highest office in our land and uses that awesome power to solicit the help of a foreign country to gain an unfair advantage in our free and fair elections, we all—Democrats and Repub-

licans alike—must ask ourselves whether our loyalty is to our party or whether it is to our Constitution. If we say that we will align ourselves with that leader, allowing our sense of duty to be usurped by an absolute Executive, that is not democracy; it is not even factionalism. It is a step on the road to tyranny.

The damage that this President has done to our relationship with a key strategic partner will be remedied over time, and Ukraine continues to enjoy strong bipartisan support in Congress. But if we fail to act, the damage to our democratic elections, to our national security, to our system of checks and balances will be long-lasting and potentially irreversible.

As you will hear in the coming days, President Trump has acted in a manner grossly incompatible with self-governance. His conduct has violated his oath of office and his constitutional duty to faithfully execute the law. He has shown no willingness to be constrained by the rule of law and has demonstrated that he will continue to abuse his power and obstruct investigations into himself, causing further damage to the pillars of our democracy if he is not held accountable.

He cannot be charged with a crime, so says the Department of Justice. There is no remedy for such a threat but removal from office of the President of the United States.

If impeachment and removal cannot hold him accountable, then he truly is above the law.

We are nearly 2½ centuries into this beautiful experiment of American democracy, but our future is not assured.

As Benjamin Franklin departed the Constitutional Convention, he was asked: "What have we got? A Republic or a Monarchy?" He responded simply: "A Republic, if you can keep it."

A fair trial, impartial consideration of all of the evidence against the President is how we keep our Republic.

That concludes our introduction.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The CHIEF JUSTICE. The majority leader is recognized.

Mr. McCONNELL. Chief Justice, colleagues, I suggest we have a recess until 10 minutes to 4, at which moment we will reconvene, subject to the call of the Chair.

The CHIEF JUSTICE. Without objection, it is so ordered.

There being no objection, at 3:28 p.m., the Senate, sitting as a Court of Impeachment, recessed until 3:56 p.m.; whereupon the Senate reassembled when called to order by the CHIEF JUSTICE.

The CHIEF JUSTICE. The House managers may resume if they are ready.

Mr. Manager NADLER. Mr. Chief Justice, Members of the Senate, before I begin, I would like to thank the Chief Justice and the Senators for their tem-

perate listening and their patience last night as we went into the long hours.

I truly thank you.

The House managers will now undertake to tell you the story of the President's Ukraine scheme. As we tell the story, it is important to note that the facts before us are not in dispute. There are no close calls. The evidence shows that President Trump unlawfully withheld military assistance, appropriated by Congress to aid our ally, in order to extort that government into helping him win his reelection, then tried to cover it up when he got caught.

This is the story of a corrupt, governmentwide effort that drew in Ambassadors, Cabinet officials, executive branch agencies, and the Office of the President. This effort threatened the security of Ukraine in its military struggle with Russia and compromised our own national security interests because the President cared only about his personal political interests.

In the spring of 2019, the people of Ukraine elected a new leader, Volodymyr Zelensky, who campaigned on a platform of rooting out corruption in his country. This pledge was welcomed by the United States and its allies, but the new government also threatened the work of President Trump's chief agent in Ukraine, Rudy Giuliani.

As President Zelensky was taking power, Mr. Giuliani was already engaged in an effort to convince Ukrainian officials to announce two sham investigations. The first was an effort to smear former Vice President Joe Biden. The second was designed to undermine the intelligence community's unanimous assessment that Russia interfered in the 2016 election.

One obstacle to Mr. Giuliani's work was Ambassador Marie Yovanovitch. A 33-year veteran of the Foreign Service, Ambassador Yovanovitch had partnered with Ukraine to root out the kind of corruption that would have allowed Mr. Giuliani's lies to flourish.

In order to complete his mission, Mr. Giuliani first needed Ambassador Yovanovitch out of the way. So in early 2019, Mr. Giuliani launched a public smear campaign against the Ambassador, an effort that involved Mr. Giuliani's allies in Ukraine, the President's allies in the United States, and, eventually, President Trump himself.

Please remember that the object of the President's Ukraine scheme was to obtain a corrupt advantage for his reelection campaign. As we will show, the President went to extraordinary lengths to cheat in the next election. That scheme begins with the attempt to get Ambassador Yovanovitch "out of the way."

By all accounts, Ambassador Yovanovitch was a highly respected and effective Ambassador. Witnesses uniformly praised her 33-year career as a nonpartisan public servant and told us that she particularly excelled in fighting corruption abroad. President