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H. RES. 755, IMPEACHING DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

MEETING

OF THE

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

TUESDAY, DECEMBER 17, 2019

MEETING OF THE COMMITTEE ON RULES—H. RES. 755, IMPEACHING DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

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Available via http://govinfo.gov
Printed for the use of the Committee on Rules

U.S. GOVERNMENT PUBLISHING OFFICE

39–438 WASHINGTON : 2020

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H. RES. 755, IMPEACHING DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

TUESDAY, DECEMBER 17, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C.

The committee met, pursuant to call, at 11:15 a.m., in Room H-313, The Capitol, Hon. James P. McGovern [chairman of the committee] presiding.

Present: Representatives McGovern, Hastings, Torres, Perlmutter, Raskin, Scanlon, Morelle, Shalala, DeSaulnier, Cole, Woodall, Burgess, and Lesko.

OPENING STATEMENTS

The CHAIRMAN. The Rules Committee will come to order.

STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND CHAIR OF THE COMMITTEE ON RULES

It is unfortunate that we have to be here today, but the actions of the President of the United States make that necessary. President Trump withheld congressionally approved aid to Ukraine, our partner under siege, not to fight corruption but to extract a personal political favor.

President Trump refused to meet with Ukraine's President in the White House until he completed this scheme, all the while leaders in Russia, the very nation holding a large part of Ukraine hostage, the very nation that interfered with our elections in 2016, had yet another meeting in the Oval Office just last week.

These are not my opinions. These are uncontested facts. We have listened to the hearings. We have read the transcripts, and it is clear that this President acted in a way that not only violates the public trust; he jeopardized our national security, and he undermined our democracy. He acted in a way that rises to the level of impeachment.

That is why we are considering H. Res. 755 today, a resolution impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors. Congress has no other choice but to act with urgency.

You know, when I think back to the Founders of this Nation, they were particularly concerned about foreign interference in our

elections. They understood that allowing outside forces to decide American campaigns would cause the fundamentals of our democracy to crumble, but the evidence shows that is exactly what President Trump did, not only allowed but solicited foreign interference, all to help him win his reelection campaign.

What shocks me, quite frankly, about so many of my Republican friends is their inability to acknowledge that President Trump acted improperly. It seems the only Republican Members willing to admit the President did something wrong have either already retired or announced plans they intend to retire at the end of this Congress.

I get it. It is hard to criticize a President of your own party, but that shouldn't matter here. I admired President Clinton when he was President of the United States, and I still do today but when this House impeached him, which I didn't agree with, I went to the House floor, and I said I thought what President Clinton did was wrong, because moments like this call for more than just reflexive partisanship. They require honesty, and they require courage. Are any Republicans today willing to muster the strength to say that what this President did was wrong?

Now let me say again what happened here. The President withheld congressionally approved military aid to a country under siege to abstract a personal political favor. He did not do this as a matter of U.S. policy. He did this for his own benefit. That is wrong; and if that is not impeachable conduct, I don't know what is.

Now, I have heard some on the other side suggest that this process is about overturning an election. That is absurd. This is about President Trump using his office to try and rig the next election. Now think about that. We like to say that every vote matters, that every vote counts. We learned in grade school about all the people who fought and died for that right. It is a sacred thing.

You know, I remember as a middle schooler, in 1972, leaving leaflets at the homes of potential voters, urging them to support George McGovern for President, no relation by the way. I thought he had a great last name, and he was dedicated to ending the war in Vietnam and feeding the hungry and helping the poor. I remember even to this day what an honor it was to ask people to support him, even though I was too young to vote myself, and what a privilege it was later in life to ask voters for their support in my own campaigns.

Now I have been part of winning campaigns, and I have been part of losing ones, too. People I thought would be great Presidents, like Senator McGovern, were never given that chance. Make no mistake: I was disappointed, but I accepted it. I would take losing an election any day of the week when the American people render that verdict, but I will never—and I mean I will never—be okay if other nations decide our leaders for us. And the President of the United States is rolling out the welcome mat for that kind of foreign interference.

To not act would set a dangerous precedent, not just for this President but for every future President. The evidence is as clear as it is overwhelming. And this administration hasn't handed over a single subpoenaed document to refute it, not one. Now it is up to us to decide whether the United States is still a Nation where

no one is above the law or whether America is allowed to become a land run by those who act more like kings or queens, as if the law doesn't apply to them.

You know, it is no secret that President Trump has a penchant for cozying up to notorious dictators. He has complimented Vladimir Putin, congratulated Rodrigo Duterte, lauded President Erdogan, fell in love with Kim Jong Un. I can go on and on and on, and maybe the President is jealous that they can do whatever they want. These dictators are the antithesis of what America stands for, and every day we let President Trump act like the law doesn't apply to him, we move a little closer to them.

Now, Benjamin Franklin left the Constitutional Convention and said: The Founders have created a Republic if you can keep it. There are no guarantees. Our system of government will persist only if we fight for it.

And the simple question for us is this: Are we willing to fight for this democracy? I expect we will have a lot of debate here today. I hope everyone searches their conscience.

To my Republican friends, imagine any Democratic President sitting in the Oval Office. President Obama, President Clinton, any of them, would your answer here still be the same? No one should be allowed to use the powers of the Presidency to undermine our elections or cheat in a campaign, no matter who it is and no matter what their party.

We all took an oath not to defend a political party but to uphold the Constitution of the United States. History is testing us. We can't control what the Senate will do, but each of us can decide whether we pass that test, whether we defend our democracy, and whether we uphold our oath.

Today, we will put a process in place to consider these articles on the House floor. And when I cast my vote in favor, my conscience will be clear.

Before I turn to our ranking member, I want to first recognize his leadership on this committee. We take up a lot of contentious matters up here in the Rules Committee and often we are on different sides of many issues, but he leads with integrity, and he cares deeply about this House. There will be passionate disagreement here today, but I have no doubt we will continue working together in the future and side by side on this committee to better this institution.

And let me also state for the record that Chairman Nadler is unable to be here today because of a family medical emergency, and we are all keeping him and his family in our thoughts and prayers.

Testifying instead today is Congressman Raskin. He is not only a valued member of this committee but also the Judiciary and Oversight Committees. In addition, Congressman Raskin is a constitutional law professor. He has a very comprehensive and unique understanding of what we are talking about here today, and I appreciate him stepping in and testifying this morning.

I also want to welcome back Ranking Member Collins, a former member of the Rules Committee, someone who I don't often agree with but someone who I respect nonetheless and appreciate all of his contributions to this institution.

Having said that, I now will turn this over to our ranking member, Mr. Cole, for any remarks he wishes to make.

STATEMENT OF THE HONORABLE TOM COLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA AND RANKING MEMBER OF THE COMMITTEE ON RULES

Mr. COLE. Thank you very much, Mr. Chairman.

Let me begin by reciprocating personal and professional respect for you and the other members of this committee as well because I do think very highly of each and every person on this committee and particularly of you, Mr. Chairman.

But this is a day where we are going to disagree and disagree very strongly. It is, as you referenced, Mr. Chairman, a sad day, a sad day for me personally, for the Rules Committee, for the institution of the House, and for the American people.

We are meeting today on a rule for considering Articles of Impeachment against a sitting President of the United States on the floor of the House of Representatives. This is not the result of a fair process and certainly not a bipartisan one. Sadly, the Democrats' impeachment inquiry has been flawed and partisan from day one. So I guess it should come as no surprise that the Democrats' preordained the outcome is also flawed and partisan.

Seven weeks ago when this committee met to consider a resolution to guide the process for the Democrats' unprecedented impeachment inquiry, I warned that they were treading on shaky ground with their unfair and close process. Reflecting on how things have played out since then reaffirms my earlier judgment that this flawed process was crafted to ensure a partisan, preordained result. Unfortunately, this entire process was tarnished further by the speed with which my Democratic colleagues on the Judiciary and Intelligence Committees have rushed to deliver their predetermined judgment, to impeach the President for something, anything, whether there are stones left unturned or whether where there is any proof at all.

There is no way this can or should be viewed as legitimate, certainly not by Republicans whose minority rights have been trampled on every step on the way and certainly not by the American people observing this disastrous political show scene by scene.

As I have said before, unlike any impeachment proceedings in modern history, the partisan process prescribed and pursued by Democrats is truly unprecedented. And it contradicts Speaker Pelosi's own words. Back in March of this year she said, quote: Impeachment is so divisive to the country that, unless there is something so compelling and overwhelming and bipartisan, I don't think we should go down that path because it divides the country, unquote.

The key word in that quote is "bipartisan."

Indeed, during the Nixon and Clinton impeachments, the process for even opening the inquiry was considered on a bipartisan basis. Back then, both sides treated the process with the seriousness it deserved, negotiating and finding agreement across the aisle to ensure fairness and due process for all involved in the inquiries. But that is not the case today. Instead, Democrats have pushed forward using a partisan process that limited the President's right to due

process, prevented the minority from exercising their rights, and charged ahead toward a vote to impeach the President, whether the evidence is there or not.

I suppose I shouldn't be surprised by any of this. Democrats in the House have been pushing to impeach President Trump since before he was even sworn in. In December of 2017, when a current Democratic member of the House forced a vote on an impeachment resolution, 58 Democrats voted then to impeach the President Trump, even without an investigation and without any evidence to point to. And those numbers have only grown since then to the point where the majority is now pushing forward with a final vote on impeachment, heedless of where it takes the country and regardless of whether they have proven their case.

Mr. Chairman, it didn't have to be this way. When she became entrusted with the gavel over the House this Congress, Speaker Pelosi assured us all that she would not move forward with impeachment unless it was bipartisan and unless there was a clear consensus in the country. Neither of those two commissions are present here.

Indeed, the latest RealClearPolitics average of polls on impeachment shows the country evenly split, with 46.5 percent of Americans in favor of impeachment and 46.5 percent against. That is hardly what I would call a national consensus in favor of impeaching President Trump. When half of Americans are telling you that what you are doing is wrong, you should listen.

I think this is especially the case, given how close we are to the next election. In 11 months, the American people are going to vote on the next President of the United States. Why then are we plunging the country into this kind of turmoil and this kind of trauma now when the voters themselves will resolve the matter one way or another less than a year from today? All it does achieve is make the political polarization and divisions in our country even worse. That makes no sense to me.

Though we may be moving forward with a vote, I certainly do not believe the majority has proven its case or convinced the American people that the weeks of wasted time was worth it. And personally I believe the articles themselves are unwarranted. The majority is seeking to remove the President over something that didn't happen: the alleged quid pro quo with the President of Ukraine. Never mind that the foreign aid went to the Ukraine as it was supposed to and never mind that no investigations were required for the Ukraine to get the aid and never mind that the two participants in the famous conversation, President Trump and President Zelensky, said nothing inappropriate happened.

According to the majority, however, a quid pro quo that never existed is an appropriate basis for removing the President from office, and yet even though the majority has not proven its case and even though there is no basis for impeachment, they are still moving forward today.

What I cannot discern is a legitimate reason why, why the majority is moving forward when the process is so partisan, why they are moving forward when the American people are not with them, why they are moving forward when they haven't proven their case, and

why they are moving forward when there is no basis for impeachment. Why? Why put the country through all this?

It makes even less sense to me when we consider the realities of the United States Senate. We already know that the votes to convict and remove the President from office simply aren't there. Bluntly put, this is a matter that Congress as a whole cannot resolve on its own. Yet the majority is plunging forward, regardless of the needless drama or the damage to the institution and to the country, knowing full well that the end of the day the President will remain in office. And for what? Scoring political points with their party's base?

Again, Mr. Chairman, this does not make any sense to me. We didn't need to go this route. We didn't need to push forward on a partisan impeachment process that had only one possible result, but we are here anyway, regardless of the damage it does to the institution and regardless of how much further it divides the country.

As I said at the beginning, Mr. Chairman, this is a sad day for all of us, but it is especially sad for me, knowing that this day was inevitable, preordained from the start. No matter what happened, no matter where the investigations led, the Democratic majority in the House of Representatives was pushing since the day they took over to impeach President Trump. The facts don't warrant that, Mr. Chairman, and the process is unworthy of the outcome. The President should not be impeached, and I urge all Members, both here in the Rules Committee and tomorrow on the House floor, to vote no.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

And I appreciate your comments. Obviously, we have strong disagreements.

And just one technical point I would like to make. None of us in this House have had an opportunity to vote on impeachment. The resolution that the gentleman refers to some of us opposed tabling because we thought it should go to committee where it could be appropriately evaluated, and that is what this process has achieved. The relevant committees have done their work and investigated the claims of wrongdoing by the President. And now the Judiciary Committee has recommended Articles of Impeachment. The first time anybody in this House will get an opportunity to vote on impeachment will be tomorrow.

Having said that, I want to welcome both of our witnesses.

And, Mr. Raskin, we will begin with you.

STATEMENT OF THE HONORABLE JAMIE RASKIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. RASKIN. Thank you very much, Mr. Chairman.

Good morning, Chairman McGovern. Good morning, Ranking Member Cole. Good morning to all of our distinguished colleagues on the House Rules Committee. And good morning to my friend, Mr. Collins.

It is my solemn responsibility this morning to present for your consideration House Resolution 755 and the accompanying House

Judiciary Committee report concerning the impeachment of Donald John Trump, President of the United States, for high crimes and misdemeanors committed against the people of the United States.

I am appearing, as you said, Mr. Chairman, this morning in place of Chairman Nadler, who could not be with us. I am sure I speak for all the members of both the Judiciary Committee and the Rules Committee in sending strength, love, and prayers to Chairman Nadler's wife, Joyce, and all of our hopes for a speedy recovery.

The Judiciary Committee, along with the other committees, which investigated President Trump's offenses—the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform—bring these articles with a solemn purpose and a heavy heart but in active faith with the constitutional oaths of office that we have all sworn.

The investigating committees conducted 100 hours of deposition testimony with 17 sworn witnesses and 30 hours of public testimony with 12 witnesses. The Judiciary Committee is now in possession of overwhelming evidence that the President of the United States has committed high crimes and misdemeanors, violated his constitutional oath to faithfully execute the Office of the President of the United States and to the best of his ability to preserve, protect, and defend the Constitution of the United States, and violated his constitutional duty to take care that the laws are faithfully executed.

We present two Articles of Impeachment supported by hundreds of pages of detailed evidence and meticulous analysis. The evidence and analysis lead inescapably to the conclusions embodied in these Articles of Impeachment.

First, President Trump has committed the high crime and misdemeanor of abuse of office. He abused the awesome powers of the Presidency by using his office to corruptly demand that a foreign government interfere in our American Presidential election in order to promote his own political campaign in 2020. He corruptly conditioned the release of $391 million in foreign security assistance that he held back from the Ukrainian Government, along with a long hoped-for White House Presidential meeting. He conditioned those on Ukrainian President Zelensky's agreement to go public with two statements. One statement was announcing a criminal investigation into former Vice President Joe Biden, a leading Presidential candidate and rival of the President. The other statement was announcing an investigation that would rehabilitate a discredited pro-Russian conspiracy theory by showing that it was Ukraine and not Putin's Russia that tried to disrupt the last American Presidential election in 2016.

This scheme to corrupt an American Presidential election subordinated the democratic sovereignty of the people to the private political ambitions of one man: the President himself. It immediately placed the national security interests of the United States of America at risk, and it continues to embroil the Nation and our government in conflict.

Second, after this corrupt scheme came to light and numerous public servants with knowledge of key events surfaced to testify in our committee investigations about the President's actions, Presi-

dent Trump directed the wholesale, categorical, and indiscriminate obstruction of this congressional impeachment investigation. He did so by ordering a blockade of administration witnesses, by trying to muzzle and intimidate witnesses who did come forward, and by refusing to produce even a single subpoenaed document.

In the history of the Republic, no President other than this one has ever claimed and exercised the unilateral right and power to thwart and defeat a House Presidential impeachment inquiry. Yet that would have been the final and unavoidable result of the President's outrageous defiance of Congress, had 17 brave witnesses not come forward in the face of the President's threats and testified about the Ukraine shakedown and its scandalous effects on our national security, our democracy, and our constitutional system of government.

But make no mistake. While this investigation was saved by the courage and old-fashioned patriotism of witnesses like Ambassador William Taylor, Ambassador Mari Yovanovitch, Lieutenant Colonel Alexander Vindman, and Dr. Fiona Hill, the President's aggressive and unprecedented resistance to congressional subpoenas for witnesses and documents is blatantly and dangerously unconstitutional. If accepted and normalized now, it will undermine perhaps for all time the congressional impeachment power itself, which is the people's last instrument of constitutional self-defense against a sitting President who behaves like a King and tramples the rule of law. By obstructing an impeachment inquiry with impunity, the President will have the power to actively destroy the people's final check on his own corrupt misconduct and abuse of power.

The Framers insisted that we have impeachment in the Constitution precisely to protect ourselves from a President becoming a tyrant and a despot, and we cannot and we will not allow the impeachment power itself to be destroyed.

These articles charge that President Trump has engaged in systematic abuse of his powers, obstructed Congress, and realized the worst fears of the Framers by subordinating our national security and dragging foreign powers into American politics to corrupt our elections, all for the greater cause of his own personal gain and ambition.

Article I, section 4, of the Constitution provides that the President shall be impeached for treason, bribery, or other high crimes and misdemeanors. This is the essential check that the people's representatives maintain over the executive branch. As our constitutional expert witnesses testified, the Framers sought to capture a broad range of Presidential misconduct and wrongdoing through this provision. But the commanding and comprehensive impulse for including the impeachment power in the Constitution was to prevent the President's abuse of power, which the Framers saw as the very essence of impeachable conduct. In Federalist No. 65, Hamilton wrote that impeachable offenses are defined by abuse of some public trust.

From the Federalist Papers and the records of the Constitutional Convention and the ratifying conventions, we find that the Framers feared principally three kinds of betrayal of office by abuse of power: abuse of power by exploiting public office for private political or financial gain, number one; number two, abuse of power by

betraying the national interest in the public trust through entanglement with foreign governments; and, number three, abuse of power by corrupting democratic elections and denying the people proper agency through self-government. Accord to the Framers, any one of these violations of the public trust would be enough to justify Presidential impeachment for abuse of power. However, President Trump's conduct has realized all three of the Framers' worst fears of Presidential abuse of power.

Never before in American history has an impeachment investigation crystalized in findings of conduct that implicate all of the major reasons that the Framers built impeachment into our Constitution.

Mr. Chairman, the conduct we set before you today is not some kind of surprising aberration or deviation in the President's behavior for which he is remorseful. On the contrary, the President is completely unrepentant and defiantly declares his behavior here perfect, indeed absolutely perfect. He says that Article II of the Constitution gives him the power to do whatever he wants, conveniently forgetting Article II, section 4, which gives us the power to check his misconduct with the instrument of impeachment.

We believe this conduct is impeachable and should never take place again under our constitutional system. He believes his conduct is perfect. And we know, therefore, that it will take place again and again.

Indeed, our report points out that this pattern of showing spectacular disrespect for the rule of law by inviting and welcoming foreign powers into our elections was in plain view in the 2016 Presidential election. America remembers when then-candidate Donald Trump uttered the imperishably infamous words: Russia, if you are listening, I hope you are able to find the 30,000 emails that are missing.

And just 5 hours later, Russian agents moved to hack his political opponent's computers as part of their continuing effort to upend the 2016 Presidential campaign.

As identified by the Justice Department, the Trump campaign had more than 100 contacts with Russian operatives over the course of that campaign, and none of them were reported by the Trump campaign to law enforcement or national security agencies. Moreover, during the special counsel investigation into the sweeping and systematic Russian campaign to subvert our election, President Trump engaged in another systematic campaign of obstruction of the investigative process to obscure his own involvement.

Mr. President—Mr. Chairman, we present you not just with high crimes and misdemeanors but a constitutional crime in progress up to this very minute. Mayor Giuliani, the President's private lawyer, fresh from his overseas travel, looking to rehabilitate, once again, the discredited conspiracy theories at the heart of the President's defense, admitted that he participated directly in the smear campaign to oust Ambassador Yovanovitch from her job.

According to The New Yorker magazine, Giuliani said: I believe I needed Yovanovitch out of the way. She was going to make the investigations difficult for everybody.

And here, of course, Mr. Giuliani refers to the President's sought-after investigations into Joe Biden and the remnants of a discredited conspiracy theory pushed by Russia as propaganda that it was Ukraine and not Russia that interfered in the 2016 American Presidential election.

Given that an unrepentant President considers his behavior perfect, given that he thinks the Constitution empowers him to do whatever he wants, given that he and his team are still awaiting President Zelensky's statement about investigating Joe Biden, given that he has already invited China to perform an investigation of its own, we can only ask what the 2020 election will be like or, indeed, what any future election in America will be like if we just let this misconduct go and authorize and license Presidents to coerce, cajole, pressure, and entice foreign powers to enter our election campaigns on behalf of the Presidents. Who will be invited in next?

The President's continuing course of conduct constitutes a clear and present danger to democracy in America. We cannot allow this misconduct to pass. It would be a sellout of our Constitution, our foreign policy, our national security, and our democracy.

Thank you, Mr. Chairman.

I yield back.

The CHAIRMAN. Thank you very much.

Mr. Collins, welcome back to the Rules Committee.

STATEMENT OF THE HONORABLE DOUG COLLINS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. COLLINS. Thank you, Mr. Chairman. It is good to see you and Mr. Cole as well and members who I have spent many hours in this room with.

You know, the chairman made a statement about my friend here, Mr. Raskin, and he is a fine attorney, and it has been amazing to me throughout this year how the Judiciary Committee has sidelined fine attorneys like himself into not asking questions and into not being a part of the process. It has been really interesting to watch because he is actually a good one. And as you said, he is a good constitutional attorney.

I am not a constitutional attorney. I am a pastor and an attorney from north Georgia, but I believe that you can take another look at this and you can apply constitutional lenses. We all sat through those classes, but it is a commonsense lens. It is a commonsense lens. Mr. Cole made a question—a comment in his opening statement. He says—you said, Mr. Cole, you said: It doesn't make sense.

Yeah, it does. It makes perfect sense. Look at the pattern. You know, the only thing that is clear and present danger right now in this room is the pattern of attack and abuse of rules and decisions to get at this President that started over 3 years ago, really the night he was elected.

And I said the other day in the committee hearing, I thought about, you know, having the means and the motive and the opportunity. The opportunity for this day occurred last November when we lost the majority. It occurred because it was talked about for years in prior, and so now we just bring it forward, and we have

tried a lot of different things to get there, and we will talk about that, I am sure, as the time goes on today.

And, look, we can have plenty of time to talk about the articles and the very vague articles that we did. It is pretty interesting, if you read the report from the majority, there is a lot of discussion about crimes, but they couldn't find it in themselves to charge one. Again, common sense. Articles, and when you think about impeachment, you are thinking about impeaching a President in particular for crimes. You are thinking about—you are sitting now, and this majority has tried to so hard to be like Clinton and Nixon and failed so miserably, but every time we try, when we try once again, except the one thing, when it came down to the very end, the one thing they couldn't do is actually find a crime. They talk about it a bunch.

And if you read the majority's report, it is well-written. It is some of the best work you will see, frankly, in some ways a fictional account of what this actually is, but it actually talked about it, that the problem here is a majority bent on finding something for this President.

So, Mr. Cole, it is not a surprise. In fact, it is a sad day not only for the Rules Committee but for the Judiciary Committee.

You know, it is telling that the Articles of Impeachment, to show you how partisan this is and really the concerning part that I see—and Mr. McGovern is a friend, and we disagree, and you are exactly right. We disagree probably on a lot of things. Is this glass half full, half empty? And that is fine. That is what we are supposed to do. That is what our voters send us here for, but to find ways to actually work. We have worked together.

The question I have here is: If this was, as the Speaker said, supposed to—should be overwhelmingly bipartisan and the American people understand it, then why are we in the Rules Committee today? When it was with Clinton, it was a UC straight to the floor. It wasn't, didn't have to come to the Rules Committee because both sides could see there was something needing to be discussed. And that is not true here. And so we are having to bring it up here to the Rules Committee, a place that I have spent many hours and many of us on this group have discussed many things, but this should not be one of them.

You know, it is interesting and I hear a lot today and I have heard already from Mr. Raskin, and from the chairman as well, the discussion of the Founders, and it is interesting. We cherry-pick the Founders, and that is okay. That is what partisans do. When you are in a partisan impeachment, you cherry-pick the Founders, if you like this partisan work, if you like the other partisan.

But the one that is not mentioned is the very thing that we are here for, and that was found, I believe it was in Federalist I think it was 65. It was Hamilton when he said this. He said the Founders warned against a vague, open-ended charge because it could be applied in a partisan fashion by the majority of the House of Representatives against an opposition President. Alexander Hamilton called partisan impeachment, regulated by more of the comparative strength of parties than the real demonstration of innocence or guilt, the greatest danger. And, additionally, the Founders explicitly excluded the term "maladministration" from the impeachment

clause because they did not want to subject Presidents to the whims of Congress, their words.

James Madison said: So vague a term, it will be the equivalent to a tenure during the pleasure of the Senate.

And I would say it would be a tenure to the pleasure of this House. When we understand what is going on here, when we look at the discussions here, there are many things that I want to talk about. But the first I want to do is, when we talk about how we get to a certain place, proper process leads to proper results, and we have not had any of that in this process. I have always said and I have said it many times in our discussions lately is that this is all about a clock and a calendar. It has been for a while. Since January when we were sworn in, it is about a clock and a calendar.

Why do I say that? Because we had to get to it by the end of the year because, if we went into the next year, it would be really too close, especially from the House's perspective, to the elections that they are trying to interfere with. And, yes, they're trying to interfere with elections, the 2020 election, by actually beginning this process and then going forward.

Now the conduct is not conduct that respects the American people. The clock and the calendar know no masters except themselves. You see, our committee held its first hearing on December 4th, literally the day after Schiff publicly released his report. In the first minutes of the hearing, Mr. Sensenbrenner furnished the chairman with our demand for a minority day of hearings. The chairman also set a deadline of December 6th for Republicans and the President to request additional witnesses, but it wasn't until Saturday, the day after the deadline, that Chairman Schiff transmitted 8,000 pages of material to the Judiciary Committee, and we still haven't gotten everything, not that it matters to the majority.

For institutionalists, this should bother you. You can still go ahead and vote for your "yes" tomorrow and vote for "yes" today and do that, but it should matter for this institution that, while I was in Georgia, I received a call from my staff saying they just released 8,000 documents on a thumb drive, some of which were going to be kept in a secure holding. And when I asked the chairman about these documents, where are they going to be used, he said: Well, we are not going to read them either. We are not going to have a chance to go through them. We are just going to go ahead with what we are doing.

That is from my chairman, whom I respect greatly. We have done a lot of things together, but it has been very difficult when, in a hearing of this magnitude, how can anyone, Republican or Democrat, actually go back and look at their constituents in the face and say, "We looked at all the evidence, I looked at everything, and I came to this conclusion"? No, we cherry-picked the evidence, and we only used what we wanted to because that material, which by the way has still not all been released, there is the inspector general, IG, report that is still—has not been released.

Now, whether it is good or bad is irrelevant. But when you are talking about impeaching a President, shouldn't the underlying evidence sent to Judiciary Committee actually matter? Again, it doesn't take constitutional experts coming in and telling us about it. It takes common sense to know that you don't impeach some-

body without at least making all the evidence proper, but you know that is what happens when you are to the tyranny of a clock and a calendar.

When you are at the tyranny of a clock and a calendar, nothing else matters. It is like what is going to happen here in the holidays is you are getting close to that day and you are supposed to give that gift. Nothing else matters. You just got to get it. At the last minute, if you don't have anything, Mr. Hastings, I bet you have done this. You go out, and you buy first thing you get.

And this is what was happening. The clock was running out. So they found a phone call they didn't like. They didn't like this administration. They didn't like what the President did. They tried to make up claims of it. There was pressure and all these other things that they have so outlined in the report, but at the end of the day, it is simply last-minute Christmas shopping. They ran and found something. They said, "We can do it," but no crimes, nothing in the articles. Abuse of power, in which any Member can make up anything they want to and call it an abuse of power, but in the report, they document bribery and extortion and all these other things which they can't put into the articles.

And then the obstruction of justice, again, is sort of interesting, what I just read, Chairman Schiff transferred on a Saturday 8,000 pages of what we were supposed to be looking at for the next hearing.

We submitted our list of witnesses to Nadler the day—Mr. Nadler before Schiff—we submitted it before Schiff had sent us anymore evidence. Last Monday, we had hearing so Schiff's staff and Nadler's consultants could tell us that the President needs to be impeached. Again, nothing from Chairman Schiff who had made the reference to himself being like Ken Starr. But for those in this room who have at least opened a history book, Ken Starr actually came and testified and took questions from everyone, including the White House counsel.

On Monday, the chairman objected to all of our witnesses out of hand. And on Tuesday, the morning after, the presentation of articles were unveiled. Remember, think about this: No factual-based witnesses. We had a bunch of law professors, one for us. By the way, I did ask for another one. Didn't get it. No reasoning. We just went back. We are in impeachment hearings, and we went back to the normal three-to-one ratio. I asked for one more and basically didn't get it. It was an interesting conversation between the chairman and I. Didn't get it.

Then we came in and got our witness list summarily dismissed. We get information dumped to us in the middle of what we are supposed to be doing, right before we are having to have hearings, before we had to—after the fact we had to turn in our witness list.

Judge, I don't think this would fly in any regular normal court proceeding because I know this is not. So before anybody wants to tweet or say anything, "We are not in a court." I know that. We are in a kangaroo court, it feels like in this place, because all of this is backwards. What is up is down, and down is up. We are more Alice in Wonderland than we are House of Representatives because, whether you agree he needs to be impeached or not, do you not think there needs to be a modicum of process and rights?

All of this is true. The rules completely aside; the minority hearing date, broken; access to committee records rules, broken; due process for the accused in impeachment, completely out the window; Rules for decorum and debate, we have seen that broken, even on the House floor. H. Res. 660, the authorization for this whole thing, the chairman could have used it to run a fair process. Unfortunately, we didn't.

The problem comes down today is there are several things I am going to leave you with, Mr. Chairman, and this is it. After all that has been said, all that has been talked about, and all that has went in that wonderfully written report, there is four facts that will never change: Both the President and Mr. Zelensky say there was no pressure. The call transcript shows no conditionality in aid and in investigation.

By the way, Mr. Sondland, their key witness, the only thing they ever quote is his opening statement. They don't like to quote when he actually was questioned, when he said: Well, yeah, I presumed that.

And then, when you talk about Mr. Yermak, Mr. Yermak said: We didn't have any conversation about conditionality of aid.

That one just come out just the other day. I am not sure where we are getting this, but this definitely wasn't in the call transcript.

Ukrainians were not aware the aid was withheld, even when the President spoke. And Ukrainians did not open investigations, didn't get a meeting, and still got their aid.

But what did we see last week and over the past 2 weeks? We saw Mr. Zelensky, President Zelensky, pilloried in our committee. He is either a liar, a pathological liar, according to the majority, or he is so weak he shouldn't be governing that country. That is tragic. We actually did that to this sitting world leader in our committee.

These are the kind of things that bother many of us, but also I know this is also on the clock and the calendar, too. We will have a few hours here. We will talk about it, but I will remind my majority friends, and I do consider you friends, the clock and the calendar are terrible masters and they lead to awful results and, yes, there will be a day of reckoning. The calendar and the clock will continue, but what you do here and how we have trashed the process in getting here will live on, and it will affect everything that we have come for.

And so whatever you may gain will be short-lived because the clock and the calendar also recognize common sense which has not been used in this proceeding.

And with that, Mr. Chairman, I yield back.

The CHAIRMAN. Thank you very much.

I want to thank both of you for your opening statements.

Mr. Collins, you raised the issue why we are here in the Rules Committee today. And let me just state for the record that, as you know, the Constitution gives the House the sole power of impeachment and the power to determine its own rules. You know, when President Nixon, during the time he was going to be impeached, the chairman of the Rules Committee, Chairman Madden, actually spoke on the House floor and announced there would be a rule governing how that proceeding would move forward.

When the Clinton Articles of Impeachment were brought forward, there was a unanimous consent agreement to govern how we conducted ourselves. And I am not sure how likely it would be that we would get a unanimous consent agreement.

I would like to ask unanimous consent, without objection, to enter into the record a letter that was sent to the chairman of the Judiciary Committee, signed by, I think, 70 Republican Members, including Kevin McCarthy, the Republican leader.

[The information follows:]

Congress of the United States
Washington, DC 20515

December 10, 2019

The Honorable Jerrold Nadler
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler,

During the open hearing on December 4, 2019, Congressman Sensenbrenner, on behalf of all of the Republican members of the House Judiciary Committee, presented you with a request for a minority hearing in compliance with Clause 2(j)(1) of Rule XI. To date, you have ignored the request and failed to respond to repeated questioning on the matter. The House rules do not afford you the ability to deny this request. Though scheduling is left to your discretion, when considering the unprecedented speed at which the majority is moving towards impeaching a duly elected president, a delay under these circumstances is tantamount to a denial of our right to a minority hearing. Until our procedural rights as Members of the United States House of Representatives are respected, we will avail ourselves of every parliamentary tool available to us in committees and the House floor in order to highlight your inaction.

Sincerely,

Andy Biggs
Member of Congress

Kevin McCarthy
Member of Congress

Steve Scalise
Member of Congress

Liz Cheney
Member of Congress

Tom Emmer
Member of Congress

Mark Meadows
Member of Congress

PRINTED ON RECYCLED PAPER

Jody Hice
Member of Congress

Lance Gooden
Member of Congress

Lee Zeldin
Member of Congress

Jackie Walorski
Member of Congress

Ron Wright
Member of Congress

Daniel P. Meuser
Member of Congress

Ralph Abraham
Member of Congress

John Curtis
Member of Congress

Jack Bergman
Member of Congress

Rob Bishop
Member of Congress

Scott Tipton
Member of Congress

Roger Marshall, M.D.
Member of Congress

Michael Guest
Member of Congress

Ralph Norman
Member of Congress

John Moolenaar
Member of Congress

Guy Reschenthaler
Member of Congress

Randy Weber
Member of Congress

Denver Riggleman
Member of Congress

Ted Budd
Member of Congress

Matt Gaetz
Member of Congress

Chip Roy
Member of Congress

Dusty Johnson
Member of Congress

James Comer
Member of Congress

Carol D. Miller
Member of Congress

Michael Cloud
Member of Congress

Kay Granger
Member of Congress

Russ Fulcher
Member of Congress

John H. Rutherford
Member of Congress

Debbie Lesko
Member of Congress

Jodey Arrington
Member of Congress

Earl L. "Buddy" Carter
Member of Congress

Michael C. Burgess, M.D.
Member of Congress

Jason Smith
Member of Congress

Bob Gibbs
Member of Congress

Ken Buck
Member of Congress

Chris Stewart
Member of Congress

Pete Olson
Member of Congress

David Rouzer
Member of Congress

Virginia Foxx
Member of Congress

Mike Rogers
Member of Congress

Gregory F. Murphy, M.D.
Member of Congress

Chuck Fleischmann
Member of Congress

Steve Chabot
Member of Congress

Louie Gohmert
Member of Congress

Mark Walker
Member of Congress

Jim Banks
Member of Congress

Ben Cline
Member of Congress

Ted Yoho
Member of Congress

Robert Aderholt
Member of Congress

Mo Brooks
Member of Congress

John Rose
Member of Congress

Paul Gosar
Member of Congress

David Schweikert
Member of Congress

Bill Posey
Member of Congress

Mike Kelly
Member of Congress

Andy Harris
Member of Congress

Glenn Grothman
Member of Congress

Brett Guthrie
Member of Congress

Greg Gianforte
Member of Congress

Tom McClintock
Member of Congress

Rick Crawford
Member of Congress

Alex Mooney
Member of Congress

Jeff Duncan
Member of Congress

Scott Perry
Member of Congress

Morgan Griffith
Member of Congress

Ross Spano
Member of Congress

The CHAIRMAN. Basically—let me read the key line here—"we will avail ourselves of every parliamentary tool available to us in committees and on the House floor to highlight your inaction"—translated means to try to delay and to make this process as impossible as it can be made. I am not sure, in light of this letter, that we could get a unanimous consent agreement with regard to these proceedings to break for a cup of coffee, never mind determine the rules of engagement. So, I would point that out.

In terms of process, I just want to, again, state for the record, because I think it is important, that I think the House has engaged in a fair impeachment inquiry process. Democrats and Republicans have had equal opportunity to participate in the months' long impeachment inquiry. Members of both parties have been involved at every stage in this process, from sitting in and asking questions in closed-door depositions to questioning witnesses in open hearings.

The committees took more than a hundred hours of deposition testimony from 17 witnesses, held 7 public hearings, which included Republican-requested witnesses. They produced a 300-page public report that laid out their findings and evidence. The Judiciary Committee then took that report and conducted two public hearings, evaluating the evidence and legal standard for impeachment, before reporting the two articles that we are dealing with here today.

And I should also point out that President Trump was provided an opportunity to participate in the Judiciary Committee's review of the evidence presented against him, as President Clinton was during his impeachment inquiry. President Trump chose not to participate. President Trump to date has not provided any exculpatory evidence but instead has blocked numerous witnesses from testifying about his actions.

And so, I just thought it was important to point that out.

Mr. Raskin, I saw you scribbling furiously while Mr. Collins was testifying. I don't know whether there is something that you wanted to respond to.

Mr. RASKIN. Well, thank you, Mr. Chairman. My friend, Mr. Collins, speaks very fast. So it is hard to keep up with everything he is saying but a couple of things——

Mr. COLLINS. This is as slow as I have spoken.

The CHAIRMAN. That is all right. I am from Massachusetts, and people say the same thing about my accent.

Mr. COLLINS. I will tell you most anything, but today you got to give me credit. That was as slow as you have ever heard me.

Mr. RASKIN. I give you credit. You were making an effort at the beginning, and so was I. They accuse me of the same.

Let me—he raises some really important points, and I would love the chance to briefly address them.

One thing that we have been hearing is that we didn't charge crimes, and in some sense, that just duplicates a basic confusion that people have about what the process is. We are not criminal prosecutors prosecuting a criminal defendant in court to send to jail. That is not what we are doing. We are Members of Congress who are working to protect the country against a President who is committing high crimes and misdemeanors, that is, constitutional offenses against the people of the country.

Now lots of the conduct that we plead in our specific articles alleging abuse of power and obstruction of Congress themselves could become part of criminal indictments later on, but it has been a curious thing for me to hear our colleagues across the aisle repeatedly make this point and kind of spread this confusion that there are not crimes in there when they were the very first ones to be saying and continue to say the Department of Justice cannot prosecute the President; the President may not be indicted; the President may not be prosecuted while he is in office. That is the position they take.

They then cannot turn around and say: Oh, and you can't impeach him because you haven't charged him with any crimes and prosecuted him and indicted him.

You see, "heads, I win; tails you lose" is the essence of that argument.

And, of course, if you go back to the Richard Nixon case, we didn't have to see that Richard Nixon had been convicted of burglary in the District of Columbia by ordering the break-in of The Watergate Hotel before he was accused—before he was charged with abuse of power as a high crime and misdemeanor. That is exactly what we are charging President Trump with here. We don't have to first go out and prove that he committed bribery or committed honest services fraud or committed extortion, all things that he really could be prosecuted for later. We simply have to allege the course of constitutional criminal conduct he was engaged in. And so I think that we can set that one aside.

A second thing that my friend said was that there were no fact witnesses, that this was based on the report that was delivered to us by the House Committee on Intelligence. And, of course, that is a play on words, too. There were 17 fact witnesses who appeared before the House Committee on Intelligence, the House Oversight Committee, and the House Foreign Affairs Committee. The way we structured this impeachment process, which is completely our prerogative under Article I, section 2, clause 5, as you said, Mr. Chairman, is to have the fact investigation into this affair, which involved foreign governments and ambassadors and so on, in the Intelligence Committee; then to have them bring the facts in a comprehensive report to the House Judiciary Committee, which would then make the decision about the law: Do all of these events rise to what we think is impeachable conduct? And, of course, we did. So there are lots of fact witnesses.

The fact we also had the counsel for the House Intelligence Committee come and to deliver the report and defend the report and all of my friends on the other side of the aisle had a chance to question as we had the chance to question. When you say there were no fact witnesses, that is also a perfect description of what took place during the Clinton impeachment because all of that took place as part of the independent counsel investigation by Kenneth Starr. There were closed-door, secret depositions taking place there. Then Kenneth Starr came to deliver the report, and remember all the boxes of material they brought over in a U-Haul truck and gave it to the House Judiciary Committee. That was the end of it.

Monica Lewinsky didn't testify before the House Judiciary Committee. There were not witnesses who had been there who were brought before the House Judiciary Committee. So we are following the exact same pattern I think that took place there except that it was the House of Representatives here which did its own fact investigation through this assortment of committees.

Finally, the—well, let me just say a word about the fairness of the process, and, you know, we all know what they teach you in law school, which is: If the facts are against you, you pound the law. If the law is against you, you pound the facts. If the law and the facts are against you, you talk about the process and you pound the table.

And I am afraid I have seen a little bit of that in the performance of our colleagues here, and I don't blame them because they are dealing with the hand that they were dealt.

We have 17 fact witnesses, and all of their depositions and all their testimony was published and all part of the report. Everybody—everybody—can find it and all of their testimony is essentially unrefuted and uncontradicted. It tells one story, which is the President of the United States conducted a shakedown of a foreign power. He used $391 million that we in Congress have voted for a besieged, struggling democracy, Ukraine, to defend itself against Russian invasion and attack, to coerce that—the President of that foreign government, President Zelensky, to get involved in our election campaign.

What did he want him to do? Well, he wanted President Zelensky to make an announcement on television that Joe Biden was being investigated. Now what does that have to do with the foreign policy of the United States? What does that have to do with what Congress voted for? What does it have to do with any legitimate interest of the U.S. Government?

But the other thing that he wanted President Zelensky to do was to rehabilitate the completely discredited conspiracy theory that it was Ukraine, and not Russia, that had interfered in our election. Our entire intelligence community, the NSA, the CIA, the FBI—the Senate Committee on Intelligence issued a report about this—all of them say the same thing, which is that it was Russia that conducted what the Department of Justice called a sweeping and systematic campaign against our election in 2016.

You remember, Mr. Chairman, they injected propaganda into our polity through social media, Facebook and Twitter and so on. They directly conducted cyber invasion and attack and espionage against the Democratic National Committee, the DCCC, Hillary Clinton's headquarters, and they directly tried to get into our State boards of elections, not two or three; all 50 of them they tried to get into. That is what Russia did, and now all of a sudden we have the President of the United States telling President Zelensky that if he wants the $391 million that we voted for and that he has been certified for by the Department of Defense and the Department of State, clearing every anticorruption screen that would have been put in place and called for by Congress, if he wants the money and if he wants the White House meeting that he desperately wanted to show that America was on Ukraine's side and not Russia's side, if he wanted to get that stuff, he had to come and get involved in

our Presidential campaign and he had to rehabilitate this discredited story about 2016.

I yield back.

The CHAIRMAN. Well, I thank you.

You know, I have been listening to some of the commentary in the news from some of the pundits. And sometimes I think people need a lesson in constitutional law. That is why it is great that you are here. Let me ask you a basic question because I think sometimes people don't understand: Why is impeachment in the Constitution?

Mr. RASKIN. Oh, that is a great question.

And Mr. Collins invoked indirectly my favorite American revolutionary, Tom Paine, who, of course, wrote, "Common Sense and the Age of Reason." And he said you can't have one without the other. In other words, you need the common sense of the people, and you need people to be conducting things according to reason, rationality, facts, empiricism, science. But why did Paine come all the way over here to participate in the American Revolution, which was not foreordained to win in any way? Because America was the first Nation in history born out of a revolutionary struggle against monarchy, against the idea that you could have hereditary rule.

Paine said a hereditary ruler is as ridiculous as a hereditary mathematician or a hereditary artist, right? He said the people have got to decide on their own leaders.

Now, impeachment is an instrument that our Founders put into the Constitution, informed by the British experience. There was impeachment that Parliament had, but it wasn't against the King. It was only against royal ministers. Why? Because of the British doctrine the King can do no wrong. Right? That is kind of like the King can do whatever he wants. The King can do no wrong, and, therefore, the King couldn't be impeached. But our Founders insisted that impeachment be in there, not just for other civil officers who might commit high crimes and misdemeanors against the people, but against the President himself.

And, of course, the President in the domestic emoluments clause is limited to a fixed salary in office, which can be neither increased or decreased by Congress. And he can't receive any over emoluments from the government's help and any other payments. The President is effectively an employee of the American people. That is the way he is designed. He is not above the people. He is a servant of the people like all of us are. And the President's core job is what? To take care that the laws are faithfully executed. And, if he doesn't faithfully execute the laws, if he thwarts the laws, if he tramples the laws and he commits crimes against the American people, then we are not going to send him to prison. He is not going to go to jail for one day. But he needs to be removed in order to protect democracy.

The CHAIRMAN. For the record, why is abuse of power an impeachable offense?

Mr. RASKIN. Abuse of power is the essential impeachment offense. That is why it is in there. What it is about is elevating the personal interests and ambitions of the President above the common good, above the rule of law, and above the Constitution.

And so the Founders didn't want a President who was going to behave like a king. We had seen enough of that. We wanted a President who was going to implement the laws, go out and, you know, implement the Affordable Care Act and implement the environmental laws. That is your job. You know, that is what you are supposed to be doing.

The CHAIRMAN. So we have seen evidence that the President decided to withhold from Ukraine important official acts, the White House visit, military aid, in order to pressure Ukraine to announce investigations of Vice President Biden and the 2016 elections. Why does that constitute an impeachable offense?

Mr. RASKIN. So, well, it basically implicates every single one of the concerns that were raised by the Founders at the Constitutional Convention. One, it places the personal political agenda and ambitions of the President over enforcing the laws and enforcing the rule of law.

Two, it drags foreign powers into our election. That was something that the Framers were terrified about. There was a great exchange between Adams and Jefferson about just this issue that there would be constant foreign intrigue and influence, attempts to come and influence, because we would be an open democracy. And so people would try to exploit our openness by getting involved in our elections with their foreign government concerns, which is why the President had to have complete undivided loyalty to the American people and to the American Constitution and not get involved with foreign governments, not drag foreign governments into our affairs.

So, basically, you have everything the Framers were concerned about tied up into one bundle here, which is involving foreign governments in our elections, placing the President's interests over all of—over everything else, and then essentially threatening the rule of the people in democracy.

The CHAIRMAN. And where do you draw the line between a legitimate use of Presidential power and an abuse of power? Why is it significant that President Trump acted for his personal political advantage and not for the furtherance of any valid national policy objective?

Mr. RASKIN. Well, that is a great question because our colleagues have shrewdly zeroed in on the fact that some of the witnesses, including Ambassador Sondland, said: Well, of course, there was a quid pro quo. The President was not going to release the aid. He was not going to have the meeting until he got what he wanted in terms of political interference.

And then even the President's White House chief of staff said: Yes, of course, there was a quid pro quo—I am not quoting directly, so I don't have the exact words—but he was saying: Yes, this is the way we proceed. Get used to it. Okay.

And our colleagues have said: Well, there is always quid pro quos tied up in foreign policy. In other words, it is legit to say to a foreign government: We will give you this aid if you comply that the aid is all being used in the proper way. We will give you this assistance if you attend these conferences and meetings with us to make sure the assistance is being used properly and so on. There is nothing wrong with that.

But look at what happened here.

[Recess.]

Mr. RASKIN. This was an arrangement where the President conditioned all of this foreign assistance that we had sent, $200 million to the Department of Defense, $191 million to the Department of State, to help Ukraine defend itself against Russia, and the President said—but what he was holding out for was the interference of the Ukrainian President in our election to harm his political opponent. And I think everyone can recognize that is not the normal kind of push and pull and arrangements the nations make for each other. Why? Because the President privileged his own political interest, and that is why it was all done secretly, and luckily, there were witnesses who were willing to come forward and to explain what happened.

The CHAIRMAN. And Mr. Collins, I will ask you and Mr. Raskin the same question. Was the President's call with President Zelensky perfect, as the President had said? And was it appropriate for him to ask another country to investigate an American citizen?

Mr. COLLINS. As I have said before, there was nothing wrong with the call and when you look at it—again, frankly, the last—the problem we are having right now is exactly the last 15 minutes of this. Great oratory on a lot of things that mean nothing to this actual impeachment. I mean, if we get down to the bottom line here and—honestly, leave it at that. Let him answer that question. I will get back to it later, because everything that has been thrown out here is exactly what the problem we have had and the discussion. And this idea of throwing law, in fact, we have disproven the facts. We have talked about the law. Law wasn't broken. We didn't put it in the Constitution. So I can yell on both of them, I can talk about both of them. The problem we have here is, is this is the very problem we have—and I will just address one thing before I let it back, or if you want me to switch right now, I will.

The CHAIRMAN. That is fine.

Mr. COLLINS. I will give it to him.

The CHAIRMAN. That is fine. I am looking at the President's transcript saying I would like you to do us a favor, though. I mean, do you think it was a perfect call?

Mr. COLLINS. Well, Lieutenant Colonel Vindman actually said it was perfectly okay for the President to ask for political call. It was in his testimony.

The CHAIRMAN. Do you think it is appropriate?

Mr. COLLINS. So he said, Lieutenant Colonel Vindman said would it ever be—it was asked, would it ever be U.S. policy in your experience to ask a foreign leader to open a political investigation. He replied, certainly, the President is well within his right to do that.

The CHAIRMAN. Do you think it is right for the President to ask a foreign government to investigate a U.S. citizen like that?

Mr. RASKIN. No. I think it is absolutely wrong. One of the interesting things about the hearings, of course, was that every single—I think every single Member of Congress who has at least endorsed impeachment inquiry has said that it is completely wrong for the U.S. President to use any of the means at his disposal to drag foreign governments into our election and we were unable to get our

colleagues on the Judiciary Committee to weigh in on that, saying, let's assume that you think—let's stipulate you think that the President did nothing wrong here, do you think it is wrong for the President of the United States to get foreign powers involved in our election and we couldn't get an answer.

I reissued the invitation to Mr. Collins. I believe that in his heart, he thinks that is wrong and I certainly would not want that to become the pattern for all future presidencies.

Mr. COLLINS. I think the interesting thing here, Mr. Chairman, if I could. I don't want this to become the pattern for future impeachments. I think this is the problem I have. The understanding here is, I guess, it is okay, though, to get involved in a 2016 election when you pay a third party to go pay for a dossier. These are the kinds of things we can talk about, but the interesting issue that is just discussed here is exactly where we are right now in a question and a comment, because what Mr. Raskin just brought up is an interesting point.

So is it okay if you are running for President that you can't be investigated, even if you did something overseas? So if you are running for President, and you did something overseas, it would be off-limits, according to Mr. Raskin's argument, for the United States Government to investigate that. That is the argument he just set up. I think you need to be very careful with that argument.

The CHAIRMAN. Again, I mentioned this in my opening statement, the frustrating thing is that it seems so obvious to so many of us about inappropriate behavior, our former colleague, Charlie Dent, says he spoke with Republicans who are absolutely disgusted and exhausted by the President's behavior. Another former Republican colleague of ours, David Jolly said, we have witnessed, quote, "an impeachable moment."

Former Republican Congressman Reid Ribble of Wisconsin said, clearly there was some type of quid pro quo. When asked if he believes the testimony presented warrants impeachment, he said, I do.

Former South Carolina Republican Bob English, who served on the Judiciary Committee, during the Clinton impeachment said last month, in a tweet, without a doubt, if Barack Obama had done the things revealed in the testimony and the current inquiry, we Republicans would have impeached him.

Joe Scarborough, a former Republican Congressman from Florida said, every Republican knows that Donald Trump was asking for dirt on Joe Biden in exchange for releasing military funds. Let's go on to—do you want to respond, Mr. Raskin?

Mr. RASKIN. Sure. I would be delighted to, but one thing—I was just passed a note saying I may have gotten the numbers wrong. Department of Defense had $250 million appropriation for the purposes of aiding Ukraine in the state at 141 million. I may have misspoken.

The CHAIRMAN. Okay.

Mr. RASKIN. As to that point, again, I feel for my friends because I think they are put into a situation, put into a box, so to speak, which was what President Trump was quoted as saying about what he wanted to do with President Zelensky, he wanted him in a box about statements, but I think they are put into something of a cor-

ner here, because the President has declared his conduct perfect, absolutely perfect, and he can do whatever he wants.

And so they are unable to say—to make the case that I would make—if I were trying to defend the President, I would say, Okay, that was totally wrong and off-limits, but it is not impeachable for X, Y, and Z reasons, but they are not allowing anybody that space to say it. They must go with the President's assertion that this was categorically correct. There was nothing wrong with it. It was perfectly right and, you know, he quoted legal scholars. He didn't name them, but he invoked legal scholars who told him that the call was perfect as well.

The CHAIRMAN. I want to move my questioning along here a little bit. So let me ask you on the issue of obstruction of Congress, why is the obstruction of Congress an impeachable offense?

Mr. RASKIN. Well, look, this is something—Mr. Collins made a really important point, which is, that we have got to think about this in institutional terms, okay. And he rightly calls us to redouble our commitment to fairness in the process. I have seen lots of fairness in this process. I have seen in the closed door depositions, I saw the Democratic counsel get an hour, I saw the Republican counsel get an hour, I saw the Democratic members get to question, I saw the Republican members get to question. I have seen this committee bend over backwards to get all of the depositions out as quickly as possible while the President of the United States is stopping, at least, seven witnesses from coming forward. It may be more than that, but he has blockaded witnesses. The President, who says the process is unfair, is the one who is stopping everybody from coming to testify and is essentially trying to blockade the whole investigation.

Look, why is this essential, Mr. Chairman? It is essential because for institutional reasons. It is essential for institutional reasons because in the future it might be a majority Democratic Congress, it might be a majority Republican Congress, but in any event, it is Congress, and one of our jobs is as Members of Congress is to make sure that the President does not violate the laws.

We are supposed to stand sentinel to make sure that the President will only enforce the laws, take care that the laws are faithfully executed. Well, what happens if you get a President who totally trashes the law? Okay. Some of us think we may be there now. I know some of our colleagues don't believe that, but certainly they can imagine a situation where a President advertises spectacular disrespect and contempt for the law and trashes the law.

What is our ultimate check against that? It is going to be impeachment. That is why it is in the Constitution, but now we have a President who, for the first time in American history says, I am going to try to block the ability of Congress to impeach me by not turning over one single document, by trying to hold back people from testifying like Secretary Pompeo, like chief of staff Mick Mulvaney, like multiple other members of the administration. I don't want them to come forward and testify.

And so, we are going to have to use our common sense to derive conclusions about what that means. What does our common sense tell us when you have all these other people coming forward and testifying about the misconduct of the President, and then the

President trying to block everybody else from coming forward to testify in his administration.

The CHAIRMAN. And let me just point out for the record, we have requested several documents and testimony from members of this administration, and what has the President's administration done in response? Nothing. I think it is important for people to understand, just for the record, requests for documents from the State Department, ignored; requests for documents from the Department of Defense, ignored; requests for documents from the Vice President, ignored; requests for documents from Giuliani associate Lev Parnas, ignored; requests from documents from Giuliani associate, Igor Fruman, ignored; requests from documents from the White House, ignored; requests from documents from Rudy Giuliani the President's lawyer, ignored; requests from testimony of former national security adviser John Bolton, ignored; requests from the testimony of White House chief of staff Mick Mulvaney, ignored.

And here is a list of all the requests that have been made. The red marks are, basically, to demonstrate noncompliance that they have been ignored. I think this is what you call obstruction, plain and simple. And, in fact, the only people that have complied with that request have been patriotic public servants, many of them defying instructions that they not comply. I guess, I just ask, what presumptions should we make when the President prevents witnesses from complying with congressional subpoenas?

Mr. RASKIN. Let's use our common sense. People who have exculpatory evidence, which is just a fancy way of saying evidence that shows their innocence, want the court to see the evidence. People who have evidence that demonstrates their innocence would bring that to Congress. People who have evidence, which they think may be inculpatory, people have evidence which may lead people to believe in their guilt, will try to keep it away.

But you just make a really profoundly important point, Mr. Chairman, which link Article I and Article II of the impeachment articles, do we want to set a precedent that people—that U.S. citizens can become President of the United States by inviting foreign powers to get involved in our election, then once they are in, if Congress decides that their conduct is impeachable and involves high crimes and misdemeanors, they can then pull a curtain down over the executive branch and not allow any investigation, not allow subpoenas to be honored and so on. That is a very dangerous prospect that would have terrified and horrified and shocked the Framers of our Constitution.

The CHAIRMAN. Thank you.

Mr. COLLINS. He is on a roll.

The CHAIRMAN. Okay. Well, I am about to yield to my ranking member, who I am sure has lots and lots of questions, but I do want to take a moment, I think it is important that we remember this. So I want to remind everybody why we are here today.

The President abused the power of his office for his own personal gain and obstructed a congressional investigation to look into that conduct. How did he do that? He withheld aid for a country that was under siege by Russia to leverage help for his political campaign. President Trump's abuse of power has endangered our free elections and national security, and remains an ongoing threat to

them both. He showed us a pattern of inviting foreign interference in our elections, and is trying to cover it up twice, and he has threatened to do it again.

With the 2020 elections fast approaching, we must act with a sense of urgency to protect our democracy and defend our Constitution. On our first day as Members of Congress, we took an oath to support and defend the Constitution of the United States against all enemies foreign and domestic. I did not swear allegiance to a political party; I swore allegiance to the Constitution, and I hope all my colleagues will do the same.

With that, I would yield to the Ranking Member, Mr. Cole, for any questions he may have.

Mr. COLE. Thank you very much, Mr. Chairman. And you are right. I do have a lot of questions, and I appreciate your forbearance because——

The CHAIRMAN. I am very liberal.

Mr. COLE. Yes, you are. And in this sense, the finest sense of the word, so I express my appreciation for that ahead of times as we have discussed. To my friend, Mr. Raskin, a number of my questions have been crafted, or were originally crafted, for Chairman Nadler. You may or may not be able to answer those directly. We certainly understand why he is not here, and, as the chairman said, we sympathize with him in the difficult time, but we think they are still important for the record.

Mr. RASKIN. I appreciate it.

Mr. COLE. I just wanted to highlight that for you.

Mr. Chairman, I ask unanimous consent to enter into the record a document entitled, quote: "How we resist Trump," unquote, authored by Congressman Jerry Nadler and posted on www.JerryNadler.com on November 16th of 2016.

The CHAIRMAN. Without objection.

[The information follows:]

HOW WE RESIST TRUMP AND HIS EXTREME AGENDA

By Congressman Jerry Nadler

Since Election Day, many people have asked me what they might do to support those of us in Congress who are ready and willing to stand up and fight the Trump agenda.

My answer starts with a fundamental belief that the 240-year-old institutions of our government, in particular, our systems of checks and balances, were, in part, created with the precise goal of averting tyranny. These institutions can only function properly, however, when our country's leaders work vigorously to ensure that they do, and when citizens remain fully engaged in the process. Now more than ever, with a President-elect who threatens to undermine and even delegitimize those institutions—and in doing so, to damage the very soul of our liberal democracy—I implore everyone to help our country help itself.

We cannot wait four years to vote Mr. Trump out of office, as members of the GOP Senate and House Majorities have already stated that they will facilitate the Trump agenda, even if they weren't supporters of his during the campaign.

So we must do everything we can to stop Trump and his extreme agenda now. We do this by:

1. Holding him accountable for the tenor and tactics of his campaign, as well as his past and ongoing deplorable personal, professional and political conduct;

2. Waging fierce battles against every regressive action he takes—from personnel appointments to his legislative program—in order to thwart or at least slow them down;

3. Exposing his Republican enablers in Congress, and voting them out of office in 2018, with the goal of taking back either the House or the Senate for Democratic control.

To achieve this, we must keep our eyes on two important goals: depressing Trump's public support and dividing the Congressional GOP from him and from each other.

To understand how the public might help those of us in Congress achieve this, it is first necessary to explain what procedural tools we have at our disposal to resist him legislatively.

The House of Representatives is set up to facilitate majority rule. This can't be sugarcoated: we have very few parliamentary tools available to us if the GOP Majority seeks to minimize the Minority's influence – and they will. We have a few minor floor procedures like "discharge petitions," and, usually, one floor amendment (the "Motion to Recommit"), but even these require some Republican support, which will be very hard to cultivate in this environment. We will, of course, make the most of these and any other

possible procedural avenues we can identify. For example, many of the agenda items that Trump promised during his campaign will have to come under the tough and aggressive scrutiny of the House Judiciary Committee if they, in any way, violate the constitutional rights of citizens or overstep Presidential authority. As a senior Member of the Judiciary Committee, I will do everything I can to protect our civil rights and civil liberties. But people should not be under any illusion that this is an easy road or that it will materially slow down Trump's proposals.

That said, our main job as the Minority in the House will be to develop the best arguments possible against a given terrible Trump proposal, most usefully if such arguments divide the Republicans, show Trump as a fraud or self-dealer, and/or create situations where individual Republican members fear for their own seats. These kinds of "wedge" issues prepare the ground for opposition in the Senate.

The Senate Minority has a far greater ability to stop things than we do in the House. The Senate is an institution designed to give each individual member more influence and efficacy. Senators of both parties have great affection for this tradition. Senator Chuck Schumer, the incoming Minority Leader, has for the moment, the single strongest procedural tool to stymie Trump and the Republicans – the "filibuster." The filibuster allows any Senator to block any vote, unless and until there is "cloture" – a vote of at least 60 Senators voting to end the filibuster. The filibuster has a long history in the Senate, although, there is always the possibility that the Republicans will limit its application or even eliminate it.

So, in sum, while we Democrats in Congress have a few tools, we don't have a lot. To make matters even more disconcerting, Trump will be able to enact a good deal of his agenda through Executive Orders and through the filibuster-proof budget reconciliation process. That said, in this time of emergency, with the public's help, we must do everything we can to fight back.

So, what can you, as a member of the concerned public, do to help strengthen the hand of Congressional Democrats resisting Trump?

The first order of business must be to refuse to allow the normalization of Trump.

While respecting the results of the election and the Office of the President, we cannot allow for the normalization of the hatred and bigotry that Trump used to stir fear and resentment, or of his behavior that is completely unbefitting the office he is about to occupy, like his sexually predatory actions or his cozying up to world leaders who reject our democratic from of government. We must never lend these things or his expressed contempt for democratic principles any legitimacy.

Whether or not he himself feels these hateful things almost doesn't matter, as he exploited them to come to power, and, in doing so empowered the most wicked tendencies in American society. Nor have we seen any evidence that this was all merely campaign strategy, or that he intends now to condemn these ideologies. His

appointments of Steve Bannon as White House Chief Strategist, and of Ken Blackwell and Kris Kobach to his transition team, suggest the complete opposite.

Donald Trump doesn't deserve the benefit of the doubt because he has not earned the benefit of the doubt. The burden is on Trump to change his stripes, though I, like many of you, am deeply doubtful that will ever happen. As such, there can be no normalization of him or his Administration.

Anti-normalization is the first key step to long-term eroding of Trump's support.

Individual citizens and concerned organizations can do much to ensure that we don't normalize. It is essential that the public speak loudly so that elected leaders—both Democrats and Republicans—as well as the media, do not get lulled into a false sense of business as usual. This is precisely what the Trump Administration is hoping for and will try to project daily. They will also accuse those of us in government who resist normalization as obstructers of the popular will of the people. So we must have sustained, loud voices at our backs.

The large-scale protests that have occurred across this country have been a critical first step in combatting normalization. They should certainly continue in the non-violent way they have been conducted thus far. They are already changing the tone of the media around the Steve Bannon appointment, for example.

The creative use of every basic organizing strategy to keep this up is what is now essential to fight normalization. Here are some ideas:

- Write letters to media editors every time you see an article or broadcast that utilizes a normalizing tone or doesn't make note of the extreme nature of Trump, his behavior and rhetoric, or his Administration's actions.

- Use the hashtag #NotNormal or #DontNormalize on your social media platforms.

- Contact your elected officials via petitions, letters, calls and social media to urge them to resist any action that would normalize the Administration and demand that they loudly condemn any Trump actions that are unbefitting our democracy.

- Reach out to your friends and family and encourage them to do the same.

- Support rhetorically and financially those organizations that are stepping up to fight normalization.

Advocacy groups and everyday citizens must become a unified blocking force for Congressional Democrats who are fighting against Trump's extreme agenda.

Congressional Democrats must, as discussed above, use all available means to resist and thwart Trump's agenda. But we need a tough and efficient fighting force standing behind

us. Concerned national organizations and individuals must band together immediately, in unprecedented and streamlined ways, putting aside slight ideological differences and competitions, and become committed to sharing resources in the interest of building an all-in force. It may very well require unorthodox advocacy strategies, like the creation of broader-than-normal coalitions based on each of Trump's individual proposals, wherein single issue groups may find themselves working on issues outside their normal wheelhouse to the extent their memberships allow, for the greater good.

Congressional leaders will be talking directly to the national advocacy groups about this, and how to link directly to our emerging organizational structure within Congress to fight.

So how precisely will we need individual people in this effort?

First, you should join and financially support the national advocacy groups working on issues you care about. Anti-hate groups, civil liberties groups, reproductive rights groups are all good places to start. As members and supporters, you should be encouraging those group's leaders to work in as collaborative a manner as possible to defeat each Trump proposal. Also, join social media groups that are inclined to resist Trump efforts. These groups are very efficient channels for national advocacy leaders to quickly mobilize large groups for actions on each of these issue campaigns.

Second, we must have loud issue activism from constituents in "swing" or "marginal" Democratic districts, supporting Democratic House and Senate members who are up for re-election in 2018 to encourage them to legislatively oppose Trump. Without vocal support for these electorally vulnerable members, we cannot expect them to take the necessary risks we need as we put forth our anti-Trump arguments in Congress.

Practically speaking, I would encourage people residing in safe Democratic districts to consider adopting a couple of key marginal Democratic districts to help organize within. That means working with your local house of worship or progressive group, in, say, New York City or Los Angeles, and building relationships with local houses of worship and advocacy groups in suburban areas near them. Suburban districts are always a good bet to find swing districts, but formal lists will soon be available from the Democratic Congressional Campaign Committee or elsewhere on the web.

Congressional Republicans who are up for re-election need to understand that when they embrace Trump and/or his policy approach, they will pay heavily at the ballot box. If we can separate Congressional Republicans from Trump, we can stop parts of his agenda.

We watched a number of establishment Republicans reject Trump and his campaign because they did not want to be aligned with him, his behavior or his associations. That was important, but it obviously was not enough.

It matters what GOP members of Congress do now. They have to be made to understand if they embrace Trump, they will pay politically.

Just like the suggestion in the previous section to adopt a swing or marginal Democratic district, individuals and groups in safe Democratic districts should also consider adopting a district with a vulnerable Republican member and help local activists there pressure that member to separate from Trump.

Become as invested in the Midterm Elections as you were in the Presidential, as if your life depended on it.

Even as we together will do everything in our power to resist Trump's agenda in the next two years, there is nothing that will stop him like returning control of one of the chambers—either the House or the Senate—to Democratic control. The country was deeply involved in the Presidential election, and now concerned citizens must become equally invested in the outcome of Midterms.

Unfortunately, the electoral maps for both the House and Senate Democrats do not look encouraging. But we must upend the conventional wisdom and nay-saying predictions by becoming much more involved in these elections to ensure stronger-than-ever Democratic turnout.

A divided Republican party is the best recipe for ensuring victory in the Midterm Elections, but that can only happen with a united and sharply focused Democratic party from top to bottom. Obviously, the key game *writ large* is to have good candidates with sufficient resources to challenge the Republicans in 2018. It is not enough to just protect marginal Democrats—which of course we must also do—we need significant electoral gains to end single party control of Congress and, subsequently, to defeat Donald Trump.

The main organizational entities for the Democrats in Congress are the Democratic Congressional Campaign Committee (DCCC.org) and the Democratic Senate Campaign Committee (DSCC.org). Sign up for their list-serves and get involved with the campaigns of your choosing as soon as possible.

There is much to do and no time to lose because the soul of our country is on the line. We must be brave and stand up.

This is just the beginning. Just as the #DumpBannon campaign has emerged and appears to be growing and changing the narrative on this appointment, there will be any number of campaigns like it to join in the coming days and months. Many local efforts will soon materialize organically and national advocacy groups are planning now for how they will conduct their issue advocacy campaigns moving forward. Congressional campaigns will be launching in short order. Keep your eyes on social media to connect with all of these, and we will also do our best to direct you to the most effective of these efforts in the coming days and months.

There are also large, national efforts underway to strategize around, not only Presidential election of 2020, but also the complex process of redistricting, which will hopefully produce more winnable Democratic districts in the future. And of course, there are also other things we should be doing individually, locally to care for our neighbors and others who may come under attack by the Trump agenda.

There will be so many ways to be involved. But whatever you do, get involved in some way right now, as we have no time to lose.

We must act quickly if we hope to really slow the advancement of the Trump agenda.

None of this will be easy. I've personally fought Trump many times, and he was a ruthless and dangerous man without the Presidency. Now that he has the reins of government, it's going to take tremendous courage and tremendous effort to stand up to him.

This is an unprecedented moment, and it requires a kind of bravery, discipline and focus which historical moments of this import call for. We have no choice – people's lives and the soul of our country is at stake. For our children and grandchildren, we must now stiffen our spines for this fight, because there is no time to waste and this is a fight we must not lose.

Mr. COLE. Thank you, Mr. Chairman. In this document, Chairman Nadler wrote, quote: "We cannot wait 4 years to vote Mr. Trump out of office, so we must do everything we can to stop Trump and his extreme agenda now," unquote.

Mr. Raskin, on August 8th, Chairman Nadler stated with respect to the Judiciary Committee's hearing regarding the Mueller report that, quote, "this is a formal impeachment proceeding," unquote, but the House did not actually authorize impeachment proceedings until the adoption of H. Res. 660 on October 31st. So I believe it is important to clarify for the record when formal impeachment proceedings actually started. Is Chairman Nadler correct when he said they started on August 8th, or did they begin when the House authorized them on October 31st?

Mr. RASKIN. Forgive me, Mr. Cole. I was not actually prepared to answer that question, but I think the Judiciary Committee has taken formal positions which we can track about this question. I would just direct you to, again, Article I, Section 2, clause 5, the House of Representatives is the sole power of impeachment, and can design and structure impeachment as it sees fit.

Mr. COLLINS. Mr. Cole. Not outside of House rules they can't. Not without passing a resolution that then gives them power and authority that goes outside of House rules. That is the problem we had with this early long is they were going outside of House rules. And again, when counsels are not—have been here forever trying to make this happen, this is what happens. They went outside of House rules, so that is the problem I have had with this and we can discuss that more in depth.

Mr. COLE. I think the spirit behind this suggested this has been going on for quite some time longer than the formal proceedings.

Mr. Raskin, on December 10th, 1998, during the Clinton impeachment proceedings, Chairman Nadler stated in the House Judiciary Committee that, quote: "There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in politics for years to come and will call into question the very legitimacy of our political institutions."

Do you believe that this impeachment, which is supported by only one political party, has produced bitterness in the current political climate?

Mr. RASKIN. So, well, again, I am going to have to allow Chairman Nadler to speak for his own words.

Mr. COLE. I certainly understand that.

Mr. RASKIN. So, look, there has been a lot of bitterness and division in our country for several years now, preceding any impeachment proceedings, and it is a sad thing, and I hope that everybody rallies around the Constitution, because it is the Constitution that we will get us through this difficult time in our history.

Let me just say about the Clinton impeachment. So the conduct that President Clinton was charged with, which was—he hadn't been convicted or prosecuted for perjury, but he was essentially charged with perjuring himself in describing private conduct, the sexual affair, and the conduct that we are looking at today goes right to the heart of why impeachment is in the Constitution.

Impeachment is in the Constitution because of public offenses by political leaders against democracy itself. So I think you cannot compare what President Clinton was impeached for by the House of Representatives, and I hold no brief for his conduct in any way, but I don't think you can compare that to the massive, overwhelming, and unrefuted evidence we have that the President of the United States, today, has tried to drag a foreign power into our elections to his own political advantage.

Mr. COLE. It wasn't exactly the question I asked, but let me turn to Mr. Collins, and see if you agree with Mr. Raskin, or is there anything you would disagree with there, and what has been the impact of this process on the domestic politics of the country since it has been essentially partisan in nature?

Mr. COLLINS. Look, not trying to—and, again, I will cut some slack that he was trying to answer for a chairman's own words, and I get that—

Mr. COLE. Absolutely.

Mr. COLLINS [continuing]. But I think there is several things—let's just talk here for just a minute. Let's unpack what has happened here, because the only thing I appreciate really out of the whole last few minutes was the chairman trying to bring it in to about impeachment. I agree with him on that point that this is about impeachment. What I disagree is, it is not about abuse of power, it is not everything else, and it would come a lot better from the majority if they have not had a long history, a written record. This is something that you love to see in the law because it is a written record of motive. You have seen it since the day that he was elected. You have seen it in this whole process working out. You saw it last year when my chairman ran for the job because he would be the best for impeachment. What was hanging out last year for impeachment?

What became of the Mueller report that didn't give them everything they wanted? And then we came into a call. This is a pattern and, look, I have said this to my chairman who I respect, you have got the votes, just vote it. You have got the votes. You can go explain it to the American people. Talk about affecting an election, this is what we are looking at. But there are a few things here, though, that is interesting.

As I said earlier on, time and clock are terrible masters, and I have heard it so many times from the chairman of this committee, the chairman of my committee, and others, we have got do this because of the 2020 election. Well, put a candidate up that is worth voting for. How about that? Instead of going after a President who you are having trouble beating because of the things that have happened in our country with unemployment, with the economy going good, and everything else. That is what political primaries are for, not this.

When you look back—and I still never got an answer to my question I had just a few minutes ago about have we now set a standard that if you run for President, you can do anything you want to overseas and not get investigated for it? I ain't got that question answered. But in a response also to the chairman's question about requesting stuff. As the chairman knows, and also my chairman knows because my chairman likes subpoenas, he likes to threaten

them anyway, but the Secretary of Defense responded. He said it was open to negotiation to you, Secretary of State. Part of the document dump was part of that and the House Judiciary Committee, the dump that we did get from the Intelligence Committee had OMB records from the Budget Committee in it. I mean, there are issues here that I have had problems with all year in this and, you know, if you didn't receive a letter as we have done in the past when we are in the majority under President Obama, and President Obama, in Fast and Furious and other times, the thing that amazes me is it seems like the majority this year, all of a sudden, discovered that the executive branch and the legislative branch don't play well together in the sand box.

This is not a shock for any of us who have been here under the Obama administration. We saw this happen over and over. I was on oversight my first 2 years here. My former legislative director is here. She is in the room. We pulled our hair out over of this. We had IRS. We had everything else and it was constantly being stonewalled and stopped, had to actually issue subpoenas at which, finally, the courts did rule and this is your problem: The courts ruled many years later that Attorney General Holder did violate not giving the information out, and that was actually done, but it was many years later. Again, your time and clock as calendar is a terrible master, and you are having to do this because you promised it. You promised it. We are carrying through on a promise here.

The other thing is, we talk about fairness here that my friend said, Oh, this has been completely fair. Nobody's questioned the fact that our folks got to question the witness. Nobody's questioning that fact. But what about the fact of the majority preventing witnesses under rules from using agency counsel, even under the auspices of an impeachment investigation? How about cutting off Republican questions and refusing to allow the third branch to even rule on claims of privilege when one was actually done? You actually withdrew from the lawsuit.

So, again, it is not a matter of time here, it is not a matter of facts. Again, when we go back to it, I can't not repeat this over and over again, because it comes up with Mr. Raskin, comes up with the chairman, it will come up again many other times, put pressure on a world leader. This pressure is amazing me because the guy who was supposed to being pressured denied it ever happened on multiple occasions.

One of his own members of cabinet says we never talked about conditionality. Yermak said we never talked about conditionality of aid. The only times that they talk about this outside of presumption and hearsay, presumption and hearsay. Their main witness, Sondland, said it was presumption. Oh, that is what I presume because when he actually asked the President straight up, what do you want? He said, I want nothing. I just want him to do what he promised and he ran on. That is all he did.

So it is presumption and hearsay. And granted, this is not a court of law because, believe me, this would have been over a long time ago. We wouldn't have gotten to this place. The rules have allowed it to get to this place because majority rules in this place.

But here is the problem: The pressure issue is sad because, again, to continue this line of thought after the President of the Ukraine has come out and denied it and denied it and denied it and denied it, you are either calling him a pathological liar, a world leader, or you are calling as was actually—he was actually called in our committee last week a battered wife.

He was actually called that, compared to a battered wife. How low have we sunk? This is the problem because at the end of the day—and we can go into a process files, we can go into everything else, but you know something, I made—I don't say it is a mistake, but I took my own chairman at his word when I read about his comments from 20 years ago, when he said the Judiciary Committee should never take a report from a third party, and actually not try to investigate itself, otherwise we have become a rubber stamp. Congratulations. Our Judiciary Committee became a rubber stamp. I hope we recover, because that is all we are doing right now, is just rubber-stamping what Adam Schiff did under his own rules, under his own time, under his own ways, again, a man who has also been out for this President since day one, and would not come and testify.

That is the most amazing, shocking thing to me in this whole process, but when you understand where we are at here, I can understand why Mr. Raskin, who is eloquent in his discussion of Constitution, and why we have an impeachment; let's just cut to the fact: You don't like the guy. You don't like the conversation. You don't like how he does business because at the end of the day, when you start talking about the pressure on a foreign power to do something for you personally—again, to even get to that remotely, you are having to change words in the transcript. Instead of do us a favor for our country, "do us," you have to change it to "me."

You have to change the facts. And the last time I checked, this country is not real kind to those who are accused having those who are in power change the rules to fit their game. That is not due process. But I am going to go back over it because the chairman actually said, here is why we are here. There are four facts that never changed. Four facts that will never change, and it goes straight to the heart of anything said outside of abuse of power or anything else. There is no pressure, President Trump/President Zelensky.

The transcript shows no conditionality of aid, and an investigation, and the only one relied upon over 600 times in the Intelligence Committee report was Mr. Sondland, who after he got past his perfect opening statement when questioned, said, Well, that is what I presumed it to be. And then when actually talked to the President of the United States, he was told, no, all I want him is to do his job, nothing else. And then when he actually said I had a conversation with Mr. Yermak, Mr. Yermak said there was nothing discussed of conditionality.

So how do you put this much faith in Mr. Sondland when he has conditionally told stories that change? And all of the rest were hearsay. All of the rest were actually going off of other things, and even with Carl Vindman, who I respect as a soldier, actually said when the question was asked, is it okay to have this call said yes,

it is okay, for a President can do that, to ask for a political investigation because it happens, and he even said that.

So the question comes back: The Ukrainians were not even aware their aid was withheld, and the Ukrainians didn't open an investigation to get the money.

Mr. COLE. Let me ask you, is this the first partisan impeachment inquiry in the Nation's history?

Mr. COLLINS. Yes.

Mr. COLE. Has a President ever been impeached without votes from a minority party before?

Mr. COLLINS. I think there is some discussion about that with the Johnson impeachment from many years ago, but that was also when the Congress himself set him up with a law, so I think you have to say that was an impeachment. In a modern-day era, this is a partisan impeachment.

Mr. COLE. March of this year, Speaker Pelosi said impeachment must be, quote, compelling and overwhelmingly bipartisan. Only Democrats voted to authorize the impeachment inquiry, there is bipartisan opposition to the inquiry, and it appears there will be bipartisan opposition to the articles.

Ranking Member Collins, given all of that, do you believe the upcoming vote on H. Res 755 comports with the standards set by the Speaker herself?

Mr. COLLINS. No. It comes nowhere close.

Mr. COLE. Is your belief that meeting an arbitrary deadline is more important to the Democratic majority than building a viable case if, in fact, there is cause for impeachment?

Mr. COLLINS. Their own words convict them of that.

Mr. COLE. The premise these Articles of Impeachment rests on a pause placed on Ukrainian security assistance, a pause by way of less than 2 months, 55 days, I believe, Democrats have spun creative narratives as to the meaning and the motive of this pause, but offered no factual evidence. Did Ukraine ever initiate investigations into the Bidens?

Mr. COLLINS. No.

Mr. COLE. Was the aid ultimately released?

Mr. COLLINS. Yes.

Mr. COLE. Do you believe the taxpayer dollars of the American people were well-served by the pause?

Mr. COLLINS. They were. In fact, the President himself, not policymakers, not administrative officials in different offices are not the ones who have final authority to decide if that is going to be. That is the President's call; that is the President's decision, and he made the call.

Mr. COLE. Is it unusual for aid to be paused on by chief executive?

Mr. COLLINS. No.

Mr. COLE. Did the Democratic majority subpoena all core witnesses with first-hand evidence on any potential quid pro quo with the Ukrainian controversy?

Mr. COLLINS. No.

Mr. COLE. Has anyone in the Trump administration been charged with or convicted of a crime under the current allegations related to the Ukraine?

Mr. COLLINS. No.

Mr. COLE. Let me continue. It is my understanding that the minority properly exercised its right under clause 2(j)(1) of Rule 11 to demand a minority hearing. Is that the case?

Mr. COLLINS. That is correct.

Mr. COLE. What day did you ask for that hearing?

Mr. COLLINS. We asked for it on the first day of our when we convened in the Judiciary Committee.

Mr. COLE. I believe that was——

Mr. COLLINS. Mr. Sensenbrenner. I don't remember the dates in front of me.

Mr. COLE. I have it right in front of me, so I will be happy to provide that. Has that hearing been scheduled?

Mr. COLLINS. No. It was summarily dismissed with a long letter which was told that, in essence, that it was dilatory. I have never seen a minority hearing called dilatory.

Mr. COLE. On the very first day requests could have been made.

Mr. COLLINS. Yeah.

Mr. COLE. Mr. Raskin, are you familiar with the following statement: The minority's entitled to one additional day of related hearings at which to call their own witnesses if a majority of the minority members make their demand before the committee's hearing is gaveled to close?

Mr. RASKIN. I believe, I think, Mr. Collins invoked that at our hearing.

Mr. COLE. So you are familiar with that?

Mr. RASKIN. Yeah, I am just familiar from that. I wasn't aware of it before this.

Mr. COLE. Statements posted on the Rules of majority website in a document entitled, quote: "House rules which govern the committee hearing process," unquote. Based on review of the hearing video, the minority properly presented their request to Chairman Nadler before the original hearing concluded. Are you familiar with a memo written by—Mr. Raskin, I am sorry. I should have made that clear—by former Rules Committee Chairman David Dreier regarding the application of the House rules governing minority hearing days?

Mr. RASKIN. No.

Mr. COLE. Okay. Chairman McGovern, I ask unanimous consent that this memo be made part of the record, and we will note that the memo states, in part, that a point of order may lie against reported measure in which the minority's demand for a hearing was improperly rejected.

The CHAIRMAN. Without objection.

[The information follows:]

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To:	Committee Chairmen
From:	David Dreier
Date:	June 8, 1999
Re:	Minority Hearing Day

Concerns have recently been raised regarding the application of clause 2(j)(1) of House Rule XI relating to the minority's right to a day of hearings. This memorandum explains the application of the rule and addresses questions about the rule. If you or your staff are in need of further information, please don't hesitate to contact me or Will Moschella of the Rules Committee staff.

Clause 2(j)(1) of House Rule XI provides: "Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon."

Invitations and Scheduling

The Chairman of the Committee invites all witnesses and schedules the minority hearing. However, his responsibility to invite the minority's witnesses is ministerial. A chairman can not refuse to invite a witness because he believes the witnesses' testimony would be impertinent. The Committee, pursuant to clause 2(k)(8) of House Rule XI, is the sole judge of pertinency which is adjudged at the hearing. Scheduling is at the discretion of the chairman; however, a rule of reason must apply. The minority hearing should be scheduled contemporaneously with other related hearings. Just as the majority can add additional witnesses during the course of a hearing, the minority may add additional witnesses to the witness list during the minority's day.

"Day" of Hearing

House rules provide little guidance regarding the minimum amount of time which must be devoted to the minority hearing day. A rule of reason must apply based on the number of witnesses, the complexity of the subject matter, and the length of related hearings. As a general rule, a day should be a "working day." At a minimum, the committee should exhaust one round of questioning under the five-minute rule. Of course the minority hearing day, like all other hearings, is subject to the privileged (immediate and nondebateable) motion to adjourn.

The minority is not entitled to one day of hearing for every day of hearings on a related topic that the majority schedules. For example, the majority can announce that it may hold a series of hearings on a particular measure or matter and the minority will be entitled to only one day of hearing on that measure or matter.

Majority Witnesses on the Minority Hearing Day

The majority may not take testimony from witnesses other than minority witnesses on the minority day. A minority hearing day is just that – a day in which the minority is entitled to call its own witnesses. Once the majority calls a single witness, the minority day ceases to be a minority day. The minority day does not necessarily have to be the last day upon which to take testimony on a particular hearing topic. The majority may schedule another day to take testimony after the minority day as long as the committee recesses the minority day and does not adjourn the hearing. If the majority takes testimony on a subsequent day after recessing the minority's hearing day, the minority is not entitled to an additional day, i.e. a second day on that particular hearing topic.

Waiving the Right to the Minority Day

Like other rights, the minority can waive their rights under the rule. In negotiating which witnesses will appear before the Committee, the majority and minority can agree to a procedure whereby both minority and majority witnesses are accommodated at the same or a series of hearings. In exchange for the majority's indulgence, the minority may voluntarily waive its right to demand a day of hearing on a particular measure or matter. Such a waiver should be made in writing and signed by a majority of the minority Members.

Points of Order

A point of order may lie against a reported measure in which the minority's demand for a hearing was improperly rejected. If a Member of a committee makes a timely point of order and that point of order is improperly disposed of in the committee, a point of order may lie against consideration of a measure on the ground that the minority was not afforded a day of hearings under the rules of the House. *See* Clause 2(g)(5)(A) & (B) of House Rule XI.

Subpoenas

A committee is not required to authorize or issue subpoenas to satisfy the minority day of hearing rule. Request for subpoenas are governed by clause 2(k)(6) of House Rule XI, which operates independently from clause 2(j)(1) of House Rule XI. Unlike the situation where a chairman must invite the minority's witnesses, the authorization and issuance of subpoenas is not a ministerial function.

The CHAIRMAN. And I will ask unanimous consent, if I can, to also insert in the record our response to your letter, and we can talk about that after your questioning.

[The information follows:]

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December 16, 2019

The Honorable Tom Cole
Ranking Republican
House Committee on Rules
H-152, The Capitol
Washington, DC 20515

Dear Mr. Cole:

Thank you for your letter dated December 5, 2019, regarding a minority day of hearings on the topic of "The Impeachment Inquiry into President Donald J. Trump: Constitutional Grounds for Presidential Impeachment." I know that it comes from a place of respect for this institution and for the gravity of the matters at hand, and I share your desire to ensure that this process is in compliance with the House rules.

You are correct that it is incumbent on committee chairmen to schedule such a hearing, following a request of the minority members of the Committee pursuant to clause 2(j)(1) of rule XI. After a careful review of the legislative history of the rule, the plain text of the rule, and Chairman Nadler's December 12, 2019, ruling, I have concluded that Chairman Nadler has not violated either the spirit or the letter of the rule.

At the hearing in question, the Judiciary Committee minority requested and received a witness. The legislative history of clause 2(j)(1) of rule XI makes clear that the intent was to ensure the minority position is represented in hearings, codifying the existing practice of honoring witness requests. The Joint Committee on the Organization of Congress proposed this change in their 1966 final recommendations, suggesting that a minimum safeguard be established for "those infrequent instances when witnesses representing the minority position are not allotted time."[1] The Rules Committee report on the Legislative Reorganization Act of 1970, which first created the rule,[2] stated that "by custom, committees ordinarily honor requests from their minority party members to call certain witnesses. Section 114(b) will make this a matter of right."[3]

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[1] Senate Report 1414, 89th Congress, pp. 11-12
[2] P.L. 91-510, Section 114(b)
[3] House Report No. 91-1215, p. 6

Consistent with this original purpose, the rule has largely been used as leverage for the minority to ensure they are not shut out of hearings. It is standard practice across committees for the minority to negotiate adding minority witnesses to the main panels rather than holding a minority day — not to add witnesses in addition to holding a minority day. In the rare instance the minority is shut out, the rule provides them a guarantee that the committee will hear from their side on the topic at hand.

The Rules Committee report specifies that in creating this right, "We do not look upon this as an authorization for delaying tactics but rather as good legislative practice."[4] In this instance, Chairman Nadler has complied with the spirit of this good legislative practice as well as following modern committee practice. He accommodated the Judiciary Committee minority's request to place Professor Jonathan Turley on the main witness panel, ensuring minority views on the constitutional ground for presidential impeachment were represented.

Chairman Nadler has also followed the letter of the rule by agreeing to work with the minority to schedule a hearing. According to clause 2(j)(1) of rule XI, "Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chair by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon."

As Chairman Nadler correctly stated in his ruling, "the House rule does not require [him] to schedule a hearing on a particular day, nor does it require [him] to schedule the hearing as a condition precedent to taking any specific legislative action."[5] No precedent exists requiring a minority day of hearings to be scheduled before a matter is reported out of committee. In fact, very little precedent exists regarding this rule at all, because it is typically used as a negotiating tool and rarely invoked in practice.

The recent practice of the Judiciary Committee, in particular, has not been to delay business in order to schedule a minority day hearing. In his ruling, Chairman Nadler cited a 2018 example in which he and other members properly requested a minority day hearing and never received a response to their request from then-Chairman Goodlatte, let alone a hearing. That was a clear violation of clause 2(j)(1) of rule XI. In this case, however, Chairman Nadler has appropriately said that he will work with the minority to schedule their hearing.

Chairman Nadler neither shut the minority out of the hearing on the constitutional grounds of impeachment, nor did he refuse to schedule a hearing. The process we set up through H. Res. 660 even ensured that the President and his counsel could participate in the Judiciary Committee, though they chose not to avail themselves of that right.

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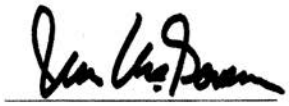
[4] Ibid.

[5] Judiciary Committee markup of H. Res. 755, December 12, 2019

Impeachment is a solemn responsibility, and I appreciate your concern that we undertake the process in accordance with the House rules. In these partisan times, I am truly grateful for the professional and collegial manner in which members of this committee conduct themselves. The fact that we are able to work together even when we sometimes disagree on the specifics gives me hope for this institution.

Sincerely,



James P. McGovern
Chairman
House Committee on Rules

cc:

The Honorable Rob Woodall
1724 Longworth House Office Building
Washington, DC 20515

The Honorable Michael C. Burgess, M.D.
2161 Rayburn House Office Building
Washington, DC 20515

The Honorable Debbie Lesko
1113 Longworth House Office Building
Washington, DC 20515

Mr. COLE. Certainly appropriate. Thank you, Mr. Chairman.

During the markup of H. Res 755, Chairman Nadler overruled the ranking member's point of order against consideration of the resolution and interpreting that the rule requires that the minority hearing day occur prior to the consideration of the relevant measure, or matter would permit the minority to improperly delay proceedings. Were you trying to improperly delay proceedings, Mr. Collins?

Mr. COLLINS. No. I was actually at one point in these hearings actually have the proper following of rules.

Mr. COLE. So, again, you made this request the very first day of hearings. Is that correct?

Mr. COLLINS. We did.

Mr. COLE. The hearing at which the demand was properly made was entitled in part, quote: "The impeachment inquiry of Donald J. Trump," unquote. My colleagues on the other side of the aisle have offered a number of reasons why Chairman Nadler's refusal to schedule a minority hearing is appropriate, I would like to take a moment to respond to those.

My colleagues claim that the legislative history of the rules suggest that it was designed as a backstop to ensure the minority gets at least one witness at a hearing. I do not find this reason to be compelling. If that indeed was the purpose of the rule, the plain reading of the text and reason itself would say otherwise. While traditionally, it has been used as a negotiating point between the majority and minority regarding the number of witnesses, the mere fact the minority has a witness at a hearing does not mean that there is an implicit waiver of the right to demand a minority day hearing. There are times in which the minority waives the right to a majority day hearing. For example, our discussions regarding Medicare for all hearing, we waived that right to a minority day hearing in order to secure two more witnesses.

Mr. Collins, at any time, did you waive your rights under clause 2(j)(1) of Rule 11?

Mr. COLLINS. No, I did not. And I believe that is why we are here today, actually.

Mr. COLE. Did you request a second witness and did they provide that second witness, and did they provide that second witness in exchange for waiving your rights for minority daily hearing?

Mr. COLLINS. No, it was not even discussed.

Mr. COLE. Okay. My colleagues on the other side of the aisle have previously quoted joint committee on an organization of Congress in 1966 recommendations which stated that a minimum safeguard be established for, quote, those in frequent incidents when a witness representing the minority position are not allotted time. Perhaps the 1966 majority was more willing to provide witnesses to the minority; however, that is not the case today. Witness was allotted time in this case, but not witnesses. In other words, we didn't get anything in exchange for our right not being exercised. And while this may have been one reason for the adoption of the minority hearing, they provision, it doesn't render meaningless the plain reading of the text.

So we have spent a lot of time on this, but we think it is very important. We simply weren't giving something that we think by

right, we should have had, and would actually subject this to a point of order.

My colleagues also claim that Chairman Nadler is not required to schedule the minority hearing day before the matter is reported out of committee. You got to be kidding. In other words, we cannot agree that the House intended that the right for the minority hearing day can be fulfilled by scheduling a hearing on a measure after the measure's voted out of the full committee. That just doesn't make any sense.

So Mr. Collins, with presumed passage of these Articles of Impeachment, isn't the minority hearing day now irrelevant?

Mr. COLLINS. I believe it is and I believe that is the concern that many of us have who institutionally love this place.

Mr. COLE. Okay. Mr. Raskin, even if Chairman Nadler didn't believe the House rules required him to schedule a minority hearing day prior to marking up the Articles of Impeachment, as a member of both Judiciary Committee and Rules Committee, wouldn't you agree that it would have been better for the institution and the American people to prevent all this disagreement and partisan rancor just to schedule the hearings. It is just one day.

Mr. RASKIN. Thank you, Mr. Cole. Again, I just learned of it the other day when Mr. Collins raised it, and I looked at the rule, and the rule does say that the chair of the committee is not required to schedule the minority hearing as a condition precedent to the continuing course of legislative action. And having been in the minority for my first term year, I feel your exasperation about that, that it might not happen before the bill passes. And if we want to make a change to that rule, I think that is absolutely something we should talk about for future Congresses.

Mr. COLE. I appreciate that. I appreciate the sentiment behind it, because I know it is sincere. Again, I can go on and on on this, but we do believe, Mr. Chairman, it is a violation of the spirit. While we appreciate your letter very much, which was very respectful, we tried to make ours respectful when we made the request.

The CHAIRMAN. It was.

Mr. COLE. To us, the facts are clear. Chairman Nadler ignored a right of the minority in committee being ignored by the Democratic majority now, and by doing so, it fundamentally alters the tools available for the minority and all future minorities.

So I do hope the Rules Committee will correct this misguided decision, refrain from waiving all points of order against the bill, and, at the very least, have the matter debated on the House floor.

Mr. Raskin, after the adoption of H. Res. 660, and before the Judiciary Committee's first hearing pursuant to that resolution, Ranking Member Collins wrote seven letters to Chairman Nadler on the subject of the committee's consideration of impeachment. On November 12th, he wrote Chairman Nadler regarding the manner in which the Intelligence Committee conducted their investigation.

On November 14th, he wrote Chairman Nadler demanding that the same transparency and fairness that existed in prior impeachment inquiries be prioritized in the current inquiry. On November 18th, he wrote Chairman Nadler regarding the credibility of a par-

ticular witness, and Chairman Schiff's coordination with certain witnesses to conceal basic and relevant facts.

On November 21st, he wrote Chairman Nadler asking that he obtain all documents and information from Chairman Schiff pursuant to House Resolution 660, and its accompanying procedures. On November 30th, the persistent Mr. Collins wrote Chairman Nadler asking for an expanded panel and a balanced composition of academic witnesses to opine on the subject matter at issue during the December 4th hearing.

On December 2nd, he wrote Chairman Nadler asking for clarity on how he plans to conduct the impeachment inquiry referencing five previous letters he had sent to questions that were never answered. And on December 3rd, he wrote Chairman Nadler reminding him of his recent letters requesting the Judiciary Committee provide the President due process with the Intelligence Committee and Chairman Schiff did not. It is my understanding that Chairman Nadler never provided a response to any of these letters. To your knowledge, does Chairman Nadler generally not respond to letters from ranking minority members?

Mr. RASKIN. No, and I will concede that Mr. Collins, like the aforementioned John Adams and Thomas Jefferson, is a prolific letter writer. I don't know whether or not they engaged in conversation to follow-up on any of those, but, of course, we are all together on a daily basis pretty much, so I can't speak for the chairman.

Mr. COLE. Okay. Well, I just want to note for the record, when we sent a letter to my chairman, he did respond and we appreciate that very much.

Mr. COLLINS. Mr. Cole.

Mr. COLE. I am turning to you next. Go ahead.

Mr. COLLINS. Thank you. It is regular on my committee. We don't get a lot of answers. We got one answer on our witness list. That was it. The other one was a discussion that I had when I asked for another witness, and it turned into an interesting conversation on were you asking for three to two. Asking for ratios and all I was asking for was another witness, and told me it was too late and that he could add—that is the only answer I got. I appreciate the chairman is under a lot of pressure and that timing and that calendar do kill you at times.

Mr. COLE. I do, too. I recognize that, and that is true of all of us, but this committee does, in a sense, have a special responsibility to make sure the other committees operate according to our rules, and just common courtesy.

Mr. Collins, Articles of Impeachment are based on a report written by the Chairman Schiff and transmitted to the Judiciary Committee, correct?

Mr. COLLINS. That is correct.

Mr. COLE. Did that impeachment report rely on hearsay to support their insertion?

Mr. COLLINS. Yes.

Mr. COLE. What explanation does Chairman Schiff provide when asked why hearsay rather than first-hand testimony evidence was incorrectly presented as evidence?

Mr. COLLINS. Well, besides his own discussion on making up the phone call to start with, but also, he is not really provided one because he didn't come testify on my committee.

Mr. COLE. Did you ask Chairman Nadler to invite Chairman Schiff to come testify?

Mr. COLLINS. I did.

Mr. COLE. Just to be clear, you were asked to vote on Articles of Impeachment against our Commander in Chief, based on a report full of unsubstantiated allegations and hearsay and you were not permitted to ask the author of the report any questions?

Mr. COLLINS. That is correct. All I got was a staff member.

Mr. COLE. I would like to note for the record, Mr. Chairman, that Chairman Schiff refused to discuss the report with the minority; yet, he was more than willing to appear on Fox News Sunday just 2 days ago. It is unfortunately abundantly clear the Schiff's report is made for television documents, rather than the result of a transparent, thorough, bipartisan investigation. It is also worth noting for the record, and I will ask you this, Mr. Collins, was the President represented—this is a really odd thing for us, because generally, the Judiciary Committee is the main committee of impeachment. That is historically been the case. That is clearly not the case here.

Mr. COLLINS. Yeah. No.

Mr. COLE. The Committee on Intelligence is the main committee of impeachment.

Mr. COLLINS. That is correct.

Mr. COLE. Did the President have any counsel there?

Mr. COLLINS. No. Somewhere along the line, we lost our right to be the impeachment—to work on impeachment. We got it at the end to finish it, but we lost it.

Mr. COLE. There is a difference between window dressing and substance. I mean, two or three hearings at the end where you don't even question the author of the report, or you are not allowed to question the author of the report on which impeachment is based, the President never had representation there. In the past, we always had representation. You were at Judiciary. The President was there. He could ask questions. He could—but the main place where all these things come out of, the President was specifically excluded, and you were not in what is supposed to be the main Committee on Judiciary, you were not allowed to ask the author of the principal report any questions?

Mr. COLLINS. Mr. Cole, you have just presented in a short summation, which I have always admired by you, the crux of this whole problem. By the time it got to Judiciary Committee, this was a done deal. The train was not even on the track, the train was past the station. They just had to run to catch up to it. It was already decided what they wanted to do. And so, here it is—and I have heard this argument, and you can dress this up, window dressing, when we go to the institutional integrity problem that we have here, when you get—when you do whatever you think of H. Res. 660, the only place it truly provided the opportunity for fairness for the President and the administration was in the Judiciary Committee, because at that point in time, they would have been able

to ask for witnesses by way, which they were turned down. All these things—but there were never——

There is no way, and I don't care how much the majority pretties this up, there is no way you can call calling four law school professors, two staff members, and that is the only hearings you have to provide any opportunity for the President to question and get anything out of them. But I have heard from my majority colleagues, which as a former defense attorney, I think is pretty funny.

Well, if he is innocent, just tell him to come prove it. When is that ever part of what we should be doing here? Really? I don't think any of my civil libertarians in the Democratic aisle, they ought to be just laying awake at night thinking, How could I be associated with this? Because no matter what you think, there is a way to do this fairly, and they could still get the results because, by the way, they still outnumber us, and they have been trying to do this for 3 years.

Mr. COLE. Mr. Raskin, did you have any conversation with Chairman Schiff about the contents of the report?

Mr. RASKIN. I am certain I have along the way, yes.

Mr. COLE. Really? Because nobody on our side evidently had any conversations. To your knowledge, did Chairman Nadler have any conversations with Chairman Schiff about the contents of the report?

Mr. RASKIN. Oh, I am sorry, when you say the contents of the report, you mean the substance of what is in the report?

Mr. COLE. None of our people have had that opportunity.

Mr. RASKIN. Well, I think as a committee, we have been talking about the substance of it for a long time now. I had not—I mean——

Mr. COLE. We have been talking about substance of the report. We didn't have any opportunity to question the person who actually authored the report.

Mr. RASKIN. Oh, I see what you mean. Okay.

Mr. COLE. Either formally or informally, to my knowledge.

Mr. RASKIN. Well, again, the counsel for the Intelligence Committee came over to discuss all of the factual findings that were in the Intelligence Committee's report.

Mr. COLE. He is not the principal author of the report, he is the counsel for the committee, the chairman is the principal author.

Mr. RASKIN. Okay.

Mr. COLE. And, by the way, a fact witness as well, in many ways.

Mr. RASKIN. Yeah. Well, if I could respond to this general line of attack. House Resolution 660 had a number of significant procedural productions for the President, even on the House side. And as you know, the role of the House is to act as the grand jury and the prosecutor, and the actual trial takes place over in the Senate; but still, we had very significant procedural protections, including we invited the President and his counsel to attend all hearings. We provided the President's counsel the opportunity to cross-examine witnesses and object to the admissibility of testimony, and we provided the President's counsel the opportunity to make presentations of evidence before the full Judiciary Committee, including the chance to call witnesses.

Now the President chose not to avail himself of any of those opportunities, so it reminds me of the President blockading all these witnesses and saying, you don't have enough people with direct first-hand evidence of what I did.

Mr. COLE. First of all, were those rights provided only in Judiciary Committee? Because you are not the principal committee of impeachment here. That is just the reality. You are sort of the final stop. So did the President get those rights in the Judiciary—excuse me, in the Intelligence Committee?

Mr. RASKIN. I believe not. I would have to go back and check, but——

Mr. COLE. I can assure you not.

Mr. RASKIN. Well, then, let me explain—you may not accept this analogy, but here is the analogy that we proceeded on, because this is the first modern impeachment where the fact finder was the House of Representatives itself instead of a special counsel or independent counsel.

When the special counsel and independent counsel did their work in the Nixon and Clinton impeachments, all of that was closed-door depositions, because you don't want the witnesses to be coordinating their testimony and so on. That is how prosecutorial investigations take place. The House Committee on Intelligence was our fact-finding committee, that is why they performed closed door depositions because they wanted to avoid witnesses coaching each other and coordinating their testimony.

Mr. COLE. I will give Mr. Collins an opportunity to respond.

Mr. COLLINS. We are driving down an interesting hole here. I also am ranking member of the same committee that said early on when we are, quote, doing impeachment, that if the President saw something he didn't want, he could write us a letter just like everybody else in the world. This was actually said, that he could write us a letter. That would be how he would be taken care of.

But let me hit a couple of these things. The White House still has not received all the documents it is supposed to have. We are here doing impeachment right now, and they still haven't received all the documents. I still have not received all the documents from the Intelligence Committee. That is in direct violation of H. 660. I don't know how we get around that, but we can pretend, we can paint pretty faces and say it doesn't happen. But also, here is another thing, the staff member that they sent, Mr. Goldman, would not testify or answer questions on the methodology on how they actually did their investigation. And even in an egregious violation in their own report, where they named Members of Congress in their phone records, he would not actually say who ordered that, was it Chairman Schiff or him.

Now I have always defaulted as I think you would, Mr. Cole, to the member with the pen, which would be Mr. Schiff, but Mr. Goldman actually sat there and said we would not discuss the methodology of the investigation.

This has got to be just the most amazing thought when you come to an impeachment when you are trying to give due process to the President of the United States, and these are all ignored, and we can pretty it up any way we want to, but it is just not buying. This is not right. And look, you will impeach him. You have the votes.

But at the end of the day, is it worth the integrity of the House? I don't think so.

Mr. COLE. Well, during the staff presentation of the evidence, Ranking Member Collins asked how the investigation, he just made his point, was conducted, resulted in the Schiff report, never got an answer. Mr. Raskin, the House Intelligence Committee Democrats released phone records, including four phone calls by Intelligence Committee Ranking Member Nunes, how did the committee Democrats get those phone records?

Mr. RASKIN. I am going to have to ask staff counsel to pass me a note on that. I will say——

Mr. COLE. But staff counsel didn't answer that. Is that correct, Mr. Collins?

Mr. COLLINS. No, he wouldn't answer the question.

Mr. COLE. So telling us to go ask somebody who didn't answer the question.

Mr. RASKIN. Well, I understand that we forcefully represented that no member of the House of Representatives and no member of the press was targeted with any investigative resources.

Mr. COLLINS. Oh, Mr. Cole, really? I respect Mr. Raskin, but I am not even sure how he got that statement out without stumbling over everything. You cannot say that you take—talking about numbers, at some point, somebody with a ranking member's phone number had to go down through there and look for the ranking member's phone number. They had to go down and look for Mr. Solomon's phone number. This is what they don't want to deal with. This is how bad it is screwed up.

And I know they want to gloss over process, I know they want to gloss over how they did their investigation, because of time and the calendar are terrible masters. I have repeated it over and over, but this is what we are talking about and they wouldn't even talk about it. So to say that nobody was doing this intentionally is just not being factually accurate. It doesn't happen on its own.

Mr. COLE. I would ask both of you this question: Who specifically matched the phone numbers of Ranking Member Nunes, and what method did they use?

Mr. RASKIN. I have no idea. I just one, if I could say, Mr. Cole, in response to the whole line of questions——

Mr. COLE. Certainly.

Mr. RASKIN [continuing]. The President of the United States was given the opportunity to call any witnesses he wanted, any of the 17 witnesses who appeared before the House Intelligence Committee and Oversight and Foreign Affairs could have been called by the President. He would have had the opportunity to cross-examine any of them. But, of course, he didn't want to, because all of them essentially told different pieces of the exact same story, which is the President executed this shakedown of President Zelensky to come and get involved in our campaign at the expense of former Vice President Biden.

Mr. COLLINS. That just doesn't hold water when you look at our—again, I can't say this enough. It goes back to our calendar and our clock. How is it possible when I talked to the chairman himself, sent him letters asking, you know, when we were going to get witnesses when he didn't even build the witness day in for our-

selves. He didn't even build in the calendar a time to accept one of our witnesses, much less the White House witnesses, so don't tell me that he could have sent witnesses and we would have accepted it. It was never on the calendar.

Mr. COLE. Let me ask you this, because these numbers—who specifically ordered the inclusion of these phone records in the Schiff report?

Mr. RASKIN. Mr. Ranking Member, I am afraid I can't answer these questions. I just don't know.

Mr. COLE. Mr. Collins.

Mr. COLLINS. Well, undoubtedly, it was the Intelligence Committee carrying out what seemed to be a political vendetta against another Member of Congress.

Mr. COLE. Either of you think it is proper to have the names of individuals swept up in call logs who are not the target of criminal investigations to have their names and numbers——

Mr. COLLINS. No. It is nothing but a political drive-by, and I brought that out. They could have done it several different ways. They could have said member one, it could have been person one, they could have done it any other way, but they chose to actually use the names. This was a political hit job.

Mr. COLE. Give you an opportunity to respond, Mr. Raskin. Do you think it was appropriate for those numbers and names to have been released?

Mr. RASKIN. Again——

Mr. COLE. They were not the targets of the investigations, they were just swept up.

Mr. RASKIN. Yeah. I was not involved in that part of it, and so forgive me, again——

Mr. COLE. Again, I understand.

Ms. SCANLON. Will the gentleman yield for a minute? We did have testimony on this.

Mr. COLE. No, I'm not going to yield my time right now.

Ms. SCANLON. Okay. I mean, there was testimony.

Mr. COLE. You will have your time shortly.

Mr. COLLINS. Yeah. Ms. Scanlon, the testimony was, I am not going to tell you.

Mr. COLE. Okay. How many times, Mr. Collins, has Schiff report or hearsay statements been used as evidence?

Mr. COLLINS. Hundreds.

Mr. COLE. Well, actually only 54. It may seem like——

Mr. COLLINS. When you take off one person talking off another person off another person, it goes up.

Mr. COLE. How many times in the Schiff report or news reports the only evidence supporting factual assertions?

Mr. COLLINS. I am sorry. Repeat the question. I had someone in my ear.

Mr. COLE. Okay. How many times in the Schiff report or news reports the only evidence supporting factual assertions?

Mr. COLLINS. It would have been the main factual assertion was Mr. Sondland, one.

Mr. COLE. About 16 different times. Mr. Raskin, it is my understanding Chairman Schiff did not transmit the evidence collected

during his committee's investigation to the Judiciary Committee until Friday, December 6th. Does that comport with your memory?

Mr. RASKIN. That is correct.

Mr. COLE. Okay. So Judiciary Committee majority, did it have access to any evidence beyond the actual report from the Intelligence Committee until the weekend before the Judiciary Committee actually considered Articles of Impeachment?

Mr. RASKIN. Well, I don't remember exactly when all of the deposition statements were released publicly. I think some of them had been released publicly before that time, but we could go back and check the exact chronology.

Mr. COLE. Sure.

Mr. RASKIN. There are certain members of the Judiciary Committee who are also members of other——

Mr. COLE. Certainly understand. It is my understanding that Chairman Schiff did not transmit all the material collected by the Intelligence Committee to the Judiciary Committee. Is that the case?

Mr. COLLINS. It is still true to this day.

Mr. COLE. So do not agree, and I would ask this of both of you, the House Judiciary Committee should have had the time and opportunity to review all that material collected by the Intelligence Committee? Did you both have that time and opportunity?

Mr. COLLINS. We did not. It is a direct violation of House Resolution 660.

Mr. RASKIN. Mr. Cole, all I can tell you is that the vast amount of what we ended up getting was what was being produced, released publicly along the way. I know the Intelligence Committee made the commitment to release those depositions, those deposition statements publicly. And so, I have considered it a very fair and transparent process. I don't think I got to see a single thing through the Judiciary Committee that I was not just seeing come out and being released by the Intelligence Committee.

In any event, all of it is in the final report. It is there for all of America to see, and I don't want us to lose sight of the big picture.

Mr. COLE. We really don't know if it is all there in the final report. If you haven't seen them yourself——

Mr. COLLINS. We don't. No, we do not know. That is a statement that is assuming facts not in evidence. We don't know—this is the old classic case of evidence being given from a prosecutor in a trial. We don't know what we have not seen. We do know what—we know a few things we know have not been transferred, but we also have heard of other things that have not being transferred, and it can't be in the report if it has not been transferred because then we could at least say it was in the report.

Mr. COLE. Let me move on to the articles themselves. Because in my view, we have established Intelligence Committee process was substantially flawed and procedurally defective. That is my view, I underline. Judiciary Committee failed to create an evidentiary record sufficient to justify moving forward on Articles of Impeachment, basically relied on the Intelligence Committee, again, where the President was unrepresented. That violated rules of the House, in my view, and the entire circus has been politically motivated from the very beginning.

On the obstruction of Congress charge, it is uncommon for the—excuse me—is it uncommon and I ask this of both of you, uncommon for the executive branch to push back against requests for information from Congress?

Mr. RASKIN. Well, no, it is not uncommon for the executive branch to push back on the production of this or that document or the timing of a particular visit. What was absolutely breathtaking in its unprecedented and radical nature was this President's determination to shut down all discovery. They did not produce a single document to us, Mr. Cole, that was subpoenaed in this process. And the President essentially ordered everyone in the executive branch not to cooperate with us.

Mr. COLE. Let me ask—excuse me. I don't want to cut you off.

Mr. RASKIN. I think that is a dramatic escalation in kind and in degree over anything that has ever been seen before, and that includes Richard Nixon, who, I think, tried to block seven or eight particular requests like the Watergate tapes, and that in itself became part of the case against him for abuse of power. But, you know, President Trump makes Richard Nixon look like a little leaguer when it comes to obstruction.

Mr. COLE. Mr. Collins, same thing. Do you think it is unusual for an administration to push back against congressional subpoenas?

Mr. COLLINS. No, it is common.

Mr. COLE. If it is pretty common, do you believe it is a high crime or misdemeanor to assert privileges in response to congressional requests for subpoenas?

Mr. COLLINS. Not—I want to go back and just give a little bit of history since we have had history lessons here from Mr. Raskin, and even in our own committee this year, what has been really interesting is, there has been a total just walk toward impeachment the whole time, but what was interesting in our committee is, we would send subpoenas, or we would, you know, again, we have sent out letters and stuff and we never followed up on. But also one of the interesting things about our committee was, we never engaged, for the most part, with the agencies for documents.

But what I thought was really interesting was, Mr. Schiff, in the Intelligence Committee, while we were still struggling during Mueller and some other stuff, Mr. Schiff actually negotiated with the Department of Justice and actually got documents released that our committee couldn't. The House Foreign Affairs Committee, Elliott Engel, who is one of the quieter chairmans, but one of the more effective, in my personal opinion, from the across the aisle, had engaged all year with administration on ways to get documents. It is a matter of how you go about it and to say that this is just unheard of is just not right.

Mr. COLE. Again, I would ask this to both of you. I think this gets to the point you are making. There is a normal accommodations process for resolving inner branch disputes between the House and the executive branch. Is that not correct?

Mr. COLLINS. Yes.

Mr. COLE. Okay. And that process really hasn't occurred here. I think, Mr. Collins, that is what you are telling me. It doesn't fit

neatly into the Speaker's impeachment of Christmas timeline, to borrow your way of looking at it. We have not gone to court——

Mr. COLLINS. No, they haven't.

Mr. COLE [continuing]. On these things. We are not really engaged. This is a normal give and take, where actually both sides tend to avoid, quote, you know, an exchange where they might go to court and lose something, but all that has been set aside. We haven't had any process like that, have we?

Mr. COLLINS. No. Mr. Cole, I will even point out something that I disagreed with, Mr. McGahn. There has been a court case in which we have lost in which Mr. McGahn—and it is still being appealed, but it does show you the process or don't want it to work as fast as you want it to work. And I think that is where we have to go back to in this whole process. So, no, even the one that they had that was actually one of the members of the administration contested. They just withdrew their subpoena, withdrew it from the lawsuit, because they just didn't want to deal with it.

Mr. COLE. I know Mr. Raskin would have a different view and if he wants to respond, he would. But I want to ask you specifically, Mr. Collins. Is there any actual evidence that the pause on the Ukrainian assistance was for the President's improper personal political benefit, or could he have had other objectives? That is directed to you, Mr. Collins.

Mr. COLLINS. I am sorry. I apologize.

Mr. COLE. It is all right. I am throwing a lot of questions at you. Is there any actual evidence that the pause on the Ukrainian assistance was for the President's improper personal political benefit, or might he have had other reasons for withholding aid?

Mr. COLLINS. He had plenty of other reasons. And I think part of it is the law itself, which says even though it was certified, it was the President's call to make sure that there was no corruption in where aid is given. There was other countries during that time was aid withheld. I think from our appropriator standpoint, Mr. Cole, you will also understand this aid was not even scheduled to go out. It had to be done by September 30. It actually went out early, if you look at it from that time frame. So there were other reasons. There was a recent poll, just to show you—and, again, we talk about this a little bit from our side, the corruption in the Ukraine was so prevalent, a recent poll said 68 percent of normal, just everyday Ukrainians had said that they had bribed a public official in the past year.

There was reasons for this to be discussed and reasons to go at it, but I also want to point out one last thing on this other issue. Fast and Furious, infamous issue with the Obama administration. It was 7 months from first subpoena to first documents, 7 months. That doesn't fit the time line here.

Mr. COLE. Absolutely.

Mr. RASKIN. So this is an essential point that you raise right now, and I think that there is not any credible evidence from any of the witnesses, or anything in the record to suggest that the President was actually trying to ferret out corruption as opposed to impose a corrupt scheme on the President of Ukraine. Let's start with this:

In 2017, in 2018, the President could have raised corruption in withholding military and security assistance to Ukraine and never did. Then in 2019, he did. What changed? Well, Joe Biden was running for President and the Presidential campaign was much on his mind.

Mr. RASKIN. The President removed Ambassador Yovanovitch, and we have learned today from Mr. Giuliani that he was involved with the campaign by Parnas and Fruman to smear Ambassador Yovanovitch to say there was something wrong with her.

In fact, when she was—according to all the testimony we had and all the public information we have, she was one of the leading anticorruption ambassadors that the United States has on Earth, and they sabotaged her. They undercut her. They subjected her to an unprecedented smear campaign that led several of the other witnesses to protest that the State Department was not standing by its own ambassador.

And they got rid of her, as Mr. Giuliani said in today's paper, because she was getting in the way of the investigations they wanted. And what investigations were those? Those into Biden, those into the 2016 conspiracy theory. So that is pretty clear. It had nothing to do with corruption.

Moreover, if you go to the July 25 telephone call, President Trump never raised the word "corruption" once, but he did talk about Joe Biden three times. So we didn't hear corruption, corruption, corruption; we heard Biden, Biden, Biden. That was the favor that we were looking for, right? He wanted the President of Ukraine to come over and say he was investigating the Bidens.

Look, that is unrefuted and uncontradicted in the record. I don't think we should be trying to pull the wool over America's eyes about this. Let's not play make-believe. If we want to say it is okay for the President to do this stuff, then let's just go ahead and say it. But let's not claim that he was involved in some kind of anticorruption crusade at the time. I think America knows that we can't take that seriously.

This President cut anticorruption funding to Ukraine by 50 percent. The chairman of his campaign, Paul Manafort, was on the take, he was on the dole for millions of dollars to a former corrupt President in Ukraine. President Zelensky, who was getting shaken down, was the reformer. He was the product of the revolution of dignity in 2014, which tried to bring some democracy and tried to bring some fairness and anticorruption efforts to Ukraine. Giuliani and his gang that can't shoot straight, they went over there because they wanted to take advantage of the situation and go back to the corrupt forces in Ukraine.

So this President had one thing in mind: His own reelection and how President Zelensky could help him. And you can see that if you look at the phone conversation that Ambassador Sondland had with the President the day after July 25.

On July 26, he had this phone conversation that was partially overheard by David Holmes in the State Department, and he hears him tell the President that Zelensky will do whatever you want, he is going to do the investigations, he loves your ass and so on.

And then he gets off the phone, and then he tells him what, that what the President is interested in is the big stuff relating to the

President's own political ambitions, like the Bidens. He is not interested in the war with Russia. And I would say, obviously, he is not interested in corruption. He was interested in the Bidens and that was it.

Now, either we think that is in appropriate and proper thing for the President of the United States to be doing or we think it is wrong. And some of us believe it rises to the level of an impeachable offense.

Mr. COLE. I want to give Mr. Collins a chance to respond. Before I do, President Zelensky, any Ukrainian official ever tell you they felt shaken down?

Mr. RASKIN. Well, there is lots of evidence in the record——

Mr. COLE. That is not what I asked. I said, have you got any statement——

Mr. RASKIN. No, I have never spoken to him.

Mr. COLE. Okay. And is there any statement on the record? I don't think so.

Mr. COLLINS. No. There is statements on the record. The record argues we wasn't pressured, we wasn't part of anything. I wouldn't be a part of that. Those are the statements from Mr. Zelensky.

Mr. RASKIN. Well——

Mr. COLLINS. You know, don't let—at this point——

Mr. COLE. I want to give Mr. Collins a chance to respond, and then we will come back to you.

Mr. RASKIN. There are contemporaneous emails where—and somebody will pass me the exact language, but essentially where Mr. Yermak, who is the top right-hand man to the President of Ukraine, says that the President does not want to be treated as a political pawn in domestic American politics. For several weeks they were doing everything in their power to try to get out from underneath the straitjacket of this scheme that was coming—that was bearing down on them from every different direction.

Mr. COLE. Mr. Collins.

Mr. COLLINS. Wow, that is a story right there. Maybe this is good we are doing this, because we are having to expand the story to fit our narrative here. And because, you know, if you don't—let's don't play make-believe. There is nothing—if they had something in the phone call, it would have been in the Articles of Impeachment. They don't. Because at the end of the day, there is no direct evidence of what they are trying to spin here, and that was that there was a pressuring or a quid pro quo or however you want to put it to Mr. Zelensky.

The problem here is, is that Mark Sandy testified under oath that there was a wholesale investigation going into foreign aid this year. So you can go back and quote 2017, 2018 all you want, but this year, because of the problems, he testified that there is a wholesale investigation on the foreign aid everywhere. But if you go—President Trump actually raised this with Mr. Poroshenko in 2017, and that was testified too by Mr. Volker and the former Ambassador.

So when you look at this, there is no direct evidence of what was said here, and to try and then come back and put this into a different perspective—and, again, going back to Mr. Yermak, who Mr. Yermak said there was no connection between—ever discussed be-

tween the aid and an investigation. And also, if they were trying to get out from under it so hard, I guess if we are looking at—because they never did anything to get the aid. They never did anything to get the aid, if they were that scared something was wrong.

Mr. COLE. I will try to bring this to conclusion because—and I know there will be a difference of opinion here, so you certainly both can respond. Contrary to my claims that—or to my friends' claims across the aisle, Mr. Collins, do you think the Democratic majority effectively denied the administration a meaningful opportunity to participate in this proceeding?

Mr. COLLINS. They didn't effectively; they did.

Mr. COLE. Okay. On October 30, the Rules Committee held our original jurisdiction markup on H. Res. 660, and there were many serious concerns from our side of the dais about the damage this unprecedented process could have to the institution.

The Republican members of the committee were repeatedly assured that, quote, the President has been afforded all kinds of rights before the Judiciary Committee—we have heard that assertion again today—and that this would be an open and transparent process. Despite the fact that we received the text of the resolution a mere 24 hours earlier, did not have a single amendment made in order.

Mr. Collins, was the administration provided the opportunity to participate in the Intelligence Committee proceedings? Because in my mind——

Mr. COLLINS. No.

Mr. COLE [continuing]. They have basically supplanted the Judiciary as the principal committee of impeachment.

Mr. COLLINS. They were, and they definitely want it in Judiciary. And they can—it was put into the record that they should have been, but the problem is the actual way it played out in the scheduling in Judiciary Committee made it nowhere possible that they could even—if all of a sudden they, you know, wanted it, there was no time in the calendar for it.

Mr. COLE. So I will just end with this. I mean, I certainly—well, I will let my friend respond if you wanted to.

Mr. RASKIN. Thank you. You are very kind, Mr. Cole.

When Lieutenant Colonel Vindman testified, he said that this request for a favor was not in any sense a friendly request; it was a demand in the context of the hundreds of millions of dollars that were being held up, the request for the White House meeting, and so on.

For weeks, the Ukrainians pushed back on the demand of the President, his agents, and advised U.S. officials they did not want to be, quote, an instrument in Washington domestic reelection politics. You recall the testimony of Dr. Fiona Hill, who said that this was a domestic political errand that the President's team was on in order to extract this commitment from President Zelensky to come and give this interview.

And, in fact, they had publicly announced—or they were going to publicly announce investigations in an interview that President Zelensky had scheduled on CNN, but then Ukraine canceled the interview a few days after the President's scheme was publicly exposed and the military aid got released. In other words, when the

whole scheme blew up, then President Zelensky felt that he could be free from this obligation to come forward and say he was investigating the Bidens.

Mr. COLE. Well, with all due respect, the President was telling United States Senators in August that the aid was probably going to be released long before, you know, there was any notion about a whistleblower or anything else. Senator Johnson from Wisconsin has testified to that fact.

Mr. RASKIN. Well——

Mr. COLE. So—and, again, with all due respect, I mean, the last administration for 4 years didn't provide any military assistance to Ukraine. The idea that 55 days was somehow life and death in this situation, particularly during a period of transition from one government to another, you know, it just—pretty thin gruel to impeach a President of the United States on.

Mr. Chairman, you know, with all due respect to my friends here, who I admire both and who I think have been very helpful in their testimony and, as always, straight and forthright, my view, Chairman Schiff ought to be the person answering questions in front of the Rules Committee. It is his report.

I don't blame the President for passing on the opportunity not to go before the Judiciary for what was clearly going to be perfunctory and provide a sort of window dressing of legitimacy to this process. So the claim that he was given meaningful or consistent opportunities treated anywhere like previous administration, I just don't think holds up when you are denied an opportunity to participate where the principal action is at and then given a last-minute thing.

And so, again, I am going to yield back my time, Mr. Chairman. I want to thank both of our distinguished members, former and current, of the Rules Committee, for coming up here and providing us their insight and their testimony. It is great to work with both of you, and I appreciate your service to your districts and to the Congress and to the country.

I yield back.

The CHAIRMAN. So I want to thank the gentleman for his questioning. I said I would be liberal with the time.

Mr. COLE. You were.

The CHAIRMAN. You are going to make me into a conservative by the end of this hearing.

But let me just do a couple of things here. One is I want to ask unanimous consent, without objection, to insert into the record an October 23 New York Times article entitled, "Ukraine Knew of Aid Freeze by Early August, Undermining Trump Defense."

[The information follows:]

The New York Times

Ukraine Knew of Aid Freeze by Early August, Undermining Trump Defense

Top officials were told in early August about the delay of $391 million in security assistance, undercutting a chief argument President Trump has used to deny any quid pro quo.

By Andrew E. Kramer and Kenneth P. Vogel

October 23, 2019

KIEV, Ukraine — To Democrats who say that President Trump's decision to freeze $391 million in military aid was intended to bully Ukraine's leader into carrying out investigations for Mr. Trump's political benefit, the president and his allies have had a simple response: There was no quid pro quo because the Ukrainians did not know assistance had been blocked.

But then on Tuesday, William B. Taylor Jr., the top United States diplomat in Kiev, told House impeachment investigators that the freeze was directly linked to Mr. Trump's demand. That did not deter the president, who on Wednesday approvingly tweeted a quote by a congressional Republican saying neither Mr. Taylor nor any other witness had "provided testimony that the Ukrainians were aware that military aid was being withheld."

In fact, word of the aid freeze had gotten to high-level Ukrainian officials by the first week in August, according to interviews and documents obtained by The New York Times.

The problem was not bureaucratic, the Ukrainians were told. To address it, they were advised, they should reach out to Mick Mulvaney, the acting White House chief of staff, according to the interviews and records.

The timing of the communications, which have not previously been reported, shows that Ukraine was aware the White House was holding up the funds weeks earlier than acknowledged.

It also means that the Ukrainian government was aware of the freeze during most of the period in August when Mr. Trump's personal lawyer Rudolph W. Giuliani and two American diplomats were pressing President Volodymyr Zelensky of Ukraine to make a public commitment to the investigations.

The communications did not explicitly link the assistance freeze to the push by Mr. Trump and Mr. Giuliani for the investigations. But in the communications, officials from the United States and Ukraine discuss the need to bring in the same senior aide to Mr. Zelensky who had been dealing with Mr. Giuliani about Mr. Trump's demands for the investigations, signaling a possible link between the matters.

Word of the aid freeze got to the Ukrainians at a moment when Mr. Zelensky, who had taken office a little more than two months earlier after a campaign in which he promised to root out corruption and stand up to Russia, was off balance and uncertain how to stabilize his country's relationship with the United States.

Days earlier, he had listened to Mr. Trump implore him on a half-hour call to pursue investigations touching on former Vice President Joseph R. Biden Jr. and a debunked conspiracy

theory about Ukrainian involvement in the 2016 hacking of the Democratic National Committee. Mr. Zelensky's efforts to secure a visit to the White House — a symbolic affirmation of support he considered vital at a time when Russia continued to menace Ukraine's eastern border — seemed to be stalled. American policy toward Ukraine was being guided not by career professionals but by Mr. Giuliani.

Mr. Taylor testified to the impeachment investigators that he was told it was only on the sidelines of a Sept. 1 meeting between Mr. Zelensky and Vice President Mike Pence in Warsaw that the Ukrainians were directly informed by Gordon D. Sondland, the United States ambassador to the European Union, that the aid would be dependent on Mr. Zelensky giving Mr. Trump something he wanted: an investigation into Burisma, the company that had employed Mr. Biden's younger son, Hunter Biden.

American and Ukrainian officials have asserted that Ukraine learned that the aid had been held up only around the time it became public through a news article at the end of August.

The aid freeze is drawing additional scrutiny from the impeachment investigators on Wednesday as they question Laura K. Cooper, a deputy assistant defense secretary for Russia, Ukraine and Eurasia. This month, Democrats subpoenaed both the Defense Department and the White House Office of Management and Budget for records related to the assistance freeze.

As Mr. Taylor's testimony suggests, the Ukrainians did not confront the Trump administration about the freeze until they were told in September that it was linked to the demand for the investigations. The Ukrainians appear to have initially been hopeful that the problem could be resolved quietly and were reluctant to risk a public clash at a delicate time in relations between the two nations.

"They didn't even know the money wasn't paid," Mr. Trump wrote on Twitter last month.

The disclosure that the Ukrainians knew of the freeze by early August corroborates, and provides additional details about, a claim made by a C.I.A. officer in his whistle-blower complaint that prompted the impeachment inquiry by House Democrats.

"As of early August, I heard from U.S. officials that some Ukrainian officials were aware that U.S. aid might be in jeopardy, but I do not know how or when they learned of it," the anonymous whistle-blower wrote. The complainant said that he learned that the instruction to freeze the assistance "had come directly from the president," and said it "might have a connection with the overall effort to pressure Ukrainian leadership."

Publicly, Mr. Zelensky has insisted he felt no pressure to pursue the investigations sought by Mr. Trump.

"There was no blackmail," Mr. Zelensky said at a news conference this month. He cited as evidence that he "had no idea the military aid was held up" at the time of his July 25 call with Mr. Trump, when Mr. Trump pressed him for investigations into the Bidens and a debunked conspiracy theory about Ukrainian involvement in the hacking of the Democratic National Committee in 2016.

Mr. Zelensky has said he knew about the holdup of the military aid before his meeting in Poland on Sept. 1 with Mr. Pence, but has been vague about exactly when he learned about it. "When I did find out, I raised it with Pence at a meeting in Warsaw," he said this month.

In conversations over several days in early August, a Pentagon official discussed the assistance freeze directly with a Ukrainian government official, according to records and interviews. The Pentagon official suggested that Mr. Mulvaney had been pushing for the assistance to be withheld, and urged the Ukrainians to reach out to him.

The Pentagon official described Mr. Mulvaney's motivations only in broad terms but made clear that the same Ukrainian official, Andriy Yermak, who had been negotiating with Mr. Giuliani over the investigations and a White House visit being sought by Mr. Zelensky should also reach out to Mr. Mulvaney over the hold on military aid.

A senior administration official who spoke on the condition of anonymity to speak publicly about the issue said on Monday that Mr. Mulvaney "had absolutely no communication with the Ukranians about this issue."

Ukrainian officials had grown suspicious that the assistance was in jeopardy because formal talks with the Pentagon on its release had concluded by June without any apparent problem.

In talks during the spring with American officials, the Ukrainians had resolved conditions for the release of the assistance, and believed everything was on schedule, according to Ivanna Klympush-Tsintsadze, Ukraine's former vice prime minister for Euro-Atlantic Integration.

But by early August, the Ukrainians were struggling to get clear answers from their American contacts about the status of the assistance, according to American officials familiar with the Ukrainians' efforts.

In the days and weeks after top Ukrainian officials were alerted to the aid freeze, Mr. Sondland and Kurt D. Volker, then the State Department's special envoy to Ukraine, were working with Mr. Giuliani to draft a statement for Mr. Zelensky to deliver that would commit him to pursuing the investigations, according to text messages between the men turned over to the House impeachment investigators.

The text messages between Mr. Volker, Mr. Sondland and the top Zelensky aide did not mention the holdup of the aid. It was only in September, after the Warsaw meeting, that Mr. Taylor wrote in a text message to Mr. Sondland, "I think it's crazy to withhold security assistance for help with a political campaign."

After being informed on Sept. 1 in Warsaw that the aid would be released only if Mr. Zelensky agreed to the investigations, Ukrainian officials, including their national security adviser and defense minister, were troubled by their inability to get answers to questions about the freeze from United States officials, Mr. Taylor testified.

Through the summer, Mr. Zelensky had been noncommittal about the demands from Mr. Volker, Mr. Sondland and Mr. Giuliani for a public commitment to the investigations. On Sept. 5, Mr. Taylor testified, Mr. Zelensky met in Kiev with Senators Ron Johnson, Republican of Wisconsin, and Christopher S. Murphy, Democrat of Connecticut.

Mr. Zelensky's first question, Mr. Taylor said, was about the security aid. The senators responded, Mr. Taylor said, that Mr. Zelensky "should not jeopardize bipartisan support by getting drawn into U.S. domestic politics."

But Mr. Sondland was still pressing for a commitment from Mr. Zelensky, and was pressing him to do a CNN interview in which he would talk about pursuing the investigations sought by Mr. Trump.

Mr. Zelensky never did the interview and never made the public commitment sought by the White House, although a Ukrainian prosecutor later said he would "audit" a case involving the owner of the company that paid Hunter Biden as a board member.

Mr. Giuliani has said he had nothing to do with the assistance freeze and did not talk to Mr. Trump or "anybody in the government" about it. "I didn't know about it until I read about it in the newspaper," he said in an interview last week.

https://www.nytimes.com/2019/10/23/us/politics/ukraine-aid-freeze-impeachment.html?auth=login-email&login=email

The CHAIRMAN. I also want to make a couple of comments about the minority day witness issue. I did send a letter to my colleagues on the Rules Committee. We made it part of the record. Mr. Nadler has confirmed that he would work with the minority to schedule their hearing day on constitutional grounds of impeachment, notwithstanding the fact he already——

Mr. COLLINS. When?

The CHAIRMAN [continuing]. Allowed a minority witness. And we looked at the history of this whole rule, and basically it was designed to ensure that the minority was not shut out of witnesses, that they were not completely shut out of hearings, as had occurred in the past.

And the minority did get a witness. He was there. But I would just say that this notion that somehow the minority has this superpower ability to be able to, not only name the witnesses, but set the day and to be able to slow down progress on any bill, if that were the case, having been in the minority for 8 years, we would have used it to stop most of the agenda that my Republican friends have put forward.

I will make that letter available to anybody who is interested.

Mr. COLLINS. Mr. McGovern.

The CHAIRMAN. Yes.

Mr. COLLINS. Mr. Chairman, I do have a question. You made a statement, and I am not sure how you were wording it, if it was a paraphrase or not, but I was never promised by Mr. Nadler that he would work with us on the minority hearing day from now to infinity. I mean, he just basically said, no, we are not having it. He did not.

The CHAIRMAN. Well, my understanding is that he said that in committee. Maybe I am wrong, but we could find that out during the break.

Mr. COLLINS. Well, we have had a little issue of consultation lately, so——

The CHAIRMAN. We will look that up, and by the time we get back, we will get you that answer.

But let me again remind everybody why we are here today, because it is easy to get—caught up in the weeds and to talk about process. I just was handed it. Nadler, and it says, I am willing to work with the minority to schedule the hearing. I will pass that on to the gentleman if he would like to see it.

Mr. COLLINS. We have consultation issues in our committee, and sending that and not talking about it and taking all of our witnesses out is not true. And putting it into letter is fine, but it is still not true.

Mr. HASTINGS. Well, it is what he said.

The CHAIRMAN. Right. So, you know, I will ask that to be part of the record as well.

[The information follows:]

Excerpt from the Committee on the Judiciary transcript of:

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

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

Mr. COLLINS. Thank you, Mr. Chairman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. COLLINS. Mr. Chairman.

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

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

The CHAIRMAN. Look, let me just remind everybody why we are here. As I said over and over again, the President abused his power of office for his own personal gain and obstructed a congressional investigation to look into that conduct. And we all know how he did it. He tried to shake down the Government of Ukraine to basically get dirt on his political opponent to help him in the upcoming 2020 election, and he engaged in a systemic pattern of denying any documents of any cooperation with Congress. That is obstruction of Congress.

And, Mr. Collins, you kept on saying something that I actually agree with. You talk about how the clock and the calendar is important. You know, from my vantage point and from the way I look at what has happened here, it is important, because I believe, as Mr. Raskin stated at the beginning of his testimony, that there was a crime in progress.

I mean, we have an election coming up in less than a year, and the President is openly trying to encourage foreign interference in that election. I mean, that is big—that should shock everybody, not only in this committee, in this Chamber, all throughout this country. It is just wrong. It is so wrong.

And so we will continue this hearing. We just had votes, and we will recess and come back at the beginning of the last vote, where we will then turn to Mr. Hastings.

The Rules Committee stands in recess.

[Recess.]

The CHAIRMAN. The Rules Committee will come to order.

We welcome back our two witnesses. And at this time, I am happy to yield to my distinguished colleague from Florida, Alcee Hastings.

Mr. HASTINGS. Thank you so very much, Mr. Chairman.

Mr. Chairman, with your permission, I would like very much to yield to our colleague, Ms. Scanlon, for some questions that she may have of our witnesses.

The CHAIRMAN. Without objection.

Ms. SCANLON. Okay. Thank you.

I just wanted to clarify one thing. We had a line of questioning from Mr. Cole right before we broke, and it had to do whether or not there had been subpoenas issued for Ranking Member Nunes' phone records, and, you know, there seemed to be some confusion from our two witnesses here.

But I recalled the testimony that we had in Judiciary, which was that, in fact, no subpoenas had been issued for any Member of Congress or for any journalist, that the Intel Committee has subpoenaed metadata, so just call records, not actually phone taps, of four people who had been involved in this scheme to abuse the power of office and smear Ambassador Yovanovitch.

After each of those people had been subpoenaed individually—so that was Giuliani, Parnas, and Fruman, and Sondland—two have been indicted for crimes now related to this investigation. So once those phone records were brought in, patterns were noticed around particular events, and that was when Ranking Member Nunes' phone number was identified. It wasn't that his number was sought. He just happened to be in conversation with the co-conspirators there.

So if people are interested in that, in addition to the testimony we heard in Judiciary, that information can be found in the Intel report that was filed on pages 45 through 47, and then at footnote 76, which is on page 155. And I would just note particularly there it says: The committee did not subpoena the call detail records for any Member of Congress or staff.

So, you know, to the extent that we were getting distracted by some notion that people were trying to improperly investigate Members of Congress, I think we should put that to bed and call it out for being a distraction and just not the truth.

Mr. Raskin, did that——

Mr. COLLINS. Can I answer?

Ms. SCANLON [continuing]. Refresh your recollection on any of that?

Mr. RASKIN. Ms. Scanlon, thank you very much for adding the details. My primary recollection of our conversation about that was precisely this, that the Intelligence Committee targeted no Member of Congress, it targeted no journalist, it did not direct subpoenas against any of them, and I believe that the names that came up came up in the normal course of standard investigatory procedure. So there is nothing untoward there that I can see.

Ms. SCANLON. Okay. And also, there was testimony from Mr. Nunes—or not testimony, questioning of Ambassador Taylor by Mr. Nunes indicating that, in fact, he had been phoning folks in the Ukraine, right, so he had acknowledged that?

Mr. RASKIN. That he, Mr. Nunes, had?

Ms. SCANLON. Yes.

Mr. RASKIN. Yes. Yes, I believe that is in the transcript as well. I mean, he basically has said that he was conducting a kind of investigation of his own into what happened.

Ms. SCANLON. Okay. Okay. Hopefully, that puts that to bed.

And I would yield back to Mr. Hastings.

The CHAIRMAN. With that, Mr. Collins.

Mr. HASTINGS. Yes, I would certainly yield to Mr. Collins.

Mr. COLLINS. Yeah, I appreciate it.

It doesn't put it—I appreciate the gentlelady bringing it up, but it had nothing to do with the question that was asked, and it doesn't put it to bed at all. I have always acknowledged that they were properly done subpoenas. I am still an institutionalist. I believe that subpoena power of the committees actually work.

And I have never denied that the committees—in fact, I said it in the Judiciary Committee that day to Mr. Goldman. Never questioned the committee process, never questioned the subpoena, and also acknowledged there was never a direct subpoena on any Members of Congress.

What I did say and what I will continue to say was, even—and the gentlelady just acknowledged it, was that when they started going through the phone records, they looked at people they called and then someone somehow had the ranking member's phone number, and they collaborated that with that phone call that is working.

Now, even to that point, I could say, okay. But my problem comes is the way it was actually put in, is what I will consider a political hit job in the report itself, when it could have been done

many different ways, because it was not applicable notice to this Articles of Impeachment, it was not anything that was furthering a narrative, except to, frankly, look at getting back to the ranking member and others. They could have put that in, as we have seen in other reports, Congress Member One, Congress Member Two.

So nothing that was—supposedly that was said—and I appreciate the gentlelady bringing this up, but I never questioned the subpoenas, never questioned that. My question was who is actually—it was said to actually start putting these together and then put them in the report.

Mr. RASKIN. If I could just say, I just bristle a little bit at the suggestion that Chairman Schiff and the Intelligence Committee did anything wrong there. I was a State assistant attorney general for a couple years, and my recollection is that if you get a table of telephone records and other numbers come up, you do your due diligence on all of the other numbers to see who is involved, and what we are talking about is possibly conspiratorial activity.

And so that was the way in which those numbers surfaced, and I think they did their regular due diligence on it, and that is how those callers were identified.

Mr. WOODALL. Could I ask my friend to yield for just a moment?

Mr. HASTINGS. I have the time, and I will yield to Mr. Woodall.

Mr. WOODALL. Thank you so much, Mr. Hastings. I appreciate that.

I did not know that I understood what you just said. I thought you said your experience in the State prosecutor's office led you to release the kinds of names of co-conspirators as those things were discovered. Certainly, you are not suggesting that Mr. Nunes was a co-conspirator in any way, shape, or form?

Mr. RASKIN. No, no, not at all. No, not at all.

Mr. WOODALL. Thank you.

I thank my friend from Florida.

Mr. HASTINGS. Are you finished, Ms. Scanlon?

Ms. SCANLON. Absolutely.

Mr. HASTINGS. All right. Thank you.

Mr. Chairman, when we took our recess to vote, you had just made what I considered to be a very profound statement that is short, and it is that the President's actions, in your words, were so wrong. And it is hard for me to believe that all of us here and in the previous committee, and as this matter proceeds, do not all understand that. But the dais pretty much cashed.

In this institution, we are fond of saying, after everybody is exhausted and talking about whatever the issue is, that everybody has said everything that needs to be said, but I haven't said it yet. And that is what is going to happen with every one of the members that come after me.

But what is disturbing to me is that we are like we are in alternative universes, not just here in the Rules Committee, but in the Judiciary Committee, in the Intelligence Committee, where I served for 8 years, and really in America. And it is regrettable that my friends, the Republicans, are not addressing or defending the President's actions.

What you are doing is talking about the process. I might add footnote right there, you haven't seen nothing yet if you listen to

Lindsey Graham and the majority Leader McConnell about how, if and when this matter gets to them, how they are going to act. How dare somebody say that they aren't going to pretend that they are fair, and the other one is going to collaborate with the White House.

So I would assume that the managers that are Democrats, when they get over there, they are going to be talking about process. Because if you are talking about unfairness, just the mere fact that both of those people who should recuse themselves, in my judgment, made those kinds of statements indicates where they are.

But to turn back to you, Mr. Chairman, about something being wrong with what the President did. When I was a boy, and that is 83 years ago, my dad, who never went to school a day in his life, when I had crucial issues over the course of time, both as a child, little boy, and he lived long enough to see me become a lawyer, and the difficulties along the way in college and what have you, he would always say to me that right don't wrong nobody. And the fact of the matter is that what we are doing here is right.

Let me just excise one thing. So-called corruption—and, Mr. President—Mr. Chairman, with your permission, just to make sure that this record is complete, not that this transcript has not been released, but I ask unanimous consent that the unclassified version of the telephone conversation of the President with President Zelensky of Ukraine be made a part of the record.

The CHAIRMAN. Without objection.

[The information follows:]

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[PkgNumberShort]

UNCLASSIFIED

Declassified by order of the President

September 24, 2019

~~EYES ONLY~~

~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(C)~~ Telephone Conversation with President Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

DATE, TIME AND PLACE: July 25, 2019, 9:03 - 9:33 a.m. EDT
Residence

~~(S/NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S/NF)~~ President Zelenskyy: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

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Declassify On: 20441231

UNCLASSIFIED

~~SECRET//ORCON/NOFORN~~

achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S/NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S/NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S/NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

~~(S/NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

~~(S/NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say Crowdstrike… I guess you have one of your wealthy people… The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S/NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S/NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it… It sounds horrible to me.

~~(S/NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S/NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S/NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S/NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S/NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S/NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S/NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S/NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S/NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

Mr. HASTINGS. I am going to come back to that.

We find ourselves here today discussing two Articles of Impeachment against President Donald John Trump because of his disregard of and disrespect for the United States Constitution. President Trump withheld American taxpayer money that was appropriated by their duly elected Members of Congress, all of us, to help our ally fight a hot war.

It would be one thing if we, as we do help around the world, if this was not an enemy of the United States, a corrupt enemy of the United States, Russia. I don't have to ask anybody about it. I have been there. I saw the changes that took place. I monitored elections there. So I know that corruption is rife in that country.

And yet, we witness last week, Sergey Lavrov, who I know, coming here in the Oval Office with the President smiling. And you all aren't prepared to defend that kind of action with reference to corruption? I find it strange that you are in that position. But Trump withheld his taxpayer money to help our ally fight a hot war against Russia so he, President Trump, could obtain a personal political benefit.

And I am going to get back to this document I ask UC on at some point to talk about that. And just in case folks think that the facts, which my colleagues will not discuss, are a bit too tenuous, a bit too hazy, please remember that on October 3, 2019, President Trump went out on the White House lawn, stood in front of a bunch of reporters and television cameras, and advised President Zelensky to announce the investigation. For good measure, he then encouraged China to also start an investigation into the Biden family.

Not long afterwards, on October 17, 2019, President Trump allowed his Chief of Staff Mick Mulvaney to hold a press conference in which Mr. Mulvaney not only admitted that a quid pro quo existed, but that we should get over it because that is just the way things are, he said, when it comes to foreign affairs and apparently foreign countries being lobbied to meddle in our elections. Mick is dead wrong. That is not how we exercise our policy in this country.

I am no world expert, but I began my career here 27 years ago on the Foreign Affairs Committee. I was appointed by Newt Gingrich, along with Doug B. Rider to study the reversion of Hong Kong and Macau to Mainland China. I went with Donald Payne often to 26 countries in Africa. And over the course of time, I became the president of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe; and if you can say that, you ought to be president of that organization.

But there are 57 countries in that organization, including Russia, and Canada and the United States make it a transatlantic organization. I went to Europe 36 times during a 2-year period to most of those countries. I made it to 47 of those 57 countries, and I swore in Montenegro as the 57th country in the Organization for Security and Cooperation in Europe.

I think I know a little bit more about the world than Mick Mulvaney, and that is not the way President Bush, President Clinton, President Obama, that is not the way they conducted policy at all. Well, he says get over it. I for one will not accept that vision of this great country, let alone get over it.

Mr. Chairman, also consider an article of obstruction of Congress today we are, and I believe the record shows the administration's obstruction to be beyond debate. And you have demonstrably shown lots of that obstruction. And while many of our members don't want to bring it up, I cannot—when I was ill at home for a protracted period of time, I read every line of the Mueller report, and the Mueller report clearly reflects that the President obstructed justice long before we get to this particular matter that we are dealing with.

We are stewards of the House of Representatives, and to not have all Members of this body object in the most strenuous terms to this administration's complete obstruction of our clear constitutional prerogative to conduct an impeachment inquiry is, to me, truly disappointing. To not object, to not draw the line here is to do a great disservice not only to those who came before us, but those who will come after us.

With that, Mr. Chairman, I have a few questions for Mr. RASKIN.

Mr. RASKIN, did President Trump solicit Ukraine's interference in our country's 2020 election?

Mr. RASKIN. It is overwhelmingly clear that he did.

Mr. HASTINGS. Did President Trump solicit this foreign interference in order to obtain a personal political benefit?

Mr. RASKIN. He absolutely did.

Mr. HASTINGS. Did President Trump condition the release of taxpayer money appropriated by Congress on President Zelensky announcing an investigation into President Trump's political opponent?

Mr. RASKIN. All of the evidence we have says that he did.

Mr. HASTINGS. Did President Trump's actions undermine the national security of the United States and that of a key ally, namely Ukraine?

Mr. RASKIN. I believe that they did. Ukraine had been invaded and attacked by Russia. There had been more than 13,000 casualties in that war. The President was desperate—the President of Ukraine was desperate to get security assistance, and that was provided by Congress. Congress decided that this money was a good investment to defend a besieged ally, that we needed to contain the continuing imperial designs of Vladimir Putin to expand Russian power and to control nations in the neighborhood there.

Mr. HASTINGS. On January 20, 2017, Donald John Trump took an oath to preserve, protect, and defend the Constitution of the United States. Has, in your opinion, the President violated that oath?

Mr. RASKIN. I think this was an essential betrayal of his oath of office when he decided to try and coerce a foreign government to get involved in our Presidential election, this Presidential election in order to steer the result in a particular direction, and then, as the pattern shows, to cover it all up by stonewalling Congress and by issuing an unprecedented, categorical, and indiscriminate ban on participation in a congressional impeachment investigation.

You know, we got a letter from Mr. Cipollone where he didn't even bother to invoke a privilege. He didn't even bother to invoke the phony absolute immunity pretext they have been using. He just said, no, we are not going to participate. They really think that,

unlike every other American citizen, they are not subject to congressional subpoena.

And like you, Mr. Hastings, I would wish that even if our colleagues across the aisle differ with us on Article I, they have some difference which has yet to be expressed certainly under oath by anyone. But if they believe there is a different story or the President has an alibi, okay, fine. But in terms of Article II, the President cannot have the power to destroy our oversight investigative power if we are going to be able to impeach a corrupt President.

Mr. HASTINGS. And that is the next question I wanted to ask you. Does the United States Constitution place the power of impeachment solely in the Congress?

Mr. RASKIN. Solely in the House of Representatives.

Mr. HASTINGS. In the House of Representatives.

Mr. RASKIN. And the reason why it is stated that way, Mr. Hastings, is because the Framers didn't want the Senate thinking that they could initiate an impeachment. They can't. It has got to come from the House of Representatives, and because they wanted it demarcated from the discussion which was taking place at the time which is that, well, the Supreme Court should impeach or the State legislature should impeach. There were lots of ideas out there.

But, look, they said that the House of Representatives was the organ that represents the people. We are the people's body. Now, the Senate has some claim after the enactment of the 17th Amendment. They are elected by the people now too. They used to be chosen by the State legislators, but they really still do represent on the kind of disproportionate basis of the—of each State getting two despite the size of the State. But we are as close as you get in our Constitution to the pure representatives of the people.

Mr. HASTINGS. And the Senate acts on oath and affirmation as well. Am I correct?

Mr. RASKIN. They are the constitutional jurors, and in some sense the judges too. They will decide on matters of law. But they will make the final application of the law to the facts in this case. And that is why I think you are correct to point out that all of them have to think very carefully about what the constitutional oath of a juror entails.

Mr. HASTINGS. Thank you.

Mr. RASKIN. And certainly some of them have been saying things that seem to be apart from what we would expect of jurors in any other context.

Mr. HASTINGS. It is my understanding that—and the Chairman McGovern has pointed out some of this, but I want to highlight the number. It is my understanding that the executive branch has received over 70 specific individualized requests for documents during Congress' impeachment inquiry. How many documents have been produced?

Mr. RASKIN. Zero have been produced. We have not gotten anything. We have not gotten anything from the Office of Management and Budget. We have not gotten anything from the Department of State. I mean, we have witnesses who complained to us in this process that their own documents had essentially been embargoed and controlled by the President and by the executive branch when they wanted to turn it over so we could find out what was going

on. We are in a search for the truth here. This is not a game. We want to know what happened.

Mr. HASTINGS. I hear you.

In response to duly authorized subpoenas, how many top aides has President Trump made available to the committees conducting the impeachment inquiry?

Mr. RASKIN. Well, he has tried to block all of the witnesses. We ended up having 17 witnesses, but there is still a number of key fact witnesses who have not come forward because the President has succeeded in blocking and restraining their testimony, like the Secretary of Energy, like the director of the Office of Management and Budget and so on.

Mr. HASTINGS. My recollection, during the Judiciary proceedings, is that you put this question in a different form that I am about to put to my colleagues now, and that is all of us in this room. I ask the question, how many of my friends here on this dais think it is okay for an American President to solicit foreign interference in our elections? Raise your hands if you think that that is okay. Anybody?

I see none. And in that light, clearly we have these differences.

Mr. COLLINS.

Mr. COLLINS. Yes, sir.

Mr. HASTINGS. Would you consider Ukraine a strategic partner to the United States?

Mr. COLLINS. Yes, sir.

Mr. HASTINGS. Do you want us to believe that withholding the aid for the reasons our investigation identifies did not harm United States national security?

Mr. COLLINS. Which ones are you talking about? I will—on that fact pattern, Mr. Hastings?

Mr. HASTINGS. I am talking about——

Mr. COLLINS. The one that you—the ones that the majority stipulate to or the ones the minority stipulate to?

Mr. HASTINGS. The majority.

Mr. COLLINS. No. I do not agree with the majority's interpretation of the call.

Mr. HASTINGS. I seem to think that that is going to be your role. You don't think that asking a President of a foreign country, that is in a hot war, that we withhold aid from him, you don't think that affects our national security, if you think Ukraine is our ally, as I believe you do and I do?

Mr. COLLINS. Mr. Hastings, I just don't accept the premise of your facts.

Mr. HASTINGS. All right. What value for Ukraine do you see in the Oval Office visit that was being sought?

Mr. COLLINS. You would have to ask Ukraine.

Mr. HASTINGS. Do you recognize that such a visit would send a strong message to Russia, sort of like Lavrov being in the Oval office last week, and the rest of the world that the United States supported Ukraine and was ready to defend it against Russian aggression?

Mr. COLLINS. I think a better statement was when Mr. Trump sent actually offensive weapons to shoot down Russian assets.

Mr. HASTINGS. And that ignores the fact that the aid was withheld and a hot war was ongoing?

Mr. COLLINS. Again, we are going—in all due respect, we are going in circles here. I do not believe there is anything wrong with the aid being held for the reasons that was said, and I have stated this before. And, actually, Mr. Trump did more for the Ukrainians in a hot war than was previously done. So I think we are——

Mr. HASTINGS. You know, I have heard that before, and I am not going to elaborate, but I can assure you if they point, as you do and many do, to President Obama not providing lethal weapons, what the minority fails to note is during the early stages of the Trump administration the aforementioned lethal weapons were provided to Ukraine. And it wasn't until 2019 during the lead-up to the 2020 Presidential election and after former Vice President Biden announced his candidacy did President Trump exert his official duties and place a hold on lethal aid.

Let me turn to corruption. Ostensibly, this July 25 transcript reflects, according to my friends on the other side, both in Judiciary and to the extent that the report from Intelligence reflects it, that in this particular matter, that corruption was what was being sought to be determined. Hmm.

Let me urge President Trump to look around the world if he wants to talk about corruption, and have him answer for me why he cosies up to Russia and all roads lead to Russia, when we all know how corrupt they are and what they have done, not only in the previous election, but what they are doing even as we are in the runup to this election. And, yes, my county—my State had two counties that hackers from Russia were successful. And he has the audacity to go out and say now they don't talk about Russia in the elections, they are talking about Ukraine.

Why is it that the President, as the chairman has pointed out, cosies up to a dictator like Duterte in the Philippines? Why is he not looking right here in this hemisphere, where we have not paid as much attention as we should. And I believe my colleague is going to address it, but I do need to raise Venezuela, and I haven't heard very much lately from him with reference to Venezuela. I haven't heard very much from him about El Salvador. Haven't heard, other than China dealing with trade.

Anybody in here that doesn't believe China is corrupt, then you should just visit any one of the places where people are in gulags and being held and how intellectuals and religious leaders are being tortured in that country. And not to mention, the chairman pointed to it as what the President said, that he fell in love with Kim Jong-un. And Kim Jong-un is preparing missiles, and if successful, may one day be able to reach this country, and there is no reason to believe that he wouldn't.

Is the President aware of what is going on in Italy? Is he aware of what is going on in India? How about Iran? I haven't heard him say a mumbling word about what is happening in Iran. Is he aware of what is going on in Lebanon? Is he aware of the corruption that is being identified and how Chile is on the bubble? I just can't believe you people.

And let me turn now to this and ask you all, and I already know the answer. Can anybody in here, particularly those of us on the

Rules Committee, name any other President in the history of the United States that has asked a foreign government or its leaders to investigate an American citizen for political purposes?

Mr. HASTINGS. Can anybody in here identify any President that has done that? Seeing none, I proceed.

The simple fact of the matter is that my colleagues have determined that they are going to go down the road of distraction and are not going to discuss the facts in this matter.

Let me tell you some of the people that you-all should have heard from and some would argue that we should wait until the courts—and I am sure that the administration would fight all the way to keep Secretary Pompeo from testifying, John Bolton from testifying, Mick Mulvaney, Dan McGahn or Don McGahn, the man that the President told to go and fire the FBI Director. How about Robert Blair and Michael Duffey, the guys from Mick Mulvaney's shop where the aid has been withheld?

Now let me turn to this document. First off, let me ask both of you whether you know if a full verbatim transcript exists of this July 25th call.

Mr. Collins, do you know?

Mr. COLLINS. I know that all the witnesses testified that this was a clear and accurate transcript.

Mr. HASTINGS. Mr. Raskin, do you know whether a verbatim transcript exists?

Mr. RASKIN. For the July 25th call?

Mr. HASTINGS. Yes.

Mr. RASKIN. Well, that is not a verbatim transcript.

Mr. HASTINGS. Correct.

Mr. RASKIN [continuing]. That we have. That is a contemporaneous memorandum that was written by the White House. I have never seen—I have never seen a verbatim transcript.

Mr. COLLINS. There is no witness that testified—there is no witness that contradicted the statements in that and on any of the witnesses.

Mr. HASTINGS. Excuse me?

Mr. COLLINS. They did not. They said the transcript was accurate.

Mr. HASTINGS. Well, what about all of those people that testified before your committee that discussed matters that they thought were wrong that the President did?

Mr. COLLINS. Wow, Mr. Hastings, I wish we had had all those people testify before my committee, but they didn't.

Mr. HASTINGS. Okay. Let me turn to the footnote on this unclassified document that is in the record. It says: A memorandum of a telephone conversation is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room duty officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telephone communications connections and variations in accent and/or interpretation. The word, quote, inaudible, unquote, is used to indicate—it says "indicate"—portions of a conversation that the note-taker was unable to hear.

Do either of you know why the full transcript is in a classified server that can be accessed only by the highest of authorities insofar as classification of their ability? Do any of you know why this thing is in a server, this classified server?

Mr. RASKIN. No, I cannot give you the full explanation of that.

Mr. HASTINGS. Mr. Collins.

Mr. COLLINS. Mr. Morrison testified it was put there in administrative error. Mr. Morrison testified to that.

Mr. HASTINGS. Administrative error.

Mr. COLLINS. That is his testimony, his words, not mine.

Mr. HASTINGS. Who is Mr. Morrison?

Mr. COLLINS. The gentleman who testified at committee, Mr. Kim—no—he works for the NSS—no, NSC. I am sorry.

Mr. HASTINGS. Is he the person that put it in the server or——

Mr. COLLINS. He is the one that testified to it. You would have to ask him. Again, I would love to do all this. We would have loved to have had these witnesses actually in Judiciary.

Mr. HASTINGS. Would you have loved to have the server?

Mr. COLLINS. I would love to have the witnesses.

Mr. HASTINGS. We have got people running around Ukraine, looking for a server under some CrowdStrike notion.

Mr. COLLINS. Yeah, and we also have several people bribing public officials, too, and that is a Ukrainian issue as well but on this one——

Mr. HASTINGS. There is no issue.

Mr. COLLINS [continuing]. There is no credible witness who says there is anything in the transcript that was not there.

Mr. HASTINGS. I find it——

Mr. COLLINS. None of your witnesses, none of your witnesses.

Mr. HASTINGS. I find it that the President goes out, issues this unclassified statement, and there is a statement out there somewhere in a classified server that may have gotten there mistakenly according to Mr. Morrison, as you are testifying, but my question ultimately would be: Why is it there? Why hasn't it been retrieved? And why have you all not received it?

But I digress. Let me go on and finish up with this——

Mr. COLLINS. Mr. Hastings.

Mr. HASTINGS [continuing]. Unclassified statement.

Mr. COLLINS. Can I ask you this question? There is an implication—and I would like a clarification. Are you implying there is another transcript out there?

Mr. HASTINGS. I am implying that there is more than what we have here——

Mr. COLLINS. Okay. Which——

Mr. HASTINGS [continuing]. That is on the server.

Mr. COLLINS. Okay. Which no witness testified to.

Mr. HASTINGS. Understood.

Mr. COLLINS. No witness of your witnesses testified to.

Mr. HASTINGS. Understood.

Mr. COLLINS. I was just making sure you didn't believe there was another transcript out there.

Mr. HASTINGS. I don't know what is out there. I know something is in this server.

Mr. COLLINS. That is about like us with the Intelligence Committee's findings as well that they haven't transferred over to Judiciary.

Mr. HASTINGS. I would like to see what is in the server.

Mr. COLLINS. I would love to see what is over from the Intelligence Committee that was supposed to have been turned over to H. 660 as well. So I think you and I are in agreement there.

Mr. HASTINGS. Yeah, in that regard, we are.

I would also—let me tell you what—even the media in dealing with this statement have not gone into certain of its particulars. Here is what was said by Mr. Zelensky—and I am truncating this so that I can get off and let other members go about their business. He said: I would also like to thank you for your great support—this is Mr. Zelensky talking to President Trump on July 25th—in the area of defense. We are ready to continue to cooperate for the next steps. Specifically, we are almost ready to buy Javelins from the United States for defense purposes.

President Trump replies: I would like you to do us a favor, though.

This is from the man talking about buying Javelins. He goes immediately to: I would like for you to do us a favor, though.

And a lot of emphasis has not been placed on that language, and I am not a linguistic person, but the last time I recall somebody asking me to do a favor, though, it was for something that they wanted, and I can't believe that policy is what he was talking about. He goes on to say: 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 had one of your wealthy people. The server, they say Ukraine has it. There are a lot of things that went on. The whole situation, I think you are surrounding yourself with some of the same people. I would like you—I would like to have the Attorney General, meaning our Attorney General.

And my question is why would you like the Attorney General to call you or your people? And I would like you to get it—get to the bottom of it. As you saw yesterday, that whole nonsense ended with the very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine.

And my question is: Who said that? The only people I know that said that are the Russians.

Yes, Mr. Raskin.

Mr. RASKIN. Thank you very much for raising this important point.

Dr. Fiona Hill, leading Russia expert who figures importantly in this whole matter, has testified before this committee—and it is completely uncontradicted and unrefuted—that this CrowdStrike story about Ukraine being the one that attacked our election in 2016 is Russian disinformation.

The President there was essentially just repeating Russian disinformation and propaganda, either wittingly or unwittingly. It seemed innocent enough. He really thought he thought he had something there, but that is what he was repeating. There is nothing behind it. Has been completely debunked and discredited, but

what makes me suspicious, Mr. Hastings, is that he decided to tie that in with his other plan——

Mr. HASTINGS. Other plan.

Mr. RASKIN [continuing]. Which was to get President Zelensky to come and to point the finger at Joe Biden and say: This is the guy we are investigating.

And, you know, you talk about national security and how national security was compromised—and, obviously, America is a country that nations all over the world look to, and we are interested in the security of our land and our people but also that of our allies and our strategic partners around the world, and we should have some interest in what happens to Ukraine and whether Russia is going to get to trample Ukraine or not.

But here is another way that national security is implicated. If we say that forever hereafter we are going to allow the President of the United States to use the awesome powers of his office to shake down particular governments, whether they are tyrants and despots, like Duterte in the Philippines and Orban in Hungary and Putin in Russia and Sisi in Egypt, or they are democrats—struggling democracies that need our help, like the reformer Zelensky and Ukraine, but the President is now allowed to shake them down, to get them involved in on a covert basis in our campaign. Guess what? The President might think he is slick by getting away with that, but now there is a foreign government that has got something——

Mr. HASTINGS. Got something on us, uh-huh.

Mr. RASKIN [continuing]. On us. They have leverage on us at that point.

Mr. HASTINGS. It turns out——

Mr. COLLINS. Mr. Hastings, would you allow me?

Mr. HASTINGS. Of course.

Mr. COLLINS. Thank you. I know you are always great at this.

Look, I think the process, I think we are looking the wrong direction here, and I think it is interesting that we can talk about all the other corruption around the world and the dislike of the way this President has dealt with them, but we also have to remember: Even in the transcript that you just read, it is a backwards look, not a forwards look. It is a 2016 look at what happened then. And you have rightly read the transcript that he was talking about Robert Mueller, which was coming out of the 2016 election, all of the problems that were coming in.

Mr. HASTINGS. Did you read the Mueller report?

Mr. COLLINS. I read every bit of it, sir. That is my committee.

Mr. HASTINGS. And you disagreed with the findings?

Mr. COLLINS. I agree with the findings. There was no collusion from Russia, and he disagreed even with every member of the Judiciary Committee on obstruction——

Mr. HASTINGS. On obstruction——

Mr. COLLINS [continuing]. On obstruction.

Mr. HASTINGS. That there were 10 obstructions of justice by the President, do you agree with that?

Mr. COLLINS. No, they are not, because he did, because he did.

Mr. HASTINGS. That is interesting.

Mr. COLLINS. Because obviously you didn't listen to the Judiciary Committee when several members of the Judiciary Committee outlined in pretty PowerPoints on the screen "here is this, here is this, this," and then he looked at them and said, "But I disagree with your conclusion."

So you have to take the whole transcript. And this is what I am talking about here. When you look at it here, he was looking backwards. The Mueller report had just been done, but Ms. Fiona Hill——

Mr. HASTINGS. I am going to reclaim my time and look——

Mr. COLLINS. Because Fiona Hill is interesting, because he brought up Fiona Hill. And I just wanted to say this one thing. Ukrainians, not Ukraine but Ukrainians, even Fiona Hill said the Ukrainians bet on the wrong horse and after being reminded by Ken Vogel that the various Ukrainian officials, Leshchenko—I can't remember—the powerful Ukrainian—Parliament—Leshchenko was spinning tales and providing false information to Nellie Ohr, information that we all know has made its way into the Steele dossier. This was aligning themselves with Clinton.

Mr. HASTINGS. Mr. Collins——

Mr. COLLINS. So it is backwards. That is all I am saying.

Mr. HASTINGS. Mr. Collins, were you there when Ms. Hill testified?

Mr. COLLINS. Not for Ms. Hill's testimony, no.

Mr. HASTINGS. All right. But you have.

Mr. COLLINS. I am happy to read the transcript just like you are.

Mr. HASTINGS. All I can tell you is she dropped a dime on President Trump's actions in Ukraine.

Mr. COLLINS. But not enough to find it in the Articles of Impeachment.

Mr. HASTINGS. Well, perhaps alone.

Mr. COLLINS. An abuse of power, again, we disagree on this. And this is where we can honestly just disagree. I disagree that abuse of power is a categorical catch-all.

Mr. HASTINGS. All right. I am going to—I am reclaiming my time.

Mr. COLLINS. And I appreciate it. Thank you.

Mr. HASTINGS. You are going to filibuster——

Mr. COLLINS. Thank you.

Mr. HASTINGS [continuing]. And I am going to reclaim my time from you as well. Both of you-all talk pretty fast, no, I might add, in defense of Mr. Collins for a minutes. It is very—continuing, but President Trump says, is: It's very important that you do it if it is possible.

Truncating again, because it is so much in here, but I will try to start mid paragraph with Mr. Zelensky's reply: I would also like and hope to see him having your trust—he is talking about an ambassador that he is sending to the United States—and your confidence and have personal relations with so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently, and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine, and we will meet once he comes to Ukraine.

My question there is: Meet about what when Giuliani comes to Ukraine? And the President just recently said that Giuliani is a good man and a patriot, and he has done—he is doing this for love. Last time, I bought an airline ticket, I didn't present something that said "love." And the question becomes: Who is paying Giuliani?

I have a theory about, but I won't go into it.

He then goes on to say: I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people.

He goes on at some point: So we can continue our strategic partnership. I also plan to surround myself with great people in addition to that investigation. I guarantee, as the President of Ukraine, that all the investigations will be done openly and candidly. That I can assure you.

Then Trump says: Good, because I heard you had a prosecutor—I think he is talking about Shokin—who was very good, and he was shut down, and that is really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down, and you had some very bad, bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to call you. I will also—I will ask him to call you, along with the Attorney General. Rudy very much knows what is happening, and he is a very capable guy. If you could speak to him, that would be great. The former Ambassador from the United States, the woman, was bad news, and the people she was dealing with in the Ukraine were bad news. So I just wanted to let you know that. The other thing, there is a lot of talk about Biden's son, that Biden stopped the prosecution, and a lot of people want to find out about that. So whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution. So, if you can look into it, it sounds horrible to me.

Now then, Zelensky says, truncating again, that: Since we have won the absolute majority in person, my candidate, who will be approved by the Parliament and will start as the new prosecutor in September, he or she will look into the situation, specifically to the company—and my guess is he is talking about Burisma in that particular incident—mention in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty. So we will take care of that, and we will work on the investigation of the case.

On top of that, I kindly ask you, if you have any additional information that you can provide us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine. As far as I can recall, her name was Yovanovitch.

Now that lady didn't deserve President Trump commenting that she was going to go through some things.

And I quote him: I will have Mr. Giuliani give you a call, and I am also going to have Attorney General Barr call, and we will get to the bottom of it. I am sure you will figure it out. I heard the prosecutor was treated badly.

Now everybody in the European Union, friends of mine knew that Poroshenko was a crook, and there is nobody in this room that does not know that, and Trump very well knew that or should have or had poor staffing during that period of time.

I am going to end here where he says: Good. Well, thank you very much. And I appreciate that. I will tell Rudy and Attorney General Barr to call.

And I just can't believe that Perry and Sondland and Rudy Giuliani, or whoever the Three Amigos were, were running around in Ukraine in some fashion, aside from the diplomatic responsibilities that we have with any country.

And, yes, Mr. Collins, we do have an FBI. We do have people that do investigations in foreign countries when there are commissions of crimes, and we don't use people running around. Otherwise, they could have used me. I was on the Intel Committee, and people could have asked me. I went to Ukraine. I did, after the Orange Revolution, the monitoring that led to them being able to stand up their government, and thanks to the Lithuanians and the Polish, along with Zbigniew Brzezinski, at that time that we were able to do that, and then I went back a second time to Ukraine to monitor their election. So I am no rookie in this stuff.

But when it comes to policy, what we have here is a corrupt President that wanted to do something to advance his political circumstances. And as the chairman said, that is so wrong.

What say you, Mr. Raskin?

Mr. RASKIN. Well, first of all, I am moved by your statements and also by your work for democracy and for freedom and anticorruption in Europe; and I know that that is something that has been very important to you.

The President essentially empowered and outsourced an alternative channel to the regular Department of State and National Security Council officials. And Rudy Giuliani, as you say, was at the heart of it. We have lots of testimony from witnesses who said, whenever the President got some kind of report on Ukraine, he would say: Talk to Rudy. Talk to Rudy.

In other words, Rudy has got the franchise on Ukraine, and we know what Rudy wanted to do. As recently as today, we had an update on it. Rudy now puts himself front and center in the campaign to smear——

Mr. HASTINGS. On FOX News this morning.

Mr. RASKIN. He put himself front and center on the campaign to smear our Ambassador, the U.S. Ambassador to Ukraine who is fighting corruption, who is one of the world's leading anticorruption fighters, and she understood that Ukraine had a chance here with the election of President Zelensky.

And instead of bolstering Ukraine, helping them, getting the aid that we voted for them, aid that had been approved by the Department of Defense, having cleared all of the anticorruption criteria that we had legislated and the Department of State, which had done that—all the Ts are crossed, all the Is are dotted, the money is set to go—the President holds it up. And then he puts this other team into action to engineer the shakedown against President Zelensky in order to get the political favor or the domestic political errand, as Dr. Fiona Hill said, that he wanted.

Mr. HASTINGS. It is in my judgment a shame what happened. And my colleagues on the other side of the aisle, I can't believe that they won't address the facts as you have just outlined them and as I have attempted to and as the chairman has. All they want to talk about is process. This ain't about process. This is about the President abusing his power, and you-all will pardon me nor not using my inside voice, but you-all don't either.

I yield back, Mr. Chairman.

The CHAIRMAN. I am happy to yield now to the gentleman from Georgia, Mr. Woodall.

Mr. WOODALL. Thank you, Mr. Chairman.

I rarely find myself in disagreement with my good friend from Florida. In fact, more often than not, I find myself educated by him. But I have got to disagree with him today because this is all about process. It is all about process.

I don't know how many minds were changed when the gentleman from Florida read the transcript again. I suspect none, probably the most single-most read transcript in American history. Folks know what they think that they know. But to my friend from Florida's point: Is there a verbatim transcript somewhere? I don't know. You asked the question to the two witnesses that we had called to testify, two of the brightest Members of Congress in my estimation. They don't know.

And if I understood my friend from Georgia correctly, there were no witnesses who were working on that transcript that you had an opportunity to talk to directly?

Mr. COLLINS. No, we had no witnesses in Judiciary.

Mr. WOODALL. So my friend from Florida is rightly outraged by his perception of wrongdoing. I hope that he is equally outraged by the inability to get information, not just our inability, sitting here on the Rules Committee today, but your inability. If we had an Intelligence Committee member here, they could have answered Mr. Hastings' question. And I don't know.

Well, I will ask my friends, as Mr. Hastings did: Is there somebody in this room on this committee that believes that the American people and our support of the Constitution that we have all sworn to uphold is threatened by having a member of the committee of jurisdiction be here to share with us? How are the American people advantaged by the absence of our—by the inability of our witnesses to answer Mr. Hastings' questions? How is America advantaged by that?

My friend from Georgia, leading the Judiciary Committee, said that he was told—and I hope I am misquoting you, Mr. Collins, and I misquoted you before. So I won't take any offense with your correcting me. I believe you said you asked the chairman about having a minority witness day, and he dismissed it as dilatory.

Mr. COLLINS. That was part of the—included in the long letter that he read to us, yeah. It was basically dilatory. That is very similar to the letter that was given to Mr. Cole in answer.

Mr. WOODALL. I have the letter that was sent to Mr. Cole, and if we needed a finer chairman on the Democratic side of the aisle, then we might have some other choices on our side, but there is no finer chairman on the Democratic side of the aisle than my chairman on the Rules Committee and the staff that he has to sup-

port him, but I don't know if you have seen the letter. I will share with you what it says, Mr. Collins. It says that: Not to worry. In this case, however, it says, Chairman Nadler has appropriately said that he will work with the minority to schedule their hearing.

The CHAIRMAN. Will the gentleman yield to me?

Mr. WOODALL. I will be happy to.

The CHAIRMAN. And, you know, maybe he wasn't here when I referenced Mr. Nadler's response before, but I am quoting right here where he says: I am willing to work with the minority to schedule such a hearing.

All right. I mean——

Mr. WOODALL. My friend from Massachusetts misconstrues my statement.

The CHAIRMAN. Oh, okay.

Mr. WOODALL. I stipulate what you are saying is absolutely true, absolutely true. I was only going to ask——

Mr. COLLINS. Can I object?

Mr. WOODALL. I was only going to ask—I was only going to ask my friend from Georgia what good it was going to do to hold the minority hearing 2 days or 3 days or 3 weeks after we voted to impeach the President of the United States.

Mr. COLLINS. What, in essence, does it matter if you throw the person in jail and then say, "Oh, the Innocence Project will come around at some point and clear him"? That is not what has happened here. You can't just say: Oh, we will get—if Chairman Nadler came to me and said: You know, April 1st next year looks like a great day for your minority day hearing.

What good does that do? It does none. And, again, it goes to the basic fairness.

And I do want to say one thing, if you will allow me, Mr. Woodall.

Mr. WOODALL. Please.

Mr. COLLINS. Two things have come up. One, there is no witness, period, no witness in the statement that said that there was, number one, another transcript; or, number two, that the transcript we have was not accurate. Okay. That is just a fact.

The other thing here is I have talked about process a lot, will continue to, but I have also acknowledged, and I have very much a factual defense of what I believe the facts are wrong here. You may disagree with my interpretation of that, but I have made a factual defense. I will go back to it. We talk about the four things that we talk about that didn't change, the pressure. But there is also five meetings, five meetings.

If you want to draw a correlation between the conditioned aid—and it should have come up. It has come up in these five meetings. On July 25, we have the transcript of the call between the President and President Zelensky. On July 26, Special Envoy Volker and Taylor met with President Zelensky. The alleged link in aid and the investigations never came up. August 27, John Bolton met with President Zelensky. Link in aid never came up. September 1, Vice President Pence met with Zelensky in Warsaw; link in aid in investigations never came up. On September 5, Senators Johnson and Murphy met with Zelensky again; The supposed link in aid never came up.

I point out the last two because they are important, because the last two are after it became public knowledge through Politico that the aid was being held. Nothing came up. Facts matter. And when you don't have the right facts, then you have to go to the more amorphous topics. That is something. I have fought on the facts. We may disagree about them, but I have fought back on facts.

Mr. WOODALL. Mr. Raskin appropriately points out that what we are doing is precedent-setting. Hopefully, it is not unprecedented, but it is certainly precedent-setting, and I think he asked us to think of the right question and his question was: If this were a Democratic President, would your answer still be the same? I care less about the Republican President and Democratic President. I know Mr. Raskin has a love of the law.

My question, Mr. Raskin, is: How are the American people advantaged by Mr. Collins having no opportunity to put together a list of fact witnesses of his choosing, have them share their story, and then the very able majority on the Judiciary Committee, the Democrats, cross-examine those witnesses? How are the American people advantaged by that absence?

Mr. RASKIN. So the first thing we need to say, again, is that the President and his team had the power to call whatever witnesses they wanted.

Mr. WOODALL. Well, if I could reclaim my time for a moment——

Mr. RASKIN. Yeah.

Mr. WOODALL. You have said that several times.

Mr. RASKIN. Yeah.

Mr. WOODALL. The first time you said it, you properly caveated it with: Any of the 17 witnesses that the Democrats called on the Intelligence Committee, the President could have called any one of those Democratic witnesses back to testify again. I don't believe you mean the President has the right to call any witness that he wants in front of the Judiciary Committee. For Pete's sake, he wouldn't even give the ranking member the right to call people in front of the Judiciary Committee.

Mr. RASKIN. You certainly do not have the right to call irrelevant witnesses. And so, ultimately, it would have been up to the chair to decide whether the person was relevant or not.

Mr. WOODALL. To be clear, there is the ability—because I have a misunderstanding. The President had the ability to call a witness into the Judiciary Committee, other than the 17 witnesses that the Democrats on the Intelligence Committee decided they were going to deposition?

Mr. RASKIN. He could have submitted names for anybody he wanted to.

Mr. WOODALL. My ranking member submitted names and the answer was, no: No, we are not going to do that, but your definition of the fair and free process that advantages the American people is that the President could submit any name he wants to. The chairman just gets to say no.

Mr. RASKIN. But my dear Mr. Woodall, you understand that we are in the process of collecting information to establish an indictment, in essence, charges against the President. These are Articles of Impeachment. The trial process takes place in the Senate. That is where they conduct a trial, where their rules will govern and

anybody presumably will be able to bring in whatever witnesses they want to bring in. Now we have tried to run a completely open, fair, and transparent process.

Mr. WOODALL. Reclaiming my time for a moment——

Mr. RASKIN. Yeah.

Mr. WOODALL [continuing]. Because you frequently, and you did when we established the rules for the impeachment process in this committee——

Mr. RASKIN. Yes.

Mr. WOODALL [continuing]. You have frequently referred to the grand jury room. The grand jury room is not intended to be a place of fairness. It is intended to be a place of indictment. You have said——

Mr. HASTINGS. Mr. Woodall, whoa, whoa, whoa, would you yield?

Mr. WOODALL. I would be happy to yield to my friend from Florida.

Mr. HASTINGS. My Goodness gracious, what did you just say?

Mr. WOODALL. The grand jury room is not intended to provide fairness to any defendant. It is intended to indict. As my friend from Maryland simply stated, the defense comes next.

Mr. HASTINGS. Understood. But are you saying that prosecutors don't have any other responsibility in the grand jury other than to indict?

Mr. WOODALL. Of course not.

Mr. HASTINGS. Okay. I just want to make sure.

Mr. WOODALL. Of course not.

Mr. RASKIN. Mr. Woodall——

Mr. WOODALL. The prosecutor has an obligation to people that the prosecutor serves in the same way that we have that same obligation and the words—I want to quote him correctly. Mr. Raskin said there has been plenty of fairness in this process.

And my question was: How are the American people advantaged by Mr. Collins getting absolutely no witnesses before the committee and the White House getting absolutely no witnesses in front of the committee? And the answer is, Mr. Woodall, this wasn't intended to be a defense of the President——

Mr. RASKIN. If you want me to say that, I clearly did not make myself clear. The President and Mr. Collins and the Republicans could have called any of the witnesses who appeared, any of the 17 sworn witnesses.

Mr. WOODALL. Any of your——

Mr. RASKIN. It is not yours or mine. These are American citizens. These are the Department of State.

Mr. WOODALL. These——

Mr. RASKIN. These are National Security Council employees.

Mr. WOODALL. Reclaiming my time.

The CHAIRMAN. Let me just say we can't speak over one another because the stenographer can barely keep up with us because we all talk so fast. So we are talking over each other. So I just I caution everybody, the witnesses and members of the committee, just to ask a question, let the answer.

Mr. WOODALL. And I am hamstrung, Mr. Chairman, by the fact that Mr. Raskin isn't the decisionmaker on these issues.

And, again, to Mr. Collins's point about the clock being the master, Mr. Nadler, Chairman Nadler, has put in months of work on this, not as much time as Chairman Schiff has put in on this, but put in months of work, and we have neither of the two committee chairmen who have done all of the work here before us to answer our questions.

And I have no doubt that Mr. Raskin is exasperated because he is an answerer, and he is a fact provider, and he educates this committee on a regular basis on matters of the law.

But it offends my sense of fairness that my ranking member can't have a witness of his choosing. I am not talking about a hundred witnesses. I am talking about a witness of his choosing to come and that the process gets described over and over again as the White House had plenty of opportunity and everybody had an equal chance to question. Nonsense. Nonsense.

And to let that record stand perpetuates the myth that this is supposed to have been a fair process, I would argue it could have been a fair process. It simply wasn't.

Mr. Collins.

Mr. COLLINS. Just to be clear here, and I think the operative word that my friend from Maryland said was "tried" and I think—I will give a try. It just wasn't a real good one to be fair in this.

For me, and, again, you can't have it both ways. You can't call the grand jury, which only the prosecution calls witness. There is no exculpatory. They have to depend on the prosecutor to live up to the prosecutor integrity and all that kind of stuff. You can't have it and say, "We are a grand jury," and then, on the other side, say, "We want to make it fair so that people can call witnesses and give their side of their defense." They don't call that side of the defense in a grand jury. They don't do that.

So here is my—here is the issue. I have never been—when I—in a court or where I was practicing, I never went to the prosecutor to say, "Who could I call," and the prosecutor say, "Well, you can call all of my witnesses."

Well, at least at some point in that mix, Mr. Raskin, I believe would at least—and others even on the Democrat side, I believe they would at least have to acknowledge that having the chairman determine relevancy of my witnesses called or even the White House is a problematic exercise because, if they are determining relevancy, then they are discounting any possibility, any possibility of exculpatory evidence coming from one of my witnesses. They are basically saying they are irrelevant. So we don't want to hear from them and discounting any possibility, any, that they will be exculpatory. So let's make that very clear in this.

That is why this was, again, we felt a very unfair process.

Mr. WOODALL. Now, Mr. Raskin, you said earlier, and I think rightly, you said some folks can't even—you can't concede that the call was not perfect. Surely, folks could concede that things were not perfect, and Mr. Collins did not characterize the call as perfect. My question is, can't you concede what Mr. Collins——

Mr. RASKIN. I never heard anybody say that. Who said that?

Mr. WOODALL. Mr. Collins. He wasn't trying to describe it as perfect. He was trying to describe it as noncriminal. I am misquoting—I am misquoting his statement.

Mr. RASKIN. Who said that?

Mr. WOODALL. But my question—my question to you is, can you not concede that having the chairman who is leading the impeachment inquiry determine relevancy of the, for lack of a better word, defense witnesses is flawed?

Mr. RASKIN. Yeah, so this was the exact same process that took place in the Clinton impeachment. It was the same process that took place in the Nixon impeachment, which is the minority gets the right to request witnesses; and if they are relevant, they will be accepted. It is hard to know what to do otherwise, especially in an environment where people are bringing all kinds of extraneous conspiracy theories to try to explain what is going on.

Mr. WOODALL. Just to quote your—you back to you, because I want to use the best sources I can—

Mr. RASKIN. Yeah.

Mr. WOODALL [continuing]. On this material, when you quoted the—when you cited the House rule that required the minority witnesses be heard, you said in your recollection that is not a conditioned precedent to having the hearing and reporting the bill and you are, of course, right.

Mr. RASKIN. You are talking about the minority hearing provision——

Mr. WOODALL. That is right.

Mr. RASKIN [continuing]. Not having an independent hearing for the minority, yeah.

Mr. WOODALL. There is absolutely no House rule that requires that we hear from the minority before not just the die has been cast, but the bill has been reported, passed on the floor, and sent to the President. That is not a requirement, and you were right that we should probably go back and look at if that we are truly trying to give the minority a voice.

But you have to tell me how the American people are advantaged by hearing from exculpatory witnesses after the House has voted.

Mr. RASKIN. Okay. First of all, if there is a name of an exculpatory witness, please put it forward. We have done nothing other than try to get all of the President's men to come in and testify. It is the President who has been blockading Secretary Pompeo and Secretary Perry and the Director of the Office of Management and Budget and numerous other witnesses.

It is just to me it is the height of irony that you guys are making the argument that somehow we don't want the evidence in. We want all the evidence. That is why we want to hold the President in obstruction of justice because he has been preventing us from getting——

Mr. WOODALL. It would not surprise me if you were right.

So let me ask the gentleman from Georgia. Is that right? You submitted a list of witnesses that you wanted to come to the committee, and the President said that those witnesses would not be allowed to testify?

Mr. COLLINS. No President talked to me about that.

Mr. WOODALL. No, that is not right.

Mr. COLLINS. The interesting thing—and I found out something new today. This is why hearings are actually good, and maybe you can recall it when it is good. This is the first time I have ever

heard it—and Mr. Raskin said it twice today—that if I had just called one of the 17, I would have got them. That has been interesting. He said it a couple of times now, if not more, that if I had just called them, and now they are having to correct him. He said it several time, and I understand this is tough, and he is in a very tough position, and he is doing an admirable job for what he is doing.

But it is interesting that that would come out, because I know he is an integral part of that team, that if I had just called one of the 17, they would have been accepted which would have been interesting. Wouldn't it have then been logical for the chairman to call some of those 17 so we could have at least had the impression we were actually doing our own interviews of these witnesses? Because what happened even in the Intel Committee was, is some of the—after you talked to them, they gave testimony. Then they had to come back, and some of them actually re-upped their testimony. Why wouldn't we have brought them back, say, "Okay, you done this a couple of times, but we didn't get that"? The majority whose job it was to prosecute this didn't do that as well.

Mr. WOODALL. Well, as you recall, we fought that on our side of the aisle when this process was being set up. Thought it was odd that the Intelligence Committee was going to be the only one talking to factfinders. Tried to require that exculpatory evidence be provided to the Judiciary Committee.

I want to touch on one more piece of process because my friend from Florida raised it, and he raised it in the context of Mr. McConnell and Mr. Graham, Senator McConnell and Senator Graham, in that they should recuse themselves because they have already picked a dog in this particular fight.

I think we so often say things to one another around here that the American people end up listening to that turn out to be flawed, and, again, I think everyone on this committee has great respect for Mr. Raskin. He is not just a valuable member of the Judiciary Committee; he is an even more valuable member of our Rules Committee.

But because I didn't have a chance, when I found out I wasn't going to have a chance to talk to Mr. Nadler, I went and brushed up on Raskin policy and I think they misquoted you, to be fair, Mr. Raskin, but Salon did an interview with you even before the President was elected and their headline is "At Least One Democratic Congressman is Already Preparing to Impeach Donald Trump." The article is Donald Trump won't be sworn in for another 48 hours, and at least one Democratic Congressman has already seen enough. You go on to talk about the emoluments clause and your, I think, legitimate questions as a constitutionalist about those issues.

That was 48 hours before the President was sworn in. You are sitting on the grand jury that is impartially considering the evidence, and the emoluments clause that you were quoted as supporting impeachment on behalf of 48 hours before the President was even elected I can't find anywhere in the articles that we see before us today. Have you changed your mind from then or do you think, as Politico is reporting, that we are going to see part two of impeachment come down the road, that this was just impeachment

number one and there is going to be impeachment number two and impeachment number three?

Mr. RASKIN. Thank you very much for that question.

I would love nothing more than to have a separate hearing on my personal views about the meaning of the foreign emoluments clause and the domestic emoluments clause. I have written widely about it, including The Washington Post. I have written several pieces about it. But I am here to represent the Judiciary Committee because of the absence of Mr. Nadler, and it wouldn't be fair for me to get into that because I would not be representing the views of the entire Judiciary Committee.

Mr. WOODALL. I think that is perfectly—I think that is perfectly fair. When we voted to table, as Mr. Cole referenced, in regard to Mr. McGovern's vote in December of 2017, of course, you opposed that motion to table as well, and at that time you said it was a vote out of frustration and that what you wanted was a real inquiry, a real inquiry into corruption and criminality in the Trump administration. Now this was 2 years before this phone call ever happened. And so, again, I am looking at Articles of Impeachment here. I have got members of the Judiciary Committee who were certain of corruption and criminality in the Trump administration that exists nowhere here.

Mr. RASKIN. Mr. Woodall.

Mr. WOODALL. Please.

Mr. RASKIN. You would concede that there are other episodes of corruption in the business career of Donald Trump and in the political career now that are not part—at all part of this process. So, I mean, I don't know if—look, there are patterns of conduct and behavior that have been noticed. One of them is extremely relevant to this investigation. That is what took place in 2016. That is when Donald Trump essentially invited in Russia—the whole world heard him say it—invited Russia to come into our election. He welcomed their interference. The special counsel at the Department of Justice found more than a hundred contacts between the Trump campaign and Russian nationals there, and then when it began to happen, the President moved to obstruct the investigation, and that is in the Mueller report which we talked about today, all of those episodes of corruption.

So there is a pattern of evidence, and I don't know—look. When Bill Clinton got impeached for what he did, you could certainly find Republicans who had been calling for his impeachment for several years for other stuff. There were conspiracy theories about him going on for years that. That doesn't necessarily discredit what happened in the impeachment of Bill Clinton. You have got to take it on its own terms. That is why we are trying to get back to the facts of what took place here with the Ukraine shakedown.

Mr. WOODALL. I think you are mistaking my intent. I was not citing comments that you had made in the past to put you as a Never Trumper whose sole purpose was to reverse a legitimate American election. That was not my intent. My intent was to mention you as someone who is a thoughtful legal mind, who had other legal concerns going back for years.

And when folks say, "Rob, what do you mean this process is rushed; we have done it over—just under 90 days; isn't that long

enough," well, no, that is faster than any other process—that is faster than—well, we have got a response from the Justice Department when we asked for our Fast and Furious documents.

But what it isn't is a complete process, I think by your own testimony here, that there is more that we could have done that we didn't do. And my question then is, because I do think we are all about advantaging the American people and the Republic and the Constitution: Are we advantaged, are the American people advantaged by—because, again, Politico is reporting that the investigations are going to continue, that the investigations do not stop with the House vote tomorrow. We will continue to investigate the potential impeachment of the President long after we have already voted to impeach the President is the story that is out there today.

Are we advantaged as an institution to have impeachment number one and impeachment number two and impeachment number three instead of, as we did in the Bill Clinton era, put all of the articles into a single document after a longer and more thorough investigation and have this process sent to the Senate just once?

Mr. RASKIN. I believe I am going to ask my staff just to confirm this. I believe the Clinton investigation moved much more quickly after the Starr report arrived in Congress than we have so far, but we will check the days on this, but I think they are approximately in the same ballpark.

But, look, your basic question is an excellent one. You ask an excellent question here. And all I can say is that we have a clear and present danger to our democracy right now because of the electoral corruption. This President invited in a foreign power to come and interfere in our election, and he used all of the resources of his office to coerce President Zelensky to come in to make these announcements he wanted for a totally political purpose. That is this election that is going on right now.

And so we have got to deal with this, and we have a very serious and complicated problem to address as a country right now, which is: Do we want to establish that this can be the norm going forward, that any President, whether their last name is Trump or Obama or Woodall or anything else, can go to foreign governments in the middle of a campaign, lure them in, either through coercion or through honey, whatever it might be, and get them to participate in our election? That is a really serious problem.

So, look, I agree with you. There—and, you know, you ask a trenchant question, Mr. Woodall. There are other things that are not part of this, but that is because of the urgency of this situation.

Mr. WOODALL. I take that——

Mr. COLLINS. Mr. Woodall.

Mr. WOODALL. I take that point.

Mr. Collins.

Mr. COLLINS. I say it again: clock and calendar. That is why we are doing it. That is all it is. That is why we say things like it is imperative, ongoing, whatever you want to call it. It is a clock-and-calendar issue.

And, look, we already know that, when this fails, there will probably be others. That has been reported widely, not just in, you know, magazines. Straight out of the words of Mr. Schiff, straight out of the words of Mr. Green, other colleagues that we have had.

And, again, it is—Professor Turley said it this way: The current lack of proof is another reason why an abbreviated investigation into this matter is so damaging to the case for impeachment.

It doesn't have the footing on it. And if you are doing it because you want to get into an election, when obviously the discussion was a previous one in which there was, you know, issues that was looking at that, then I can't help you, and time and calendar will take over.

Mr. WOODALL. Well, we are talking today about reversing America's last election. Candidly, I have every bit as much concern about the time that we will reverse the next election or the election after that or the election after that. To do this in a partisan way, of course, there are always going to be differences of opinion. I disagree with my chairman about much more than I agree with him about, but that doesn't mean that we can't find a process to move forward on together.

It is not more divided in this Congress today than it was in 1998 when folks found a process that they could work on together because, as much as we cared about the Presidency then, we cared more about the Constitution later, and we found a way to move forward and moving forward in a partisan way is going to have repercussions. I know my friend from Maryland knows that. He believes it is urgent enough that it is worth the risk, but it is a measurable and substantial risk, and certainly the 13 of us, 14 with Mr. Collins here today, are going be judged on that front because, despite our own personal interests in the facts, we are not a fact committee. We are a process committee, and I don't believe America is going to judge us harshly because of the way the facts come out. I think America is going to judge us harshly because the process that has come forward.

And I yield back.

The CHAIRMAN. I thank the gentleman.

Let me just say, we keep on hearing a lot about the clock and calendar, but I would remind everyone that we are here because of abuse and obstruction and the President's abuse of power and obstruction of Congress. That is why we are here.

And, you know, I said it in my opening. And I will say this again. We just have a difference of opinion. My friends try to characterize this as trying to overturn the last election. I look at this, as a crime in progress and that we are trying to prevent the President from rigging the next election.

And, again, I have never, ever, ever seen or witnessed a moment like this where a President of either party has publicly invited foreign intervention in our election. He did it when he was running for President. He did it with Ukraine. And the administration has purposely decided not to cooperate, to drag their feet, hoping that we would get through the next election. This is—I said it was wrong. I mean, it is beyond the pale. And we just have a difference of opinion on this.

I yield to the gentlelady from California, Mrs. Torres.

Mrs. TORRES. Thank you, Mr. Chairman.

And thank you to both of you for being here.

I also want to thank my colleagues that have spoken before me today for using your indoor voice and for exercising decorum. We

are on the third floor of the U.S. Capitol, and I think it is important for us to be respectful with each other.

Today, we regrettably face one of the most solemn duties the Constitution vests in Congress. I, like all of you here, did not come to Congress to impeach a President. As a matter of fact, on January 20th of 2017, I stood in the freezing rain to watch Donald Trump be sworn in as the 45th President of the United States. I was there in good faith. I was there because I believe in the peaceful transfer of power. I was there because I believe in the rule of law. And, maybe foolishly, I also believe in second chances, that we would have elected someone who can stand up and represent all Americans.

But then, in September, approximately 3 months ago, we learned that President Trump had withheld critical military funding to Ukraine, a strategic partner in a war with Russia; and then, October 3, President Trump announced that China and Ukraine should investigate his political rivals on national TV. The President's personal attorney also said that Biden should be investigated.

Now, President Trump famously said that he could shoot someone dead in the middle of Fifth Avenue in New York City, and he would get away with it. What mindset do you have to be in to say that out loud on national TV and to believe that? Well, anyone who turns a blind eye to behavior like this is providing him that right.

Five GOP primaries have been canceled: Kansas, Alaska, South Carolina, Arizona, Nevada. GOP, Republicans across the Nation are locked in step to defend at any cost the bad actions and illegal actions of this President. The facts are clear. To quote the USA Today editorial board, Trump used your tax dollars to shake down a vulnerable foreign government to interfere in a U.S. election for his personal benefit.

Ambassador Gordon Sondland, President Trump's handpicked Ambassador to the European Union, testified to President Trump's abuse of power under oath. And he said: I know that members of this committee have frequently framed these complicated issues in a form of a simple question: Was there a quid pro quo? As I testified previously with regard to the request—to the requested White House call and White House meeting, the answer is yes.

We also have the rough transcript of Trump's July 25 call, released by the President himself. For all the claims that President Trump was withholding military aid over corruption in Ukraine, he never once utters the word "corruption" in the call. He does ask for a favor, though, a favor that has nothing to do with U.S. national interests and everything to do with his own political interests. Trump's actions were a clear abuse of Presidential power. He conditioned official acts of office on a political advantage in the next election. Think about that.

All of us here, Members of Congress, have taken Ethics training on the House rules and on Federal crimes. I just did the training last week. We have all sworn the same oath of office to protect and defend our Constitution. And imagine, imagine if a city in our districts asked for our help with a grant or an appropriations request, would any of us reply, "I would like you to do us a favor, though, and announce an investigation into my political opponent?" Of course not. And why would you not do that? Because no one—no

one—is above the law, not even the President. And you know that asking for that type of favor is illegal.

The rule of law is what gives our great country its strength. The rule of law is what separates us from Third World countries where dictators reign for decades on. The rule of law is what makes us, our great country, the envy of the world, the place that other countries look for inspiration as they grow their own democracies. And it is the rule of law that brings all of us here today.

And as the only Member of Congress from Central American, take it from me that we never want to see a day when the rule of law simply fades away. I never want to see a day where American families have to send their children to live outside of the country because of public corruption. Look at Honduras. Their Constitution banned Presidential reelections. Their Constitution clearly states that if Presidents tried to get rid of the reelection ban that they should be removed from office immediately.

And despite all of this, President Juan Orlando Hernandez ran again any way and the Supreme Court in Honduras, filled with his supporters, got rid of term limits, and he is now serving his second term in violation of his country's founding principles.

Honduras is now a narco-state, and we have thousands of Honduran families at our southern border seeking asylum.

In Guatemala, the people have been waging an uphill battle against corruption for years. Former President Otto Perez Molina took bribes in exchange for lower taxes. Millions of tax dollars line the pockets of high ranking officials instead of meeting the needs of the people in one of the poorest countries in Latin America.

Today, President Trump said, after a meeting with President Morales, in Guatemala they handle things much tougher than the U.S. Imagine that. CICIG, the anticorruption organization formed to bring justice to Guatemala, brought hundreds of cases of corruption to light, but once they began investigating President Jimmy Morales for illegal campaign financing, he promptly shot down the commission. Does this sound familiar to anyone?

President Morales even forced the former Attorney General, Thelma Aldana, who worked to fight corruption, to seek asylum in the United States because her safety is now at risk. Does this sound familiar to anyone?

I bring these examples up to remind my colleagues that the future health of our democracy is not assured. We can slide back to tyranny one corrupt act at a time and until our democracy is like the fake village in North Korea that faces the DMZ, a nice-looking facade that masks the tyranny within. That is why the Articles of Impeachment are so important.

Mr. Chairman, the Constitution did not come from a higher power. It is just a document, a piece of paper with words written on it. But we, the people, give the Constitution its power. We, the people, decide to follow and honor our laws. And today, we, the people, must agree that the laws apply to everyone, including the President of the United States. That is the precedent that we expect of all elected officials and it is the precedent that we must reaffirm in these proceedings.

Sixty years ago, Martin Luther King issued a warning during the civil rights era which resonates very much with the choice before

us today. And Dr. King said: If you fail to act now, history will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people.

Let's move forward.

I want to ask you, do you know how many witnesses were blocked from testifying?

Mr. RASKIN. I think I may have to help on that. I believe there are nine administration witnesses who—I am sorry—somebody will correct me if I am wrong, but I believe there were nine administration witnesses who were called who did not come forward.

And if I might, Mrs. Torres, I am moved by what you had to say. I was not aware that there were GOP primaries being canceled.

Mrs. TORRES. Canceled.

Mr. RASKIN. It allows us to refocus on the importance of elections and sovereignty of the people. I know some people would say, well, that is just a private affair, let them do their own thing, but forgive the law professor in me, but there is a whole line of cases—Smith v. Allwright, Terry v. Adams—it is called the white primary line of authority, which says party primaries are actually essential for the voting rights of all citizens, and equal protection does apply there.

Mrs. TORRES. But Republicans in five States are being denied an opportunity to choose a Republican candidate to move forward and represent them. Five.

Mr. RASKIN. So the general point there is that our system is based on the idea of popular self-government, so you need to have the channels of effective political participation open so people can participate and people can compete.

Competition is good in economics, it is good in sports. It is good in politics, too. We want to have a play of ideas and a marketplace of ideas so we are able to get the best ideas out there.

But the other critical point you made—and thank you for pointing us to the Central American and the Latin American example, because there has been a lot of instability in democracy there where it is under attack by despots and dictators and corrupt forces, and we are seeing this all over the world now.

What is taking place in America has got to be seen in a global context. There are dictators, despots, tyrants, kleptocrats, and Putin is one of the ring leaders and Orban in Hungary who is championing illiberal democracy and Sisi in Egypt and Duterte in the Philippines and the homicidal Crown Prince of Saudi Arabia and on and on, and they are all besieging democracy.

And who is the beacon of hope for the world in terms of democracy? America is, and we have got to show how it is really done.

Mrs. TORRES. So I am going to ask you one last question.

Did witness intimidation occur during your committee hearing.

Mr. RASKIN. To be clear, there were nine senior officials who refused congressional subpoenas.

Mrs. TORRES. On what grounds?

Mr. RASKIN. Well, there were different statements made by different of them. Some of them said that it was because of an executive branch policy. And I would have to go back and look and see which ones invoked this or that doctrine perhaps. I am not sure.

But we have never seen anything like this in scale and scope and degree in American history. We just have not.

Mrs. TORRES. A coverup.

Mr. RASKIN. And the chairman of the Intelligence Committee and the chair of the Judiciary Committee have praised those people who have come forward.

And if I could, if you would allow me just one thought about this. I think it has been said a couple times: Your witnesses.

I think there were multiple witnesses there who totally recoiled and rebelled against the idea that they were anybody's witness. These are people who have devoted their lives to the State Department, the National Security Council, serving the American people. We have people in there like Ambassador Taylor, a decorated Vietnam war hero. We have the lieutenant colonel who was injured in Iraq, is a purple heart winner. We have Fiona Hill. We have Ambassador Yovanovitch whose family fled Nazi-Germany and Stalinist Russia and committed her whole career to American democracy as an example.

These people are not majority witnesses or minority witnesses or these or ours. The vast majority of them said: We are not here in any partisan context. We are not here with any partisan purpose. We are here to tell the truth.

And they swore an oath to tell the truth. Those people went under oath. They are not throwing tomatoes from the sidelines. They went under oath and told exactly what they saw and what they heard, and we have their direct testimony.

Mrs. TORRES. And rather than commending them for their courage, someone on Twitter decided to intimidate and diminish their testimony.

Mr. RASKIN. You know, I never thought in my lifetime we would get to a point where the President of the United States heckles people for doing their civic duty of going under oath to tell the truth.

Mrs. TORRES. Mr. Chairman, I yield.

Mr. WOODALL. Would my friend yield just one moment?

Mrs. TORRES. I will absolutely yield to you.

Mr. WOODALL. I was similarly shocked, as Mr. Raskin was, when I heard folks were canceling their primaries. So since South Carolina happens to be my neighbor, I went back and looked. And it turns out that is just something that they do. They did it for Reagan and Bush and they did it for Clinton and Obama, that the party that is in power, has the White House, in the name of saving dollars cancels it. And I share that with you because I was comforted when I heard that it was a historical practice as opposed to something that had just——

Mrs. TORRES. And I appreciate——

Mr. WOODALL. I thank my friend.

Mrs. TORRES. I appreciate your feedback on that.

I am going to yield back to Mr. Chairman.

The CHAIRMAN. Thank you very much.

So I think that the committee is going to take a 5-minute break, so you can stretch your legs and do whatever else you need to do.

Mrs. TORRES. Breathe.

The CHAIRMAN. All right. This is a strict 5 minutes if we can. Without objection, the committee stands in recess.

[Recess.]

The CHAIRMAN. The Rules Committee will come to order.

I will now yield to the gentleman from Texas, Dr. Burgess.

Dr. BURGESS. Thank you, Mr. Chairman.

I thank our witnesses for staying with us throughout all of this. I know you have been through a lot already.

But I can't help but be struck by the fact that this does seem to be proceeding rather rapidly. It did, after all, all start with a phone call.

No, not with a phone call in July, but with a phone call in November when Mollie Hemingway overheard incoming Chairman Nadler talking to constituents on the telephone and said that impeachment of the President was going to be of the highest order.

So although there is not a transcript of that call, it was well documented in social media, and that seems to be one of the things that we can now use as evidence that can be introduced.

Mr. Collins, correct me if I am wrong, but it does seem like this is an exercise—and I think this is reflected in your dissenting views that you submitted—this seems like impeachment first, build a case second.

Mr. COLLINS. It does.

Dr. BURGESS. And there is an inherent problem with that, of course, in that the old saying goes: When your only tool is a hammer, the whole world looks like a nail. And you have already alluded to the clock and calendar. And I would also submit that this does seem like we are busily trying to find the data that would actually define the crimes that we can then prosecute the crime.

The difficulty—and, again, this is reflected in your minority views—the difficulties for future Presidents and, indeed, future Congresses, it says in these dissenting views, if partisan passions are not restrained, the House of Representatives will be thrown into an endless cycle of impeachment, foregoing its duty to legislate and usurping the place of the American people in electing their President.

And we have seen a week or we are seeing a week this week unlike any other that we have seen this year in that today we voted on the appropriations for $1.4 trillion. We are going to vote tomorrow, I think, on Articles of Impeachment. And then on Thursday we are going to vote on approving a significant and important trade authorization that has actually been basically agreed to for the past year, but we are just now bringing it up this week.

And I guess it just begs the question, the committees of jurisdictions—certainly your committee has been involved in this, a lot of time in your committee has been taken up with this process. No question the Intelligence Committee has been doing this work. I don't know if they had other work they should have been doing this fall, but they have been doing this work exclusively.

And, although I am a member of the Committee on Energy and Commerce, and certainly we have our jurisdictional tussles with the Committee on Ways and Means, it bothers me that the committee on Ways and Means has had to give up their hearing room for all of these weeks so that Intelligence and then Judiciary could

hold the hearings on the Articles of Impeachment in the Ways and Means hearing room.

Does this bother anyone else that all of Congress' attention has been diverted to this at the exclusion of every other process?

Mr. COLLINS. It bothers me, believe me. I will let the Ways and Means folks, no offense to them, I will let them keep their room. I prefer Judiciary and others.

Look, I am not going to be one, I think we have had a large number, especially the Judiciary Committee this year, we have passed other bills, and I will disagree with those and there were some we have actually made bipartisanly. But it has been a start and stop process.

I remember when impeachment was taken away from us, is the way we have described it, in September. We went, like, almost a 2, 2½-week period we didn't know what to do. I mean, because we literally had been doing so much of investigation and Mueller and everything that there was nothing in the hopper, so to speak, for us to move forward on.

And the chairman did a good job, I think, trying to recover from that. And I disagreed with some of the bills that we have passed, but at least we had some other hearings.

I think over time, without elaborating on this a great deal, I think the biggest issue that we have here is at the end of the day I think there is a large decision being made, and that decision is being made on we need to do this now—and I disagree vehemently with the majority on this—we need to do this now.

But I do, after taking a step back, look at the—because we have had to live within the Judiciary, in particular, this year, the institutional discussion and damage, as I would call it, to our rules and our processes and our things. Those are the things that concern me most, whether I am here or not. Because the good thing—you know, the logical thing is most all of us here will not be here in a number of years, whatever that year may be, but there will be others.

And the Intelligence Committee is a committee you used to never hear of. It was a committee that did its job in silence in the dark in the basement. When I first got here Mike Rogers and Mr. Ruppersberger, I thought they were combined, because every time I saw them, I saw both of them together. And now it has become a committee that I don't think it ever, ever intended to be and I don't think it should have had this time.

It could have been handled differently. I may disagree with the findings of my Judiciary colleagues and even Intel colleagues, but this should have never been in Intel to start with, and I just disagree inherently with that. There were other committees that could have handled it properly. I just don't think this is where it should be. But I know sort of—I feel like I know why it was, but it just shouldn't have been down there.

Dr. BURGESS. Well, and the optics of having this done absolutely in secret, in a secure compartmentalized facility downstairs, not just in secret, but behind locked doors with armed guards out front.

Mr. COLLINS. And especially when none of it was classified. I mean, that is the whole different issue. If it was all nonclassified, then why do that?

And, again, I am not going to—we are late in the day and I am tired and everybody else is tired. There are reasons that it was happening. But they did it for a purpose. They got the intended result. But, again, it was not classified.

And really what bothered me was, you talk about the rules, and I talked with the House parliamentarians and others, there was no reason we could have not got that information before it was decided to be released. I am a Member of Congress. I could have went to any of those committees—and I did go to two of those committees and was turned down to get that information while it was going on.

That was just a flagrant violation of House rules. And you can dress it up and make it look better and say, well, it was all in a bigger cause, but that leads us down some pretty bad roads as well.

Dr. BURGESS. And I will tell you, you have been a member of this committee in the past, so you know the responsibility that rests with this committee. Anything that comes to the floor is going to come through us. We set the rules and the parameters around the debate. So it is an important job that is done up here.

It certainly has bothered me that all of this activity was done downstairs and in secret and we weren't allowed—even as a member of the Rules Committee, I was not allowed to review the transcripts until very late in the process. There is a lot of material that was collected.

I knew that as a member of the Rules Committee eventually I was going to be asked to render some sort of judgment, but it was virtually impossible to keep up then with the volume of information that when it came out, there was a lot that came out.

You are also doing now your open hearings in both Intelligence and then subsequently Judiciary, so there was a lot of material with which to keep up.

But let me just ask you, were all of the transcripts that were collected down in the Intelligence Committee secure room, were all of those made available to all Members of Congress?

Mr. COLLINS. No. We still have one—we know of one that is still out, that is the Inspector General of the Intelligence Community's report.

Dr. BURGESS. May I ask, is that classified information?

Mr. COLLINS. You would have to ask Mr. Schiff, but he doesn't seem to want to talk about that on the record. So, I mean, he just keeps it—we don't have it.

But it also is a violation of 660. It is a violation, clearly a violation of 660. The White House, we know, has not got all the information sent to them. That is a clear violation of 660.

Dr. BURGESS. When you say 660——

Mr. COLLINS. That is House Resolution 660.

Dr. BURGESS. The House resolution that authorized the impeachment inquiry?

Mr. COLLINS. That came out of this committee, yes.

But I want to also say one thing, and, again, not to be—I am not trying to be controversial here.

But you just made a statement that should really, frankly, bother every Member, no matter what committee they serve on. And I am not going to take any committee and name them. But you said: I am on the Rules Committee, I couldn't go.

Any Member who wears a pin has the power and authority to go look at those. And if we can't trust Members to go look at those and do that as their job, then I really question why are we doing this. I mean, because you can say, well, leaks. Well, golly, that didn't stop the leaks from coming out of the rooms. We had plenty of leaks.

But it didn't matter because when you stop Members from being Members, then inherently no matter how good your, quote, intention is or how breathless you think that the next election is in peril, the moment you have to take down the liberties and the rights and responsibilities of Members to get there, that is a problem.

Dr. BURGESS. Well, Mr. Chairman, I apologize. I should have brought copies of the letters that I sent to the Speaker and to the chairman of the Intelligence Committee asking to review those documents on a more contemporaneous basis. Because, again, I knew we were going to get to this day. I knew this day was coming in the Rules Committee, we were going to be asked to vote on stuff that, again, just the sheer volume of information that we now have to sort through in order to make an informed decision for, yes, our constituents, but for other Members of the entire House of Representatives, because they are all going to be hanging on what we decide here tonight.

Mr. COLLINS. I agree. And I just want to add, because I am not making this up and this is for any Member of the committee, any Member watching right now, this is clause 2(e)(2)(a) of Rule XI. This is a rule of the House.

And it was really interesting because they could have waived a lot of this, but they didn't. This was always available to us, but yet was denied by us on many occasions. And, again, it just goes—no matter how desperate you are to get to an end result, this is what concerns me this time next year or the next year: When is this going to be brought back up again?

Dr. BURGESS. So let me just ask you, Mr. Collins, it seems to me, and, in fact, the words in your minority views are that the charges are vague and malleable, and I think my fellow Texan, Mr. Ratcliffe, asked the question during—I think it was during a Judiciary hearing, it may have been during an Intelligence hearing, what was the crime? Were you aware in talking to the witnesses, asked witnesses at the witness table, what was the crime that you witnessed? And in general, what answer was he given to that question?

Mr. COLLINS. That they witnessed none. And I think what the majority is doing is taking full advantage of the political nature of impeachment in nondefining to move forward with this.

Dr. BURGESS. Which, of course, is one of the inherent difficulties going forward. If you allow the charge to proceed that is vague and malleable, it certainly can occur again under different circumstances.

A lot has been said today about fact witnesses. And, well, let me just ask you this. Was there anyone that you interviewed during the Judiciary Committee proceedings that had direct knowledge of the phone call?

Mr. COLLINS. I chuckle a little bit, because, again, we didn't get to interview anybody. We had four law school professors and two staff members. That is it.

And what was really interesting is, we had two presentations, one of which—by the way, our witness actually testified, he presented, and then had to testify under oath, and then the one who presented for the Judiciary Committee actually then left the presenting table and came and questioned our member under oath and transferred out with the Intelligence Committee staff member.

So, no. Like I said, I can't lay this out any better. But I want to make it very clear and I have done this all day: I will fight you, I will fight this on process and I will fight this on facts. We win both. And I think that is what is coming out the most in this.

Dr. BURGESS. I am glad you brought up about process, because we do get a lot of criticism that we are talking a lot of process. This is the Rules Committee. That is kind of what we do, is the process. You remember. You were on the Rules Committee.

Mr. COLLINS. Yes.

Dr. BURGESS. Well, there is a statement from Lieutenant General Keith Kellogg, national security advisor to the Vice President, and I am going to go read just a portion of this.

"I was on the much reported July 25 call between President Donald Trump and President Zelensky. As an exceedingly proud member of President Trump's administration and a 34-year highly experienced combat veteran who retired with the rank of lieutenant general in the Army, I heard nothing wrong or improper on the call. I have had no concerns."

So was this—I mean, I am assuming this type of information was made available to you while you were conducting your hearing. Is that not correct?

Mr. COLLINS. He didn't testify. He submitted that.

Dr. BURGESS. He submitted.

So, Mr. Chairman, I would ask unanimous consent to put Lieutenant General Keith Kellogg's statement into the record.

The CHAIRMAN. Without objection.

[The information follows:]

STATEMENTS & RELEASES

Statement from Lieutenant General Keith Kellogg, National Security Advisor to Vice President Mike Pence

FOREIGN POLICY

Issued on: November 19, 2019

Beginning January 20, 2017, I was privileged to serve as Chief of Staff at the National Security Council. Since April 23, 2018, I have served as National Security Advisor to the Vice President of the United States. In my role in the Office of the Vice President, Jennifer Williams, a detailee from the U.S. Department of State, has reported to me since April 1, 2019.

I was on the much-reported July 25 call between President Donald Trump and President Zelensky. As an exceedingly proud member of President Trump's Administration and as a 34-year highly experienced combat veteran who retired with the rank of Lieutenant General in the Army, I heard nothing wrong or improper on the call. I had and have no concerns. Ms. Williams was also on the call, and as she testified, she never reported any personal or professional concerns to me, her direct supervisor, regarding the call. In fact, she never reported any personal or professional concerns to any other member of the Vice President's staff, including our Chief of Staff and the Vice President.

Today, in her testimony before the House Permanent Select Committee on Intelligence, Ms. Williams also accurately testified regarding the Vice President's preparation for and conduct during his September 1 meeting in Poland with President Zelensky. In her testimony, she affirmed that the Vice President focused on President Zelensky's anti-corruption efforts and the lack of European support and never mentioned former Vice President Joe Biden, Crowdstrike, Burisma, or investigations in any communication with Ukrainians.

In my over 40-years in uniform and additional federal service, I am honored to serve this President and this Vice President as we advance the interests of the American people.

Dr. BURGESS. Again, it just goes—you didn't have testimony from an actual fact witness. As far as we know, no actual crime was elucidated when Mr. Ratcliffe of Texas asked his questions of the witnesses who were there.

So it gets to a point, where what are we doing? Why are we doing this? And we do need to have a good answer for the American people because they are going to be asking us these questions, and they should ask us these questions.

And without an identifiable crime, with people who are present when the telephone call was made who have significant credentials and say there was nothing wrong and they witnessed nothing improper, what are people to think?

Mr. COLLINS. Well, I agree with your assessment here and this is one of the reasons we brought out the problems that we have been bringing out.

But, again, I will also have to say, I have done everything I possibly can do in my side and I know my colleagues have as well. I am not going to have to answer that question. Everybody who votes yes tomorrow is going to have to answer that question.

Dr. BURGESS. And I think that is an excellent point. Everyone who votes yes tomorrow will have to answer those questions.

Let me ask you just one last thing, and it has to do with the transcript—not the transcript of the telephone calls, but the fact that phone calls were released as part of—and I know it wasn't your report, it was the Intelligence Committee's report that detailed telephone calls. The transcripts of the calls themselves were not revealed, just who made calls to whom.

I have got to tell you, of all of the things that we have encountered in this, that is the one that I have gotten the greatest amount of anxiety back home. People ask me: Wait a minute, they intercepted a call from the President's lawyer to the President?

I mean, that is pretty serious stuff. They intercepted a call from a Member of Congress? I realize that we are not held in very high regard outside of this room, but still a Member of Congress was listed on that form and not given an opportunity to know about that before their name was listed? That seems to me to be really going too far.

Mr. COLLINS. Well, look, and I have said this—I have testified to this before. The subpoenas that were issued were valid subpoenas, they got the numbers, they did the metadata, they got the stuff, and they matched numbers.

But to say that there wasn't a determination as we look to do these calls into how those numbers, such as the ranking member, such as the member of the media, and others, even if you wanted—even if you just grossly in your mind could come to the conclusion it was okay to know that, at what point was it okay to put it in that report and not say anything about it?

There was no reason to put that in the report. I mean, it is the unindicted co-conspirator kind of thing, and I have heard this already. Well, that is even more of a smear on a Member of Congress. Well, we didn't really do anything wrong, but that is what we do.

No. That should never have happened. There was ways to do it. Mr. Goldman had no answer for that. In fact, he was very uncom-

fortable because then he told us he wasn't going to talk about how they did their investigation, which is problematic even further, because we are the committee, this is our one chance to actually look into how the sort of methodology was that went behind it.

And, again, look, it is very important to Members of Congress and it should be on both sides of the aisle doing that, because at the end of the day it did not make their case better, it did not make their case stronger, it did not make their case any better except for the simple fact that all of a sudden when this report came out, there was about 15 or 20 or 30 or 40 or 50 or 500 media outlets that picked that up. And it just inherited this story of——

Dr. BURGESS. It snowballed.

Mr. COLLINS. It snowballed. And that is I think exactly what they wanted. Because, frankly, if I had the report that I had to put out, I would want something to take attention away from it. And that is sort of what they did. They threw it in there as a gratuitous that meant nothing. But it just goes to show how rushed and how partisan this has become, and that should scare everyone.

Dr. BURGESS. So in your opinion that was a diversionary tactic?

Mr. COLLINS. I think it was a tactic to say: Look at what else we have done here and also look at the ranking member, let's look at the others. All this involved, I think it was just simply—again, without going into the mind of Mr. Schiff, who I would actually blame for this, Mr. Goldman not, we don't know. What was your reason for doing that, what was your reason for putting his name in there, except to make a point, because you all had been publicly feuding for a long time about how this process is going? Why else would you put it in there? Because there was no other evidentiary value for it.

Dr. BURGESS. As a practical matter, let me just share with you as a rank-and-file Member of Congress, humble back bencher that I am, we talk about damage to national security. This was damaging to national security. The release of that information and the way it was released was damaging to national security, because you and I are going to have to make a determination, and I realize it is not quite the same thing, but the reauthorization of 215 of the PATRIOT Act is going to come in front of us at some point. And how am I supposed to vote for the collection of amorphous metadata to be held in some place until its queried by one of our intelligence——

Mr. COLLINS. Yeah. And I appreciate that. I think this is definitely two conversations to have on a different level. And I agree with your concerns and I have had similar concerns.

My concern more with this is how we treat each other, and I think this is where this hits for me, is how we are treating each other, and not the fact that we can disagree vehemently.

And we have had great times up here. And I can remember Mr. Hastings and I, I appreciate Mrs. Torres talking about our inside voices. Mr. Hastings and I have sometimes not used our inside voices in here, and it is just because we get passionate about what we do. But we have done that. But we disagree vehemently.

But I would never think about taking a report that didn't—and put his name in it in a derogatory way that had nothing of value to add to my report. I just wouldn't have thought that.

And so if that is the level that we have gotten to, no matter what you believe about the facts, no matter what you believe about the President, the phone call, the transcript, the witnesses or anything else, to do things like that that have these gratuitous kind of political I call it hit job in the middle of a report that didn't have to be there, that does not benefit you at all, is a problem.

Dr. BURGESS. Just one last observation. And I appreciate your comments. We had, as you mentioned, you did have one panel of witnesses. There were four witnesses, one of which you selected. I do wish you would have selected someone who had actually voted for the President. That would have made me feel better.

However, I thought the witness you did select did a very good job. And certainly, I mean, as you recall, he came and testified here at the Rules Committee at one point when we were contemplating illegal action against then President Obama over some part of the Affordable Care Act we thought had been administered improperly. So I always enjoy listening to Mr. Turley testify.

His statement that he is concerned about the lowering of impeachment standards to fit a paucity of evidence and an abundance of anger, I mean, I think those are the words that are going to echo down throughout history.

That is what this exercise has been all about, very little facts and a great deal of anger—anger at the President, anger at the American people for electing him—and it reverberates over and over and over again. I have said before in this committee, that is not a good look for us.

Thank you, Mr. Chairman. I will yield back.

The CHAIRMAN. I thank the gentleman.

And he had mentioned he had sent several inquiries to our leadership. I think we will probably be here for a little while longer if your staff want to collect them. We are more than happy to make them part of the record.

I would also say that those of us who vote yes on impeachment obviously have to answer to our constituents. Those who vote no have to answer to their constituents as well.

Mr. COLLINS. I fully agree, Mr. Chairman.

The CHAIRMAN. These are votes of conscience. I have not been a supporter of the President when he ran for President. That is no secret. But I assure you that my vote for impeachment is based on my strong belief that what he did rises to the level of an impeachable offense.

And I genuinely believe, as I have said over and over and over again, that we see a crime in progress, and I am worried about the next election. And that is why there is urgency here.

And I appreciate the conversation you just had. It is all fine and relevant about getting in the weeds over the investigation. But we also need to talk about the President's behavior and what he did.

I now yield to the gentleman from Colorado, Mr. Perlmutter.

Mr. PERLMUTTER. Thank you, Mr. Chair.

And, first, I would like to introduce into the record four things.

The oath that the Senators have to take of impartiality if they sit as jurors in a trial on impeachment.

The CHAIRMAN. Without objection.

[The information follows:]

Senate Oath for Impeachment Trial

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of _____, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

Mr. PERLMUTTER. Second, a letter from 700 historians, their statement on the impeachment of President Trump.

The CHAIRMAN. Without objection.

[The information follows:]

700+ HISTORIANS' STATEMENT ON THE IMPEACHMENT OF PRESIDENT TRUMP

We are American historians devoted to studying our nation's past who have concluded that Donald J. Trump has violated his oath to "faithfully execute the Office of President of the United States" and to "preserve, protect and defend the Constitution of the United States." His "attempts to subvert the Constitution," as George Mason described impeachable offenses at the Constitutional Convention in 1787, urgently and justly require his impeachment.

President Trump's numerous and flagrant abuses of power are precisely what the Framers had in mind as grounds for impeaching and removing a president. Among those most hurtful to the Constitution have been his attempts to coerce the country of Ukraine, under attack from Russia, an adversary power to the United States, by withholding essential military assistance in exchange for the fabrication and legitimization of false information in order to advance his own re-election.

President Trump's lawless obstruction of the House of Representatives, which is rightly seeking documents and witness testimony in pursuit of its constitutionally-mandated oversight role, has demonstrated brazen contempt for representative government. So have his attempts to justify that obstruction on the grounds that the executive enjoys absolute immunity, a fictitious doctrine that, if tolerated, would turn the president into an elected monarch above the law.

As Alexander Hamilton wrote in The Federalist, impeachment was designed to deal with "the misconduct of public men" which involves "the abuse or violation of some public trust." Collectively, the President's offenses, including his dereliction in protecting the integrity of the 2020 election from Russian disinformation and renewed interference, arouse once again the Framers' most profound fears that powerful members of government would become, in Hamilton's words, "the mercenary instruments of foreign corruption."

It is our considered judgment that if President Trump's misconduct does not rise to the level of impeachment, then virtually nothing does.

Hamilton understood, as he wrote in 1792, that the republic remained vulnerable to the rise of an unscrupulous demagogue, "unprincipled in private life, desperate in his fortune, bold in his temper, possessed of considerable talents...despotic in his ordinary demeanour." That demagogue, Hamilton said, could easily enough manage "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 & bringing it under suspicion — to flatter and fall in with all the non sense of the zealots of the day." Such a figure, Hamilton wrote, would "throw things into confusion that he may 'ride the storm and direct the whirlwind.'"

President Trump's actions committed both before and during the House investigations fit Hamilton's description and manifest utter and deliberate scorn for the rule of law and "repeated injuries" to constitutional democracy. That disregard continues and it constitutes a clear and present danger to the Constitution. We therefore strongly urge the House of Representatives to impeach the President.

Signed,

Full list of signatories can be found at https://medium.com/@historiansonimpeachment/historians-statement-on-the-impeachment-of-president-trump-6e4ed2277b16

Mr. PERLMUTTER. Third is the editorial from USA Today dated, I think, December 12, concerning impeachment of President Trump.

The CHAIRMAN. Without objection.

[The information follows:]

OPINION | Editorial *This editorial reflects the opinion of this publication's Editorial Board.*

USA TODAY's Editorial Board: Impeach President Trump

The president's Ukraine shakedown and stonewalling are too serious for the House to ignore: Our view

The Editorial Board USA TODAY

Published 5:36 p.m. ET Dec. 11, 2019 | **Updated 5:03 p.m. ET Dec. 12, 2019**

"Put your own narrow interests ahead of the nation's, flout the law, violate the trust given to you by the American people and recklessly disregard the oath of office, and you risk losing your job."

USA TODAY's Editorial Board wrote those words two decades ago when it endorsed the impeachment of President Bill Clinton, a Democrat. Now, in graver circumstances with America's system of checks and balances at stake, they apply to another president facing impeachment, Republican Donald Trump.

The current board has made no secret of our low regard for Trump's character and conduct. Yet, as fellow passengers on the ship of state, we had hoped the captain would succeed. And, until recently, we believed that impeachment proceedings would be unhealthier for an already polarized nation than simply leaving Trump's fate up to voters next November.

Trump leaves Democrats little choice

Unless public sentiment shifts sharply in the days and weeks ahead, that is the likely outcome of this process — impeachment by the Democratic-controlled House of Representatives followed by acquittal in the GOP-controlled Senate. So why bother? Because Trump's egregious transgressions and stonewalling have given the House little choice but to press ahead with the most severe sanction at its disposal.

Clinton was impeached by the House (but not removed by the Senate) after he tried to cover up an affair with a White House intern. Trump used your tax dollars to shake down a vulnerable foreign government to interfere in a U.S. election for his personal benefit.

GOP LEADER ON HOUSE JUDICIARY COMMITTEE: Articles establish nothing impeachable and allege no crime

In his thuggish effort to trade American arms for foreign dirt on former Vice President Joe Biden and his son Hunter, Trump resembles not so much Clinton as he does Richard Nixon, another corrupt president who tried to cheat his way to reelection.

This isn't partisan politics as usual. It is precisely the type of misconduct the framers had in mind when they wrote impeachment into the Constitution. Alexander Hamilton supported a robust presidency but

worried about "a man unprincipled in private life desperate in his fortune, bold in his temper" coming to power. Impeachment, Hamilton wrote, was a mechanism to protect the nation "from the abuse or violation of some public trust."

Approve articles of impeachment

Both articles of impeachment drafted by the House Judiciary Committee warrant approval:

►**Abuse of power.** Testimony before the House Intelligence Committee produced overwhelming evidence that Trump wanted Ukraine's new president to announce investigations into the Bidens and a debunked theory that Ukraine, not Russia, interfered in the 2016 U.S. election.

To pressure the Ukrainian leader, Trump withheld a White House meeting and nearly $400 million in congressionally approved security aid, funding that was released only after an unnamed official blew the whistle.

To former national security adviser John Bolton, the months-long scheme was the equivalent of a "drug deal." To Bolton's former aide Fiona Hill, it was a "domestic political errand" that "is all going to blow up." To Bill Taylor, the top U.S. diplomat in Ukraine, "it's crazy to withhold security assistance for help with a political campaign." And to Ukrainian soldiers, fighting to fend off Russian aggression in the eastern part of their country, the money was a matter of life and death.

►**Obstruction of Congress.** Trump has met the impeachment investigation with outright and unprecedented defiance. The White House has withheld documents, ordered executive branch agencies not to comply with subpoenas and directed administration officials not to testify.

Allowing this obstruction to stand unchallenged would put the president above the law and permanently damage Congress' ability to investigate misconduct by presidents of either party.

The president's GOP enablers continue to place power and party ahead of truth and country. Had any Democratic president behaved the way Trump has — paying hush money to a porn star, flattering dictators and spewing an unending stream of falsehoods — there's no doubt congressional Republicans would have tried to run him out of the White House in a New York minute. Twenty-seven Republicans who voted to impeach or convict Clinton remain in Congress. If they continue to defend Trump, history will record their hypocrisy.

Our support for Trump's impeachment by the House — we'll wait for the Senate trial to render a verdict on removal from office — has nothing to do with policy differences. We have had profound disagreements with the president on a host of issues, led by his reckless deficits and inattention to climate change, both of which will burden generations to come.

Policy differences are not, however, grounds for impeachment. Constitutional violations are.

Bill Clinton should be impeached and stand trial "because the charges are too serious and the evidence amassed too compelling" to ignore, the Editorial Board wrote in December 1998.

The same can be said this December about the allegations facing Donald Trump. Only much more so.

If you can't see this reader poll, please refresh your page.

Mr. PERLMUTTER. And fourth is a law review article in the Colorado Lawyer by a gentleman named Scott Barker called "An Overview of Presidential Impeachment."

The CHAIRMAN. Without objection.

[The information follows:]

An Overview of Presidential Impeachment

BY SCOTT S. BARKER

This article discusses the constitutional procedure for impeachment, with a focus on removing a U.S. President from office. It covers the development of the procedure from its roots in English law.

Impeachment is a rare event; presidential impeachment is even rarer. In the 229 years of the American republic only two Presidents, Andrew Johnson and William Jefferson (Bill) Clinton, have been impeached by the House of Representatives. Neither was convicted by the Senate. It is now nearly 20 years since the Clinton impeachment, and recent events have generated a renewed interest in the topic. This article provides a basic overview of impeachment, with a focus on the constitutional process that applies to the removal of a U.S. President from office.

Development in England

Understanding impeachment under the U.S. Constitution must begin with a survey of the doctrine under English law as it existed at the time of our Constitutional Convention in 1787. The record of the Convention reveals substantial knowledge among the delegates of impeachment as it had developed in England.[1] No less an authority than Alexander Hamilton acknowledged that the institution of impeachment in the Constitution was "borrowed" from Great Britain.[2]

Over the course of hundreds of years, impeachment developed as a mechanism for Parliament to remove ministers of the Crown, or others, whom it found were pursuing policies or engaging in acts offensive to the interests of the state. The king himself could not be removed, so attacks were made against agents of the Crown. Impeachment first appeared in England during the Good Parliament of 1376, when it was used as a means of initiating criminal proceedings.[3] By 1399, during the reign of Henry IV, a set of procedures and precedent had been developed.[4] Impeachment fell out of use after the mid-15th century, but was revived in the 17th century when it was used repeatedly by Parliament to rein in Crown officials during the clash between Parliament and the Stuarts, who sought absolute power for the Crown.[5] From 1621 to 1679, Parliament wielded impeachment against numerous high level ministers to the Crown, including the 1st Duke of Buckingham, the Earl of Stafford, Archbishop William Laud, the Earl of Clarendon, and Thomas Osborne, Earl of Danby; in the latter case it was decided that the king's pardon could not stop the process.[6] Use of impeachment gradually waned in the 18th century, and once it was established in the early 19th century that government was beholden to Parliament, not the Crown, impeachment was no longer necessary.

Under English procedure, the House of Commons conducted a truncated trial (the defense was not allowed to present testimony) to determine if an impeachable offense had occurred. If the answer was yes, the Commons would issue articles of impeachment and the matter was transferred to the House of Lords. Another trial was held there at which the defense also presented its case. The Lords had the power to convict and to assess punishment, which was not limited to removal from office, but could include fines, forfeiture, imprisonment, and rarely, death. All citizens, except members of the royal family, were subject to impeachment. This included members of Parliament.[7] By 1769, it was proclaimed that impeachment was the "chief institution for the preservation of government."[8]

Although the primary use of impeachment was to prosecute crimes against Crown ministers who were otherwise beyond the reach of the law, the grounds for impeachment in England were broad and varied, going beyond criminal behavior. The term "high crimes and misdemeanors" was first clearly applied in the 1386 trial of Michael de la Pole, Earl of Suffolk, who was accused of a "host of impeachable offenses, including the 'appointment of incompetent officers and advising the King to grant liberties and privileges to certain persons to the hindrance of the due execution of laws.'"[9] Under English practice, impeachment was for political crimes that injured the state. It was injury to the state that distinguished "high crimes and misdemeanors" from an ordinary misdemeanor.[10]

The U.S. Constitution's Framework

Three primary attributes of the English practice shaped the impeachment process under the U.S. Constitution: the bicameral procedure under which the House of Commons would consider evidence to determine if there were sufficient grounds for issuing articles of impeachment, after which the House of Lords would try the accused, determine guilt or innocence, and assess punishment if there was a conviction; the use of impeachment as a check on the power of the Crown when it was perceived to be abusing the interests of the king's subjects, often as expressed in acts of Parliament;[11] and the categorization of impeachable offenses under the rubric of "high crimes and misdemeanors" to include both criminal and non-criminal conduct in the discharge of official duties.

Impeachment by the House and Trial by the Senate

The impeachment procedure established by the U.S. Constitution roughly mimics the respective roles of the lower and upper legislative chambers in the British process. As with the House of Commons, impeachment is committed to the assembly that is more directly tied to the people, the House of Representatives,[12] which "shall have the sole Power of Impeachment."[13] This is an official charge against the person

being impeached, taking the form of "articles of impeachment," approved by a majority of the House. The Senate, like the House of Lords, then conducts the trial, with the senators under oath.[14] The Constitution expressly excludes trial by jury for impeachment.[15] The Senate sits as both the trier of fact and the decider of the law. When the President is being tried, the Chief Justice of the United States presides; this is the only role assigned to the judiciary in the impeachment/trial process.[16] Unlike the House of Lords, where a simple majority could convict, in the Senate conviction requires a "super majority" of two-thirds of the members present.[17] This requirement was included as an additional protection of the President from legislative encroachment on his executive powers.

Significantly, although there were advocates at the Constitutional Convention for involving the judiciary in impeachment, that view was rejected, and the Constitution allocates no role to the judiciary in the process. The 1993 U.S. Supreme Court decision in *Nixon v. United States*[18] made this clear. The petitioner was Walter L. Nixon, a former chief judge of the U.S. District Court for the Southern District of Mississippi. He was convicted by a jury of two counts of making false statements before a grand jury impaneled as part of an investigation into reports that Nixon had accepted a gratuity from a Mississippi businessman in exchange for asking a local district attorney to halt the prosecution of the businessman's son. He was sentenced to prison.

However, Nixon refused to resign his position as a federal judge and continued to collect his federal paycheck during his incarceration. Impeachment was necessary to terminate this unseemly use of taxpayers' money. The House sent three articles of impeachment to the Senate, which invoked a Senate rule under which a committee of senators was appointed to receive evidence and take testimony. The Senate Committee held four days of testimony from 10 witnesses, including Nixon himself. The Committee presented to the full Senate a transcript of the proceedings before the committee and a report stating the uncontested facts and summarizing the evidence on the contested facts. Nixon and the House impeachment managers submitted briefs to the full Senate and delivered arguments from the Senate floor during the three hours set aside for oral argument in front of that body. The full Senate voted to convict Nixon.

Nixon argued that, under the Constitution, the trial must be conducted in its entirety before the Senate sitting as a committee of the whole.[19] Because that had not happened, he asked the trial court to rule his impeachment conviction invalid and to restore his salary and other privileges.[20] Both lower courts rejected this argument, as did the Supreme Court. In a deferential opinion for the court, Chief Justice Rehnquist affirmed the circuit court, concluding that there was no "textual" basis for limiting the Senate's discretion in deciding what procedure it would use to fulfill its obligation to "try" the official, in this case a judge, on the articles of impeachment delivered to the Senate by the House.[21]

> "The impeachment procedure established by the U.S. Constitution roughly mimics the respective roles of the lower and upper legislative chambers in the British process."

The Chief Justice pointed out that the Framers had considered "scenarios" in which the power to try impeachments was placed in the federal judiciary, including a proposal by James Madison that the Supreme Court should have that power.[22] The ultimate version gave the "sole power" to the Senate for reasons explained by Alexander Hamilton in Federalist 65.[23] First, according to Hamilton, the Senate was the "fit depositary for this important trust because its members are representatives of the people."[24] In addition, the Supreme Court was not the proper body because the Framers "doubted whether the members of that tribunal would at all times be endowed with so eminent a portion of fortitude, as would be called for in the execution of so difficult a task" or whether the Court "would possess the degree of credit and authority" to carry out its judgment if it conflicted with the accusation brought by the Legislature—the people's representative.[25]

The Remedy

The only remedy upon conviction for impeachment is removal from office: "Judgment in cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States . . . ."[26] However, "the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."[27]

The President's pardon power does not extend to persons convicted on impeachment: "[H]e shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment."[28]

Debating Presidential Impeachment

Two significant presidential impeachment issues were debated at the Constitutional Convention: (1) Was it necessary to provide for impeachment of the President? (2) If so, what were to be the grounds for impeachment?[29]

The most extensive debate on the propriety of presidential impeachment occurred on July 20, 1787, while the delegates were still

wrangling over a number of other issues about the shape of the executive. Three positions were advanced during the debate. The day before, Gouverneur Morris, who, like Hamilton, favored an "energetic executive," had spoken against including a power to impeach the President in the Constitution, warning that impeachment would "render the president dependent on those who are to impeach him."[30] At the other extreme was Roger Sherman's view, which received little support, that the legislature should have the unfettered power to remove the President.[31]

As the debate unfolded, it gravitated toward a middle view advocated by a number of delegates, including James Madison, who argued that it was "indispensable" to provide for presidential impeachment. Otherwise, the President might "pervert his administration into a scheme of peculation and oppression. He might betray his trust to foreign powers."[32] Benjamin Franklin noted in a morbid comment that, without impeachment, "Why recourse was had to assassination in which he [the "Magistrate"] was not only deprived of his life but of the opportunity of vindicating his character."[33] George Mason, who played a major role in the final debate that was yet to come, stated that "[n]o point is of more importance than that the right of impeachment could be continued. Shall any man be above justice? Above all shall that man be above it, who can commit the most extensive injustice."[34] Edmund Randolph favored impeachment because the executive "will have great opportunit[ie]s of abusing his power; particularly in time of war when the military force and in some respects the public money will be in his hands."[35]

Having heard these comments, Gouverneur Morris changed his position and agreed that impeachment was necessary, but urged that the "cases ought to be enumerated & defined."[36] Accordingly, on July 26, the Convention reaffirmed what had been tentatively decided on July 20, that the President shall be "removed for impeachment and conviction of malpractice or neglect of duty."[37] From this point forward, impeachment was included as a mechanism for removing the President. The "trend of the discussion was toward allowing a narrow impeachment power by which the President could be removed only for gross abuses of public authority."[38]

Various standards for impeachment were suggested throughout the course of the Convention. They included "mal- and corrupt administration," "misconduct in office, neglect of duty, malversation, or corruption," and "treason, bribery or corruption." In the face of all these suggestions, on September 4, the so-called "Committee of Eleven" proposed that removal of the President should be limited to "treason or bribery."[39] This set the stage for the following brief but important exchange that occurred on Saturday, September 8, as recorded in James Madison's notes:

> Col. Mason. Why is the provision [as contained in the Committee's report] restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offenses. Hastings is not guilty of Treason. Attempts to subvert the Constitution may not be Treason as above defined—as bills of attainder which have saved the British Constitution are forbidden, it is more necessary to extend the power of impeachments.
>
> He moved to add after "bribery" "or maladministration." Mr. Gerry seconded him.
>
> Mr. Madison: So vague a term will be equivalent to a tenure during pleasure of the Senate.
>
> Mr. Govr. Morris, it will not be put in force & can do no harm—An election every four years will prevent maladministration.
>
> Co. Mason withdrew "maladministration" & substitutes "other high crimes & misdemeanors agst. the State."[40]

Mason's reference to Hastings was to a celebrated English impeachment case ongoing at the time of the Convention and well-known to the delegates. Hastings, the Governor-General of India, was charged with "high crimes and misdemeanors" in the form of "maladministration, corruption in office, and cruelty toward the people of India."[41] Mason's point was that, under English law, treason was not the only grounds on which impeachment could be based. His substitute language of "high crimes or misdemeanors" was also known to the delegates as a term of art under English law that included a range of serious criminal and non-criminal conduct for which impeachment was available.[42] Mason had said earlier in the Convention that the President should be punished "when great crimes were committed."[43] The fact that he included the words "against the state" indicated that he understood that the impeachable conduct had to be directed at the state.

As Mason said in the exchange quoted above, bills of attainder were excluded under the Constitution.[44] A bill of attainder was a special legislative act that inflicted capital punishment upon persons supposed to be guilty of high offenses, such as treason and felony, without conviction in the ordinary course of judicial proceedings.[45]

With one exception, the language that resulted from the exchange made it into the final version of the Constitution. When the "Committee on Style" produced the final document, the words "against the state" were removed.[46] This odd bit of drafting history has provided a hook for those who argue that the removal of the qualifying language reflected a decision by the Convention to open up impeachment to conduct by the President that does not relate to his official duties. (This became a significant issue in the impeachment and trial of President Clinton.)

However, that argument ignores the fact that the Committee on Style did not have the authority to change the meaning of the language of the document, because it was submitted to them for polishing up.[47] It also fails to account for the impeachment debates during the Convention and statements made during the ratification debates, described below, that clearly show the founders were concerned about significant breaches of trust by the President in the discharge of his official duties.

What Is an Impeachable Offense?

The Constitution provides that "[t]he President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."[48] Like so much else in the Constitution, there is a lot packed into the eight words defining an

impeachable offense: "treason, bribery, or other high crimes and misdemeanors." The last four words seem especially open to interpretation, and there are different views about whether "high crimes and misdemeanors" includes non-criminal conduct. This issue is informed by the people who drafted and ratified the Constitution.

As already noted, under English law, impeachment was available to remove ministers who had engaged in non-criminal conduct. The Framers were aware of and drew upon this English law when they adopted the English term of art "high crimes and misdemeanors." The debates on impeachment at the Constitutional Convention referred to such non-criminal conduct as "neglect," "maladministration," and the like when they spoke of the grounds for removing the President. The key exchange among Mason, Madison, and Governeur Morris on September 8, quoted above, underscores the point.

The political tracts issued and statements made at the ratification conventions further support the conclusion that the Constitution authorizes impeachment for non-criminal conduct. Hamilton's definition of impeachment in Federalist 65 is telling. Impeachment, according to Hamilton, one of the signers of the Constitution and an active participant in promoting its ratification, "proceeds from the misconduct of public men . . . from the abuse or violation of a public trust." The offenses that support impeachment "may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to society itself."

The historical record also includes statements made at both the Virginia and North Carolina ratifying conventions that reveal impeachment was not limited to criminal conduct. In Virginia, James Madison, George Nicholas, John Randolph, and Edmund Randolph all stated that impeachable offenses were not limited to indictable crimes.[49] John Randolph elaborated that "[in] England, those subjects which produce impeachments are not opinions . . . . It would be impossible to discover whether the error in opinion resulted from a willful mistake of the heart, or an involuntary fault of the head," stressing that only willful conduct, not errors of opinion, would be impeachable.[50]

At the North Carolina convention, the most significant remarks on the scope of impeachable conduct were made by James Iredell, who was later appointed as an associate justice of the Supreme Court. He noted the complexity, if not the impossibility, of describing the bounds of impeachable conduct other than to acknowledge that it involves serious injuries to the federal government. He understood impeachment to be "calculated to bring [great offenders] to punishment for crime which it is not easy to describe," although he gave the following examples: giving false information to the Senate; bribery, or, more broadly, "acting from some corrupt motive or other."[51] He also distinguished between "want of judgment" (not impeachable) and "willfully abusing[ing] his trust" (impeachable).[52] As an example of impeachable conduct Iredell cited a situation in which "the President had received a bribe . . . from a foreign power, and, under the influence of that bribe, had address enough with the Senate, by artifices and misrepresentations, to seduce their consent to a pernicious treaty."[53]

One scholar has looked for but been unable to find a single example of an impeachable offense advanced in the ratification debates that did not involve the abuse of "public power."[54] Echoing this proposition, Justice Joseph Story wrote in his 1833 *Commentaries on the Constitution of the United States* that impeachment applies to offenses of a "political character" that are so varied as to be impossible of exact definition, but that involve discharging the duties of public office.[55] Based on this record, there are two mainstream arguments that together are widely accepted. Under both views, a President may be impeached for conduct that is not indictable as a crime, but there are limits on Congress's power to do so. The mainstream positions are book-ended by two more extreme views.

The "Originalist" View

One mainstream view, the "originalist" view, is that the meaning of the impeachment phrase must be determined by looking at what the term "high crimes and misdemeanors" meant under English common law as understood by the Framers at the time the Constitution was drafted and ratified, as reflected in the text of the Constitution and contemporaneous statements made by the Framers and ratifiers, as well as the historical context surrounding its drafting and ratification.

The most prominent modern proponent of this view is Professor Raoul Berger. He contends that while Parliament claimed an unlimited to right to define impeachable conduct, the Framers had a more limited view with respect to the American adaptation. They included a tight definition of treason in the Constitution and listed bribery along with it. To broaden the ambit of impeachable offenses, they adopted the English phrase "high crimes and misdemeanors" because they thought the words had a limited technical meaning.[56] They further conceived that the President would be impeachable not just for indictable crimes, but for other "great offenses" such as "corruption or perfidy." For originalists, the impeachable conduct needs to be limited to a cause that would win the assent of "all right thinking men."[57]

A "Living Meaning" of Impeachable Offense

The other mainstream view begins with the same material relied upon by the originalists, but also asserts that, given the difficulties in imagining all of the complex, unpredictable situations that might justify removal, the Framers meant for the scope of impeachment to be worked out in the future on a case-by-case basis, but constrained by the principles derived from the "original materials." Professor Michael Gerhardt is a well-regarded advocate of this view. He concludes that the Framers made a decision to loosely define "other high crimes and misdemeanors" with the content to be developed later as cases arose.[58] Professor Cass Sunstein has pointed out that the fact that the impeachment power has been so little used is itself an indication that it has been reserved by Congress for truly exceptional cases.[59]

Given the fact that the historical record contains only two presidential impeachments, the differences in outcome between these two schools of thought is, at least so far, without any

real distinction. Together they stand for the proposition that a President may be removed for criminal or non-criminal conduct that amounts to a serious breach of trust causing injury to the political community, and that the Congress's ability to do so is not unlimited.

Congress Defines Impeachable Conduct

The first extreme view is the open-ended view that an impeachable offense is whatever the House and the Senate together agree is impeachable as they exercise their respective constitutional roles in the process. This view was most famously espoused by then-Congressman Gerald Ford when he proposed the impeachment of Supreme Court Justice William O. Douglas in 1970. He asserted that an impeachable offense is whatever the House of Representatives, with the requisite concurrence of the Senate, considers it to be.[60]

That view ignores the clear record from the Constitutional Convention and the ratifying debates, as well as commentary from others writing in the early 19th century familiar with the founding generation, that there are limits to the scope of conduct that will support removal of the President. There was substantial concern expressed during the Convention debates that the formula could not be such as to invite the legislature to impeach the President based solely on their disagreement with his actions. In Madison's words, such a vague term as "maladministration" would be "equivalent to a tenure during the pleasure of the Senate." The Ford position is fundamentally inconsistent with this view and would, if adopted, make the President subject to "votes of no confidence" as in the British system. This would make the President completely beholden to Congress, a practice that is at odds with the separation of powers at the heart of the Constitution.

Presidents May Be Removed Only for Indictable Crimes

The second extreme view is that presidents may only be removed for indictable crimes. This argument, advanced in 1867, is based on a reading of English law that impeachment was limited to a "true crime . . . a breach of the common or statute law."[61] It was picked up by James St. Clair in a February 1974 memorandum when he was chief defense counsel for Richard Nixon, fighting to keep the impending threat of Nixon's impeachment at bay.[62]

This position receives virtually no support from constitutional scholars.[63] It ignores the English practice of basing impeachment on non-criminal conduct. More importantly, it brushes aside, without explanation, the debates at the Constitutional Convention and during the ratification process that "high crimes and misdemeanors" was meant to embrace "political crimes" amounting to great breaches of trust. It would be incompatible with the intent of the Framers to provide a mechanism broad enough to maintain the integrity of constitutional government. Impeachment is a constitutional safety valve that must be sufficiently flexible to deal with circumstances that are not foreseeable.[64]

Conclusion

The concept of impeachment has developed over centuries. While there is room for disagreement, currently the substantial weight of opinion from constitutional scholars is that impeachment is properly brought when the President has engaged in criminal or non-criminal conduct undertaken in the discharge of his duties as President that results or threatens to result in significant harm to the government and/or the political system as a whole.

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NOTES

1. *See, e.g.*, Turley, "Senate Trials and Factional Disputes: Impeachment as a Madisonian Device," 49 *Duke L.J.* 1, 34–35 (Oct. 1999), https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1059&context=dlj.
2. Hamilton, Federalist No. 65 (Mar. 7, 1788), http://academic.brooklyn.cuny.edu/history/johnson/fedimpeachment.htm.
3. Impeachment Law at www.britannica.com/topic/impeachment.
4. *See* Turley, *supra* note 1 at 11.
5. *Id.* at 12–13.
6. Berger, *Impeachment: The Constitutional Problems, Enlarged Edition* at 32–49 (Harvard University Press 1974).
7. *See* Turley, *supra* note 1 at 9–10. Unlike the English system, members of the U.S. Congress are not subject to impeachment.
8. Sunstein, *Impeachment: A Citizen's Guide* at 35 (Harvard University Press Oct. 2017).
9. *See* Turley, *supra* note 1 at 11–12.
10. Gerhardt, *The Federal Impeachment Process: A Constitutional and Historical Analysis* at 103–104 (Princeton University Press 1996).
11. Constitutional Grounds for Presidential Impeachment, Report by the Staff of the Impeachment Inquiry, Committee on the Judiciary, House of Representatives, Ninety-Third Congress, Second Session at 7 (U.S. Government Printing Office Feb. 1974).
12. Before the 17th Amendment was ratified in 1913, senators were elected by the state legislatures, not by popular vote.
13. U.S. Const. art. I, § 2, cl. 5.
14. U.S. Const. art. I, § 3, cl. 6.
15. U.S. Const. art. III, § 2.
16. *Id.*
17. *Id.*
18. *Nixon v. United States*, 506 U.S. 224 (1993). There have been no judicial decisions regarding presidential impeachment.
19. *Id.* at 228.
20. *Id.*
21. *Id.* at 238.
22. *Id.* at 233.
23. *Id.*
24. Federalist No. 65.
25. *Id.*
26. U.S. Const. art. I, § 3, cl. 7.
27. *Id.*
28. U.S. Const. art. II, § 2.
29. *See* Gerhardt, *supra* note 10 at 5–10.
30. *Id.* at 7.
31. Sunstein, "Essay: Impeaching the President," 147 *Univ. Penn. L.Rev.* 279, 286 (Dec. 1998), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3404&context=penn_law_review.

32. *See* Gerhardt, *supra* note 10 at 8.

33. Farrand, ed., *The Records of the Federal Convention of 1787*, vol. II. at 65 (Yale University Press 1911).

34. *Id.*

35. *Id.* at 67.

36. *Id.* at 65.

37. *Id.* at 121.

38. *See* Sunstein, *supra* note 31 at 287.

39. *See* Gerhardt, *supra* note 10 at 8.

40. *See* Farrand, *supra* note 33 at 550.

41. *See* Constitutional Grounds for Presidential Impeachment, *supra* note 11 at 7.

42. *See* Berger, *supra* note 6 at 66.

43. *Id.* at 91, n. 158.

44. U.S. Const. art. I, § 9.

45. Garner, *Black's Law Dictionary* (West Publishing Co. rev. 4th ed. 1968).

46. *See* Farrand, *supra* note 33 at 600.

47. *See* Sunstein, *supra* note 31 at 288.

48. U.S. Const. art. II, § 4.

49. *See* Gerhardt, *supra* note 10 at 19.

50. *Id.*

51. *Id.* at 18–19.

52. *Id.*

53. *See* Sunstein, *supra* note 31 at 289.

54. *Id.* at 290.

55. *See* Constitutional Grounds for Presidential Impeachment, *supra* note 11 at 16–17.

56. *See* Berger, *supra* note 6 at 310–311.

57. *Id.*

58. Gerhardt, "The Presidency: Twenty-Five Years After Watergate, Putting the Law of Impeachment in Perspective," 43 *St. Louis U. L.J.* 905 (1999). *See also* Weeden, "The Clinton Impeachment Indicates a Presidential Impeachable Offense is Only Limited by Constitutional Process and Congress' Political Compass Directive," *Wm. Mitchell L.Rev.*, vol. 27, iss. 4, art. 7 at 2498 (2001); Gerhardt, *supra* note 10 at 103–11; Constitutional Grounds for Presidential Impeachment, *supra* note 11 at 64–79; Gerhardt, *supra* note 10 at 25.

59. *See* Sunstein, *supra* note 31 at 293–98.

60. *See* Berger, *supra* note 6 at 56 note 1.

61. *See Id.* at 59 (quoting an 1867 writing by Theodore Dwight).

62. *Id.* at 331.

63. On November 9, 1998, as part of the Clinton impeachment proceedings, 19 law professors, political scientists, and historians testified on the grounds for presidential impeachment before the House Subcommittee on the Constitution. While there was disagreement about what those grounds are, they all unanimously agreed that the President can be removed for conduct other than indictable crimes. *See* Impeachment of President William Jefferson Clinton, The Evidentiary Record Pursuant to S. Res. 16, Vol. XX, Hearing of the Subcommittee on the Constitution—"Background and History of Impeachment" (Nov. 9, 1998), Ser. No. 63 (U.S. Government Printing Office 1999), www.gpo.gov/fdsys/pkg/GPO-CDOC-106sdoc3/pdf/GPO-CDOC-106sdoc3-20.pdf. *See also* Constitutional Grounds for Presidential Impeachment, *supra* note 11 at 22–25.

64. *See* Constitutional Grounds for Presidential Impeachment, *supra* note 11 at 25.

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Mr. COLLINS. Mr. McGovern.

The CHAIRMAN. Yes.

Mr. COLLINS. Mr. Chairman, I have a very unusual request, but as a former Member, I would just like to ask, USA Today, I had actually the response to that editorial in that same paper.

The CHAIRMAN. You want to put that in?

Mr. COLLINS. Could I put that in as well?

The CHAIRMAN. Without objection.

[The information follows:]

Articles establish nothing impeachable and allege no crime: GOP leader of House Judiciary

We know high crimes and misdemeanors when we see them, and this isn't it: Opposing view

Doug Collins

Opinion contributor

Americans are fair minded. They deserve the truth and can spot it when given even half a chance.

If Tuesday's Quinnipiac poll is any indicator, many Americans recognize that the path to impeachment was paved with lies. As House Speaker Nancy Pelosi, D-Calif., and Intelligence Committee Chairman Adam Schiff, D-Calif., presented articles of impeachment to the American electorate, more than half the country balked.

Apparently, voters understand that the articles — abuse of power and obstruction of Congress — establish nothing impeachable and allege no crime. The notion that withholding foreign aid from a historically corrupt country, and releasing the aid after the country's new administration enacted anti-corruption reform, represents an abuse of power has failed to enrage the taxpayers whose paychecks fund that aid.

Americans also recognize the lie that President Donald Trump has obstructed a Congress that concluded its impeachment investigation 20 times faster than the investigation that led to the Clinton impeachment.

When the executive and legislative branches disagreed, Schiff refused to allow the courts to weigh in on constitutional questions. Judiciary Committee

Chairman Jerry Nadler, D-N.Y., declined to call any of the witnesses requested by Republicans, and Schiff withdrew his own subpoena for John Bolton's deputy.

With inconvenient witnesses ignored and exculpatory evidence dismissed, House Democrats have chronically worked to mislead the public.

Under Pelosi's unilateral leadership, Schiff replaced Nadler as Democrats' impeachment Sherpa. What Schiff's case lacked in direct evidence and eyewitness testimony, he made up for in literary license.

Americans remain unmoved in the wake of Schiff's Ukraine report not because they are incredulous, but because Schiff is incorrigible. Schiff lied about his committee's contact with the whistleblower and about whether a statutory right to anonymity shielded the whistleblower from testifying.

Schiff lied about having more than circumstantial evidence that Trump colluded with Russia, and the Mueller report debunked that lie. Schiff told a similar lie this Tuesday when he said the evidence for impeachment was "overwhelming and uncontested," ignoring the fact that all 17 Judiciary Republicans dispute Schiff's report.

Schiff also defended the Justice Department's surveillance of a former Trump campaign aide, even though the department's inspector general later found 17 errors or omissions in the FBI's warrant applications. Democrats have been hurtling toward impeachment for years, facts be damned, and Americans are right to suspect Schiff of abusing his power as chairman.

Sadly, the Schiff syndrome seems contagious. Democrats lied about the criterion for their own impeachment. Their speaker promised it would be bipartisan, compelling and overwhelming. The only bipartisan stance here is opposition to the inquiry.

Since not even all of Pelosi's caucus is willing to vote with her, we can hardly grant that her case is compelling, let alone overwhelming. Democrats told

America the president is guilty of bribery, but there is no evidence to support such a charge.

The most dangerous lie told by leading Democrats, however, is that the president stands guilty until proven innocent. An extension of that lie made by multiple Democrats is that only a guilty person would resist being railroaded. When Pelosi puts the onus on the president to produce "information that demonstrates his innocence in all of this," the Speaker of the People's House is denying an American the presumption of innocence.

Like the people we represent, Republicans are fair minded. We know high crimes and misdemeanors when we see them, and we have not voted to advance this impeachment charade.

Pelosi has championed the political impeachment — divorced from facts and fairness — the Founders warned us against. She hasn't proved anything impeachable, so she's shifting the burden of proof to the accused. That may be the most un-American lie our nation's capital has ever witnessed.

Rep. Doug Collins, R-Ga., is the ranking member of the House Judiciary Committee.

Mr. COLLINS. There you go. Thank you very much.

Mr. RASKIN. You have to put my letter to the editor, too.

The CHAIRMAN. Mr. Perlmutter.

Mr. PERLMUTTER. I would like to read a statement and then ask some questions of my two colleagues here.

The President should be impeached. His actions were an abuse of power that jeopardizes America's national security and compromises our elections. No one is above the law and that includes the President.

By withholding almost $400 million Ukraine desperately needed to defend itself against Russia until Ukraine did the President's political bidding, the President committed High Crimes and Misdemeanors for which he should be impeached under Article I, Section 2, Clause 5, and Article II, Section 4 of the Constitution of the United States of America.

This abuse of power is compounded by the President's refusal to cooperate with Congress' impeachment investigation and his stonewalling of witnesses from testifying or turning over documents to Congress.

Almost 14,000 people have been killed since Russia invaded Ukraine. Withholding $400 million Congress appropriated to help Ukraine defend herself unless Ukraine helped the President dig up dirt on his political rival Joe Biden was the last straw for me. People's lives and our national security were placed at risk. This was more than paying hush money for strippers, profiting from foreign governments staying at resort properties, or even obstructing justice as laid out in the Mueller report.

The Founders fought and died for freedom and independence from a tyrannical ruler in a foreign government. Impeachment and removal from office was the remedy they included in the Constitution to act as a check on a President who placed himself above the law, abused his power for his own personal benefit, and invited foreign governments to get involved in our domestic affairs, especially our elections. A President who flaunts the separation of powers and checks and balances in our Constitution and who refuses to allow witnesses to appear before Congress would receive our Founders' universal condemnation.

Treating taxpayer money as his own to extort a, "favor," from a foreign government to aid him in his reelection goes to the very heart of concerns raised by our Nation's Founders when they drafted and advocated for impeachment to act as a check on the awesome powers of the chief executive.

For instance, Madison said in Federalist 47: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands may justly be pronounced the very definition of tyranny."

He went on to say during the Constitutional Convention, "The executive will have great opportunities of abusing his power," and further that a President, "might betray his trust to foreign powers."

George Washington's farewell address warned of "foreign influence and corruption" which leads to the, "policy and will," of America being "subjected to the policy and will of another."

Alexander Hamilton wrote in Federalist 65 that impeachment, "proceeds from the misconduct of public men, from the abuse or violation of a public trust."

The USA Today editorial board stated it perfectly when they wrote in their December 12, 2019, editorial, quote: "In his thuggish effort to trade American arms for foreign dirt on former Vice President Joe Biden and his son Hunter, Trump resembles not so much Clinton as he does Richard Nixon, another corrupt President who tried to cheat his way to reelection." "This isn't party politics as usual," they go on to say, "it is precisely the misconduct the Framers had in mind when they wrote impeachment into the Constitution."

Impeachment is the remedy the Founders placed in the Constitution to remove a President during his or her term of office. This is especially true when the misconduct involves an upcoming election.

The President invited foreign participation in our elections at least three times, first, with, "Russia, if you are listening;" second, with his demands on Ukraine to, "do us a favor though;" and third, with his request for China to get involved in the 2020 election by starting, "an investigation into the Bidens."

Any further delay or simply allowing the election cycle to run its course results in the harm and abuse impeachment was designed to prevent. For the sake of the Constitution, fair elections free of foreign interference, and our national security, President Trump should be impeached.

So, obviously, and to my friends, we have very different opinions about this. And we work up here in the Rules Committee a lot of hours. We respect one another. But for me this goes to the heart of the Constitution.

And to my friend, Mr. Collins, you and I couldn't disagree more on this.

And I would want to compliment my friend. My guess is that as an attorney—and you kind of come off with that country attorney kind of approach and a number of us think of ourselves as kind of country attorneys—my first question just is sort of a general proposition to you, sir, and to you, Mr. Raskin.

Do you as an attorney understand the terminology "time is of the essence"? Do you know what that means, Mr. Collins?

Mr. COLLINS. Yeah.

Mr. PERLMUTTER. What does it mean?

Mr. COLLINS. [Inaudible.]

Mr. PERLMUTTER. Because, as you would say, the clock is ticking. Would you agree with that, Mr. Raskin?

Mr. RASKIN. Yes.

Mr. PERLMUTTER. Well, the clock is ticking on the 2020 election, and I think we would all agree that if this impeachment were held in July or August or September, drawn way out, that time is of the essence; that that would really affect the 2020 election.

So I appreciate the gentleman's statement that, oh, this has been rushed and there just hasn't been enough time and all of that sort of stuff, but time is of the essence.

And this instance began, at least what started it all—and Mr. Hastings introduced this into the record, the memo of July 25, 2019, which generally transcribes, but not completely transcribes, the President's conversation, or parts thereof, with President Zelensky.

And we were talking about it and you used the word transcript and Mr. Hastings said memo. I mean, it is a memorandum of a telephone conversation and it is not a verbatim transcript. And it goes, down at the bottom, the word "inaudible" is used to indicate portions of a conversation that the note-taker was unable to hear.

So I would like to ask you a question, Mr. Collins, and you, too, Mr. Raskin, just in terms of the completeness of this document. Because I think that this document, even with things that are not transcribed, is a pretty damning piece of evidence against the President. And then I think Mr. Mulvaney's comments a month later saying, oh, we do this all the time and get over it, that, too, is damning.

But the President says—this is right after Mr. Zelensky says we are ready to continue to cooperate for the next steps, specifically, we are almost ready to buy more Javelins from the United States for defense purposes—the President's next words are, our President: "I would like you to do us a favor though, because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine. They say CrowdStrike, dot, dot, dot."

Gentlemen, in your experience, what does dot, dot, dot mean?

Mr. Raskin, I will start with you.

Mr. RASKIN. What do ellipses mean?

Mr. PERLMUTTER. Yes. Something is left out.

Mr. RASKIN. Well, yeah. Yeah. So, right. What we can say generally, that something to be continued, but we don't know specifically what in every case, but you try to deduce it from the context.

Mr. PERLMUTTER. And I assume, Mr. Collins, you would agree with that.

Mr. COLLINS. To a point. But I will say, in effect——

Mr. PERLMUTTER. Was that a yes?

Mr. COLLINS. Yes.

Mr. Perlmutter. Okay. So then it goes on: "I guess you have one of your wealthy people, dot, dot, dot, the server, comma, they say Ukraine has it."

So, again, just in that one paragraph, right after President Zelensky says, we are ready to buy the Javelins for our defense, there are missing pieces to this memorandum. And it doesn't say the word "inaudible" is used to indicate portions of a conversation that the note-taker was unable to hear, does it, in your readings, gentlemen?

Mr. RASKIN. No.

Mr. PERLMUTTER. I guess that is a no.

So this document—and Mr. Burgess was going into the classified nature and why was everybody down in the Intelligence room downstairs—just looking at it on its face, it says, and it is crossed out now, and you—apparently it was an inadvertent error.

But can you tell me, Mr. Collins, when this memorandum, up at the top, there is a cross-out, and I think underneath the cross-out it says, secret, slash, slash, ORCON, slash, NOFORN. Do either of you know what those—what that means?

Mr. COLLINS. The President declassified the document, so it could be made——

Mr. PERLMUTTER. But what is it? My question was, what is that?

Mr. COLLINS. That means that it is not normally put out to the public. We don't normally transmit the telephone calls between two world leaders and our President doesn't do that. And in an order of transparency he did it in this case, so that means it is a declassification.

Mr. PERLMUTTER. So this—so——

Mr. COLLINS. There is no——

Mr. Perlmutter. No, no, wait a second. But earlier you said it was an inadvertent error. But now you are saying that, oh, when there are conversations between two foreign leaders we mark it as secret?

Mr. COLLINS. No.

Mr. PERLMUTTER. Or ORCON or NOFORN?

Mr. COLLINS. No, we are talking two different things.

Mr. PERLMUTTER. Okay. So—but initially——

Mr. COLLINS. You and I are talking two different things.

Mr. PERLMUTTER. Mr. Collins, initially this document was treated as classified and secret, top secret, was it not?

Mr. COLLINS. If you let me explain here, because we are talking two different things.

Mr. PERLMUTTER. No.

Mr. COLLINS. Okay. Then we don't. Then I won't answer.

Mr. PERLMUTTER. Okay. Mr. Raskin, you go ahead and answer it.

Mr. RASKIN. So I am not certain I can completely answer that, Mr. Perlmutter, but can I just try to answer where I think you are going. Here is what I would say about this.

There is no mystery here, right? As you stated, Mr. Perlmutter, the July 25 contemporaneous memorandum itself is overwhelmingly damning of the President's designs on President Zelensky. You add that up with everything that came before and everything that came after, and it is all uncontradicted. To me, it looks like it is case closed.

Let's talk about July 26, the next day.

Mr. PERLMUTTER. I think that is a good idea.

Mr. RASKIN. The day after the July 25 call, the President called Ambassador Sondland. That is his ambassador to the EU, but he is part of the Three Amigos who were working on getting Zelensky to do the President's will. Okay. He called Ambassador Sondland to ask whether President Zelensky was going to do the investigation.

Ambassador Sondland stated that President Zelensky was going do it and would do anything you asked him to, and then he famously said, he loves your ass.

According to David Holmes, who overheard the conversation, or part of the conversation, Ambassador Sondland and President Trump spoke only about the investigation in their discussion about Ukraine. There was nothing about the war, nothing about corruption, and so on.

And after Sondland hung up the phone, he told Holmes that President Trump—forgive me now, I hope my children aren't watching—but he told Holmes that President Trump did not give a shit about Ukraine. Rather, he explained, the President cared only about the big stuff. The big stuff was the stuff that benefited

him personally, like, quote, the Biden investigation that Mr. Giuliani was pitching.

This is not an Agatha Christie mystery. There is no alibi. There is no alternative hypothesis of the facts. The President went after exactly what he wanted. And we know that our President is very capable of stating what he wants and telling people what his will is.

Mr. PERLMUTTER. So let's talk about that for a couple seconds.

And I know, Mr. Chairman, you would like to get moving. But I just have a few more questions.

So Holmes, Mr. Raskin, was the political counselor at the U.S. Embassy in Kyiv, right?

Mr. RASKIN. Correct.

Mr. PERLMUTTER. And his job was, and I think in his words, quote, gather information about Ukraine's internal politics, foreign relations, security policies, and report back to Washington, represent U.S. policies to foreign contacts, and advise the ambassador on policy development and implementation. I think that comes from his opening remarks.

Mr. RASKIN. Yes.

Mr. PERLMUTTER. So going back to kind of the questions I was asking Mr. Collins and you about the secret nature of this memo, at least initially, which it was unclassified 2 months later, 2 months later, Holmes testified: "Contrary to standard procedure, the embassy received no readout of the call" and he "was unaware of what was discussed until the transcript was released on September 25." Is that your understanding?

Mr. RASKIN. Say that once more.

Mr. PERLMUTTER. That he, Holmes, was unaware of what was discussed——

Mr. RASKIN. Correct.

Mr. PERLMUTTER [continuing]. Even though it was ordinary procedure that he would get to know something like that, until this thing was released 2 months later——

Mr. RASKIN. Correct.

Mr. PERLMUTTER [continuing]. And taken out of the top secret server?

Mr. RASKIN. That is right. And my recollection is, he was not on the July call.

Mr. PERLMUTTER. Even though it was a supposed inadvertent error to put it in the top secret server.

So you kind of glossed over a couple of kind of cruder terms that Sondland was saying in connection with this call between himself and the President, but Holmes, as you said, he could hear, could he not, the phone conversation between Ambassador Sondland and President Trump.

Mr. RASKIN. He could hear it.

Mr. PERLMUTTER. Okay. And I think Holmes' testimony was: "Ambassador Sondland . . . went on to state that President Zelensky 'loves your ass.' I then heard President Trump ask: So he's gonna do the investigation? Ambassador Sondland replied that 'he's gonna do it,' adding that President Zelensky will do 'anything you ask him to.'"

And then his remarks about whether the President cared about Ukraine or not, but actually Holmes' final statement was: "I noted that 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."

So a couple more things that I think have to be discussed, and that was Mr. Taylor—and you mentioned this. The individuals who testified—and, by the way, I would say to my friend, Mr. Collins, that you said, oh, we didn't get any witnesses. Well, you had Mr. Castor, you had your—Mr. Turley testified.

And then the Intelligence Committee, if I am correct, had at least three witnesses that the Republicans called. And I would agree with Mr. Raskin that these aren't witnesses for or against the defense, although I got to compliment you, I think you have been a heck of a defense counsel so far because the record has gotten pretty muddy. And the old saying in law school that I went to: If you don't have a fact, do your best to distract.

Mr. COLLINS. I have the truth.

Mr. PERLMUTTER. Huh?

Mr. COLLINS. I have the truth.

Mr. PERLMUTTER. Well, so the three witnesses that the minority called during the investigation, Ambassador Volker, Under Secretary Hale, and Mr. Morrison, so at least five witnesses.

Plus, Mr. Raskin, you said that a number of other witnesses were called, like Mr. Bolton and Secretary Pompeo, Mr. Mulvaney.

So I want the record to reflect that plenty of witnesses were called. And the President has had the opportunity to call witnesses. He was invited—he and his staff were invited to participate in an investigation, were they not?

Mr. RASKIN. Yes, indeed.

Mr. PERLMUTTER. And they just chose not to?

Mr. RASKIN. I mean, we were very disappointed that he chose not to participate, just like we were disappointed when he executed his plan to blockade witnesses from coming and refused to turn over any subpoenaed documents.

Mr. PERLMUTTER. Just a comment that came out of testimony by Mr. Taylor, because those individuals that did testify were either decorated war heroes, individuals who have been public servants working in the intelligence community, the State Department, a whole range of things over the course of decades under both Republicans and Democrats, and Mr. Taylor was one of those. What was his background, if you recall?

Mr. RASKIN. He was a Vietnam war hero and had spent his life in, first, the military service and then the civilian service of the country.

And I think he was, if I am remembering correctly, he was scandalized about the treatment of Ambassador Yovanovitch, who was the target of an unprecedented smear campaign by people working directly with the President, including Rudy Giuliani. She was somebody who worked for America and fought for our foreign policy priorities in Ukraine. She described herself as completely nonpartisan. She had a family background of fleeing persecution from totalitarian regimes.

And they just decided to set her up and to describe her as a tool of George Soros and somebody who was on the side of the corrupt and so on, until finally the President decided to recall her and bring her back.

That is a scandalous chapter in American history that that was allowed to happen to one of our ambassadors, and it was all to clear the way for the shakedown of President Zelensky, because as Mr. Giuliani said today, he is quoted in the paper today, she was in the way of the plan to get from President Zelensky what the President wanted.

Mr. PERLMUTTER. Last thing. In Ambassador Taylor's testimony he was talking about conversations with Ambassador Sondland. And in one of those conversations Ambassador Taylor said Ambassador Sondland told him,: "President Trump had told him," Sondland, "he wants President Zelensky to state publicly that Ukraine will investigate Burisma and alleged Ukrainian interference in the 2016 U.S. election . . . In fact, Ambassador Sondland said everything was dependent on such an announcement, including security assistance. He said that President Trump wanted President Zelensky in a box, making public statements about ordering such an investigation."

Earlier you referred to putting President Zelensky——

Mr. RASKIN. That is absolutely right. And, you know, if I had to pick one quote for people to remember from Ambassador Taylor, it is when he said: As I said on the phone, I think it is crazy to withhold security assistance for help with a political campaign.

And that was in a text message that he was engaged in. I believe that was with Sondland and Volker. I think it is crazy to withhold security assistance for help with a political campaign. That was on September 9, 2019.

Mr. PERLMUTTER. Last question I would like to ask you is concerning Mr. Giuliani, who you just mentioned. And in that Taylor deposition, there is a reference to a New York Times article concerning Mr. Giuliani's role, and it is an article from May 9, 2019, which says, "Mr. Giuliani said he plans to travel to Kyiv, Ukrainian capital, in the coming days to meet with the nation's President-elect to urge him to pursue inquiries that allies of the White House contend could yield new information about two matters of intense interest to Mr. Trump. One is the origin of the special counsel's investigation into Russia's interference in the 2016 election. The other is the involvement of former Vice President Joe Biden, Jr.'s son in a gas company owned by a Ukrainian oligarch."

So this is in May of 2019. The ambassadors were told they should work with Mr. Giuliani. And their testimony, again, from the Sondland deposition, is they were "disappointed by the President's direction that we involve Mr. Giuliani. Our view is that men and women of the State Department, not the President's personal lawyer, should take responsibility for all aspects of U.S. foreign policy towards Ukraine."

Do you recall that testimony?

Mr. RASKIN. Yes.

Mr. PERLMUTTER. Well, Mr. Sondland, and I don't know who came up with the name Three Amigos, apparently referring to Ambassador Sondland, Ambassador Volker, and Ambassador Perry,

they had a couple choices. They could work with Mr. Giuliani or not.

And in his testimony, Mr. Sondland says in working with Mr. Giuliani that, "all communications flowed through Rudy Giuliani." He determined, in his testimony, he said: "This turned out to be a mistake. But I did not understand until much later that Mr. Giuliani's agenda might have included an effort to prompt Ukrainians to investigate Vice President Biden or his son, or to involve Ukrainians directly or indirectly in the President's 2020 reelection campaign."

Do you recall that testimony?

Mr. RASKIN. Whose statement was that that was——

Mr. PERLMUTTER. From the Sondland deposition, at page 26.

Mr. RASKIN. Yeah, I recall reading that, yes.

Mr. PERLMUTTER. Okay. Well, the articles that the Judiciary Committee has brought talk about an abuse of power, talk about betrayal of national security, talk about corruption. Are these the kinds of pieces of evidence that support the articles that your committee drafted that you would like the whole House to vote on tomorrow?

Mr. RASKIN. Yes. It was a vote of 23 to 17 in committee. The majority felt we were brought to the inescapable conclusion that the President of the United States had abused his power in sweeping and systematic ways for personal purposes, by bringing a foreign government into our elections in order to alter our political destiny as a people, and he proceeded to obstruct justice in order to cover that up.

That is a pattern that we saw again from the 2016 campaign. And the President has demonstrated his unrepentance, he has pronounced his behavior perfect and absolutely perfect, and assures us that Article II of the Constitution gives him the power to do whatever he wants to do. So we have a very clear choice as a country right now.

Mr. PERLMUTTER. Well, and to end with that, in fact, I think the President actually said a couple days before the conversation with Mr. Zelensky that Article II of the Constitution allows him to, "do whatever I want as President."

And I think that is the problem, that is the core of the issue, that we are in a democratic republic, that we have a framework of laws, of checks and balances that limit a President from doing something like that or to entangle other governments in our politics and in our domestic affairs, and that is why we have brought these Articles of Impeachment, and that is why I am going to vote for them tomorrow.

I yield back.

Mr. COLLINS. Mr. Perlmutter, before you yield back, because I always like to ask—because I am going to answer this question one way or the other, and I would love to answer it with you——

Mr. PERLMUTTER. Sure.

Mr. COLLINS [continuing]. Going back to our original. And the two issues we hear that you have said that is not for foreign sharing, that was what is always listed on these—you are going back to——

Mr. PERLMUTTER. So now you are going to have to speak a little slower for me.

Mr. COLLINS. Yeah, no problem.

Mr. PERLMUTTER. I haven't interrupted you before, but please.

Mr. COLLINS. No, you did fine. And that was mine. It was mine.

What I wanted to make sure was my clarification in my answer in respect to your question. It was two separate things we were talking about. I was talking about that Mr. Morrison said it was put on the other server by an administrative mistake.

All of these conversations that they have with foreign leaders are marked the way that one is marked, unless the President himself declassifies it, that not for sharing with foreign government, that is that not foreign on there, then you also have the secret classification which was struck through because he declassified it.

Mr. PERLMUTTER. All right. So that brings to light—and I appreciate. Thank you for clarifying that.

So in his testimony, Mr. Holmes also said that it was unusual for him not to get a readout. I think the term was "readout" of the call. Do you know whether that was unusual or not, or you just have to accept his testimony?

Mr. COLLINS. That would be his testimony. It is not something that I would—could talk about.

Mr. PERLMUTTER. Okay. No, and I thank you for——

Mr. COLLINS. But I wanted to clarify it, and I wanted to do it with you because I could do it in a minute, but I wanted to do it with you just to have that——

Mr. PERLMUTTER. I thank you for clarifying your answer.

Mr. COLLINS. No problem. Thank you.

Mr. PERLMUTTER. I yield back to the gentleman.

The CHAIRMAN. I am happy to yield to the gentlewoman from Arizona, Mrs. Lesko, who not only has the privilege of serving on the Rules Committee and sitting through this hearing today but also in the Judiciary Committee.

Mrs. LESKO. I know. I am going to dream impeachment in my arguments, I think. Although, to me, it is a nightmare, quite frankly.

Mr. Chairman, before I start asking questions, and I have several of them—sorry, Mr. Collins and Mr. Raskin—I would like to ask unanimous consent to include my statement on these Articles of Impeachment into the record.

The CHAIRMAN. Without objection.

[The information follows:]

Committee on Rules
Tuesday, December 17, 2019

Statement of Congresswoman Debbie Lesko for the record on
H.Res.755 – Impeaching Donald Trump, President of the United States,
for high crimes and misdemeanors

The articles of impeachment against President Trump brought forward by the Democrat majority is a travesty for our country. This impeachment process has been the most unfair, corrupt, politically biased railroad job I've seen in my entire life. Democrats are tearing our country apart with their sham impeachment, and they should be ashamed. Their actions have set an unbelievably dangerous precedent that will damage the country for years to come.

First, contrary to all previous impeachment hearings, Speaker Pelosi moved fact witness hearings to the Intelligence Committee where the President had no due process rights to cross examine the witnesses.

Intelligence Committee Chairman Adam Schiff conducted closed-door hearings in a basement room normally reserved for classified briefings, even though a vast majority of the testimony was not classified. Chairman Schiff repeatedly blocked Republican Members of Congress, including me, from entering the closed-door hearings so I could listen and question witnesses even though I am a member of the Judiciary Committee; the committee that voted on Articles of Impeachment. Chairman Schiff rejected Republican witness requests, silenced Republicans when they tried to ask witnesses questions, and constantly leaked selective details to the press.

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

Here are the facts:

1. The Majority ignored exculpatory evidence yet proclaimed their "facts" as uncontested while Republicans and others were in fact, contesting their accusations and claims. In fact, the evidence uncovered in this inquiry shows the case for impeachment is incredibly weak and dangerously lowers the bar for future impeachments. The articles of impeachment we have before us are based on inferences built upon presumptions and hearsay. That is dangerous. It's neglectful and the precedent it creates is a travesty.

2. Not one of the Democrat's fact witnesses was able to identify a crime. Not one of the Democrat's fact witnesses established that President Trump committed bribery, treason or any high crime and misdemeanor, as required under the constitution.

3. It is apparent that many of my Democrat colleagues have wanted to impeach President Trump since he got elected. It is very telling that 17 out of the 24 Democrat members on the Judiciary Committee voted on the House floor to go forward with articles of

impeachment on July 17, 2019, prior to the July 25th phone call between President Trump and Ukrainian President Zelensky, which the Democrats claim is the basis for their impeachment.

4. For two years, Intelligence Committee Chairman Adam Schiff and other Democrats claimed that they had evidence that President Trump colluded with Russia to influence the 2016 election. After 22 months, 2,800 subpoenas, 500 warrants and over $25 million of taxpayer dollars spent, Special Counsel Robert Mueller determined that no American citizen, let alone President Trump, colluded with Russia proving Rep. Schiff and other Democrats wrong. Then my Democrat colleagues changed their accusations overnight and then again almost every day accusing President Trump of obstruction of justice, then quid pro quo, then bribery, then extortion, then witness tampering, and the list goes on. In the end, their Articles of Impeachment did not include any of these.

In closing, there is no evidence that the President committed an impeachable offense. Democrats have publicly stated that they wanted to impeach the President since his election and have been searching for anything to impeach him on for years, frequently changing their accusations and claims. This impeachment process has been politically biased, and utterly unfair.

As constitutional attorney, Jonathan Turley, stated in his testimony to the Judiciary Committee, "This would be the first impeachment in history where there would be considerable debate and, in my view, not compelling evidence of a commission of a crime. This impeachment not only fails to satisfy the standard of past impeachments but would create a dangerous precedent."

It is for these reasons and more that I voted no on the Articles of Impeachment in the Judiciary Committee and plan to vote no in Rules Committee and on the floor of the U.S. House of Representatives.

Mrs. LESKO. And, Mr. Chairman, I also ask unanimous consent to include President Trump's letter to Speaker Pelosi into the record.

The CHAIRMAN. Without objection. And I was going to do it at the end, but you beat me to it.

Mrs. LESKO. I beat you to it.

The CHAIRMAN. I think it is important to have that part of the record, having just read it.

[The information follows:]

THE WHITE HOUSE

WASHINGTON

December 17, 2019

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Madam Speaker:

I write to express my strongest and most powerful protest against the partisan impeachment crusade being pursued by the Democrats in the House of Representatives. This impeachment represents an unprecedented and unconstitutional abuse of power by Democrat Lawmakers, unequaled in nearly two and a half centuries of American legislative history.

The Articles of Impeachment introduced by the House Judiciary Committee are not recognizable under any standard of Constitutional theory, interpretation, or jurisprudence. They include no crimes, no misdemeanors, and no offenses whatsoever. You have cheapened the importance of the very ugly word, impeachment!

By proceeding with your invalid impeachment, you are violating your oaths of office, you are breaking your allegiance to the Constitution, and you are declaring open war on American Democracy. You dare to invoke the Founding Fathers in pursuit of this election-nullification scheme—yet your spiteful actions display unfettered contempt for America's founding and your egregious conduct threatens to destroy that which our Founders pledged their very lives to build. Even worse than offending the Founding Fathers, you are offending Americans of faith by continually saying "I pray for the President," when you know this statement is not true, unless it is meant in a negative sense. It is a terrible thing you are doing, but you will have to live with it, not I!

Your first claim, "Abuse of Power," is a completely disingenuous, meritless, and baseless invention of your imagination. You know that I had a totally innocent conversation with the President of Ukraine. I then had a second conversation that has been misquoted, mischaracterized, and fraudulently misrepresented. Fortunately, there was a transcript of the conversation taken, and you know from the transcript (which was immediately made available) that the paragraph in question was perfect. I said to President Zelensky: "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 said do <u>us</u> a favor, not <u>me</u>, and <u>our country</u>, not a campaign. I then mentioned the Attorney General of the United States. Every time I talk with a foreign leader, I put America's interests first, just as I did with President Zelensky.

You are turning a policy disagreement between two branches of government into an impeachable offense—it is no more legitimate than the Executive Branch charging members of Congress with crimes for the lawful exercise of legislative power.

You know full well that Vice President Biden used his office and $1 billion dollars of U.S. aid money to coerce Ukraine into firing the prosecutor who was digging into the company paying his son millions of dollars. You know this because Biden bragged about it on video. Biden openly stated: "I said, 'I'm telling you, you're not getting the billion dollars'...I looked at them and said: 'I'm leaving in six hours. If the prosecutor is not fired, you're not getting the money.' Well, son of a bitch. He got fired." Even Joe Biden admitted just days ago in an interview with NPR that it "looked bad." Now you are trying to impeach me by falsely accusing me of doing what Joe Biden has admitted he actually did.

President Zelensky has repeatedly declared that I did nothing wrong, and that there was No Pressure. He further emphasized that it was a "good phone call," that "I don't feel pressure," and explicitly stressed that "nobody pushed me." The Ukrainian Foreign Minister stated very clearly: "I have never seen a direct link between investigations and security assistance." He also said there was "No Pressure." Senator Ron Johnson of Wisconsin, a supporter of Ukraine who met privately with President Zelensky, has said: "At no time during this meeting...was there any mention by Zelensky or any Ukrainian that they were feeling pressure to do anything in return for the military aid." Many meetings have been held between representatives of Ukraine and our country. Never once did Ukraine complain about pressure being applied—not once! Ambassador Sondland testified that I told him: "No quid pro quo. I want nothing. I want nothing. I want President Zelensky to do the right thing, do what he ran on."

The second claim, so-called "Obstruction of Congress," is preposterous and dangerous. House Democrats are trying to impeach the duly elected President of the United States for asserting Constitutionally based privileges that have been asserted on a bipartisan basis by administrations of both political parties throughout our Nation's history. Under that standard, every American president would have been impeached many times over. As liberal law professor Jonathan Turley warned when addressing Congressional Democrats: "I can't emphasize this enough...if you impeach a president, if you make a high crime and misdemeanor out of going to the courts, it is an abuse of power. It's your abuse of power. You're doing precisely what you're criticizing the President for doing."

Everyone, you included, knows what is really happening. Your chosen candidate lost the election in 2016, in an Electoral College landslide (306-227), and you and your party have never recovered from this defeat. You have developed a full-fledged case of what many in the media call Trump Derangement Syndrome and sadly, you will never get over it! You are unwilling and unable to accept the verdict issued at the ballot box during the great Election of 2016. So you have spent three straight years attempting to overturn the will of the American people and nullify their votes. You view democracy as your enemy!

Speaker Pelosi, you admitted just last week at a public forum that your party's impeachment effort has been going on for "two and a half years," long before you ever heard about a phone call with Ukraine. Nineteen minutes after I took the oath of office, the *Washington Post*

published a story headlined, "The Campaign to Impeach President Trump Has Begun." Less than three months after my inauguration, Representative Maxine Waters stated, "I'm going to fight every day until he's impeached." House Democrats introduced the first impeachment resolution against me within months of my inauguration, for what will be regarded as one of our country's best decisions, the firing of James Comey (see Inspector General Reports)—who the world now knows is one of the dirtiest cops our Nation has ever seen. A ranting and raving Congresswoman, Rashida Tlaib, declared just hours after she was sworn into office, "We're gonna go in there and we're gonna impeach the motherf****r." Representative Al Green said in May, "I'm concerned that if we don't impeach this president, he will get re-elected." Again, you and your allies said, and did, all of these things long before you ever heard of President Zelensky or anything related to Ukraine. As you know very well, this impeachment drive has nothing to do with Ukraine, or the totally appropriate conversation I had with its new president. It only has to do with your attempt to undo the election of 2016 and steal the election of 2020!

Congressman Adam Schiff cheated and lied all the way up to the present day, even going so far as to fraudulently make up, out of thin air, my conversation with President Zelensky of Ukraine and read this fantasy language to Congress as though it were said by me. His shameless lies and deceptions, dating all the way back to the Russia Hoax, is one of the main reasons we are here today.

You and your party are desperate to distract from America's extraordinary economy, incredible jobs boom, record stock market, soaring confidence, and flourishing citizens. Your party simply cannot compete with our record: 7 million new jobs; the lowest-ever unemployment for African Americans, Hispanic Americans, and Asian Americans; a rebuilt military; a completely reformed VA with Choice and Accountability for our great veterans; more than 170 new federal judges and two Supreme Court Justices; historic tax and regulation cuts; the elimination of the individual mandate; the first decline in prescription drug prices in half a century; the first new branch of the United States Military since 1947, the Space Force; strong protection of the Second Amendment; criminal justice reform; a defeated ISIS caliphate and the killing of the world's number one terrorist leader, al-Baghdadi; the replacement of the disastrous NAFTA trade deal with the wonderful USMCA (Mexico and Canada); a breakthrough Phase One trade deal with China; massive new trade deals with Japan and South Korea; withdrawal from the terrible Iran Nuclear Deal; cancellation of the unfair and costly Paris Climate Accord; becoming the world's top energy producer; recognition of Israel's capital, opening the American Embassy in Jerusalem, and recognizing Israeli sovereignty over the Golan Heights; a colossal reduction in illegal border crossings, the ending of Catch-and-Release, and the building of the Southern Border Wall—and that is just the beginning, there is so much more. You cannot defend your extreme policies—open borders, mass migration, high crime, crippling taxes, socialized healthcare, destruction of American energy, late-term taxpayer-funded abortion, elimination of the Second Amendment, radical far-left theories of law and justice, and constant partisan obstruction of both common sense and common good.

There is nothing I would rather do than stop referring to your party as the Do-Nothing Democrats. Unfortunately, I don't know that you will ever give me a chance to do so.

After three years of unfair and unwarranted investigations, 45 million dollars spent, 18 angry Democrat prosecutors, the entire force of the FBI, headed by leadership now proven to be totally incompetent and corrupt, you have found NOTHING! Few people in high position could have endured or passed this test. You do not know, nor do you care, the great damage and hurt you have inflicted upon wonderful and loving members of my family. You conducted a fake investigation upon the democratically elected President of the United States, and you are doing it yet again.

There are not many people who could have taken the punishment inflicted during this period of time, and yet done so much for the success of America and its citizens. But instead of putting our country first, you have decided to disgrace our country still further. You completely failed with the Mueller report because there was nothing to find, so you decided to take the next hoax that came along, the phone call with Ukraine—even though it was a perfect call. And by the way, when I speak to foreign countries, there are many people, with permission, listening to the call on both sides of the conversation.

You are the ones interfering in America's elections. You are the ones subverting America's Democracy. You are the ones Obstructing Justice. You are the ones bringing pain and suffering to our Republic for your own selfish personal, political, and partisan gain.

Before the Impeachment Hoax, it was the Russian Witch Hunt. Against all evidence, and regardless of the truth, you and your deputies claimed that my campaign colluded with the Russians—a grave, malicious, and slanderous lie, a falsehood like no other. You forced our Nation through turmoil and torment over a wholly fabricated story, illegally purchased from a foreign spy by Hillary Clinton and the DNC in order to assault our democracy. Yet, when the monstrous lie was debunked and this Democrat conspiracy dissolved into dust, you did not apologize. You did not recant. You did not ask to be forgiven. You showed no remorse, no capacity for self-reflection. Instead, you pursued your next libelous and vicious crusade—you engineered an attempt to frame and defame an innocent person. All of this was motivated by personal political calculation. Your Speakership and your party are held hostage by your most deranged and radical representatives of the far left. Each one of your members lives in fear of a socialist primary challenger—this is what is driving impeachment. Look at Congressman Nadler's challenger. Look at yourself and others. Do not take our country down with your party.

If you truly cared about freedom and liberty for our Nation, then you would be devoting your vast investigative resources to exposing the full truth concerning the FBI's horrifying abuses of power before, during, and after the 2016 election—including the use of spies against my campaign, the submission of false evidence to a FISA court, and the concealment of exculpatory evidence in order to frame the innocent. The FBI has great and honorable people, but the leadership was inept and corrupt. I would think that you would personally be appalled by these revelations, because in your press conference the day you announced impeachment, you tied the impeachment effort directly to the completely discredited Russia Hoax, declaring twice that "all roads lead to Putin," when you know that is an abject lie. I have been far tougher on Russia than President Obama ever even thought to be.

Any member of Congress who votes in support of impeachment—against every shred of truth, fact, evidence, and legal principle—is showing how deeply they revile the voters and how truly they detest America's Constitutional order. Our Founders feared the tribalization of partisan politics, and you are bringing their worst fears to life.

Worse still, I have been deprived of basic Constitutional Due Process from the beginning of this impeachment scam right up until the present. I have been denied the most fundamental rights afforded by the Constitution, including the right to present evidence, to have my own counsel present, to confront accusers, and to call and cross-examine witnesses, like the so-called whistleblower who started this entire hoax with a false report of the phone call that bears no relationship to the actual phone call that was made. Once I presented the transcribed call, which surprised and shocked the fraudsters (they never thought that such evidence would be presented), the so-called whistleblower, and the second whistleblower, disappeared because they got caught, their report was a fraud, and they were no longer going to be made available to us. In other words, once the phone call was made public, your whole plot blew up, but that didn't stop you from continuing.

More due process was afforded to those accused in the Salem Witch Trials.

You and others on your committees have long said impeachment must be bipartisan—it is not. You said it was very divisive—it certainly is, even far more than you ever thought possible—and it will only get worse!

This is nothing more than an illegal, partisan attempted coup that will, based on recent sentiment, badly fail at the voting booth. You are not just after me, as President, you are after the entire Republican Party. But because of this colossal injustice, our party is more united than it has ever been before. History will judge you harshly as you proceed with this impeachment charade. Your legacy will be that of turning the House of Representatives from a revered legislative body into a Star Chamber of partisan persecution.

Perhaps most insulting of all is your false display of solemnity. You apparently have so little respect for the American People that you expect them to believe that you are approaching this impeachment somberly, reservedly, and reluctantly. No intelligent person believes what you are saying. Since the moment I won the election, the Democrat Party has been possessed by Impeachment Fever. There is no reticence. This is not a somber affair. You are making a mockery of impeachment and you are scarcely concealing your hatred of me, of the Republican Party, and tens of millions of patriotic Americans. The voters are wise, and they are seeing straight through this empty, hollow, and dangerous game you are playing.

I have no doubt the American people will hold you and the Democrats fully responsible in the upcoming 2020 election. They will not soon forgive your perversion of justice and abuse of power.

There is far too much that needs to be done to improve the lives of our citizens. It is time for you and the highly partisan Democrats in Congress to immediately cease this impeachment fantasy and get back to work for the American People. While I have no expectation that you will do so, I write this letter to you for the purpose of history and to put my thoughts on a permanent and indelible record.

One hundred years from now, when people look back at this affair, I want them to understand it, and learn from it, so that it can never happen to another President again.

Sincerely yours,

Donald J. Trump
President of the United States of America

cc: United States Senate
United States House of Representatives

Mrs. LESKO. All right. Before I get into my questions, I just want to—I thought it was very interesting, I had staff look up votes on impeachment. And, Chairman McGovern, at the beginning in your, I believe, opening statement, you said something to the effect that no Democratic Congressman or woman on the Rules Committee has voted for the Articles of Impeachment before. I think that is——

The CHAIRMAN. Yeah.

Mrs. LESKO [continuing]. What you said, right?

The CHAIRMAN. I did.

Mrs. LESKO. And, boy, I think that is a little disputable or maybe a little misleading, I am not sure, but I can tell you, I have here the final vote result for—it was H. Resolution 646, and it was dated December 6, 2017, 58 Democrats, including many on this committee, voted to advance an Article of Impeachment for the high crime or misdemeanor of dissing the NFL anthem protest and calling a Member of Congress wacky.

This was a House resolution that Mr. Green introduced, and all nine of the Democratic members on the Rules Committee voted to table it, which means that if this was—or against tabling it, I am sorry, let me clarify—against tabling it, which means if it wasn't tabled, you would have voted on the floor of the House of Representatives to impeach the President of the United States.

The CHAIRMAN. Well, if the gentlelady would yield just for a correction. the intent was to vote to advance it to the Judiciary Committee, because that is—you know, I voted against tabling because I wanted to send it to the Judiciary Committee where I thought that was the appropriate way to deal with it.

So I stand by what I said. Nobody in this House has yet voted on an Article of Impeachment. And tomorrow will be, assuming we get them a rule, will be the first time that anybody, Democrat or Republican, will have that opportunity. But thank you for letting me clarify the record.

Mrs. LESKO. And thank you. And with all due respect, I asked my staff that because you had said that in your opening statement, and I said, is that accurate? And they said, no, that would be if there was a referral. This was actually Articles of Impeachment on the floor of the House of Representatives that if it had not been tabled, you actually would have been voting on the floor of the House of Representatives for Articles of Impeachment against the President.

The one that was on December 6, 2017, was because you didn't think—you didn't like that President Trump said something negative about the NFL anthem protest and called a Member of Congress wacky, and all nine of you—all nine of you here voted against tabling that.

Mr. MORELLE. Yeah, Mr. Chairman, with all due respect, if I could just interrupt. I don't think Ms. Scanlon, myself, or Ms. Shalala were Members of the House.

Mrs. LESKO. Oh, oh, oh. This is—I was on the wrong one. I apologize. Thank you for pointing that out to me. This one was Mr. McGovern, Hastings, Raskin, and DeSaulnier voted against tabling. So there is another one where it is all nine. So I mis-——

The CHAIRMAN. Tabling what? What are we talking about, impeachment or——

Mrs. LESKO. Yes. It was House Resolution 646. It was—the staff has told me, they were Articles of Impeachment on the floor of the House of Representatives, and Representative McGovern, Hastings, Raskin, and DeSaulnier voted against tabling, meaning that if it wasn't tabled, you would have been able to vote on the floor for Articles of Impeachment.

Then on January 19, 2018, House Resolution 705—and I have this one right here—66 Democrats, including many on this committee, voted to advance impeachment for the high crime or misdemeanor of President Trump's rhetoric. And on that one, Mr. McGovern, Hastings, Raskin, and DeSaulnier all voted against tabling, so meaning that if it wasn't tabled, there would have been a vote.

Then on this one, more recent——

The CHAIRMAN. Well, let me just—if the gentlelady would yield. If there was a vote, you don't know how we would have voted on it. I mean, I appreciate it, but I mean—and, again, you can go on.

Mrs. LESKO. Right.

The CHAIRMAN. I would just simply say that, you know, we could have this conversation, it has nothing to do with the Articles of Impeachment that are before us right now, but I am happy to yield to the gentlelady.

Mrs. LESKO. Thank you, Mr. McGovern. A lot of what has been said today hasn't had anything to do with Articles of Impeachment. But this, I believe, does because it proves to me that it was predetermined that you are going to impeach a President of the United States and you are just searching around for anything or anything to impeach him on.

So impeachment number three, on July 17, 2019, House Resolution 498, 95 Democrats, including many chairmen and many members of this committee—in fact, let's see, I have Mr. McGovern, Torres, Raskin, Scanlon, DeSaulnier, all voted against tabling—voted to advance impeachment for the high crime or misdemeanor of insulting the squad.

And so, Mr. Collins, my question to you is, do you think the fact that so many of our Democratic colleagues, both 17 out of 24 Judiciary Committee members that are Democratic, and here, a number of my Democratic colleagues on the Rules Committee, voted to move forward Articles of Impeachment prior to the July 25, 2019, phone call that the Democrats are using as their central case for impeaching the President, do you think that that kind of undermines their argument?

Mr. COLLINS. As I stated earlier today, I do believe that it is true, and we have seen this over time.

Mrs. LESKO. And, Mr. Collins, do you also think that moving Articles of Impeachment against the President on—because he dissed the NFL anthem protest, against his rhetoric, and against insulting the squad kind of lowered the bar for impeachment?

Mr. COLLINS. I think we have seen a lot of those things that has happened in the last—you know, this Congress and the last Congress as well. I think a lot of this does. I think this lowers the bar for impeachment, and I think it is just something that we are hav-

ing to plow through at this point. And, you know, again, they have the votes, and they will move it forward.

Mrs. LESKO. Thank you.

And, Mr. Collins, earlier, much earlier, Mr. Raskin had said something—he was comparing how the closed-door hearings that Adam Schiff did were comparable to what Ken Starr did in the Clinton impeachment. But isn't it true that Republicans on the Judiciary Committee asked to have Mr. Schiff testify, like Ken Starr did, and the Democrats refused us?

Mr. COLLINS. Yes.

Mrs. LESKO. Thank you.

And I also want to—I think you already addressed this, Mr. Collins, but another statement Mr. Raskin said earlier was there was no evidence Trump tried to root out corruption prior to Joe Biden becoming candidate, or something to the effect. And I just, from what I have heard, that is absolutely false, and I wanted to hear what you said.

I was told that Trump actually had a meeting with the former Ukrainian, Poroshenko, concerned about corruption in Ukraine prior to giving him aid, and also that two of the witnesses, Democrat witnesses, testified that all along Trump was concerned about corruption in Ukraine. Is that accurate?

Mr. COLLINS. That was the testimony of the witnesses, yes.

Mrs. LESKO. Thank you.

And also another thing that I want to clear up for the record, Mr. Raskin said previously that this same process that we are doing now was done—it is the same process that was used in the Clinton impeachment. Mr. Collins, do you agree with that? Because I sure don't.

Mr. COLLINS. No, I do not.

Mrs. LESKO. And would you care to expand—expound?

Mr. COLLINS. Yeah. I mean, I think there is a lot of different things here, and, again, I think it goes back to the inherent nature of what we are dealing with today, and that is, frankly, the only bipartisan nature of this impeachment is "no." It is not bipartisan in the sense of seeing it should go forward; it is bipartisan in "no," and that will be the only bipartisan that you will see tomorrow.

Now, again, my friends across the aisle will say that they are standing for truth, and I get that, and that is fine. That is their argument. And my argument will be that it is—you know, everything that we have talked about so far. And that is also why at a certain point in time we continue to go on here.

But I think when you look at the actual things that were going on, you know, the issues of how witnesses are called, how you dealt with an outside counsel—and, again, it was also said earlier that the Starr—the Judiciary Committee handled the Starr faster than this, that is not true. It was longer than this going through, once it got to Judiciary.

There was several—I mean, there was 2½ weeks set up before the first impaneling of scholarly witnesses. I mean, so we never had that. We didn't have barely 2½ weeks of the entire thing. So when you look at it from those—and I think there is just—again, I have argued here today, and I feel comfortable in my argument today that I have argued both the process problems and the factual

problems. I have not been afraid to back away from either. We can genuinely disagree with that. That is why we are here tonight. If we didn't disagree with this, we wouldn't be here.

So I think, you know, moving this forward at a late hour and just discussing the facts that this is, you know, an issue we have. I will say something that it needs clarification, again, I know from my Democratic friends it will not matter, but it does, I think, need to be at least added to the record. And it has been brought up that Mr. Mulvaney on several times, you know, on his comments on that was the way it was done, get over it, it was also referring to general conditions placed on foreign aid to all countries, and he did clarify his statement later.

If we have gotten to the point where we can't clarify statements—and I get that, because if it doesn't fit the narrative, we don't do that—then we do have an issue and a problem, because there is not a one of us in here at the witness table or at the dais who has not misspoke at some point in their life and, you know, possibly even today. So, I mean, we just have to look at it from that perspective and go forward.

Look, I think we are—I made all the points that I think, frankly, we can make. I would love to have seen this done differently. It does concern me that the future is now predicated on this. And like I said, it is just a concern that the bar is at a certain point now to where it is anything you want it to make it.

It has always been a concern, but the Founders were concerned about many things from foreign influence to different things, but they were also very concerned about this being an overreach in the branches that impeachment, you know, could be used in a partisan way or as the quote actually was is whoever had the most votes basically, who was stronger in their majority.

Well, and that is very true in the House, and I think that is why it is resting in the House. And that is why I agree with my friend on the Constitution side, it rests in the House for a reason, because we are the—it is the same reason taxes and spending have to originate here. We are the closest to the people that actually do this.

So I think this is normal that impeachment would be here. I just don't want it to become that it is, frankly, this—you don't even have to jump to clear the bar anymore, and I think that is the concern I have about impeachment is—going forward now.

Mrs. LESKO. Thank you.

I am going to actually turn to the actual bill, and I am on page 2 now under Article I, abuse of power. And I read: "The Constitution provides that the House of Representatives shall have the sole power of impeachment and that the President shall be removed from office on impeachment for and conviction of treason, bribery, or high crimes and misdemeanors."

So, Mr. Collins, I have a question for you. Were any of the Democrats' fact witnesses able to establish that the President committed treason, bribery, or high crimes or misdemeanors?

Mr. COLLINS. No, not in the sense of the way that was laid out. And, again—and I have made this comment earlier, and I appreciate the gentlelady for bringing this up, they are not depending on a crime, okay, and that is fact. And they are willing to admit that. I freely give that. They are not depending on a crime. They are de-

pending on a pattern of action, abuse of power is what they are calling it.

The interesting thing is, though, is in the report theirself they mention bribery and extortion and all these other things, but they just couldn't bring it up to actually, you know, to get the elements, if you would, to be, you know, crass, criminal about it, that they couldn't get the elements to where they could explain it to the American people and what they were doing, at least in my opinion personally.

Mrs. LESKO. Thank you, Mr. Collins.

And I am going to be asking you several questions. So then further down on page 2, the Democrats are claiming, which I think is inaccurate, using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election.

Mr. Collins, was there any mention of the 2020 election in the phone call?

Mr. COLLINS. No.

Mrs. LESKO. And, Mr. Collins, has there been any proof or evidence or witness or anyone that can prove that Mr. Trump was referring to the 2020 election?

Mr. COLLINS. No. And the only testimony that, you know, that it was—it really was never to that. It was discussed on aid and conditions on aid that they tried to put forth.

Mrs. LESKO. And then in—on the bottom of page 2 and to page 3, it says that—it alleges—again, I think a lot of this is a wishful thinking fairy tale going on here by my Democratic colleagues—it said it would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage.

Again, has there been any proof of that, Mr. Collins?

Mr. COLLINS. No. And it did raise the question that has never still been answered from earlier today, is now by running for President you are free to do whatever you want to and not be investigated overseas.

Mrs. LESKO. Thank you.

And then the other thing that is repeatedly said in these Articles of Impeachment is that Trump had corrupt purposes or corrupt intent. Has there been any proof from their witnesses, from anyone, that Trump's intent or purposes were corrupt?

Mr. COLLINS. Depending on how you are wording that question, no. And I think the interesting issue is, is how they would presume what his intentions were in those phone calls, and those were presumptions or beliefs given to them by someone else. But it goes back to the fact Mr. Sondland himself said it was presumed, and then when talked to the President himself said, I don't want anything, I just want him to do the job that he ran for.

Mrs. LESKO. Exactly. And I have said before in Judiciary Committee and elsewhere that there is no way that you can prove what was on Trump's mind or that he had corrupt intent, because there are other logical explanations, even though, Mr. Raskin, earlier you said there was no other logical explanations.

Yes, indeed there is, because there was proof—or I should say there is evidence that President Trump was concerned about cor-

ruption in Ukraine. He also said in his phone call that he was very concerned that other European countries weren't pitching into Ukraine. He also talked about the video of Joe Biden bragging about how he got a prosecutor fired by saying he is going to withhold $1 billion from Ukraine.

So, to me, those are all logical explanations of why President Trump would want to talk about that, not some nefarious reason.

Mr. COLLINS. Well, and I think——

Mrs. LESKO. And so——

Mr. COLLINS. Go ahead. I am sorry.

Mrs. LESKO. Mr. Collins.

Mr. COLLINS. I apologize.

Mrs. LESKO. Did you want to add something?

Mr. COLLINS. No. I thought you were through. I am sorry.

Mrs. LESKO. Okay. Thank you.

Also, let's see. Oh, this is a good one that this gets under my skin, so I guess that is why you guys keep using it, is on page 3 at the bottom, my Democratic colleagues in Judiciary Committee and here in the impeachment, they keep on saying that—it says, a discredited theory—we are talking about Ukraine now—a discredited theory promoted by Russia alleging that Ukraine rather than Russia interfered in the 2016 election.

Mr. Collins, did Republicans or—I don't think President Trump ever said that—ever say that Russia was never involved, or did we just say that it is possible that both could have influenced the 2016 election?

Mr. COLLINS. Well, we have never said—I mean, I have never been—I believe Russia has been involved in the election, and not only in ours, but others for years. That has never been a—and it really is one of the disturbing parts. And I know we have some disagreements between my Judiciary colleagues.

It was one of the main things to come out of the Mueller report that was genuinely we both understood, but we never dealt into that legislatively. We dealt with it in some of our elections, and maybe touched on it, I will give that much to some of the bills that we passed, but we didn't really dig into it in depth.

But I think the issue was is Fiona Hill and others, you know, had talked about the Ukrainians, and I will say that individuals, you know, who did side with Clinton. And in Fiona Hill's, her own statement was, the Ukraine—in her words were, Ukraine bet on the wrong horse.

But, again, this goes to a whole, you know, discussion that we have had on this, and at this point it has become very clear. We have talked about this over and over and over. These are the facts, you know, and we look at it. I think it is interesting that you would say that I hear this a good bit that these are undisputed facts.

They are disputed, inherently disputed, because if we didn't have undisputed facts, we would all be agreeing here, and that is not true. We don't agree on the basis for the fact. We don't believe on the basis of the motivation of the call. We don't believe that that is—and that is an inherent difference in the two sides. That is why we are here.

The CHAIRMAN. Will the gentlelady yield for a unanimous consent request?

Mrs. LESKO. Yes.

The CHAIRMAN. I ask unanimous consent to insert into the record at this time a November 8 Politico article entitled, quote, Ukraine didn't interfere in the 2016 campaign, Trump officials testified.

Thank you.

[The information follows:]

POLITICO

Ukraine didn't interfere in 2016, Trump officials testified

By Natasha Bertrand and Andrew Desiderio
November 8, 2019

Two top officials who served on President Donald Trump's National Security Council staff testified that they had seen no evidence that the Ukraine government interfered in the 2016 election, contradicting a claim the president has made in public and private.

The former officials, Fiona Hill and Lt. Col. Alexander Vindman, were responding to questions from House impeachment investigators, who released transcripts of their depositions on Friday.

The testimony undercuts a conspiracy theory that has been pushed by Rudy Giuliani, the president's personal lawyer, as he sought to upend the intelligence community's conclusion that Russia sought to help Trump defeat Hillary Clinton in 2016.

According to Giuliani, Ukrainian officials conspired with the Clinton campaign and the Democratic National Committee to help boost the Democratic nominee's campaign and damage Trump's candidacy. No evidence has emerged to support that idea.

In his testimony, Vindman said there was no "factual basis" for such claims. "I am, frankly, unaware of any authoritative basis for Ukranian interference in 2016 elections, based on my knowledge," he said.

Hill went further, telling lawmakers she had no reason to believe that the intelligence community's assessment was wrong or that Ukraine interfered in the 2016 election, though she clarified that she was referring only to the government in Kyiv.

Hill appeared frustrated by repeated questions from the Republicans' lead counsel about a POLITICO article from January 2017, which said a Ukrainian-American working for the DNC had met up with top officials at the Ukrainian embassy to discuss Trump campaign chairman Paul Manafort's ties to Russia.

"It is a fiction that the Ukrainian government was launching an effort to upend our election, upend our election to mess with our Democratic systems," Hill testified.

Asked whether a Ukrainian-American might have been interested in "injecting" negative information about Manafort into the press, Hill retorted that the same could be said of the Ukrainian-American operatives Lev Parnas and Igor Fruman, two Giuliani associates "who were also trying to subvert our democracy and who managed to get one of our ambassadors sacked."

Parnas and Fruman had been lobbying members of Congress and the administration to pressure the State Department into firing U.S. Ambassador to Ukraine Marie Yovanovitch, whose anti-corruption efforts were interfering with Parnas and Fruman's business interests.

"If you're also trying to peddle an alternative variation of whether the Ukrainians subverted our election, I don't want to be part of that, and I will not be part of it," Hill said. "What we're

dealing with now is a situation where we are at risk of saying that everything that happened in 2016 was a result of Ukraine in some fashion."

"I'm extremely concerned that this is a rabbit hole that we're all going to go down in between now and the 2020 election, and it will be to all of our detriment," she added. "And I just want to, if I've done anything, leave a message to you that we should all be greatly concerned about what the Russians intend to do in 2020. And any information that they can provide, you know, that basically deflects our attention away from what they did and what they're planning on doing is very useful to them."

It wasn't just Giuliani who has advanced the Ukraine-did-it conspiracy theory. During his July 25 call with Zelensky, Trump mentioned a somewhat garbled version of events while asking his Ukrainian counterpart to also investigate former vice president Joe Biden and his son Hunter.

"I would like you to find out what happened with this whole situation with Ukraine," Trump told Zelensky, going on to make a convoluted reference to a DNC server that he apparently, and falsely, believes is in Ukraine.

During the 2016 campaign, hackers linked to Russia broke into the DNC's computer system and released internal emails of discussions between top committee officials.

The publication of the emails, which suggested to some that DNC leaders were conspiring to help Clinton win the Democratic primary over Vermont Sen. Bernie Sanders, led to the resignation of chairwoman Debbie Wasserman-Schultz, cast a pall over the nominating convention and embittered many voters on the left against the party establishment.

The idea that Ukraine was behind the DNC hack may first have been planted in Trump's mind by Manafort, who pushed the widely debunked theory shortly before the November election, according to FBI documents released last week and first published by BuzzFeed.

The allegation was made by Rick Gates, Manafort's former deputy, who broke with his boss to testify as part of the Russia probe led by special counsel Robert Mueller.

"Gates recalled Manafort saying the hack was likely carried out by the Ukrainians, not the Russians, which parroted a narrative Kilimnik often supported," FBI notes say, referring to Konstantin Kilimnik, a Manafort business partner who has been linked to Russian intelligence.

"Kilimnik also opined the hack could have been perpetrated by Russian operatives in Ukraine," the FBI memo said.

Hill testified to House lawmakers that she had met Kilimnik years earlier, and believed he was a Russian operative—and that Ukraine under its previous president Petro Poroshenko had allowed Kilimnik, who was a witness in the Mueller investigation, to flee to Russia.

"All of my staff thought he was a Russian spy," she said.

https://www.politico.com/news/2019/11/08/ukraine-interfere-elections-testimony-068095

Mr. COLLINS. And I appreciate the gentleman putting that in the record, but, again, for my 14th time or I think today I have not said Ukraine; I said Ukrainians, individual Ukrainians. So there is a difference. There is a United States and there is—you know, there are members of—there are Americans who may do something, but it is not the American Government. And I think this is the point that I have tried to make, you know, during the rest of this—you know, during the hearing today.

Mrs. LESKO. Yeah. And, in fact, there was—I think it was op-eds guest columns written by Ukrainian officials that were against President Trump, if my memory serves me correctly.

Not to belabor this too much, but I think it is important to get this all on the record. On page 4 of the Articles of Impeachment it claims that things were—he conditioned two official acts on public announcements that he had requested. Again, Mr. Collins, is there any proof of that?

Mr. COLLINS. No, there is not. I mean, we went through this over and over. I mean—and, again, one of the questions that came up, is it going to box him in, box him in so he had a public stance on corruption. He just got elected, and like all of us—we have members, you know, that—you want to make sure that he is making the stance not only on what he ran on, but also he is going to actually do it, because if you actually do it, you know, say it, you can do it. This is, again, a concern about the corruption issue that we brought up before.

Mrs. LESKO. And I would just, so I am not repeating myself, there was—over and over again in here, it says openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit.

As you noted, Chairman McGovern, I serve on the Judiciary Committee. I went over transcripts. I, you know, listened to as much live testimony as I could. I was rejected from actually going into the Mr. Schiff's room so that I could cross-examine witnesses, which was very disheartening and I think very unfair.

But, again, there is no proof. There is no proof of this. It is like wishful thinking or something. It is like what you want. And as Mr. Collins said, in these—the Nadler report, I mean, it throws out all kinds of stuff. It talks about bribery, which isn't even in the Articles of Impeachment here, so obviously didn't have much proof on that. And you just keep throwing out these things.

All right. Let's move to Article II, obstruction of Congress. Mr. Collins, can you kind of explain what the normal procedure or what has been done in the past when the legislative branch wants something from the executive branch?

My understanding is they first pursue accommodations, like they talk with each other to see what they can come up with, and then if they run into a roadblock, then one of them goes to court and they get a ruling.

Is that your understanding? And did the House Democrats pursue any accommodations? And if there was a roadblock, did they take the time to go to court or did they just move forward with Articles of Impeachment instead?

Mr. COLLINS. Well, again, it is a whole year process, but if you just want to talk about the last couple months, whenever they

would call a witness or the witness would not—you know, wouldn't come, in a couple of cases, the witness actually went to court to determine, you know, should they testify or not given their position. And the House majority withdrew from the suit. I mean, so they didn't want to continue that process in court.

Historically—and look, if you take the majority's argument on face value that there is a time issue here, that there is an election issue that is a clear and present danger, as they have actually said many times, then you would want to avoid something that could drag this out further. I get that. But this is not historically the way this is done. It is not historically even investigations of impeachments have been done. Those took long, you know, several years, the Nixon, the Clinton. I mean, there were investigations for a long time into these things as we go along.

Remember, though, we were tied up for the first half of the year in Mueller, and then we got out of Mueller in July, and we went basically straight into this, you know, right after it. So this has been the situation we are in.

Mrs. LESKO. Thank you.

Mr. Collins, I am now going to turn to the what I call the Nadler report, which was kind of dumped on us at, I think it was midnight last night, it was after midnight the night before, 658 pages, so I was frantically trying to read through it while I was in different committees.

But, Mr. Collins, at the beginning of this it says—to me this was laughable, I have to admit. It says: From start to finish, the House conducted its inquiry with a commitment to transparency, efficiency, and fairness. The minority was present and able to participate at every stage.

Boy, Mr. Collins, do you think that is true?

Mr. COLLINS. Well, I think they are talking about what they witnessed and not what they did. You know, I think this is—the interesting part of this is getting it from our committee and being a rubber stamp for what somebody else did. Granted, I am not going to—and I have not denied that there was not witnesses that testified in the Intelligence Committee, and also that—and I never have not been one of the members who said that we didn't have our time. We had, you know—our members actually discussed, our counsels discussed that those were actually testimonial times.

I did think it was really interesting that—and this I think shows sort of the craziness of this. And I think it was Mr. Perlmutter, but I am not sure, actually brought up Mr. Castor—Mr. Castor is a staff member—being our witness. And the only reason Mr. Castor was a witness is because Mr. Schiff wouldn't testify, because Mr. Nunes should have been sitting in that seat, and actually he was at the beginning of the hearing. He was behind Mr. Castor.

So, I mean, I don't agree with it in any shape or form, but the discussion that you just read is viewing another committee, not our own, because once it got to us, as I found out today—and I am hoping it was a misspeak, and I assume from my friend it probably was—that only 17 members that were called was the ones we could have actually called. I am going to assume that was a misspeak.

But also, it is really interesting when you are dealing in such magnitude as an impeachment, that you actually allow the chair-

man of the committee or—on them by virtue of a majority vote determine their relevance when no idea and not even a question was determined could this provide exculpatory benefit or could it provide anything that would go further in this process, just simply say those witnesses are not relevant.

And really I have never had to get a letter from Chairman Nadler about that because I could see the timing of—I have also been around this game long enough. You have to notice hearings. And the way we were noticing hearings, there was not enough time to notice the next hearing if you had to put in either a minority hearing day or you had to add witness day or the President—you just didn't have the time.

Because when they started actually noticing hearings, sometimes, like I said, it is just a simple fact you can look that you are not going to get the witnesses. It didn't matter. I could have put anybody on there, and it wouldn't have mattered because they didn't have the time. They had already scheduled the hearings, you know, out when they got it back.

So that is just a concern that just goes into the general concern I have about where do we go in this body in this House come January 1, because it is going to be long gone from us tomorrow. But where are we going to be on January 1 if we all have to get together, we all have to work together, we all have to look forward, and then who sits in these seats after this time happens? And that is just the general concern that a lot of us have.

You will get what you—the majority will get what they want, and that is fine. But is that in the long term a benefit not only to what they are wanting to accomplish, but also to the long-term benefit of this body, I would have to say no.

Mrs. LESKO. And thank you.

Mr. Chairman, I am going to close with something that I have said before in Judiciary Committee, and at the risk of repeating it, it is, I guess, an oldie but a goody, in my opinion. And so it is actually Chairman Nadler's own words, and I want to repeat.

So during an interview on MSNBC's Morning Joe on November 26, 2018, so not that long ago, Chairman Nadler outlined a three-prong test that said would allow for a legitimate impeachment proceeding. Now, and I quote: "There are really three questions, I think. First, has the President committed impeachable offenses?"

I believe the answer is no and there has been no proof.

"Second, do these offenses rise to the gravity that is worth putting the country through the drama of impeachment?"

Again, I would say no, because there has been no evidence of any crime committed or that no evidence put forward, they were not able to establish treason, bribery, or any high crimes or misdemeanors.

"And three, because you don't want to tear the country apart. You don't want half of the country to say to the other half for the next 30 years, we won the election and you stole it from us. You have to be able to think at the beginning of the impeachment process that the evidence is so clear of offenses so grave that once you have laid out all the evidence, a good fraction of the opposition voters will reluctantly admit to themselves they had to do it. Otherwise, you have a partisan impeachment, which will tear the coun-

try apart. If you meet those three tests, then I think you do the impeachment."

Well, in all three counts, I don't think Mr. Nadler has met his test, and especially in the last one, even if you contest the other ones, this has been a partisan impeachment. Not one Republican voted to move forward with House Resolution 660 to move forward with the inquiry. Not one Republican in Judiciary Committee voted for the Articles of Impeachment. I suspect not one Republican will vote to move this forward in Rules tonight. And I suspect that not one Republican will vote for these Articles of Impeachment on the floor of the United States House of Representatives.

And, Mr. Chairman and members, this is tearing the country apart. And with that, I yield back.

The CHAIRMAN. Thank you very much.

I am kind of a stickler for details and accuracy in terms of some of the things that have been said here, because these hearings are going to be enshrined in our files and they will be there forever. But I want to go back to something the gentlewoman said about the votes on impeachment. I repeat, nobody, Democrat or Republican, has had an opportunity to vote on Articles of Impeachment. And contrary to what has been said, voting to not table doesn't mean you get an automatic vote on the impeachment.

I will give you an example. On November 6, 2007, the House rejected a motion to table a Kucinich resolution to impeach Vice President Cheney, and then moved to adopt a motion to refer the resolution to the Judiciary Committee. And that is what most of us had in mind.

So I can't say everybody, but I can say that it is just inaccurate to say that people would have automatically voted for impeachment or that voting not to table would mean a vote—an automatic vote on impeachment. I just think it is important for the record to be clear.

And having said that, it has nothing, absolutely nothing to do with what we are talking about here today. And I appreciate the fact that the gentlewoman is not fazed by the overwhelming evidence about the President's behavior, but some of us genuinely are, and many of our constituents are. And I think that is what compels us to be here today.

And with that, I want to yield to the——

Mrs. TORRES. Mr. Chairman, my name was invoked, and I would like to say something.

The CHAIRMAN. All right. Mrs. Torres.

Mrs. TORRES. Yes. So in reference to the squad, I am not sure why Members and the President continue to pick on them the way they do. Not that I need to defend any of them, because I think they do a great job defending themselves, but I believe that the tweet that caused that resolution from the President of the United States actually states, "Go back to the countries where you came from," referring to American citizen Members of Congress. If that is not despicable racism that will continue to be tolerated by some Members of our Caucus, I don't know what it is.

And I yield back.

The CHAIRMAN. And I appreciate that. I think the concern many of us have is the bar has been so lowered that we are justifying and defending the indefensible.

Ms. Scanlon.

Ms. SCANLON. Thank you.

Mr. Raskin, I saw you sitting up in your seat over a couple questions, so I just wanted to ask if you would care to comment on the question about whether the conduct alleged in the articles is not just a constitutional crime but also a statutory crime that could be criminally prosecuted?

Mr. RASKIN. Well, yes, of course. And, you know, there are a whole series of crimes in the middle of the Venn diagram which are both high crimes and misdemeanors and also possibly statutory crimes. But it has never been the understanding of any Congress, whether it was the Congress—the House of Representatives that impeached Bill Clinton or the House of Representatives that brought articles against Richard Nixon or back to Andrew Johnson that you need first to prove a statutory offense before the House gets to move Articles of Impeachment.

And you can understand how nonsensical that is because it is impossible to square with the other argument we have heard so long from our colleagues, which is that the Department of Justice may not under any circumstances prosecute, try, or convict a President while he is in office.

Whatever the merits of that proposition—and I do think they deserve greater scrutiny. Whatever the merits of them, how can you say the President cannot be prosecuted under any circumstances because he can be impeached? It is only Congress can impeach him, and then when there is an impeachment investigation, then it is being said you must first prove that he has committed a crime.

I mean, it just doesn't make any sense. It is a game of Three-card Monte. All of it essentially supports the President's own claim that he is basically above the law. I mean, he said that under the Constitution he can do whatever he wants. And so I think that all of us should be aware for all time of making arguments that put the President in a different kind of box, a box that is above the Constitution and above the people. That is going to be really dangerous for us.

Ms. SCANLON. Okay. I also wondered if you could address the fact, it has struck me that with respect to this call to the President of the Ukraine that occurred on July 25, that we didn't hear any rationale, no witnesses testified that there was any legitimate national security or any rationale for that call until after the whistleblower blew the whistle on that call. So there were no contemporaneous conversations. Could you address that point?

Mr. RASKIN. Well, Ms. Scanlon, you are absolutely right. All of these are after-the-fact concoctions and rationalizations that don't square with any of the evidence that we have on the record. And when I say evidence, I am talking about the evidence that has actually been submitted to Congress through people's sworn testimony. I am not talking about the kind of stuff that people just put on social media or a tweet. I am talking about real evidence.

So what do we know? Well, if the President was concerned about continuing corruption in Ukraine, why did he cut anticorruption

funding to Ukraine in half? If he was concerned about fighting corruption in Ukraine, why did he recall the U.S. Ambassador to Ukraine who was the lead champion of the anticorruption effort there? And why did he recall her under circumstances where she was under attack by people who were working with the retrograde corrupt forces in Ukraine as part of this smear campaign? That is a really serious problem when you think about it.

In any event, Congress passed the aid to go to the reformer President, the anticorruption President, President Zelensky. We attached stringent anticorruption criteria, which were satisfied according to President Trump's own Department of Defense, according to President Trump's own Department of State.

The money was on its way, and then he held it up because everyone knows why he held it up. He held it up because he wanted these statements, these announcements from President Zelensky that had to do with Joe Biden and trying to overthrow our intelligence community's understanding that it was Russia that interfered in our Presidential campaign in 2016, instead replacing Ukraine.

Well, that, again, is nonsensical. But none of that appears on the record anywhere. We asked lots of witnesses. They also said, for example, oh, the President was concerned about burden sharing. Actually, the European countries, the EU member countries had given billions of dollars to Ukraine.

Mr. HASTINGS [presiding]. $12 billion.

Mr. RASKIN. $12 billion to Ukraine. How insulting is that for us to go around saying as a way to justify our President's behavior, oh, they weren't doing enough for Ukraine? The EU member countries put up $12 billion, and I am proud of the more than billion dollars that we put in over the last few years, but that is not as much as the EU member countries collectively put in.

So we would rather pick a fight with our own democratic allies and say they are not doing enough, even though Ambassador Sondland himself testified, the President's own Ambassador testified when we asked him, did the President ever say to you, go to the EU member countries and tell them they need to increase their funding? No, never happened. There is no record of the President doing anything to try to get them to put more money in.

It is an after-the-fact rationalization. It is a pretext. And it is beneath the dignity of this body for us to keep spreading this as some kind of plausible rationale for the President's behavior. If you don't think it is a big deal for the President of the United States to shake down foreign governments and pressure them to get involved in our campaigns, just tell us so, but don't make up all of these other fairy-tale explanations for what was going on.

Ms. SCANLON. Okay. And contrary to these after-the-fact rationalizations, in fact, we have contemporaneous witnesses, like Ambassador Sondland and others, who said, no, it was clear that what was important to the President was getting this personal political favor.

Mr. RASKIN. I mean, the President himself said when asked in public what would he have the Ukrainians do, he basically said the same thing, just like his Chief of Staff admitted it, this stuff is happening in plain sight. Let's stop playing pretend. We have got a

very heavy decision to make about what to do with a President who enlists and recruits foreign governments to get involved in our elections.

Is that what democracy is going to be like for the rest of the 21st century? Is that what it is going to be like for our children and our grandchildren and our great grandchildren? We have got to decide that.

You know, Dr. Fiona Hill in her testimony said Russia can't beat us militarily. Russia can't beat us economically. But they have got a strategy that involves the internet and intervention in elections around the world. She said she thinks of Russia as the world's largest Super-PAC, right. And are we going to be allowing the President of the United States to be working with Vladimir Putin's Super-PAC for the tyrants and the despots and the people who are trying to interfere with the growth and the spread of democracy around the world? I hope not.

Ms. SCANLON. Okay. Well, I wanted to spend a couple minutes just looking at the real fundamental question here before us, which is, should these Articles of Impeachment move forward. And, Mr. Collins, I understand from the dissenting views from the minority that you think it is too vague to charge with abuse of power here. And I also understand that you accept that abuse of power can form the basis for an impeachment, correct?

Mr. COLLINS. Yes.

Ms. SCANLON. But as I understand it, the objection is that you need more concrete facts. So I would like to just explore for a minute what concrete facts could get you, if any, could get you over that bar. So if a President were to send our troops to war in exchange for a personal cash payment, that would be impeachable, wouldn't it?

Mr. COLLINS. I think where we are going to go down a road here of hypotheticals that, frankly, I am just not going to play with. And, I mean, there will be things that you and I could both——

Ms. SCANLON. Okay. Then reclaiming my time.

Mr. COLLINS. That is fine.

Ms. SCANLON. Mr. Raskin, in fact, that was a hypothetical that the Framers of the Constitution looked at, wasn't it?

Mr. RASKIN. Would you mind repeating it? My daughter sent me a text.

Ms. SCANLON. Sure. That the executive can't interfere with that. When the Framers were looking at what kinds of offenses should be impeachable, didn't they look to the example of an executive who was being paid off by a foreign country?

Mr. RASKIN. Oh, absolutely. I mean, you know, first of all, all four witnesses, the three called by the majority and Professor Turley from GW, who was the minority witness, all of them said that abuse of power is an impeachable offense. In other words, we had unanimous agreement among our academic scholars that abuse of power is an impeachable offense. There is nothing vague or nebulous about it. Abuse of power meant something to the Framers.

Now, we have got to wrestle with the facts. That is our job. But they all said that. And when they canvassed all of the records of the constitutional convention and the ratifying conventions and the

Federalist Papers—and everybody can retrace their steps themselves, and I encourage you to do it because we have got to use this episode as a civics lesson for America.

And when you retrace it, you will find that there were three kind of things on their mind: One was a President who tries to corrupt our elections; two was a President who makes deals with foreign powers in order to alter the course of our political destiny, in other words, taking choice away from we the people and giving it to foreign despots and spies and, you know, people who would not have our best interest at heart basically; and the third thing was the President elevating his own personal, financial, and political interests over the common good.

And, you know, I really want to emphasize that point because the Framers wanted the President of the United States to have complete and undivided loyalty to the American people and not foreign powers and not his or her own financial plans and certainly not elevating his or her own electoral ambitions over the rule of law such that he or she would be willing to corrupt elections just to get reelected.

And, you know, George Mason famously asked, you know, is there anybody who really should be above justice, and especially the person who himself has the more means of injustice. And so we have more to fear from the President because of his awesome powers. How can we say then that he should be beyond the reach of the law?

Ms. SCANLON. Well, that is one of the things I found really interesting as we have gone through this, listened to the experts.

I did want to ask unanimous consent, and I am not sure which letter Mr. Perlmutter introduced before, but we do have a letter now that has 500 legal scholars who signed on saying that there is grounds for impeachment in our current fact situation.

Mr. HASTINGS. Without objection.

Ms. SCANLON. And over 700 historians who have signed a separate letter.

Mr. HASTINGS. Without objection.

Ms. SCANLON. So I am not sure which one.

VOICE. We will introduce them twice.

[The information follows:]

Letter to Congress from Legal Scholars

We, the undersigned legal scholars, have concluded that President Trump engaged in impeachable conduct.

We do not reach this conclusion lightly. The Founders did not make impeachment available for disagreements over policy, even profound ones, nor for extreme distaste for the manner in which the President executes his office. Only "Treason, Bribery, or other high Crimes and Misdemeanors" warrant impeachment. But there is overwhelming evidence that President Trump betrayed his oath of office by seeking to use presidential power to pressure a foreign government to help him distort an American election, for his personal and political benefit, at the direct expense of national security interests as determined by Congress. His conduct is precisely the type of threat to our democracy that the Founders feared when they included the remedy of impeachment in the Constitution.

We take no position on whether the President committed a crime. But conduct need not be criminal to be impeachable. The standard here is constitutional; it does not depend on what Congress has chosen to criminalize.

Impeachment is a remedy for grave abuses of the public trust. The two specific bases for impeachment named in the Constitution — treason and bribery — involve such abuses because they include conduct undertaken not in the "faithful execution" of public office that the Constitution requires, but instead for personal gain (bribery) or to benefit a foreign enemy (treason).

Impeachment is an especially essential remedy for conduct that corrupts elections. The primary check on presidents is political: if a president behaves poorly, voters can punish him or his party at

the polls. A president who corrupts the system of elections seeks to place himself beyond the reach of this political check. At the Constitutional Convention, George Mason described impeachable offenses as "attempts to subvert the constitution." Corrupting elections subverts the process by which the Constitution makes the president democratically accountable. Put simply, if a President cheats in his effort at re-election, trusting the democratic process to serve as a check through that election is no remedy at all. That is what impeachment is for.

Moreover, the Founders were keenly concerned with the possibility of corruption in the president's relationships with foreign governments. That is why they prohibited the president from accepting anything of value from foreign governments without Congress's consent. The same concern drove their thinking on impeachment. James Madison noted that Congress must be able to remove the president between elections lest there be no remedy if a president betrayed the public trust in dealings with foreign powers.

In light of these considerations, overwhelming evidence made public to date forces us to conclude that President Trump engaged in impeachable conduct. To mention only a few of those facts: William B. Taylor, who leads the U.S. embassy in Ukraine, testified that President Trump directed the withholding of hundreds of millions of dollars in military aid for Ukraine in its struggle against Russia — aid that Congress determined to be in the U.S. national security interest — until Ukraine announced investigations that would aid the President's re-election campaign. Ambassador Gordon Sondland testified that the President made a White House visit for the Ukrainian president conditional on public announcement of those investigations. In a phone call with the Ukrainian president, President Trump asked for a "favor" in the form of a foreign government investigation of a U.S. citizen who is his political rival. President Trump and his Chief of Staff Mick Mulvaney made public statements confirming this use of

governmental power to solicit investigations that would aid the President's personal political interests. The President made clear that his private attorney, Rudy Giuliani, was central to efforts to spur Ukrainian investigations, and Mr. Giuliani confirmed that his efforts were in service of President Trump's private interests.

Ultimately, whether to impeach the President and remove him from office depends on judgments that the Constitution leaves to Congress. But if the House of Representatives impeached the President for the conduct described here and the Senate voted to remove him, they would be acting well within their constitutional powers. Whether President Trump's conduct is classified as bribery, as a high crime or misdemeanor, or as both, it is clearly impeachable under our Constitution.

Signed,

Full list of signatories can be found at
https://medium.com/@legalscholarsonimpeachment/letter-to-congress-from-legal-scholars-6c18b5b6d116

Ms. SCANLON. Okay. But so I wanted to explore a little bit, and I am sorry if Mr. Collins doesn't want to do this, perhaps he would consider another question, because I am trying to find, you know, do we have any common ground here with respect to what might be impeachable.

So if the President ordered the government to withhold payment from a contractor building his wall on the southern border unless the contractor paid the President $1 million, would that be an impeachable abuse of power?

Mr. COLLINS. With all due respect to the gentlelady who is very talented in law, if we want to talk about the issue at hand, I will be happy to. But I think we are way past the point here at Rules Committee to determine—because we have already issued the Articles of Impeachment. And I think—and in all due respect, we are just getting it to the floor. And I will discuss, as I have, the facts of this case, which I disagree with and we both disagree, and I respect that greatly. I don't—I am not going to just chase a what is impeachable offense. I wish the majority had done that a long time ago. So, you know, but I am not——

Ms. SCANLON. Okay. Reclaiming my time.

Mr. COLLINS. Appreciate it. You can go back to it.

Ms. SCANLON. I think, you know, the minority's report says that you don't think the abuse of power allegation here is concrete enough, so I am trying to figure out what, if anything, you might think is concrete. How about if the facts showed that the President had ordered a government—ordered our government to withhold foreign aid to Israel unless the Prime Minister of Israel paid off our President, would that be enough?

Mr. COLLINS. The gentlelady is very good, but I will also continue to say, if the gentlelady—my report is specific to this action, and the gentlelady is laying out a hypothetical and laying out a theoretical, which is fine, but I just—with all due respect, I am just not going to participate in it.

Ms. SCANLON. All right. Then would the gentleman agree that if the President abused his office by—if we could agree that the President had sought this favor for personal political reasons rather than one of these after-the-fact explanations that he has offered, would that be impeachable, if we agreed upon the intent?

Mr. COLLINS. Look, again, this is sort of the last run around this, if you alleged crimes, if you alleged actual things than abuse of power, instead of saying an amorphous abuse of power, which is what we list in our report, instead of going to that—none of those specific charges were listed in your abuse of power, but yet you have propagated your report with all these other things.

There are ways that you can build it, and the gentlelady knows my answer is, is can there be an abuse of power, yes, and I have never not denied that. But what I am not going to do tonight, because I do not find it convincing or relative to this hearing of getting—or rule to put this on the floor tomorrow is what our report actually says. Is there abuse of power element? Yes, you can go back to the Nixon impeachment. There were abuse of power. Those are things that you can look at.

In this highlight here, and Mr. Raskin, I am sure, can discuss this at length in his discussion, I will go back to what I find here

is not an abuse of power. I have said this clearly on many occasions. And to engage in hypotheticals to make this abuse of power look better, I am just not going to do. And I appreciate the gentlelady.

Ms. SCANLON. Mr. Raskin, you had something?

Mr. RASKIN. Yes. President Nixon was charged in the abuse of power article with conducting a break-in of his political opponent's campaign headquarters. President Trump is essentially being charged with conducting a break-in of American democracy in order to harm his political opponent. The two crimes are quite analogous.

Now, one has the additional factors you just pointed out, Ms. Scanlon, of dragging a foreign government into the equation, which was something extra that the Framers feared greatly. But both of these are abuses of power. The House of Representatives didn't say, oh, you have got to demonstrate that he has been convicted of burglary in the District of Columbia or conspiracy to commit burglary before you take it up as abuse of power, right.

And so it is true that our abuse of power claim has some overlapping elements with bribery, as we have discussed thoroughly, in the report with on its surface is fraud against the people, perhaps extortion, and perhaps many other crimes. And all of those things can be prosecuted under the Constitution later, but that doesn't absolve us of our constitutional responsibility to prevent high crimes and misdemeanors against the American people in the meantime.

Mr. COLLINS. Would the gentlelady——

Ms. SCANLON. I guess one last try, Mr. Collins. Let me just——

Mr. COLLINS. I have something I was going to say. So that is fine.

Ms. SCANLON. I am just curious. I mean, we have the precedent of President Nixon who was accused of abuse of power because he ordered the FBI to investigate his political opponents to get dirt on them. Do you think that was impeachable?

Mr. COLLINS. Again, I will comment on the phone call of this year, and also I will talk about what Mr. Turley said. And what he said, he said, facts must be clear, convincing and comprehensive. This record is contested. And the Democrat—and the majority has not accepted exculpatory evidence here.

So I think when you look at it from our perspective, that is what we laid out in our report, and it goes back to the fact that I inherently will sit here with the facts in dispute, do not believe it is the abuse of power based on this phone call——

Ms. SCANLON. And, Mr. Collins, I am just trying to find out what, if anything, you would consider impeachable, because we haven't seen that yet. I mean, you won't even concede what was precedent from the Nixon situation, and here we have a situation, I am asking if the facts were to show that the President withheld foreign aid to another country in order to get a personal political favor not for matters of national security, would that be impeachable? And you don't seem able to answer that question.

Mr. COLLINS. I seem very capable of answering that. I am just not going to follow your path on what you are wanting me to lead, because at the same point in time——

Ms. Scanlon. Well, I understand.

Mr. COLLINS [continuing]. I have got to—you and I both have to vote on words on paper, and words on paper tomorrow is this case. It is not the hypothetical of it, because I don't believe you have made this case, and that is why I am pushing back on it and will continue very politely to push back on this. I am just not going to go down this road because you have not made your case. Now, you can convince yourself and others that you can——

Ms. Scanlon. Well, with all due respect, Mr. Collins——

Mr. COLLINS [continuing]. But that is my minority vote.

Ms. SCANLON [continuing]. The House is not the finder of fact. The trial is for the Senate. Right here we are talking about whether there is enough evidence to make out the case. I believe that there is.

Mr. COLLINS. And I disagree. There is not.

Ms. SCANLON. Fine.

I guess one other thing I wanted to just push back on is this idea that somehow this impeachment process is some kind of radical left plot of some sort. I do have to thank our colleagues on the other side for giving my children a good laugh that their, you know, soccer mom carpool driving PTA running the apple festival at the Methodist church mom is some kind of radical.

But I did want to make clear for the record that the only radical view I am embracing here is the idea that we the people should be governed by a constitution that divides powers between three coequal branches and establishes checks and balances on the President.

And despite the rhetoric that somehow this is a completely partisan exercise, my faith in these core constitutional principles is I believe it is still a shared American value that unites Democrats, Independents, Conservatives, Libertarians. I think there is a growing consensus even among Republicans who speak off the record or are not dependent on the President for continuation in their job.

And I would just like to point to a couple examples. This weekend, Tom Ridge, the former Republican governor of my home State, Commonwealth of Pennsylvania, the first Homeland Secretary of the United States, Member of Congress, Vietnam vet said that he believed the President's conduct here was an abuse of power to ask a foreign leader for a political favor.

Our former colleague, Mr. Dent, also from Pennsylvania, said he has spoken with Republicans who are absolutely disgusted and exhausted by the President's behavior.

Another former Republican colleague of ours, David Jolly, said we have witnessed an impeachable moment.

Former Republican Congressman Reid Ribble of Wisconsin said recently, clearly there was some type of quid pro quo. And when asked if he believes the testimony presented warrants impeachment, he said, I do.

Former South Carolina Republican Congressman Bob Inglis, who served on the Judiciary Committee during the Clinton impeachment, said last month, without a doubt, if Barack Obama had done the things revealed in the testimony in the current inquiry, we Republicans would have impeached him.

And while I am hesitant, I don't want my colleagues to have a stroke, Joe Scarborough, who is a former Republican Congressman

from Florida, said, every Republican knows that Donald Trump was asking for dirt on Joe Biden in exchange for releasing the military funds.

These are just a few of the folks who have come out here and——

Mr. HASTINGS. Ms. Scanlon, would you yield just one moment so I can add one?

Ms. SCANLON. Certainly.

Mr. HASTINGS. William Webster, the only person that has been the FBI Director and CIA Director, said the same thing.

Ms. SCANLON. Okay.

Mr. HASTINGS. At age 95.

Ms. SCANLON. At age 95. Okay.

And with that, I would yield back.

Mr. Raskin, did you have anything further?

Mr. RASKIN. I just want to say, nothing strikes me as more conservative than wanting to conserve the Constitution and the Bill of Rights and the political order that has been bequeathed to us by the Framers and the Founders.

And the conservative tradition is a great tradition in America, like the liberal tradition. And the heart of the word "liberal" is liberty. And liberals have every reason to stand up for the Constitution now. Just like progressives, people who look for progress, they have every reason to rally around the Constitution.

We are not one political party. We are not one political belief system or ideology. We are not one race or ethnicity. But we have got one Constitution in our country. We have got to cling really closely to our Constitution through this period.

And I know that doesn't mean we are all going to agree in the end, but I think that if we are all constitutional patriots we are going to be able to see our way through a very dark moment in American history.

Mr. COLLINS. Could I comment on that? If not, you need to give back, that is fine. I understand.

Ms. SCANLON. That is fine.

Mr. COLLINS. Okay. All of these that you just mentioned, the Republicans you just mentioned—Tom Ridge is a great guy. In fact, the last time I saw him was a few months ago when he awarded Hakeem and I the Civility Award from Allegheny College. He is a good guy. There is just one difference in all of these: They don't wear pins currently in this Congress. They are not voting on these articles.

And I would have to assume——

Ms. SCANLON. And I believe I mentioned that.

Mr. COLLINS. And I would have to assume in my position that if they did, then we can always disagree. But they are not. And I think the only thing is, is from a constitutional perspective—and I appreciate it.

And again, I would say this. I am looking at facts. You are looking at facts. We disagree. And I think at the end of the day, that is the way it has got to be. And I didn't mean to prolong that. And from that perspective, I think it is not—I don't fight less for the Constitution than Mr. Raskin here. I will never back up on that argument. He can fight and say he is fighting for it. I am going to

fight and say I am fighting for it. And that is my case then to my voters and the American people.

To frame this in, you know, anything else is just simply to say, look, here are the facts, let's deal with the facts, and let's vote on it tomorrow, and we will go from there.

I yield back. Thank you.

Mr. RASKIN. If I could add one thing to I think a fine statement by Mr. Collins. But for those out there who don't know Capitol Hill lingo, wearing a pin means—I thought I had—there is my pin. You have got to wear a pin in order to get into the buildings, because there are so many of us. There are 435, so they don't recognize. Some of us are famous here. Mr. Collins is famous, they will let him in. But, you know, the rest of us, we have to wear our pins in order to get in.

But I do want to push back against the idea that this conversation is only for people wearing pins. And I think America has got to think about this in a really profound way.

The Framers of the Constitution were trying to decide whether impeachment should be located in the Supreme Court and treated as a matter of law and legal induction or whether it should be with Congress and the people's Representatives. And they thought it was so important and so fundamental that it had to be with the people.

Now, they know we are politicians. They know we have got other stuff going on. We are fighting, you know, in our caucus to lower prescription drug prices and we are fighting for the Equality Act and we want to pass the universal criminal mental background check. My colleagues have an agenda; we have got an agenda. We have got to deal with all of that and also think about impeachment. And what else do Representatives have to do? We have got to interact with our constituents.

So when people say to me, oh, well, you know, you don't want to talk to the public about it, you just want to go decide—I don't think that is right. I think this is a national dialogue that we are engaged in here. It is about the destiny, the future of our whole country, our whole form of government.

So I am glad that you raised this. I am glad that I hear from conservatives all the time on our side. I am sure that there are some liberals who are on the other side. I think that is the way that it should be. I think we have got to not be bound just by what these labels, certainly these partisan labels are all about.

You know, our greatest political leaders have understood that we are in partisan competition in the election. Like Thomas Jefferson, he was a real brawler when it came to elections. He was savvy; he was smart. But when he got elected in 1800 and he gave that inaugural speech, he said we were all Republicans, we are all Federalists.

And George Washington reminded people always that the word "party" comes from the French word "parti," a part. Our party is just part of the whole.

When we get into office we have to try to look out for the whole, not just for our part. Barack Obama said this is not the red States of America or the blue states of America. This is the United States of America.

So when we get elected, we have to try to think about the good of everyone. And I know that everybody in this room comes in that spirit and is trying to speak to the whole country and not just to a narrow base.

Ms. SCANLON. Thank you, Mr. Raskin. I can never match you on the historical references, but I do want to close by noting Franklin's response to a constituent when he and his fellow Framers came out of Independence Hall in Philadelphia and they were asked what kind of a government they had produced, and he said, "A republic, if you can keep it."

So I think your emphasis on people needing to look at the evidence themselves, actually read the transcript, you know, come to this and engage with it as citizens.

So thank you, and I yield back.

Mr. HASTINGS. Thank you very much.

Mr. Morelle, you only have an hour and 45 minutes.

Mr. MORELLE. And I will use it wisely. I promise.

Thank you, Mr. Hastings.

I want to thank both Mr. Raskin and Mr. Collins for enduring a long day and for all of the hard work that you have put in.

Just some observations and then a few questions, if I might.

When America's Founders gathered for the Second Constitutional Convention more than 230 years ago they laid down not just laws and procedures, but the core principles and values that would guide this young Nation.

At that time George Washington asked whether we are to have a government of respectability under which life, liberty, and prosperity are secured to us or whether we are to submit to one, which may be the result of chance or the moment springing perhaps by some aspiring demagogue who will not consult the interests of his country so much as his own ambitious views.

The Founders did not take lightly the matter of impeachment, as has been described. The journals of James Madison, for instance, detail a solemn and thoughtful debate among the Framers over the power to remove a President and the conditions that would warrant such a decision. It was to be reserved only for treason, bribery—and although those were narrow, they added high crimes and misdemeanors, meaning not just serious crimes against an individual, but it borrows from 14th century English law those crimes instead committed against the State itself, or in this case, the very Nation a President is sworn to protect.

And our Founders feared two things, and you touched upon this earlier, Mr. Raskin, but two things above all others: the overreach of executive branch powers by what they called the chief magistrate, or the President, and the interference of foreign powers—at the time Great Britain and France most came to mind—but the interference of foreign powers in our domestic affairs. And both, they feared, would undermine the foundations of our democracy.

In fact, those fears had given rise to the very revolution which the American colonies sought independence from in the first place. And those fears have been realize, in my view, in the actions of the President, exactly why impeachment exists at all.

And last time this committee gathered on the subject of the inquiry, I spoke of my hopes that the public phase of this process

would bring answers for the American people on those allegations. And since that time, more than a month ago, we have heard—and members of the Judiciary Committee, we thank you, and members of the Intelligence Committee—because we have heard publicly from many key witnesses that have illuminated the alarming pattern of behavior the President has engaged in.

And these witnesses are not partisan actors but career diplomats, experienced intelligence officers, and dedicated public servants.

And I have to say parenthetically, one of the proudest things for me was to observe those people testifying and giving, as people dedicated to the country, patriots, who spoke out not as partisans but as people who love this country.

Lieutenant Colonel Alexander Vindman described the unprecedented subversion of America's national interest in a strong Ukraine, in favor of a wholly personal interest of President Trump.

Dr. Hill testified to the back channels outside of our usual national security and diplomatic policy that sought to exchange a White House meeting for investigations pursued by the President.

Ambassador Sondland, closely involved in the campaign to pressure Ukraine at the behest of the President, declared in no uncertain terms that this was a clear quid pro quo.

These and other brave Americans gave testimony, not as partisan Democrats, but experts in their field, underscoring that this process has not been one of politics but one of duty. We have remained committed to a fair and open process, with the only goals of discovering the truth and protecting the American public—which is why I am so troubled that members of the Trump administration have repeatedly refused to testify in hearings and provide transparency, to make their argument to the public.

Despite this, we now have a clear picture of what occurred between the President of the United States and the Government of Ukraine.

Regrettably, sadly, I am convinced President Trump has abused the powers of his public office, leveraged a foreign government for political benefit, and obstructed necessary congressional oversight of his conduct.

In the end it comes down, I think as you just mentioned, Mr. Raskin, to one simple question posed by George Mason two centuries ago: Shall any man be above justice? The answer, of course, must unequivocally be no.

This is a profound moment in our Nation's history. It is not just a responsibility but our somber obligation to protect the Republic and uphold the very tenets it was founded upon, and that is why we must uphold our constitutional duty to justice by taking up these articles of impeachment.

And I hope those on both sides of the aisle can see that we are at a crossroads, and the future of our country hinges on decisions like the ones we make today. We cannot abdicate our responsibility to our constituents, to our country, by choosing to ignore the grave and, in my view, unlawful actions of the President and threaten to unravel centuries of progress.

I am blessed, as many of us are, with three beautiful grandchildren and a fourth on the way. And when I talk to them about

right and wrong, I want to be able to look them in the eye and tell them I have always done my best to uphold what is good, what is just, and what is fair.

And today that means casting a vote to hold accountable a President, the highest office in the land, but a President who has blatantly and egregiously abused his office, jeopardized our national security, and put his own political favor ahead of our national interests. And for the sake of our children, our grandchildren, and all of us, I urge my colleagues to do the same.

And with that, I would like to, if I may, just pose a few questions. And part of it involves admittedly around the unclassified transcripts of the phone call.

The argument being made by the President and his administration in arguing that the call of July 25 was intended to deal with widespread corruption in the Ukraine, that is, as I understand, the argument. Is that correct, Mr. Raskin? Do you see it the same way, Mr. Raskin?

Mr. RASKIN. Forgive me. Whose argument?

Mr. MORELLE. The argument by the President and the White House is that their arguments and pushback was to combat general corruption——

Mr. RASKIN. Yes.

Mr. MORELLE [continuing]. Although it is not in any way described in the actual transcript. But that is the argument now being articulated?

Mr. RASKIN. It is impossible for me to take it seriously, given that I have researched all of the circumstances and the context. But I think that there is at least some halfhearted effort to stick with that story.

Mr. MORELLE. And what is interesting when you read the transcript, Mr. Lutsenko was the prosecutor who I believe Trump was referring to in the phone call when he said to President Zelensky: I heard you had a prosecutor who was very good and he was shut down and that is really unfair. A lot of people are talking about that, the way they shut him down, a very good prosecutor down, and you had some very bad people involved.

That is Mr. Lutsenko that he is referring to, isn't it?

Mr. RASKIN. Yes, it is.

Mr. COLLINS. No, it is not. No, it is not. It is Shokin.

Mr. MORELLE. Well, that is not——

Mr. COLLINS. It is Mr. Shokin.

Mr. RASKIN. Oh, it is not entirely clear then.

Mr. MORELLE. It is not clear then, because that is not who is—it is not mentioned at all. But the—Mr. Lutsenko—Lutsenko is generally viewed to be corrupt himself. And that was part of what had happened with President Zelensky, was the removal of Lutsenko and other prosecutors deemed to be corrupt by the world community. Is that not correct?

Mr. RASKIN. That is correct. But there was a history of corruption going back, and Zelensky was elected as a reformer. So yes.

Mr. MORELLE. And, in fact, during the call, it does seem to me that—I don't want to say that the two Presidents were talking past one another. But on the one hand, President Trump seemed to be arguing for retaining the prosecutors who had been deemed by the

world community generally to be corrupt and to be pro-Russian, and yet President Zelensky is talking about bringing in new and capable people.

Is that not how I read the transcript? Or should I not read it that way?

Mr. RASKIN. I am sorry. That who is talking? That Zelensky——

Mr. MORELLE. They are talking past each other. The President——

Mr. RASKIN. Yes.

Mr. Morelle. President Trump is essentially arguing for the status quo, the prosecutors who have been deemed to be—is that——

Mr. RASKIN. Well, the way—yes, the way I read it is that President Zelensky is walking a tightrope.

Mr. MORELLE. Correct.

Mr. RASKIN. He is elected as a reformer, he has taken on the corrupt forces in his society, but he is being presented essentially with yet another corrupt scheme.

I mean, that is what is so heartbreaking about this, as described to us by Dr. Fiona Hill and Ambassador Yovanovitch. This was a moment where Ukraine was trying to move forward from all of the corruption, and as I think it was George Kent who said, we try to teach the other countries of the world not to engage in politically based prosecutions, not to have a situation where someone gets into office and then decides to prosecute their opponents or go after someone who is considered a political threat to the President. And here we were, the most powerful country in the world, which Ukraine was depending on, and we were essentially imposing that scenario on them.

Mr. MORELLE. Yeah. And I do note that despite suggestions to the contrary, the only real references to this are Biden. And, as it says at one point, the President says: I would like you to find out what happened with this whole situation. They say CrowdStrike. I guess you have one of your wealthy people, the server, they say Ukraine has it, a lot of things that went on.

Unfortunately, it is somewhat unintelligible—intelligent—intelligible to understand exactly what he is talking about. But at no point is there a suggestion that he is talking broadly about corruption.

I want to just focus, if I can, in just a few minutes, on the role of Rudy Giuliani in all of this, obviously, well known to New Yorkers. And I note that Ambassador Taylor, I think in his testimony, said that he had suspicions before even taking the job and said, in part, can anyone hope to succeed with the Giuliani-Biden issue swirling?

What was your sense of what he meant by that in his testimony?

Mr. RASKIN. What—when you say——

Mr. MORELLE. Sure. Ambassador Taylor said that he had suspicions before taking this job. And he said: Can anyone hope to succeed with the Giuliani-Biden issue swirling? Did he expand further upon that, and can you share with us?

Mr. RASKIN. Well, the general concern was that no one knew quite in what capacity Rudy Giuliani was operating. I think that that is a dilemma and a confusion that persists to this very day. Sometimes he is acting as a businessman for himself; sometimes he

is acting as the President's personal lawyer; sometimes he is acting as lawyers for other people; sometimes he is acting on errands from foreign governments or he is doing work with foreign governments.

There is an interesting analyst of corruption today named Sarah Chayes, who has written a lot about corruption in Afghanistan, where she lived, and she said you have got to understand corruption today crosses different domains. So some of it is in the government sector; some of it is in the private corporate sector; some of it is in the underworld; and then you get certain players who cross all of these boundaries and unify them in different ways.

So I think that people understood that Rudy Giuliani had the ear of the President, he seemed to be authorized or empowered by the President to go on this domestic political errand and try to make this happen, and he clearly had entree into the highest levels of the U.S. Government and seemed to be working with a lot of the government officials who were involved there. That is why President Trump kept telling people: Go talk to Rudy, talk to Rudy.

Mr. MORELLE. So did you hear in committee any evidence or uncover any evidence in the hearings that the White House lacked confidence in the State Department, the diplomatic corps, or the Department of Justice to communicate with Ukraine the need for a broad attack against corruption generally?

Mr. RASKIN. I am sorry. I missed the beginning of your question. Did we——

Mr. MORELLE. Did you uncover any evidence or hear any testimony that suggests the White House lacked confidence in the State Department or the Department of Justice or the diplomatic corps to communicate effectively with Ukraine the President's desire to wipe out corruption generally?

Mr. RASKIN. Well, there is an unstated premise there, which is that the President had a general interest in fighting corruption in Ukraine. And we saw little or no evidence of that at all.

Remember, there had been hundreds of millions of dollars that had flowed to Ukraine under the prior corrupt President without a peep being mentioned about it. And it was during Zelensky's rise where the President got interested. But that didn't even have anything to do with Zelensky. It was because Joe Biden was running for President, and he was looking for a hook to go after Joe Biden. And this was the plan that he decided on, and he was monomaniacal and single-minded about the whole thing, and brought a lot of people together to try to make that happen.

Mr. MORELLE. Right. So if you take the President at his word, which I am trying to give him every opportunity to make a case, you would have to make—come to the conclusion that somehow he lacked confidence in the Department of Justice or the State Department or normal diplomatic channels. Otherwise, why would he turn to Rudy Giuliani——

Mr. RASKIN. Well, that is a great point.

Mr. MORELLE [continuing]. Of all people, to conduct this investigation?

Mr. RASKIN. It is a great point.

Attorney General Barr himself released a statement saying that President Trump had never contacted him with any evidence about the Bidens that he wanted to be investigated and never asked him

to use the formal diplomatic channels to connect with the law enforcement authorities in Ukraine.

You know, there are real crimes that are being committed by Americans around the world. Americans are involved in conspiracies with different people.

We actually have a way of working on this problem between governments. The President, who would have better access to the Department of Justice than anybody else in the country, never contacted the Department of Justice about getting in touch with Ukraine about any corruption that he knew about. He didn't turn over any evidence. He didn't suggest any clues. None of it. He just went directly to the President of Ukraine and told him what he wanted him to do. He wanted him to make that announcement about Joe Biden.

Mr. MORELLE. Well, and I do note, going back to the transcript, which is much talked about, where the President talks about, which I referenced just a few moments ago, the things that he was interested, which were narrowly about the Bidens and the so-called server, it is actually Zelensky who raises the name Giuliani first.

So it is clearly something that had been communicated and well before July 25, because he says: I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently, and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once when he comes to Ukraine.

And clearly there is already a pathway, and clearly Giuliani, who I don't think would be tapped to talk about corruption generally when you had Attorney General Barr and you have Secretary Pompeo and thousands of members of both the State Department and the Department of Justice that can do it, why they would choose Giuliani.

But that is clearly a cue for President Zelensky in this conversation to raise the name of Giuliani. It is then the President suggests that a lot of people are talking about that, the way they shut your very good prosecutor down, and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York. I would like him to call you. I will ask him to call you, along with the Attorney General. Rudy very much knows what is happening; he is a very capable guy. If you would speak to him, that would be great. An indication that, again, these unusual channels of operating, not through normal diplomatic channels.

And then, again, later on in the conversation, the President: Well, she is going to go through some things—speaking of Ambassador Yovanovitch—I will have Mr. Giuliani give you a call, and I am also going to have Attorney General Barr call, and we will get to the bottom of it.

And again, the President: Good. Well, thank you very much. I appreciate that. I will tell Rudy and Attorney General Barr to call you. And so on it goes.

And it is just, in my mind, troubling that Mr. Giuliani would be mentioned in the same breath repeatedly with the Attorney General and clearly representing the President personally. And as you point out, it is hard to tell what role he is playing at any given moment. Is he the President's personal attorney? Is he a representative of the United States? Is he doing the President's political bid-

ding for him? Or is he doing something that relates to his own commercial and business interests?

Yesterday Mr. Giuliani is reported to have said that President Trump was given detailed information about how Ambassador Yovanovitch was impeding investigations that could benefit Mr. Trump, not that benefit the United States, but benefit Mr. Trump.

Giuliani told the President and Secretary Pompeo that Ms. Yovanovitch was blocking visas for Ukrainian prosecutors to come to the United States to present evidence to him, Giuliani, and Federal authorities that he claimed to be damaging to Vice President Biden and to Ukrainians who distributed documents that led to the resignation of President Trump's 2016 campaign chair, Paul Manafort.

Is there any evidence at all that supports any of Mr. Giuliani's claims against Ambassador Yovanovitch, either those that were reported yesterday or reported earlier in this investigation?

Mr. RASKIN. Well, it is a great question. We asked that to numerous of the witnesses, whether there was anything to this conspiracy theory basically. And the answer we got was, no, there is basically nothing to it, they are not aware that there was an organized campaign by the Ukrainian Government to get involved in our 2016 campaign.

My friend Mr. Collins rightfully pointed out that he and other supporters of the President in this matter have said there were Ukrainians who said things, and I think the Ukrainian ambassador to the United States was one of the ones who said things.

But you cannot put that in the same sentence or paragraph or book with what Russia has been doing to elections around the world. Our Department of Justice special counsel found a sweeping and systematic campaign to subvert and undermine the American election. They had hundreds of employees working around this—working on this around the clock. They spent millions of dollars or rubles doing it. They were trying to inject poisoned racial and ethnic and religious propaganda into our social media system.

And that is, you know, one thing, Mr. Morelle, that makes me very sad, that our country is divided. I don't think it is divided because we are trying to stand up for the rule of law in the impeachment investigation, but the Russian attack on American democracy did have a lot to do with it.

I mean, why did we have hundreds of neo-Nazis and clansmen marching in broad daylight in Charlottesville? It is because there was divisive racial propaganda, ethnic and religious propaganda, pumped into American society.

So I think that it is almost a patriotic duty for us in this very tough time to see that we try to bridge partisan and ethnic and racial and sectional differences, regional, all of those things. We cannot allow the enemies of democracy to exacerbate preexisting fault lines in the country and open up old gulfs within our country.

Mr. MORELLE. Yeah, and I—just taking—just extending that further. I note in the deposition from Dr. Hill, she is quoted as saying: I went back to talk to Ambassador Bolton, and Ambassador Bolton asked me to go over and report this to our NSC counsel, to John Eisenberg. He told me, direct quote: You go and tell Eisenberg that I am not part of whatever drug deal Sondland and Mulvaney are

cooking up on this, and you go and tell them that you have heard and what I have said. So I went over to talk to John Eisenberg about this. I told him exactly, you know, what had transpired and that Ambassador Sondland had basically indicated that there was an agreement with the chief of staff that they would have a White House meeting or, you know, a Presidential meeting if the Ukrainians start up these investigations again. And the main thing that I was personally concerned about, as I said to John, was that he did this in front of the Ukrainians.

But I want to go back to and extend this to the result of Mr. Giuliani's campaign that he had set in motion against Ambassador Yovanovitch, which is also—this is part of the deposition from Dr. Hill—why did the removal of Ambassador Yovanovitch mark a turning point for you? And this is to your point about throwing out conspiracies, et cetera. Because there is no basis for her removal. The accusations against her had no merit whatsoever. This was a mishmash of conspiracy theories that, again, I have told you I believe firmly to be baseless, an idea of an association between her and George Soros. I had had accusations similar to this being made against me as well, my entire first year of my tenure at National Security Council, filled with hateful calls, conspiracy theories, which has started again, frankly, as it has been announced that I have been giving this deposition.

She goes on to say: The most obvious explanation to the point seemed to be business dealings of individuals who wanted to improve the investment positions inside of Ukraine itself and also to deflect where on the findings of not just the Mueller report on Russian interference but what has also been confirmed by your own Senate report and what I know myself to be true as a former intelligence analyst and someone who has been working on Russia for more than 30 years. So the fact that Ambassador Yovanovitch was removed as a result of this I have to say was pretty dispiriting.

Who did you understand was responsible for her removal?

I understood this was the result of the campaign that Mr. Giuliani had set in motion in conjunction with people who are writing articles and you, you know, publications that I could have expected better of.

She is then asked: Did you discuss Ambassador Yovanovitch with Ambassador Bolton?

I did.

What was his reaction to this?

His reaction was pained, and he basically said—in fact, he directly said Rudy Giuliani is a hand grenade that is going to blow everybody up. He made it clear that he didn't feel that there was anything that he could personally do about this, Ambassador Bolton.

I also note, in a meeting on July 2 in Toronto, Canada, Ambassador Volker conveyed to President Zelensky the quid pro quo described to Ambassador Sondland. In doing so, he referenced the Giuliani factor and the need for the announcement of the two political investigations.

And I note, parenthetically, Ambassador Sondland would later testify Mr. Giuliani was expressing the desires of the President of the United States of America. We knew these investigations were

important to the President, and it wasn't so much that the investigations be done, merely that there be an announcement of the investigations so that it would aid the President's election campaign.

Mr. RASKIN. And, Mr. Morelle, if I might, that is an excellent point. That might be the ultimate and most devastating refutation of the idea that the President was interested in ferreting out corruption. He didn't really care about the investigation. He just wanted the announcement for electoral purposes.

Mr. MORELLE. And that is the testimony of his ambassador, Ambassador Sondland. Ambassador Volker had breakfast with Mr. Giuliani and his associate, Lev Parnas, at the Trump Hotel in December—I am sorry, here in Washington, the same Mr. Parnas, I note, who is currently under indictment for campaign finance violations.

During the conversation, according to Volker's testimony, the ambassador stressed his belief that attacks being leveled against the former Vice President related to Ukraine were false and that Biden was a man of integrity.

He counseled Mr. Giuliani that the Ukrainian prosecutor Lutsenko was promoting a self-serving narrative to preserve himself in power. According to Ambassador Volker, Mr. Giuliani agreed, but the promotion of Lutsenko's false accusations for the benefit of President Trump did not cease.

Was any testimony presented that in any way contradicts that testimony by Ambassador Volker?

Mr. RASKIN. I don't believe so.

Mr. MORELLE. You know, also testimony on August 2, Zelensky's adviser, Mr. Yermak, met with Mr. Giuliani in Madrid. They agreed Ukraine would issue a public statement—again, I note that again it is the public statement part of this, because that undermines the Biden candidacy. It does nothing to address corruption, because the President, as it was testified by Ambassador Sondland, Mr. Trump didn't seem to care at all about whether the investigation was actually conducted, simply that it was announced.

And Volker encouraged Giuliani to report to the boss the results of his meetings with Mr. Yermak so that the White House visit could be arranged, which was what was sought after, as we know, by Ukraine.

I will stop there and relate to questions about Mr. Giuliani, which to me is perhaps the most troubling piece of this whole episode, is his role, without any portfolio from the United States, simply acting as an actor on behalf of the President, and clearly, even as late as today, continuing to talk about how the investigations of Biden were to the benefit of the President.

There is an old problem-solving principle called Occam's razor. I am sure you, Mr. Raskin, are well aware of it. It says when presented with competing hypotheses, one should select the solution with the fewest assumptions.

And I just note, in order to believe those who support the President's view, you would have to assume the following.

That despite the transcript of July 25 that specifically mentions the Vice President and CrowdStrike and the server, we must assume the President meant corruption generally, although he doesn't refer to it in any way at all.

We must assume Secretary Pompeo, Attorney General Barr were incompetent in pursuing Ukrainian corruption charges generally and that the need was to reach out to Mr. Giuliani, although there is no evidence of his failure of confidence in them.

We must assume Mr. Giuliani was in a special position to pursue Ukrainian corruption generally, although there is no evidence or rationale for that at all.

We must assume Ambassador Sondland and Acting Chief of Staff Mulvaney were both in error when they confirmed a quid pro quo.

We must assume Lieutenant Colonel Vindman, Ambassadors Taylor, Volker, Sondland, and Yovanovitch, as well as Mr. Holmes and Dr. Hill, were all arrayed against the President, despite not a modicum of evidence to that regard.

We must assume that the White House officials, like Donald McGahn and John Bolton and others, somehow hold the key to the President's innocence, if only they would testify. But, of course, they refuse to testify.

The list goes on and on.

And I choose to follow the evidence which is laid out in the reports of the House Intelligence Committee, the House Judiciary Committee, and I continue to urge support of the rule and the underlying Articles of Impeachment.

Thank you, Mr. Chairman.

Mr. HASTINGS. Dr. Shalala.

Ms. SHALALA. Thank you, Mr. Chairman.

Mr. Raskin, I want to follow up on the accusations against Vice President Biden, which is at the heart of what we are talking about.

Mr. Trump's smears against the Vice President are debunked accusations made by a corrupt Ukrainian prosecutor, Viktor Shokin. You heard me right, President Trump and his supporters are so desperate to undermine Vice President Biden that they actually colluded with a Ukrainian fraudster.

Deputy Assistant Secretary George Kent testified that there was, quote, "broad-based consensus," end quote, among the United States, our European allies, and international financial institutions that Mr. Shokin was, and I quote, "a typical Ukrainian prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anyone known for having committed a crime, and who covered up crimes that were known to have been committed."

That is a nice way to say that everyone in the entire world agreed that this Ukrainian prosecutor was a bad guy and corrupt.

And so, Mr. Raskin, would it be accurate to say that the allegations that Vice President Biden inappropriately pressured Ukraine to remove Mr. Shokin are completely without merit?

Mr. RASKIN. Totally without merit. Vice President Biden was acting to articulate and implement U.S. foreign policy at that moment, and that policy was to get rid of a corrupt prosecutor.

Ms. SHALALA. Okay. So let me repeat. It was part of the official policy of the United States and the rest of the world to fight corruption in Ukraine, correct?

Mr. RASKIN. Yes, it was.

Ms. SHALALA. Did Vice President Biden ask Ukraine to help him cheat in an election like President Trump?

Mr. RASKIN. No, he did not.

Ms. SHALALA. Okay. You know, we can obfuscate all we want, but it won't change the simple fact that there is nothing appropriate about President Trump's personal lawyer continuing to run around Kyiv with corrupt former Ukrainians prosecutors in search of dirt about Joe Biden.

I believe the American people know that Joe Biden is an honorable man and they know it is wrong to seek foreign help to cheat in an election. And the President's ongoing pressure on Ukraine to investigate the former Vice President is powerful evidence for why we have no choice but to move forward with these articles of impeachment.

Mr. Chairman, there is nothing more distressing to me than the fact that not one of our Republicans colleagues are willing to confront the President over his misconduct. And I have credibility on this. I confronted President Clinton on his misconduct.

I have come to impeachment with deep sadness. The facts of this case are painful and indisputable. We know that the President abused his office, asking the leader of the Ukraine to announce an investigation of his political rival. We know that he illegally held up congressional appropriated aid to the Ukraine. And we know that he conditioned the release of vital military aid on Ukrainian President Zelensky's opening an investigation based on a debunked conspiracy theory about his political rival and foreign interference in the 2016 election.

We also know that the President has actively blocked congressional attempts to determine the extent of his misconduct by ordering executive branch officials to defy subpoenas and withhold information.

These facts are uncontested, confirmed in public by career public servants who have dedicated their lives to serving our country. Further, they are uncontested by the President and confirmed by his Chief of Staff.

We have now reached a point where despite the unprecedented obstruction from the President, the evidence in this case is powerful enough to delay this vote any further would be irresponsible. Any delay would risk interference in the 2020 election and the permanent erosion of our system of checks and balances.

This is not a matter of politics. I have never and will never support the impeachment of a President over a policy disagreement or a different ideology. This is a matter of protecting the integrity of our democracy for the next generation.

As we labor to pass on to future generations many of the great hallmarks of our society, our financial might, our brilliant scientific enterprises, the gifts of our great natural resources, the strength of our military and the diplomatic corps as a force for good, we must also work with active stewardship and vigilance to pass on a vibrant and functional democracy.

If we don't do our duty to protect the Constitution, the republic that we hand to our children will be less vibrant, less resilient, and less effective than the system we were so fortunate to inherit.

The Framers of the Constitution knew that democracy is fragile. They knew that its survival depends on the strength and the courage we display in maintaining it.

But this fragility is also a strength. It requires our public servants to put our Nation's interests ahead of our own, to root out corruption, and to hold each other accountable to high standards of democracy that democracy demands.

That is why we take an oath to defend the Constitution. If protecting the Constitution were trivial, we wouldn't have to take an oath. For over 200 years, honesty and vigilance and courage have won out as generations of Americans have adhered to their oath of office and met the standards of service that our democracy necessitates.

Many died protecting our democracy. We cannot let this legacy be damaged on our watch. President Trump has not treated his oath of office with the seriousness it requires.

But ultimately this is not only a vote about one person; this is a vote about his and our oath of office. This is a vote to determine whether we will maintain our democracy or set our Nation on a path to upend the values and standards the Framers laid out for us.

I yield back.

Mr. HASTINGS. Thank you very much. And I thank all of our colleagues for your patience. [Inaudible.] And if it is any consolation to you, I have been in the number nine position and in the number four position, and look at me now.

Mr. DeSaulnier.

Mr. DESAULNIER. Well, thank you, Mr. Chairman. I think that is the most inspiring thing I have heard and hopeful thing today, which may be a reflection of what we are doing here.

I do want to say on coming in here 7, 8 hours ago, and I have heard a few of my colleagues on both sides say this, it is hard not to be, as a Member of this institution who has great reverence for this institution—I have heard Mr. Collins say many times that he believes and he is an institutionalist—not to be sad. I think we are all sad and depressed from our perspectives, because this is not the institution at its optimum.

And I will say for the accusations about Never Trumpers, I guess I will admit to being an almost Never Trumper. After he was elected, I agreed with President Obama and Secretary Clinton that we should give him a chance. And I remember teasing some of my staff, well, maybe he is Chester Arthur, where people thought when Arthur took over for Garfield, given his reputation in New York—no offense—that he would not be capable.

And he turned out to start the Civil Service system, which we have benefited from in the last few months when we have seen these really courageous public servants come forward. Irrespective of your position, you can't help but admire these folks.

And then having sat as a member of Oversight and sat in hours of those depositions with Mr. Raskin and others, Ambassador Taylor, Colonel Vindman, just remarkable in getting the sense of that. And then having read the 300 pages and listened to the Intelligence hearings and the Judiciary hearings, I am just—my concern is that I have heard Members of both parties say pattern, there is a pattern here. And I will be honest, I am concerned about the pattern, but the President's pattern.

One of the reasons why I was an early signer on to Steve Cohen's Articles of Impeachment——

Mrs. TORRES. Mr. Chairman——

Mr. DESAULNIER. I am not offended.

But having signed on to Cohen's that never came to the floor, as the chairman said, I approach supporting those as referring it to the Judiciary Committee to have a hearing. Because my own intuitive belief is this particular President, whether Republican or Democrat, in my perception, rules don't have the same effect on him as the majority of people.

And I think rules are important. And I think, unfortunately, it is part of our business culture right now that stretching the rules or breaking the rules and getting away from them is part of what is wrong with this country.

So, Mr. Raskin and Mr. Collins, I have really one question. In this pattern of things, we are all going to live with the consequences of our votes. I hear my colleagues feel strongly that they will vote against these most likely. Apparently Mr. McConnell believes there will be a trial, that the President will be acquitted.

So what I am afraid of is that the President will be empowered to break more rules. I don't think he is capable of—and I hope that is not true.

So what happens after this? And I want to read a quote from James Madison in 51 when he talked about the balance of—and I am an amateur, I hate to say this in front of a professional like Mr. Raskin, but I wanted him to reply to this.

Because I don't take this as a hypothetical. Our actions and the actions of the Senate are part of a pattern, and either it will be corrected after this is all done, or, if I am right, the President will go ahead and push the rules again. And I am mindful that he made this phone call the day after the Mueller report.

And this is in the context of foreign interference, that the British, the French, the Germans twice, during World War I and World War II, were very aggressive at affecting our democracy. The Founders were perceptive and understanding in a democracy in those days, which was an unusual thing, that Madison said you had to bind the institutions, these three institutions, the judiciary, the Presidency, and the Congress, bind them so there is a check and balance, which is what 51 is all about.

But put this in the context of what we know from the Mueller report and what Mr. Raskin has talked about and the technology that Mr. Putin and his agents have perfected. We, as Americans, tend to think in American exceptionalism, maybe sometimes that the Russians aren't very sophisticated. They are very, very sophisticated at propaganda that, as Mr. Raskin said, its ultimate goal is to disrupt democracy and have us basically destroy ourselves.

Because Mr. Putin believes the worst thing that happened to Russia was the implosion of the Soviet Union and glasnost. And he sees the mass of men and women as incapable of governing themselves, which to us sitting here, I think we all believe, whether we are conservative or liberal, that is the opposite of what we live for, what people have sacrificed their lives for.

So Mr. Putin wants us to be fighting each other. And they have used social media, and somebody from the Bay Area who deals

with these companies and is frustrated with them to govern themselves, they have used it in a way, as the Mueller report says, to support this President, according to the report. And I thought that was damning enough to go ahead with impeachment, but we didn't, and the obstruction was clear to me, but we didn't.

So in the context of that report, and sitting here a few months before our Democratic primary, which will be super primary in March, and less than a year away from an election, knowing that they are going to do these things, in the context of what we are going to do is not a hypothetical. It is part of a continuing effort by foreign actors who do not believe in this institution or in democracy or average people governing themselves.

What do we anticipate the consequences after we vote tomorrow and after the Senate takes what I think is a mistake in their action?

So let me just read what Madison said. And all of the Founders were amazing writers, because people wrote and read well then.

So he said in 51, he said: "The interests of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature?

"If men were angels, no government would be necessary. If angels were to govern, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable a government to control the governed, and in the next place, oblige it to control itself."

So our failure to control ourself as a Congress, for the difficulties of the time, make me think that the consequences of our decisions and the inability to hold this President accountable and constrain him properly under the Constitution is not a hypothetical. It is something we are going to have to deal with in the days to come and before the next election while foreign actors and domestic actors try to disrupt our democracy.

So, Mr. Raskin, Professor Raskin, what do we do after this decision? How do we constrain the administration and properly balance that with the needs of this institution?

Mr. RASKIN. You ask that at 6:50 p.m. That is a big question, Mr. DeSaulnier. But I will try my hardest. Let's see——

Mr. COLLINS. Thirty seconds left.

Mr. DESAULNIER. Mr. Collins, if you want to jump in, I don't think it is a hypothetical. I would love to hear your opinion.

Mr. RASKIN. I am going to give it my best shot.

First, what are the consequences in terms of the 2020 election? That is something—now, let me say this. I don't want to assume the inevitability of your premise that we are not actually going to deal with this problem.

The House of Representatives has been immersed in this. We know a lot more about the facts. We know a lot more about the details. And now it is going over to the Senate. And I want to believe that 100 Senators are going to adhere to their constitutional oath, reflect on what that means, and then be open-minded, critical-thinking jurors in the process. Okay.

But what would happen if we don't deal with it, if we all just go home and say, "Hey, you know, authoritarianism is on the march all over the world, democracy is on the run, there is only so much we can do at this point," and we don't deal with it?

Well, I think President Zelensky has got to be watching. Ukraine has got to be watching. From their perspective, they are in the middle of this. I mean, all of us are sort of acting like, well, President Trump got caught, so of course they are not going to go through with it. But if we let him go, why won't they go through with it? Why won't he have to go through with it? Why won't he have to make his announcement about the Bidens and then, for his own domestic political consumption, he will have to go through with an investigation?

We have just set a new precedent there, a new standard, that the President can go and try to recruit foreign governments to get in our campaign by threatening, announcing, and engaging in criminal investigations of their political opponents. That is banana republic stuff, right? That is tin pot dictator stuff. But we have set that as a standard. So that terrifies me.

Here is another pattern that we have got to deal with. Robert Mueller came to testify before the House Judiciary Committee on July the 24th. And as the President mentioned on the phone call on July 25, he thought basically he had gotten away with everything, right? Mueller found a sweeping and systematic campaign by Russia, he found more than a hundred contacts with the Trump campaign.

But Attorney General Barr had taken the report for 3-1/2 weeks, and he had said to America, there is nothing in there, nothing to be seen here, prompting not one but two letters of protest from Special Counsel Mueller, and yet it was too late for democracy to catch up, to have a serious, rigorous analysis of what was in the report.

And on the very next day, President Trump has the phone call with President Zelensky and says but do us a favor though—kind of putting the icing on the cake of this whole effort to drag them in to our domestic politics.

That is a pattern, because if it can be done to one struggling democracy, it can be done to another struggling democracy. And if we can allow one tyrannical authoritarian despot like Vladimir Putin to come on in, the water is warm, well, why not others? Why not Turkey? Why not the President's friends in Saudi Arabia?

He already basically whitewashed their assassination, murder, and dismemberment of a Washington Post journalist. So what big deal would it be for them to say, "Come on in and get involved in our election campaign"? So that is a serious problem.

Now, what about—you say the pattern about checks and balances. It is interesting, because the phrase checks and balances appears in the Federalist Papers not to refer to the three branches. It is not legislative, executive, judicial. It refers to the House and the Senate. And those are the checks and balances we should be thinking about right now, because the people's body will speak this week. And if it goes the way I hope we will go, we will impeach this President for abuse of power, we will impeach this President for obstruction of the Congress.

But we are placing our faith, as the Constitution obligates us to, in the Senate to do their job. But what that also means is place our faith in the people to make the Senate do their job, because we are politicians, and we know that we don't respond exclusively and entirely to the will of the constituents, but we do a lot. That is an important ingredient in representative democracy.

But look, in Congress itself we cannot be afraid of our own power. One thing I disagreed with, I think I heard one of my majority colleagues today say, is we have got three coequal branches. And I have been trying to correct this from the very beginning.

Our Framers, the Founders of America, overthrew a king. And the first sentence of the Constitution, in the preamble, they stated what America was about. We, the people, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and preserve to ourselves and our posterity the blessings of liberty, do hereby ordain and establish the Constitution of the United States of America.

The very next sentence starts, Article I, all legislative power is vested in the Congress of the United States, the Senate and the House of Representatives. You see what just happened there? The sovereign political power of the people of America flowed from the act of Constitution-making into the Congress of the United States.

And then you get 37 paragraphs laying out all of the powers of Congress, the power of appropriation and spending, the power to regulate commerce domestically and internationally, the power to declare war, the power over the seat of government, and so on and on. Even the power in Article I, section 8, clause 18, to have all of the other powers necessary to the enforcement and execution of the foregoing powers.

And then in Article II you get to the President. And remember, in the Articles of Confederation, in the Articles of Association, we didn't even have a President, right? So they wanted to create somebody who would show executive energy, to execute our laws. But that was the job, to take care that the laws are faithfully executed and to be the Commander in Chief of the Army and Navy in times of actual insurrection, right? That is the core of what the job is.

And section 4 of Article II is all about impeachment, in order to make sure a President doesn't become a king.

Think about this. Why do we have the power to impeach the President, and he doesn't have the power to impeach us? And it was a great Republican President, Gerald Ford, who answered it. Here the people rule. Here the people and their Representatives rule.

So if the President were to be impeached, he doesn't go to jail for 1 day because of that. That is criminal prosecution; it has got nothing to do with us. But what we are doing is protecting the country and the Constitution.

Mr. DESAULNIER. Mr. Collins, you want 30 seconds?

Mr. COLLINS. I think my friend just summed up the entire thing for me. He did. We went on a whirlwind trip. He is a wonderful teacher. I would have loved to have had him in class. And he went all over the world at a 30,000-foot level. You watch him along in

his oratorical skim down and hits the common man and come up and touch the wings of the gods.

The problem is he never addressed the issue we are dealing with. And I think that is the very heart of the problem we have right now. It is one think to speak in a rash of rhetorical flourishes today, and we have, and we are getting to an end, thank you, Lord, of dealing with this.

But the bottom line is, is the question I believe, yes, where do we go from here? It is like, you know, the simple man who once needed to get his—you know, I used to watch—some of this may come as strange to my colleagues on the majority side, I really enjoyed "The West Wing." I watched it, my family has watched it over and over and over again.

And that answer right there, which I respect deeply, it is amazing. We differ on so many things, but actually Jamie and I just get along very well on many other things. He is wrong, I am right, but we will deal with that. No, I am kidding. But we do it.

But there was an episode in which President Bartlet was in one of his rhetorical flourishes, and Toby asked him about a friend who had called about getting something fixed at the VA. And he went into this long story, if you remember this scene, he went into this long story about the red tape and that veterans had to come to D.C. because they were tangled with red tape. That is where red tape comes from.

And Charlie, who is the body man for the President, looked at him, he said: But, Mr. President, all he wanted to know is how to get his wheelchair fixed.

And I think that is what we are seeing a lot of here today. It is future. What is going on? What is going to happen? What happens tomorrow?

What is going to happen tomorrow is you are going to vote the articles of impeachment. Probably after that it is going to go to the Senate, which has been a predetermined observation from day one, not because of anything else, it is not going anywhere. And that is fine. That is the path we chose.

But where do we go from here? This is my question. Because I think when you look at this, to simply say—and to come at it from the facts, which is the only way the majority can come at this, is that the President did something wrong.

At which point has he ever done anything right for this majority? He never has. And I think when you look at the discussion—and I understand your discussion, Mr. Perlmutter, I get it—but when you look at it from the fact that from the moment after the election there was discussion of impeachment, from minutes after he was sworn in The Washington Post said now the impeachment begins, when we begin to look at this process all the way through, my only question is, is not: When do we do this—how or where do we go from here? It is just when? It is just when do we do it again? Because it is not matter of disfacts; and it is like I said earlier, it is not engaging in hypotheticals. We go back to the simple basic facts that have happened in this case, four basic truths. Zelensky and President Trump said no pressure. The transcript shows no conditionality. The Ukrainians were not aware of the aid was being

withheld when they spoke; and Ukraine didn't open an investigation, still received aid, got a meeting with the President.

There were five meetings, three of which took place from the call to until the time the Ukrainians found out about the aid being withheld. Two of those meetings were held after they found out about the aid being withheld. None of these ranging from President Trump to Senators Johnson and Murphy, Vice President Pence, none of these actually discussed aid being linked to the money, none.

So we start off, and we get rhetorical flourishes here at the end which is fine. I understand it. If I had to sell this, I would have to be rhetorically and flourish as well, because the Constitution is at stake here. It is the determination: Is this Congress going to be a body in which we impeach because of partisan ideas, which is also what the Founders discussed.

You have the majority. We had the majority for a while, while I was here, for 6 years. It is a massive responsibility, and at times, we did it well and at times, we did not do it well. And I believe that is why probably last November we got an election that gave you the majority and gave you the gavel.

But remember just because you can don't mean you should; and sometimes, when the facts, especially when you have to go at them from the perspective of the way this process has went, as I said earlier today, I will fight process and I will fight facts, and I will win on both. Because when I take this case from here at this table in just a few minutes when we leave, and I will take it to the floor tomorrow, and then I will take it to the American people, just as this President will, and just as though who fought.

And when we understand what actually happened, when what is actually charged, not what was assumed and not was put deep into a report, but what was actually ended up, then I simply see nothing that helps us down the line. But I do see two things that bother me, and this will finish my statement to you.

I see a process that has been trashed in the rules, and processes of the committee and of the whole, and I see a process of impeachment that has been lowered to where you don't have to even jump anymore, and that is my concern. I know Mr. Raskin doesn't share it, but that—you ask. That is my concern. Where do we go from here? In some ways looking at this, God help us.

I yield back.

Mr. DESAULNIER. Let the record know that was more than 30 seconds. Let me just finish with from my perspective the specificity and Mr. Cole and I were talking about people reading the summary of the phone call and different people reading it and having different realities when they read it but, as all of us can relate to, a candidate for Federal office, the law says cannot, quote, "knowingly solicit, accept, or receive from a foreign national any contribution or donation," and that contribution or donation, is defined as anything of value.

When I read that summary, he is clearly asking for something of value, an investigation that would cost hundreds and thousands of dollars against his primary opponent, the day after the Mueller report, a day before he went out, I am told, and said that the Second Amendment gave him the right to do anything he wanted.

So with that, just maybe briefly, Mr. Raskin, the President withheld his funds. Mr. Collins says he released them, but my recollection is, and the testimony, he released them because people in the Congress and the press were starting to say you need to release these.

So, it was the pressure brought to him to release it that got him to release it. And in that time, Ukraine was exposed to his patron, Mr. Putin. So was he faithfully executing the duties of his office when he did that?

Mr. RASKIN. Well, he got caught red-handed; and I don't see any ambiguity in the historical record about that. We announced our investigation on the 9th of September, and then it was on the 11th that the money was finally released.

Mr. DESAULNIER. Thank you.

I yield back.

The CHAIRMAN. I thank you.

I have good news for both of you. I think everybody has asked their questions. There is nobody left here on this committee.

I do want to close with this. First, I want to thank both our witnesses for enduring this very long hearing. I want to thank the members of the Rules Committee, Democrats and Republicans, because I think we have very sharp disagreements on this, but I think this hearing was conducted with civility. I want to thank Mr. Cole and his team for helping with that.

I mean, I like this hearing, quite frankly, better than the one that was in your committee. But, I think people feel very strongly about these issues and I want to thank everybody for their cooperation here today.

And so you are dismissed.

And there are no other witnesses here. So that will end the hearing portion of this——

Dr. BURGESS. Mr. Chairman.

The CHAIRMAN. Yes, Mr.——

Dr. BURGESS. May I be recognized for a——

The CHAIRMAN. You may.

Dr. BURGESS [continuing]. Unanimous consent request.

The CHAIRMAN. We have—withdraw what I just said, yes.

Dr. BURGESS. I have the four letters that I sent individually, asking to review the documents, two letters that were group projects; and I would like to add those for the record.

The CHAIRMAN. Without objection.

[The information follows:]

MICHAEL C. BURGESS, M.D.
26TH DISTRICT, TEXAS

COMMITTEE ON ENERGY AND COMMERCE
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October 17, 2019

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Madam Speaker:

I write to request access to proceedings, transcripts, materials and other records that are informing the impeachment inquiry announced on September 24, 2019.

The Constitution provides Congress the authority to impeach Federal officials and remove them from office. Despite a committees' ability to conduct inquiries through general investigatory authority, historical precedent provides that Congress authorize an official impeachment inquiry. Congressional authorization of an impeachment inquiry can strengthen investigatory powers as well as ensure minority rights and participation, as were granted during the inquiries into President Clinton and President Nixon.

A resolution authorizing an impeachment investigation may be considered by the Rules Committee and reported to the House floor. In addition, a resolution citing Articles of Impeachment will come through the Rules Committee. As a member of this important committee, it is a disservice to my fellow Members of Congress and the American people to vote on resolutions authorizing an impeachment inquiry or citing Articles of Impeachment without seeing the evidence supporting such resolutions.

Under House Rule XI, clause 2(e), committee records are the property of the House and are accessible by all Members of the House. While a committee may place restrictions on where, when, and how records are viewed, Members are granted access following a committee vote on the restrictions. I understand the sensitive nature of some materials obtained through the course of an investigation and am prepared to comply with viewing restrictions. However, as a member of the Rules Committee, that will vote on whether to bring Articles of Impeachment to the House floor, I must be able to view all proceedings, transcripts, materials, and other records supporting those Articles of Impeachment in order to make an informed decision.

MB: rh

To that end, I request permission to observe proceedings of the committees conducting impeachment investigations as well as any corresponding materials or records. I appreciate your prompt consideration of this request and am available to discuss any questions or concerns.

Sincerely,

Michael C. Burgess, M.D.

MB: rh

Congress of the United States
Washington, DC 20515

October 18, 2019

The Honorable Adam Schiff
Chairman
House Permanent Select
Committee on Intelligence
Capitol Visitor Center HVC-304
Washington, D.C. 20515

The Honorable Eliot Engel
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Carolyn B. Maloney
Acting Chairwoman
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

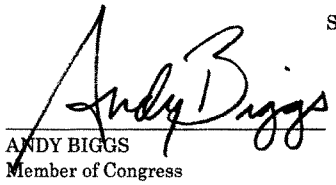
Dear Chairman Schiff, Chairman Engel, and Acting Chairwoman Maloney:

We write to demand the release of the rules that are governing the depositions and transcribed interviews being conducted by the joint action of your three committees. The secrecy in which these depositions and interviews are being conducted, and the lack of clarity on the rules that govern attendance and access to records, are deeply concerning in the context of such a serious inquiry.

You have consistently denied non-committee Members their right to attend these depositions and interviews without specifying any authority to do so. House regulations clearly permit all House members to attend depositions.[1] You have also consistently denied the right of non-committee members to view the transcripts of depositions and interviews without specifying any authority to do so. These transcripts are committee records. Committee records are the property of the whole House and under House rules, no Member can be denied access to committee records.[2]

Please immediately release any rules that have been adopted in addition to existing standing committee rules by no later than October 22, 2019. We urge you to give this matter your immediate attention.

Sincerely,



ANDY BIGGS
Member of Congress

MARK MEADOWS
Member of Congress

[1] *"...members, committee staff designated by the chair or ranking minority member, an official court reporter, the witness, and the witness's counsel are permitted to attend."* Regulations for the Use of Deposition Authority, 165 Cong. Rec. H1216 (January 25, 2019)

[2] *"[Committee] records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto."* Rule XI, clause 2

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October 22, 2019

The Honorable Adam Schiff, Chairman
The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence
HVC-304, The Capitol
Washington, D.C. 20515

Dear Chairman Schiff and Ranking Member Nunes:

Pursuant to Committee Rule 14(f) of the Rules of Procedure for the House Permanent Select Committee on Intelligence, I am writing to request access to review the October 3, 2019, interview transcript of Ambassador Kurt Volker.

As a Member of the House of Representatives, it is important that I understand all of the facts with respect to Ambassador Volker's testimony before the Committee. In addition, as a member of the Rules Committee that will vote on whether to bring Articles of Impeachment to the House floor, I must be able to view the information supporting those Articles of Impeachment in order to make an informed decision. I appreciate the Committee's immediate consideration of this request.

Sincerely,

Michael C. Burgess, M.D.

MICHAEL C. BURGESS, M.D.
26TH DISTRICT, TEXAS

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November 4, 2019

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol Building
Washington, DC 20515

Dear Speaker Pelosi:

I write to again request access to proceedings, transcripts, materials, and other records that are informing the impeachment inquiry. On October 17, 2019, I sent a letter requesting this access but have yet to receive a response. I also sent a letter to Chairman Schiff; I understand no business meeting has been scheduled to vote on this and other Member requests for information.

Despite the vote in the House on October 31, 2019, House Democrats continue to conduct the partisan effort to impeach the President in secret. Your duty to the Constitution and the American people, as well as fundamental fairness, requires that you immediately release the full transcripts of all depositions taken since you pronounced the beginning of an impeachment inquiry on September 24, 2019.

The selective leaking in which the House Intelligence Committee has been engaged must end immediately and the full and complete record must be provided for the American people to see.

In addition, to the extent that you make redactions in any of the transcripts, all Members of the House must be supplied copies of the full and unredacted transcripts, as provided for in House Rule XI, Clause 2(e)(2)(A). I appreciate your prompt consideration of this request.

Sincerely,

Michael C. Burgess, M.D.

CC: Chairman Adam Schiff

MB:rh

Dr. BURGESS. And then also, I think it is significant. When President Poroshenko came and talked to a joint session of Congress, many remember it, 2014.

The CHAIRMAN. The gentleman deserves to be heard.

Dr. BURGESS. In his address, he referenced a lot of things, how Ukraine had voluntarily withdrawn from being a nuclear power with the promise that they would always be protected; and then maybe they weren't.

But he also, this was the speech in which he also said that they needed more military equipment, both lethal and nonlethal. Blankets and night vision goggles are important, but you cannot win a war with blankets.

Again, this was from 2014. Donald Trump was not President. I just thought it was important to put this in this part of the record as we have heard——

The CHAIRMAN. Without objection.

Dr. BURGESS [continuing]. About how national security was threatened by President Trump's actions.

The CHAIRMAN. The hearing portion of H. Res 755 has come to a close, and we will recess, subject to the call of the chair.

And we will work with you about an appropriate time to reconvene to meet some of the obligations that your members have and our members have tonight. We meet tonight.

With that, the hearing is closed.

[Recess.]

The CHAIRMAN. Okay. The Rules Committee will come to order.

At this time, the chair will entertain a motion from the distinguished gentlewoman from Pennsylvania, Ms. Scanlon.

Ms. SCANLON. Thank you, Mr. Chairman.

I move the committee grant House Resolution 755, impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors, a closed rule.

The rule provides that immediately upon adoption of this resolution, without intervention of any point of order, the House shall proceed to the consideration of House Resolution 755. The rule provides 6 hours of debate on the resolution, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, or their respective designees.

The rule provides that the amendment in the nature of a substitute, recommended by Congress on the—I am sorry—recommended by the Committee on the Judiciary, now printed in the resolution, shall be considered as adopted.

The rule provides that the question of adoption of the resolution as amended shall be divided between the two articles.

The rule provides that during consideration of House Resolution 755, only the persons shall be admitted to the hall of the House, or rooms leading thereto, only the following persons. A, Members of Congress; B, the delegates and the resident commissioner; C, the President and Vice President of the United States; D, other persons as designated by the Speaker.

Section 3 provides, after adoption of House Resolution 755, for consideration of a resolution appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the

United States, if offered by the chair of the Committee on the Judiciary or his designee.

The rule provides 10 minutes of debate on the resolution specified in Section 3 equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the resolution specified in Section 3.

The rule provides that no other resolution incidental to impeachment relating to House Resolution 755 shall be privileged during the remainder of the 116th Congress.

Finally, the rule provides that the chair of the Committee on the Judiciary may insert in the Congressional Record such material as he may deem explanatory of House Resolution 755, and the resolution specified in Section 3 not later than the date that is 5 legislative days after the adoption of each respective resolution.

I yield back.

The CHAIRMAN. You heard the motion from the gentlewoman from Pennsylvania.

Is there any amendment or discussion?

Mr. COLE. Mr. Chairman.

The CHAIRMAN. Mr. Cole.

Mr. COLE. Thank you very much, Mr. Chairman.

I have an amendment to the rule. I move the committee provide 12 hours of general debate, equally divided and controlled by the chair and ranking member of the Committee on the Judiciary.

Mr. Chairman, because of the Democratic majority's hasty timeframe to impeach the President, it is imperative that the House have ample time to debate H.R. 755. We should strive to come as close as possible to the allotted time for debate in the Clinton impeachment. Members should have sufficient time to explain to the American people, on the House floor, their position on these impeachment amendments. Providing 12 hours of general debate will only allow each Member of this Congress a mere 1 minute and 40 seconds to debate H.R. 755. I know there is a lot of demand on both sides that members have an opportunity to state their positions publicly. So we would ask for the twelve-hour.

The CHAIRMAN. I thank the gentleman. We have provided 6 hours of debate, plus an hour of debate time in the rule. That is 7 hours total. It seems like a reasonable amount of time. We are dealing with fewer Articles of Impeachment with President Trump than we were with President Clinton, and I think it is a fair amount of time, and I respect the gentleman, but I would urge a no vote on his amendment.

Mr. BURGESS. Mr. Chairman.

The CHAIRMAN. Yeah, are there any other people requesting time?

Mr. Burgess.

Dr. BURGESS. Yeah, I would just speak in favor of Mr. Cole's amendment. Not every Member of Congress has the privilege that we do of serving on the Committee on Rules. We have enjoyed unlimited time. You have been very kind with the time today. So we have all had ample time to talk. I think every Member of Congress needs to be able to take time to explain to their constituents and to the country this is not a—this is not a trivial matter that we

are taking up. This is a matter of great importance for the future of our country, and we have all talked about our allegiance to the Constitution. We should provide members an opportunity to explain themselves.

And I would just say to—I think Mr. Cole's amendment is well-reasoned, well-considered, and I would urge us to take this up, and Mr. Cole has provided you an opportunity and I think you should take it.

The CHAIRMAN. Yeah, well, I appreciate it. I think the 7 hours of debate will extend probably to more like 12 hours when it is all said and done. So——

Mr. COLE. May I just note for the record, Mr. Chairman? It is not often we get a text in supporting any amendment I make as well-reasoned and open. So I just want to thank my friend.

The CHAIRMAN. The vote is on the Cole amendment. All those in favor say aye. Aye. Opposed, no. No. In the opinion of the chair the noes have it.

Mr. COLE. We would request a roll call.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Hastings?

Mr. HASTINGS. No.

The CLERK. Mr. Hastings, no.

Mrs. Torres?

Mrs. TORRES. No.

The CLERK. Mrs. Torres, no.

Mr. Perlmutter?

Mr. PERLMUTTER. No.

The CLERK. Mr. Perlmutter, no.

Mr. Raskin?

Mr. RASKIN. No.

The CLERK. Mr. Raskin, no.

Ms. Scanlon?

Ms. SCANLON. No.

The CLERK. Ms. Scanlon, no.

Mr. Morelle?

Mr. MORELLE. No.

The CLERK. Mr. Morelle, no.

Ms. Shalala?

Ms. SHALALA. No.

The CLERK. Ms. Shalala, no.

Mr. DeSaulnier?

Mr. DESAULNIER. No.

The CLERK. Mr. DeSaulnier, no.

Mr. Cole.

Mr. COLE. Aye.

The CLERK. Mr. Cole, aye.

Mr. Woodall?

Mr. WOODALL. Aye.

The CLERK. Mr. Woodall, aye.

Mr. Burgess?

Dr. BURGESS. Aye.

The CLERK. Mr. Burgess, aye.

Mrs. Lesko?

Mrs. LESKO. Aye.

The CLERK. Mrs. Lesko, aye.

Mr. Chairman?

The CHAIRMAN. No.

The clerk will report the total.

The CLERK. Four yeas, nine nays.

The CHAIRMAN. The amendment is not agreed to. Further amendments? Mr. Woodall.

Mr. WOODALL. I have an amendment of the rule to amend Section 1 that waives all points of order in the rest—in the—against provisions of the resolution, except for those in violation of clause 2(g)(6)(b) of House Rule 11.

As currently constructed, the rule waives all points of order. Clause 2(g)(6)(b) of House Rule 11 is that one that we spent so much time talking about today, which is minority rights for a hearing.

On December 4th, Mr. Chairman, as you know, minority members of the House Judiciary Committee did exercise their rights under that section, and asked for a day of hearings. But as of today, that hearing has not been scheduled. You responded to Mr. Cole's concerns, all of our concerns on that issue, and as I read during our hearing today, concluded that, because Mr. Nadler has appropriately said he will work with the minority to schedule that hearing after our vote on impeachment, that you believe that section had been satisfied.

You stated that you—that the intent of this rule was to provide folks with a voice. I don't think any member on this committee would suggest that allowing hearings, after bills have been passed, would allow for that voice. It could well be that the House Parliamentarian and the Speaker tomorrow will agree with you that having consulted with Chairman Nadler and agreed to hold hearings after the fact, that that does satisfy this section of the House rules. I think that would deem this section meaningless if that is true.

But by allowing and exposing this point of order tomorrow, we will at least make clear to the American people only one of two things is true: either the House of Representatives has a process, and on the day we accuse President Trump of breaking the rules, we choose to follow our own; or, we will choose to waive those rules and leave the impression that so many of my colleagues have talked about today that the rules don't apply to everyone and do not exist to serve everyone.

I know that is not the chairman's intention, again, as his letter makes so very, very clear. I would just ask my colleagues, because this has been a source of great debate and disagreement, that we expose this point of order; and if it turns out, as the chairman believes it will, that this requirement has been satisfied, then no harm, no foul. But if it turns out that this requirement has not been satisfied, we would do the American people a great service by satisfying it and then moving—and then moving forward.

I thank my chairman.

The CHAIRMAN. Any other discussion on the Woodall amendment?

Mr. WOODALL. If I could just add one——

The CHAIRMAN. Sure. Go ahead.

Mr. WOODALL. To read that section makes it clear that there is no ambiguity in this request. If the minority asks, the request must be granted. It is not up to the discretion of the chair. That absence of discretion was intentional as we crafted this section on minority rights, and I just put that out there for my colleagues because, again, one day we will all be in different places and the precedent we set today will matter.

I thank the chairman.

The CHAIRMAN. I know, and we have been in your seat as well, but there is nowhere in that rule did it say when the chairman must schedule that hearing and the bottom line—we have had this discussion before. I don't think this is subject to a point of order. And as we all know, it is standard for any measure brought to the floor under a rule to be provided with protections against points of order.

Last Congress alone, 86 blanket waivers were provided by the Republican majority. We have not been advised that any points of order lie against the resolution. So the waiver is simply out of an abundance of caution in keeping with modern rules practices. Even though no points of order lie against the resolution, dilatory points of order could be brought up that would have to be argued against and ruled on, needlessly delaying the floor. Again, that is why prophylactic waivers are included in every single rule we report out of here under Republicans and Democrats.

So I just disagree with you on how you interpret the minority day rule. I responded to you as to my opinions but, look, we need to make sure this resolution moves forward.

With that——

Mrs. LESKO. Mr. Chairman.

The CHAIRMAN. The gentlelady from Arizona.

Mrs. LESKO. Thank you, Mr. Chair.

I would like to speak in favor of Mr. Woodall's amendment. I, you know, I think the American public would think it is really ridiculous to grant a minority hearing date after we vote on the Articles of Impeachment. I mean, any person with any common sense knows that that is really, in my opinion, outrageous. And so, you know, if you go forward with this, as I assume you are, I—you know, I think we are going to make hay out of it for sure. I mean, just to show——

The CHAIRMAN. You can make hay out of whatever you want.

As I said before, the whole point of this resolution was to ensure the minority had a right to a witness during committee procedures. That has been granted in the Judiciary Committee. And this is to protect against chairmen, or chairwomen who basically allow no minority witnesses.

So I am perfectly comfortable with my response. But I will also say we received a letter from 70 members of the Republican party, including two members of the Rules Committee, saying that they are going to use every dilatory tactic within their means to try to delay and derail this process. You know, I do not want this to turn into a circus. This is a serious matter, and it will be considered in an orderly and respectful way, and I think that is—so we just disagree on this.

Yeah, Mr. Woodall.

Mr. WOODALL. Thank you, Mr. Chairman.

If I can just be heard on one further point, I may have not explained my motion articulately. I agree with you in the nature of the Rules Committee, our standard practice of waiving all points of order, the requirement that the majority be able to conduct its business without dilatory tactics. My motion is that we keep that section that waives all points of order, with the one exception of this minority witness. If I may read from the—from the House Practice manual:

Whenever a hearing is called by a committee on a measure or matter, minority members on the committee may have a right to call witnesses of their own choosing.

That has not happened here. That has not happened here. As has been said so often today, those facts are undisputed, undisputed.

Mr. PERLMUTTER. No. Will the gentleman yield?

Mr. WOODALL. Be happy to yield.

Mr. PERLMUTTER. We have at least five witnesses——

The CHAIRMAN. Mic.

Mr. PERLMUTTER [continuing]. Five witnesses that have testified, two in the Judiciary Committee and three in the Intelligence Committee called by the Republican minority. So that is at least five witnesses; and the President was invited to present a case, which he refused to do.

Mr. WOODALL. I appreciate my friend raising that.

What you heard from the ranking member today is he was given choices by the chairman, take it or leave it. You can invite a law professor of your own choosing, but you cannot invite a witness of your own choosing. You cannot bring the fact witnesses, any fact witness, to this hearing. That is what—that is what this section—and to the chairman's point——

Mr. PERLMUTTER. So if the gentleman would yield again, so the gentleman is making a distinction between the examinations and depositions that were taken in the Intelligence Committee versus what was done in the Judiciary Committee. Is that how the gentleman is proceeding?

Mr. WOODALL. No. I would say to the gentleman, I am only taking the rule on its face. Minority members on the committee have the right to call witnesses of their own choosing. That right was not offered or granted.

And it goes on to say the chair may set the day under a reasonable schedule.

It could well be that the chairman is absolutely right, and when we decided that the schedule must be reasonable, we decided that scheduling the hearing after the bill has already been passed and sent to the Senate was reasonable, but I don't believe that we believe that. I believe every one of us knows that is not what we intended. There are bills on which moving and playing fast and loose may be appropriate. Impeaching the President of the United States cannot, by any definition, be one of those resolutions. Cannot be. Cannot be. The rule is clear. The Rules Committee has the right to waive the rule.

To suggest that the rule has been satisfied, as the chairman's letter does, I think creates a very dangerous precedent that future

chairmen are going to be much more liberal with and much less enthusiastic about protecting minority rights than the chairman would be.

The chair may set the day under a reasonable schedule. Is the day after we have passed the bill reasonable? And that is best-case scenario as we sit here today. The chairman has been very indulgent. I appreciate that.

The CHAIRMAN. No, and I would just simply say I think you are misinterpreting what the rule actually states, and we do not agree and what we are doing here is standard operating procedure, and we are going to follow that.

Mr. WOODALL. To be fair, Mr. Chairman, I am not trying to misstate the rule. I am reading it out of the House Practice manual.

The CHAIRMAN. And I answered you in a lengthy letter how—based on precedent, and based on how it is interpreted. I mean, the idea that somehow, if it worked the way the minority would have us believe, as if it were some superpower allowing the minority to call any witness at any time, to schedule a hearing whenever they want to, to delay legislation, I promise you there would have been a whole lot more hearings last Congress called by Democrats.

And so we just disagree.

Mr. WOODALL. Of course.

The CHAIRMAN. And so I—we can continue this if you would like but I don't agree with your assumption.

Mr. WOODALL. And I know that in this committee, as the chairman, when you don't agree with me, that means I am going to lose. I understand that.

The CHAIRMAN. You can ask for a vote, and you might win.

Mr. WOODALL. And this is not—but, Mr. Chairman, this isn't a rule of this committee. This is a rule of the United States House.

The CHAIRMAN. Absolutely. And as far as I am—has the parliamentarian informed you that there is a point of order to be made?

Mr. WOODALL. If the circumstances are as you believe they are——

The CHAIRMAN. I am just asking you.

Mr. WOODALL. When I raise that point of order on the floor of the House, or a member the Judiciary Committee does, it will be—it will be denied.

The CHAIRMAN. Right. But I am not exposing this bill to any points of order, and I would urge my colleagues to vote no on the Woodall amendment.

All those in favor of the Woodall amendment say aye. Aye. Opposed, no. No. In the opinion of the chair the noes have it.

Dr. BURGESS. Roll call.

Mr. WOODALL. I am reluctant to put my friends on the record on this issue, but I will.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Hastings?

Mr. HASTINGS. I am not reluctant to vote no.

No.

The CLERK. Mr. Hastings, no.

Mrs. Torres?

Mrs. TORRES. No.

The CLERK. Mrs. Torres, no.

Mr. Perlmutter?
Mr. PERLMUTTER. No.
The CLERK. Mr. Perlmutter, no.
Mr. Raskin?
Mr. RASKIN. No.
The CLERK. Mr. Raskin, no.
Ms. Scanlon?
Ms. SCANLON. No.
The CLERK. Ms. Scanlon, no.
Mr. Morelle?
Mr. MORELLE. No.
The CLERK. Mr. Morelle, no.
Ms. Shalala?
Ms. SHALALA. No.
The CLERK. Ms. Shalala, no.
Mr. DeSaulnier?
Mr. DESAULNIER. No.
The CLERK. Mr. DeSaulnier, no.
Mr. Cole?
Mr. COLE. I am proud my friend overcame his scruples and put everybody on the record. Aye.
The CLERK. Mr. Cole, aye.
Mr. Woodall?
Mr. WOODALL. Aye.
The CLERK. Mr. Woodall, aye.
Mr. Burgess?
Dr. BURGESS. Aye.
The CLERK. Mr. Burgess, aye.
Mrs. Lesko?
Mrs. LESKO. Aye.
The Clerk. Mrs. Lesko, aye.
Mr. Chairman?
The CHAIRMAN. No. The clerk will report the total.
The CLERK. Four yeas, nine nays.
The CHAIRMAN. The amendment is not agreed to.
Are there any further amendments?
Before we vote on the final motion, I would like to yield to the gentleman from Oklahoma for any concluding remarks he would like to make.
Mr. COLE. Thank you, Mr. Chairman.
I want to agree with my friend, Mr. DeSaulnier. This is a sad day. I don't think anybody on this panel, Democrat or Republican, came here with the expectation they would be voting on impeachment for the President, and I think they all regret that. I think we all regret that.
But I want to tell you, first, Mr. Chairman, I am very proud of this committee. I am very proud that the discussions have been civil and professional. I think the points have been fair by all sides, and I think that is to the credit of this committee.
Mr. Chairman, I am very proud of you. I think you have presided over this process which is a difficult one. It is one where we clearly disagree. There was not much opportunity for agreement to arrive, but you have given everybody an opportunity to have their say. You have allowed every question to be asked, every point to be

made. You have made your decisions. That is your prerogative as the chairman, and we respect that prerogative. But I think you have done so in a very fair and open and transparent manner. I am personally very, very grateful.

I do think as a Congress, we are on an awfully dangerous and awfully divisive course, and I have thought about this quite a bit. I know all of us have. And I have been around this business for a long time, and I have watched the last impeachment process. I was not a Member of Congress, but I was pretty closely associated with Congress at the time, and I thought probably where we went wrong in that process is that I don't think most of the Republicans members in the 1990s ever really regarded President Clinton as a legitimately elected President. I would caution my friends, I think you are making precisely the same mistake now.

There is no question we can quibble about votes, but many, many Members of Congress on your side have been trying to impeach the President from the very first day. No question about that. There was testimony about that.

And we are going to impeach a President in this case, if we go ahead and we have the vote tomorrow, for something that didn't happen. The dispute has been about aid to the Ukraine. That aid was given, and it was withheld, at the most, for 55 days and was delivered within the time legally specified. That is before the end of the fiscal year.

There were no investigations undertaken by the Ukraine in exchange for that aid or in exchange for time at the White House or a visit with the President. And both the principals involved in the critical conversation, President Trump and President Zelensky, all said everything was fine. No pressure was intended, none was felt.

This process that we are engaged in, Mr. Chairman, is going to fail. I mean, we will have a vote tomorrow. It may well succeed. You occupy the majority here. I respect that. But we are here because I think the Speaker did not follow the very conditions she laid down at the beginning. She said we will not go down the road of impeachment, unless it is bipartisan. This is not bipartisan. We will not go down this road unless there is a consensus in the country. There is no consensus in the country. And we are precisely, or a little bit less than now, 11 months from an election where the American people can and will make this decision.

But I want to conclude, Mr. Chairman, on a little bit more optimistic note. A lot of people would say that means Congress is broken, and we focused, and I think the public will focus mostly on this measure today but we ought to reflect a little bit about what has happened this week and what has happened in this committee that we saw last night.

We had a major bipartisan agreement on funding the government for the balance of the year. It was a give-and-take process. By the way, the President was pretty integral in that process as well. So he has participated. We can't pass much if he is not willing to sign it and he is not willing to negotiate. He certainly did.

We are going to have major tax changes. Three major items that fund the ACA were eliminated today. I am very, very pleased with that. The President was involved in that.

We are going to have a tax extenders package that we all stayed here a little bit late last night, later than any of us wanted; but that is because the principals on all sides were actually negotiating. So, that tells me that things are going in a workable fashion.

And we are going to have a USMCA vote on Thursday that, again, this committee was involved in, and I think will be bipartisan.

So, while I am very disappointed about what is happening, I don't think it is good for the country. I think my friend, Mr. Collins, made some very, very good points about lowering the bar for impeachment, and setting us up to engage in this again.

I am pleased to say that in a number of areas, we have been awfully functional and I think in a very bipartisan manner. And, Mr. Chairman, that is in part because of the manner in which you have operated this process, a very divisive process, but one, again, in which I think you have been open and fair and transparent. We haven't agreed with all your decisions. You had an opportunity tonight to accept two fantastic amendments, but the reality is you allowed those amendments to be offered. You treated them with respect and fairly.

And so for that, I extend my sincere appreciation, and we look forward to seeing you on the floor tomorrow and appreciate the manner in which you discharged your duties here in this committee.

The CHAIRMAN. Well, thank you. And I want to thank the gentleman from Oklahoma for his kinds words. And I want to thank all the members of this committee, Democrats and Republicans, and all the staff that have put in long hours during this week. We have sat here all day, and conducted ourselves in a very serious and thoughtful manner. I had a number of people say to me that they were surprised that, despite the difficult topic before us, that what they observed play out on TV was relatively civil. And so, I am proud of this committee, too. And we have strong disagreements over the matter at hand. I think the President behaved in a way that is reprehensible, quite frankly, and, yeah, he did—the aid did go to Ukraine, but only after he got caught withholding it.

While this committee was meeting this afternoon, the President of the United States sent the Speaker of the House a letter on this impeachment process.

And, Ms. Lesko, earlier you asked unanimous consent to put it in the record.

I am not sure how many of you read it but it is six pages long, and it essentially amounts to one long Twitter rant. He called impeachment an illegal coup, and he claims, quote, "More due process was afforded to those accused in the Salem witch trials," end quote. I mean, are you kidding me? Innocent people were tortured and hung. Their corpses were thrown in shallow graves. An 80-year-old farmer named Giles Corey was literally placed between boards and crushed to death.

For the President to say he is being treated worse than the Salem witch trials is unhinged, just like so many of the missives on impeachment.

I know a little bit about the Salem witch trials because I am from Massachusetts. And here is a little more history about Massa-

chusetts. It was our forebearers who were killed in the Boston Massacre, and who fired the shot heard round the world at Lexington and Concord. It was our Commonwealth that stood up to a tyrannical king and insisted that rights come from the consent of the governed and not the whims of a monarch.

In his letter, the President even writes, and I quote, "I have no doubt that the American people will hold you and the Democrats fully responsible in the 2020 election," end quote. The President just doesn't get it. This is not about his reelection. It is not about anyone's political future. Our Founders handed us a fragile thing more than 200 years ago, an experiment in self-government, a fledgling democracy, unlike anything else on Earth at the time, a republic of, by, and for the people.

So, this is about whether we, the people sent to Congress, are willing to stand up and protect that fragile idea that has been entrusted to all of us. We shaped this democracy day by day, vote by vote. Some votes are more arcane than others, but each and every one helps to decide the kind of country we are going to be.

You know, voting on impeachment is particularly important. It will define our democracy from here on out. Not a single Republican today even hinted that what the President did was wrong. It was wrong. It was wrong. And for me, I will leave here today with a clear conscience.

I don't know if President Trump is watching right now. But if he were, I would say to him, Mr. President, this is not about you. This is about all of us, what kind of behavior we are willing to tolerate from whoever sits in the Oval Office, and whether we live up to the idea of a government of, by, and for the people.

"A Republic, if you can keep it." I began this hearing by quoting those famous words from Benjamin Franklin. No one wanted to be here today. But I am proud when history called upon us, we fought to keep the vision of our Founders alive in our time. We fought to keep this Republic intact.

So, this has been a long day; and tomorrow promises to be a long day. Even though we had disagreements in this committee, as I said before, I am proud of each and every member of this committee. I mean, we, I think, showed that you can actually have difficult discussions and be civil and be serious. And I think, no matter where we fall on this issue, I think that is something we all should be proud of.

So, I thank everybody and the question is now on the motion offered by the gentlewoman from Pennsylvania, Ms. Scanlon.

All those in favor will say aye. Aye. All those opposed, no. No. In the opinion of the chair the ayes have it. The motion is agreed to.

Mr. COLE. We would ask for the yeas and nays.

The CHAIRMAN. The yeas and nays have been requested.

The clerk will call the roll.

The CLERK. Mr. Hastings?

Mr. HASTINGS. Aye.

The CLERK. Mr. Hastings, aye.

Mrs. Torres?

Mrs. TORRES. Aye.

The CLERK. Mrs. Torres, aye.

Mr. Perlmutter?
Mr. PERLMUTTER. Aye.
The CLERK. Mr. Perlmutter, aye.
Mr. Raskin?
Mr. RASKIN. Aye.
The CLERK. Mr. Raskin, aye.
Ms. Scanlon?
Ms. SCANLON. Aye.
The CLERK. Ms. Scanlon, aye.
Mr. Morelle?
Mr. MORELLE. Aye.
The CLERK. Mr. Morelle, aye.
Ms. Shalala?
Ms. SHALALA. Aye.
The CLERK. Ms. Shalala, aye.
Mr. DeSaulnier?
Mr. DESAULNIER. Aye.
The CLERK. Mr. DeSaulnier, aye.
Mr. Cole?
Mr. COLE. No.
The CLERK. Mr. Cole, no.
Mr. Woodall?
Mr. WOODALL. No.
The CLERK. Mr. Woodall, no.
Mr. Burgess?
Dr. BURGESS. No.
The CLERK. Mr. Burgess, no.
Mrs. Lesko?
Mrs. LESKO. No.
The CLERK. Mrs. Lesko, no.
Mr. Chairman?
The CHAIRMAN. Aye. The clerk will report the total
The CLERK. Nine yeas, four nays.
The CHAIRMAN. The ayes have it. The motion is agreed to. Accordingly, I will manage this rule for the majority.
Mr. COLE. And I will manage it for the Republicans.
The CHAIRMAN. Again, I thank everybody.
And without objection——
Mr. COLE. Just for the record, Mr. Chairman, we talk about democracy and the Federal system. We ought to remember the year before confederacy——
The CHAIRMAN. Absolutely.
Mr. COLE [continuing]. Before our brave——
The CHAIRMAN. I agree.
Mr. COLE [continuing]. Massachusetts that understood something about democracy and federalism.
The CHAIRMAN. I agree with you.
Without objection, the committee is adjourned.
[Whereupon, at 9:09 p.m., the committee was adjourned.]

JAMES P. MCGOVERN,
MASSACHUSETTS
CHAIRMAN

ALCEE L. HASTINGS, FLORIDA
NORMA TORRES, CALIFORNIA
ED PERLMUTTER, COLORADO
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NOTICE OF ACTION
Wednesday, December 17, 2019
9:09 PM

H. Res. 755 Committee on the Judiciary — Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

The Committee granted, by record vote of 9-4, a closed rule providing for consideration of the H. Res. 755, Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

The rule provides that immediately upon adoption of this resolution, without intervention of any point of order, the House shall proceed to the consideration of H. Res. 755. The rule provides six hours of debate on the resolution equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the resolution shall be considered as adopted. The rule provides that the question of adoption of the resolution, as amended, shall be divided between the two articles. The rule provides that during consideration of H. Res. 755, only the following persons shall be admitted to the Hall of the House or rooms leading thereto: (a) Members of Congress. (b) The Delegates and the Resident Commissioner. (c) The President and Vice President of the United States. (d) Other persons as designated by the Speaker.

Section 3 provides, after adoption of H. Res. 755, for consideration of a resolution appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States, if offered by the chair of the Committee on the Judiciary or his designee. The rule provides 10 minutes of debate on the resolution specified in section 3 equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the resolution specified in section 3. The rule provides that no other resolution incidental to impeachment relating to H. Res. 755 shall be privileged during the remainder of the 116th Congress.

The rule provides that the chair of the Committee on the Judiciary may insert in the Congressional Record such material as he may deem explanatory of H. Res. 755 and the resolution specified in section 3, not later than the date that is 5 legislative days after adoption of each respective resolution.

House Calendar No. 63

116TH CONGRESS
1ST SESSION

H. RES. 767

[Report No. 116–355]

Providing for consideration of the resolution (H. Res. 755) impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2019

Mr. MCGOVERN, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Providing for consideration of the resolution (H. Res. 755) impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Resolved, That immediately upon adoption of this resolution, without intervention of any point of order, the House shall proceed to the consideration in the House of the resolution (H. Res. 755) impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors. The amendment in the nature of a substitute recommended by the Committee on the Judici-

ary now printed in the resolution shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to adoption without intervening motion or demand for division of the question except as follows:

(a) The resolution, as amended, shall be debatable for six hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

(b) The question of adoption of the resolution, as amended, shall be divided between the two articles.

SEC. 2. During consideration of House Resolution 755, only the following persons shall be admitted to the Hall of the House or rooms leading thereto:

(a) Members of Congress.

(b) The Delegates and the Resident Commissioner.

(c) The President and Vice President of the United States.

(d) Other persons as designated by the Speaker.

SEC. 3. After adoption of House Resolution 755, it shall be in order without intervention of any point of order to consider in the House a resolution appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States, if offered by the chair of the Committee on the Judiciary or his des-

1 ignee. The previous question shall be considered as or-
2 dered on the resolution to adoption without intervening
3 motion or demand for division of the question except 10
4 minutes of debate equally divided and controlled by the
5 chair and ranking minority member of the Committee on
6 the Judiciary. No other resolution incidental to impeach-
7 ment relating to House Resolution 755 shall be privileged
8 during the remainder of the One Hundred Sixteenth Con-
9 gress.

10 SEC. 4. The chair of the Committee on the Judiciary
11 may insert in the Congressional Record such material as
12 he may deem explanatory of—

13 (a) House Resolution 755, not later than the date
14 that is 5 legislative days after adoption thereof; and

15 (b) the resolution specified in section 3 of this resolu-
16 tion, not later than the date that is 5 legislative days after
17 adoption thereof.

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PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 755) IMPEACHING DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

DECEMBER 17, 2019.—Referred to the House Calendar and ordered to be printed

Mr. MCGOVERN, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 767]

The Committee on Rules, having had under consideration House Resolution 767, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H. Res. 755, Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors, under a closed rule. The resolution provides that immediately upon adoption of this resolution, without intervention of any point of order, the House shall proceed to the consideration of H. Res. 755. The resolution provides six hours of debate on the resolution equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the resolution shall be considered as adopted. The resolution provides that the question of adoption of H. Res. 755, as amended, shall be divided between the two articles. The resolution provides that during consideration of H. Res. 755, only the following persons shall be admitted to the Hall of the House or rooms leading thereto:

(a) Members of Congress.
(b) The Delegates and the Resident Commissioner.
(c) The President and Vice President of the United States.
(d) Other persons as designated by the Speaker.

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Section 3 of the resolution provides, after adoption of H. Res. 755, for consideration of a resolution appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States, under a closed rule, if offered by the chair of the Committee on the Judiciary or his designee. The resolution provides 10 minutes of debate on the resolution specified in section 3 equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution shall be in order at any time if called up by the chair of the Committee on the Judiciary or his designee. The resolution waives all points of order against consideration of the resolution specified in section 3. The resolution provides that no other resolution incidental to impeachment relating to H. Res. 755 shall be privileged during the remainder of the One Hundred Sixteenth Congress. The resolution provides that the chair of the Committee on the Judiciary may insert in the Congressional Record such material as he may deem explanatory of H. Res. 755 and the resolution specified in section 3 of the resolution, not later than the date that is 5 legislative days after adoption of each respective resolution.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H. Res. 755, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 219

Motion by Mr. Cole to provide twelve hours of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 220

Motion by Mr. Woodall to amend section 1 to waive all points of order against provisions in the resolution except for those in violation of clause 2(g)(6)(B) of House rule XI. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 221

Motion by Ms. Scanlon to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Yea	Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Mr. DeSaulnier	Yea		
Mr. McGovern, Chairman	Yea		

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