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## House of Representatives

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

## Senate

THURSDAY, JANUARY 23, 2020

The Senate met at 1:02 p.m. and was called to order by the Chief Justice of the United States.

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

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

The Chaplain will offer a prayer.

### PRAYER

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

Let us pray.

Almighty God, our rock of ages, be omnipresent during this impeachment trial, providing our Senators with the assuring awareness of Your powerful involvement. May they strive to have a clear conscience in whatever they do for You and country. Lord, help them remember that listening is often more than hearing. It can be an empathetic attentiveness that builds bridges and unites. May our Senators not permit fatigue or cynicism to jeopardize friendships that have existed for years. At every decision point throughout this trial, may they ask, which choice will bring God the greater glory?

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

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

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### THE JOURNAL

The CHIEF JUSTICE. Senators will please be seated.

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

The Sergeant at Arms will make the proclamation.

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

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

The CHIEF JUSTICE. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. McCONNELL. Mr. Chief Justice, it is my understanding the schedule today will be similar to yesterday's proceedings. We will plan to take short breaks every 2 or 3 hours and will accommodate a 30-minute recess for dinner, assuming that is needed.

The CHIEF JUSTICE. Pursuant to the provisions of S. Res. 483, the managers of the House of Representatives have 16 hours and 42 minutes remaining to make the presentation of their case.

The Senate will now hear you.

The Presiding Officer recognizes Mr. Manager SCHIFF to continue the presentation of the case for the House of Representatives.

### OPENING STATEMENT—CONTINUED

Mr. Manager SCHIFF. Mr. Chief Justice, I thank you, and I thank the Senators for 2 now very long days. We are greatly appreciative of Chief Justice, knowing that, prior to your arrival in the Chamber each day, you have a lot of work at the Court, necessitating our beginning in the afternoon and going into the evening.

I also want to, again, take this opportunity to thank the Senators for their long and considerable attention over the course of the last 2 days. I am not sure the Chief Justice is fully aware of just how rare it is, how extraordinary it is, for the House Members to be able to command the attention of Senators sitting silently for hours—or even for minutes, for that matter. Of course, it doesn't hurt that the morning starts out every day with the Sergeant at Arms warning you that, if you don't, you will be imprisoned. It is our hope that, when the trial concludes and you have heard us and you have heard the President's counsel over a series of long days, that you don't choose imprisonment instead of anything further.

Two days ago we made the case for documents and for witnesses in the trial. Yesterday we walked through the chronology, the factual chronology, at some length.

Today we will go through article I, the constitutional underpinnings of abuse of power, and apply the facts of the President's scheme to the law and Constitution. Here I must ask you for some forbearance. Of necessity, there will be some repetition of information

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



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from yesterday's chronology, and I want to explain the reason for it.

You have now heard hundreds of hours of deposition and live testimony from the House condensed into an abbreviated narrative of the facts. We will now show you these facts and many others and how they are interwoven. You will see some of these facts and videos, therefore, in a new context, in a new light: in the light of what else we know and why it compels a finding of guilt and conviction. So there is some method to our madness.

Tomorrow we will conclude the presentation of the facts and law on article I, and we will begin and complete the same on article II, the President's unconstitutional obstruction of Congress. The President's counsel will then have 3 days to make their presentations, and then you will have 16 hours to ask questions. Then the trial will begin. Then you will actually get to hear from the witnesses yourself, and then you will get to see the documents yourself—or so we hope, and so do the American people. After their testimony and after we have had closing arguments, then it will be in your hands.

So let's begin today's presentation. I yield to House Manager NADLER.

Mr. Manager NADLER. Good morning, Mr. Chief Justice, Senators, my fellow House managers, and counsel for the President. This is the third day of a solemn occasion for the American people.

The Articles of Impeachment against President Trump rank among the most serious charges ever brought against a President. As our recital of the facts indicated, the articles are overwhelmingly supported by the evidence amassed by the House, notwithstanding the President's complete stonewalling, his attempt to block all witnesses and all documents from the U.S. Congress.

The first Article of Impeachment charges the President with abuse of power. President Trump used the powers of his office to solicit a foreign nation to interfere in our elections for his own personal benefit.

Note that the active solicitation itself—just the ask—constitutes an abuse of power, but President Trump went further. In order to secure his favor from Ukraine, he withheld two official acts of immense value. First, he withheld the release of \$391 million in vital military assistance appropriated by Congress on a bipartisan basis, which Ukraine needed to fight Russian aggression. Second, President Trump withheld a long-sought-after White House meeting which would confirm to the world that America stands behind Ukraine in its ongoing struggle.

The President's conduct is wrong. It is illegal. It is dangerous. It captures the worst fears of our Founders and the Framers of the Constitution.

Since President George Washington took office in 1789, no President has abused his power in this way. Let me say that again. No President has ever

used his office to compel a foreign nation to help him cheat in our elections. Prior Presidents would be shocked to the core by such conduct, and rightly so.

Now, because President Trump has largely failed to convince the country that his conduct was remotely acceptable, he has adopted a fallback position. He argues that even if we disapprove of his misconduct, we cannot remove him for it. Frankly, that argument is itself terrifying. It confirms that this President sees no limits on his power or on his ability to use his public office for private gain. Of course, the President also believes that he can use his power to cover up his crimes.

That leads me to the second article of impeachment, which charges that the President categorically, indiscriminately, and unlawfully obstructed our inquiry, the congressional inquiry, into his conduct. This Presidential stonewalling of Congress is unprecedented in the 238-year history of our constitutional Republic. It puts even President Nixon to shame.

Taken together, the articles and the evidence conclusively establish that President Trump has placed his own personal political interests first. He has placed them above our national security, above our free and fair elections, and above our system of checks and balances. This conduct is not America first; it is Donald Trump first. Donald Trump swore an oath to faithfully execute the laws. That means putting the Nation's interests above his own. The President has repeatedly, flagrantly, violated his oath.

(Text of Videotape presentation:)

Mr. GERHARDT. I just want to stress that if this—if what we're talking about is not impeachable, then nothing is impeachable. This is precisely the misconduct that the Framers created a constitution, including impeachment, to protect against.

Mr. Manager NADLER. All of the legal experts who testified before the House Judiciary Committee—those invited by the Democrats and those invited by the Republicans—all agreed that the conduct we have charged constitutes high crimes and misdemeanors.

Professor Michael Gerhardt, the author of six books and the only joint witness when the House considered President Clinton's case, put it simply: "If what we are talking about is not impeachable, then nothing is impeachable."

Professor Jonathan Turley, called by the Republicans as a witness, agreed that the articles charge an offense that is impeachable. In his written testimony, he stated: "The use of military aid for a quid pro quo to investigate one's political opponent, if proven, can be an impeachable offense."

Thus far, we have presented the core factual narrative. None of that record can be seriously disputed, and none of it will be disputed.

We can predict what the President's lawyers will say in the next few days. I

urge you, Senators, to listen to it carefully. You will hear accusations and name-calling. You will hear complaints about the process in the House and the motives of the managers. You will hear that this all comes down to a phone call that was perfect—as if you had not just seen evidence of a months-long, government-wide effort to extort a foreign government. But you will not hear a refutation of the evidence. You will not hear testimony to refute the testimony you have seen. Indeed, if the President had any exculpatory witnesses—even a single one—he would be demanding their appearance here, instead of urging you not to permit additional witnesses to testify.

Let me offer a preview of the path ahead. First, we will examine the law of impeachable offenses, with a focus on abuse of power. That will be the subject of my presentation. Then, my colleagues will apply the law to the facts. They will demonstrate that the President has unquestionably committed the high crimes and misdemeanors outlined in the first Article of Impeachment.

Once those presentations are concluded, we will take the same approach to demonstrating President Trump's obstruction of Congress—the second Article of Impeachment. We will begin by stating the law. Then we will review the facts, and then we will apply the law to the facts, proving that President Trump is guilty of the second Article of Impeachment as well.

With that roadmap to guide us, I will begin by walking through the law of abuse of power. Here, I will start by defining the phrase in the Constitution "high Crimes and Misdemeanors."

When the Framers selected this term, they meant it to capture, as George Mason put it, all manner of "great and dangerous offenses" against the Nation. In contemporary terms, the Framers had three specific offenses in mind: abuse of power, betrayal of the Nation through foreign entanglements, and corruption of elections.

You can think of these as the ABCs of high crimes and misdemeanors: abuse, betrayal, and corruption. The Framers believed that any one of these offenses, standing alone, justified removal from office.

Professor Noah Feldman of Harvard Law School explained this well before the House Judiciary Committee. Here is his explanation of why the Framers created the impeachment power.

(Text of Videotape presentation:)

Professor FELDMAN. The Framers provided for the impeachment of the President because they feared that the President might abuse the power of his office for personal benefit, to corrupt the electoral process and ensure his reelection, or to subvert the national security of the United States.

Mr. Manager NADLER. That is the standard as described by Professor Feldman. All three appear at once—abuse, betrayal, and corruption. That is where we have the strongest possible case for removing a President from office. Later on, we will apply this rule to the facts.

**Abuse:** We will show that President Trump abused his power when he used his office to solicit and pressure Ukraine to meddle in our elections for his personal gain.

**Betrayal:** We will show that he betrayed vital national interests—specifically, our national security—by withholding diplomatic support and military aid from Ukraine, even as it faced armed Russian aggression.

**Corruption:** President Trump's intent was to corrupt our elections to his personal, political benefit. He put his personal interest in retaining power above free and fair elections—and above the principle that Americans must govern themselves, without interference from abroad.

Article I thus charges a high crime and misdemeanor that blends abuse of power, betrayal of the Nation, and corruption in elections into a single unforgivable scheme. That is why this President must be removed from office, especially before he continues his effort to corrupt our next election.

The charges set forth in the first Article of Impeachment are firmly grounded in the Constitution of the United States. Simply stated, impeachment is the Constitution's final answer to a President who mistakes himself for a King.

The Framers had risked their freedom, and their lives, to escape monarchy. Together, they resolved to build a nation committed to democracy and the rule of law—a beacon to the world at an age of aristocracy. In the United States of America, “We the people” would be sovereign. We would choose our leaders and hold them accountable for how they exercised power on our behalf.

In writing our Constitution, the Framers recognized that we needed a Chief Executive who could lead the Nation with efficiency, energy, and dispatch. So they created a powerful Presidency and vested it with immense public trust. But this solution created a different problem.

The Framers were not naive. They knew that power corrupts. They knew that Republics cannot flourish—and that people cannot live free—under a corrupt leader. They foresaw that a President faithful only to himself would endanger every American. So the Framers built guardrails to ensure that the American people would remain free and to ensure that out-of-control Presidents would not destroy everything they sought to build.

They imposed elections every 4 years to ensure accountability. They banned the President from profiting off his office. They divided the powers of the Federal Government across three branches. They required the President to swear an oath to faithfully execute the laws.

To the Framers, the concept of faithful execution was profoundly important. It prohibited the President from exercising power in bad faith or with corrupt intent, and thus ensured that

the President would put the American people first, not himself.

A few Framers would have stopped there. This minority feared vesting any branch of government with the power to remove a President from office. They would have relied on elections alone to address rogue Presidents. But that view was decisively rejected at the Constitutional Convention.

Convening in the shadow of rebellion and revolution, the Framers would not deny the Nation an escape from Presidents who deemed themselves above the law. Instead, they adopted the power of impeachment. In so doing, they offered a clear answer to George Mason's question: “Shall any man be above justice?” As Mason himself explained, “some mode of displacing an unfit magistrate is rendered indispensable by the fallibility of those who choose, as well as by the corrupt ability of the man chosen.”

Unlike in Britain, the President would answer personally—to Congress and thus to the Nation—for any serious wrongdoing. But this decision raised a question: What conduct would justify impeachment and removal?

As careful students of history, the Framers knew that threats to democracy can take many forms. They feared would-be monarchs but also warned against fake populists, charismatic demagogues, and corrupt “kleptocrats.”

In describing the kind of leader who might menace the Nation, Alexander Hamilton offered an especially striking portrait. Mr. SCHIFF read this portrait in his introductory remarks and it bears repetition.

When a man unprincipled in private life, desperate in his fortune, bold in his temper . . . known to have scoffed in private at the principles of liberty—when such a man is seen to mount the hobby horse of popularity—to join in the cry of danger to liberty—to take every opportunity of embarrassing the General Government & bringing it under suspicion—to flatter and fall in with all the non sense of the zealots of the day—It may justly be suspected that his object is to throw things into confusion that he may ride the storm and direct the whirlwind.

Hamilton was a wise man. He foresaw dangers far ahead of his time. Given the many threats they had to anticipate, the Framers considered extremely broad grounds for removing Presidents. For example, they debated setting the bar at maladministration, to allow removal for run-of-the-mill policy disagreements between Congress and the President.

They also considered very narrow grounds, strictly limiting impeachment to treason and bribery. Ultimately, they struck a balance.

They did not want Presidents removed for ordinary political or policy disagreements, but they intended impeachments to reach the full spectrum of Presidential misconduct that might threaten the Constitution, and they intended our Constitution to endure for the ages. They adopted a standard that meant, as Mason put it, to capture all

manner of “great and dangerous offenses” incompatible with the Constitution. This standard, borrowed from the British Parliament, was “high Crimes and Misdemeanors.”

In England, the standard was understood to capture offenses against the constitutional system itself. That is confirmed by the use of the word “high,” as well as by parliamentary practice.

From 1376 to 1787, the House of Commons impeached officials on a few general grounds—mainly consisting of abuse of power, betrayal of national security and foreign policy, corruption, treason, bribery, and disregarding the powers of Parliament.

The phrase “high Crimes and Misdemeanors” thus covered offenses against the Nation itself—in other words, crimes against the British Constitution.

As scholars were shown, the same understanding prevailed on this side of the Atlantic. In the colonial period and under newly ratified State constitutions, most impeachments targeted abuse of power, betrayal of the revolutionary cause, corruption, treason, and bribery. These experiences were well-known to the Framers of the Constitution.

History thus teaches that “high Crimes and Misdemeanors” referred mainly to acts committed by officials using their power or privileges, that inflicted grave harm on society. Such great and dangerous offenses included treason, bribery, abuse of power, betrayal of the Nation, and corruption of office. And they were unified by a clear theme.

Officials who abused, abandoned, or sought to benefit personally from their public trust—and who threatened the rule of law if left in power—faced impeachment and removal. Abuse, betrayal, corruption—this is exactly the understanding that the Framers incorporated into the Constitution.

As Supreme Court Justice Robert Jackson wisely observed, “the purpose of the Constitution was not only to grant power, but to keep it from getting out of hand.”

Nowhere is that truer than in Presidency. As the Framers created a formidable Chief Executive, they made clear that impeachment is justified for serious abuse of power.

James Madison stated that impeachment is necessary because the President “might pervert his administration into a scheme of . . . oppression.”

Hamilton set the standard for removal at an “abuse or violation of some public trust.”

And in Massachusetts, Rev. Samuel Stillman asked: “With such a prospect [of impeachment], will dare to abuse the powers vested in him by the people?”

Time and again, Americans who wrote and ratified the Constitution confirmed that Presidents may be impeached for abusing the power entrusted to them.

To the Framers' generation, moreover, abuse of power was a well-understood offense. It took two basic forms. The first occurred when someone exercised power in ways far beyond what the law allowed—or in ways that destroyed checks on their own authority.

The second occurred when an official exercised power to obtain an improper personal benefit, while ignoring or injuring the national interest. In other words, the President may commit an impeachable abuse of power in two different ways: by engaging in clearly forbidden acts or by taking actions that are allowed but for reasons that are not allowed—for instance, to obtain corrupt, private benefits.

Let me unpack that idea, starting with the first category: conduct clearly inconsistent with the law, including the law of checks and balances. The generation that rebelled against George III knew what absolute power looked like. It was no abstraction to them. They had a different idea in mind when they organized our government. Most significantly, they placed the President under the law, not above it. That means the President may exercise only the powers vested in him by the Constitution. He must also respect the legal limits on the exercise of those powers.

A President who egregiously refuses to follow these restrictions, by engaging in wrongful conduct, may be subjected to impeachment for abuse of power. Two American impeachment inquiries have involved claims that a President grossly violated the Constitution's separation of powers.

The first was in 1868, when the House impeached President Andrew Johnson, who had succeeded Abraham Lincoln after his assassination at Ford's Theatre.

In firing the Secretary of War, President Johnson allegedly violated the Tenure of Office Act, which restricted the President's power to remove Cabinet members during the term of the President who had appointed them.

The House of Representatives approved articles charging it with conduct forbidden by law. That is an action that is an abuse of power on its face. Ultimately, the Senate acquitted President Johnson by one vote. This was partly because there was a strong argument that the Tenure of Office Act, which President Johnson was charged with violating, was itself unconstitutional—a position the Supreme Court later accepted. Of course, historians have also noted that a key Senator appears to have changed his vote at the last minute in exchange for promises of special treatment by President Johnson. So perhaps that acquittal means a little less than meets the eye.

In any event, just over 100 years later, the House Judiciary Committee accused the second Chief Executive of abusing his power in a manner egregiously inconsistent with the law. The committee charged President Nixon

with obstruction of Congress based on his meritless assertion of executive privilege to cover up key White House tape recordings.

We will have more to say about the obstruction charge in a moment.

But the Nixon case also exemplifies the second way a President can abuse his power. President Nixon faced two more Articles of Impeachment. Both of these articles charged him with abusing the powers of his office with corrupt intent. One focused on his abuse of power to obstruct law enforcement. The other targeted his abuse of power to target political opponents. Each article enumerated specific abuses by President Nixon, many of which involved the wrongful, corrupt exercise of Presidential power and many of which were likely not statutory crimes.

In explaining its second article, the House Judiciary Committee stated that President Nixon's conduct was "undertaken for his personal political advantage and not in furtherance of any valid national policy objective."

That should sound familiar to everyone here. It reflects the standard I have already articulated: the exercise of official power to corruptly obtain a personal benefit while ignoring or injuring the national interest.

To be sure, all Presidents account to some extent for how their decisions in office may affect their political prospects. The Constitution does not forbid that. Elected officials can and should care about how voters will react to their decisions. They will often care about whether their decisions make it more likely that they will be reelected. But there is a difference—a difference that matters—between political calculus and outright corruption.

Some uses of Presidential power are so outrageous, so obviously improper, that if they are undertaken for a President's own personal gain, with injury or indifference to core national interests, then they are obviously high crimes and misdemeanors. Otherwise, even the most egregious wrongdoing could be justified as disagreement over policy or politics, and corruption that would have shocked the Framers—that they expressly sought to prohibit—would overcome the protections they established for our benefit.

There should be nothing surprising about impeaching a President for using his power with corrupt motives. The House and Senate have confirmed this point in prior impeachments. More important, the Constitution itself says that we can do so.

To start, the Constitution requires that the President "faithfully execute" the law. A President who acts with corrupt motives, putting himself above country, has acted faithlessly, not faithfully executing the law.

Moreover, the two impeachable offenses that the Constitution enumerates—Treason and Bribery—each require proof of the President's mental state. For treason, he must have acted

with a "disloyal mind," according to the Supreme Court. And it is well established that the elements of bribery include corrupt motives.

In sum, to the Framers, it was dangerous for officials to exceed their constitutional power. But it was equally dangerous—perhaps more so—for officials to use their power with corrupt, nefarious motives, thus perverting public trust for private gain.

Abuse of power is clearly an impeachable offense under the Constitution. To be honest, this should not be a controversial statement. I find it amazing that the President rejects it. Yet he does. He insists there is no such thing as impeachable abuse of power. This position is dead wrong. All prior impeachments considered of high office have always included abuse of power. All of the experts who testified before the House Judiciary Committee, including those called by the Republicans, agreed that abuse of power is a high crime and misdemeanor.

Here is testimony from Professor Pam Karlan of Stanford Law School, joined by Professor Gerhardt.

(Text of Videotape presentation:)

Mr. EISEN. Professor Karlan, do scholars of impeachment generally agree that abuse of power is an impeachable offense?

Ms. KARLAN. Yes, they do.

Mr. EISEN. Professor Gerhardt, do you agree that abuse of power is impeachable?

Mr. GERHARDT. Yes, sir.

Mr. Manager NADLER. Professor Turley, who testified at the Republican invitation, echoed that view. In fact, he not only agreed, but he "stressed" that "it is possible to establish a case for impeachment based on a non-criminal allegation of abuse of power."

Professor Turley is hardly the only legal expert to take that view. Another who comes to mind is Professor Allen Dershowitz—at least Alan Dershowitz in 1998. Back then, here is what he had to say about impeachment for abuse of power.

(Text of Videotape presentation:)

Mr. DERSHOWITZ. It certainly doesn't have to be a crime. If you have somebody who completely corrupts the office of President and who abuses trust and poses great danger to our liberty, you don't need a technical crime.

Mr. Manager NADLER. But we need not look to 1998 to find one of President Trump's key allies espousing this view. Consider the comments of our current Attorney General, William Barr, a man known for his extraordinarily expansive view of Executive power. In Attorney General Barr's view, as expressed about 18 months ago, Presidents cannot be indicted or criminally investigated—but that's OK because they can be impeached. That's the safeguard. And in an impeachment, Attorney General added, the President is "answerable for any abuses of discretion" and may be held "accountable under law for his misdeeds in office."

In other words, Attorney General Barr believes, along with the Office of Legal Counsel, that a President may not be indicted. He believes that is OK.

We don't need that safeguard against a President who would commit abuses of power. It is OK because he can be impeached. That is the safeguard for abuses of discretion and for his misdeeds in office.

More recently, a group of the Nation's leading constitutional scholars—ranging across the ideological spectrum from Harvard Law Professor Larry Tribe to former Ronald Reagan Solicitor General Charles Fried—issued a statement affirming that “abuse of power counts as an instance of impeachable high crimes and misdemeanors under the Constitution.”

They added: “That was clearly the view of the Constitution's framers.”

I could go on, but you get the point. Everyone, except President Trump and his lawyers, agrees that Presidents can be impeached for abuse of power. The President's position amounts to nothing but self-serving constitutional nonsense. And it is dangerous nonsense at that. A President who sees no limit on his power manifestly threatens the Republic.

The Constitution always matches power with constraint. That is true even of powers vested in the Chief Executive. Nobody is entitled to wield power under the Constitution if they ignore or betray the Nation's interests to advance their own. President Nixon was wrong in asserting that “when the President does it, that means it is not illegal.” And President Trump was equally wrong when he declared that he had “the right to do whatever I want as president.”

Under the Constitution, he is subject to impeachment and removal for abuse of power. And as we will prove, that is exactly what must happen here.

Of course, President Trump's abuse of power—as charged in the first Article of Impeachment and supported by a mountain of evidence—is aggravated by another concern at the heart of the Constitution's impeachment clause.

Betrayal. The Founders of our country were not fearful men. When they wrote our Constitution, they had only recently won a bloody war for independence. But as they looked outward from their new Nation, they saw Kings scheming for power, promising fabulous wealth to spies and deserters. The United States could be enmeshed in such conspiracies. “Foreign powers,” warned Elbridge Gerry, “will intermeddle in our affairs, and spare no expense to influence them.”

The young Republic might not survive a President who schemed with other nations, entangling himself in secret deals that harmed our democracy. That reality loomed over the impeachment debate in Philadelphia.

Explaining why the Constitution required an impeachment option, Madison argued that a President “might betray his trust to foreign powers.” To be sure, the Framers did not intend impeachment for genuine, good faith disagreements between the President and Congress over matters of diplomacy.

But they were explicit that betrayal of the Nation through plots with foreign powers must result in removal from office. And no such betrayal scared them more than foreign interference in our democracy.

In his Farewell Address, George Washington warned Americans “to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.”

And in a letter to Thomas Jefferson, John Adams wrote:

You are apprehensive of foreign Interference, Intrigue, Influence.—So am I.—But, as often as Elections happen, the danger of foreign Influence recurs.

The Framers never suggested that the President's role in foreign affairs should prevent Congress from impeaching him for treachery in his dealings. Case in point: they wrote a Constitution that gives Congress extensive responsibility over foreign affairs—Congress—including the power to declare war, regulate foreign commerce, establish a uniform rule of naturalization, and define offenses against the law of nations.

Contrary to the claims you heard the other day—that the President has plenary authority in foreign affairs and there is nothing Congress can do about it—the Supreme Court has stated that constitutional authority over the “conduct of the foreign relations of our Government” is shared between “the Executive and Legislative [branches].”

Or to quote another Supreme Court case: “The Executive is not free from the ordinary controls and checks of Congress merely because foreign affairs are at issue.”

In these realms, Justice Jackson wrote, the Constitution “enjoins upon its branches separateness but interdependence, autonomy but reciprocity.”

Where the President betrays our national security and foreign policy interests for his own personal gain, he is unquestionably subject to impeachment and removal. The same is true of a different concern raised by the Framers: the use of Presidential power to corrupt the elections and the Office of the Presidency.

The Framers were no strangers to corruption. They understood that corruption had broken Rome, debased Britain, and threatened America. They saw no shortage of threats to the Republic and fought valiantly to guard against them. But as one scholar writes, “the big fear underlying all the small fears was whether they'd be able to control corruption.”

So the Framers attempted to build a government in which officials would not use public power for personal benefits, disregarding the public good in pursuit of their own advancement.

This principle applied with special force to the Presidency. As Madison emphasized, because the Presidency “was to be administered by a single man,” his corruption “might be fatal to the Republic.”

Indeed, no fewer than four delegates to the Constitutional Convention—Madison, plus Morris, Mason, and Randolph—listed corruption as a central reason why Presidents must be subject to impeachment and removal from office. Impeachment was seen as especially necessary for Presidential conduct corrupting our system of political self-government. The Framers foresaw and feared that a President might someday place his personal interest in reelection above our abiding commitment to democracy. Such a President, in their view, would need to be removed from office.

Professor Feldman made this point in his testimony before the House Judiciary Committee:

(Text of Videotape presentation:)

Mr. FELDMAN. The Framers reserved impeachment for situations where the President abused his office, that is, used it for his personal advantage. And, in particular, they were specifically worried about a situation where the President used his office to facilitate corruptly his own reelection. That's, in fact, why they thought they needed impeachment and why waiting for the next election wasn't good enough.

Professor Feldman's testimony is grounded in the records of the Constitutional Convention.

There, William Davie warned that a President who abused his office might spare no efforts or means whatever to get himself reelected and, thus, to escape justice.

George Mason built on Davie's position, asking: “Shall the man who has practiced corruption, and by that means procured his appointment to the first instance, be suffered to escape punishment by repeating his guilt?” Mason's concern was straightforward. He feared that Presidents would win election by improperly influencing members of the electoral college.

Gouverneur Morris later echoed this point, urging that the Executive ought therefore to be impeachable for corrupting his electors.

Taken together, these debates demonstrate an essential point: The Framers knew that a President who abused power to manipulate elections presented the greatest possible threat to the Constitution. After all, the beating heart of the Framers' project was a commitment to popular sovereignty.

At a time when democratic self-government existed almost nowhere on Earth, the Framers imagined a society where power flowed from and returned to the people. That is why the President and Members of Congress must stand before the public for reelection on fixed terms, and if the President abuses his power to corrupt those elections, he threatens the entire system.

As Professor Karlan explained in her testimony:

(Text of Videotape presentation:)

Professor KARLAN. [D]rawing a foreign government into our elections is an especially serious abuse of power because it undermines democracy itself. Our Constitution begins with the words “We the people” for a reason. Our government, in James Madison's

words, derives all its powers directly or indirectly from the great body of the people, and the way it derives these powers is through elections. Elections matter, both to the legitimacy of our government and to all of our individual freedoms, because, as the Supreme Court declared more than a century ago, voting is preservative of all rights.

Mr. Manager NADLER. Professor Karlan is right—elections matter. They make our government legitimate, and they protect our freedom. A President who abuses his power in order to kneecap political opponents and spread Russian conspiracy theories—a President who uses his office to ask for or, even worse, to compel foreign nations to meddle in our elections—is a President who attacks the very foundations of our liberty. That is a grave abuse of power. It is an unprecedented betrayal of the national interest. It is a shocking corruption of the election process, and it is without a doubt a crime against the Constitution, warranting, demanding his removal from office.

The Framers expected that free elections would be the usual means of protecting our freedoms, but they knew that a President who sought foreign assistance in his campaign must be removed from office before he could steal the next election.

In a last-ditch legal defense of their client, the President's lawyers argue that impeachment and removal are subject to statutory crimes or to offenses against established law, that the President cannot be impeached because he has not committed a crime. This view is completely wrong. It has no support in constitutional text and structure, original meaning, congressional precedents, common sense, or the consensus of credible experts. In other words, it conflicts with every relevant consideration.

Professor Gerhardt succinctly captured the consensus view in his testimony.

(Text of Videotape presentation:)

COUNSEL. Now, Professor Gerhardt, does a high crime and misdemeanor require an actual statutory crime?

Mr. GERHARDT. No. It plainly does not. Everything we know about the history of impeachment reinforces the conclusion that impeachable offenses do not have to be crimes. And, again, not all crimes are impeachable offenses. We look, again, at the context of the gravity of the misconduct.

Mr. Manager NADLER. This position was echoed by the Republicans' expert witness, Professor Turley, in his written testimony.

There, he stated: "It is possible to establish a case for impeachment based on a non-criminal allegation of abuse of power."

He also stated: "It is clear that high Crimes and Misdemeanors can encompass non-criminal conduct."

More recently, Professor Turley—again, the Republican witness at our hearing—wrote an opinion piece in the Washington Post entitled "Where the Trump defense goes too far." In this piece, he stated that the President's argument "is as politically unwise as it

is constitutionally shortsighted." He added: "If successful, it would also come at a considerable cost for the Constitution." Although I disagree with Professor Turley on many, many issues, here, he is clearly right.

I might say the same thing of then-House Manager LINDSEY GRAHAM, who, in President Clinton's trial, flatly rejected the notion that impeachable offenses are limited to violations of established law.

This is what he said:

(Text of Videotape presentation:)

Mr. GRAHAM. What is a high crime? How about if an important person hurts somebody of low means? It is not very scholarly, but I think it's the truth. I think that's what they meant by high crimes. It doesn't have to be a crime. It is just—when you start using your office and you're acting in a way that hurts people, you have committed a high crime.

Mr. Manager NADLER. There are many reasons why high crimes and misdemeanors are not and cannot be limited to violations of the Criminal Code. We address them at length in the briefs we have filed and in the report of the House Judiciary Committee respecting these Articles of Impeachment, but I would like to highlight a few especially important considerations. I will tick through them quickly.

First, there is the matter of the historical record. The Framers could not have meant to limit impeachment to statutory crimes. Presidents are to be impeached and removed from office for "treason, bribery, and other high Crimes and Misdemeanors," but bribery was not made a statutory crime until 1837.

Second, the President's position is contradicted by the Constitution's text. The Framers repeatedly referred to "crimes," "offenses," and "punishment" elsewhere in the Constitution, but here they refer to "high Crimes." That matters. It matters because the phrase "high Crimes" refers to offenses against the State rather than to workaday crimes, and it matters because the phrase "high crimes and misdemeanors" had a rich history in England, where it had been applied in many, many cases that did not involve crimes under British law. When the Framers added "high Crimes" here but nowhere else in the Constitution, they made a deliberate choice. Any doubt in that score is dispelled by the Framers' own statements.

In Federalist No. 65, Alexander Hamilton explained that impeachable offenses are defined fundamentally by "the abuse or violation of some public trust."

A few years later, James Wilson, a Constitutional Convention delegate, agreed with Hamilton.

Wilson stated:

Impeachments, and offences and offenders impeachable, come not . . . within the sphere of ordinary jurisprudence. They are founded on different principles, governed by different maxims, and are directed to different objects.

George Mason expressed concern that the President might abuse the pardon power to "screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt." Sound familiar?

James Madison responded directly to Mason's concern because Mason's concern was that the pardon power might be too broad and the President might misuse his broad pardon power to pardon his own coconspirators and prevent a discovery of his own guilt.

Madison responded:

If the President be connected, in any suspicious manner, with any person, and there be grounds to believe he will shelter him, the House of Representatives can impeach him; they can remove him if found guilty.

At the North Carolina ratifying convention, James Iredell, who would go on to serve on the Supreme Court, responded to the same concern. He assured delegates that if the President abused his power with "some corrupt motive or other," he would be "liable for impeachment."

In the early 1800s, this understanding was echoed by Supreme Court Justice Story, who wrote a famous treatise on the Constitution. There, he rejected the equation of crimes and impeachable offenses, which, he stated, "must be examined upon very broad and comprehensive principles of public policy and duty."

Later in American history, Chief Justice and former President William Howard Taft, as well as Chief Justice Charles Evans Hughes, publicly stated that impeachable offenses are not limited to crimes but, instead, capture a broader range of misconduct. Indeed, under Chief Justice Taft, the Supreme Court unanimously observed that abuse of the President's pardon power to frustrate the enforcement of court orders "would suggest resort to impeachment." Now, notice, pardon power is unlimited. What they are saying here is the abuse of the pardon power. Abuse of the pardon power for a corrupt motive is impeachable.

If all of that authority is not enough to convince you, there is more.

Historians have shown that American colonists before the Revolution and American States after the Revolution but before 1787 all impeached officials for noncriminal conduct. Over the past two centuries, moreover, a strong majority of the impeachments voted by the House have included one or more allegations that did not charge a violation of criminal law. Indeed, the Senate has convicted and removed multiple judges on noncriminal grounds.

Judge Archbald was removed in 1912 for noncriminal speculation in coal properties.

Judge Ritter was removed in 1936 for the noncriminal offense of bringing his court "into scandal and disrepute." During Judge Ritter's case, one of my predecessors as chairman of the House Judiciary Committee stated expressly: "We do not assume the responsibility

... of proving that the respondent is guilty of a crime as that term is known in criminal jurisprudence." What is true for judges is also true for Presidents, at least on this point.

The House Judiciary Committee approved three Articles of Impeachment against President Nixon. Each of them encompassed many acts that did not violate Federal law. One of the articles—obstruction of Congress—involved no allegations of any legal violation.

It is worth reflecting on why President Nixon was forced to resign. Most Americans are familiar with the story. The House Judiciary Committee approved Articles of Impeachment in July 1974. Those articles passed with bipartisan support, although most Republicans stood by President Nixon.

Then the smoking gun tape came out. Within a week, almost everyone who supported the President the week before changed his position, and the President was forced to resign because of what was revealed on the smoking gun tape. Within a week, Senator Goldwater and others from the Senate went to the President and said: You won't have a single vote in the Senate. You must resign, or you will be removed from office because of the evidence on the smoking gun tape.

But what was on the smoking gun tape? The smoking gun tape had recordings of President Nixon's instructing White House officials to pressure the CIA and the FBI to end the Watergate investigation. No law explicitly prohibited that conversation—it was not, in that sense, a crime—but President Nixon had abused his power. He had tried to use two government agencies—the FBI and the CIA—for his personal benefit. His impeachment and removal were certain, and he announced his resignation within days.

Decades later, in President Clinton's case, the Judiciary Committee's report on the Articles of Impeachment stated: "The actions of President Clinton do not have to rise to the level of violating the federal statute regarding obstruction of justice in order to justify impeachment."

There is, thus, overwhelming authority against restricting impeachments to violations of established or statutory law. Every relevant principle of constitutional law compels that result. So does common sense.

Impeachment is not a punishment for crimes. Impeachment exists to address threats to the political system, applies only to political officials, and responds not by imprisonment or fines but only by stripping political power.

It would make no sense to say that a President who engages in horrific abuses must be allowed to remain in office unless Congress had anticipated his or her specific conduct in advance and written a statute expressly outlawing it. For one thing, that would be practically impossible. As Justice Story observed, the threats posed by Presidential abuse "are of so various and complex a character" that it would

be "almost absurd" to attempt a comprehensive list.

The Constitution is not a suicide pact. It does not leave us stuck with Presidents who abuse their power in unforeseen ways that threaten our security and democracy.

Until recently it did not occur to me that our President would call a foreign leader and demand a sham investigation meant to kneecap his political opponents, all in exchange for releasing vital military aid that the President was already required by law to provide.

No one anticipated that a President would stoop to this misconduct, and Congress has passed no specific law to make this behavior a crime.

Yet this is precisely the kind of abuse that the Framers had in mind when they wrote the impeachment clause and when they charged Congress with determining when the President's conduct was so clearly wrong, so definitely beyond the pale, so threatening to the constitutional order as to require his removal, and that is why we are here today.

You must judge for yourselves whether justice will be had for President Trump's crimes against our freedom and the Constitution.

I will conclude by highlighting a few points that merit special emphasis, as you apply the law of impeachment to President Trump's misconduct.

First, impeachment is not for petty offenses. The President's conduct must constitute, as Mason put it, a great and dangerous offense against the Nation—offenses that threaten the Constitution.

Second, impeachable offenses involve wrongdoing that reveal the President as a continuing threat if he is allowed to remain in office. In other words, we fully recognize that impeachment does not exist for a mistake. It does not apply to acts that are merely unwise or unpopular. Impeachment is reserved for deliberate decisions by the President to embark on a course of conduct that betrays his oath of office and does violence to the Constitution.

When the President has engaged in such conduct, and when there is strong evidence that he will do so again—when he has told us he will do so again, when he has told us that it is OK to invite interference from a foreign power into our next election—the case for removal is at its peak.

This is certainly the case when he invites, indeed, attempts to compel a foreign government to help him subvert the integrity of our next election. There can be no greater threat to the Republic.

Finally, high crimes and misdemeanors involve conduct that is recognizably wrong to a reasonable, honorable citizen. The Framers adopted a standard for impeachment that could stand the test of time. At the same time, the structure of the Constitution implies that impeachable offenses should not come as a surprise. Impeachment is aimed at Presidents who

act as if they are above the law, at Presidents who believe their own interests are more important than those of the Nation, and, thus, at Presidents who ignore right and wrong in pursuit of their own gain.

Abuse, betrayal, corruption. Here are each of core offenses that the Framers feared most: The President's abuse of power, his betrayal of the national interest, and his corruption of our elections plainly qualify as great and dangerous offenses.

President Trump has made clear in word and deed that he will persist in such conduct if he is not removed from power. He poses a continuing threat to our Nation, to the integrity of our elections, and to our Democratic order. He must not remain in power one moment longer.

Ms. Manager GARCIA of Texas. Mr. Chief Justice, Senators, President's counsel, we will now walk through the President's abuse of power, the corrupt object of his scheme, his three official acts carrying out his scheme, his attempted coverup and exposure, and the harm to our Nation and continuing threat caused by his misconduct.

Let's start first with the object of the President's scheme.

Senators, we have today provided handouts that you can follow along in our slides.

So as this first slide indicates, in this portion of our presentation, we will discuss the evidence that shows overwhelmingly that President Trump directed this scheme with corrupt intent, with one corrupt objective: to obtain foreign assistance in his reelection bid in the 2020 United States Presidential election.

We will walk through first how the President wanted Ukraine to help in his reelection campaign. He wanted Ukraine to publicly announce two investigations: one into his political rival Joe Biden and the second into the debunked conspiracy theory relating to Ukraine interference in the 2016 election. President Trump himself later confirmed this intent in public statements.

We will then explain how we know these investigations were solely for President Trump's personal, political gain.

First, President Trump made clear he cared only about the announcement—the announcement of the investigations, not the actual investigations.

Second, President Trump similarly made clear he cared only about the "big stuff." The "big stuff" meaning his political investigations.

Third, he used his personal attorney, Mr. Giuliani, who repeatedly told us he was pursuing the investigations in his capacity as the President's personal lawyer and that this wasn't about foreign policy.

Fourth and fifth, there is no real dispute that these investigations were never part of an official U.S. policy, and they in fact went outside official channels. The Department of Justice



even publicly confirmed that they were never asked to talk to Ukraine about these investigations—never.

Six, multiple officials who knew what was going on repeatedly reported these concerns to supervisors and even the NSC legal advisors.

Seven, Ukraine expressed concerns multiple times that these were political investigations and Ukraine didn't want to get involved in domestic U.S. politics.

Eight, the White House tried to bury the call.

Nine, President Trump himself told us what he really wanted and cared about in his own words, in many public statements.

And finally, despite the President's counsel's attempts to justify his actions, the evidence makes clear that President Trump did not care about anticorruption efforts in Ukraine. This was only about one thing: his political investigations.

If you are following along on the slide, now, as I mentioned, the object of the President's scheme is clear: two investigations to help his political reelection.

The Constitution grants the President broad authority to conduct U.S. foreign policy. He is our Commander in Chief and chief diplomat. When the President of the United States calls a foreign leader, a President's first and only objective should be to get foreign leaders to do what is best for the U.S. national interest, consistent with the faithful execution of his oath of office and consistent with official U.S. policy.

But on July 25, when President Trump called the President of Ukraine, President Trump did the opposite. Instead of following official U.S. talking points, instead of listening to his staff on what was important to our national interests, President Trump asked Ukraine for something that benefited only himself: his political investigations. And not only did these investigations diverge from U.S. national interests, as you will hear, President Trump's actions harmed our national security. In putting himself above our country, he put our country at risk, and that is why his actions are so dangerous.

Now let's take a moment and look carefully at the two investigations that President Trump sought from Ukraine, which are at the heart of the President's scheme, and how he stood to benefit politically from Ukraine's announcement of each.

As you can see on the slide, the first investigation was, of course, of former Vice President Biden. Let's go straight to that July 25 telephone call again where President Trump stated clearly each of these investigations he wanted.

So let's start with Vice President Joe Biden and the removal of a corrupt prosecutor in Ukraine.

The first investigation related to former Vice President Joe Biden and the Ukrainian gas company Burisma Holdings, on whose board his son Hunter Biden used to sit.

President Trump himself summarized the theory behind his request in broad strokes in his July 25 call with President Zelensky. Here is what he said:

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 that 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 it . . . It sounds horrible to me.

Now let's look carefully at the investigation President Trump was asking for and what it was based on. In short, President Trump asked for the investigation into Biden based on a made-up theory that no one agreed with—no one. We will go into this in more detail, but at a high level, the allegation is that late in 2015, Biden pressured Ukraine to remove the then-prosecutor general, Viktor Shokin, by threatening to withhold approximately \$1 billion in loan guarantees if he was not removed.

According to this theory, Vice President Biden did this in order to help his son in a company called Burisma. Vice President Biden's son sat on the board of Burisma.

As the theory goes, Vice President Biden tried to remove Ukraine's prosecutor, all to make sure the prosecutor wouldn't investigate that specific company Burisma because, again, his son was on the board.

Then, Senators, if that doesn't sound farfetched and complicated to you, it should. So let's take this step-by-step and start from the beginning.

In 2014, Vice President Biden's son Hunter joined the board of the Ukrainian natural gas firm Burisma Holdings. At the time, Burisma's owner, a Ukrainian oligarch and former government minister, was under investigation.

In 2015, Viktor Shokin became Ukraine's prosecutor general, a job similar to Attorney General in the United States.

Although Shokin vowed to keep investigating Burisma amid an international push to root out corruption in Ukraine, he allowed the Burisma investigation to go dormant—allowed it to go dormant. That is when he was removed. He was not actively investigating Burisma. He had let it go dormant. Moreover, Shokin was widely perceived as ineffective and corrupt.

George Kent, the second most senior official at the U.S. Embassy in Kyiv at the time described Shokin as "a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime and covered up crimes that were known to have been committed."

In late 2015, Vice President Biden, who had assumed a significant role in U.S. policy toward Ukraine, publicly called for the removal of Mr. Shokin because of his failure—his failure—to adequately combat corruption. But Vice President Biden wasn't alone. The European Union, our European allies,

the International Monetary Fund, and three reformers inside Ukraine also wanted Mr. Shokin removed to reform the Ukrainian prosecutor general's office—to reform it.

Reforming the prosecutor general's office was also supported on a bipartisan basis by the Ukrainian Caucus here in the Senate. On February 12, 2016, after Vice President Biden had urged removal of Mr. Shokin but before the Ukrainian Parliament voted to remove him, a bipartisan group of Senators, including Senators PORTMAN, DURBIN, SHAHEEN, RON JOHNSON, MURPHY, KIRK, BLUMENTHAL, and SHERROD BROWN sent a letter to President Poroshenko that urged him to make urgent reforms to the prosecutor general's office. The month after the Senators sent that letter, Mr. Shokin was fired. He was fired.

So let's be very clear. Vice President Biden called for the removal of this prosecutor at the official direction of U.S. policy, because the prosecutor was widely perceived as corrupt, and with the support of all of our international allies. His actions were therefore supported by the executive branch, Congress, and the international community.

Common sense would tell us that this allegation against Joe Biden is false and that there was no legitimate basis for any investigation. But there are several other reasons you know that the only reason President Trump wanted Ukraine to announce the investigation into Biden was solely for his very own personal benefit.

If you look at the slide, we will summarize some points.

First, none of the 17 witnesses in the House's inquiry said there was any factual basis for this allegation—not 1 of the 17. To the contrary, they testified it was false.

Second, as I mentioned, the former prosecutor general Vice President Biden tried to remove was widely considered to be corrupt and failed to investigate corruption in Ukraine. Thus, removing him from office would only increase the chances that Burisma would be investigated for possible corruption.

Third, because the prosecutor was so corrupt, Vice President Biden calling for his removal was also at the direction of official U.S. policy and undertaken with the unanimous support of our allies.

Fourth, the successor to the fired Ukrainian prosecutor general admitted that Vice President Biden's son didn't do anything wrong in connection with Burisma. So the entire premise of the investigation that the President wanted Ukraine to pursue was simply false.

Finally, President Trump didn't care about any of this until 2019, when Vice President Biden became the frontrunner for the Democratic Presidential nomination and polls showed that he had the largest head-to-head lead against President Trump. That became a problem.



Let's start with the first and second points. Vice President Biden's conduct was uniformly validated by the witnesses in the House investigation, who confirmed his conduct was consistent with U.S. policy. Every single witness who was asked about the allegations against Biden said it was false. They testified that he acted properly. Every witness with knowledge of this issue testified that Vice President Biden was carrying out official U.S. policy in calling for Shokin's removal because Shokin was corrupt. These witnesses explained, too, that the United States was not alone in this view. All of our European allies also supported this action. There is simply no evidence—nothing, nada—in the record to support this baseless allegation.

I would like to go through some of that testimony now.

First, here are Dr. Hill and Mr. Holmes: Let's watch.

(Text of Videotape presentation:)

Mr. GOLDMAN. Dr. Hill, are you aware of any evidence to support the allegations against Vice President Biden?

Dr. HILL. I am not, no.

Mr. GOLDMAN. And, in fact, Mr. Holmes, the former prosecutor general of Ukraine who Vice President Biden encouraged to fire was actually corrupt; is that right?

Mr. HOLMES. Correct.

Mr. GOLDMAN. And was not pursuing corruption investigations and prosecutions; right?

Mr. HOLMES. My understanding is that the prosecutor general at the time, Shokin, was not at that time pursuing investigations of Burisma or the Bidens.

Mr. GOLDMAN. And, in fact, removing that prosecutor general was part of the United States' anticorruption policy; isn't that correct?

Mr. HOLMES. That's correct. And not just us but all of our allies and other institutions who were involved in Ukraine at the time.

Ms. Manager GARCIA of Texas. Ambassador Yovanovitch confirmed these points. Let's watch her testify.

(Text of Videotape presentation:)

Mr. GOLDMAN. And in fact, when Vice President Biden acted to remove the former corrupt prosecutor in Ukraine, did he do so as part of official United States policy?

Ambassador YOVANOVITCH. Official U.S. policy that was endorsed and was the policy of a number of other international stakeholders, other countries, other monetary institutions, and financial institutions.

Ms. Manager GARCIA of Texas. Similarly, when asked if there was any factual basis to support the allegations about Biden, George Kent replied, "None whatsoever."

Lieutenant Colonel Vindman and Ms. Williams also confirmed that they are not aware of any credible evidence to support the notion that Vice President Biden did anything wrong. Ambassador Volker testified that the Biden allegations were not credible and that Biden "respects his duties of higher office."

Now, as I mentioned, there was also a concrete reason that the U.S. Government wanted Shokin removed. As David Holmes, a senior official at the U.S. Embassy in Ukraine testified, by the time that Shokin was finally removed in 2016, there were strong con-

cerns that Shokin was himself corrupt and not investigating potential corruption in the country. In fact, part of the concern was that Shokin was not investigating Burisma. Under Shokin, the investigation into the owner of Burisma for earlier conduct had stalled and was dormant. That was part of the reason why the United States and other countries wanted to remove Shokin.

Because of this, and as confirmed by witness testimony we will hear shortly, calling for Shokin's replacement would actually increase the chances that Burisma would be investigated. In other words, Shokin was corrupt and not investigating allegations that Burisma was corrupt, and so Vice President Biden calling for Shokin's removal and advocating for his replacement would actually increase chances of Burisma's investigation.

Ambassador Yovanovitch made this point during her testimony. Let's listen.

(Text of Videotape presentation:)

Mr. GOLDMAN. And, in fact, if he would help to remove a corrupt Ukrainian prosecutor general who was not prosecuting enough corruption, that would increase the chances that corrupt companies in Ukraine would be investigated; isn't that right?

Ambassador YOVANOVITCH. One would think so.

Mr. GOLDMAN. And that would include Burisma; right?

Ambassador YOVANOVITCH. Yes.

Ms. Manager GARCIA of Texas. President Trump and his allies have tried to justify President Trump's withholding of military aid and a White House meeting unless Ukraine announced the investigations he wanted by saying it is the same thing the Vice President did when he called for Ukraine to remove its corrupt prosecutor. It is not the same thing. As you just heard, Vice President Biden followed official U.S. policy. He went through official channels to remove the prosecutor that was corrupt, and he did it with the support of our allies. That is the exact opposite of what President Trump did. He pushed Ukraine for an investigation that has no basis, that no one agreed with, that was not at all U.S. policy, and that only benefited him.

George Kent addressed this very point during his testimony. Let's listen.

(Text of Videotape presentation:)

Mr. HIMES. And Mr. Kent and Mr. Taylor, the defenders of the President's behavior, have made a big deal out of the fact that Vice President Biden encouraged the Ukrainians to remove a corrupt former Ukrainian prosecutor in 2016, Mr. Shokin. And, in fact, Senator RAND PAUL on Sunday said, and I quote him, "They're impeaching President Trump for exactly the same thing Joe Biden did." Is that correct? Is what the President did in his phone call and what Joe Biden did in terms of Mr. Shokin, are those exactly the same things? And if not, how are they different?

Mr. KENT. I do not think they are the same things. What former Vice President Biden requested of the former President of

Ukraine, Poroshenko, was the removal of a corrupt prosecutor general, Viktor Shokin, who had undermined a program of assistance that we had spent, again, U.S. taxpayer money to try to build an independent investigator unit to go after corrupt prosecutors. And there was a case called Diamond Prosecutor case in which Shokin destroyed the entire ecosystem that we were trying to help create, the investigators, the judges who issued the warrants, the law enforcement that had warrants to do the wiretapping, everybody to protect his former driver who he had made a prosecutor. That's why Joe Biden was asking, remove the corrupt prosecutor.

Mr. HIMES. So Joe Biden was participating in an open effort to establish whole of government effort to address corruption in Ukraine?

Mr. KENT. That is correct.

Mr. HIMES. Great. So, Mr. Kent, as you look at this whole mess, Rudy Giuliani, President Trump, in your opinion, was this a comprehensive and whole government effort to end corruption in Ukraine?

Mr. KENT. Referring to the requests in July?

Mr. HIMES. Exactly.

Mr. KENT. I would not say so. No, sir.

Ms. Manager GARCIA of Texas. In short, the allegations against Vice President Biden are groundless. So there is no comparison—none at all—between what he did and President Trump's abuse of power.

Now let's turn to the third point.

Part of the allegation against former Vice President Biden is that he pushed for the corrupt Ukrainian prosecutor's removal in order to protect his son from the investigation. In fact, the President's claim about being concerned about corruption in Ukraine has recently emphasized this component of the theory: that the President wanted Ukraine to investigate Hunter Biden's work on the board of Burisma, not the former Vice President.

This, too, is false—simply false. You need look no further than the July 25 call record and the President's own statements to see that the President wanted the Ukrainians to investigate Vice President Biden.

Let's look again at what the President's call said.

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.

The President was clearly asking President Zelensky to investigate Joe Biden. And what did the President say on the White House lawn on October 3, when he was asked about the Ukrainian scheme?

He said:

Well, I think if they were honest about it, you saw the film yesterday, they would start a major investigation into the Bidens. It is a very simple answer.

He said the Bidens, plural, not one Biden—the Bidens.

It is clear what the President wanted from Ukraine: an investigation to smear his political rival. But even if the President wanted an investigation

of Hunter Biden, there is no basis for that either.

Now, how do you know? Well, Ukraine's former prosecutor general admitted that the allegation against Vice President Biden's son was plainly false. You can see it on the slide in his own words—"plainly false." Then-Ukrainian Prosecutor General Yuriy Lutsenko recanted his earlier allegations and confirmed: "Biden was definitely not involved in any wrongdoing involving Burisma."

So even the Ukrainians believed that Biden's son did nothing wrong. The long and short of it is that there was no basis for the investigation that the President was pursuing and pushing—none. He was doing it only for his own political benefit.

Let's look at one more important reason why it is clear that President Trump simply wanted a political benefit from Ukraine's announcement of this investigation and didn't care about the underlying conduct. The allegations against Vice President Biden were based on events that occurred in late 2015 and early 2016. They were all well publicized at the time, but as soon as President Trump took office, he increased military support to Ukraine in 2017 and the next year, 2018.

It wasn't until 2019, over 3 years after Vice President Biden called for Shokin's removal—3 years after—that President Trump started pushing Ukraine to investigate that conduct.

So what changed? What changed? Why did President Trump not care at all about Biden's request on the removal of Shokin the year after it happened in 2017 or the next year in 2018?

Senators, you know what changed in 2019 when President Trump suddenly cared. It is that Biden got in the race. On April 25, Vice President Biden announced he would run for President in 2020. If President Trump was so concerned about this alleged corruption, why didn't he push Ukraine to investigate when he entered office in 2017 or in 2018 after Biden gave public remarks about how he pressured Ukraine to remove Shokin? Why did President Trump instead wait until former Vice President Biden was campaigning for the Democratic nomination?

Senators, it is obvious: because President Trump wanted to hurt Vice President Biden's candidacy and help himself politically. He pushed for the investigation in 2019 because that is when it would be valuable to him, President Trump. He pushed for it when it started to become clear that Vice President Biden could beat him, and he had good reason to be concerned.

Let's look at the slide about some polls. Throughout this scheme, polling had consistently shown the former Vice President handily beating President Trump by significant margins in head-to-head matchups. The chart on the screen shows FOX News polls emphasizing this point. The chart shows that from March to December, Vice

President Biden had consistently led President Trump in national polls by significant margins. So beginning around March, Vice President Biden is beating the President in the polls, even on FOX News.

In April, Biden officially announces his candidacy, and that is when the President gets worried. In May, the President's personal lawyer tells the press that he is planning to travel to Ukraine to urge newly elected President Zelensky to conduct the two investigations—one into Vice President Biden. Do you know what else happened in May? A FOX News poll showed Biden beating Trump by 11 points. This clearly did not go unnoticed.

On May 9, the President's personal lawyer, Mr. Giuliani, said in an interview: "I guarantee you, Joe Biden will not get to election day without this being investigated." And by July, right before President Trump's call with President Zelensky, where he asked for the investigation into Biden, the FOX News poll showed Biden beating Trump by 10 points. Then, on July 25, after years of not caring what the Vice President did, does President Trump ask for an investigation in his formidable political rival in the 2020 election.

Senators, looking at this timeline of events, it is not difficult to see why the investigation into the Bidens would be helpful to President Trump. The mere announcement of such an investigation would immediately tarnish the former Vice President's reputation by embroiling him and his son in a foreign criminal investigation—even if the charges were never pursued, just the mere announcement. And if a foreign country announced a formal investigation into those allegations, it would give allegations against the Bidens an air of credibility and could carry through the election.

The evidence is clear. Everyone knew—even Ukraine—that there was no merit to the allegation that Biden called for the removal of Shokin for any illegitimate reason. Biden asked for it because it was consistent—consistent with U.S. policy because Shokin was corrupt, and it was with the backing of our allies. Even President Trump knew there was no basis for this investigation. That is why, for years, after Shokin's removal, he continued to support Ukraine. He never once raised the issue.

It wasn't until Biden began beating him in the polls that he called for the investigation. The President asked Ukraine for this investigation for one reason and one reason only: because he knew it would be damaging to an opponent who was consistently beating him in the polls and therefore it could help him get reelected in 2020. President Trump had the motive, he had the opportunity, and the means to commit this abuse of power.

Now, let's turn to the second investigation that President Trump wanted. What he wanted was a widely debunked

conspiracy theory that Ukraine—rather than Russia—interfered in the 2016 U.S. election to benefit President Trump's opponent. As we will explain, the allegation that Ukraine interfered in the 2016 elections, just like the allegation that Biden improperly removed the Ukraine prosecutor, has absolutely no basis in fact. In fact, this theory ignored the unanimous conclusions of the U.S. intelligence agency, the congressional Intelligence Committees, and Special Counsel Mueller, which found that Russia—Russia attacked our elections. It also went against the Senate Intelligence Committee report which found no evidence supporting that Ukraine attacked our elections, nor did any witness support the theory that Ukraine attacked our elections. Indeed, even President Trump's own advisers told him the claim was false.

In fact, the one person who told President Trump his theory is true—who was it? You know it was our adversary, Russia, which had everything to gain by deflecting the blame from their attack on Ukraine.

Let's look at what President Trump was actually suggesting Ukraine investigate. The theory is this: Instead of listening to our entire intelligence community that concluded that Russia interfered in our 2016 election to assist Donald Trump, the new theory says it was Ukraine that interfered in the election to help Hillary Clinton and hurt Donald Trump.

One aspect of this conspiracy theory was that the American cyber security firm, CrowdStrike, which had helped the DNC respond to Russia's cyber attack in 2016, moved a DNC server to Ukraine to prevent the FBI from examining it. Here is what President Trump said about this conspiracy theory during the July 25 call.

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.

Once again, if this sounds farfetched and crazy, it should because it is. There is simply no factual basis to support this conspiracy theory. Let's walk through the concrete reasons why.

First, as I mentioned, our entire U.S. intelligence community, the Senate Select Committee on Intelligence, and Special Counsel Mueller all unanimously found that Russia—not Ukraine—interfered in the 2016 elections, and Russia did it to help Donald Trump and hurt Hillary Clinton. Here is an example of that.

This is the conclusion of the Director of National Intelligence's report entitled "Assessing Russian Activities and Intentions in Recent U.S. Elections." I will quote part of it, and you can follow along in the slide.

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election. Russia's goals were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential Presidency. We further assess

Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.

“Clear preference for President-elect Trump.” And here is the conclusion of the Senate Select Committee on Intelligence:

The Committee found that the [Russian-based Internet Research Agency] sought to influence the 2016 U.S. presidential election by harming Hillary Clinton’s chances of success and supporting Donald Trump at the direction of the Kremlin . . . The Committee found that the Russian government tasked and supported the IRA’s interference in the 2016 U.S. election.

“Supporting Donald Trump at the direction of the Kremlin”—that is what it said. And here is the special counsel’s conclusion Mueller reported in 2019:

As set forth in detail in this report, the Special Counsel’s investigation established that Russia interfered in the 2016 presidential election principally through two operations. First, a Russia entity carried out a social media campaign that favored presidential candidate Donald J. Trump and disparaged presidential candidate Hillary Clinton. Second, a Russian intelligence service conducted computer-intrusion operations against entities, employees, and volunteers working on the Clinton Campaign and then released stolen documents.

On December 9, 2019, even President Trump’s own FBI Director Christopher Wray stated unequivocally that there is no evidence to support the theory that Ukraine interfered in our election in 2016.

Here is a video of that interview. Let’s watch.

(Text of Videotape presentation:)

REPORTER. Did the Government of Ukraine directly interfere in the 2016 election on the scale that the Russians did?

Director WRAY. We have no information that indicates that Ukraine interfered with the 2016 presidential election.

REPORTER. When you see politicians pushing this notion, are you concerned about that in terms of its impact on the American public?

Director WRAY. Well, look, there’s all kinds of people saying all kinds of things out there. I think it’s important for the American people to be thoughtful consumers of information and to think about the sources of it and to think about the support and predication for what they hear. And I think part of us being well protected against malign foreign influence is to build together an American public that’s resilient, that has appropriate media literacy, and that takes its information with a grain of salt.

REPORTER. And Putin has been pushing this theory. And your message to him in terms of the American public?

Director WRAY. Stop trying to interfere with our elections.

REPORTER. And we recently heard from the President himself that he wanted the CrowdStrike portion of this whole conspiracy in the Ukraine investigated, and I’m hearing you say there’s no evidence to support that as far as you know.

Director WRAY. As I said, we have no—We at the FBI have no information that would indicate that Ukraine tried to interfere in the 2016 presidential election.

Ms. Manager GARCIA of Texas. You heard him. He said “no information

that would indicate that Ukraine tried to interfere in the 2016 Presidential election.”

So to be really, really clear, there is no real dispute that Russia, not Ukraine, attacked our elections.

It is not just that there is no evidence to support his conspiracy theory; it is more dangerous than that. Where did this theory come from? You guessed it. The Russians—Russia. Russian President Vladimir Putin and Russian intelligence services perpetuated this false, debunked conspiracy theory.

Now remember, there is no dispute among the intelligence community that Russia attacked our 2016 elections. The Senate’s own Intelligence Committee published a report telling us that as well. So it is no surprise that Russia wants to blame somebody else.

In fact, President Trump even said that President Putin is the one who told him it was Ukraine who interfered in our elections.

In short, this is a theory that the Russians are promoting to interfere, yet again, in our democratic process and deflect blame from their own attacks against us. But what is so dangerous is that President Trump is helping them perpetuate this. Our own President is helping our adversary attack our processes, all to help his own reelection.

Dr. Hill, an expert on these matters, explains it in more detail as to why this is very concerning. Let’s watch.

(Text of Videotape presentation:)

Dr. HILL. This relates to the second thing I want to communicate. Based on questions and statements I have heard, some of you on the committee appear to believe that Russia and its security services did not conduct a campaign against our country and that perhaps somehow, for some reason, Ukraine did. This is a fictional narrative that is being perpetrated and propagated by the Russian security services themselves.

The unfortunate truth is that Russia was the foreign power that systematically attacked our democratic institutions in 2016. This is the public conclusion of our intelligence agencies, confirmed in bipartisan and congressional reports. It is beyond dispute, even if some of the underlying details must remain classified.

The impact of the successful 2016 Russian campaign remains evident today. Our nation is being torn apart. Truth is questioned. Our highly professional, expert career Foreign Service is being undermined. U.S. support for Ukraine which continues to face armed Russian aggression is being politicized. The Russian Government’s goal is to weaken our country, to diminish America’s global role, and to neutralize a perceived U.S. threat to Russian interests.

Ms. Manager GARCIA of Texas. Their “goal is to weaken our country, to diminish America’s global role, and to neutralize a perceived U.S. threat to Russian interests.” That is why it is so dangerous. Despite the lack of any evidence to support this debunked conspiracy theory, the unanimous conclusion of the intelligence community, Congress, Special Counsel Mueller, and the FBI to the contrary, President Trump continued to promote this fake conspiracy theory just because it

would be beneficial and helpful to his own reelection campaign.

Even President Trump’s own senior advisers told him these allegations were false. Tom Bossert, President Trump’s former Homeland Security Advisor, stated publicly that the CrowdStrike theory had been debunked.

Here is that interview. Let’s watch.

(Text of Videotape presentation:)

Mr. BOSSERT. It’s not only a conspiracy theory, it is completely debunked. You know, I don’t know what to be glib about this matter, but last year, retired former Senator Judd Gregg wrote a piece in *The Hill* magazine saying the three ways or the five ways to impeach oneself. And the third way was to hire Rudy Giuliani.

And at this point, I am deeply frustrated with what he and the legal team is doing in repeating that debunked theory to the president. It sticks in his mind when he hears it over and over again. And for clarity here, George, let me just again repeat that it has no validity. The United States government reached its conclusion on attributing to Russia the DNC hack in 2016 before it even communicated it to the FBI and long before the FBI ever knocked on the door at the DNC. So a server inside the DNC was not relevant to our determination to the attribution. It was made upfront and beforehand. And so while servers can be important in some of the investigations that followed, it has nothing to do with the U.S. government’s attribution of Russia to the DNC hack.

Ms. Manager GARCIA of Texas. The theory “has no validity.” That is what he said.

Dr. Hill, too, testified that White House officials, including Mr. Bossert and former National Security Advisor H.R. McMaster spent a lot of time refuting the CrowdStrike conspiracy theory to President Trump. Let’s hear it.

(Text of Videotape presentation:)

Daniel GOLDMAN. Now, Dr. Hill, is this a reference to this debunked conspiracy theory about Ukraine interference in the 2016 election that you discussed in your opening statement as well as with Chairman SCHIFF?

Fiona HILL. The reference to CrowdStrike and the server, yes, that’s correct.

Daniel GOLDMAN. And it is your understanding that there is no basis for these allegations, is that correct?

Fiona HILL. That’s correct.

Daniel GOLDMAN. Now, isn’t it also true that some of President Trump’s most senior advisors had informed him that this theory of Ukraine interference in the 2016 election was false?

Fiona HILL. That’s correct.

Ms. Manager GARCIA of Texas. When she was asked if it is false, she said: “That’s correct.”

If Vladimir Putin’s goals, as Dr. Hill testified, were to deflect from Russia’s systematic interference in our election and to drive a wedge between the United States and Ukraine, he has succeeded beyond his wildest dreams. The alternative narrative of Ukrainian interference in the 2016 election has now been picked up by the President’s defenders and the conservative media. It has muddied the waters regarding Russia’s own interference in our elections—efforts that remain ongoing, as we have learned this week from reporting that Russia hacked Burisma.

If there were any doubt about how President Putin feels about the President's conduct, you need only look to Putin's own words. His statement on November 20 tells it all. He said:

Thank God nobody is accusing us anymore of interfering in U.S. elections. Now they're accusing Ukraine.

That is a short quotation from Putin, but it speaks volumes. Even though President Trump knew there was no factual basis for the theory that it was Ukraine that interfered in the 2016 election rather than Russia and knew that Russia was perpetuating this theory, he still wanted President Zelensky to pursue the investigation. Why? Because, while Putin and Russia clearly stood to gain by promoting this conspiracy theory about Ukraine, so did Donald Trump. He knew it would be politically helpful to his 2020 election.

An announcement of an investigation by Ukraine would have breathed new life into a debunked conspiracy theory that Ukrainian election interference was there in 2016, and it lent it great credibility. It would have cast doubt on the conclusions of the Intelligence Committee and Special Counsel Mueller that Russia interfered in the 2016 election to help President Trump. And it would have helped eliminate a perceived threat to the legitimacy of Donald Trump's Presidency, that he was only elected because of the help he received from President Putin.

I now yield to Mr. SCHIFF.

Mr. McCONNELL. Mr. Chief Justice. The CHIEF JUSTICE. The majority leader is recognized.

#### RECESS SUBJECT TO CALL OF THE CHAIR

Mr. McCONNELL. Mr. Chief Justice, I am going to recommend that we take a 15-minute break at this point.

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

There being no objection, at 2:57 p.m. the Senate, sitting as a Court of Impeachment, recessed until 3:25 p.m.; whereupon the Senate reassembled when called to order by the CHIEF JUSTICE.

The CHIEF JUSTICE. Mr. Manager SCHIFF.

Mr. Manager SCHIFF. Senators, I am going to pick up where my colleague from Texas left off, but I want to begin by underscoring a few of the points that she made, in listening to her presentation, that really leapt out at me in a way they hadn't leapt out at me before.

First, I want to address—my colleague shared a number of slides showing the polling strength of Joe Biden vis-a-vis the President as a demonstration of his motive, the fact that he went over these political investigations to undermine someone he was deeply concerned about.

This is an appropriate point for me to make the disclaimer that the House managers take no position in the Democratic primary for President. I

don't want to lose a single more vote than necessary. But those polls do show the powerful motive that Donald Trump had—a motive that he didn't have the year before or the year before that; a motive that he didn't have when he allowed the aid to go to Ukraine without complaint or issue in 2017 or 2018. It was only when he had a growing concern with Joe Biden's candidacy that he took a sudden interest in Ukraine and Ukraine funding and the withholding of that aid.

I also want to underscore what the President said in that July 25 call. My colleague showed you that transcript from July 25 where the President says: "I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike." My colleagues have explained what that theory is about that server, that CrowdStrike server—the crazy theory that it was Ukraine that hacked the Democratic server and that server was whisked away to Ukraine and hidden there so that the investigators and the FBI couldn't look at this server. That is what Donald Trump was raising in that conversation with President Zelensky.

I bring up this point again because you may hear from my colleagues, the President's lawyers, as we heard during the testimony in the House, that the concern was over Ukrainian interference in the election, and why isn't it possible that both Russia and Ukraine interfered in the election? Never mind that is contrary to all the evidence. But it is important to point out here that we are not talking about generic interference. We are not talking about, as we heard from some of my colleagues in the House, a tweet from a Ukrainian here or an op-ed written by somebody there and equating it with the kind of systematic interference of the Russians. What we are talking about here—what the President is talking about here is a very specific conspiracy theory going to the server itself, meaning that it was Ukraine that hacked the Democratic server, not the Russians. This theory was brought to you by the Kremlin, OK? So we are not talking about generic interference. We are talking about the server. We are talking about CrowdStrike. At least, that is what Donald Trump wanted to investigate or announced—this completely bogus, Kremlin-pushed conspiracy theory.

I was also struck by that video you saw of Tom Bossert, the former homeland security adviser for the President, in which he talked about how completely debunked and crazy this conspiracy theory is. And then there was that rather glib line that he admitted was glib, but nonetheless made a point, about the three or five ways to impeach oneself, and the third way was to hire Rudy Giuliani.

Now, it struck me in watching that clip, again, that it is important to emphasize that Rudy Giuliani is not some Svengali here who has the President

under his control. There may be an effort to say: OK, the human hand grenade, Rudy Giuliani, it is all his fault. He has the President in his grip.

And even though the U.S. intelligence agencies and the bipartisan Senate Intelligence Committee and everyone else told the President time after time that this is nonsense, that the Russians interfered, not the Ukrainians, he just couldn't shake himself of what he was hearing from Rudy Giuliani. You can say a lot of things about President Trump, but he is not led by the nose by Rudy Giuliani. And if he is willing to listen to his personal lawyer over his own intelligence agencies, his own advisers, then you can imagine what a danger that presents to this country.

My colleague also played for you that interview with Director Wray. And, again, I was just struck anew by that interview. In that interview, Director Wray says: "We have no information that indicates that Ukraine interfered with the 2016 presidential election." That is Donald Trump's Director of the FBI: "We have no information that indicates that Ukraine interfered with the 2016 election"—none, as in zero.

The reporter then says: When you see politicians pushing this notion, are you concerned about that in terms of the impact on the American public?

And the Director says: "Well, look, there's all kinds of people saying all kinds of things out there."

Well, yes, there are, but this person is the President of the United States. When he says "there are all kinds of people out there saying all kinds of things," well, what he is really saying is the President of the United States. It is one thing if someone off the streets says it, but when it is coming from the President of the United States, you can see what a danger it is if it is patently false and it is promulgated by the Russians.

And, again, the reporter says: We heard from the President, himself, he wanted the CrowdStrike portion of this whole conspiracy investigated, and I am hearing you say there is no evidence to support this.

And Wray says: "As I said, we at the FBI have no information that would indicate that Ukraine tried to interfere in the 2016 presidential election"—none.

And so you can imagine the view from the Kremlin of all of this. You can imagine Putin in the Kremlin with his aides, and one of his aides comes into the office and says: Vladimir, you are never going to believe this. The President of the United States is pushing our CrowdStrike theory.

I mean, you can almost imagine the incredulity of Vladimir Putin: You are kidding; right? You mean he really believes this? His own people don't believe this. Nobody believes this.

It would be bad enough, of course, that the President of the United States believes this Russian propaganda against the advice of all of his advisers—common sense—and everything