IMPEACHMENT PRIMER

An overview of the impeachment process, events leading up to the Ukraine investigation, key events in the impeachment proceedings, and public opinion on impeaching President Trump

January 16, 2020
Roadmap

- Impeachment process
- Key players and events
- The impeachment inquiry and public hearings
- The House impeachment vote
- The Senate impeachment trial
The impeachment process has six steps

1. Resolution is submitted
   The impeachment process begins in the House of Representatives. A member must submit a resolution of impeachment to the House Judiciary Committee, which will then decide if an investigation is warranted.

2. Investigation
   The House Judiciary Committee typically leads the initial investigation to examine the charges. If the Judiciary Committee determines that grounds for impeachment exist by a majority vote, one or more articles of impeachment will be reported to the full House.

3. House Vote
   Upon receiving the articles of impeachment, the House can consider the resolution as a whole or may vote on each article separately. A vote to impeach by the House requires a simple majority of those present. The House may vote to impeach even if the House Judiciary Committee does not recommend impeachment.

4. Senate is notified
   The House will adopt a resolution notifying the Senate of its action. The Senate holds the sole power to try all impeachments and is responsible for setting a trial date.

5. Senate holds trial
   The full Senate may receive evidence, take testimony and determine questions in the trial. The Senate has not adopted standard rules of evidence to be used and any such questions can be put to a vote before the Senate.

6. Senate holds vote
   At the conclusion of the trial, the Senate votes on each article of impeachment separately, with a two-thirds majority needed to convict. If the respondent is convicted on one or more articles, they will be removed from office.
Democrats are far from the threshold at which they would have enough votes to impeach and convict President Trump

**Impeachment process**

- Simple majority vote in House to indict president for "treason, bribery, or other high crimes & misdemeanors"
- 2/3 vote in the Senate to convict president and remove from office

<table>
<thead>
<tr>
<th></th>
<th>House of Representatives</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple majority:</td>
<td>216 (due to 4 vacancies)</td>
<td>51</td>
</tr>
<tr>
<td>2/3 majority:</td>
<td>288 (due to 4 vacancies)</td>
<td>67</td>
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<tr>
<td>Republican</td>
<td>198*</td>
<td>53</td>
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<tr>
<td>Independent</td>
<td>1</td>
<td>2**</td>
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<td>Democratic seats</td>
<td>232</td>
<td>45</td>
</tr>
<tr>
<td>Vacancies</td>
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</tbody>
</table>

**25th Amendment process**

- VP and a majority of the cabinet tell Congress the president is "unable to discharge the powers & duties of his office"
- If the president appeals, 2/3 vote in both House and Senate removes president from office

*Rep. Jeff Van Drew announced that he will join the Republican Party. **The two independent senators (Sanders - VT and King - ME) caucus with the Democrats.

Sources: New York Times, Ballotpedia, Roll Call.
Roadmap

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- Key players and events
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- The Senate impeachment trial
# Key people related to the Trump-Ukraine investigation

<table>
<thead>
<tr>
<th>Whistleblowers</th>
<th>Rudy Giuliani*</th>
<th>Donald Trump</th>
<th>Mike Pence*</th>
<th>Volodymyr Zelensky</th>
</tr>
</thead>
<tbody>
<tr>
<td>A whistleblower filed a report that described Trump and his communication efforts with Ukraine. The original whistleblower’s lawyers have since stated that they are representing multiple officials.</td>
<td>Trump’s personal lawyer Multiple reports have discussed the former NYC mayor’s involvement with Ukraine and efforts to pressure Zelensky to investigate the Bidens.</td>
<td>US President Impeachment support has increased after the release of the whistleblower report, which details the Trump administration’s pressure campaign on Ukraine and its withholding of aid.</td>
<td>US Vice President Pence met with Zelensky in Sept. and discussed Ukrainian aid. He has stated he will not cooperate with impeachment inquiry.</td>
<td>Ukraine President According to the whistleblower, Zelensky was pressured by the Trump administration and associates to investigate Joe Biden and his son, Hunter Biden.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mick Mulvaney*</th>
<th>Joseph Maguire*</th>
<th>Mike Pompeo*</th>
<th>Kurt Volker*</th>
<th>Joe Biden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trump’s Acting Chief of Staff He was instructed to withhold Ukrainian aid in July. Mulvaney has stated that the aid was tied to Trump’s interest in Ukraine investigating the 2016 election.</td>
<td>Director of National Intelligence (acting) Maguire originally withheld the whistleblower complaint from Congress but briefed Congress on the complaint on Sept. 26.</td>
<td>US Secretary of State He stated that he was on the July 25th call between Trump and Zelensky. Pompeo has refused to turn over documents that he was subpoenaed for.</td>
<td>Former US Special envoy for Ukraine He is seen as a key witness to the communications between the Trump administration and Ukrainian officials. He left his position on Sept. 27 and cooperated in the investigation.</td>
<td>Former Vice President President Trump requested that Ukraine’s presidents investigate Joe Biden and his son, Hunter Biden. Hunter Biden served on the board of one of Ukraine’s largest natural gas companies.</td>
</tr>
</tbody>
</table>

*Denotes that person has been subpoenaed by the House. Sources: NBC News, Washington Post, New York Times.
### Events leading up to the impeachment inquiry (1/2)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 9, 2019</td>
<td>President Trump's personal lawyer Rudy Giuliani announces a trip to Kiev to push the incoming government to investigate Former Vice President Joe Biden and Ukrainian connections to the Mueller probe; On May 10th, Giuliani cancels his trip</td>
</tr>
<tr>
<td>July 10, 2019</td>
<td>Ukraine President Volodymyr Zelensky’s aide, Andriy Yermak, asks US Special Envoy for Ukraine Kurt Volker to connect him with Giuliani; Yermak and Giuliani talk for the first time a few days later</td>
</tr>
<tr>
<td>Mid-July, 2019</td>
<td>Trump told his acting Chief of Staff Mick Mulvaney to hold back almost $400 million in aid for Ukraine; administration officials cited the delay was due to “interagency processes”</td>
</tr>
<tr>
<td>July 25, 2019</td>
<td>Trump has a phone call with Zelensky; Trump asks for assistance investigating Joe Biden and his son and Ukraine’s involvement in the 2016 elections; White House officials place the transcript of the call into an electronic system for sensitive, classified material</td>
</tr>
<tr>
<td>July 26, 2019</td>
<td>Kurt Volker meets with Zelensky and Ukrainian political officials</td>
</tr>
<tr>
<td>August 2, 2019</td>
<td>Giuliani travels to Madrid and meets with Andriy Yermak</td>
</tr>
<tr>
<td>August 12, 2019</td>
<td>This is the date that the whistleblower complaint bears; it is addressed to Senate Intelligence Chairman Sen. Richard Burr (R-NC) and House Intelligence Committee Chairman Adam Schiff (D-CA-28)</td>
</tr>
<tr>
<td>August 26, 2019</td>
<td>The report was passed on to the Inspector General for National Intelligence Michael Atkinson; Atkinson deemed the report credible and passed it on to acting Director of National Intelligence (DNI) Joseph Maguire</td>
</tr>
<tr>
<td>September 3, 2019</td>
<td>The Justice Department issues a memo that says the whistleblower complaint didn’t meet the statutory definition of “urgent concern,” and therefore it is not required to be forwarded to Congress</td>
</tr>
</tbody>
</table>
Events leading up to the impeachment inquiry (2/2)

September 9, 2019
- Atkinson tells Schiff (D-CA-28) that he disagrees with the Justice Department’s decision; House Foreign Affairs, Intelligence, and Oversight Committees launch an investigation into Trump and Giuliani’s use of US foreign policy apparatus.

September 11, 2019
- The White House releases $250 million in aid to Ukraine; the delay was explained by saying that the President was deciding how to best use funds to advance “American national security interests.”

September 19, 2019
- Atkinson meets with members of the House Intelligence Committee about the whistleblower complaint.

September 24, 2019
- House Speaker Nancy Pelosi (D-CA-12) announces that the House will move forward with a formal impeachment inquiry; Pelosi requests that six House Committees continue their investigation into possible impeachable offenses and report their findings to the House Judiciary Committee.

Roadmap

- Impeachment process
- Key players and events
- The impeachment inquiry and public hearings
- The House impeachment vote
- The Senate impeachment trial
Key people and committees related to the Trump-Ukraine investigation in the 116th Congress

Nancy Pelosi
House Speaker (D-CA-12)
- Pelosi called for a formal impeachment inquiry on Sept. 24th; her announcement led to a significant increase in impeachment support among House Democrats
- She directed the chairs of six House committees that had been investigating Trump to report impeachable offenses to the House Judiciary Committee; she passed a House resolution formalizing the impeachment inquiry on Oct 31

House Intelligence Committee
Chair: Adam Schiff (D-CA-28)
- Schiff learned about the existence of the whistleblower on Sept. 9th
- He then announced that committees will make impeachment inquiry transcripts from closed-door meetings public when possible
- The committee began conducting public hearings for the inquiry on Nov. 13

House Oversight and Reform Committee
Chair: Carolyn Maloney (D-NY-12)*
- There has not been a formal announcement for when a vote will occur to elect a chair following Representative Cummings’s passing
- Jordan has voiced his opposition to the inquiry

House Ways and Means Committee
Chair: Richard Neal (D-MA-1)
- This committee has been attempting to obtain Trump’s tax returns since April and Neal has stated the impeachment inquiry will make his case stronger

House Financial Services Committee
Chair: Maxine Waters (D-CA-43)
- Waters has called for President Trump’s impeachment since 2017

*Maloney is acting House Oversight Chair following the death of Rep. Cummings on October 17, 2019.
Impeachment in the House: key events (1/2)

**Timeline of events during the impeachment inquiry**

- **Sept. 25, 2019**
  - The White House releases a rough transcript of Trump’s July 25th call with Zelensky; the whistleblower complaint is sent to Congress

- **Sept. 26, 2019**
  - House Intelligence Committee releases a redacted version of the whistleblower complaint; acting Director of National Intelligence Joseph Maguire testifies before the committee that the whistleblower “did the right thing”

- **Oct. 4, 2019**
  - Text messages between US diplomats, Giuliani, and a top Zelensky aide are released; the messages show efforts to persuade Zelensky to investigate the Bidens
  - **Kurt Volker**, Trump’s former special envoy to Ukraine, testifies

- **Oct. 8, 2019**
  - The White House refuses to turn over the requested documents related to the Trump-Ukraine probe and accuses Democrats of trying to reverse the 2016 election results

- **Oct. 11, 2019**
  - Marie Yovanovitch, former ambassador to Ukraine, testifies before House committees that Trump pressured the State Department to remove her from office

- **Oct. 14, 2019**
  - Fiona Hill, Trump’s former analyst on Russia, testifies about Bolton’s disagreement with Giuliani’s actions to pressure Ukraine for information on Democrats

- **Oct. 15, 2019**
  - Pence and Giuliani submit letters to the House stating that they will not turn over documents related to the impeachment inquiry; a similar letter was submitted on behalf of Esper the next day
  - **George Kent**, Deputy Assistant Secretary of State, testifies that Ukraine foreign policy was controlled by the “three amigos”—Sondland, Volker, and Perry—who were selected by the White House

- **Oct. 16, 2019**
  - P Michael McKinley, a top deputy under Secretary Pompeo, testifies that he resigned due to information on “the engagement of our missions to procure negative political information for domestic purposes”

- **Oct. 17, 2019**
  - Gordon Sondland, US ambassador to the EU, testifies that he had not seen any evidence of a quid pro quo and that he takes Trump’s actions at his word

**Sources:** Axios; CNN; The Guardian; Congress.gov; NPR.

Madeline Hanson | Slide last updated on: November 13, 2019
## Impeachment in the House: key events (2/2)

### Timeline of events during the impeachment inquiry

**Oct. 22, 2019**
- **Bill Taylor**, acting US ambassador to Ukraine, testifies that the Trump administration was pursuing objectives in Ukraine contrary to US goals and describes an irregular, informal policymaking channel through which much of Ukraine foreign policy was conducted.

**Oct. 29, 2019**
- **Alexander Vindman**, army officer and top Ukraine expert on the National Security Council (NSC), testifies that he brought his concerns about the Trump administration’s actions on Ukraine to a NSC lawyer.

**Oct. 31, 2019**
- The **House passes a resolution** (232-196) approving a formal impeachment inquiry and laying out a process for transitioning from closed-door depositions to public hearings.

**Nov. 4, 2019**
- **Gordon Sondland** revises his testimony, now stating that he told an aide to President Zelensky that he believed military aid release was contingent on announcement of Burisma investigations.

**Nov. 13-21, 2019**
- **Public hearings** are held in the House Intelligence Committee, featuring twelve witnesses.

**Dec. 3, 2019**
- The **House Intelligence Committee** releases a report of its findings from its impeachment inquiry.

**Dec. 4, 2019**
- The **House Judiciary Committee** holds a public hearing, during which four constitutional scholars testify on the standards of impeachment and whether or not Trump’s actions fit the standards.

**Dec. 13, 2019**
- The **House Judiciary Committee** passes two articles of impeachment — Abuse of Power and Obstruction of Congress — on a party-line vote (23-17).

**Dec. 18, 2019**
- The **House of Representatives** votes to impeach President Trump on abuse of power (230-197) and obstruction of Congress (229-198); three Democrats vote against one or both of the articles, and one votes present.

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Sources: Washington Post; Vox; House Judiciary Committee; New York Times; Axios; CNN; The Guardian; Congress.gov.

Madeleine Hanson | Slide last updated on: December 20, 2019
The House resolution to start a formal impeachment inquiry passed along party lines

H.Res.660 - Directing certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Donald John Trump, President of the United States of America, and for other purposes. 
Sponsor: Rep. James McGovern (D-MA-2) 
Cosponsors: 8 D

218 votes for majority*

As designated by the resolution:
• House Intelligence Chair Adam Schiff (D-CA-22) will preside over any public hearings; House Intelligence Committee Ranking Member Devin Nunes (R-CA-28) will also be leading the questioning in hearings
• The House Intelligence Committee will send a report on its findings to the House Judiciary Committee
• The House Judiciary Committee can then decide to draft articles of impeachment, which can lead to a committee markup and a House vote
If the House passes the articles, the Senate holds a trial and then votes on whether to acquit or remove the president.

There are currently three vacant seats in the House: WI-7, NY-27, and MD-7. Sources: Congress.gov, NPR.
Ukraine foreign policy was largely conducted by the “three amigos” via an irregular, unofficial second channel. Three officials—Ambassador to the EU Gordon Sondland, former Special Envoy to Ukraine Kurt Volker, and Energy Secretary Rick Perry—were chosen by the White House to circumvent normal foreign policy procedures and control the Trump Administration’s policy priorities in Ukraine.

Allegations leading to the removal of former Ukraine Ambassador Marie Yovanovitch are considered a “baseless smear campaign.” Yovanovitch was removed from her post this spring, an act which officials say was a “top priority” for the president. The order came amidst accusations by Trump’s personal lawyer, Rudy Giuliani, that she was undermining his efforts abroad, particularly the effort to get Ukraine officials to investigate Biden’s son.

There appeared to be a quid pro quo in which a White House visit for President Zelensky was conditioned on the announcement of investigations into Trump’s political opponents. The Ukrainians were repeatedly told that President Zelensky would be invited to the White House for a meeting if the investigations Trump requested were pursued. In August, Trump’s team pressed Ukraine to release a public statement committing to the investigations, which Ukrainian officials said they would agree to if a date for a visit to the White House was confirmed.

Key point of dispute: Testimonies differed on whether holding the military aid to Ukraine was used as leverage, though some key diplomats stated they believe it was. Though he originally denied any knowledge of withholding military aid to Ukraine, Sondland amended his original testimony in early November. Sondland’s revised testimony includes details about an interaction between him and a Ukrainian official, in which he admitted that halted military aid would “likely not resume” unless Ukraine released the requested statement on the investigations.
House Intelligence Committee public hearings (1/2)

A schedule of and key takeaways from the hearings

- **Nov. 13:** Bill Taylor (Acting US Ambassador to Ukraine)
  - **George Kent** (Deputy Assistant Secretary of State)
  - **Key Takeaways:** Taylor testified that a member of his staff—David Holmes—overheard a phone call between Trump and Sondland on July 26, in which Trump questioned Sondland about the investigations; the staff member then asked Sondland about Trump’s thoughts on Ukraine, to which Sondland responded that Trump’s priority was securing the investigation into Biden

- **Nov. 15:** Marie Yovanovitch (Former US Ambassador to Ukraine)
  - **Key Takeaways:** Yovanovitch’s testimony highlighted the declining stability of the Department of State and her own experience being recalled from her post based on knowingly false accusations, many of which were circulated by Rudy Giuliani

- **Nov. 15:** David Holmes (Official at the US Embassy in Ukraine)
  - **Key Takeaways:** Holmes’ deposition focused on a July 26 call between Ambassador Sondland and President Trump, which he overheard in Kiev the day after the July 25 call between Trump & Zelensky

- **Nov. 16:** Mark Sandy (Official at the Office of Management and Budget)
  - **Key Takeaways:** Sandy testified that the White House’s decision to freeze military aid to Ukraine was not only highly irregular but also could not be explained by senior political appointees at the OMB

- **Nov. 19:** Jennifer Williams (Aide to Vice President Pence)
  - **Alexander Vindman** (Army officer and top Ukraine expert at the NSC)
  - **Key Takeaways:** Both Williams and Vindman testified about the irregular and improper nature of the July 25 phone call, which they both listened in on; Vindman said he found it “improper for the president of the United States to demand a foreign government investigate a U.S. citizen and political opponent”

- **Nov. 19:** Kurt Volker (Former Special Envoy to Ukraine)
  - **Tim Morrison** (Former Senior Director for Russian affairs at the NSC)
  - **Key Takeaways:** Volker corrected his previous testimony regarding a July 10 meeting with Ukrainian officials, now stating that the investigations Trump sought had been brought up at the meeting, whereas he had previously stated they had not
House Intelligence Committee public hearings (2/2)

A schedule of and key takeaways from the hearings

- **Nov. 20: Gordon Sondland** (US Ambassador to the EU)
  - **Key Takeaways:** Sondland’s testimony was one of the most important, diverging significantly from his initial closed-door deposition testimony. At his hearing, he testified the following:
    - There was a quid pro quo in which investigations into Burisma—and a public announcement that such investigations were occurring—would be exchanged for a White House visit for President Zelinsky, and “everyone knew it”
    - He believed—and expressed to a Ukrainian official—that security aid to Ukraine was being held up until a public announcement of investigations into Burisma was made; however, he admits he was never explicitly told that was the reason
    - He discussed the quid pro quo with all relevant officials, including Secretary of State Pompeo, Chief of Staff Mulvaney, and Vice President Pence, the latter to whom he even expressed concerns regarding the purpose for the delay in aid

- **Nov. 20: Laura Cooper** (Defense Department official)
  - **David Hale** (Undersecretary of State for Political Affairs)
  - **Key Takeaways:** Cooper testified that she was aware of multiple communications between Ukrainian officials and members of her staff in which the halting of security aid was discussed; she cited both meetings between members of her staff and members of the Ukrainian embassy in which the matter was discussed and emails between her staff and State Department officials

- **Nov. 21: Fiona Hill** (Trump’s former analyst on Russia)
  - **David Holmes** (Official at the US Embassy in Ukraine)
  - **Key Takeaways:** Hill’s testimony included an outright rejection and dismantling of the Trump administration’s theories of Ukraine election meddling; she also testified that, whereas she previously thought Sondland’s Ukraine involvement was related to matters of foreign policy, he was involved in a “domestic political errand” sought after by the Trump administration
  - Holmes, who was stationed in Kiev, testified that Ukrainian officials were confused both by their inability to get a promised White House meeting and the halting of military aid
The Dec. 4 House Judiciary Committee hearing involved testimony from four constitutional scholars

Key takeaways from each scholar

**Noah Feldman**
- Professor at Harvard Law School
- **Stance:** Trump’s actions are impeachable
- **Key points:** Based on the evidence collected by the House, Feldman stated that President Trump has committed impeachable “high crimes and misdemeanors” through his corrupt abuse of the office of the president

**Pamela S. Karlan**
- Professor at Stanford Law School
- **Stance:** Trump’s actions are impeachable
- **Key points:** Based on the evidence collected by the House, Karlan stated that the president explicitly violated his oath of office and committed an “especially serious abuse of power”

**Michael Gerhardt**
- Professor at UNC-Chapel Hill Law School
- **Stance:** Trump’s actions are impeachable
- **Key points:** Based on the “record compiled thus far,” Gerhardt states that the president committed several impeachable offenses, including bribery, abuse of power, and obstruction of justice

**Jonathan Turley**
- Professor at Professor at UNC-Chapel Hill Law School
- **Stance:** Trump’s actions are not impeachable
- **Key points:** Turley’s primary objection is to the pace of the inquiry, which he argues was too short and resulted in insufficient evidence for impeachment; he also argues the record does not establish the crime of obstruction

Sources: House Judiciary Committee; NBC News.

Madeline Hanson | Slide last updated on: December 6, 2019
Roadmap

- Impeachment process
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- The impeachment inquiry and public hearings
- The House impeachment vote
- The Senate impeachment trial
On Dec. 10, Chairman Nadler of the House Judiciary Committee introduced two articles of impeachment

**Article I: Abuse of Power**

“Using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election”

Article I alleges that President Trump, “acting directly and indirectly”:

- Solicited Ukraine to publicly announce investigations into former VP Joe Biden and a discredited theory regarding 2016 election interference for his personal political gain
- Conditioned the release of $391M in congressionally-approved military aid and a White House visit on the public announcement of the investigations
- Ultimately released the aid after his actions were publicly revealed and has persisted in the solicitation of the investigations

**Article II: Obstruction of Congress**

“Donald J. Trump has directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives”

Article II alleges that President Trump, “without lawful cause or excuse”:

- Directed Executive Branch officials not to comply with congressional subpoenas and to withhold the production of documents and records
- Interposed the powers of the presidency against the lawful subpoenas of the House
- Assumed to himself the functions and judgments necessary to conduct impeachment proceedings, which are solely vested in the House by the Constitution

Sources: Congress.gov.

Madeline Hanson | Slide last updated on: December 12, 2019
On Dec. 13, the House Judiciary Committee passed both articles of impeachment

Following fourteen hours of committee debate on the measure, the Judiciary Committee voted along party lines to send the resolution to the House (23-17)

Democrats’ argument for impeachment

- President Trump abused the powers of the Presidency by ignoring and injuring national security and other national interests to obtain personal political benefit
- He abused his office by enlisting foreign interference in democratic elections, compromising US democratic processes, and thereby has betrayed the nation
- He has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office
- His actions are consistent with his previous invitations of foreign interference in US elections
- He attempted to cover up his misconduct and seize control of the impeachment process, thereby obstructing Congress

Republicans’ argument against impeachment

- Democrats are pursuing impeachment not based on evidence but in an effort to undo the results of the 2016 election
- President Zelensky himself stated there was no pressure on him to open an investigation, and the transcripts of the July 25 call show no conditionality
- Though the Ukrainians did not open investigations, the aid was eventually still released and a meeting with President Trump did occur
- The first charge—Abuse of Power—does not “cite any crime or facts on improper actions taken by President Trump”
- The second charge—Obstruction of Congress—“ignores longstanding constitutional privileges exercised by the President”
On Dec. 18, the House voted to impeach President Donald Trump on both articles of impeachment.

Article I: Abuse of Power  
Vote: 230-197

216 votes for majority (due to 4 vacancies)

<table>
<thead>
<tr>
<th>Party</th>
<th>Yea</th>
<th>Nay</th>
<th>Not voting</th>
<th>Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican</td>
<td>0</td>
<td>195</td>
<td>2</td>
<td>0</td>
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<tr>
<td>Independent</td>
<td>1*</td>
<td>0</td>
<td>0</td>
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<td>Democratic</td>
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<td>1**</td>
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<td>Total</td>
<td>230</td>
<td>197</td>
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Article II: Obstruction of Congress  
Vote: 229-198

216 votes for majority (due to 4 vacancies)

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<th>Party</th>
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<td>Independent</td>
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<td>Democratic</td>
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<td>3**</td>
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<td>1</td>
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<tr>
<td>Total</td>
<td>229</td>
<td>198</td>
<td>3</td>
<td>1</td>
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</tbody>
</table>

*Rep. Justin Amash (MI-3) recently left the Republican Party and is not a part of the GOP caucus.  
**Rep. Jeff Van Drew (D-NJ-2) announced prior to the vote that he would be joining the GOP, but voted as a registered Democrat.
Four Democrats defected from the party-line impeachment vote

**Vote: Nay on both articles**

"I’m not a lawyer and am not sure what ‘high crimes and misdemeanors’ are, but I do know that this process has not convinced the people in my district we have impeachable offenses and that the president needs to be removed."

— Rep. Collin Peterson (D-MN-7)

**Vote: Nay on Article II**

"While the president’s resistance toward our investigative efforts has been frustrating, it has not yet, in my view, reached the threshold of ‘high crime or misdemeanor’ that the Constitution demands. For that reason, I will vote against Article II of the House resolution regarding obstruction of Congress."


**Vote: Present**

"I am standing in the center and have decided to vote Present. I could not in good conscience vote against impeachment because I believe President Trump is guilty of wrongdoing. I also could not in good conscience vote for impeachment because removal of a sitting President must not be the culmination of a partisan process, fueled by tribal animosities that have so gravely divided our country."

— Rep. Tulsi Gabbard (D-HI-2)

*Before the impeachment vote, Rep. Van Drew (D-NJ-2) announced he would be leaving the Democratic Party and joining the GOP.*

Sources: Washington Post; The Office of US Representative Jared Golden; The Office of US Representative Collin Peterson; Tulsi 2020.
Prior to the impeachment vote, polling showed a deep partisan divide over impeachment.

<table>
<thead>
<tr>
<th>Public opinion on impeachment of President Trump</th>
<th>Impeach and remove</th>
<th>Do not impeach and remove</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. overall</td>
<td>49%</td>
<td>46%</td>
</tr>
<tr>
<td>Democrats</td>
<td>85%</td>
<td>11%</td>
</tr>
<tr>
<td>Republicans</td>
<td>12%</td>
<td>86%</td>
</tr>
<tr>
<td>Independents</td>
<td>47%</td>
<td>46%</td>
</tr>
</tbody>
</table>
US adults are divided over whether Trump obstructed Congress

Poll: Do you think Trump...

- Improperly pressured Ukraine to investigate Joe Biden and his son?
  - Trump did: 49%
  - Trump did not: 39%
  - No opinion: 13%

- Obstructed Congress by trying to interfere with impeachment?
  - Trump did: 49%
  - Trump did not: 43%
  - No opinion: 8%

Source: Washington Post-ABC News Poll
The impeachment proceedings reached a brief impasse due to debate over Senate trial rules.

Rules for a Senate impeachment trial must pass the Senate by a simple majority (51 votes) to begin the trial.

The GOP has enough seats (53) to pass rules and begin a trial without support from the Democrats.

However, not all rules regarding trial proceedings, including details on witness testimony, must be decided upon before the trial begins.

Senate Minority Leader Chuck Schumer (D-NY) has demanded that the trial include testimony from new witnesses and the production of new documents from federal agencies.

Senate Majority Leader Mitch McConnell (R-KY) and many GOP senators are against opening the trial to witnesses; Sen. McConnell said he will run the trial "in total coordination" with the White House.

Because of the lapse in proceedings, new evidence has emerged in the Ukraine scandal, increasing Democrats’ demands for witness inclusion.

The new evidence includes emails from White House officials regarding the Ukraine aid freeze and dozens of notes, text messages, and other records provided by Lev Parnas, an associate of Rudy Giuliani.

Potential swing-vote Republicans in the Senate:

- 4 GOP Senators would have to vote with all 47 Senate Democrats in order to subpoena a witness in the impeachment trial.
- On Jan. 6, former national security advisor John Bolton announced he would testify in the trial if subpoenaed by the Senate, which could persuade some Republicans to vote in favor of allowing witnesses.

- Sen. Mitt Romney (R-UT)
- Sen. Susan Collins (R-ME)
- Sen. Cory Gardner (R-CO)
- Sen. Lisa Murkowski (R-AK)
- Sen. Martha McSally (R-AZ)
- Sen. Lamar Alexander (R-TN)
On Jan. 10, the White House announced the leadership of President Trump’s legal team

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Key facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pat Cipollone</td>
<td>White House counsel</td>
<td>• Served as an outside adviser during the Mueller investigation and replaced Don McGahn as White House counsel in Oct. 2018</td>
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<tr>
<td>Jay Sekulow</td>
<td>Private attorney</td>
<td>• Played a key role in Trump’s defense during the investigation into Russia’s interference in the 2016 election</td>
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<td></td>
<td></td>
<td>• Has also represented Trump during the fight over his tax returns</td>
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<tr>
<td>Pat Philbin</td>
<td>Deputy White House counsel</td>
<td>• Clerked for Supreme Court Justice Clarence Thomas and served in senior positions at the Justice Department during George W. Bush’s presidency</td>
</tr>
<tr>
<td>Mike Purpura</td>
<td>Deputy White House counsel</td>
<td>• Served under the Justice Department and as a federal prosecutor</td>
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<td></td>
<td></td>
<td>• Negotiated with witnesses who testified during the impeachment inquiry, including Fiona Hill</td>
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**Will House Republicans be involved?**
- The White House has not announced whether House Republicans will be involved in Trump’s defense team
- On Jan. 15, Rep. Matt Gaetz (R-FL-1) cast doubt on the idea that House Republicans would be a part of the official defense team, saying it was more likely they would serve in a “consultant” role

**Does Trump’s team want witnesses?**
- So far, the White House has been silent on its defense strategy
- President Trump himself has gone back and forth on witness inclusion, sometimes calling for testimony from witnesses like Joe and Hunter Biden, other times urging for an outright dismissal of the charges
The Senate impeachment trial is set to begin on Jan. 21, 2020

The trial will begin with opening arguments by both sides followed by a period of questioning by the senators; during the Clinton trial, each side was allotted 24 hours for opening arguments over the course of a few days, and senators had 16 hours for questions.

After the opening phase, there will be a debate and vote on whether or not to subpoena additional witnesses, which Sen. Susan Collins (R-ME) claims to have secured through collaboration with Sen. Lisa Murkowski (R-AK), Sen. Mitt Romney (R-UT), and Sen. Lamar Alexander (R-TN).

The draft resolution outlining the trial laws does not include a provision for a debate and vote on a motion to immediately dismiss the articles of impeachment, which the Clinton trial had and President Trump often has called for.

Rules on decorum have also been released: senators will not be allowed to speak during the trial, having to instead write down their questions and give them to Chief Justice Roberts, and they will not be allowed to bring technology into the Senate chamber.

The managers are the lawmakers who act as prosecutors, presenting the case for impeachment before the Senate.

House impeachment managers:
- Rep. Adam Schiff (D-CA-TK)
- Rep. Jerrold Nadler (D-NY-TK)
- Rep. Hakeem Jeffries (D-NY-TK)
- Rep. Zoe Lofgren (D-CA-TK)
- Rep. Val Demings (D-FL-TK)
- Rep. Sylvia Garcia (D-TX-TK)
- Rep. Jason Crow (D-CO-TK)

Sources: Washington Post; Wall Street Journal; Business Insider; The Hill

The premier bar association serving the federal practitioners and the federal judiciary.
A majority of all voters believe the Senate should call additional witnesses in its impeachment trial

Public opinion on involving new witnesses in the impeachment trial

- The Senate should call additional witnesses
- Don’t know/no opinion
- The Senate shouldn’t call additional witnesses

<table>
<thead>
<tr>
<th></th>
<th>The Senate should call additional witnesses</th>
<th>Don’t know/no opinion</th>
<th>The Senate shouldn’t call additional witnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>All voters</td>
<td>57%</td>
<td>19%</td>
<td>24%</td>
</tr>
<tr>
<td>Democrats</td>
<td>71%</td>
<td>14%</td>
<td>15%</td>
</tr>
<tr>
<td>Independents</td>
<td>56%</td>
<td>25%</td>
<td>19%</td>
</tr>
<tr>
<td>Republicans</td>
<td>40%</td>
<td>21%</td>
<td>39%</td>
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1220 North Fillmore St., Suite 444, Arlington, VA 22201
T: (571) 481-9100 F: (571) 481-9090 fba@fedbar.org www.fedbar.org

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