

An Impeachment Inquiry Begins

Reading 1: Background

On September 24, 2019, Speaker Nancy Pelosi announced that the House of Representatives will begin a formal inquiry into possible impeachment of President Trump.

Speaker Pelosi had been resisting calls for impeachment proceedings for months. She was pushed over the edge by the actions of a CIA analyst turned whistleblower. The whistleblower revealed that President Trump had pressured Ukrainian President Volodymyr Zelensky to investigate President Trump's political rival, Joe Biden, and his son Hunter Biden.

Definition of whistleblower: An insider who informs others about improper activity—usually in government or a corporation

The Background in Ukraine

Since 2014, Russia has provided weapons and “volunteers” to support fighters in Eastern Ukraine who are seeking independence from Ukraine. Russia also occupied, then annexed nearby Crimea. Ukraine has been heavily dependent on military assistance from the United States to counter Russian aggression. Simultaneously, Ukraine has been plagued by rampant corruption.

During the Obama administration, the U.S., along with western European allies, pressed Ukraine to fight the corruption—and fire the country's ineffective state prosecutor. At the same time, a Ukrainian gas company whose president had been accused of corruption hired then Vice President Joe Biden's son Hunter as a highly-paid board member (although Biden had no experience in the industry). The Obama administration supported investigations into Ukraine's widespread corruption, including corruption involving the gas company.

In late 2018, President Trump's lawyer, Rudy Giuliani, began pressing Ukraine to investigate the Bidens for corruption.

All these developments helped set the stage for the phone call that is at the center of the House impeachment proceedings in September 2019.

The Whistleblower and the Phone Call

On July 18, 2019, on orders from the Trump administration, military aid to Ukraine was suddenly cut off. One week later, Presidents Trump and Zelensky had a telephone call in which

Trump requested that Zelensky “look into” the possible prosecution of the Bidens. According to the transcript, President Trump said:

“There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General [U.S. Attorney General William Barr] would be great. Biden went around bragging that he stopped the prosecution so if you can look into it ... It sounds horrible to me.”

Though President Trump did not directly link the renewal of military aid to an investigation of Joe and Hunter Biden, the connection was clear enough for intelligence analysts with access to the phone call to be concerned about a breach in national security.

A CIA employee filed an anonymous whistleblower complaint to the Intelligence Community Inspector General. The Inspector General, considering the complaint to be both serious and urgent, passed the complaint to the acting Director of National Intelligence.

Instead of taking the report to Congress, which by law he was required to do, the Director of National Intelligence sent it to the White House Office of Legal Counsel. They decided the matter was not of “urgent concern,” and therefore did not have to be forwarded to Congress. But the Inspector General did believe there was “urgent concern,” so he alerted the House Intelligence Committee.

The story went public on September 18. A rough [transcript](#) of the infamous telephone conversation was released by the White House and a redacted version of the original [complaint](#) was released by the House Intelligence Committee. The whistleblower begins by saying:

“In the course of my official duties, I have received information from multiple U.S. government officials that the president of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election. This interference includes, among other things, pressuring a foreign country to investigate one of the president’s main domestic political rivals. The president’s personal lawyer, Mr. Rudolph Giuliani, is a central figure in this effort. Attorney General Barr appears to be involved as well.”

Definition of redacted: Selected editing of a document in order to obscure or remove sensitive information.

According to the whistleblower, White House lawyers had been "in discussion" about "how to treat the call because of the likelihood, in the officials' retelling, that they had witnessed the president abuse his office for personal gain."

He reported that White House officials had tried to “lock down” a transcript of President Trump’s July 25 call. This involved removing the transcript of the call from a computer system

that stores them for Cabinet-level officials, and putting it instead into a computer system intended for information that might endanger national security.

This move concerned some officials, who shared their worries internally that this was an "abuse of the system." The whistleblower said they heard from other White House officials that this was "not the first time" that the Trump administration used this storage system to hold politically sensitive documents.

Discussion Questions

1. What questions do you have about the reading, and how could they be answered?
2. Should a president be allowed to enlist another government in investigating their political rivals?
3. If President Trump offered President Zelensky military aid in exchange for an investigation of Biden, would that be cause for impeachment? That is, would it constitute a high crime or misdemeanor? (Note: Such an exchange is called a "quid pro quo" – something given with the expectation of getting something in return.)
4. What do you make of the whistleblower's charge that the Trump officials "locked down" the record of President Trump's call? Does this constitute a "coverup," and if so, do you consider this a serious breach?

Reading 2: Impeachment Inquiry & Republican Response

As more information came out about President Trump's call with Ukrainian President Zelensky and the administration's alleged efforts to conceal it, more and more Democratic Representatives spoke out for impeachment.

On September 23, the Washington Post published an [opinion piece](#) written by seven freshman legislators, all from relatively conservative districts and all with military or intelligence backgrounds. These Democrats now called for impeachment, based on national security grounds. By the end of the next day, House Speaker Nancy Pelosi had also declared her support for impeachment, as had all but 16 Democratic members of the House of Representatives.

Many Democrats had been calling for an impeachment inquiry for months. Potential charges included:

- Obstructing justice in the investigation into Russian interference in the 2016 election by firing of FBI Director James Comey because he would not drop the investigation of National Security Advisor Mike Flynn and say the President was innocent; attempting to fire Special Counsel Robert Mueller; and discouraging witnesses (Michael Flynn and Paul Manafort) from testifying before the Mueller probe
- Accepting payments from foreign governments by hosting political leaders at hotels he owns (a possible violation of the the Emoluments Clause of the Constitution)
- Violating campaign finance laws by paying off women with whom he had extramarital affairs in order to stop them from going public during his presidential campaign

Until the whistleblower's allegations, Speaker Pelosi felt that the political risks of impeachment outweighed the benefits of impeachment. She feared an unpopular impeachment would damage the Democratic majority in the House.

Also, it seemed unlikely that the Republican-controlled Senate would vote to convict President Trump for any of the reasons above—a necessary step in order to remove him from office. Republicans have a three-seat majority in the Senate, and a two-thirds majority is necessary to convict. In other words, at least twenty Republicans would have to join the Democrats and two Independent senators in voting to remove the president from office.

President Trump referred to his phone call with Ukrainian President Zelensky as “beautiful,” and insisted there was nothing inappropriate in his conversation. As for the intelligence officer who brought his actions to light, he said:

“You know what we used to do in the old days when we were smart? Right? The spies and treason, we used to handle it a little differently than we do now.”

While Congressional Republicans remain supportive of the President, their response has been somewhat mild. Senator Mitch Romney of Utah said he was “deeply troubled” by President Trump’s effort to enlist a foreign leader for political assistance, and refused to rule out impeachment. But most Republican senators either defended the President or refused to comment.

The Republicans’ defenses relating to this latest crisis include the following:

- The whistleblower’s information is secondhand; they witnessed nothing themselves.
- There was no quid pro quo directly expressed in the Trump/Zelensky phone call.
- The Democrats and the media are simply out to get the President and will take any small incident and blow it out of proportion.
- The whistleblower couldn’t have written the complaint alone; there must have been a law firm involved.
- The leaks from the intelligence sources are probably illegal.

Discussion Questions:

1. What questions do you have about the reading, and how could they be answered?
2. What do you think about Speaker Pelosi’s decision to begin an impeachment inquiry? Is it justified?
3. Do you think the whistleblower’s charges should be the focus of such an inquiry? Are there more important reasons to remove the president from office?
4. What do you think President Trump meant by “The spies and treason, we used to handle it a little differently...?” Does that sound to you like a threat against the whistleblower?
5. Do you agree with Republicans’ arguments against the inquiry? Why or why not?
6. The Republicans say that it’s all politics: the Democrats will do anything to hurt President Trump’s presidency. What do you think?

Reading 3: The Impeachment Process

The U.S. Constitution defines the mechanism by which presidents (or other high officials) may be ejected from office. It is very clear about who makes the impeachment decision:

“The House of Representatives ... shall have the sole Power of Impeachment.”

It is also very clear about who, after impeachment, hears the charges and decides whether or not to convict:

“The Senate shall have the sole Power to try all Impeachments.”

What the Constitution is not very specific about, is what crimes are impeachable offenses:

“The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

Because of the seriousness of “unelecting” a president that the country has chosen to elect, Congress has chosen to use its power of impeachment sparingly. Only two presidents have been successfully impeached, and neither was ultimately removed from office by the Senate.

Andrew Johnson was impeached in 1868 for removing his Secretary of War [Edwin Stanton](#), without Senate approval, a violation of the [Tenure of Office Act](#). (Stanton had clashed vehemently with Johnson over his lenient treatment of the former Confederate states.) Bill Clinton was impeached in 1998 for lying about a consensual sexual relationship with an intern at the White House.

Congress began impeachment hearings for President Richard Nixon in 1974 over his role in a break-in at the Democratic National Committee headquarters at the Watergate office complex in Washington, D.C., and the administration's attempted cover up of its involvement. But Nixon resigned before the hearings were completed (and just after he released a transcript that made it clear he was directly involved in the coverup).

The exact procedure for impeachment by the House is not spelled out in law, but precedent points to the following likely steps:

1. Several House committees (including Judiciary, Intelligence and Oversight) will examine the charges that fall within their jurisdiction.
2. The committees will recommend appropriate charges to the Judiciary Committee.
3. The Judiciary Committee will vote on which charges, if any, should be sent to the full House.
4. The House of Representatives will vote on those specific charges, whether to impeach the president or not.

If the House votes to impeach on at least one charge, the process moves to the Senate.

The Senate will conduct a trial with a team of U.S. Representatives acting as prosecutors, the President's lawyers defending him, the Chief Justice of the Supreme Court presiding as judge and the full Senate acting as jury.

A two-thirds vote is necessary in order to convict (and remove) the President.

Discussion Questions:

1. What questions do you have about the reading, and how could they be answered?
2. How does the current impeachment inquiry compare to the three other impeachment inquiries in U.S. history?
3. Are there any improvements you could suggest to the impeachment process? For instance:
 - Trial by jury?
 - Majority vote of both houses?
 - Congressional vote of no confidence, then a snap election?
 - Specification of what crimes are "high crimes and misdemeanors?"
4. How important is this impeachment process to you? Will you be following it in the weeks to come? Why or why not?
5. Impeachment is a process that is in the hands of elected officials. How can people who are concerned about this issue (who are not in Congress) play a more active role than spectator in this process?