

No one is above the law, not even the President.

Donald Trump indisputably violated the Constitution and is, without a shadow of a doubt, no longer fit to discharge the duties of the President of the United States of America.

I urge my colleagues to support these articles of impeachment.

Mr. LARSON of Connecticut. Madam Speaker, this year, our nation finds itself in the midst of historic turmoil. President Donald J. Trump's defiance of the Constitution and disregard for the rule of law have given Congress no other choice but to proceed with impeachment. The President has brought this on himself through his actions. As instructed by H. Res. 660, on November 19, 2019, the House Permanent Select Intelligence Committee began conducting open public hearings to ensure the American people were able to hear directly from witnesses as the committee collects and examines evidence in a fair and professional manner. This was followed by public hearings in the House Committee on the Judiciary, which allowed for an examination of the constitutional grounds for impeachment and an airing of evidence against the President.

After weeks of depositions, public hearings and a thorough review of evidence, the House Judiciary Committee concluded that President Trump violated his oath of office and, on December 11th, 2019, approved H. Res. 755, which set forth two articles of impeachment: Abuse of Power and Obstruction of Congress. As the House today deliberates and decides on these articles, it is important to lay the full scope of the President's misconduct before the American people.

My constituent and authentic American leader, Ralph Nader, a consumer advocate, renowned attorney, author, and a respected voice in American politics and good governance, has partnered with constitutional scholars, Bruce Fein and Louis Fisher, to assess the President's misconduct and whether it meets the Constitutional standard for "... Bribery, or other High Crimes and Misdemeanors."

I include in the RECORD his thinking and those of others in our nation, in the hopes that it will help the public further understand the significance of this vote.

ARTICLE OF IMPEACHMENT

(By Ralph Nader, Bruce Fein, and Louis Fisher)

ARTICLE OF IMPEACHMENT

Resolved. That Donald J. Trump, President of the United States, is impeached for bribery and high crimes and misdemeanors in violation of his constitutional oath of office and that the following article of impeachment be exhibited to the Senate:

Article of Impeachment Exhibited by the House of Representatives of the United States of America and of All the People of the United States of America, Against Donald J. Trump, President of the United States of America, in Maintenance and Support of its Impeachment Against Him for Bribery and High Crimes and Misdemeanors in Violation of his Constitutional Oath of Office To Preserve, Protect and Defend the Constitution of the United States.

ARTICLE 1

In his conduct of the office of President of the United States, Donald J. Trump, in violation of his constitutional duty faithfully to execute the office of the President of the United States, and, to the best of his ability, preserve, protect and defend the Constitu-

tion of the United States, Article 1, section 1, clause 6, and, contrary to his public trust, has systematically scorned the letter and spirit of the Constitution on a scale vastly beyond any previous occupant of the White House in doing the following:

1. CONTEMPT OF CONGRESS. President Trump has notoriously boasted, "Then I have Article II, where I have the right to do whatever I want as President." He has chronically acted in violation the Constitution accordingly.

The informing or oversight powers of Congress are even more important than its legislative prerogatives. The United States Supreme Court has repeatedly affirmed the plenary authority of Congress to investigate the executive branch for abuses, irregularities, illegalities or the need for new laws. Supreme Court Justice Louis D. Brandeis famously lectured, sunshine is said to be the best of disinfectants; electric light the most efficient policeman. The House Judiciary Committee voted an article of impeachment against President Richard M. Nixon for defying a congressional subpoena that compromised the ability of Congress to investigate impeachable offenses.

President Trump has repeatedly and unconstitutionally systematically undermined the congressional oversight power, including the ongoing congressional impeachment inquiry of the President himself, by instructing numerous current and former White House staff and members of the executive branch to defy congressional subpoenas on an unprecedented scale far beyond any previous President. Without congressional authority, he has secretly deployed special forces abroad and employed secret guidelines for targeted killings, including American citizens, based on secret unsubstantiated information. He has unconstitutionally endeavored to block private persons or entities from responding to congressional requests or subpoenas for information, e.g., Deutsche Bank. He has refused to provide Congress information about nepotistic or other security clearances he granted in opposition to his own FBI security experts. He has refused to disclose his tax returns to the Chairman of the Ways and Means Committee contrary to a 1924 law, 26 U.S.C. 6103(f).

The informing or oversight powers of Congress are even more bedrock than legislation. Without information, Congress cannot enact informed legislative bills, repeal inadequate laws, or prevent maladministration of good ones. The Supreme Court of the United States has repeatedly affirmed the authority of Congress to investigate the executive branch for abuses, irregularities, illegalities or the need for new laws. Transparency, not secrecy, is the coin of the realm.

Congress possesses plenary authority independent of the federal judiciary to determine whether presidential defiance or obstruction of a congressional subpoena warrants impeachment for destroying the rule of law in favor of raw presidential power. A court order is unnecessary. Under the Constitution, the Supreme Court held impeachment questions are assigned to the House and Senate to the exclusion of federal courts in *Nixon v. United States*, 506 U.S. 224 (1993).

2. ABUSE OF THE POWERS OF THE PRESIDENT AND ABUSE OF PUBLIC TRUST. President Abraham Lincoln famously declared that, "A house divided against itself cannot stand." The nation's motto is E Pluribus Unum. President Trump, however, has fostered combustible division and rancor among "We the people of the United States" by inciting violence and threatening civil war if removed from office. Unlike prior presidents, he has made presidential lies as routine as the rising and setting of the sun, confounding civil discourse,

truth and public trust. He has disrespected, belittled, and serially preyed upon women, mocked the disabled, incited violence against the mainstream media and critics, and encouraged and displayed bigotry towards minorities and minority Members of Congress, including intercession with Israel in serious violation of the Speech or Debate Clause, Article I, section 6, clause 1, to deny two Members visitor visas.

Mr. Trump has failed to superintend or check the chronic lawlessness of his subordinates, a dereliction of duty which James Madison characterized as an impeachable offense. In the very first Congress, Mr. Madison elaborated:

"I think it absolutely necessary that the President should have the power of removing his subordinates from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses."

George Washington when presiding over the constitutional convention instructed, "Let us raise a standard to which the wise and honest can repair." Mr. Trump has so disrespected that standard.

No other President has so consistently voiced extremist and inflammatory views across the board and so grossly neglected the duties of the Oval Office.

3. APPROPRIATIONS CLAUSE, REVENUE CLAUSE. Article I, section 9, clause 7 prohibits federal government expenditures "but in consequence of appropriations made by law." Congress has consistently voted much less money than President Trump requested to build an extensive, multibillion-dollar wall with Mexico. In violation of the Clause and the criminal prohibition of the Anti-Deficiency Act, President Trump has committed to spending billions of dollars far in excess of what Congress has appropriated for the wall. The congressional power of the purse is a cornerstone of the Constitution's separation of powers. James Madison in *Federalist 58* explained, "This power over the purse may . . . be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining redress of every grievance, and to carrying into effect every just and salutary measure."

Article I, section 7, clause 1 requires all revenue measures to originate in the House of Representatives. In violation of the Clause, President Trump has raised tens of billions of dollars by unilaterally imposing tariffs with limitless discretion under section 232 of the Trade Expansion Act of 1962. He has become a Foreign Trade Czar in imposing tariffs or quotas or granting exemptions from his trade restrictions in his unbridled discretion to assist political friends and punish political enemies. Literally trillions of dollars in international trade have been affected. Riches are made and livelihoods destroyed overnight with the capricious stroke of President Trump's pen.

4. EMOLUMENTS CLAUSE. Article I, section 9, clause 8 prohibits the President (and other federal officers), without the consent of Congress, from accepting any "present, emolument, office, or title, of any kind whatsoever, from any King, Prince, or foreign state." The President should be above suspicion. The clause aims to prohibit dual loyalties or its appearance because of financial conflicts of interests. President Trump has notoriously refused to place his assets in a blind trust. Instead, he continues to profit from opulent hotels heavily patronized by foreign governments. He has permitted his family to commercialize the White House.

He has compromised the national interest to enrich family wealth on a scale unprecedented in the history of the presidency.

5. **TREATY CLAUSE.** Article II, section 2, clause 2 requires Senate ratification of treaties by two-thirds majorities. The text is silent as to whether treaty termination requires Senate ratification, and the Supreme Court held the issue was a nonjusticiable political question in *Goldwater v. Carter*, 444 U.S. 996 (1979). But the Treaty Clause purpose indicates Senate approval of treaty terminations. Alexander Hamilton explained in *Federalist 75* that the President would be an untrustworthy steward of the national interest in the conduct of international affairs because of the enormous temptation to betray the country to advance personal ambitions. That suspicion of presidential motives is equally implicated in treaty terminations and points to requiring Senate ratification. President Trump flouted the Treaty Clause in terminating the Intermediate-Range Nuclear Forces Treaty (INF) with Russia unilaterally. The treaty assigned the termination decision to the "United States." The President alone is not the United States under the Treaty Clause.

6. **DECLARE WAR CLAUSE.** Article I, section 8, clause 11 empowers Congress alone to take the nation from a state of peace to a state of war. That power is non-delegable. The Declare War Clause authors distrusted the President to preserve the peace because of the temptation to war to aggrandize executive power and earn a place in history. In violation of the Declare War Clause, President Trump has continued to wage or has initiated presidential wars in Libya, Somalia, Yemen, Syria, Iraq, Afghanistan, and Pakistan, and has used special forces offensively in several African nations. President Trump has claimed authority to initiate war against any nation or non-state actor in the world—not in self-defense-on his say-so alone, including war against North Korea, Iran, or Venezuela.

7. **TAKE CARE CLAUSE; PRESENTMENT CLAUSE.** Article II, section 3 obligates the President to "take care that the laws be faithfully executed." In violation of that trust, President Donald J. Trump deliberately attempted to frustrate special counsel Robert Mueller's investigation of collaboration between the Trump 2016 campaign and Russia to influence the presidential election. Among other things, the President refused to answer specific questions relating to his presidential conduct; endeavored to fire the special counsel; dangled pardons for non-cooperating witnesses; and, urged Attorney General Jeff Sessions to reverse his recusal decision to better protect his presidency. In all these respects, the President was attempting to obstruct justice.

President Trump has also systematically declined to enforce statutory mandates of Congress by arbitrarily and capriciously revoking scores of agency rules ranging from immigration to the Consumer Financial Protection Board to the Environmental Protection Agency in violation of the Administrative Procedure Act or otherwise. He has routinely legislated by executive order in lieu of following constitutionally prescribed processes for legislation.

In violation of his constitutional duty to take care that the laws be faithfully executed, Mr. Trump has dismantled and disabled scores of preventive measures to save lives, avoid injuries or disease, help families, consumers, and workers, and detect, deter, and punish tens of billions of dollars of corporate fraud. He has disputed climate disruption as a "Chinese hoax," compounded the climate crisis by overt actions that expand greenhouse gas emissions and pollution, and excluded or marginalized the influence of civil service scientists.

Article I, section 7, clause 2, as President George Washington explained, requires the President either to sign or veto a bill passed by Congress in toto. The President may not exercise a line-item veto, as the United States Supreme Court held in *Clinton v. New York*, 524 U.S. 417 (1998). President Trump, however, like several of his predecessors commonly exercises the equivalent of unconstitutional line-item vetoes through signing statements declaring his intent to leave unexecuted provisions he deems unconstitutional without a court test. Presidential signing statements weaken legislative power by disarming Congress from bundling in a single bill provisions both liked and disliked by the President and forcing the White House to choose between all or none. During the administration of President George W. Bush, an American Bar Association Task Force issued a report condemning signing statements as unconstitutional sent to the President himself. ABA Task Force on Presidential Signing Statements and the Separation of Powers Doctrine, August 2006.

8. **DUE PROCESS CLAUSE.** The Fifth Amendment provides that no person shall "be deprived of life . . . without due process of law." In violation of due process, President Trump claims power, like his immediate two predecessors, to act as prosecutor, judge, jury, and executioner to kill American citizens or non-citizens alike, on or off a battlefield, whether or not engaged in hostilities, whether or not accused of crime, and whether or not posing an imminent threat of harm that would trigger a right of preemptive self-defense. This combination of powers are euphemistically referenced as "targeted killings," but they define tyranny.

9. **APPOINTMENTS CLAUSE.** President Trump has repeatedly appointed principal officers of the United States, including the National Security Advisor and Cabinet officials, who have not been confirmed by the Senate in violation of the Appointments Clause, Article II, section 2, clause 2. On a scale never practiced by prior presidents, Mr. Trump has filled as many as half of Cabinet posts with "Acting Secretaries" who have never been confirmed by the Senate.

10. **SOLICITING A FOREIGN CONTRIBUTION FOR THE 2020 PRESIDENTIAL CAMPAIGN AND BRIBERY.** President Trump has endeavored to corrupt the 2020 presidential campaign by soliciting the President of Ukraine to contribute something of value to diminish the popularity of potential rival Joe Biden, i.e., a Ukrainian investigation of Mr. Biden and his son Hunter relating to potential corrupt practices of Burisma, which compensated Hunter handsomely (\$50,000 per month). In so doing, Mr. Trump violated the criminal campaign finance prohibition set forth in 52 U.S.C. 30121.

President Trump solicited a bribe for himself in violation of 18 U.S.C. 201 in seeking something of personal value, i.e., discrediting Joe Biden's 2020 presidential campaign with the help of the President of Ukraine to influence Mr. Trump's official decision to release approximately \$400 million in military and related assistance.

11. **VIOLATING CITIZEN PRIVACY.** The Fourth Amendment protects the right to be let alone from government snooping, the most cherished right among civilized people as Justice Brandeis elaborated in *Olmstead v. United States*, 277 U.W. 438 (1928) (dissenting opinion). Government spying on Americans ordinarily requires a warrant issued by a neutral magistrate based on probable cause to believe crime is afoot. President Trump, however, routinely violates the Fourth Amendment with suspicionless surveillance of Americans for non-criminal, foreign intelligence purposes under Executive Order 12333 and aggressive

interpretations of the Foreign Intelligence Surveillance Act.

12. **SUPPRESSION OF FREE SPEECH.** The major purpose of a free press protected by the First Amendment is to expose government lies or illegalities—to shine light on the dark side. Justice Hugo Black elaborated in *New York Times v. United States*, 403 U.S. 713 (1971) in protecting publication of the classified Pentagon Papers from suppression: "The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell."

President Trump is violating the First Amendment in stretching the Espionage Act to prosecute publication of leaked classified information that are instrumental to exposing government lies and deterring government wrongdoing or misadventures, including the outstanding indictment against Julian Assange for publishing information which was republished by the *New York Times* and *The Washington Post* with impunity. The United States Supreme Court upheld the First Amendment rights of the *New York Times* and *The Washington Post* to publish the classified Pentagon Papers, which accelerated the conclusion of the disastrous Vietnam War, in *New York Times v. United States*.

In all of this, Donald J. Trump, since the day of his inauguration, has conducted the office of the President contrary to his oath of office to destroy constitutional government to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump warrants impeachment and trial, and removal from office.

Mr. LARSON of Connecticut. Madam Speaker, as we vote today, I think it is instructive that Americans reflect on how we got to this point. The impeachment of Donald J. Trump has largely been brought on by the President himself.

The President took two specific actions: he directly solicited a foreign government to gather information on his political opponent. He then further sought to promote a false narrative that it was Ukraine, and not Russia, who interfered with the elections in 2016. With the ability to correct the record, clear his name, or offer explanation for his actions, he chose instead to obstruct a co-equal branch of government from performing its Constitutional responsibilities of oversight and review. He did this by refusing testimony, ignoring Congressional subpoenas, and not providing Congress with any pertinent information or data.

Today we're putting Russia and other adversaries on notice, don't interfere with our elections. Russia tried to divide the country in 2016, but they only succeed if America turns away from the rule of law.

Some Republicans have excused the President's behavior by saying, "Donald Trump isn't a politician, he's a businessman. This is Trump being Trump, this how he's used to doing business."

That very well may be true, but in a constitutional democracy, no one, including Donald Trump, is above the law.

I realize there are people who feel strongly and differently than I do, but to do nothing, to

take no vote, is in essence condoning this behavior that disregards our Constitution. Republicans may see today differently, but as we look forward, we must stand united as a Congress in defending our democracy.

For a democracy to work in a system of check and balances, no one is above the law. The President takes an oath of allegiance to the United States Constitution; there are no exceptions for the art of the deal.

Mrs. WATSON COLEMAN. Madam Speaker, there have been quite a few comments from the other side about how this is partisan, and this is an attack, and we're coming after Donald Trump.

I don't like this President. I don't like his values, or his decision making, nor his policies or the words he chooses to use. But these articles are not about a man. They are about the ACTIONS of a man. They are about the ways in which someone elected to the highest office in this country abused that office, and violated the basic tenets of the constitutional balance of power.

I don't want him to serve two terms, but this is about that. This is about holding the President of the United States, whoever he may be, to the standards and expectations of that office.

I say that genuinely. I would take this same vote for any President who abused his office in that way. And any member of this body who fails to understand what this vote really means—making clear what we expect of the OFFICE OF THE PRESIDENT, not the person sitting in it—is deeply and horribly mistaken.

Anyone who fights for democratic values, who values the balance of power, who wants to ensure the underpinnings of the greatest democracy in the world remain strong for generations to come, will support these articles of impeachment as I intend to do.

Mr. RUIZ. Madam Speaker, as a citizen of the United States of America, the greatest experiment in democracy that our world has ever known, as the duly elected U.S. House Representative of my home communities of the Coachella Valley, San Geronimo Pass, and the San Jacinto Pass in California's 36th Congressional District, and as the father to two young daughters growing up in this great nation, I rise today in support of impeaching the President of the United States, Donald J. Trump.

By conditioning \$391 million in military aid to a foreign ally on an investigation into his political rival, Donald Trump abused the power of the presidency for personal political gain. He then obstructed Congress in its constitutionally mandated oversight role. In doing so, President Trump violated our Constitution, compromised our national security, and undermined the integrity of our democratic process.

This was a principled decision made with great reverence for the Constitution, in the best interest of our nation, and without partisan consideration. I was compelled by the overwhelming evidence and the sacred oath I took to preserve, protect, and defend the Constitution—and by nature, our very democracy.

When Benjamin Franklin was leaving Independence Hall at the close of the Constitutional Convention in 1787, he was asked whether America would be a republic or a monarchy, and his response was, "A republic, if you can keep it."

By voting in favor of impeachment today, I am voting to keep it.

Benjamin Franklin and the Founding Fathers envisioned the tragic scenario we are wit-

nessing at this moment in history: The President of the United States abusing the power of the office with a foreign country for personal political gain.

They gave us a constitutional remedy.

They gave us this remedy because the Constitution is not a self-preserving document. It needs people who will protect and defend it.

History must reflect that there are people taking that oath of office seriously and fighting to keep our Republic intact; that there are people who are defending the Constitution and fighting for the integrity of our Democratic process; that there are people who say that any President—regardless of political party—who abuses the power of their high office for personal gain will be held accountable.

It is important for me, for my daughters, Sky and Sage, for my grandchildren, my great grandchildren, and future generations; it is important for future leaders, future Congresses, and for the historical record; it is important for the ideals of the Constitution and the core of our Republic that I solemnly cast my vote today in favor of impeaching President Donald Trump.

Ms. JOHNSON of Texas. Madam Speaker, I rise in support of H. Res. 755, a resolution Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors. Today is indeed a solemn day for the United States of America.

The two Articles of Impeachment, as written and passed by the House Judiciary Committee, outline the findings of the investigations done by several committees of jurisdiction, charged with the constitutionally-mandated task of finding out the truth.

The truth is the President abused his power of office by obstructing the impeachment inquiry; solicited the interference of the Ukraine Government in the 2020 U.S. presidential election in an attempt to undermine our elections; and posed a threat to national security for political gain.

Madam Speaker, I have listened to and spoken with my constituents in my district and throughout the state of Texas. The corrupt pattern of evidence is overwhelming. Therefore, I am voting in favor of H. Res. 755, a resolution Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

Mr. CARTER of Texas. Madam Speaker, it is a fundamental ideal of our republic that every American receives justice under the law. As a Member of this body, we are required to uphold that ideal, and as a former judge, I was tasked with the same responsibility. What I have seen throughout this impeachment process is far from justice.

In fact, this process has lacked impartiality, respect for the United States Constitution, and fairness. When I was on the bench, I instructed every jury the same way. I told them that "what someone heard from another source other than what they directly observed is not evidence." Rumors and hearsay are not evidence under our laws, and it certainly shouldn't qualify as evidence in this chamber. The evidence presented by the Majority in this case is entirely hearsay and therefore, should be inadmissible. In fact, the only direct evidence presented to this body is the transcript of President Trump's telephone call with the Ukraine President.

The Constitution is clear—treason, bribery, high crimes and misdemeanors are impeach-

able offenses, and the evidence presented does not meet those standards. Impeachment is one of the most serious acts that Congress will undertake. It is not to be taken lightly or to be used as a political weapon against those you disagree with, but unfortunately, that is where we find ourselves today. For that reason, I will not support the articles of impeachment and I also ask my colleagues to reflect on one thing: In light of what you have observed about the process used to charge the President, are we upholding justice?

I think not.

Ms. DELAURO. Madam Speaker, I rise to discuss an issue of solemn, national importance. The impeachment of a president of the United States is not a step we take lightly, nor with anything but the seriousness it demands. But, we take it, because it is our duty to uphold our oath of office, the Constitution, and the trust that our constituents and the American people place in us. That is why I am voting for the articles of impeachment.

President Donald Trump's actions are a dangerous departure from his oath of office and his duty to uphold the Constitution. As with many of my colleagues, I was reluctant to call for impeachment because I feared it would further divide our country, be perceived as overturning the 2016 election, and go to the United States Senate where Republicans would acquit President Trump regardless of the evidence. But the President's unchecked actions gave the Congress no other choice.

Today, the House of Representatives is upholding its duty to protect the Constitution of the United States. Our founders set up a system of checks and balances, separation of powers, and rule of law so that no person would be above the law. That includes the President of the United States. The Constitutional recourse for "treason, bribery, or other high crimes and misdemeanors" is clear: impeachment. It is a heavy price—intended only for matters of grave consequence to our republic. President Trump's actions meet that high bar, and that is why I am voting in favor of the articles of impeachment.

The facts of the case against President Trump are indisputable. On July 25, 2019, President Trump called Ukrainian President Volodymyr Zelensky and asked him to "look into" 2020 Presidential candidate Vice President Joe Biden and his son—an investigation solely for his own personal and political gain. In the weeks leading up to that call, the President withheld Congressionally-appropriated foreign aid to Ukraine, as well as a meeting between the two countries' presidents in the White House, as leverage. The President's abuse of power has been corroborated before the Congress by brave public servants over the last few months.

Facing a Congressional investigation into these matters, President Trump "directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives pursuant to its 'sole Power of Impeachment.'" In doing so, President Trump obstructed Congress's Constitutionally-authorized investigation.

So, today, I will vote to uphold my responsibility, outlined in the oath I have taken and the Constitution. I will vote for the articles of impeachment.

Mr. PANETTA. Madam Speaker, I did not come to Congress to impeach the President. But, I swore an oath to protect our country