

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 755
OFFERED BY MR. NADLER OF NEW YORK

Strike all that follows after the resolving clause and
insert the following:

1 That Donald John Trump, President of the United States,
2 is impeached for high crimes and misdemeanors and that
3 the following articles of impeachment be exhibited to the
4 United States Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against Donald John Trump, President of the
9 United States of America, in maintenance and support of
10 its impeachment against him for high crimes and mis-
11 demeanors.

12 ARTICLE I: ABUSE OF POWER

13 The Constitution provides that the House of Rep-
14 resentatives “shall have the sole Power of Impeachment”
15 and that the President “shall be removed from Office on
16 Impeachment for, and Conviction of, Treason, Bribery, or
17 other high Crimes and Misdemeanors”. In his conduct of
18 the office of President of the United States—and in viola-

1 tion of his constitutional oath faithfully to execute the of-
2 fice of President of the United States and, to the best of
3 his ability, preserve, protect, and defend the Constitution
4 of the United States, and in violation of his constitutional
5 duty to take care that the laws be faithfully executed—
6 Donald J. Trump has abused the powers of the Presi-
7 dency, in that:

8 Using the powers of his high office, President Trump
9 solicited the interference of a foreign government,
10 Ukraine, in the 2020 United States Presidential election.
11 He did so through a scheme or course of conduct that
12 included soliciting the Government of Ukraine to publicly
13 announce investigations that would benefit his reelection,
14 harm the election prospects of a political opponent, and
15 influence the 2020 United States Presidential election to
16 his advantage. President Trump also sought to pressure
17 the Government of Ukraine to take these steps by condi-
18 tioning official United States Government acts of signifi-
19 cant value to Ukraine on its public announcement of the
20 investigations. President Trump engaged in this scheme
21 or course of conduct for corrupt purposes in pursuit of
22 personal political benefit. In so doing, President Trump
23 used the powers of the Presidency in a manner that com-
24 promised the national security of the United States and
25 undermined the integrity of the United States democratic

1 process. He thus ignored and injured the interests of the
2 Nation.

3 President Trump engaged in this scheme or course
4 of conduct through the following means:

5 (1) President Trump—acting both directly and
6 through his agents within and outside the United
7 States Government—corruptly solicited the Govern-
8 ment of Ukraine to publicly announce investigations
9 into—

10 (A) a political opponent, former Vice Presi-
11 dent Joseph R. Biden, Jr.; and

12 (B) a discredited theory promoted by Rus-
13 sia alleging that Ukraine—rather than Rus-
14 sia—interfered in the 2016 United States Pres-
15 idential election.

16 (2) With the same corrupt motives, President
17 Trump—acting both directly and through his agents
18 within and outside the United States Government—
19 conditioned two official acts on the public announce-
20 ments that he had requested—

21 (A) the release of \$391 million of United
22 States taxpayer funds that Congress had appro-
23 priated on a bipartisan basis for the purpose of
24 providing vital military and security assistance
25 to Ukraine to oppose Russian aggression and

1 which President Trump had ordered suspended;
2 and

3 (B) a head of state meeting at the White
4 House, which the President of Ukraine sought
5 to demonstrate continued United States support
6 for the Government of Ukraine in the face of
7 Russian aggression.

8 (3) Faced with the public revelation of his ac-
9 tions, President Trump ultimately released the mili-
10 tary and security assistance to the Government of
11 Ukraine, but has persisted in openly and corruptly
12 urging and soliciting Ukraine to undertake investiga-
13 tions for his personal political benefit.

14 These actions were consistent with President
15 Trump's previous invitations of foreign interference in
16 United States elections.

17 In all of this, President Trump abused the powers
18 of the Presidency by ignoring and injuring national secu-
19 rity and other vital national interests to obtain an im-
20 proper personal political benefit. He has also betrayed the
21 Nation by abusing his high office to enlist a foreign power
22 in corrupting democratic elections.

23 Wherefore President Trump, by such conduct, has
24 demonstrated that he will remain a threat to national se-
25 curity and the Constitution if allowed to remain in office,

1 and has acted in a manner grossly incompatible with self-
2 governance and the rule of law. President Trump thus
3 warrants impeachment and trial, removal from office, and
4 disqualification to hold and enjoy any office of honor,
5 trust, or profit under the United States.

6 ARTICLE II: OBSTRUCTION OF CONGRESS

7 The Constitution provides that the House of Rep-
8 resentatives “shall have the sole Power of Impeachment”
9 and that the President “shall be removed from Office on
10 Impeachment for, and Conviction of, Treason, Bribery, or
11 other high Crimes and Misdemeanors”. In his conduct of
12 the office of President of the United States—and in viola-
13 tion of his constitutional oath faithfully to execute the of-
14 fice of President of the United States and, to the best of
15 his ability, preserve, protect, and defend the Constitution
16 of the United States, and in violation of his constitutional
17 duty to take care that the laws be faithfully executed—
18 Donald J. Trump has directed the unprecedented, categor-
19 ical, and indiscriminate defiance of subpoenas issued by
20 the House of Representatives pursuant to its “sole Power
21 of Impeachment”. President Trump has abused the pow-
22 ers of the Presidency in a manner offensive to, and subver-
23 sive of, the Constitution, in that:

24 The House of Representatives has engaged in an im-
25 peachment inquiry focused on President Trump’s corrupt
26 solicitation of the Government of Ukraine to interfere in

1 the 2020 United States Presidential election. As part of
2 this impeachment inquiry, the Committees undertaking
3 the investigation served subpoenas seeking documents and
4 testimony deemed vital to the inquiry from various Execu-
5 tive Branch agencies and offices, and current and former
6 officials.

7 In response, without lawful cause or excuse, Presi-
8 dent Trump directed Executive Branch agencies, offices,
9 and officials not to comply with those subpoenas. Presi-
10 dent Trump thus interposed the powers of the Presidency
11 against the lawful subpoenas of the House of Representa-
12 tives, and assumed to himself functions and judgments
13 necessary to the exercise of the “sole Power of Impeach-
14 ment” vested by the Constitution in the House of Rep-
15 resentatives.

16 President Trump abused the powers of his high office
17 through the following means:

18 (1) Directing the White House to defy a lawful
19 subpoena by withholding the production of docu-
20 ments sought therein by the Committees.

21 (2) Directing other Executive Branch agencies
22 and offices to defy lawful subpoenas and withhold
23 the production of documents and records from the
24 Committees—in response to which the Department
25 of State, Office of Management and Budget, Depart-

1 ment of Energy, and Department of Defense refused
2 to produce a single document or record.

3 (3) Directing current and former Executive
4 Branch officials not to cooperate with the Commit-
5 tees—in response to which nine Administration offi-
6 cials defied subpoenas for testimony, namely John
7 Michael “Mick” Mulvaney, Robert B. Blair, John A.
8 Eisenberg, Michael Ellis, Preston Wells Griffith,
9 Russell T. Vought, Michael Duffey, Brian McCor-
10 mack, and T. Ulrich Brechbuhl.

11 These actions were consistent with President
12 Trump’s previous efforts to undermine United States Gov-
13 ernment investigations into foreign interference in United
14 States elections.

15 Through these actions, President Trump sought to
16 arrogate to himself the right to determine the propriety,
17 scope, and nature of an impeachment inquiry into his own
18 conduct, as well as the unilateral prerogative to deny any
19 and all information to the House of Representatives in the
20 exercise of its “sole Power of Impeachment”. In the his-
21 tory of the Republic, no President has ever ordered the
22 complete defiance of an impeachment inquiry or sought
23 to obstruct and impede so comprehensively the ability of
24 the House of Representatives to investigate “high Crimes
25 and Misdemeanors”. This abuse of office served to cover

1 up the President's own repeated misconduct and to seize
2 and control the power of impeachment—and thus to nul-
3 lify a vital constitutional safeguard vested solely in the
4 House of Representatives.

5 In all of this, President Trump has acted in a manner
6 contrary to his trust as President and subversive of con-
7 stitutional government, to the great prejudice of the cause
8 of law and justice, and to the manifest injury of the people
9 of the United States.

10 Wherefore, President Trump, by such conduct, has
11 demonstrated that he will remain a threat to the Constitu-
12 tion if allowed to remain in office, and has acted in a man-
13 ner grossly incompatible with self-governance and the rule
14 of law. President Trump thus warrants impeachment and
15 trial, removal from office, and disqualification to hold and
16 enjoy any office of honor, trust, or profit under the United
17 States.

