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, is impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the United States Senate:

5 Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Donald John Trump, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I: ABUSE OF POWER

13 The Constitution provides that the House of Representatives “shall have the sole Power of Impeachment” and that the President “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”. In his conduct of the office of President of the United States—and in viola-
tion of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald J. Trump has abused the powers of the Presidency, in that:

Using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election. He did so through a scheme or course of conduct that included soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage. President Trump also sought to pressure the Government of Ukraine to take these steps by conditioning official United States Government acts of significant value to Ukraine on its public announcement of the investigations. President Trump engaged in this scheme or course of conduct for corrupt purposes in pursuit of personal political benefit. In so doing, President Trump used the powers of the Presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States democratic
process. He thus ignored and injured the interests of the Nation.

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

(1) President Trump—acting both directly and through his agents within and outside the United States Government—corruptly solicited the Government of Ukraine to publicly announce investigations into—

(A) a political opponent, former Vice President Joseph R. Biden, Jr.; and

(B) a discredited theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 United States Presidential election.

(2) With the same corrupt motives, President Trump—acting both directly and through his agents within and outside the United States Government—conditioned two official acts on the public announcements that he had requested—

(A) the release of $391 million of United States taxpayer funds that Congress had appropriated on a bipartisan basis for the purpose of providing vital military and security assistance to Ukraine to oppose Russian aggression and
which President Trump had ordered suspended;

and

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

(3) Faced with the public revelation of his actions, President Trump ultimately released the military and security assistance to the Government of Ukraine, but has persisted in openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit.

These actions were consistent with President Trump’s previous invitations of foreign interference in United States elections.

In all of this, President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.

Wherefore President Trump, by such conduct, has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office,
and has acted in a manner grossly incompatible with self-
governance and the rule of law. President Trump thus
warrants impeachment and trial, removal from office, and
disqualification to hold and enjoy any office of honor,
trust, or profit under the United States.

ARTICLE II: OBSTRUCTION OF CONGRESS

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

The House of Representatives has engaged in an im-
peachment inquiry focused on President Trump’s corrupt
solicitation of the Government of Ukraine to interfere in
the 2020 United States Presidential election. As part of this impeachment inquiry, the Committees undertaking the investigation served subpoenas seeking documents and testimony deemed vital to the inquiry from various Executive Branch agencies and offices, and current and former officials.

In response, without lawful cause or excuse, President Trump directed Executive Branch agencies, offices, and officials not to comply with those subpoenas. President Trump thus interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, and assumed to himself functions and judgments necessary to the exercise of the "sole Power of Impeachment" vested by the Constitution in the House of Representatives.

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

(1) Directing the White House to defy a lawful subpoena by withholding the production of documents sought therein by the Committees.

(2) Directing other Executive Branch agencies and offices to defy lawful subpoenas and withhold the production of documents and records from the Committees—in response to which the Department of State, Office of Management and Budget, Depart-
ment of Energy, and Department of Defense refused
to produce a single document or record.

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

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

Through these actions, President Trump sought to
arrogate to himself the right to determine the propriety,
scope, and nature of an impeachment inquiry into his own
conduct, as well as the unilateral prerogative to deny any
and all information to the House of Representatives in the
exercise of its “sole Power of Impeachment”. In the his-
tory of the Republic, no President has ever ordered the
complete defiance of an impeachment inquiry or sought
to obstruct and impede so comprehensively the ability of
the House of Representatives to investigate “high Crimes
and Misdemeanors”. This abuse of office served to cover
up the President's own repeated misconduct and to seize
and control the power of impeachment—and thus to null-
ify a vital constitutional safeguard vested solely in the
House of Representatives.

In all of this, President Trump has acted in a manner
contrary to his trust as President and subversive of con-
stitutional 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, President Trump, by such conduct, has
demonstrated that he will remain a threat to the Constitu-
tion if allowed to remain in office, and has acted in a man-
ner grossly incompatible with self-governance and the rule
of law. President Trump thus warrants impeachment and
trial, removal from office, and disqualification to hold and
enjoy any office of honor, trust, or profit under the United
States.