

.....
(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. RES.

Expunging the December 18, 2019, impeachment of President Donald John Trump.

IN THE HOUSE OF REPRESENTATIVES

Mr. MULLIN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expunging the December 18, 2019, impeachment of President Donald John Trump.

Whereas the United States 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”;

Whereas, on December 18, 2019, the House of Representatives passed House Resolution 755, Agreeing to Article I of the Resolution Impeaching Donald John Trump, President of the United States, for high Crimes and Mis-

demeanors, by a vote of 230 Yeas, a bipartisan coalition of 197 Nays, 1 Present, and 3 Not Voting;

Whereas Article I of the Resolution, entitled “Abuse of Power”, alleges, based on vague innuendo, opinion, and hearsay, that President Trump “solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election”;

Whereas Article I of the Resolution alleges President Trump “sought to pressure the Government of Ukraine” to announce two investigations, the first into “a political opponent, former Vice President Joseph R. Biden, Jr.,” and the second, into provable lies by House and Senate Democrats that Donald Trump colluded with Russia to undermine the 2016 Presidential election;

Whereas Article I of the Resolution alleges President Trump conditioned “(A) The release of \$391 million. . . for the purpose of providing vital military and security assistance to Ukraine. . . ; and (B) a head of state meeting at the White House. . .” with the President of Ukraine, upon a Ukrainian announcement that both a corruption investigation into influence-peddling by the Biden family and an investigation into election interference in the 2016 United States Presidential election had begun;

Whereas President Johnson was impeached in 1868 for violating the Tenure of Office Act;

Whereas President Nixon’s resignation from office in 1974 followed extensive, and provable, instances of criminal conduct, including multiple felony crimes;

Whereas President Clinton was impeached in 1998 for the Federal crime of lying under oath to deny justice to a fellow American;

Whereas, to substantiate the charge of “Abuse of Power”, Article I of the Resolution is the first circumstance in American history in which Articles of Impeachment considered, and passed by the House of Representatives, lack any allegation of any crime, no less the “high Crimes and Misdemeanors” standard required by Section Four of Article II of the United States Constitution;

Whereas Article I of the Resolution alleges President Trump’s actions were taken “in pursuit of personal political benefit. . . and thus ignored and injured the interests of the Nation”;

Whereas Article I of the Resolution fails to provide a modification for, definition of, or guidance to measure, that which qualifies as a “personal political benefit,” or “injury to the interests of the Nation”;

Whereas proper consideration of whether “high Crimes and Misdemeanors” were committed cannot justly take place without properly defining the conduct at issue, particularly when such conduct must meet Congress’ burden of “clear and convincing evidence”;

Whereas Article I of the Resolution submits, as indisputable proof of the commission of an “Abuse of Power”, a subjective analysis of a July 25, 2019, “Memorandum of a Telephone Conversation” between President Trump and Ukrainian President Volodymyr Oleksandrovyeh Zelensky;

Whereas, by the standards set forth in Article I of the Resolution, any action that may affect an election could be potentially construed as an “Abuse of Power”, an action taken for “personal political benefit”, or a solicitation to “intervene” in an election;

Whereas all past Presidential Impeachments in American history were based on well-defined and specific criminal acts, not subjective accusations of intent, and circumstances in which the primary allegations were not proven;

Whereas the anonymous “whistleblower complaint”, which served as the impetus for the December 18, 2019, Impeachment of President Trump, was based entirely on secondhand knowledge, and hearsay;

Whereas both the charge of “Abuse of Power” in Article I, and the charge of “Obstruction of Congress” in Article II, are built on presumptions contrary to facts and evidence;

Whereas the transcript of the July 25, 2019, call between President Trump and President Zelensky showed no conditionality for any official act by President Zelensky, such as an announcement that both a corruption investigation into the Biden family, and a 2016 United States Presidential election interference investigation, had begun;

Whereas neither President Zelensky, nor his aides, had any knowledge that the \$391,000,000 in Ukrainian military and security assistance was on hold for further review;

Whereas, from the beginning, despite the rabid impeachment fervor led by House and Senate Democrats, media personalities, and the liberal elite class, both President Trump and President Zelensky maintained that there was no pressure, no quid pro quo, and no linkage between the \$391,000,000, and the announcement of Ukrainian investigations;

Whereas the \$391,000,000 in Ukrainian military and security assistance was released without Ukraine announcing an investigation of any kind;

Whereas President Trump invited President Zelensky to meet with him at the White House on three occasions without any conditions, particularly no condition(s) of any announcement(s) of an investigation into the Biden family's corrupt practices and influence-peddling in Ukraine;

Whereas President Trump and President Zelensky met on September 25, 2019, with no Ukrainian announcement(s) of any investigation(s) into the Biden family's corrupt practices and influence-peddling in Ukraine;

Whereas skepticism of Ukrainian leaders and high-level officials was and is entirely reasonable, and advised, given Ukraine's well-documented history as one of the most corrupt nations in the world;

Whereas skepticism of the Biden family based on strong evidence of a history of corruption and influence-peddling in Ukraine, as well as Hunter Biden's role on the Board of Directors at Burisma Holdings Limited, is entirely reasonable and advised;

Whereas witnesses called by House Democrats during the impeachment proceedings testified that Burisma Holdings Limited has an extensive history of controversy in Ukraine;

Whereas the founder of Burisma Holdings, Ukrainian oligarch Mykola Zlochevsky, was Ukraine's Minister of Ecology and Natural Resources from 2010 to 2012, and allegedly granted licenses to Burisma Holdings for the development of gas fields in which he had a significant personal interest;

Whereas Hunter Biden, alongside well-connected Democrat operative and now-convicted fraudster Devon Archer, joined Burisma's Board of Directors at a time when the company faced criticism, and at a time when Joe Biden, then Vice President of the United States, acted as President Obama's primary advisor on Ukraine;

Whereas it defies reason to assert that Hunter Biden was at all independently qualified for such a position, especially given his complete lack of experience, and self-admitted long history as a ne'er-do-well drug addict;

Whereas the Obama State Department knew that Hunter Biden's involvement in Ukraine was a point of ethical vulnerability, and took steps to thoroughly prepare and instruct United States Ambassador to Ukraine Marie L. Yovanovitch how best to answer questions thereon, at her June 21, 2016 confirmation hearing before the Senate Committee on Foreign Relations;

Whereas, on January 23, 2018, during a Council on Foreign Relations discussion, then-Vice President Joe Biden bragged about a March 2016 encounter in which he bribed Ukrainian President Petro Poroshenko, by proclaiming to Poroshenko that the United States would not release \$1,000,000,000 in loan guarantees unless Poroshenko fired Prosecutor General Victor Shokin, who was conducting an anti-corruption investigation into Burisma Holdings Limited, Hunter Biden, and, by extension, Joe Biden himself;

Whereas, following his description of the particulars of the bribe, Joe Biden gleefully celebrated the success of his bribe before those in attendance, specifically stating "Well, son of a bitch, [Shokin] got fired";

Whereas the United States is just, and acting as a good steward of taxpayer dollars when it can, and often does, delay awarding such defense aid for various reasons, most notably skepticism based on a historical pattern of corruption, particularly when that historical pattern implicates bribery committed by individuals at the highest levels of American Government, such as then-Vice President Joe Biden;

Whereas a key and widely-understood aspect of the Trump administration's foreign policy platform was to scrutinize, and closely evaluate defense assistance programs to foreign nations;

Whereas one of President Trump's central campaign promises was to ensure that each country that receives defense assistance from the United States must first prove themselves worthy beneficiaries thereof;

Whereas United States taxpayer-funded assistance to foreign governments is not considered an entitlement or welfare program, or that which is "owed" to any one recipient nation;

Whereas a United States President enjoys broad authority to direct the foreign policy of the United States, and pausing United States security assistance to Ukraine for further scrutiny and analysis, for 55 days, was not and is not presumptive or prima facie evidence of misconduct, or a "quid pro quo" exchange, as characterized by congressional Democrats before, and throughout, the impeachment proceedings;

Whereas, on December 18, 2019, the House of Representatives passed House Resolution 755, Agreeing to Article II of the Resolution Impeaching Donald John Trump,

President of the United States, for high crimes and misdemeanors, by a vote of 229 Ayes, a bipartisan coalition of 198 Noes, 1 Present, and 3 Not Voting;

Whereas the “Obstruction of Congress” allegations in Article II do not meet the impeachable standard set forth in Section Four of Article II of the United States Constitution;

Whereas, to substantiate the charge of “Obstruction of Congress”, Democrats submitted the fact that President Trump chose to assert executive privilege in response to partisan subpoenas issued by the House of Representatives;

Whereas Article II asserts that President Trump’s assertion of executive privilege, and his unwillingness to participate in a politically-motivated effort to unseat him, is further irrefutable evidence of the commission of “high Crimes and Misdemeanors”;

Whereas the House of Representatives has no power to determine executive privileges to which a President is entitled;

Whereas President Trump took every reasonable measure to ensure that which transpired between the White House and Ukraine was as transparent as possible to lawmakers and the public alike;

Whereas, on September 25, 2019, after questions arose about the contents of the phone call with President Zelensky, President Trump chose to declassify and release the transcript in the interest of full transparency;

Whereas President Trump further released a redacted version of the anonymous whistleblower complaint so that all Americans could read it for themselves;

Whereas House Democrats had ample opportunity to defend their partisan subpoenas in court, but chose to withdraw

those subpoenas, citing the fact that litigation would “take too long”, holding themselves to a self-imposed, and politically-motivated, deadline of Christmas break;

Whereas, taken as a whole, both Articles in the Impeachment Resolution, as well as the hearings and investigations in the weeks preceding final passage by the full House of Representatives, are thinly veiled, desperate, and unsuccessful attempts to grasp at any statement, public or private, based on presumption or hearsay, that might remotely resemble evidence that President Trump engaged in a “quid-quo-pro” with President Zelensky; and

Whereas by so flippantly exercising one of the gravest and most consequential powers with which the House of Representatives is charged, Democrats have committed the sin about which the Founding Fathers of the United States warned, that being the use of presidential impeachment in a partisan fashion to settle political scores, and relitigate election results with which they disagree, in this case, the 2016 Presidential election of Donald Trump: Now, therefore, be it

1 *Resolved*, That the December 18, 2019, impeachment
2 of President Donald John Trump is expunged, as the facts
3 and circumstances upon which the Articles of Impeach-
4 ment were based did not meet the burden of proving the
5 commission of “high Crimes and Misdemeanors” as set
6 forth in Section Four of Article II of the United States
7 Constitution.