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Chairman Schiff Releases Opening Statement for First Open Hearing

Washington, November 13, 2019

Washington, DC — Today, Chairman Adam Schiff released his opening statement for the House Permanent Select Committee on Intelligence's first open hearing as part of the impeachment inquiry into President Donald J. Trump.

Full statement below as prepared:

In 2014, Russia invaded a United States ally, Ukraine, to reverse that nation's embrace of the West, and to fulfill Vladimir Putin's desire to rebuild a Russian empire. In the following years, thirteen thousand Ukrainians died as they battled superior Russian forces.

Earlier this year Volodymyr Zelensky was elected president of Ukraine on a platform of ending the conflict and tackling corruption. He was a newcomer to politics and immediately sought to establish a relationship with Ukraine's most powerful patron, the United States. The questions presented by this impeachment inquiry are whether President Trump sought to exploit that ally's vulnerability and invite Ukraine's interference in our elections? Whether President Trump sought to condition official acts, such as a White House meeting or U.S. military assistance, on Ukraine's willingness to assist with two political investigations that would help his reelection campaign? And if President Trump did either, whether such an abuse of his power is compatible with the office of the presidency?

The matter is as simple, and as terrible as that. Our answer to these questions will affect not only the future of this presidency, but the future of the presidency itself, and what kind of conduct or misconduct the American people may come to expect from their Commander-in-Chief.

There are few actions as consequential as the impeachment of a President. While the Founders did not intend that impeachment be employed for mere differences over policy, they also made impeachment a constitutional process that the Congress must utilize when necessary.

The facts in the present inquiry are not seriously contested. Beginning in January of this year, the President's personal attorney, Rudy Giuliani, pressed Ukrainian authorities to investigate Burisma, the country's largest natural gas producer, and the Bidens, since Vice President Joe Biden was seen as a strong potential challenger to Trump.

Giuliani also promoted a debunked conspiracy that it was Ukraine, not Russia, that hacked the 2016 election. The nation's intelligence agencies have stated unequivocally that it was Russia, not Ukraine, that interfered in our election. But Giuliani believed this conspiracy theory, referred to as "Crowdstrike," shorthand for the company that discovered the Russian hack, would aid his client's reelection.

Giuliani also conducted a smear campaign against the U.S. Ambassador to Ukraine, Marie Yovanovitch. On April 29, a senior State Department official told her that although she had "done nothing wrong," President Trump had "lost confidence in her." With the sidelining of Yovanovitch, the stage was set for the establishment of an irregular channel in which Giuliani and later others, including Gordon Sondland - an influential donor to the President's inauguration now serving as Ambassador to the European Union - could advance the President's personal and political interests.

Yovanovitch's replacement in Kyiv, Ambassador Bill Taylor, is a West Point graduate and Vietnam Veteran. As he began to better understand the scheme through the summer of 2019, he pushed back, informing Deputy Assistant Secretary Kent and others about a plan to condition U.S. government actions and funding on the performance of political favors by the Ukrainian government, favors intended for President Trump that would undermine our security and our elections.

Several key events in this scheme took place in the month of July. On July 10th, Ambassador Sondland informed a group of U.S. and Ukrainian officials meeting at the White House that, according to Chief of Staff Mick Mulvaney, a White House meeting desperately sought by the Ukrainian president with Trump would happen only if Ukraine undertook an investigation into “the energy sector,” which was understood to mean Burisma and, specifically, the Bidens. National Security Advisor Bolton abruptly ended the meeting and said afterwards that he would not be – quote – “part of whatever drug deal Sondland and Mulvaney are cooking up on this” – end quote.

A week later, on July 18, a representative from OMB, the White House agency that oversees federal spending, announced on a video conference call that Mulvaney, at the direction of the President, was freezing nearly \$400 million in security assistance authorized and appropriated by Congress and which the entirety of the U.S. national security establishment supported.

One week after that, Donald Trump would have the now infamous July 25th phone call with Ukrainian President Zelensky. During that call, Trump complained that the U.S. relationship with Ukraine had not been “reciprocal.” Later, Zelensky thanks Trump for his support “in the area of defense,” and says that Ukraine was ready to purchase more Javelins, an antitank weapon that was among the most important deterrents of further Russian military action. Trump’s immediate response: “I would like you to do us a favor, though.”

Trump then requested that Zelensky investigate the discredited 2016 “Crowdstrike” conspiracy theory, and even more ominously, look into the Bidens. Neither of these investigations were in the U.S. national interest, and neither was part of the official preparatory material for the call. Both, however, were in Donald Trump’s personal interest, and in the interests of his 2020 re-election campaign. And the Ukrainian president knew about both in advance — because Sondland and others had been pressing Ukraine for weeks about investigations into the 2016 election, Burisma and the Bidens.

After the call, multiple individuals were concerned enough to report it to the National Security Council’s top lawyer. The White House would then take the extraordinary step of moving the call record to a highly classified server exclusively reserved for the most sensitive intelligence matters.

In the following weeks, Ambassador Taylor learned new facts about a scheme that even Sondland would describe as becoming more insidious. Taylor texted Sondland, “Are we now saying that security assistance and WH meeting are conditioned on investigations?”

As summer turned to fall “[i]t kept getting more insidious,” Mr. Sondland testified. Mr. Taylor, who took notes of his conversations, said the ambassador told him in a September 1 phone call that “everything was dependent” on the public announcement of investigations “including security assistance.” President Trump wanted Mr. Zelensky “in a public box.” “President Trump is a businessman,” Sondland said later. “When a businessman is about to sign a check to someone who owes him something, the businessman asks that person to pay up before signing the check.”

In a sworn declaration after Taylor’s testimony, Sondland would admit to telling the Ukrainians at a September 1st meeting in Warsaw “that resumption of U.S. aid would likely not occur until Ukraine provided the public anti-corruption statement that we had been discussing for many weeks.”

The President’s chief of staff confirmed Trump’s efforts to coerce Ukraine by withholding aid. When Mick Mulvaney was asked publicly about it, his answer was breathtaking: “We do that all the time with foreign policy . . . I have news for everybody: get over it. There’s going to be political influence in foreign policy. That is going to happen.” The video of that confession is plain for all to see.

Some have argued in the President’s defense that the aid was ultimately released. That is true. But only after Congress began an investigation; only after the President’s lawyers learned of a whistleblower complaint; and only after Members of Congress began asking uncomfortable questions about quid pro quos. A scheme to condition official acts or taxpayer funding to obtain a personal political benefit does not become less odious because it is discovered before it is fully consummated. In fact, the security assistance had been delayed so long, it would take another act of Congress to ensure that it would still go out. And that Oval Office meeting that Zelensky desperately sought – it still hasn’t happened.

Although we have learned a great deal about these events in the last several weeks, there are still missing pieces. The President has instructed the State Department and other agencies to ignore Congressional subpoenas for documents. He has instructed witnesses to defy subpoenas and refuse to appear. And he has suggested that those who do expose wrongdoing should be treated like traitors and spies.

These actions will force Congress to consider, as it did with President Nixon, whether Trump’s obstruction of the constitutional duties of Congress constitute additional grounds for impeachment. If the President can simply refuse all oversight, particularly in the context of an impeachment proceeding, the balance of power between our two branches of government will be irrevocably altered. That is not what the Founders intended. And the prospects for further corruption and abuse of power, in this administration or another, will be exponentially increased.

This is what we believe the testimony will show — both as to the President’s conduct and as to his obstruction of Congress. The issue that we confront is the one posed by the President’s Acting Chief of Staff when he challenged Americans to “get over it.” If we find that the President of the United States abused his power and invited foreign interference in our elections, or if he

sought to condition, coerce, extort, or bribe an ally into conducting investigations to aid his reelection campaign and did so by withholding official acts — a White House meeting or hundreds of millions of dollars of needed military aid — must we simply “get over it?” Is that what Americans should now expect from their president? If this is not impeachable conduct, what is? Does the oath of office itself — requiring that our laws be faithfully executed, that our president defend a constitution that balances the powers of its branches, setting ambition against ambition so that we become no monarchy — still have meaning?

These are the questions we must ask and answer. Without rancor if we can, without delay regardless, and without party favor or prejudice if we are true to our responsibilities. Benjamin Franklin was asked what kind of a country America was to become, “A Republic,” he answered, “if you can keep it.” The fundamental issue raised by the impeachment inquiry into Donald J. Trump is: Can we, keep it?

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