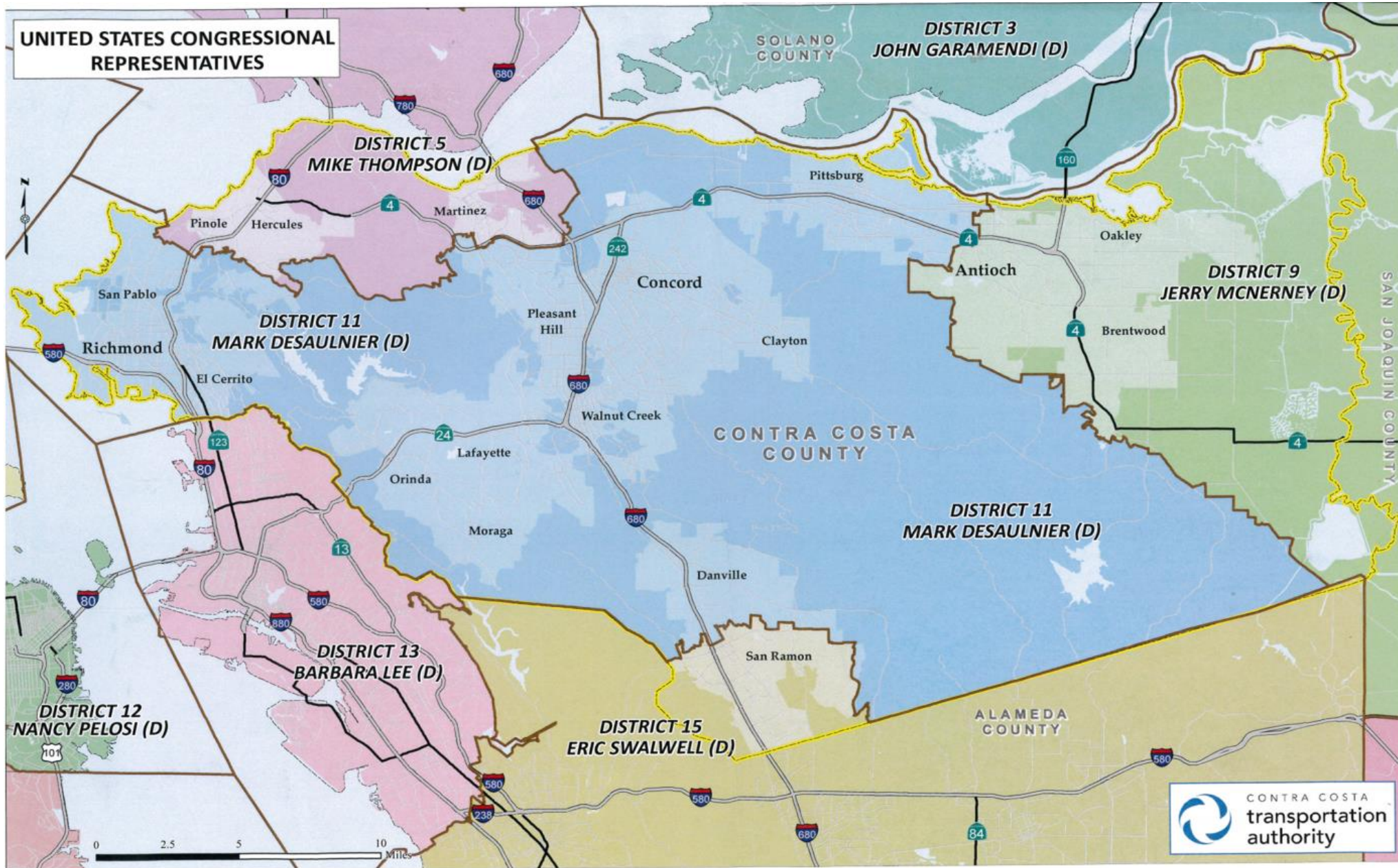




Congressman Mark DeSaulnier Town Hall

OCTOBER 3, 2019



Make Up of the House

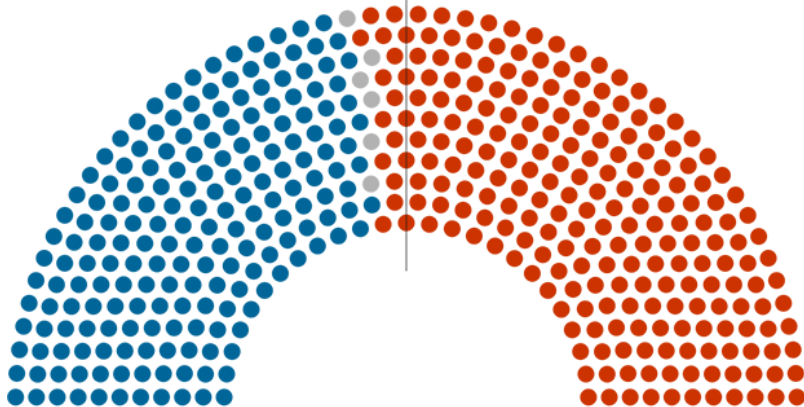
115TH CONGRESS

2017-2018

218 seats for majority

193

235



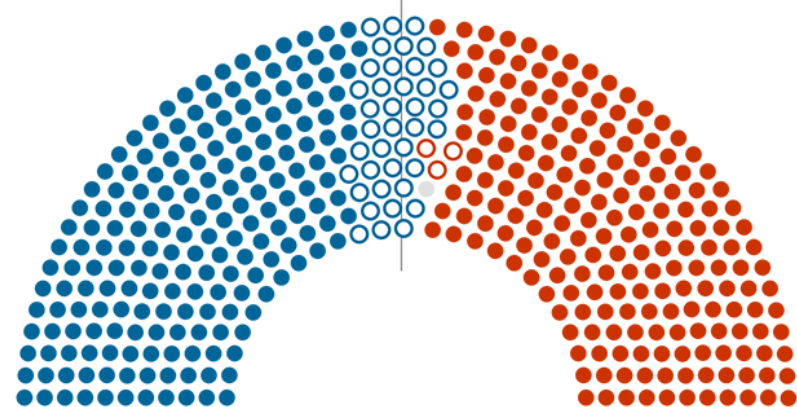
116TH CONGRESS

2019-2020

218 seats for majority

234

200



○ Seats flipped R to D (39) ○ Seats flipped D to R (3)

Committees

- ▶ **One of only a handful of Members on 4 Committees**
- ▶ **Education & Labor**
 - ▶ Ensure that Americans' needs are addressed so that students and workers may move forward in a changing school system and a competitive global economy
- ▶ **Transportation & Infrastructure**
 - ▶ Maintain and improve the transportation and infrastructure in our country to best ensure the efficient flow of people, goods, and ideas
- ▶ **Oversight & Reform**
 - ▶ Main investigative committee in the U.S. House of Representatives
- ▶ **Rules**
 - ▶ Power over which bills are considered on the floor and influence over procedure

Mark's Actions Since Coming to Congress

22 initiatives enacted into law, including efforts to:

- ▶ Expand John Muir National Historic Site
- ▶ Rename post office in Richmond after the site's first African American postmaster
- ▶ Empower pharmacists to fight the opioid crisis
- ▶ Create and fund statewide family engagement centers to help families participate in their children's education

21 legislative efforts passed the House and Committee including efforts to:

- ▶ Instructing the Navy to exonerate the Port Chicago 50
- ▶ Require that prescription drug monitoring programs becoming interoperable between states

Caucuses & Initiatives:

- ▶ **Future of Work Wages and Labor**
- ▶ **Bipartisan Cancer Survivors Caucus**, *Founder & Co-Chair*
- ▶ **Urban Regional Studies Caucus**, *Founder*
- ▶ **Working Group on Saving Local News**
- ▶ **Protecting Isabel Bueso** by getting the Trump Administration to overturn their cancellation of deferred action

Impeachment Inquiry

IN THIS SECTION:

- WHAT HAPPENED
- THE WHISTLEBLOWER COMPLAINT & INSPECTOR GENERAL LETTER
- TRUMP VIOLATIONS
- GETTING TO THE TRUTH
- TRUMP'S STRATEGY
- NEXT STEPS/HOUSE ACTIONS

What Happened:

The July 25th Trump-Ukraine Call Summary

- ▶ On July 25, 2019, President Trump spoke with Ukrainian President Zelensky and **sought to blackmail him into influencing our upcoming 2020 election** by investigating his political opponent, Joe Biden

- ▶ **During the July 25th phone call, President Trump:**

- ▶ **Reminds Zelensky how good the U.S. has been to Ukraine and alludes to military aid**

(During the time of the phone call, President Trump was withholding \$400 million in Congressionally approved aid to help fend off Russian aggression)

~~(S/NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

What Happened:

The July 25th Trump-Ukraine Call Summary (cont.)

- ▶ President Trump asks Ukraine for a “FAVOR” in the form of an investigation into his political opponent Joe Biden

3

UNCLASSIFIED

~~(S/NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it.

4

UNCLASSIFIED

The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.

What Happened:

Whistleblower Complaint Reveals the Cover Up

- ▶ An unclassified version of the whistleblower complaint alleges that White House officials purposely hid the full transcript in an electronic system meant for the most sensitive intel in order to shield the President from fallout from the call with Zelensky

II. Efforts to restrict access to records related to the call

In the days following the phone call, I learned from multiple U.S. officials that senior White House officials had intervened to “lock down” all records of the phone call, especially the official word-for-word transcript of the call that was produced—as is customary—by the White House Situation Room. This set of actions underscored to me that White House officials understood the gravity of what had transpired in the call.

★ The summary of the call and the whistleblower complaint, together with President Trump and his lawyer Rudy Giuliani’s public admissions, paint a picture of collusion and cover up by the President and members of his Administration

The Whistleblower Complaint & Inspector General Letter

- ▶ Whistleblower files a complaint with the Intelligence Community Inspector General (ICIG) on August 12, 2019
 - ▶ Implicates Giuliani and Attorney General Barr
- ▶ The ICIG forwards the whistleblower complaint to the Acting Director of National Intelligence (DNI), calling it “**credible**” and “**urgent**”
 - ▶ **What Should Have Happened:** According to the law, the DNI should have reported the whistleblower complaint to Congress within seven days
 - ▶ **Instead:** The DNI made an unprecedented decision to withhold the complaint from Congress, and instead notified the White House about the complaint. The White House then claimed executive privilege
- ▶ Once the Inspector General recognized that the complaint was being withheld, he alerted the Chairmen of the House and Senate Intelligence Committees about the existence of the whistleblower complaint
 - ▶ ***If not for the courage of the whistleblower and the actions of Inspector General, Congress would never have known about Trump's actions***

Trump's Violations

By actively trying to blackmail a foreign power into digging up dirt on a political rival, just like he did in 2016, President Trump engaged in behavior that undermines the security of our elections, defies his oath of office, and puts our national security at risk

- ▶ **Security of Our Elections:** Foreign leaders and foreign governments cannot interfere in U.S. elections. (52 U.S.C. 30121, 36 U.S.C. 510)
 - ▶ By pressuring the President of Ukraine to interfere in our election, Donald Trump broke federal law. It is illegal to “knowingly solicit, accept, or receive from a foreign national any contribution or donation”
 - ▶ American elections are the beacon of western democracy and actively inviting a foreign power to interfere undermines trust in our democratic institutions
- ▶ **Oath of Office:** President Trump abused the foreign policy powers entrusted to him in Article II of the Constitution by seeking to serve his own political interests rather than the interests of the American people
- ▶ **National Security:** Withholding nearly \$400 million in aid from a country struggling to fight off Russian aggression, keep its citizens safe, and become a democracy undermines American values and delegitimizes the United States on the world stage

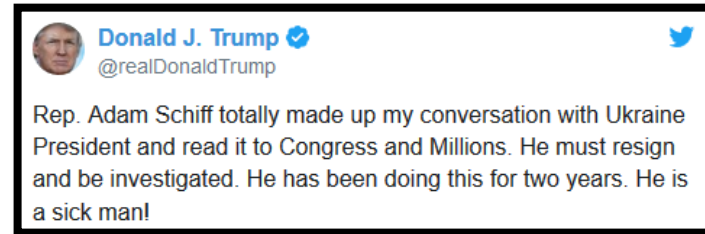
House Actions & Next Steps

- ▶ Acting DNI testified before the Select Committee on Intelligence on Thursday, September 26th
 - ▶ **During the hearing the DNI confirmed that if certain protections are in place and hurdles are cleared that the whistleblower could testify before Congress**
- ▶ **The whistleblower has agreed to testify, and Chairman Schiff expects it to happen “very soon”**
 - ▶ However, given that President Trump has threatened the whistleblower proper security must be in place in order for this testimony to occur
- ▶ **The House is moving quickly, but carefully. There is no prescribed timeline for the impeachment inquiry**
- ▶ **Subpoenas are being issued from the 6 impeachment committees.**
 - ▶ On Friday, September 27th, Secretary of State Pompeo was subpoenaed for documents: **Deadline to comply is October 4th**
 - ▶ On Monday, September 30th, Rudy Giuliani was subpoenaed for documents related to Ukraine: **Deadline to comply is October 15th**
 - ▶ More subpoenas are forthcoming
- ▶ **Five depositions have been scheduled with State Department officials over the next two weeks:** **Secretary Pompeo already indicated the State Department will not attend.**
- ▶ Today, former Special Envoy to Ukraine Kurt Volker told Committee investigators that he warned Rudy Giuliani that he was receiving and sharing untrustworthy information from Ukrainian politicians about Joe Biden and his son.
- ▶ Friday, October 4th Inspector General, Michael Atkinson, is set to testify in a closed-door hearing before the Intelligence Committee

Trump's Strategy

▶ **Intimidate witnesses and Congressional investigators:**

"I want to know who's the person, who's the person who gave the whistleblower the information? Because that's close to a spy," he continued. "You know what we used to do in the old days when we were smart? Right? The spies and treason, we used to handle it a little differently than we do now."



- ▶ **Have Senate clear Trump of any wrongdoing:** McConnell said Senate will begin trial if articles of impeachment are passed by the House
- ▶ **Attack opponents:** No evidence of criminal wrongdoing by the Bidens has surfaced
 - ▶ Allegations by Giuliani are not substantiated and are widely disputed by former U.S. officials and Ukrainian anti-corruption activists
- ▶ **Obstruct**
 - ▶ It has come to light that Secretary Pompeo was in the room when the Trump-Ukraine phone call occurred
 - ▶ Attorney General William Barr asked Trump to contact other countries for information about the Russia investigation
- ▶ **Change narrative**
- ▶ **Withhold information and refuse to comply with subpoenas**



Democrats are doing everything possible to get to the facts, but we expect the Trump Administration to block our efforts.

Trump Strategy (cont.)

- ▶ **If the Trump Administration refuses to comply with Congressional subpoenas, it is incredibly difficult to enforce them. Congress needs to reform subpoena laws.**
 - ▶ There are 3 ways that Congress can attempt to enforce a subpoena:
 - ▶ **Criminal contempt** – The House votes to find the individual in contempt and then submits the finding to the U.S. Attorney's office for criminal prosecution
 - ▶ **Civil contempt** – Certain committees and the House can vote to file a civil contempt lawsuit asking a court to enforce a subpoena
 - ▶ **Inherent contempt** – The House Sergeant at Arms takes a person into custody for judicial proceedings to be held in Congress

Trump is Trying to Normalize Corrupt Behavior

- ▶ Speaking to a crowd of reporters on Thursday, October 4th, Donald Trump asked yet another foreign power to interfere in the upcoming 2020 election, saying:

“China should start an investigation into the Bidens because what happened in China is just about as bad as what happened in Ukraine.”

- ▶ Donald Trump has demonstrated time and again that he does not understand the gravity of his violations. Each time he discredits the impeachment inquiry or off handedly asks for another country to interfere in our democracy, he is trying to normalize corrupt behavior.

Impeachment Process

Current House Impeachment Actions

- ▶ On September 24, 2019, Speaker Pelosi announced the start of an official impeachment inquiry into President Trump
- ▶ **227** Members of the House support the impeachment inquiry: Including 1 Republican and 1 Independent (Mark Amodei (R-NV) and Justin Amash (I-MI))
- ▶ The Speaker has tasked 6 House Committees to investigate the President under the umbrella of impeachment, including:
 - ▶ Intelligence
 - ▶ Judiciary
 - ▶ Oversight and Reform*
 - ▶ Financial Services
 - ▶ Foreign Affairs
 - ▶ Ways and Means

**Congressman DeSaulnier is a Member of the House Oversight Committee*

Committees Leading Impeachment

- ▶ The primary impeachment committees are each focusing on the following:
 - ▶ **The Oversight and Reform Committee** is focusing on the attempt to hide records and transcripts of the President's communications with Ukraine to cover up the President's crimes.
 - ▶ The Committee will subpoena the White House for documents on Friday.
 - ▶ **Intelligence** is focusing on Trump's efforts to pressure the Ukrainian government to interfere in our 2020 election and the use of Rudy Giuliani as an intermediary.
 - ▶ **Foreign Affairs** is focusing on the State Department's role, particularly any meetings or communications the Department facilitated between Rudy Giuliani and Ukrainian officials.
 - ▶ **Judiciary** will compile charges and advance articles of impeachment.

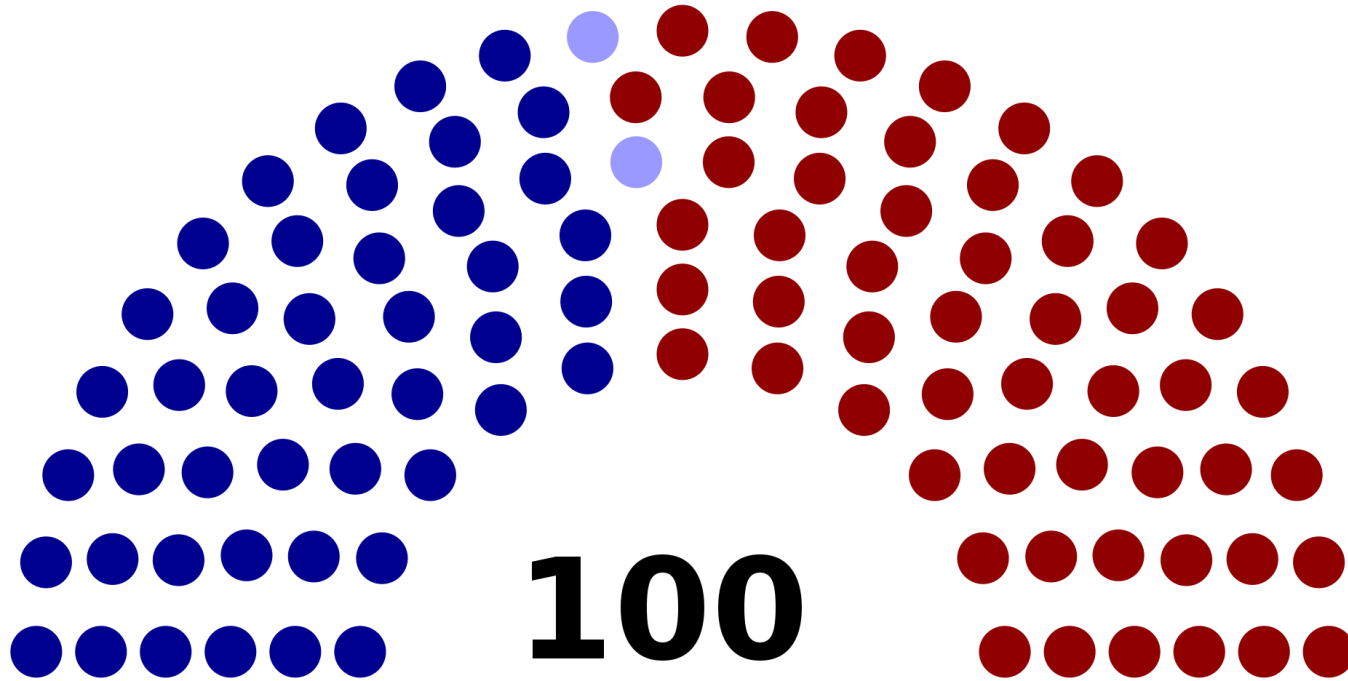
Impeachment Process

- ▶ Article II, Section 4 of the U.S. Constitution allows for the impeachment and removal from office of the President, Vice President, Attorney General, or any civil officer of the United States
- ▶ The House Judiciary Committee has the authority to perform an investigation and pursue articles of impeachment
- ▶ Upon completion of an investigation, the Judiciary Committee reports its findings to the House, and a vote is held with a simple majority needed to adopt the resolution of impeachment
- ▶ **Impeachment does not automatically remove the individual from office**
- ▶ If the impeachment resolution is adopted, the U.S. Senate must hold a trial to determine removal

Trial by the Senate

- ▶ The Senate conducts a trial with witnesses and evidence from both the defendant and prosecution
- ▶ The Chief Justice of the United States presides, members of the House stand as prosecutors, and all 100 Senators act as the jury
- ▶ When arguments are concluded, all Senators meet in a closed session to discuss a verdict
- ▶ If 2/3 of the Senators vote to find the accused guilty, they are removed from office effective immediately, and possibly barred from holding future office
- ▶ An individual removed from office is still subject to potential criminal investigations brought through the Department of Justice or state prosecutors

Makeup of the Senate



Republicans – 53

Democrats – 45

Independents – 2

History of Impeachment and Removal

- ▶ 19 federal officials have been impeached by the House including:
 - ▶ 15 judges;
 - ▶ 1 Member of Congress - William Blount of TN (1797);
 - ▶ 1 Secretary of War - William W. Belknap (1876); and
 - ▶ 2 Presidents of the United States – Andrew Johnson (1868) and Bill Clinton (1998)
- ▶ 8 individuals, all federal judges, have been found guilty before the Senate and removed from office
- ▶ Presidents Andrew Johnson and Bill Clinton were impeached, but acquitted by the Senate
- ▶ **No Member of Congress or President has ever been removed by the Senate**

Other Work in Congress

Congressional Agenda in the Majority

Democrats' Priorities in Congress:

▶ Passed in the House

- ▶ **For the People Act (H.R. 1)** – Most comprehensive voting rights and election protection legislation in decades
- ▶ **Equality Act (H.R. 5)** – Extends civil rights protections to individuals on the basis of gender identity and sexual orientation
- ▶ **American Dream and Promise Act (H.R. 6)** – Creates a pathway to citizenship for Dreamers and TPS holders
- ▶ **Paycheck Fairness Act (H.R. 7)** – Seeks to ensure women and men are paid equally
- ▶ **Bipartisan Background Checks Act (H.R. 8)** – Expands background checks for private firearms sales
- ▶ **Climate Action Now Act (H.R. 9)** – Recommits the U.S. to the Paris Climate Agreement

Democracy Awards

- ▶ **Transparency, Accountability, and Innovation Award – 2019 Winner**
 - ▶ *“The office believes Americans deserve an efficient and effective government that works on their behalf each and every day. **In order to build public trust, Congressman DeSaulnier and staff strive to be transparent and accountable to constituents by providing a higher-level of customer service.**”* – Brad Fitch, President & CEO of the nonpartisan Congressional Management Foundation
- ▶ **Constituent Service Award – 2018 Finalist (1 of 3 Democrats)**
 - ▶ *“**Constituent service has been the hallmark of Representative Mark DeSaulnier (D-CA-11) and his office since his election in 2015...**To keep constituents informed, Representative DeSaulnier uses Facebook Live to explain hot button issues happening in Washington in real time, and maintains an impressive four-day response time for constituents who send questions or concerns regarding his congressional activity. “* – Brad Fitch, President & CEO of the nonpartisan Congressional Management Foundation

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