



# **The Impeachment of President Donald Trump**

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## What Is Impeachment?

Impeachment is a process through which the president and other federal officials, including judges, can be held accountable for their actions. In the case of the president, Congress conducts the impeachment proceedings. As laid out in the US Constitution, impeachment is a political process, not a criminal process. The process requires actions by both the House of Representatives and the Senate. In the case of a presidential impeachment, the House brings charges against the president for misconduct or wrongdoing. Impeachment in the House does not involve actually removing the president from office. That step must be taken by the Senate.

Impeachment starts in the House of Representatives, where the process can be launched at the request of any House member. The Speaker of the House, acting as leader of the majority party, must decide whether to go forward with an inquiry, or investigation, into the alleged presidential wrongdoing.

The Constitution lists “treason, bribery, or other high crimes and misdemeanors” as offenses that deserve impeachment. Experts have long debated what behavior could be considered “high crimes and misdemeanors.” Most legal experts insist that a president need not have committed an actual crime in order to be impeached. For example, a president may be impeached for some form of abuse of power.

A simple majority vote by the members of the House Judiciary Committee is required to send each article of impeachment to the full House. Then it takes a simple majority vote of the full House to impeach the president, or affirm the articles against him or her.

Once the president has been impeached by the House, the process moves to the Senate for a trial on the impeachment. The Constitution allows the leader of the Senate and the majority party to set the rules of the trial. The chief justice of the United States presides over the trial.

For the president to be removed, two-thirds of the Senate must approve. That means that at least sixty-seven senators must vote for removal. This vote only removes the sitting president from office; it does not send the president to jail. If a president is removed, the vice president takes over as president.

# Chapter One

## The Whistleblower's Complaint

In his job as inspector general for the US intelligence community, Michael Atkinson was used to handling the most sensitive matters. He looked into possible violations of laws, rules, and regulations related to national intelligence. On August 26, 2019, he weighed in on a complaint by an anonymous whistleblower, one he realized could be fatal to the presidency of Donald Trump. In a letter to Joseph Maguire, the acting Director of National Intelligence (DNI), Atkinson expressed his belief that the complaint was an “urgent concern”<sup>3</sup> that appeared to be credible. He noted that, under the law, Maguire had one week to forward the complaint to lawmakers in the House.

Despite Atkinson's recommendation, by September 9 Maguire still had not contacted Congress. Maguire disagreed that the allegations rose to the level of an urgent concern. It was left to Atkinson to notify the House intelligence committee about the whistleblower's complaint. Three House committees immediately announced a probe into Trump's alleged efforts to pressure Ukraine for his political benefit, and thus began the months-long investigation that would lead to Trump's impeachment.

## A Credible Allegation

By the time Congress received Atkinson's letter, a few facts about Trump's phone call had already been made public. Reports citing anonymous sources revealed that the president had urged Zelensky to investigate Democrat Joe Biden's son Hunter. The leaked reports also suggested that Trump threatened to withhold military aid to Ukraine if Zelensky did not cooperate. Republicans mostly dismissed the stories as partisan rumor. However, when the inspector general's opinion about the complaint emerged, the tone changed. Atkinson's solid reputation convinced many skeptical Republicans that the matter was serious. The Trump appointee was widely considered an honest and forthright professional. "You would not know which political party [Atkinson] favors by working with him," says Mary McCord, the former assistant attorney general for national security. "I worked with him for years. That's the other reason I feel he's so credible in this space."<sup>4</sup>

*Michael Atkinson, inspector general for the US intelligence community, arrives at the Capitol in October 2019 to speak with lawmakers about the whistleblower complaint that he earlier had determined was both urgent and credible.*



With Acting DNI Maguire still opposed, Atkinson was not authorized to go into detail about the whistleblower's concerns. All he could do was make lawmakers aware of the complaint. In a closed-door appearance on September 19, 2019, Atkinson told the House Intelligence Committee that he and Maguire remained at an impasse. Yet Atkinson's decision to go over Maguire's head and alert members of Congress about the complaint proved crucial. His insistence that the whistleblower's allegation was credible set in motion powerful forces that soon would threaten Trump's presidency.

## **A Grilling Before the Intelligence Committee**

By September 26, when Maguire appeared before the House Intelligence Committee, the whistleblower story had exploded. Characteristically, the president disavowed any problems. When reporters asked Trump if he had read the whistleblower's complaint, he ridiculed the media response. "Everybody has read it and they laugh at it," he said. "The media has lost so much credibility in this country. Our media has become the laughingstock of the world."<sup>5</sup> Nonetheless, to most of official Washington, the complaint was no laughing matter.

Sparks flew as members of the House Intelligence Committee grilled Maguire about his decision to withhold the whistleblower report from Congress. Maguire, who had been serving as the DNI for only a few weeks, repeatedly defended his actions by saying the situation was unprecedented. All previous whistleblower complaints to the DNI had flagged members of the intelligence community, not the president. He also raised questions of executive privilege. This is the rule whereby sensitive documents or information related to the president and members of the executive branch can be shielded from release.

**"Everybody has read it and they laugh at it. The media has lost so much credibility in this country. Our media has become the laughing-stock of the world."<sup>5</sup>**

—President Trump on the whistleblower complaint

**“Regardless of whether it’s found credible or incredible, . . . the [whistleblower] complaint is always given to our committee.”<sup>6</sup>**

—Intelligence Committee  
chairman Adam Schiff

However, Chairman Adam Schiff and his fellow Democrats on the committee slammed Maguire for what they considered possible legal violations. They noted that whistleblower complaints are protected by law. “Regardless of whether it’s found credible or incredible, you’re aware the complaint is always given to our committee,”<sup>6</sup> said Schiff. Maguire also admitted that he had spoken to Trump about the report but said the president had not directed him to withhold anything. Overall, Maguire’s six hours of testimony seemed only to increase the heat on Trump and his inner circle. The hearing, along with the release of the phone conversation, helped push the impeachment investigation into high gear.

## **Focusing on the Whistleblower**

Suddenly, the hot topic nationwide was the anonymous whistleblower. A whistleblower is someone who informs on a person or group allegedly engaged in illicit activity. The Whistleblower Protection Act of 1989 offers certain protections to informers in the federal government. For example, they cannot be demoted, replaced, or punished with pay cuts. These protections are designed to encourage government officials to speak out about misconduct they have witnessed without fear of reprisal. The statute, as applied to the Trump whistleblower, prohibited national intelligence officials from naming the person or describing his or her position. It also laid out the proper procedures for reviewing the complaint. During his House testimony, Maguire stressed that protecting the whistleblower was the highest priority of his office.

Naturally, a great deal of curiosity arose about the whistleblower. People wanted to know what position the person held and how he or she came to discover the alleged abuses. Schiff and other Democrats said they were anxious to hear from the whistleblower. Such testimony would have required a closed ses-

## The Ukraine Connection

When the controversy over President Trump's phone call with the Ukrainian president broke out, many Americans might have struggled to find Ukraine on a map. It is a large country located in eastern Europe on the Black Sea. Formerly part of the Soviet Union, Ukraine became an independent country in 1991 after the Soviet collapse. Although Ukraine's history is closely linked with Russia's, the country has its own language and distinct culture. Tensions with Russia have marked the history of Ukraine for decades, even centuries.

In recent years, the United States and the European Union have urged Ukraine to develop closer ties with the West. Russian president Vladimir Putin has worked hard to block these efforts. In 2014, widespread protests in Ukraine led to the ouster of its pro-Russian president Victor Yanukovich. When Yanukovich was replaced with an interim government that was pro-Western, Putin sent Russian troops into Ukraine. The troops helped pro-Russian separatists to seize Crimea, a sizable region in southern Ukraine. The world community, including the United States, condemned the move as a violation of international law. US intelligence agencies urged President Barack Obama to support Ukraine against Russian aggression. Obama sent nonlethal military aid—equipment and medical supplies—to Ukraine in 2015. He also sent American troops to train Ukraine's forces. However, a bipartisan majority in Congress wanted to provide more weapons to the beleaguered regime. In 2019, Congress passed a \$391 billion military package for Ukraine's defense—the spending package that Trump was thought to have withheld.

sion to protect the whistleblower's identity along with special security clearances for the individual's attorneys. Republicans such as Representative Andy Harris of Maryland, questioned whether the whistleblower's complaint might have sprung from political bias against Trump. Amid such speculation, the *New York Times* ran a detailed description of the whistleblower without including the person's name.

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# Key Figures in the Trump Impeachment

**Donald Trump**, the US president, was accused of seeking to pressure the Ukrainian government to investigate political rival Joe Biden and his son Hunter. Trump allegedly threatened to withhold military aid from Ukraine.

**Volodymyr Zelensky**, the president of Ukraine, was allegedly pressured by Trump and his associates to open an investigation into Trump's political rival in exchange for military aid and a White House visit.

**Joe Biden**, the former vice president, was vying for the Democratic party's presidential nomination during the impeachment proceedings, and eventually became the presumptive nominee.

**Hunter Biden**, Joe Biden's son, served on the board of Burisma Holdings, an oil and gas company in Ukraine.

**The Whistleblower** was a CIA officer posted at the White House. This anonymous officer learned about Trump's phone call with the Ukrainian president and filed an official whistleblower complaint.

**Michael Atkinson**, the inspector general for the US intelligence community, received the whistleblower's complaint, decided it was credible, and passed it along to the House Intelligence Committee.

**Joseph Maguire**, the acting director of national intelligence, decided the whistleblower's complaint was not urgent, and favored withholding the complaint from Congress.

**Nancy Pelosi**, a representative from California and the Speaker of the House, launched an inquiry into Trump's alleged abuses in the Ukraine affair.

# For Further Research

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