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By Patrick Martin

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House Democrats begin next phase of impeachment drive

The Democratic Party effort to impeach President Trump for withholding military aid to Ukraine moves into its next stage Wednesday, with the first formal hearing before the House Judiciary Committee, which is expected to draw up articles of impeachment for a vote by the full House before the end of the month.

White House Counsel Pat Cipollone, in a five-page letter sent Sunday to Judiciary Committee Chair Jerrold Nadler, denounced the hearing and said Trump would not send a legal representative or otherwise participate.

Wednesday's hearing will review the legal and constitutional requirements for impeachment, without any testimony on the nature of the charges being brought against Trump. Late Monday, Nadler released the names of the four witnesses. All are law school professors, including three called by the Democrats—Noah Feldman of Harvard Law School, Pamela Karlan of Stanford Law School, and Michael Gerhardt of the University of North Carolina School of Law—and one called by the Republicans, Jonathan Turley of the George Washington University Law School.

The factual basis for the drawing up of articles of impeachment will be supplied by the House Intelligence Committee, which began reviewing a draft majority report based on weeks of closed-door and public hearings held on Trump's actions in relation to Ukraine. More than a dozen witnesses detailed how Trump sought to pressure the Ukrainian government to announce a public investigation into Hunter Biden, son of Joe Biden, the

former vice president and current Democratic presidential candidate, who held a lucrative position on the board of directors of a Ukrainian gas company.

In order to compel new Ukrainian President Volodymyr Zelensky to make the announcement—thus boosting Trump politically at the expense of a major Democratic opponent—Trump offered both a carrot (a White House meeting for Zelensky) and a stick (the cutoff of \$391 million in US military aid). Both were discussed in the July 25 phone call between Trump and Zelensky that remains the focal point of the impeachment inquiry.

It was the protracted delay in military aid, disrupting and potentially endangering one of the most important foreign operations of American imperialism—the build-up of Ukraine as a base of operations against Russia—that touched off the impeachment drive.

Democrats such as House Intelligence Committee Chairman Adam Schiff and House Speaker Nancy Pelosi had long opposed any effort to impeach Trump over crimes such as forced separation of immigrant parents and children or the illegal diversion of funds to build his wall along the US-Mexico border. But when a CIA “whistleblower” came forward with an official complaint to Intelligence Community Inspector General Michael Atkinson, in what was clearly a provocation orchestrated by the military-intelligence apparatus over longstanding foreign policy differences with Trump, the Democratic leadership abruptly changed course.

All indications are that the House Judiciary Committee will continue with the narrowly focused impeachment proposed by Pelosi and Schiff and resist adding counts that reflect actual attacks by Trump on democratic rights, or personal corruption such as violations of the emoluments clause of the Constitution.

At most, there is a debate among Democrats in the House over whether to include a charge of obstruction of justice based in part on the report of Special Counsel Robert Mueller, which examined bogus allegations of massive Russian interference in the 2016 US elections. Mueller concluded that there was no evidence of a conspiracy between Russia and the Trump campaign. Some Democrats want in this manner to resurrect the anti-Russia campaign directly as part of the current impeachment drive, while others view the Mueller investigation as too discredited to be of any further use.

While the House Intelligence Committee began reviewing a draft of the majority report on Monday evening, committee Republicans produced a 110-page minority report that was leaked to the media at the same time. Both the majority and minority reports will be voted

on by the Intelligence Committee Tuesday, and then forwarded to the Judiciary Committee for further action.

In his letter to the Judiciary Committee, White House Counsel Cipollone said that Trump was still considering his options for subsequent hearings before the committee, at which some fact witnesses are expected to testify. White House participation would depend on the procedures employed, he wrote, including whether Trump would be allowed to call his own witnesses.

Republicans have demanded that at least three witnesses appear before the Judiciary Committee whose testimony was barred by Schiff in the two weeks of public hearings before the Intelligence Committee. These are the CIA “whistleblower,” Hunter Biden and Schiff himself, who would be asked about his role in directing the “whistleblower” to file a formal complaint with the inspector general for the intelligence agencies.

Judiciary Committee Chair Nadler is expected to rebuff demands for these witnesses, but if Trump is indeed impeached, they could be summoned to testify during a Senate trial, where the Republican majority in the Senate, not the Democrats, would control the proceedings.

Nadler has given the White House until 5 pm Friday, December 6 to say whether Trump plans to mount a defense against impeachment by calling witnesses and introducing evidence. Under the procedures laid down by the House Democratic leadership, however, Trump will be able to do so only if he agrees to lift his order against any executive branch cooperation with the impeachment inquiry. This has included a ban on testimony—largely ignored by State Department and other officials after they received congressional subpoenas—and a ban on supplying government documents, which has been far more effective.

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