



**THIRD WAY**

# Defusing Their Defenses

NOVEMBER 2019

Some of us have the luxury of talking about impeachment to those already appalled by Trump's behavior. But others don't. This Q&A document is meant for the skeptical crowd – on television, public events, or at the grocery store.

When responding to Trump supporters' arguments, keep the focus on the substance of the President's actions: He tried to coerce a foreign government to provide him a personal political benefit, subverting our national interest, abusing his office, and violating the Constitution. If you have time, address how this betrays core American principles.

## **“SO WHAT? GET OVER IT.”**

**Topline response: The President demanded that a foreign president dig up dirt on Joe Biden – something both Republicans and Democrats agree was wrong. Our Constitution forbids this kind of self-dealing by a President, and no previous President has ever done it.**

### **They say: “Abuse of power” is not a crime.**

Abuse of power is exactly what our Founders warned us about, and what the Constitution was written to prevent. It's here in black and white [hold up your Constitution].

### **They say: This was wrong, but not impeachable.**

Even in our polarized Congress, Democrats and most Republicans agree that what the President did was wrong. Now Congress will call witnesses so the American people can see it for themselves. President Trump held up vital military aid to Ukraine in its war against our top enemy, Russia, in order to extort an investigation of an American citizen. This is far closer to ordering a political break-in than it is to lying about an affair – both of which were impeachable offenses.

### **They say: The entire system is corrupt. This is just business as usual.**

In any past Administration, when have you ever seen military leaders abruptly resign, the President's handpicked National Security Advisor tell staff to summon White House lawyers, and associates of the President's personal lawyer arrested trying to flee the country? Never. This is not business as usual. No President has used the powers of his office to coerce a foreign power into helping him with his re-election. Even Nixon, who was implicated in a burglary of his political rival, didn't try to coerce a foreign power to help him.

Whether or not you think everyone does it, are ok with everyone doing it? Or does America deserve better? Does your representative do it? Should your representative condone it?

## **They say: Everybody does it.**

Presidents may horse trade to benefit the nation, but there's a difference between acting in the national interest and in acting in your personal interest. To use foreign aid—military aid—for purely personal gain has never happened before, as the witnesses will testify. And we need to decide now whether we should ever let it happen again.

## **They say: All presidents do this—Trump just said out loud what everyone else hid.**

The witnesses have been clear in their testimony: over their long careers in service to the nation, no previous President has ever traded the nation's foreign policy interests for his personal political benefit. There's a reason no one does this – because it's illegal. The Governor of Illinois went to jail for speculating that he could use an official act for personal benefit.

## **“THE CALL WAS ‘PERFECT.’ TRUMP WAS JUST DOING HIS JOB.”**

**Topline response: The Ukraine call immediately raised alarm bells throughout the Trump White House because the President's closest advisors knew that what happened was scandalous and likely a crime.**

## **They say: The conversation with the Ukrainian president was legitimate. There's no quid pro quo. The conversation/call was “perfect.”**

At this point, there is no doubt: The president tried to shake down a foreign power into manufacturing an investigation to harm Joe Biden, his most feared political rival, for his personal benefit. We've seen the call record. It's there in black and white. The President's lawyer admitted it. The White House Chief of Staff admitted it. Senior officials heard it. The President asked for a personal favor. The Ambassador to the EU, a handpicked political appointee, has acknowledged that the President held back the military aid to coerce the Ukrainian president to act.

## **They say: Trump did nothing wrong.**

President Trump says he did nothing wrong. That's fake news. Based on the evidence so far, Trump did at least five things wrong:

- He told a foreign government to manufacture an investigation into his political rival—and has also encouraged other governments to do the same;
- He withheld military aid appropriated to protect U.S. national security interests and conditioned its release on Ukraine agreeing to investigate his political rival;
- He tried to cover up his phone call with the Ukrainian president;
- He and his aides tried to prevent the whistleblower complaint from reaching Congress—and it looks like they have threatened and retaliated against other diplomatic officials involved in this case; and

- He ordered his administration to not comply with Congress as it performs its constitutional duty of oversight.

## **They say: President Trump was right to investigate corruption in Ukraine.**

This doesn't pass the smell test. If he was truly interested in fighting corruption, he would've worked through his own government, his own State Department, his own National Security Council to fight corruption. Instead, he used a private citizen and his own personal lawyer, Rudy Giuliani, to create a backchannel to normal U.S. diplomacy. And he wanted Ukraine to only investigate one family – the Biden family. It doesn't sound like fighting corruption; it sounds like it was corruption.

## **They say: Joe Biden did do something wrong.**

I know that's the spin from some, though certainly not all, defenders of the President. The evidence is pretty clear that Joe Biden was acting in the interests of the U.S. and justice when he helped remove a corrupt prosecutor in hopes of seeing stronger, not weaker, corruption prosecutions. Regardless, impeachment is about the President's actions and his abuse of his office.

## **They say: Hunter Biden was not qualified to have this board seat. Democrats support nepotism.**

If his name was Hunter Smith, he would not have been on that board. Democrats and Republicans agree on that. But being unqualified is not a crime. Democrats and Republicans also agree that what President Trump did was wrong. Withholding military aid that Ukraine needed to defend against Russian invasion in order to coerce them into manufacturing an investigation to hurt Biden was a shocking abuse of power, and he has to be held accountable.

## **“THEY’VE ALWAYS BEEN OUT TO GET TRUMP.”**

**Topline response: This is about Trump's actions while President to extort a foreign power into interfering in the next election, not what happened the last one.**

## **They say: This is part of a longstanding attempt to undo the 2016 elections.**

This isn't about 2016, and Hillary doesn't become President if Trump is impeached. This is about what happened this year, how the American President pressured a foreign power to interfere in next year's elections, and what the consequences should be when the president puts his political interests over the nation's security interests.

## **They say: This is part of an ongoing deep state conspiracy to bring down the President that started with the discredited Steele Dossier.**

Trump is the one who made this about 2016, with his focus on conspiracy theories about Ukraine. This inquiry is about the President's actions in office to coerce a foreign power to help him take down his most-feared rival in the 2020 election. This isn't about 2016 or the Steele Dossier, but whether this leader or any leader should invite a foreign power to interfere in the 2020 American elections.

## **They say: This is a distraction to not investigate Hillary Clinton's emails.**

We all know this has nothing to do with Hillary's emails.

This is about the President's actions. He's in the White House, not Hillary. He's the one who pressured Ukraine on the call for his own personal benefit. And that's the evidence the American people will hear.

## **They say: Ukraine was behind the 2016 election hacking/has the server.**

That was always a conspiracy theory that had little support then, and it has even less support today. This is about what President Trump did in trying to coerce Ukraine by withholding military aid until they manufactured an investigation into his most feared-political rival. And remember, this scandal came to light when Trump's hand-picked people inside his own Administration were alarmed by his actions. He should be held accountable for what he did.

## **They say: Democrats know they cannot win the election, so they are trying to remove Trump this way.**

It sounds like President Trump is the one who is most worried about the next election, because he asked for foreign help against his top-polling political rival. This is about whether the President abused the powers of office when he tried to extort a favor from a foreign power that would benefit Donald Trump, and only Donald Trump.

American elections are for Americans. Trump should be able to compete without foreign help.

## **They say: Democrats want a long drawn-out process to help them in the election.**

Delay cuts both ways – it also keeps Democratic Senators off the campaign trail. But no one is dragging their feet on this. The investigators have been working through the weekends. Let's get to the truth quickly, fairly, and openly. Then the American people can see the facts for themselves.

## **“THIS IS VERY UNFAIR.”**

**Topline response: The first rule of politics is that when you are desperate, say the process is unfair. Republicans and Democrats agree that what the President did was wrong, and even some Republicans say it's indefensible. The Constitution gives Congress its authority here, everything has proceeded according to House rules, and Republicans have been in the room every step of the way. [NB: Process is red meat for Dems; don't take the bait. Focus on what the president did.]**

## **They say: They shouldn't impeach the President in an election year.**

There's no time-out period in the Constitution. If the President abuses his office, he should be held accountable, and impeachment—not elections—is the constitutional process for doing so. If the president solicited foreign interference in our elections, we have a duty to protect the integrity of our constitutional system of government.

## **They say: Trump has no due process in how the Dems are doing impeachment.**

The House is like a grand jury and the Senate is like a trial. But unlike a criminal grand jury, the proceedings in the House are being made public, and President Trump will be able to see the witnesses testify for themselves and read the transcripts. Unlike in a criminal grand jury, the President's allies will be able to question the witnesses. And once the case moves to the trial in the Senate, the President and his lawyers will be able to mount a defense. The impeachment process gives the President more rights than a criminal defendant would get.

## **They say: Democrats are not following precedent of previous impeachments (they should have to follow the rules of '74 and '98).**

Under the process the House has approved, Trump actually has the same or more rights as Presidents Nixon and Clinton. Remember that before last two impeachments we had investigations by independent counsels, closed-door grand jury proceedings, and lengthy reports detailing their findings. If the Republicans would like to stick to past precedent, then they should have insisted on an independent prosecutor, appointed by a panel of federal judges, who could not be fired by the Attorney General. But they're not genuinely interested in following precedent or any other process argument. You complain about the rules when you're desperate. They're desperate because they know the facts aren't on their side.

## **They say: The closed-door hearings violated the President's rights.**

Proceeding behind closed doors while facts are gathered protects the process and the President. This is routine for House investigations and for grand jury proceedings. Any differences benefited Trump: witnesses could have their lawyers present, Republican lawmakers had the same rights to ask questions and read transcripts as their Democratic colleagues, and all Republican committee members—including Rep. Greg Pence, the vice president's brother—could attend the hearings.

After complaining for weeks about closed-door hearings, when Republican members were given the chance to vote for public hearings, they voted no. No matter what the process is, they will complain about it.

## **They say: The process is secretive and not transparent.**

Transparency is coming. All of the transcripts of the hearings have been released. For those

defending President Trump, beware of what you wish for. The transcripts have been a disaster for the President. Everyone should read them. Read the transcripts.

The House has now voted that it will open up much of the process and release redacted transcripts of hearings to date. The measure gives Trump more rights than Clinton or Nixon were offered, but Republicans voted against it because they don't want to have to address the substance of the allegations: that President Trump abused his powers and bribed a foreign government for personal gain.

### **They say: Republicans were kept out of the hearings.**

Not true. It's all there in black and white if you read the transcripts. In the initial stages, the investigation was held behind closed doors and limited to Republicans and Democrats on three committees. The Republicans did the same in the Benghazi investigations—and former Chairman Trey Gowdy told Face the Nation he “100 percent” agrees with Democrats holding closed-door impeachment hearings.

### **They say: The minority has been given no subpoena power.**

Under the recently-adopted procedures, Republicans share equal subpoena powers. Before this, Republicans were fully participating in the investigation and getting to question all witnesses. Democrats are following House rules, unlike President Trump, who has missed more than a dozen subpoena deadlines and is refusing to cooperate with the investigation.

### **They say: Democrats are bullying witnesses.**

No one bullied the President into releasing the call record. No one bullied the President's personal lawyer into admitting the pressure campaign on TV. No one bullied the President's Chief of Staff into admitting the coercion at a press conference. Many of these witnesses are coming forward voluntarily, because they believe in the security of our nation and the Constitution. It's the President and the White House counsel who have been threatening the witnesses.

### **They say: The documents are classified/qualify for executive privilege.**

Either you want transparency, or you don't. They're using every tool in the box to try to prevent the information from coming out. But everything released so far consistently shows that Trump abused his office, put his own interest over our nation's, tried to coerce a foreign power into interfering with our elections, and then tried to cover it up.

### **They say: DOJ guidance states that the President cannot be indicted/investigated.**

While the DOJ may take the position that it should not indict a sitting President—even for murder—the Constitution says explicitly that he can be impeached and removed from office. The Framers included impeachment because they wanted to be sure that no one – and especially not the President – was above the law.

## **They say: We need to hear from Hunter Biden, Joe Biden, and the Whistleblower.**

This is about what the President did and his motives for doing so. The Bidens and the Whistleblower have never spoken to the President, and were not a part of his scheme to coerce Ukraine into investigating them. Republicans complained about hearsay witnesses. These people aren't even witnesses. Let's not waste time with this circus.

## **“SHOOT THE MESSENGER”**

**Topline response: When things are going badly, you start blaming the people reporting the bad news. It's not about the messenger. It's about the message: a series of actions by President Trump that abused his power and that nearly everyone agrees was very wrong.**

## **They say: The liberal media is driving the conversation.**

The media is reporting what's happening, but you can see the facts for yourself. Read the transcript summary of the phone call and witness testimony, watch Mick Mulvaney's press conference, explain why two of Rudy Giuliani's associates were arrested fleeing the country. It is wrong for a sitting president to demand that a foreign leader interfere in an American election. That's not a liberal position. It's a patriotic one.

## **They say: These witnesses are “Never Trumpers” or part of the deep state.**

These are not “Never Trumpers.” These are people who served in Vietnam, Afghanistan and Iraq. They chose to serve President Trump, and this started when his own hand-picked people became so alarmed by his actions that they took action. These are people who served Republicans and Democrats alike. They did their duty then, and they believe they are doing their duty now.

## **They say: This is not a real whistleblower.**

The whistleblower's complaint was deemed credible and a matter of urgent concern. Since then, everything the whistleblower said has been corroborated by other, first-hand witnesses. And let's remember that this scandal began inside the Trump Administration when his own hand-picked people became so alarmed by his actions that they took action. The whistleblower was just the first to publicly do so.

## **They say: The whistleblower had second-hand information.**

The whistleblowers complaint has been verified by first-hand accounts from the call record, the President's personal lawyer, the President's Chief of Staff, the President's acting ambassador to Ukraine, and many other senior staff at the White House listening on the call.

## **They say: Democrats are hiding the whistleblower's identity.**

Everything the whistleblower said has been confirmed by first-hand witnesses. The whistleblower took a tremendous risk by bringing this situation to light. This is about duty and patriotism. It couldn't have been easy. But you don't need to know who called in the

anonymous tip if you arrived at a crime scene, the suspect confessed, and all the people in the room confirmed it.

## **They say: Adam Schiff met with or colluded with the whistleblower beforehand.**

Everything the whistleblower said has been confirmed, much of it by the President, his lawyer, and his Chief of Staff. The whistleblower took the lid off, but since then the evidence from other first-hand witnesses is overwhelming.

## **They say: Some say Democrats tampered with the hearing transcripts.**

So now the stenographers are in on the “deep state” conspiracy? Not a single witness has said this. Not a single witness has said that what they told the committee has been misrepresented or misquoted.

## **“IT WASN’T ME”**

**Topline response:** They may try to point fingers, but we have the transcript.

## **They say: Rick Perry got Trump involved in this without his knowledge.**

President Trump was the one who withheld the \$400 million in funding, President Trump was the one who asked the Ukrainian president for a “favor,” and President Trump was Perry’s boss. At the end of the day, Trump is responsible.

## **They say: If anyone did anything wrong, it was Giuliani.**

Two of his associates were arrested trying to flee the country, so Giuliani’s hands are probably plenty dirty. But President Trump was the one who withheld the \$400 million in funding, Trump was the one who asked the Ukrainian president to investigate his main political rival as a “favor,” and Giuliani was working for Trump. At the end of the day, Trump directed the action, and he was its sole beneficiary.

## **They say: Trump was too inept to actually engage in a quid pro quo.**

President Trump withheld desperately-needed military aid from a foreign ally while asking its new president to do him a “favor” and announce an investigation into his political rival. That’s textbook extortion. It’s also seeking a thing of value from a foreign power—something prohibited in the text of the Constitution. The President engaged in extortion; he’s just inept at mounting a credible defense to it.