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# *If Impeached, Can DJT Run in 2020?*

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October 6, 2019

This is another special edition, as there is no state legislation to be tracked!! Problems? Corrections? Send to [legislativeadvocacy@vuu.org](mailto:legislativeadvocacy@vuu.org). You can find previous special editions of the AZ Legislative Alert at <https://www.vuu.org/legislative-advocacy/>

**Action Items – click [here](#) or scroll down to very end!**

**If he is impeached, can he run again?** Yes. The House can vote to impeach him on one or more articles of impeachment. This is by a simple majority vote. The current speculation is that they will have several articles of impeachment so that members can vote “yes” on some and “no” on others. This might be especially important if the House votes “yes” on even one and it goes to the Senate. Given the Democratic majority in the house, and the relatively simple issues (Ukraine and perhaps another one or two. I’d choose the emoluments clause as one, just to see what happens).

**If he is convicted in the Senate on one or more charges, can he run again?** Possibly, YES. Unknown to me or maybe most of you, there are two votes in the Senate. The first vote (on each impeachment charge, one at a time), is on whether to convict or not, and this requires a 2/3 vote which would be very very difficult (but not impossible). THEN, if he is convicted on one or more counts, he is REMOVED from office, but there is then a second vote on whether he is disqualified from running again, and this only takes a majority vote to disqualify him from running. So, here are the possibilities:

- The House votes to impeach, and the Senate acquits him. Then, he can run again in 2020 as an impeached, but not convicted President.
- The House impeaches, and the Senate votes to convict (2/3 vote) and then there is a second vote – the “disqualification” vote – and he is not disqualified. Therefore, he can run again in 2020 as an impeached and convicted President, but not disqualified.
- The House impeaches, the Senate votes to convict (2/3 vote) and then on the second vote of “disqualification” they also (by majority vote) disqualify him from running again.

- If he is impeached and convicted, Mike Pence becomes President and he could run on the Republican ticket in 2020.

Here's a good overview of the procedures: <https://www.senate.gov/reference/resources/pdf/98-806.pdf>

Also,

- What Law did DJT Break?
- How is he trying to defend himself, and will it work?
- Why are Attorney General Barr and Rudy Guiliani also implicated in this?

**First, what law is it that he is said to have broken in the Ukraine affair?** It is 11 CFR 100.20 (b)

(g) <https://www.fec.gov/regulations/110-20/2019-annual-110#110-20-h-1>

**(b) Contributions and donations by foreign nationals in connection with elections.** A foreign national shall not, directly or indirectly, make a contribution or a donation of money or other thing of value, or expressly or impliedly promise to make a contribution or a donation, in connection with any Federal, State, or local election.

**(g) Solicitation, acceptance, or receipt of contributions and donations from foreign nationals.** No person shall knowingly solicit, accept, or receive from a foreign national any contribution or donation prohibited by paragraphs (b) through (d) of this section.

**What's the evidence DJT broke the law?** The simplest answer is that the notes of the July 25 phone call between DJT and President of Ukraine included him asking for a favor: that Ukraine investigate his chief rival for the Presidency. These phone calls are recorded by White House staff and National Security Staff who listen in on the call. They are NOT word for word (and these take only about 15 minutes to say out loud whereas the call was 30 minutes, so there may be missing text). Here's the link to the original actual document:

<http://fm.cnb.com/applications/cnb.com/resources/editorialfiles/2019/09/25/Unclassified092019.pdf> and text is below.

He is requesting two favors from the Ukrainian President. First, he wants them to investigate the "Crowdstrike" incident and then suggests that Ukraine has the server taken from the Democratic National Committee. This apparently refers to the U.S. company (Crowdstrike) that says it was Russia that hacked into U.S. Election system in 2016 to benefit Trump and he wants Ukraine to show it was a Ukrainian hacker that was trying to help Hillary Clinton. This is where there are two ellipses ... indicating that material apparently was not put into the notes or was take out later. Then, shortly thereafter in the conversation, DJT asks President Zelensky to investigate the incident that involved Joe Biden's son. There is another ellipse ... here. His son

served on the Board of a company, but no wrongdoing has been documented for either the company or his son.

**Excerpts from the Notes of the July 25 conversation, by White House Staff who listen in on these conversations. The conversation itself was about 30 minutes long; these notes in total are only about 15 minutes. Thus, these are NOT word for word, and the ellipses ... may mean material that was deleted.**

**President of Ukraine: Zelensky:** "I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps. Specifically, we are almost ready to buy more Javelins from the United States for defense purposes.

**President Trump (immediately after that comment):** 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. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike ... I guess you have one of your wealthy people... The server, they say Ukraine has it? There are a lot of things that went on, the whole situation. I think you are surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you said yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

(comments from both, then):

**President Trump:** 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.

**President Zelenskyy:** I wanted to tell you about the prosecutor. First I understand and I'm knowledgeable about the situation. Since we have the absolute majority in our Parliament; the next prosecutor general will be 100% my person, my candidate, who will be approved, by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue.

**[Javelins are the defense missiles that would be bought with the \$391 million DJT is withholding in routine defense payments].**

Also, the chair of the Federal Election Commission warned him that his request of President Zelensky is a violation of FEC law and she (a Republican appointee) repeated this after his remark to a reporter that China also ought to investigate the Bidens.

**Elizabeth Weintraub – chair, FEC (memo to White House, June 13, 2019) : “Let me make something 100% clear to the American Public and anyone running for public office: It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election.”**

### **How are DJT and others “spinning” this to claim he did not break the law?**

- The law says “knowingly” solicit... anything of value. So, one option is that he did not know he was breaking the law. This is one of the reasons that the Mueller report gave for not indicting him – that they could not establish he “knowingly” was breaking a law. However, Mueller’s report came out before the July 25 phone call and therefore, DJT should have known it was against the law. Also, the FEC Chair, Elizabeth Weintraub, had sent him a letter on June 13 specifically saying that it was against the law to solicit anything of value. So, this may not be a very good defense.
- He is doing this in public – no secrecy. Thus, it is apparent he does not think he is breaking a law. HOWEVER, this transcript is too short, and may have been altered. Also, it along with other documents has been part of a coverup. The coverup involves notes and perhaps word for word accounts of meetings or phone calls that are not stored in their usual place, but removed from that server and placed on a highly classified server that is supposed to contain only material vital to the national interest, not to the political interests of the President. The Whistleblower’s account alerted Congress to this secret server.
- DJT is saying there was no “quid pro quo.” That is – he was not giving Ukraine anything for this “favor.” That is easy to dispute. First, the law does not require that there be a “quid pro quo” – it says it is unlawful to “solicit.” Second, there may have been a quid pro quo as Kurt Volker, former special envoy to Ukraine and head of the ASU John McCain institute, has provided documents and texts showing that he and Ukrain ambassador Sondland, prepared the actual text for Zelensky to use to say that he WAS doing what DJT had asked, so that DJT would then release the military payment – which was released. So far, though, there is no firm evidence that Zelensky actually made that statement public or that anyone communicated it to DJT. Nevertheless, DJT may claim that since Zelensky never did what was asked, there was no quid pro quo and therefore this was not a big deal at all – just a minor distraction.
- DJT has now said that China should investigate Biden’s role in some China business deal, which could signal that DJT’s defense is going to be that the U.S. should not be dealing

with or giving money to countries that harbor corruption and that he is not singling out Joe Biden because Biden is a political opponent, but because he (DJT) is not going to provide U.S. funds to countries that will not fight corruption. Thus, there may be more countries targeted in the near future as DJT tries to make the Ukrainian incident appear to just be one part of an anti-corruption initiative.

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**Why / how could Giuliani and Attorney General Barr be implicated?** The campaign finance law also includes a stipulation in section (h) that no can shall knowingly assist in the solicitation of a contribution or donation ... This phrase does not include the “or anything of value” so that could be a problem. On the other hand, Giuliani and AG Barr both are in the middle of helping DJT “solicit” something of value.

**(h) Providing substantial assistance.**

1. No person shall knowingly provide substantial assistance in the solicitation, making, acceptance, or receipt of a contribution or donation prohibited by paragraphs (b) through (d), and (g) of this section.

**And finally, some announcements**

**EXTINCTION REBELLION PHOENIX ACTION for PHOENIX INTERNATIONAL REBELLION: MONDAY OCT 7<sup>th</sup> 4-7PM** This Action will be held on the 16th Street bridge over HWY 10, There are large sidewalks on both sides of the bridge and traffic will be slow, if not stopped due to rush hour traffic. We will not be on the highway or blocking any traffic. We will reach thousands of commuters with this location. More details to come...please check our FB page for updates: Extinction Rebellion  
Phoenix <https://www.facebook.com/groups/1154078208136472/>

**Environment Advocacy! Want to know how you can be a better advocate for the environment?**

- Here’s the **Citizen’s Climate Lobby sponsored by the Valley Unitarian Universalist Congregation** in the South Valley [https://citizensclimatelobby.org/chapters/AZ\\_Phoenix-South\\_Valley/](https://citizensclimatelobby.org/chapters/AZ_Phoenix-South_Valley/)
- **Be an advocate!** <https://environmentarizona.org/>.
- Or find a CCL near you: Find one near you at this link <https://citizensclimatelobby.org/about->

**Hold the date! OCTOBER 26!** "UUJAZ's Issues + Action Day will combine justice partners leading us in actions, incredible food and time for building relationships, inspiring music and speakers, and a surprise evening event! Join us at the UU Church of Surprise October 26th. More details to come when tickets go

on sale in August... mark your calendars, you won't want to miss it!" UUs and progressives everywhere are welcome!

**Resistbot.io - How to use it.** Click on the "messages" icon on your I-phone, then click on the pencil in the top right-hand corner. You will get a "To: " screen. Put in 504-09 and then in the message type "resist." They will respond and ask for your zip code or address and what you want to do. This is a free service, reportedly developed by volunteers. It will ask for your zip code or address, and then you can send a fax, letter, make a phone call, send an e-mail to Sen. Sinema and McSally and the House member as well or even to Governor Ducey.

After you have sent several, it will ask you which of the various people you want it sent to. At first, it just sends to all three, later it will add state-level elected officials, too. You get more services after you've used it awhile!

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[Valley Unitarian Universalist Congregation](#) –

Senior Minister, Rev. Dr. Andy Burnette; Music Minister, Rev. Kellie Walker; Director of Faith Formation, Marci Beaudoin. Administrator, Sue Ringler. Located: 6400 W. Del Rio Drive, Chandler, AZ 480 899 4249 [www.vuu.org](http://www.vuu.org) For previous copies of the *Arizona Legislative Alert*, and for all weeks (so far) of the 50 Week Action Plan go to <https://www.vuu.org/legislative-advocacy>. VUU holds services at 10:30 to 11:30 on Sunday. There are numerous discussion / forums before and after the service. You are welcome here.

[Unitarian Universalist Justice Arizona Network](#) -- Executive Director Jenine Galsinger; [Policy Coordinator](#), Anne L. Schneider. [www.uujaz.org](http://www.uujaz.org). Board members:

Rev. Redeem Robinson, incoming Co-President 1/20 Rev. Terry Sims, Treasurer, Sharon Travis, outgoing Secretary. Dr. Stuart Rhoden, member-at-large, Rev. Matthew Crary, member-at-large. Savannah Sanders, Co-President, Rev. Bethany Russell-Lowe, incoming Treasurer 1/20, Ceyshe Napa, Secretary, Molly Divine, member-at-large

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<a href="#">Rep Greg Stanton (D – 09)</a>	225-9888	225-9731	<a href="https://stanton.house.gov/contact">https://stanton.house.gov/contact</a>

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