

## **Re: Article of Impeachment Attached**

Dear Colleague:

I will soon file the attached Article of Impeachment regarding President Donald J. Trump.

The Article is largely based on Article 1, dealing with “Obstruction of Justice,” which was passed by the Judiciary Committee on a bipartisan vote on July 27, 1974, regarding Richard M. Nixon. (President Nixon resigned before the full House of Representatives could act.)

A finding of “High Crimes and Misdemeanors” does not require the violation of any particular criminal statute.<sup>1</sup> However, many Members will feel more comfortable if it is shown that President Trump violated a particular criminal statute. I believe that Trump’s use of threats to obstruct the ongoing criminal investigations of Michael Flynn clearly violate 18 U.S.C. 1512(b)(3); Violations of that section are a felony. Trump’s efforts to obstruct the investigation of his campaign’s possible collusion with Russia violated the same statute.

I would hope that the Article, once submitted, would receive expeditious consideration by the Judiciary Committee. However, if it becomes clear that such consideration is not forthcoming, I (after consultation with colleagues and leadership) will make a privileged motion that the entire House of Representatives immediately debate the Article. At that point, I expect there will be a Motion to Table, thus triggering our first impeachment-related vote.

As the investigations move forward, additional evidence supporting additional Articles of Impeachment may emerge. However, as to Obstruction of Justice and §1512(b)(3), the evidence we have is sufficient to move forward *now*. And the national interest requires that we do so.

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<sup>1</sup> CRS Report, *Impeachment and Removal*, October 29, 2015 pages 7-9 (available at <http://www.crs.gov/reports/pdf/R44260>). *House Practice Manual: A Guide to the Rules, Precedents and Procedures of the House*, page 606.

I would welcome your counsel, input, and support. I would ask that you contact me, or ask your staff to contact my Chief of Staff, Don MacDonald, at Ext. 5-5911, before the close of business Wednesday.

Sincerely,

BRAD SHERMAN  
Member of Congress