

October 21, 2019

A major player in the impeachment inquiry tragically passed away since our last update. On the morning of October 17, House Oversight Committee Chairman, Elijah Cummings died due to complications from longstanding health challenges. Cummings was at the forefront of the impeachment process and one of the top Democratic leaders. Representative Carolyn Maloney (D-NY) will serve as interim chair until a new permanent chair is selected, but there is no word at this time as to who may be selected. We here at Dentons offer our condolences to his family and friends.

As for the current state of play, Senate majority leader Mitch McConnell told Senate Republicans last week that he believes the articles of impeachment will be approved in the House by Thanksgiving and hopes the Senate trial will be completed by Christmas. Speaker Pelosi reiterated that the timeline depends on getting all of the facts. McConnell also clarified that Chief Justice John Roberts will preside over the Senate trial. Also last week, acting White House Chief of Staff Mick Mulvaney told reporters that the Trump administration withheld \$400 million in military aid to Ukraine in return for investigations. For Democrats, Mulvaney's statement all but confirms the premise of the impeachment inquiry that the Ukraine scandal did involve a quid pro quo. Mulvaney walked back on his statement hours later claiming there was no quid pro quo, a talking point Republicans have pushed since the transcript of the call was released.

It was a busy week for testimony. Top Russia advisor Fiona Hill testified in front of lawmakers on Monday that senior officials were deeply concerned, even before the phone call between Trump and Zelensky, by the activities of the US President and those close to him regarding Ukrainian diplomacy. Hill's testimony also brought another major player into the Ukraine scandal—former National Security Advisor John Bolton—who may be called to testify in the near future.

On Tuesday, lawmakers heard testimony from Deputy Assistant Secretary of State George Kent, despite previous efforts by the State Department to block Kent's testimony. Kent revealed that in a May 23 meeting, Mick Mulvaney told Kent that US special envoy Kurt Volker, who resigned last month; Secretary of Energy Rick Perry, who resigned last week; and US ambassador to the European Union Gordon Sondland would be tasked with Ukrainian diplomacy instead of career diplomats like Kent, who is considered a Ukraine policy expert.

The following day, Michael McKinley, former senior advisor to Secretary of State Mike Pompeo, told lawmakers that his decision to resign was over frustrations that the Trump administration was sidelining career diplomats on Ukraine policy and not supporting them during the impeachment process. Kurt Volker also met with lawmakers for a second time.

On Thursday, Sondland testified under subpoena that he did not agree with President Trump's decision to delegate American foreign policy on Ukraine to his personal lawyer, Rudy Giuliani. Sondland's testimony is at odds with other US foreign officials who have said Sondland willingly inserted himself into Ukrainian policy.

As we mentioned last week, two of Rudy Giuliani's business associates— Lev Parnas and Igor Fruman— were

indicted and arrested by the Southern District of New York. The two were arrested at Dulles airport just before boarding a plane with one-way tickets. Both men were released after paying \$1 million bonds, and are under house arrest. Two more men associated with Parnas and Fruman— Andrey Kukushkin and David Correia— were also arrested soon after. It was reported that SDNY prosecutors have been looking into Giuliani since August over a \$500,000 payment from one of Parnas' companies. Prosecutors are looking into Giuliani's financials and plan to subpoena his bank records. On the impeachment front, Giuliani's attorneys have also reportedly stated that he will defy a subpoena related to the impeachment inquiry.

Where are Americans on impeachment? Gallup recently released a poll measuring support for impeachment and removal of President Trump. Additionally, Gallup compared the sentiment of the two parties as to whether they believe President Trump should be impeached and removed from office. As expected, sentiment is split strongly between party lines.

## Slim Majority Now Supports Trump's Impeachment and Removal From Office Compared to When Mueller Report Was Released

	June 3-16, 2019 <sup>^</sup>	October 1-13, 2019	Change
	%	%	(pct. pts.)
<b>Yes, should be</b>	45	52	+7
<b>No, should not be</b>	53	46	-7
<b>No opinion</b>	2	2	0

Gallup

## Support for Impeachment, by Political Party Identification: June vs. October 2019

	June 2019	October 2019	Change
	% Yes, should be	% Yes, should be	(pct. pts.)
<b>National adults</b>	45	52	+7
<b>Republicans</b>	7	6	-1
<b>Independents</b>	46	55	+9
<b>Democrats</b>	81	89	+8

Gallup

This coming week, lawmakers will hear testimony from Laura Cooper, Deputy Assistant Secretary of Defense for

Russia, Ukraine, and Eurasia. Top U.S. diplomat to Ukraine, Bill Taylor, will testify on October 22nd. Taylor was part of the texts messages between State officials and Giuliani which revealed specific details about the Ukraine scandal. Acting Office of Management and Budget Director Russell Vought will testify on Friday. There will also be testimony from two other lower level officials from the State Department and the Office of Management and Budget - Kathryn Wheelbarger, the Acting Assistant Secretary for International Security Affairs will testify Thursday, and Michael Duffey, the Associate Director for National Security Programs at the Office of Management and Budget will testify on Wednesday.

A date has not been set for the C.I.A. whistleblower to testify. Despite no official date, Democratic lawmakers assured that he will testify. Democrats plan on taking extreme step to ensure the anonymity of the whistleblower. A date has also not been set for the Counselor of the State Department and former classmate of Secretary Pompeo, Ulrich Brechbuhl. Given his close ties to the Secretary, lawmakers are eager to hear his testimony.

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