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Schiff: Nunes cannot yield time to Stefanik, per inquiry rules

By CARA CHAPMAN Press-Republican

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SUSAN WALSH/AP PHOTO Rep. Elise Stefanik (R-Schuylerville) questions former U.S. Ambassador to Ukraine Marie Yovanovitch testifies before the House Intelligence Committee on Capitol Hill in Washington, Friday, in the second public impeachment hearing of President Donald Trump's efforts to tie U.S. aid for Ukraine to investigations of his political opponents.

Susan Walsh



PLATTSBURGH — The first time Rep. Devin Nunes tried to yield his time for questioning former U.S. Ambassador to Ukraine Marie Yovanovitch to North Country Congresswoman Elise Stefanik Friday, House Intelligence Committee Chair Adam Schiff blocked the move.

That is because it would have violated the rules governing the impeachment inquiry proceedings.

The House initiated the inquiry into President Donald Trump after a whistleblower complaint brought to light a phone call between him and Ukrainian President Volodymyr Zelensky on July 25.

The central question the probe is trying to answer is whether Trump conditioned the release of military aid to Ukraine in exchange for investigations into Vice President Joe Biden and his son Hunter, who served on the board of Burisma Holdings, a company based in Kyiv, Ukraine.

RESOLUTION

Under H.Res.660 — which lays out the inquiry's rules — Schiff (D-California) and Nunes (R-California), the committee's ranking minority member, are allowed to question witnesses “for equal specified periods of longer than five minutes, as determined by the chair.”

The resolution additionally states that, “Only the chair and ranking minority member, or a Permanent Select Committee employee if yielded to by the chair or ranking minority member, may question witnesses during such periods of questioning.”

Essentially, only Schiff, Nunes, the majority's counsel and the minority's counsel may question witnesses during questioning periods lasting longer than five minutes.

Asked if Stefanik agreed with Schiff's ruling, her spokeswoman, Madison Anderson, said she did not and directed the Press-Republican to one of the congresswoman's tweets.

Stefanik alleged that Schiff refuses to let members of Congress ask witnesses questions "simply because we are Republicans."

PREFERENCE

Following that period of questioning during Friday's hearing — which Nunes largely yielded to minority counsel Steve Castor — and after granting himself another five minutes, Schiff recognized Nunes for an additional five minutes.

Nunes then yielded that time to Stefanik, which was permitted.

The congresswoman (R-Schuylerville) began by thanking Yovanovitch for her years of public service and for hosting bipartisan delegations as an ambassador.

Stefanik said she would focus on three themes: the president's role in appointing ambassadors, longstanding corruption in Ukraine and aid to Ukraine.

Citing testimony from both George Kent, a deputy assistant secretary of state, and Yovanovitch's closed-door deposition, Stefanik had Yovanovitch affirm that ambassadors "serve at the pleasure of the president."

She asked Yovanovitch to confirm that she is, indeed, still employed by the U.S. State Department and that she had personally requested her current post as a fellow at Georgetown University.

But later, Rep. Mike Quigley (D-Illinois) asked if that post was her preference seven or eight months ago, when she was ousted from her post.

"No, it was not," Yovanovitch replied.

"It wasn't your preference to be the victim of a smear campaign, was it?"

"No."

"It wasn't your preference to be ousted at seemingly the pinnacle of your career, was it?"

"No."

BURISMA

Stefanik then went on to ask questions about how Yovanovitch has testified that strong anti-corruption efforts must be part of U.S. policy in Ukraine and that Ukrainians were ready to be done with corruption.

"And I know this was before you arrived in Ukraine, but you are aware that the first case that the U.S., U.K. and Ukraine investigators worked on was, in fact, against the owner of Burisma?" the congresswoman asked.

The former ambassador affirmed that she was aware and that it had occurred during President Barack Obama's administration.

Stefanik pointed again to Yovanovitch's closed-door depositions, in which she said that when the Obama era U.S. State Department was prepping her for her Senate confirmation hearings, some practice questions focused on Burisma and corruption, specifically on Hunter Biden and Burisma.

The congresswoman used that testimony to argue that this displayed the department's concern "about potential conflicts of interest from Hunter Biden's role at Burisma."

"And lastly, in my 20 seconds left, I just want to get it on record, in terms of the defensive lethal aid which you were an advocate for, that was not provided by President Obama, it was provided by President Trump."

"That's correct," Yovanovitch said.

WHISTLEBLOWER

During her own five-minute slate, Stefanik read into the record statements Schiff had made in September that the whistleblower would testify soon which were reported in a variety of news outlets, including the Wall Street Journal, USA Today, ABC News, CNN, The Washington Post, Huffington Post, New York Post and Washington Times.

"I can keep going, but again the chairman refused to allow us to put these into the record with unanimous consent," she said.

It is important to protect whistleblowers from retaliation and firing, Stefanik continued.

"But in this case, the fact that we are getting criticized by Chairman Adam Schiff for statements that he himself made early on in this process shows the duplicity and just the abuse of power that we are continuing to see."

THINGS HAVE CHANGED

Rep. Eric Swalwell (D-California) used the beginning of his time to counter Stefanik's points.

He argued that a lot of things have changed since the whistleblower came forward, including how most of what he alleged has been corroborated by other witnesses and that Trump continues to pressure, threaten and intimidate him.

Swalwell asked for unanimous consent to enter into the record three reports from Business Insider, Vanity Fair and Axios.

Trump is quoted as suggesting that the whistleblower is guilty of treason, a crime punishable by death, and that his sources should be executed.

In the Axios story, the whistleblower's lawyer said his client fears for his safety.

"The whistleblower has an absolute right to anonymity," Swalwell said.

"The whistleblower's lawyer has said that he fears for his personal safety and will only answer questions now in writing.

"I wish my colleagues would join me in protecting the whistleblower's right to anonymity."

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