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Senate

The Senate met at 12 noon and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of all, in a world where each new day seems to bring the chaotic and unexpected, we praise You that You are the same yesterday, today, and forever. Lord, You are our help in ages past. You are our hope for years to come. Give us this day wisdom to know Your words and obey Your precepts. May we show our gratitude with obedience because You have demonstrated Your might, wisdom, and love throughout the days of our earthly pilgrimage.

As our lawmakers follow Your lead, may they trust You to carve tunnels of hope through mountains of despair. Give our Senators the courage to embrace integrity with a clear conscience. May they not retreat from life's battles but faithfully keep their hands in Yours.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 3, 2020.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mr. ROBERTS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senate majority leader is recognized.

IRAQ

Mr. MCCONNELL. Mr. President, this morning, Iran's master terrorist is dead. The architect and chief engineer of the world's most active state sponsor of terrorism has been removed from the battlefield at the hand of the U.S. military. No man alive was more directly responsible for the deaths of more American servicemembers than Qasem Soleimani, the leader of the Quds Force within Iran's Islamic Revolutionary Guard Corps.

Soleimani's schemes and his agents killed hundreds of American servicemembers in Iraq and Afghanistan. He personally oversaw the state-sponsored terrorism that Iran used to kill our sons and daughters. As we have seen in recent days and weeks, he and his terrorists posed an ongoing and growing threat to American lives and American interests.

Soleimani made it his life's work to take the Iranian revolutionary calls for "Death to America" and "Death to Israel" and turn them into action, but this terrorist mastermind was not just a threat to the United States and Israel. For more than a decade he mas-

terminded Iran's malevolent and destabilizing work throughout the entire Middle East. He created, sustained, and directed terrorist proxies everywhere from Yemen to Iraq, to Syria, to Lebanon. Innocents were killed. These sovereign countries were destabilized.

In Syria this leading terrorist and his agents acted as strategists, enablers, and accomplices to Bashar al-Assad's brutal repression and the slaughter of the Syrian people.

In Iraq, his violence expanded Iran's influence at the expense of the Iraqis themselves. His dark, sectarian vision disenfranchised countless Sunni Arabs and paved the way for the rise of ISIS.

With ISIS largely defeated, Soleimani and his agents again turned their sights on controlling the Iraqi people, who through massive protests are rejecting not only a corrupt government but also Iran's influence over that government. Once again, there were Iran and its proxies facilitating violence against these peaceful protesters.

For too long this evil man operated without constraint, and countless innocents have suffered for it. Now his terrorist leadership has been ended.

Predictably enough, in this political environment, the operation that led to Soleimani's death may prove controversial or divisive. Although I anticipate and welcome a debate about America's interests and foreign policy in the Middle East, I recommend that all Senators wait to review the facts and hear from the administration before passing much public judgment on this operation and its potential consequences.

The administration will be briefing staff today on the situation in Iraq. We are working to arrange a classified briefing for all Senators early next week.

For my part, I have spoken to the Secretary of Defense, and I am encouraged by the steps the U.S. military is taking to defend American personnel

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and interests from a growing Iranian threat. I know I speak for the entire Senate when I say that my prayers are with all American diplomats, personnel, and brave servicemembers serving in Iraq and in the Middle East. I am grateful for their courageous service to protect our country.

Right from the outset of this new year, it is already clear that 2020 will require the Senate and our whole Nation to redouble our resolve to keep America safe in this troubled world.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, on an entirely different matter, of course, we also anticipate that another totally different, very serious item will be heading the Senate's way soon. The Senate will have to address some of the deepest institutional questions contemplated by our Constitution. We will have to decide whether we are going to safeguard core governing traditions or let short-term partisan rage overcome them.

Back in December, I explained how House Democrats' sprint into the most rushed, least fair and least thorough impeachment inquiry in American history has jeopardized the foundations of our system of government.

Last spring, Speaker PELOSI told the country: "Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path." That was the Speaker less than a year ago.

Back in 1998, when Democrats were busy defending President Clinton, Congressman JERRY NADLER said:

There must never be a narrowly-voted impeachment, or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy.

Congressman JERRY NADLER said this 20 years ago. That was, obviously, the standard when a Democrat was in the White House, but, ultimately, House Democrats cared more about attacking President Trump than keeping their promises. So they rushed through a slapdash investigation. They decided not to bother with the standard legal processes for pursuing witnesses and evidence. There was not enough time to do that.

Chairman ADAM SCHIFF told the entire country on national television that getting court decisions takes a long time and he did not want to wait. It takes a long time to go to court. So they just plowed ahead—plowed right ahead with a historically weak case—and impeached a duly elected President with votes from just one—just one—political party.

Democrats have let Trump derangement syndrome develop into the kind of dangerous partisan fever that our Founding Fathers were afraid of.

Just before the holidays, this sad spectacle took another unusual turn.

As soon as the partisan impeachment votes had finished, the prosecutors began to develop cold feet. Instead of sending the articles to the Senate, they flinched. They flinched.

That is right. The same people who had just spent weeks screaming that impeachment was so serious and so urgent that it couldn't wait for due process now decided that it could wait indefinitely while they checked the political winds and looked for new talking points.

This is yet another situation where House Democrats have blown right past the specific warnings of our Founding Fathers.

Alexander Hamilton specifically warned about the dangers of a "procrastinated determination of the charges" in an impeachment. He explained it would not be fair to the accused and it would be dangerous for the country. Speaker PELOSI apparently does not care. Her conference is behaving exactly like the "intemperate or designing majority in the House of Representatives" that Hamilton warned might abuse the impeachment power.

So as House Democrats continue their political delay, they are searching desperately for some new talking points to help them deflect blame for what they have done. We have heard it claimed that the same House Democrats who botched their own process should get to reach over into the Senate and dictate our process.

We have heard claims that it is a problem that I have discussed trial mechanics with the White House, even as my counterpart, the Democratic leader is openly coordinating political strategy with the Speaker, who some might call the prosecution.

So it is OK to have consultation with the prosecution, but not, apparently, with the defendant.

We have heard claims that any Senators who formed opinions about House Democrats' irresponsible and unprecedented actions as they played out in the view of the entire Nation should be disqualified from the next phase. Obviously, this is nonsense—nonsense.

Let me clarify Senate rules and Senate history for those who may be confused.

First, about this fantasy that the Speaker of the House will get to hand-design the trial proceedings in the Senate, that is, obviously, a nonstarter.

What I have consistently said is very simple. The structure for this impeachment trial should track with the structure of the Clinton trial. We have a precedent here. That means two phases.

First, back in 1999, the Senate passed a unanimous bipartisan resolution, 100 to nothing, that set up the initial logistics, such as briefs, opening arguments, and Senators' questions.

It stayed silent on midtrial questions, such as witnesses, until the trial was actually underway. That was approved 100 to 0.

Somewhat predictably, things started to diverge along party lines when we considered those later procedural questions, but the initial resolution laying out the first half of the trial was approved 100 to 0.

I believe we should simply repeat that unanimous bipartisan precedent at this time as well. That is my position. President Trump should get the same treatment that every single Senator thought was fair for President Clinton. Just like 20 years ago, we should address midtrial questions, such as witnesses, after briefs, opening arguments, Senator questions, and other relevant motions. Fair is fair.

Let's discuss these lectures about how Senators should do our jobs. The oath that Senators take in impeachment trials to "do impartial justice according to the Constitution and laws" has never meant that Senators should wall themselves off from the biggest news stories of the Nation and completely ignore what the House has been doing. The oath has never meant that Senators check all of their political judgment at the door and strip away all of our independent judgment about what is best for the Nation. It has never meant that, and it never could.

The Framers debated whether to give the power to try impeachments to a court or to the Senate and decided on the Senate precisely because impeachment is not a narrow legal question—impeachment is not a narrow legal question—but a deeply political one as well. Hamilton said this explicitly in Federalist 65.

Impeachment requires the Senate to address both legal questions about what has been proved and political questions about what the common good of our Nation requires.

Senators do not cease to be Senators just because the House sends us Articles of Impeachment. Our job remains the same—to represent our States, our constituents, and our Nation's best interests in the great matters of our time. That is our obligation whether we are voting on legislation, nominations, or the verdict in an impeachment.

Twenty years ago, I would add, Democrats understood all of this very well. President Clinton had obviously committed an actual felony. President Clinton had actually committed a felony. If Democrats actually believed in the narrow sense of impartiality they have now adopted as a talking point, then every single one of them would have voted to remove President Clinton from office. Oh, no. Instead, a majority of the Senate decided that removing President Clinton, despite his proven and actual crimes, would not best serve the Nation. They made a political judgment. By the way, back then, leading Democrats had zero—zero—objections to Senators speaking out before the trial.

The current Democratic leader, Senator SCHUMER, was running for the Senate during the House impeachment