

to Congress when it conducts a military operation like the one last Friday. That is known as a War Powers Act notification. Unusually, the Trump administration made the notification on Saturday, after the action occurred, and then they did it in a completely classified format.

Let me be clear. An entirely classified notification—in the case of this particular military operation—is simply not appropriate, and there appears to be no legitimate justification for classifying this notification.

Ranking Member MENENDEZ and I sent a letter to the President urging declassification. It is critical that national security matters of such importance—war and peace and the possibility of another “endless war” in the Middle East—that knowledge of the actions and justification should be shared with the American people in a timely manner. It is Americans who will be asked to pay for such a war if it occurs. It is American soldiers who will bravely risk their lives once again.

The reason the Founding Fathers gave Congress war-making authority is very simple: They were afraid of an overreaching Executive. They wanted to make sure that any act as important as war—war and peace—be discussed in an open manner by the Congress so it could be vetted, so questions could be asked, so a small, insular group—and the President’s group seems even more and more insular because anyone of strength and courage, people like Mattis and McMaster, who disagrees with the President because he is so erratic leaves, leaving a bunch of “yes” people who seem to want to do whatever the President wants. That means having a debate in Congress where questions are asked and coming to the American people so that people can hear a justification and see if it is actually a valid one is vital.

The administration still has to answer several very crucial questions about their actions last week. Iran has many dangerous surrogates in the region and a whole range of possible responses. Which responses do we expect? Which are the most likely? What do we know about what Iran would plan to do in retaliation, and what are our plans to counter all of these responses? How effective does our military, does our CIA, does our State Department think these responses will be?

The next question is, What does this action mean for the long-term stability for Iraq? What does it mean for our presence in Iraq? What does it mean to the trillions of dollars—trillions—and thousands of American lives sacrificed there? How does what we are doing now fit into that? How does the administration plan to manage any escalation of the hostilities? How does the administration plan to avoid a larger and potentially endless conflagration in the Middle East?

These are crucial questions. Not one has been answered by the President or anyone in the administration. All of

the tweeting and all of the bravado is no substitute for strategic thinking and long-term foreign policy goals and ways to achieve those goals. This administration seems to be devoid of that. It certainly was when it came to North Korea. It certainly was when it came to Syria. It certainly is when it comes to Russia, and it seems likely the same case is now occurring with Iran.

At a minimum, the questions I mentioned must be answered. This is an important moment for our Nation. The American people need clarity that the Trump administration has a plan—not just a tweet but a plan—to keep our troops, our Nation, and our people safe.

IMPEACHMENT

Mr. President, as my colleagues return from the holiday recess, one question looms before us: Will the Senate conduct a fair impeachment trial of the President of the United States? Will we search for all of the facts, or will we look for a coverup—a sham trial—on one of the most important powers the Founding Fathers gave the American people?

The Framers gave the Senate the sole power to try Presidential impeachments because they could not imagine another body with “confidence enough” in its own status to “preserve the necessary impartiality.” It is up to every Senator now to live up to that awesome and profound responsibility.

At the moment, there is a very clear difference of opinion between the Republican leader and myself about what it means to have a fair trial. I believe a fair trial is one that considers all the relevant facts and allows relevant witnesses and documents—a feature of every single impeachment trial of a President in the history of our Nation. We have never had one with no witnesses—not once.

Leader MCCONNELL likes to cite precedent. That precedent stares him in the face, and he can’t answer it. My Republican counterpart believes that a trial should feature no relevant witnesses and none of the relevant documents. He has made clear in his public appearance on FOX News that it should proceed according to the desires of the White House—the defendant in this case. Glaringly, the Republican leader has yet to make one single argument why witnesses should not testify.

I am waiting to hear it, Leader MCCONNELL. Give us specific answers why these witnesses should not come forward. Don’t call names. Don’t finger-point. Don’t get angry at NANCY PELOSI. Tell us why, here in the Senate, witnesses and documents should not come forward that are directly relevant to the charges against the President of the United States of America.

Leader MCCONNELL has sort of exempted himself from fair debate. He doesn’t want a fair trial; he wants a quick and sham trial. Now it is up to every Senator. Every Senator will have a say in deciding which of the two views wins out. Will we have a fair

trial or a coverup? Will we hear the evidence, or will we try to hide it? It will not be me and not the Republican leader alone but a majority of Senators who will decide whether we have a fair trial with facts and evidence or a Senate-sponsored coverup of the President’s alleged misconduct.

Make no mistake—there will be votes on whether to call each of the four witnesses we proposed and subpoena the documents we have identified. Under the rules of the Senate trial, the minority will be able to offer motions subject to a majority vote.

My colleagues on the other side of the aisle, your constituents and the voice of history are watching. You will be required to vote on whether we have a fair trial with witnesses and with documents, or you will say: I am running away from the facts. I am scared of the facts. I will go for a coverup.

A few hours ago, the momentum for uncovering the truth in a Senate trial gathered even more momentum. One of the key witnesses I have asked for, Mr. John Bolton, former National Security Advisor to President Trump, correctly acknowledged that he needs to comply with a Senate subpoena for his testimony, if issued. Previously, Mr. Bolton said he was leaving the question of his testimony up to the courts. Today, he made it perfectly clear that he will come if the Senate asks, as he should. The other potential witnesses we have identified—Mr. Mulvaney, Mr. Duffey, and Mr. Blair—should do the same.

We know that Mr. Bolton, like Mr. Mulvaney, Mr. Duffey, and Mr. Blair—the three other witnesses—has crucial, eyewitness knowledge of the President’s dealings with Ukraine, about how decisions were made to withhold security assistance and how opposition within the administration to that delay President Trump seemed to want was overcome.

A simple majority is all it takes to ensure that the Senate issues a subpoena for these witnesses. If only four Republicans decide that Mr. Bolton and the three other witnesses ought to be heard, they will be heard, because every Democrat will vote to hear them. It is now up to four Senate Republicans to support bringing in Mr. Bolton and the three other witnesses, as well as the key documents we have requested, to ensure that all the evidence is presented at the outset of the Senate trial.

Given that Mr. Bolton’s lawyers have stated he has new and relevant information to share, if any Senate Republican opposes issuing subpoenas to the four witnesses and documents we have requested, they would make it absolutely clear they are participating in a coverup on one of the most sacred duties we have in this Congress—in this Senate—and that is to keep a President in check.

Leader MCCONNELL has suggested we follow the 1999 example of beginning the impeachment trial first and then deciding on witnesses and documents

after the arguments are complete. He keeps making this argument. It doesn't gather any steam because it is such a foolish one. Let me again respond for the benefit of my colleagues.

Witnesses and documents are the most important issue, and we should deal with them first. To hear Leader MCCONNELL say "no witnesses now but maybe some later" is just another indication that he has no argument against witnesses and documents on the merits. He is afraid to address the argument because he knows it is a loser for him, so he says: Let's decide it later.

Why? There is no reason. In fact, it is sort of backward. We are going to have all the arguments—pro and con—then say maybe we will have witnesses and documents? We will have the arguments first and the evidence later? As I have said, Leader MCCONNELL's view of the trial is an "Alice in Wonderland" view—first the trial, then the evidence.

More important than precedent is the fact that his analogy plainly doesn't make sense because you don't have both sides present their arguments first and then afterward ask for the evidence that we know is out there. The evidence should inform the trial, not the other way around.

When Leader MCCONNELL proposes that we follow the 1999 precedent, he is essentially arguing that we should conduct the entire impeachment trial first and then once it is over, decide on whether we need witnesses and documents. Again, MCCONNELL's view is "Alice in Wonderland," where we first have the trial and then the evidence. If the Senate were to agree to Leader MCCONNELL's proposal, the Senate would act as little more than a nationally televised meeting of a mock trial club.

Leader MCCONNELL's proposal on witnesses and documents later is a poorly disguised trap. He has already actually made clear what his goals are. He said it on FOX News radio: "After we've heard the arguments, we ought to vote and move on" with no witnesses and no documents.

Well, at least 47 Democrats and I hope some Republicans won't fall for that kind of specious logic. What MCCONNELL said doesn't sound like someone who will reasonably consider witnesses and documents at a later date; he sounds more like someone who has already made up his mind.

You cannot have a fair trial without the facts and without the testimony from witnesses with knowledge of the events and related documents. A trial without all the facts is a farce.

If the President is acquitted at the end of a partisan sham trial with no witnesses and no documents, then his acquittal will not carry much weight in the minds of the American people or in the judgment of history.

President Trump, if you are hurting about this impeachment and you are wishing for a fair trial and a real acquittal, join us in asking for the wit-

nesses to come forward. Join us in asking for the documents. What are you hiding, President Trump? What are you afraid of, President Trump? If you think that you have done nothing wrong, you wouldn't mind having your own witnesses come here. These are people you appointed.

Most Americans know that President Trump seems to be afraid of the truth. And 64 percent of all Republicans who almost always side with President Trump in the polling data say there should be witnesses and documents—64 percent. A trial without all the facts is a farce. The verdicts of a kangaroo court are empty.

It is time for a bipartisan majority in this Chamber, Democrat and Republican, to support the rules and procedures of a fair trial. A vote to allow witnesses and documents does not presume a vote for conviction in any way. It merely ensures that when the ultimate judgment is rendered, whatever that judgment will be, it will be based on the facts. We don't know what the witnesses will say; it could be exculpatory for President Trump or it could be more condemning. Whatever it will be, we should have the facts come out and let the chips fall where they may. The Senate Democrats believe we must conduct a fair trial. As for the Senate Republicans, we will see.

I yield the floor.

The PRESIDING OFFICER (Ms. ERNST). The Senator from Texas.

Mr. CORNYN. Madam President, I have some prepared remarks regarding the Soleimani strike and some other related matters, but I want to take a moment and just respond briefly to my friend, the Democratic leader.

There seems to be a lot of irony involved in this question of the Articles of Impeachment. First of all, of course, Speaker PELOSI, who said this is an urgent fulfilling of a constitutional duty and who wanted the Articles of Impeachment voted on in the House, has been radio silent and appears to be getting cold feet on whether or not she will even send the Articles of Impeachment to the Senate.

I would suggest that the first thing we need to know is if Speaker PELOSI is actually serious about this. If she is not, there is no occasion for us to even begin this conversation about how the Senate trial will proceed. Speaker PELOSI is mistaken if she thinks she can direct or influence the Senate's decision on how the trial will proceed. In fact, one of the things I am pretty sure of is that the Senate will not replicate the circuslike atmosphere of the impeachment inquiry in the House, which was one of the most partisan undertakings I have seen in my time in the Senate.

I think they are really grasping at straws now and are recognizing they did a poor job in developing the case that led to the two Articles of Impeachment. One was because of a disagreement over the manner in which the President exercised his authority

under the Constitution to engage in foreign relations, and the other was based on this bogus idea that by saying: I need to go to court to get some direction on a claim of executive privilege, that somehow, even though Mr. SCHIFF dropped the subpoena or no longer sought that witness's testimony, one has obstructed Congress's investigation. All of this was without even alleging any crime.

I suggest that the Senate is an institution that follows the rules and that we follow our precedents. The most obvious precedent for this impeachment trial is the Clinton impeachment trial. There, we saw 100 Senators agree to a procedure which allowed both sides to present their cases, after which there was a vote to see whether additional testimony would be required. Indeed, there was an agreement to provide three additional witnesses, not live, in a circuslike atmosphere here on the floor of the Senate, but through depositions taken out of court that could then be out of the Chamber, whereby excerpts of those depositions could be offered as additional evidence. That was the procedure that was supported by the Democratic leader, the Senator from New York. I suggest that what was fair for President Clinton is fair for President Trump. It is not much more complicated than that, and that, indeed, is the most relevant precedent.

With regard to this claim that some Senators aren't demonstrating impartiality, I recall reading that the Senator from New York, when he was running against incumbent Senator D'Amato, said a vote for him for the Senate would be a guaranteed vote of acquittal of President Clinton. That was hardly impartial. Now he protests too much and, I think, demonstrates his hypocrisy when it comes to the standard by which he holds himself and others.

I am sorry. I just can't believe that Senator WARREN and Senator SANDERS would qualify under anybody's definition of an impartial juror. Yet that is our constitutional system. I think what has happened is that they realize their case is falling short of any standard by which a President would be convicted and impeached, and they are simply grasping at straws.

IRAN

Madam President, on another matter, last Friday, Americans woke up to the news that one of the most brutal terrorist leaders in the world had been killed. Qasem Soleimani was killed in an airstrike by America's military, finally bringing an end to his decades-long reign of terror.

You could legitimately call General Soleimani a master of disaster because that defined his entire professional life as the leader of Iran's military. Actually, he was the head of the Islamic Revolutionary Guard Corps Quds Force, which is a U.S.-designated terrorist organization. General Soleimani was the most consequential military leader in Iran, which has been designated by the U.S. State Department