

constantly for month after month after month before the Articles of Impeachment were being prepared. You may recall that President Nixon resigned before the actual impeachment proceeding.

But, then again, there was the Ken Starr investigation under President Clinton. It, too, went on for months with sworn testimony and depositions and videotaped proceedings of witnesses that led up to the impeachment.

This is different. The case is being brought to us by the House of Representatives for the impeachment of President Trump. It is true that in comparison it had a shorter investigative process, shorter than the two I just referenced. But it is also true that the second count of the Articles of Impeachment raises the question as to whether the President cooperated in providing witnesses and evidence that led to the Articles of Impeachment in the House, and that is one of the counts of impeachment against him—that he didn't participate and cooperate.

For the Senator from Kentucky to stand here and say that it should have been a lengthier proceeding in the House—there should have been more witnesses; there should have been more evidence—is to ignore the obvious. One of the counts of impeachment raises the question as to whether the President appropriately denied any cooperation with the House impeachment proceeding.

Secondly, the Senator from Kentucky comes to the floor and consistently says that the suggestion that we should allow witnesses and evidence to be considered is evidence of the weakness of the case coming out of the House of Representatives. Well, there aren't an exact number of parallels between ordinary civil and criminal litigation and impeachment proceedings, but in the world of law and trials, there is usually an opening pleading or proceeding through a grand jury that leads to charges against an individual. I have been through that many times on the civil side—rarely, but once in a while, on the criminal side. The trial itself takes that initial pleading, that initial statement of a case, and elaborates on it, opens up, brings in evidence and witnesses on both sides.

When we talk about witnesses and evidence coming before the Senate on any impeachment proceeding with President Trump, it isn't just on one side of the case. What we are suggesting is there should be witnesses from both sides. Let the President bring those who he believes can speak most convincingly to his innocence. Let the House managers supporting impeachment take the opposite position and find those witnesses who they think tell the story from their side of the case. That is the nature of a trial. The American people have seen it over and over again in their personal lives and in what they have witnessed on television and other places. Both sides

put on their best evidence, and, ultimately, the jury decides the truth of the matter. That is all the Democrats are asking for here.

We are asking that the impeachment proceeding witnesses be allowed on both sides, evidence be allowed on both sides, and, ultimately, as Senator SCHUMER said earlier, we get to the truth of the matter; we make our decision in the Senate; and the American people get to witness this democratic process.

Senator MCCONNELL has said in many different places that he resists this idea of witnesses and evidence, but I hope he will reconsider. I hope at least four Republican Senators will reconsider—if they are in Senator MCCONNELL's position—and opt, instead, for the historic precedent of witnesses and evidence at a trial.

The Senate will change this week. If you are witnessing it through C-SPAN or in the audience in the Galleries, you will notice it. First, the Senators will be on the floor of the Senate, which is rare, and second, with the Chief Justice presiding, there is a much different air in the proceedings and business of the Senate.

The final point I want to make is that I am troubled by the continued suggestion that the prospect of an impeachment trial is holding the Senate hostage, that we cannot consider serious legislation because of the possibility of an impeachment trial. It is true that once the trial starts, we devote ourselves to it. But that hasn't happened.

So how do the leaders of the Senate on the Republican side explain the year 2019? It was a unique year in the history of the Senate. It was unique for what we failed to do. During the course of the entire year, the Senate considered 22 amendments total. There were 22 amendments on the floor of the Senate. Six were offered by the junior Senator from Kentucky, all of which, I believe, failed. But there were 22 amendments in a year. I can tell you that it is not unusual if you look at the history of the Senate for us to consider 22 amendments in the course of a week, sometimes in the course of a day. But in the entire year, there were only 22 amendments. Why? Because Senator MCCONNELL, who has the power under the Senate rules, decided there would be no business before the Senate but for the filling of judicial vacancies and other Executive appointments. That was it. A handful of other pieces of legislation were considered—the Defense authorization bill and, finally, a massive spending bill—but never with amendments. So to suggest that the impeachment trial has something to do with the inactivity in the Senate is to ignore the obvious.

Last year, before there were any Articles of Impeachment, Senator MCCONNELL, under his leadership, called for virtually nothing to be debated and considered on the floor of the Senate. I have said this before, and I stand by it.

This is a Senate Chamber, but too many days, in too many respects, it is a storage facility. We are storing the desks of the Senate, once occupied by Senators who came here to work. They offered bills, offered amendments, had real debates and votes. We look at these desks and say: Boy, it must have been a great day in the Senate when you actually did that.

For the Republicans to blame the impeachment process for the inactivity of last year defies common sense. For that reason, I hope that when the impeachment trial ends, Senator MCCONNELL of Kentucky, the Republican majority leader, will consider at least 1 of the more than 200 bills that the Democratic House of Representatives has sent us to consider—bills relating to healthcare, bills relating to the price of prescription drugs, bills relating to student loans, bills relating to immigration. They are all sitting somewhere in a file cabinet and a computer somewhere in Senator MCCONNELL's office. Maybe we can be the Senate after the impeachment trial. It is in the hands of Senator MCCONNELL to make that decision.

WAR POWERS RESOLUTION

Madam President, let me speak to an issue that has been raised this morning, which is timely and critically important. The President tweeted last week to the country: "All is well." As we were teetering on the verge of war with Iran, he tweeted: "All is well."

But now details have come to light, and it is clear that all is not well. U.S. servicemembers of Ain Al-Asad Air Base in Iraq faced a sustained hour and a half of Iranian retaliatory attacks last week—a barrage described by one of the most senior commanders on the base as "designed and organized to inflict as many casualties as possible." Contrary to the tweet by our President that all is well, reports from witnesses suggest that despite heroic planning, we were, in fact, very fortunate—if not lucky—that none of our U.S. personnel were killed.

This gets me to the issue that needs to be brought before the Senate, one that goes to the heart of this Senate's critical, often neglected, constitutional responsibility. It is not whether Iranian General Soleimani was an enemy with American blood on his hands—that is a fact—but it is too simplistic to stop there. We have known that fact for a long time. Previous Presidents of both political parties have known General Soleimani's background—it is not in dispute—but it is a distraction to stop with that conversation.

The real question is whether President Trump, when he made the decision to target General Soleimani, considered the possibility that it would quickly escalate into a much larger confrontation with Iran, which is the possibility of a war—a distinct possibility and one never authorized by Congress.

Based on the administration's briefing last week, which I sat through, I

doubt if even they think they need congressional authorization to ask our sons and daughters, grandsons and granddaughters to participate in another war in the Middle East. The first question asked by Senator McCONNELL at the briefing, which was attended by the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, was whether there was a need for authorization under the War Powers Act before the United States continued to have its conflict with Iran. The answer that came from the Secretary of Defense was that there was no authorization necessary. He went on to say that he thought even the debate over authorization could be unsettling and troublesome for our troops if it appeared that we were uncertain as to whether we were ready to go to war.

Based on that briefing, I doubt this administration believes any congressional authorization is needed for the military action that has been taken or that might even be contemplated. Quite simply, the fact that the Senate has not exercised its constitutional right, authority, and responsibility to determine whether we should go to war with Iran troubles me. I am deeply concerned that if Iran retaliates further or if the President decides to escalate the confrontation, this Chamber will not even recognize—let alone act on—its constitutional responsibility under Article I, Section 8.

That is why I have joined my colleague and friend Senator TIM KAINE, of Virginia, in invoking the War Powers Act—a law passed over President Nixon's veto after Presidents of both parties deliberately misled the American people on the Vietnam war. It is hard for those who did not live during that era to appreciate what that war did to this Nation. First and foremost, it cost us almost 50,000 American lives, and hundreds of thousands of Americans were injured—men and women in uniform who bravely served our country. They gave their lives and came home with the scars they carried for their lifetimes. The billions of dollars that were spent and our involvement in that war, which divided this country at its core, are hard to put into words in just a few moments.

At the end of it, though, Congress realized that it had failed in its own responsibility to even declare a war against Vietnam. So we passed the War Powers Act and set up a process that said we are not going to let that happen again, that the American people will participate in any future decisions about whether we go to war, and that they will do it through their elected Congressmen and elected Senators.

The War Powers Act passed the Congress, and it was sent to President Nixon. He vetoed it and said we didn't want to give that additional authority to Congress. Then, in a rare, rare moment, Congress overrode President Nixon's veto, and the War Powers Act became the law of the land. That War

Powers Act, I believe, applies to the current situation that is escalating with Iran. That is why I have joined with Senator KAINE in his invoking the War Powers Resolution.

What I find particularly troubling about the administration's march to war in Iran is that the administration's own actions have contributed to the current tensions and problems we have with Iran. Before taking office, Iran's nuclear weapons program was halted because of an historic agreement President Obama negotiated. In cooperation with our allies in Europe, as well as with China and Russia, President Obama negotiated a treaty that required international inspectors to be on the ground in Iran to make certain that Iran lived up to its terms. Of course, Iran was not happy about these inspectors, but it accepted them. On several different occasions, we had representatives of those inspectors come and say, yes, that they had had virtually unlimited access to Iran in order to make certain Iran didn't violate the nuclear agreement. Iran continued in its malign behaviors in the region, but containment was easier without the threat of an Iranian nuclear bomb.

During the campaign, President Trump said the first thing he would do would be to eliminate that international agreement that required international inspectors, which is what stopped Iran from developing a nuclear weapon. It made no sense for the President to take the position that he did, but that is the position that he announced during the campaign, and that is exactly what he did after he was elected President. He withdrew the United States from this agreement that stopped Iran from developing a nuclear weapon. Then he increased sanctions on Iran, and the tensions between our countries grew.

The President pursued a policy of regime change that is very difficult to explain, if not to justify—trying to flatter on one day and to confront on the next day. He proposed to meet with President Rouhani, of Iran, to negotiate a supposedly bigger deal, a better deal. Then he threatened Iran militarily and tightened sanctions soon after. These efforts went nowhere except to increase tensions between the United States and Iran. Iran lashed out on American interests. We were alienated from many of our allies, particularly those who were party to the nuclear agreement, and Iran inched closer to restarting its nuclear program.

In recent weeks alone, President Trump has managed to reverse the recent Iraqi protest settlement that warned Iran to stop meddling in its particular politics, which has led to the real possibility that American troops in Iraq that are critical to countering ISIS will be expelled.

Similarly, after months of anti-government protests in Iran, President Trump has almost instantaneously united the Iranian public opinion against us with the targeting of Gen-

eral Soleimani. Iran has now announced it will exceed the limits of the nuclear program that were imposed by the nuclear agreement, from which President Trump walked away, and our interests around the region are on high alert for fear of a retaliatory attack by the Iranians.

So there are real questions as to how President Trump's Iran policy serves long-term American security interests and as to whether this body is ready to at least debate the possibility of another war with Iran.

Before President Trump plunges us into another reckless Middle East war, shouldn't we first remember how we were fooled into invading Iraq in the first place? I remember full well.

I was a Member of the Senate when we were given the proposal of taking military action against Iraq because of its purported possession of these military devices that were threatening to the United States and to the region. Many of us were skeptical. The weapons of mass destruction charge didn't have the evidence that we thought was convincing. In the end, 23 Senators—22 Democrats and 1 Republican—joined in voting against the invasion of Iraq. I was one of those Senators. I was not convinced there were weapons of mass destruction. After the invasion and after careful inspection, it turned out that there were no weapons of mass destruction—the single event that really brought us into the conflict.

Then, as now, we were led to believe there was an urgent spiraling of events that required U.S. military intervention. Mark me down as skeptical—skeptical as to whether another invasion by the United States of a Muslim nation in the Middle East is in the best interest of national security.

Many around President Trump, particularly Secretary of State Pompeo, have been speaking of this conflict with Iraq for a long period of time. Some of them are the same people who endorsed the invasion of Iraq almost 20 years ago. We are still in Iraq. We have given up more than 5,000 American lives, with many having been injured and with \$1 trillion or more having been spent.

It is possible the Iraqis will just ask us to leave. Think of that. After all that we have put into their country, their legislature—their Parliament—voted several weeks ago to tell us to leave. In fact, one of the great tragedies of the Iraq war and one that few of its architects ever owned up to was that the Iraq war was actually empowering Iran in the region. Iran became a potent force because, in many respects, in its efforts in the Middle East, the United States created that opportunity.

These same unrepentant voices are again beating the drums for regime change in Iran and another war in the Middle East. They do so with a President who has made more than 15,000 false or misleading statements while he has been in office—15,000—with his

even going so far as to trust Vladimir Putin, the leader of Russia, over our own intelligence sources, making it impossible to trust anything he says when it comes to matters as grave as war.

Some have even had the audacity to argue that the 2001 authorization for use of military force in Iraq is somehow a permission slip for the invasion of Iran. That is preposterous. I cannot imagine anyone here who took that vote 18 years ago thought that he was authorizing for future Presidents 18 years later to invade another country in the Middle East. I certainly didn't. The Constitution is clear. Article I, section 8 says the power to declare war is an explicit power of Congress, as it should be. One should never send our sons and daughters into war without having the knowledge and consent of the American people. Our Founding Fathers were wise in making sure this awesome power did not rest with a King or a Queen or anyone pretending to be but with the people of the United States and their elected Representatives.

I have made this same argument and much of the same speech in the past regardless of whether the occupant of the White House was a Democrat or a Republican. This Congress, already afraid to stand up to many of President Trump's worst instincts, must not do so in a march to another war in the Middle East. As such, I urge my colleagues here to do our job and reaffirm the Senate's constitutional role in matters of war.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Texas.

IMPEACHMENT

Mr. CORNYN. Mr. President, on January 20, 2017, at 12:19 p.m., the Washington Post ran a story with this headline: "The campaign to impeach President Trump has begun." Donald Trump had been President for only 19 minutes when that headline ran.

As we have since learned, it has been made abundantly clear that many of our Democratic colleagues simply don't recognize the President as having been legitimately elected, and they have been doing everything they can to remove him from office since he was first elected in 2016.

This has now taken a new form, that of impeachment—an impeachment that occurred 27 days ago when the House voted for two Articles of Impeachment. Their impeachment inquiry lasted 12 weeks, but it became clear that Speaker PELOSI and Chairman SCHIFF and Chairman NADLER were in a big hurry to get those Articles of Impeachment voted out of the House before the holidays. In the end, only the Democrats voted for these partisan Articles of Impeachment. Then the Speaker and the Democrats in the House declared victory.

That is when the breakneck pace of the impeachment process came to a

screeching halt. It appears Speaker PELOSI got cold feet when she realized the President would be afforded a fair trial in the Senate. That was not good enough for her. When we offered President Trump the same terms that President Clinton received during his trial, that wasn't good enough for Speaker PELOSI, for she wanted guarantees from the Senate. The Speaker of the House flatly refused to send the Articles of Impeachment to the Senate in order for her to somehow gain leverage over Senate trial procedures—a responsibility that falls far outside her job description. She was seeking assurances from the majority leader that he would redo the House's shoddy investigative work—something that is not part of our job description under the Constitution.

After weeks of holding the articles hostage with nothing to show for it, the Speaker has, apparently, finally caved. In holding the articles, she managed to accomplish something all too uncommon these days: she brought together Republicans and Democrats from both Chambers. Unfortunately, for the Speaker, this bipartisan, bicameral chorus of voices stood in firm opposition to her decision to withhold the articles.

Last week, she finally announced that she would be sending over the articles this week, and it now looks like a vote is scheduled for Wednesday, tomorrow, where impeachment managers will be identified, and the process of sending it to the Senate will begin in earnest. In a letter to her House colleagues on Friday, Speaker PELOSI indicated she would be sending the articles this week, and it looks like we are rapidly closing on the start of that trial.

As the majority leader has made clear from the beginning, this should be a far cry from the partisan impeachment process we saw in the House. We simply don't want to repeat the circuslike, partisan rush to impeachment that we saw in the House. Our responsibilities as Senators is to sit as a court—literally, as a jury—to consider the case that is being presented by the impeachment managers in the House as well as the President's lawyers.

Despite the Speaker's insistence, we, the Senate—the jury—are not going to be handpicking the witnesses before the trial begins. In no courtroom in America does the jury decide how the case before them will be tried. That is decided by the parties to the lawsuit, whether it is the prosecution in the case of a criminal case and the defense lawyer or the plaintiff and defense counsel in a civil case. The jury's job is to sit and listen and to weigh the evidence and to reach a verdict.

The Senate will—instead of the process Speaker PELOSI is advocating for—follow the only modern precedent we have, and that is the Clinton impeachment trial. If it was good enough for President Clinton, it is good enough for President Trump. We are going to fol-

low that precedent and provide for some order and fairness in the process and, again, not repeat the circus we saw in the House.

Just as we did in 1999, in the Clinton impeachment, we will begin with opening arguments. The impeachment managers, Speaker PELOSI's lawyers, will come over and present their case and argue their case. Then we will turn to the President's lawyers who will have a chance to respond. They can refer to some of the testimony of the 17 witnesses who testified during the House impeachment inquiry. They could offer additional evidence for the Senate to consider.

This is not a question of witnesses or no witnesses. That is a blatant misrepresentation by those who are trying to somehow work the public's understanding of exactly how this will proceed. As in the Clinton impeachment trial, all 100 Senators will have an opportunity to hear the case from both sides before making a decision whether we, the jury, want to have additional witnesses presented. That is what happened in the Clinton case, and that is what should happen with President Trump.

We will have an opportunity to ask written questions, which will be transmitted to the Chief Justice, who will then put those questions to the lawyers representing the impeachment managers and the President. Then we will be able to get information from them based on those questions.

The more I thought about it—ordinarily, in a trial you would have disputed facts, and then you would have the law applied to the facts as found by the jury, but the more and more I have heard about this impeachment inquiry, the more and more I am inclined to believe that the facts are not disputed. If the facts are not really disputed, why would you need additional witnesses?

There are people with opinions, there are people who draw inferences, and there are people who draw their own conclusions, but in the end, that is our job, not the witnesses' job. The witnesses' job is to provide the facts, should they be disputed, and it is our job then to decide whether this meets the constitutional standard of treason, bribery, or high crimes and misdemeanors.

What I find so amazing about these impeachment articles is neither one of them claim that President Trump committed a crime. Unlike the Clinton impeachment, where he was charged with perjury—with lying under oath—President Trump is not charged with any crime.

In the first Article of Impeachment, basically, what we have is a disagreement in the way in which the President handled aid voted by Congress that would then be given to the Government of the Ukraine. That is what this impeachment is about. This is not about high crimes and misdemeanors.

This is about political differences. This is about stylistic differences. This