

said before, I hope all Senators will wait for the facts before they pass judgment on the recent strike on Soleimani. Patience, caution, and restraint can sometimes be in short supply around here, but when matters of national security are at hand, it is imperative that we seek out the facts, restrain our partisan urges, and concentrate on protecting our country.

For this reason, it has troubled me that Speaker PELOSI responded to the earliest reports yesterday by leaping to blame “needless provocations” by our administration. In other words, she was blaming the United States.

So let’s be clear. We can and should debate how to responsibly respond to Iranian threats, but the notion that our administration is to blame for Iranian aggression—that is nonsense. Utter nonsense.

For 40 years since the founding of the Islamic Republic, Iran has consistently pursued aggression against the United States, against Israel, and against its Arab neighbors. The question before us is not who is to blame for the aggression. It is how best to deter and defend against it.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, I do need to say a few words about the other serious matter occupying the Congress.

Late last year, Speaker PELOSI and House Democrats sped through a slapdash impeachment of President Trump in 12 weeks because they insisted the need to undo the 2016 election was urgent—urgent, they said.

Since then, the same people have spent 3 weeks dragging their heels and refusing to proceed to a Senate trial. Supposedly, the explanation for this shameless game playing is that Speaker PELOSI wanted leverage—leverage—to reach into the Senate and dictate our trial proceedings to us.

I have made clear from the beginning that no such leverage exists. It is nonexistent. Yesterday, we made it clear it will never exist. A majority of the Senate has decided that the first phase of an impeachment trial should track closely with the unanimous bipartisan precedent that all 100 Senators supported for the first phase of the Clinton trial back in 1999. There will be no haggling with the House over Senate procedure. We will not cede our authority to try this impeachment. The House Democrats’ turn is over. The Senate has made its decision.

The 1999 precedent does not guarantee witnesses or foreclose witnesses. Let me say that again. It neither guarantees witnesses nor forecloses witnesses. It leaves those determinations until later in the trial, where they belong. I fully expect the parties will raise questions of witnesses at the appropriate time.

I would remind my friends on the other side that I strongly suspect that not all of the potential witnesses would be people the Democrats are eager to

hear from. The Senate will address all of these questions at the appropriate time, and that is for the Senate and the Senate only to decide, period.

Now even fellow Democrats are expressing public concern over the Speaker’s endless appetite for these cynical games. Here is what the senior Senator from Connecticut told the press yesterday. He said: “I think the time has passed. She should send the articles over.” And the senior Senator from West Virginia said: “I think it needs to start; I really do.” And the junior Senator from Maine said: “I think it is time for the Speaker to send the articles over.”

My Democratic friends are losing patience, just as the American people are losing patience. The country knows this absurdity should not go on. So what do the American people say?

A recent Harvard-Harris poll found that 58 percent of Americans believe Speaker PELOSI should send the articles to the Senate, not continue holding them up. Let me say that again. This is a Harvard poll. It found that 58 percent of Americans believe Speaker PELOSI should send the articles to the Senate, not continue holding them up. In the same survey, 77 percent believe Democrats need to accept the same structure as the Clinton trial rather than hold out for special new rules. So we are beginning to hear from the American people how they view this standoff.

We all know that Senators have a diversity of opinions about President Trump, about the House inquiry, and about the optimal structure for a trial. But notwithstanding all of this, no Senator—no Senator—should want the House of Representatives to steamroll institutional norms and dictate our business to us.

Haven’t enough toxic new precedents been set in recent months? Hasn’t the House broken enough constitutional china already?

This is not about the current Speaker and the current President. Do my colleagues believe this is what a future Democratic President would deserve? Do they believe it is good for the country?

There is a reason the Constitution reads the way it does. The House has the sole power of impeachment. They have exercised it. It is the Senate to whom the Founders gave the sole power to try all impeachments, end of story.

Yet, even as her fellow Democrats are jumping ship, the Speaker is trying to double down. Yesterday evening, in the midst of these deadly serious events, Speaker PELOSI put out yet another statement saying that she has no intention to end her political game playing. At the very same time that a global crisis was unfolding in realtime, she published yet another “Dear Colleague” letter saying that she intends to keep our Commander in Chief in this limbo indefinitely.

I am glad Democratic Senators are losing patience with this. I would urge

my friend the Democratic leader to listen to his own Members. My distinguished colleague from New York, as the minority leader in the U.S. Senate, is a senior Member of an independent branch of our bicameral legislature.

The Senate is not a creature of the House. The Democratic leader does not need to continue to be in thrall to the Speaker. He does not need to keep colluding with outside efforts to supplant the judgment of his own colleagues. Stand up for the Senate. Stand up for our institutions. Stand up for the country.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Matthew H. Solomson, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IRAN

Mr. SCHUMER. Mr. President, last night, the Department of Defense confirmed reports that Iran launched missiles at a number of our installations in Iraq that housed U.S. and coalition forces. As details continue to emerge, it appears that there have been no casualties. We commend the professionalism and bravery of our service-members and other personnel in harm’s way.

While we are thankful that there were no casualties and we are thankful for the safety of American forces and personnel in the region, I condemn the attack by the Iranian Government and remain concerned about the risk of further escalation of hostilities in the Middle East. Now, more than ever, the

United States must be clear-headed and sure-footed about what comes next. The American people do not want a war with Iran, and the President does not have the authority to wage one.

Yesterday, we learned that the President had ordered the deployment of at least as many as 4,500 soldiers to the region—potentially more. Beyond Iraq, the U.S. military now has more than 70,000 troops in the Middle East, from Kuwait to Qatar, to Afghanistan, to the UAE, to Saudi Arabia, to Jordan, Oman, and Bahrain.

The President has promised to get the United States out of these forever wars in the Middle East, but the arrow is headed in the wrong direction.

Mr. President, how many more is it going to be? How long will they remain abroad? What is their objective? How will we assure their safety? Will more be deployed in the weeks and months ahead?

These are urgent questions. The administration must answer them. But so far, there has been a profound lack of information provided to Congress from the Department of Defense concerning what the Department is doing in response to Iran.

So I join Senators REED and DURBIN in requesting regular briefings and documents from the administration detailing the number of troops the President has deployed and plans to deploy in support of contingency plans with respect to Iran. We need to know if the administration is committing additional troops to the region and for how long.

Our letter urges the administration to clarify to the American people and our military that international law prohibits the deliberate targeting of cultural sites and that such an order would be unlawful and should not be followed.

The American people, rightfully, have serious concerns about a war with Iran and whether we are safer today because of this President's foreign policy, which is so often impulsive and erratic. I am afraid these impulsive and erratic actions throughout the world are making us less safe.

IMPEACHMENT

Mr. President, now, on impeachment, yesterday, Leader MCCONNELL announced that he has the votes to pass a partisan resolution to set the rules for the impeachment trial of President Trump. It was another unfortunate confirmation that Leader MCCONNELL has no intention of working with the minority to establish rules of a fair and honest trial that examines the evidence, hears from witnesses, and receives the relevant documents.

I have asked Leader MCCONNELL repeatedly to sit down and negotiate a plan where we would have witnesses and documents, and he has refused. Instead, Leader MCCONNELL, by his own admission, took his cues from the White House when it came to setting the parameters of a trial. Rather than engaging in any serious negotiation

with the Senate minority, he only spent time trying to convince his caucus that we should punt the questions of witnesses and documents to a later date.

I have explained why this proposal makes very little sense from the perspective of having a fair trial. The evidence should inform arguments in a trial. Evidence should not be an afterthought. Why would it make sense for both sides to present their entire case and then decide whether the Senate should request the evidence that we already know is out there?

It is extremely telling that Leader MCCONNELL and Senate Republicans are not willing to take a forthright position on whether we should call witnesses and request documents. They can only say that the issue should be addressed later. Their only refuge—not much of one—is to kick the can down the road. No one—no one—has advanced an argument as to why the four eyewitnesses we have proposed should not testify. No one has advanced an argument as to why the three specific sets of documents related to the charges against the President should not be provided. Republicans can only get behind kicking the can down the road because they know we have the full weight of the argument on our side. There is virtually no argument why we shouldn't have witnesses and why we shouldn't have documents.

I want to make one thing very clear: There will be votes—repeated votes—on the question of witnesses and documents at the trial. The initial votes will not be the last votes on the matter. Republicans can delay it, but they cannot avoid it. And when those votes come up, Senate Republicans—not Leader MCCONNELL, who has already cast his lot completely with the defendant, the President—will have two crucial things to worry about.

First, if the Senate runs a sham trial without witnesses, without documents, and without all of facts, then the President's acquittal at the end of the trial will be meaningless. A trial without all the facts is a farce. The verdicts of kangaroo courts are empty.

Leader MCCONNELL is fond of claiming that the House ran the “most rushed, least thorough, and most unfair impeachment inquiry in modern history.” I know that is his talking point, but, in truth, Leader MCCONNELL is plotting to run the most rushed, least thorough, and most unfair impeachment trial in modern history. If the Senate rushes through the President's impeachment, if we actually fail to try the case, as the Constitution demands, then the true acquittal the President craves will be unobtainable.

The American people will see right through a partisan trial and understand that a rush to judgment renders that moot. They will understand that, when you don't want witnesses and documents, you are afraid of the truth and that you are covering something up, and that the likelihood is strong

that you did something very wrong. That is common sense. That is what all the polling data shows most Americans believe.

Second, when the Senate has votes on witnesses and documents, my Republican colleagues will have to answer to not just the President. The American people do not want a coverup. Whatever their view of the President, the American people want the Senate to have a fair trial. All the data shows that, with two more polls in the last few days. Every Senator will be under massive public pressure to support a fair trial that examines all the facts.

The American people understand the gravity of the charges against the President. The House has impeached the President for using the powers of his public office to benefit himself. The President was impeached because the House believes he tried to shake down a foreign leader into investigating his political opponent, pressuring a foreign power to interfere in our elections. He was impeached because he undertook an unprecedented campaign of obstruction to prevent Congress from investigating his wrongdoing.

The Articles of Impeachment suggest the President committed a grave injury to our democracy. The conduct they describe is exactly what the Founders most feared when they forged the impeachment powers of Congress.

If the Senate fails to hold a fair hearing of those charges, if one party—the President's party—decides to rush through a trial without hearing all the facts, witnesses, and documents, it will not just be the verdict of history that falls heavy on their shoulders. The American people, in the here and now, will pass a harsh judgment on Senators who participate in a coverup for the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

IRAN

Mr. DURBIN. Mr. President, last night Iran fired more than a dozen ballistic missiles at two military bases in Iraq where American troops were based. It was a brazen escalation with dangerous implications for the United States and the world.

We are fortunate. As of today, at this moment, none of our personnel have been reported to have been harmed, but the outrageous act was a clear and unsurprising retaliation to President Trump's killing of Iranian General Soleimani.

Our first order of business must be the safety of our military and civilian personnel in Iraq and the region, and I call on the Trump administration to make that the highest priority. Another immediate requirement is that the Congress step up and play one of the most important and long-neglected constitutional roles that we can envision. Article I, section 8, of the U.S. Constitution is clear in stating that the power to declare war is an explicit authority and power of Congress, as it