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## Senate

The Senate met at 1:05 p.m. and was called to order by the Chief Justice of the United States.

### TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment.

The Chaplain will lead us in prayer.

#### PRAYER

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

Let us pray.

Eternal Lord God, send Your Holy Spirit into this Chamber. Permit our Senators to feel Your presence during this impeachment trial. Illuminate their minds with the light of Your wisdom, exposing truth and resolving uncertainties. May they understand that You created them with cognitive capabilities and moral discernment to be used for Your glory. Grant that they will comprehend what really matters, separating the relevant from the irrelevant. Lord, keep them from fear, as they believe that Your truth will triumph through them. Eliminate discordant static with the music of Your wisdom.

We pray in Your great Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Chief Justice 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.

#### THE JOURNAL

The CHIEF JUSTICE. The Senators will please be seated.

If there is no objection, the Journal of proceedings of the trial is approved to date.

The Deputy Sergeant at Arms will make the proclamation.

The Deputy Sergeant at Arms, Jennifer Hemingway, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Donald John Trump, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. Chief Justice, the Senate will conduct another question and answer period today. We were able to get through nearly 100 questions yesterday. Senators posed constructive questions, and the parties were succinct and responsive. I would like to compliment all who participated yesterday.

We will again break every 2 to 3 hours and look to take a break for dinner around 6:30.

We have been respectful of the Chief Justice's unique position in reading our questions. I want to be able to continue to assure him that that level of consideration for him will continue.

The CHIEF JUSTICE. Thank you.

Mrs. MURRAY. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Washington.

Mrs. MURRAY. Mr. Chief Justice, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

Senator MURRAY asks the House managers:

Yesterday, when asked about why the House did not amend or reissue subpoenas after it passed its resolution authorizing its impeachment inquiry, the House Managers touched upon the House having the sole Power of Impeachment as specified by Article I of the Constitution. Could you further elaborate as to why that authority controls despite any arguments brought forth by members of the defense team contesting the validity of those subpoenas?

Ms. Manager LOFGREN. Mr. Chief Justice and Senators, that is a good question.

The answer is that these were validly issued subpoenas under the House

rules. The White House argument to the contrary is wrong, and it would have profound negative implications for how Congress and our democracy function.

On January 9, 2019, the House adopted its rules, like we do every Congress, and these rules gave the committee the power to issue subpoenas. They are not ambiguous rules. Here is the relevant portion of rule XI on slide 55: The House's standing rules give each committee subpoena power "for the purpose of carrying out any of its functions and duties" as it considers necessary. This investigation began on September 9, before the Speaker's announcement on September 24 that it would become part of the impeachment inquiry umbrella.

The President doesn't dispute that the subpoenas issued by these committees were fully within their respective jurisdiction. The argument is that somehow, by declaring that this investigation also falls under an inquiry to consider Articles of Impeachment, which gives Congress actually greater authority, somehow it nullifies the traditional oversight authority. And this just doesn't make any sense.

The President counters that we have to take a full vote on impeachment first because that is what has been done in the past. In the Nixon inquiry, however, the Judiciary Committee needed a House resolution to delegate subpoena power, and that is different than the Committee's standing rules today.

The President actually compels the opposite conclusion. Several Federal judges have been investigated and impeached and convicted in the Senate without the House having ever taken an official vote to authorize the inquiry, and a Federal court recently confirmed there was no need for a formal vote of the full House to commence impeachment proceedings.

Even assuming a House vote was necessary, there was a vote. The text of H.

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



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