

SENATOR MCCONNELL'S MISLEADING CLAIMS ABOUT THE CLINTON TRIAL PROCESS

Senator McConnell argues that the Senate should start the Trump trial now and decide "later" whether witnesses are needed, as the Senate did initially in the Clinton trial. Here are the facts Sen. McConnell is conveniently leaving out:

1. The Clinton trial circumstances were 180 degrees different from the present case. In 1999, the witnesses had already testified under oath in the grand jury and their testimony was available to the Senate. Everyone knew what they were going to say -- because they had already said it. In addition, Senators of both parties were concerned that having Monica Lewinsky testify would create an unseemly spectacle. For these reasons, the Senate could not reach an initial agreement on witnesses, but the Senate Republican majority was genuinely open to calling witnesses later in the trial – and they did. In fact, Senator McConnell was one of the most outspoken advocates for calling witnesses in that trial.
2. The Trump situation could not be more different. The witnesses in question -- Mulvaney, Bolton, Blair, Duffey – refused to testify in the House even though they were deeply involved in the events in question. Unlike the Clinton trial witnesses, who cooperated and gave testimony during the Starr investigation, these Trump officials refused, on the President's orders, to testify or provide documents. They are in possession of information that's directly relevant to the allegations in the articles of impeachment – yet the Senate is being denied that information because of Senator McConnell's opposition to hearing it.
3. McConnell is claiming we can decide "later" about witnesses and documents, but his public statements show he will never support witnesses or documents. He wants to postpone that decision as long as possible so that it becomes a foregone conclusion that no witnesses or documents will be obtained.
4. In 1999, the House managers were able to call the witnesses they chose. McConnell is not even pretending he'll support that here. He has made clear that he wants presentations by the two sides, then Senators' questions, and then votes on the articles of impeachment – all within two weeks.
5. Under the Senate impeachment trial rules, there is no distinction between opening arguments and the remainder of the presentations by the parties. So, when McConnell says let's hear the opening arguments before deciding about witnesses, he really means let's hear the two sides present their entire cases. So the practical effect of what McConnell is proposing is postponement of the question of witnesses and documents until the end of the trial – which makes no sense. And when Democrats argue for witnesses and documents at that point, you can bet McConnell will accuse them of dragging out a proceeding that has already gone on long enough.
6. A trial should be informed by the witnesses and documents. They are not an afterthought. Recent news reports including the NY Times and Just Security revelations show there are many facts the Administration is continuing to cover up. The Senate and the public deserve to see all of those facts before reaching a judgment. Therefore the Senate should take action early in the trial to secure the testimony of the witnesses who were at the heart of the events in question, and of the documents that will allow the Senate to determine exactly how the key decisions were made and why.