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PITA: You're listening to The Current, part of the Brookings Podcast Network. I'm your host, Adrianna Pita.

On Thursday, the House of Representatives voted to formalize impeachment proceedings against President Donald Trump, passing the resolution largely along party lines.

With us to explain what this vote means and what it means for the impeachment inquiry going forward is Molly Reynolds, SF in GS here at Brookings. Molly, thanks for being here.

REYNOLDS: Thanks for having me.

PITA: In September, Speaker Pelosi announced the launch of the impeachment inquiry, and over the past month, members of certain House committees have been taking depositions. So the inquiry has been going forward - what exactly does this vote do?

REYNOLDS: Sure, so there are some things that it does substantively, and there's also, I think importantly, the symbolic nature of having now had an opportunity for every member of the House of Representatives to cast a vote on the floor either in support of or in opposition to the process that the House is going to use going forward.

Substantively, the resolution addresses several different aspects of the process going forward. Some of those were necessary because they involve departures from the existing rules of the House. So, for example, there's a provision in the resolution that allows for the Intelligence Committee and the Judiciary Committee to do longer, extended periods of questioning at the start of their impeachment-related hearings. So, 45 minutes for the majority, 45 minutes for the minority, to be controlled by the chair or the ranking member or to be delegated to staff to ask questions. The rationale behind that is that Democrats in particular would like a longer period of time to try to lay out their facts and arguments more clearly, rather than the standard 5 minutes per side, alternating between Democrats and Republicans, with then the possibility for staff questions at the end of the hearing. So some things in the resolution are like that.

Others involve establishing procedures that are more similar to ones that were used in both the Nixon and Clinton impeachment trials – or, cases, I should say; the trial's in the Senate. There, I would point to things like provisions related to the subpoena power of the committees. In the resolution both the Judiciary Committee and the Intelligence Committee provide for the opportunity for the ranking minority member to request a subpoena, and if the chair of each committee disagrees, then the ranking minority member can force a vote of the full committee on that request. Because the Democrats have

the majority on both committees, the majority is still likely to rule in those cases; we wouldn't necessarily see the minority get to call a lot of witnesses through that mechanism, but, that is, the process the Democrats had been using was a departure from what was previously used in the Nixon and Clinton cases, and this kind of goes back to something that's more similar to previous precedent.

So kind of a combination of things. It also just helps establish a bit more of an orderly process going forward. The fact that the Intelligence Committee, with support from the Foreign Affairs and Oversight committees has been conducting these depositions over the past several weeks involving the Ukraine episode means that at some point that material, to the extent that it's relevant to potential articles of impeachment, needs to be transferred to the Judiciary Committee, is just because of the substantive nature of what's being looked at. So, providing some structure around those sorts of questions as well.

PITA: OK. Speaking of the orderly process and questions of transparency, these depositions have been happening behind closed doors, and although Republican members of the relevant committees have been participating and getting to question witnesses, there's been a lot of talk about what is and isn't due process. I wonder if you can speak both to the timing question – was this vote held now to try and answer some of those accusations? – and then also what this means for the transparency of the procedure going forward.

REYNOLDS: So I think it's important to draw a difference between what the Intelligence and Oversight and Foreign Affairs committees have been doing at this stage of the process and what we expect the Judiciary Committee to do later in the process. I will also say that the resolution provides for kind of an intermediate step there, where there will be some open hearings held by the Intelligence Committee where we'll hear about some of what they have been investigating, but the stage that the Intelligence, Foreign Affairs and Oversight committees have really been doing – these depositions that have been private – is really about the gathering of evidence.

This is another way in which the facts of this inquiry are different than the facts of the two other modern-era impeachment proceedings we've been through. In the Clinton case, most of the facts-gathering was done by independent counsel Ken Starr, and then delivered to Congress in the Starr Report, so Congress didn't need to do nearly as much of its own work to uncover the underlying facts. In this case, particularly in relation to what happened with Ukraine, there actually is that work to be done, and that's what Intelligence and Foreign Affairs and Oversight have been doing in these depositions, trying to uncover that material, and in that sense, doing that through closed-door depositions is a very normal thing for Congress to be doing. That's how Congress does this investigative work.

In terms of the timing, I think that, again, some of the timing choice just has to do with where we are in moving through the process. The sense is that the committees that have been doing these depositions, they're certainly not at the end of the list of people that they want to hear from, but they've made significant progress, and simply for that reason, it's time to lay out what the next steps will be. I think that the resolution has the potential to undercut some of these process-related complaints, but I also expect, and I think we've already started to see this a little bit already, that Republicans will find new and different process-related complaints to levy at Democrats. So I don't think, to the extent that Democrats may have wanted this resolution to at least be one way to try to undercut those concerns, I expect they won't ultimately be terribly successful on that. But again, I think most of it is just,

this is where we are in the process and this is the logical next step and these are things that the House needs to do in order to keep the investigation moving.

PITA: What does this mean for, or what do we know so far about the timing of when the open and public proceedings might begin and how long they might last?

REYNOLDS: It's a great question. Democrats have said over the past several weeks that they would like to wrap up their portion of the process perhaps by the end of the calendar year and then have it move over from the House to the Senate if there are articles that are approved by the House. It's really hard to know whether they'll stick to that calendar and we don't know, again, for example how many open hearings the Intelligence Committee might intend to have. We don't know how many open hearings the Judiciary Committee would intend to have as part of the process either, and which witnesses might they hear from. There's a lot of uncertainty.

And it's worth remembering that this is the biggest thing on Congress' plate right now, but it's not the only thing. Congress needs to, for example, by Thanksgiving, which is not that far away, take action to make sure the government doesn't shut down. So, even as the House tries to figure out how to use the procedures in this new resolution to keep driving the inquiry forward, they can't ignore other responsibilities that Congress has as well.

PITA: Great. Molly, thanks so much for being here and explaining that.

REYNOLDS: It's my pleasure, thanks for having me.