

# House Democrats adopt rules for public impeachment proceedings

*Patrick Kelley*

House Democrats adopted a resolution Thursday adopting procedures that will govern the public portion of their impeachment inquiry into President Donald Trump, but no Republicans joined them in supporting the measure despite requesting the probe be conducted transparently.

In a rare move for the speaker showing the seriousness of the vote, [Nancy Pelosi](#) presided over the chamber as the House adopted the resolution, 232-196.

Two Democrats, Reps. [Collin C. Peterson](#) of Minnesota and [Jeff Van Drew](#) of New Jersey, voted “no.” Van Drew has said that while Trump’s behavior has been “distasteful” and makes him “feel uncomfortable,” he doesn’t believe the president has committed any impeachable offenses.

Independent Michigan Rep. [Justin Amash](#), who left the Republican Party because of what he said was the GOP’s unwillingness to acknowledge that Trump has committed impeachable offenses, voted with Democrats in favor of the resolution.

Republicans opposed the measure in part because most of them do not think the president should be impeached. But even a few GOP members who have not shut down the possibility of supporting impeachment have panned the Democrats’ process as unfair and do not believe the procedures Democrats have put forth will change that dynamic.

Pelosi took the floor just before the vote to say the resolution “ensures transparency.”

“It enables effective public hearings, setting out procedures for the questioning of witnesses and continuing the precedent of giving the minority the same rights in questioning witnesses as the majority, which has been true at every step of this inquiry despite what you may hear fulminating there,” Pelosi said, gesturing toward the Republican side of the House chamber.

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House Republicans, to different degrees, have objected to the process run by their Democratic counterparts.

Some, like [Tom Cole](#) of Oklahoma, the top Republican on the Rules Committee, want Trump to be allowed to have counsel representing him before the Intelligence Committee. Democrats, though, object to that request saying that the panel is gathering facts and that the president will be represented once the probe reaches the

Judiciary Committee, which has jurisdiction over articles of impeachment.

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Ahead of the vote, House Minority Whip [Steve Scalise](#) of Louisiana ripped into the resolution. “It gives veto authority by the chair to literally reject any witness that is brought forward by the minority,”

Scalise said, standing next to a sign held by a staffer that said “37 days of Soviet-Style impeachment proceedings.” “This is Soviet-Style rules. Maybe in the Soviet Union you do things like this where only you make the rules, where you reject the ability for the person you’re accusing to even be in the room, to question what’s going on.”

The resolution specifically directs five House committees to continue investigating whether Trump used his office to try to coerce the Ukrainian government to investigate former Vice President [Joseph R. Biden Jr.](#), a top-tier 2020 Democratic presidential candidate.

The measure grants House Intelligence Chairman [Adam B. Schiff](#) significant influence over the inquiry, allowing California Democrat lengthy periods of uninterrupted questioning of witnesses in future public hearings, the ability to release transcripts of private hearings and depositions and the power to block Republicans from calling witnesses.

“I do not take any pleasure in the events that have made this process necessary,” Schiff said. “The task before us is a solemn one. How each member of this chamber approaches the vote this morning and the days and weeks ahead may be the most important service as members of Congress we will ever pay to the country and constitution that we all love and have pledged to defend.”

The resolution outlines the remaining phases of the impeachment inquiry. Since Pelosi announced the formal start of the inquiry last month, the House Intelligence, Oversight and Foreign Affairs panels have been conducting closed-door witness depositions.

Soon the Intelligence panel will bring some witnesses back to testify in a public setting. The resolution sets up the procedures for those hearings.

Unlike normal committee hearings, Schiff and ranking member [Devin Nunes](#) or their designated staff can conduct multiple rounds of 90-minute questioning, alternating sides every 45 minutes. After they have concluded their questioning the hearing returns to a traditional format in which all committee members get five minutes of questioning each, alternating between the parties.

Republicans will get the power they’ve been requesting to subpoena witnesses for testimony or documents, but only if Schiff concurs or, if he objects, the committee votes to override his decision.

The resolution authorizes Schiff to publicly release transcripts of the closed-door depositions conducted as part of the inquiry “with appropriate redactions for classified and other sensitive information.”

The measure also directs his panel, in consultation with the Oversight and Foreign Affairs committees that have participated in the private depositions, to issue a report of its findings. The report should be made public and transferred to the Judiciary Committee, along with any investigatory materials the panels deem relevant, according to the resolution.

The Judiciary Committee is then authorized to hold its own proceedings as it considers whether to draft articles of impeachment. The text of the resolution does not outline the rules for those proceedings but rather allows Rules Chairman [Jim McGovern](#) to submit them into the [Congressional Record](#).

The Judiciary procedures that McGovern submitted allow Trump and his counsel to attend all panel proceedings and ask questions. They can also request additional evidence or witness testimony, but the “committee shall determine whether the suggested evidence is necessary or desirable.”

While those due process rights generally align with ones afforded in the previous two presidential impeachments, they provide a big caveat.

Judiciary Chairman [Jerrod Nadler](#) has “the discretion” to deny the president and his counsel the ability to call or question witnesses or otherwise “impose appropriate remedies” if the administration refuses to make witnesses available for testimony or fails to produce documents to any House investigating committee.

That provision applies to Trump’s stonewalling of any ongoing probes in the Intelligence, Oversight, Foreign Affairs, Judiciary, Financial Services and Ways and Means committees.

Pelosi, speaking with reporters Thursday ahead of the vote, described the resolution as a means to go “further” in the impeachment inquiry. The California Democrat reiterated that Democrats have still not made a decision on whether to vote on articles of impeachment charging Trump with high crimes and misdemeanors.

“This isn’t about anything personal with the president,” she said. “This isn’t about politics ... partisanship. It’s about patriotism.”

Pelosi acknowledged that the vote likely won’t stop the White House from claiming the impeachment inquiry is illegitimate.

“The facts are what they are. They try to misrepresent them,” she said.

The procedures provide the president and his team with an “expanded opportunity” to bring forward any exculpatory evidence, Pelosi said.

“These rules are fairer than anything that have gone before in terms of an impeachment proceeding,” the speaker claimed, without elaborating further.

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