

**Senator Dick Durbin – Statement for the Record
Judiciary Committee Markup – January 16, 2020**

Articles of Impeachment have been transmitted to the Senate. We continually hear the Republican Leader, Senator McConnell, say that we need to follow the Clinton impeachment precedents for the Senate's handling of those articles.

One clear precedent from the Clinton impeachment was that no action was taken on judicial nominations in the Senate Judiciary Committee during the time when the Clinton articles were transmitted until the time the trial was concluded. Markup votes on nominations were delayed until the trial was over.

Yet here we are today—about to break that Clinton impeachment precedent and vote on nominees while impeachment articles are pending.

This is not a good sign for how my Republican colleagues are going to handle the Trump impeachment trial.

It appears my Republican colleagues are looking to cite Clinton precedent when they want to, and then ignore it when they want to.

The next precedent that my Republican colleagues are talking about ignoring is the precedent of having witnesses at impeachment trials.

There have been 15 impeachment trials completed in the Senate, and in every single one the Senate has heard from witnesses. During the Clinton impeachment trial, the House Republican managers were adamant about the need to call witnesses to have a fair trial.

I would say to my Republican colleagues, many of whom are excellent lawyers: we know what a fair trial looks like. A fair trial has documents and witnesses so we can get to the truth. The American people deserve better than a sham impeachment trial. I hope my colleagues agree.

With respect to today's scheduled nominations votes, I will oppose the nominations of Andrew Brasher, Joshua Kindred, and Stephen Vaden.

Judge Brasher, nominated to the 11th Circuit, is only 38 years old. He is one of 17 Trump circuit court nominees who have been moved through this Committee without blue slips from both home state senators.

Judge Brasher was a controversial district court nominee last year. I note that he has made public comments that have called into question his impartiality and temperament. For example, speaking at an anti-abortion rally in 2014 while he was in the Alabama Solicitor General's Office, he said: "The ACLU and Planned Parenthood want a fight and we will give them one."

Mr. Kindred, who is 41, has a well-documented record of opposition to environmental protections. He once described the position of environmentalists as being driven by “passionate ignorance.”

Mr. Vaden, who is the youngest of the bunch at age 37, has been nominated to the Court of International Trade—a court in which he has never appeared and is not even admitted to practice. He has never tried a case to verdict. He lacks the basic courtroom experience that a federal judge should have. I will oppose these nominees.