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KOAB interviews Joshua Kastenberg about the impeachment process (US senators discuss impartiality during impeachment trial)

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US senators discuss impartiality during impeachment trial

By Patrick Hayes

KOAB-TV
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ALBUQUERQUE, N.M.- U.S. Senators were sworn in as jurors in the impeachment trial of the president. But are they really impartial?

Republicans and Democrats appear to be showing their cards outside of the senate chamber.

"I'm not an impartial juror. This is a political process," said Senate Majority Leader Mitch McConnell. "There's not anything judicial about it."

UNM law professor Joshua Kastenberg said jurors in the Senate are different than jurors in a traditional courtroom.

"Members of the United States Senate have a great deal of immunity while they're working in the scope of their duties," Kastenberg said. "And what I mean by immunity, they're immune from criminal indictments of various natures, immune from civil suits as long as it's within the scope of their duties and so a violation of the oath of office is really going to be addressed by the voters."

McConnell isn't alone in expressing his views about the trial.

Democratic Senator Martin Heinrich tweeted, "The only thing more dangerous than a President who puts his own interests over those of the nation is a Congress unwilling to use its available tools to remedy such abuse of power."

When asked about the tweet, Heinrich's office sent a statement that reads: "I took an oath to solemnly do impartial justice according to the Constitution and laws. Every single senator needs to grapple with the gravity of this moment and take our constitutional duty as jurors seriously. A fair and impartial trial requires witnesses and documentary evidence. Anything short of that would be a trial in name only."

U.S. Senator Tom Udall, also a Democrat, had a different response when asked about his impartiality.

"To uphold our oath, we must hear all the information before we give judgment," Udall said. "It's what we owe to the American people"

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