The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Strong Deliverer, our shelter in the time of storms, we acknowledge today that You are God and we are not. You don’t disappoint those who trust in You, for You are our fortress and bulwark.
Lord, show our Senators Your ways and teach them to walk in Your path of integrity.
Through the seasons of our Nation’s history, You have been patient and merciful. Mighty God, be true to Your name. Fulfill Your purposes for our Nation and world.
We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE
The President pro tempore led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The PRESIDING OFFICER (Mrs. BLACKBURN). Under the previous order, the leadership time is reserved.

MORNING BUSINESS
The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.
The PRESIDING OFFICER. The Senator from Iowa.
Mr. GRASSLEY. I ask unanimous consent to speak for 1 minute.
The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVATION DRUG COSTS
Mr. GRASSLEY. Last night, in the State of the Union Address, President Trump called on Congress to put bipartisan legislation to lower prescription drug prices on his desk and that he would sign it.
Here are the facts. The House is controlled by Democrats. The Senate requires bipartisanism to get any legislation done. There are only a couple of months left before the campaign season, and it will likely be impossible for any legislation to be accomplished in this Congress. So the time to act is right now.
I am calling on my colleagues on both sides of the aisle to get off the sidelines and to work with me and Senator WYDEN, as President Trump already is, to heed the call to action that he gave us last night and pass the Prescription Drug Pricing Reduction Act. It is the only significant bipartisan bill in town. President Trump, the AARP, and the libertarian Cato think tank, to name just a few people involved, have all endorsed the bill.
If you are serious about fulfilling promises to lower drug costs, my office door is open, as Senator WYDEN’s door is open. It is time for the Senate to act and to deliver for the American people.
I yield the floor.
The PRESIDING OFFICER. The Senator from Oregon.

IMPEACHMENT
Mr. MERKLEY. Madam President, as Senators, our decisions build the foundation for future generations. I want those generations to know that I stood here on the floor of this Chamber fighting for equal justice under law. I stood here to defend our Senate’s responsibility to provide a fair trial with witnesses and documents. I stood here to say that when our President invites and pressures a foreign government to smear a political opponent and corrupt the integrity of our 2020 Presidential election, he must be removed from office.
As a number of my Republican colleagues have confessed, the House managers have proven their case. President Trump did sanction a corrupt conspiracy to smear a political opponent, former Vice President Joe Biden. President Trump assigned Rudy Giuliani, his personal lawyer, to accomplish that goal by arranging sham investigations by the Government of Ukraine. President Trump advanced his corrupt scheme by instructing the then-Secretary of State Mike Pompeo, Secretary of Energy Rick Perry, and Ambassador Gordon Sondland—to work with Rudy for this goal. President Trump did use the resources of America, including an Oval Office meeting and security assistance to pressure Ukraine, which was at war with Russia, to participate in this corrupt conspiracy. The facts are clear.
But do President Trump’s acts rise to the level the Framers envisioned for removal of a President, or are they, as some colleagues in this Chamber have said, simply “inappropriate,” but not “impeachable”? With respect to those colleagues, “inappropriate” is lying to the public; “inappropriate” is shunning our allies or failing to put your personal assets into a blind trust or encouraging foreign governments to patronize your properties. That is something you might call “inappropriate,” but that word does not begin to encompass President Trump’s actions in this case—a corrupt conspiracy comprising a fundamental assault on our Constitution.
This conspiracy is far worse than Watergate. Watergate was about a break-in to spy on the Democratic National Committee—bad, yes; wrong, definitely. But Watergate didn’t involve soliciting foreign interference to destroy the integrity of an election. It didn’t involve an effort to smear a political opponent. Watergate did not involve an across-the-board blockade of access by Congress to witnesses and documents.

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*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
If you believe that Congress was right to conclude that President Nixon’s abuse of power merited expulsion from office, you have no choice but to conclude that President Trump’s corrupt conspiracy merits his expulsion from office.

President Trump should be removed from office this very day by action in this very Chamber, but he will not be removed because this Senate has failed to conduct a full and fair trial to reveal the extent of President Trump’s corruption. The Senate failed to do its job because the Senate’s overriding concern was to protect the siren call to party loyalty over country that has infected this Chamber.

Every American understands what constitutes a full and fair trial. A full and fair trial has witnesses. A full and fair trial has documents. A full and fair trial has access to witnesses and documents. If this coverup goes forward, it will be the latest in a set of corrupt firsts this Senate has achieved under Republican leadership.

It has been the first Senate in American history to replace an impeached president with another. It has been the first Senate to complete the theft of a Supreme Court seat from one administration to the next. It has been the first Senate to create a coverup when the majority voted on January 22 and again on January 31 to block all access to witnesses and documents. If this coverup goes forward, it will be the latest in a set of corrupt firsts this Senate has achieved under Republican leadership.

And now, it becomes the first Senate in American history to replace an impeached president with another. It has been the first Senate to complete the theft of a Supreme Court seat from one administration to the next. It has been the first Senate to create a coverup when the majority voted on January 22 and again on January 31 to block all access to witnesses and documents. If this coverup goes forward, it will be the latest in a set of corrupt firsts this Senate has achieved under Republican leadership.

It has been the first Senate to ignore our constitutional responsibilities to debate and vote on a Supreme Court nominee in 2016. It became the first Senate to complete the theft of a Supreme Court seat from one administration to the next. It has been the first Senate to create a coverup when the majority voted on January 22 and again on January 31 to block all access to witnesses and documents. If this coverup goes forward, it will be the latest in a set of corrupt firsts this Senate has achieved under Republican leadership.

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We know what democracy looks like, and it is not just about having the Constitution or holding elections. Our democracy is not set in stone. It is not guaranteed by any treaty rather than the good will and good faith of the people of this country. Keeping a democracy takes courage and commitment. As the saying goes, “freedom isn’t free.” It is an inheritance bequeathed to us by those who fought and bled and died to ensure that government “of the people, by the people, for the people shall not perish from the Earth.”

Fighting for that inheritance doesn’t only happen on the battlefield. It happens when Americans everywhere go to the polls to cast a ballot. It happens when ordinary citizens, distraught at what they are seeing, speak up, join a march, or run for office to make a difference. And it happens here in this Chamber—in this Senate Chamber—when Senators put addressing the challenges of our country over the pressures from their party.

Before casting their votes today, I urge every one of my colleagues to ask themselves: Will you defend the integrity of our elections? Will you deliver impartial justice? Will you uphold the rule of law and the inspiring words carved above the doors of our Supreme Court, “Equal Justice Under Law”?
and cheer. His administration is working as hard as it can to take down the law that guarantees protections for preexisting conditions. The claim is not partly true; it is not half true; it is not misleading. It is flatly, objectively, unequivocally false. It reads on my notes as false. Let’s call it for what it is—it is a lie.

In 3 years, President Trump has done everything imaginable to undermine Americans’ healthcare. He is even hoping to drag out the resolution of the lawsuit past the next election. If President Trump were truly interested in shoring up protections for people with preexisting conditions, he would drop this lawsuit now. Then he would be doing something, not just talking and having his actions totally contradict his words. Until the President drops his lawsuit, when he says he cares about Americans’ healthcare, he is talking out of both sides of his mouth.

When he talks about being the blue-collar President, he doesn’t understand blue-collar families. It is true that wages went up 3 percent. If you are making $50,000 a year, that is a good salary. By my calculation, that is about $30 a week. When you get a medical bill for $4,000 and your deductible is $5,000, when your car has an accident and it is going to cost you $3,000 or $4,000 to fix it and you don’t have that money, the $30 a week doesn’t mean much.

When asked, “Is it easier for you to pay your bills today or the day Trump became President?” they say it is harder to pay their bills today. That is what working families care about, getting their costs down—their college costs, their education costs, their healthcare costs, their automobile and infrastructure costs—not these vaunted Wall Street statistics that the financial leaders look at and think: Oh, we are great.

Their life is great. Their 3-percent increase in income—and it has been greater—puts a lot of money in their pockets. Working people don’t feel any better—they feel worse—because Donald Trump always sides with the special interests when it comes to things that affect working families, like health care, like drug costs, like college.

In so many other areas, the President’s claims were just not true. He claimed he would not touch on China. He sold out to China a month ago. Everyone knows that. Because he has hurt the farmers so badly, the bulk of what happened in the Chinese agreement was for them to purchase some soybeans. We don’t even know if that will happen, but it didn’t get at the real ways China hurts us.

He spoke about the desire for a bipartisan infrastructure bill. We Senate Democrats put together a $1 trillion bill 2 years ago, and the President hasn’t shown any interest in discussing it. In fact, when Speaker Pelosi and I went to visit him about infrastructure, he walked out.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPEACHMENT

Mr. CORNYN. Madam President, over the last months, one word has been consumed by a single word, one that we don’t use often in our ordinary parlance. That word, of course, is “impeachment.” It has filled our news channels, our Twitter feeds, and dinner conversations. It has led to a wide-ranging debate on everything from the constitutional doctrines of the separation of powers to the due process of law—two concepts which are the most fundamental building blocks of who we are as a nation. It has even prompted those who typically have no interest in politics to tune into C-SPAN or into their favorite cable news channels.

The impeachment of a President of the United States is simply the gravest of all tasks we can pursue in this country. It is the nuclear option in our Constitution—the choice of last resort—when a President has committed a crime so serious that Congress must act rather than leave the choice to the voters in the election.

The Framers of the Constitution granted this awesome power to the U.S. Congress and placed their confidence in the Senate to use only when absolutely necessary, when there is no other choice.

This is a rare, historic moment for the Members of this Chamber. This has been faced by the Senate only on two previous occasions during our Constitution’s 232-year history—only two times previously. We should be extraordinarily vigilant in ensuring that the impeachment power does not become a regular feature of our differences and, in the process, cheapen the vote of the American people. Soon, Members of the Senate will determine whether, for the first time in our history, a President will be removed from office, and then we will decide whether he will be barred from the ballot in 2020.

The question all Senators have to answer is, Did the President commit, in the words of the Constitution, a high crime and misdemeanor that warrants his removal from office or should he be acquitted of the charges made by the House?

I did my best to listen intently to both sides as they presented their cases during the trial, and I am confident in saying that President Trump should be acquitted and not removed from office.

First, the Constitution gives the Congress the power to impeach and remove a President from office only for treason, bribery, and other high crimes and misdemeanors, but the two Articles of Impeachment passed by the House of Representatives fail to meet that standard.

The first charge, as we know, is abuse of power. House Democrats alleged that the President withheld military aid from Ukraine in exchange for investigations of Joe and Hunter
Biden. But they failed to bring forward compelling and unassailable evidence of any crime—again, the Constitution talks about treason, bribery, or other high crimes and misdemeanors; clearly, a criminal standard—and thus failed to meet their burden of proof. Certainly, the House managers failed to meet the high burden required to remove the President from office, effectively nullifying the will of tens of millions of Americans just months before the next election. What is more, the House vague charge in the first article is equivalent to acts considered and rejected by the Framers of our Constitution.

That brings us to the second article we are considering—obstruction of Congress. During the House inquiry, Democrats were upset because some of the President’s closest advisers—and their most sought-after witnesses—did not testify. To be clear, some of the executive branch witnesses were among the 78-day witness testimony we did hear during the Senate trial. But for those witnesses for whom it was clear the administration would claim a privilege, almost certainly leading to a long court battle, the House declined to issue the subpoenas and certainly did not seek judicial enforcement. Rather than addressing the privilege claims in court, as happened in the Nixon and Clinton impeachments, the Democratic managers moved to impeach President Trump for obstruction of Congress for protecting the Presidency itself from a partisan abuse of power by the House.

Removing the President from office for asserting long-recognized and constitutionally grounded privileges that have been invoked by both Republican and Democratic Presidents would set a very dangerous precedent and would do violence to the Constitution’s separation of powers design. In effect, it would make the Presidency itself subservient to Congress.

The father of our Constitution, James Madison, warned against allowing the impeachment power to create a Presidential tenure at the pleasure of the Senate.

Even more concerning, at every turn throughout this process, the House Democrats violated President Trump’s right to due process of law. All American law is built on a constitutional foundation securing basic rights and rules of fairness for a citizen accused of wrongdoing.

It is undisputed that the House excluded the President’s legal team from both the closed-door testimony and almost the entirety of the House’s 78-day inquiry. They channeled personal, political, and and attempted to use the most solemn responsibility of Congress to bring down a political rival in a partisan process.

It is no secret that “democrats’ crusade to remove the President” began more than 3 years ago on the very day he was inaugurated. On January 20, 2017, the Washington Post ran a story with the headline “The campaign to impeach President Trump has begun.” At first, Speaker Pelosi wisely resisted. Less than a year ago, she said, “Impeachment is so divisive to the country that unless there is something compelling and overwhelming and bipartisan, I don’t think we should go down that path because it divides the country.” And she was right. But when she couldn’t hold back the stampede of her caucus, she did a 180-degree about-face. She encouraged House Democrats to rush to an impeachment inquiry before an arbitrary Christmas deadline.

In the end, the articles passed with support from only a single party—not bipartisan. The bipartisanship the Speaker claimed was necessary was actually opposed to the impeachment of the President; that is, Democrats and Republicans voted in opposition to the Articles of Impeachment. Only Democrats voted for the Articles of Impeachment.

Once the articles finally made it to the Senate after a confusing, 28-day delay, Speaker Pelosi tried to have Senator Schumer—the Democratic leader here—use Speaker Pelosi’s favorite word “impeachment” to gather a number of political votes every Member of the Senate knew would fail, just so he could secure some perceived political advantage against Republican Senators in the 2020 election.

What should be a solemn, constitutional undertaking became partisan guerilla warfare to take down President Trump and make Senator Schumer the next majority leader of the U.S. Senate.

All of this was done on the eve of an election and just days shy of the first primary in Iowa.

Well, to say the timing was a coincidence would be laughable. This partisan impeachment process could not only remove the President from office, it would also potentially prevent his name from appearing on the ballot in November. We are only 9 months away from an election—9 months away from the American people voting on the direction of our country—but our Democratic colleagues don’t trust the American people, so they have taken matters into their own hands.

This politically motivated impeachment sets a dangerous precedent. This is not just about President Trump; this is about the Office of the Presidency and what precedent a conviction and removal would set for our Constitution and for our future. If successful, this would give a green light to future Congresses to weaponize impeachment to defeat a political opponent for any action—even a failure to kowtow to Congress’s wishes.

Impeachment is a profoundly serious matter that must be handled as such. It cannot become the Hall Mary pass of a party to remove a President, effectively nullifying an election and interfering in the next.

I believe—I think we should all believe—that the results of the next election should be decided by the American people, not by Congress.

The decision to remove a President from office requires undeniable evidence of a high crime. That is the language of our Constitution. But despite our colleagues’ best attempts, the facts they presented simply don’t add up to that standard.

House managers failed to meet their heavy burden of proof that President Trump, beyond a reasonable doubt, committed a crime, let alone a high crime; therefore, I will not vote to convict the President.

I hope our Democratic colleagues will finally accept the result of this trial—just as they have not accepted the result of the 2016 election—and I hope they won’t take the advice of Congresswoman Waters, MAXINE WATTERS in the House, and open a second impeachment campaign. It is time for our country to come together to heal the wounds that divide us and to get the people’s work done.

There is no doubt, as Speaker Pelosi observed in March of 2019, that impeachment is a source of division in our country, and it is also a period of great sadness. If this partisan impeachment were to succeed, my greatest fear is it would become a routine process for every President who serves with a House majority of the opposite party. I hope we would find a recurring impeachment nightmare every time we elect a new President.

Our country is deeply divided and damaged by this partisan impeachment process. It is time for us to bring it to a close and to let the wounds from this unnecessary and misguided episode heal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT FOR THE RECORD—IMPEACHMENT TRIAL OF DONALD JOHN TRUMP

SENATOR JOHN CORNYN OF TEXAS

Mr. President, I would like to submit this statement for the record regarding the impeachment trial of President Donald Trump.

In America, all government derives its power, in the words of the Declaration of Independence, “from the consent of the governed.” * This is not just a statement of national policy, but a statement about legitimacy.

Elections are the principal means of conferring legitimacy by the consent of the governed. Impeachments, by the House and tried in the Senate, while conferring authority on 535 Members of Congress to nullify one election and disqualify a convicted President appearing on the ballot, would exercise delegated power from the governed, much attenuated from the direct consent provided by
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February 5, 2020

Justice’s Office of Legal Counsel, and repeatedly asserted by both Republican and Democratic Administrations in countless disputes with Congress. And since the House did not pursue the testimony or Combination, the issue of presidential privileges or immunity was never decided.7

But that is not all. Representative Eric Swalwell recently declared that not only should a sitting president be impeached if he or she goes to the courts rather than submit to Congress, but that contesting demands for presidential records in a court of law on all of the charged offenses. Congressman Swalwell claimed “we can only conclude that you are guilty” if someone refuses to give any testimony or lie about an offense.8

So much for the presumption of innocence and other constitutional rights encompassed by the Constitution’s guarantee of Due Process of Law.

It is an odd argument that a person accused of running a red light has more legal rights than a President being impeached.

(4) The House’s impeachment inquiry

The House Managers argue that since Article 1, Section 2 of the Constitution gives the House the “sole power of impeachment,” the President cannot question the procedures as a denial of Due Process of Law or authority, even if he introduced the Articles. What they don’t explain is how House rules can preempt the Constitution. They can’t. As Chief Justice John Marshall wrote in Marbury v. Madison, “the Constitution is superior to any ordinary act of the legislature, and the Constitution, and not such ordinary act, must govern the case to which they both apply.”4

While the Constitution gives the House the “sole power to impeach” it gives the Senate the “sole power to try all impeachments.” This has analogized it to a grand jury in criminal cases. Generally speaking, a grand jury may issue an indictment, also known as a “true bill,” only if it finds, based upon the evidence that has been presented to it, that there is probable cause to believe that a crime has been committed by a criminal suspect.

But impeachment is not, strictly speaking, a criminal case, even though the Constitution speaks in terms of “conviction” and the impeachment standard is “treason, bribery, or other high crimes.”5

Contrast that with Article 1, Section 3, Clause 7: “The Party convicted shall never be again a candidate to any higher office.” In other words, the constitutional prohibition of double jeopardy does not apply.

Neither are Senators jurors in the usual sense of being “distrusted” in the facts or outcome. Senators take the following oath: “Do you solemnly swear that in all things appertaining to the duty of impeachment of Donald John Trump, President of the United States, now pending, you will do impartial justice according to the Constitution and laws?”6

Hamilton wrote in Federalist 65 the Senate was chosen as the tribunal for courts of impeachment because: “Where else than in the Senate could have been a tribunal to which the Senate would refer the question of impeachments, for the purpose of something different. President Trump’s counsel referred to the Senate role as sitting in a
“High Court of Impeachment,” and “Democracy’s ultimate court.” Hamilton, in Federalist 65, called it “a method of national inquire.

One of the most significant disputes in the Senate impeachment trial of President Trump was the duty of the House to develop evidence during its impeachment inquiry and the duty of the Senate when new evidence is sought by one or both parties during the trial. In addressing this issue, it is helpful to remind ourselves that the American system of justice is adversarial in nature. That is, it is a system that “resolves disputes by presenting conflicting views of fact and law to an impartial and relatively passive audience, which determines what is fair.” This system “consists of a core of basic rights that recognize and protect the dignity of the individual in a free society.”

The rights that comprise the adversary system include... the rights to call and to confront witnesses, and the right to require the government to prove guilt beyond a reasonable doubt. These rights, and others, are also included in the broad and fundamental concept [of] due process of law—a concept which itself has been substantially equated with the adversary system."

The adversarial nature of these proceedings means that the House Managers were free to present their case without the duty of the Senate to prove guilt beyond a reasonable doubt. The Senate's role is to assess the evidence, in the House inquiry, and not rely on the Senate to do so. In typical court proceedings, the failure of the prosecutor to prove a defendant's guilt beyond a reasonable doubt results in dismissal, not in open-ended discovery or a re-opened investigation.

President Trump's lawyers argued that there were three major errors in the House proceedings: (1) The House did not initially authorize the impeachment inquiry, thus delegating its “sole power” to the Intelligence Committee, which issued dozens of subpoenas the President deemed invalid; (2) The House's due process violations during the Intelligence Committee's proceedings, including denial of notice, counsel, cross examination, and the opportunity to call witnesses; and (3), And, finally, that as an interested fact witness regarding Intelligence Committee contacts with the whistleblower, Chairman Schiff should have fairly conducted the House investigation.

Again, the House Managers argue that the method by which the Articles of Impeachment are advanced to the Senate can be challenged in the Senate trial given the House’s “sole power to impeach.”

Ominously, the President’s lawyers argue that whatever precedent was set by the Senate in this trial would be the “new normal” and govern not just this trial but all impeachment trials in the future. They also argue that to make impeachment “too easy” in the House will result in more frequent presidential impeachments being approved by the Senate, which would then be obliged to try. Similarly, they argue that the Senate should not reword the failure of the House to litigate questions of presidential privileges and immunities in their impeachment inquiry and transfer that burden to the Senate. An important difference between the House and Senate is that House investigations can be delegated to committees while the House conducts other business; so not in the Senate, which must sit as a court of impeachment until the trial is completed.

Thus, during a Senate impeachment trial, absent unanimous consent—unlikely given the contentious nature of the proceedings—the Senate is deprived from any opportunity for discovery, even during delays while executive privilege and similar issues are litigated in the courts. Given that the House chose to not seek judicial enforcement of subpoenas during its impeachment inquiry because of concerns about delay, the question is do they have a right to go forward from the Senate trial?

If so, the President’s lawyers claim, such an outcome would significantly protract a Senate trial and permanently alter the relationship between the two chambers in impeachment proceedings. Indeed, there is a strong textual and structural argument that the Constitution prohibits the Senate from performing the investigative role assigned to the House.

The House Managers contend that Chief Justice Roberts wrote in Johnson v. United States, 2560 (2015). Chief Justice Roberts similarly concluded that included former Vice President Biden and his son, Hunter, and the company on whose board he served, Burisma. The House Managers argued, repeatedly, that President Trump did not care about Ukrainian corruption or burden sharing with allies and that his sole motive was to protect information damaging to a political rival, Joe Biden.

President Trump's lawyers contend that he has a record of concerns about burden sharing with allies, as noted, and produced several examples. At most, they say, his was a mixed motive—partly policy, partly political—and in any event it was not a crime and thus not impeachable.

Therefore, the question arises: did the House Managers prove beyond a reasonable doubt that the sole motive for pausing military aid to Ukraine was for his personal benefit? Or, did they fail to meet their burden?

Conclusion

Ultimately, the House Managers failed to prove beyond a reasonable doubt that the President’s sole motive for seeking any corruption investigation in Ukraine, including of Hunter Biden, was for a personal political benefit. This is given the evidence of President Trump’s documented interest in financial burden sharing with allies, and the widely shared concerns, including by the Chairman of the Senate, with corruption in Ukraine and the need to protect American taxpayers.

Moreover, none of the above conduct rises to the level of a “high crime and misdemeanor.” The first article, Abuse of Power, which charges no crime or violation of existing law is too vague and ambiguous to meet the Constitution’s requirements. It is simply a conclusion into which any disagreeable conduct can be lumped.

Finally, the second article, Obstruction of Congress, cannot be sustained on this record. The President’s counsel correctly argued that its subpoenas were largely unauthorized in the absence of a House resolution delegating its authority to a House committee. What happened here, the President’s lawyers argued, was an attempt by the House to enforce its subpoenas in the courts, essentially giving up efforts to do so in favor of expediting the House impeachment inquiry. The December 19 deadline for delivering the articles before Christmas was prioritized over a judicial determination in the interbranch dispute.

ENDNOTES

1. See Declaration of Independence (“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their powers from the consent of the governed.”)


3. See Johnson v. United States, 2560 (2015). Chief Justice Roberts similarly relied on Justice Scalia’s views when he raised due process concerns in the context of impeachment, indicating that the Constitution’s protections were designed to protect the rights of public officials. McDonnell v. United States, 136 S.Ct. 2355, 2373 (2016).

A variation of these arguments came up in active litigation related to the House’s access to testimony and evidence connected to...
with Special Counsel Mueller’s investiga-
tion. The district courts rejected the White
House Counsel’s position. See House of Rep-
resentatives v. McGahn, No. 1:19-cv-02379-KBJ,
2019 WL 5485221 (D.D.C. Oct. 31, 2019) and In
the Re Application of House of Representatives for
Release of Certain Grand Jury Materials, No. 1:
19–gj–00048, 2019 WL 5485222 (D.D.C. Oct. 31,
2019), are now on appeal, and the D.C. Circuit heard argument in those
cases on January 3, 2020.
5. See Kupperman v. House of Representa-
tives, 19:cv-03224-BRM, 2019 WL 728559
6. See Order of Supreme Court dated De-
cember 17, 2019 Interview of Con-
gressman Eric Swalwell by CNN’s Wolf
Blitzer (“Unless you send those [witnesses]
life. I mean the crisis of trafficking and
exploitation, which robs our young
girls and boys of a future and our soci-
ety of their innocence. I mean the cri-
sis of the family farm and the crisis of
expectancy in my State and across this
nation if we turn our energy and our
devotion to those who have been ex-
ploited and trafficked and give them
new hope and new life. Imagine what
we could do for those who have been
forgotten, from our rural towns to our
inner cities. Imagine what we could do
to give them control over their own
destinies.
We can find the common good. We
can push the boundaries of the pos-
sible. We can rebuild this Nation if we
will listen to the American people. Let
us begin.
I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, in
this impeachment proceeding, I
worked with other Senators to make
sure that we had the right to ask for
more documents and witnesses, but
there was no need for more evidence
to prove something that I believe had
already been proven. The efforts that did
not meet the U.S. Constitution’s high bar
for an impeachable offense.
There was no need for more evidence
to prove that the President asked
Ukraine to investigate Joe Biden and
his son, Hunter. He said this on te-
levision on October 3, 2019, and he said it
during his July 25, 2019, telephone call
to the President of Ukraine.
There was no need for more evidence
to prove that the President withheld
United States aid, at least in part,
to pressure Ukraine to investigate the
Bidens. The House managers have
proved this with what they called a
“mountain of overwhelming evidence.”
Others have said the matter was
“proved beyond a shadow of a doubt.”
There was no need to consider fur-
ther the frivolous second Article of Im-
peachment that would remove from the
President and take away the people’s re-
moval of the President for assembling his
cstitutional prerogative to protect confid-
ential conversations of his
close advisers.
It was inappropriate for the President to ask a foreign leader to investigate his political opponent and to withhold U.S. aid to encourage this investigation. When elected officials improperly interfere with such investigations, it undermines the principle of checks and balances under the law. But the Constitution does not give the President the power to remove the President from office and from this year’s election ballot simply for actions that are inappropriate.

The question then, is whether the President did it but whether the Senate or the American people should decide what to do about what he did. I believe that the Constitution clearly provides that the people should make that decision in the Presidential election that began on Monday in Iowa.

The Senate has spent 11 long days considering this mountain of evidence, the arguments of the House managers and the President’s lawyers, their answers “perjury” and “obstruction” to the House record. Even if the House charges were true, they don’t meet the Constitution’s “Treason, Bribery, or other High Crimes and Misdemeanors” standard for impeachable offense.

I thought that there never ever should be a partisan impeachment. That is why the Constitution requires a two-thirds vote of the Senate to convict. Yet not one House Republican voted for these articles.

If this shallow, hurried, and wholly partisan impeachment were to succeed, it would rip the country apart, pouring gasoline on the fire of cultural divisions that already exist. It would create a weapon of perpetual impeachment to be used against future Presidents whenever the House of Representatives is of a different political party.

Our founding documents provide for duly elected Presidents who serve with “the consent of the governed,” not at the pleasure of the U.S. Congress. Let the people decide.

A year ago, at the Southeastern Conference basketball tournament, a friend of 40 years sitting in front of me turned to me and said: “I am very unhappy with you for voting against the President.” She was referring to my vote against the President’s decision to spend money that Congress hadn’t appropriated to build the border wall.

I told her now that the U.S. Constitution gives to the Congress the exclusive power to appropriate money. This separation of powers creates checks and balances in our government that preserve our individual liberty by not allowing, in that case, the Executive to have too much power.

I replied to my friend: “Look, I was not voting for or against the President. I was voting for the United States Constitution.” Well, she wasn’t convinced.

This past Sunday, walking my dog Rufus in Nashville, I was confronted by a neighbor who said she was angry and crushed by my vote against allowing more witnesses in the impeachment trial. “The Senate should remove the President for extortion,” she said.

I replied to her: “I was not voting for or against the President. I was voting for the United States Constitution, which, in my view, does not give the President the power to remove the President from his office and from this year’s election ballot simply for actions that are inappropriate.

The United States Constitution says a President may be convicted only for “Treason, Bribery, and other High Crimes and Misdemeanors.” President Trump’s actions regarding Ukraine are a far cry from that. Plus,” I said, “unlike the Nixon impeachment, when almost all Republicans voted to initiate an impeachment inquiry, not one single Republican voted to initiate this impeachment inquiry against President Trump. The Trump impeachment,” I said to her, “was a completely partisan action, and the Framers of the United States Constitution, especially James Madison, believed we should never ever have a partisan impeachment. That would undermine the separation of powers by allowing the House of Representatives to immobilize the executive branch, as well as the Senate, by a perpetual partisan series of impeachments.”

When our country was created, there never had been anything quite like it: a democratic republic with a written Constitution. The greatest innovation was the separation of powers among the Presidency, the Supreme Court, and the Congress.

The late Justice Scalia said this of checks and balances: “Every tin horn dictator in the world today, every president for life, has a Bill of Rights. . . . What has made us free is our Constitution.” What he meant was, what makes the United States different and protects our individual liberty is the separation of powers. It creates checks and balances in our Constitution.

The goal of our Founders was not to have a King as a chief executive, on the one hand, or to not to have a British-style parliament, on the other, which could remove our chief executive or prime minister with a majority or no-confidence vote. The principle reason our Constitution created a U.S. Senate is so that one body of Congress can pause and resist the excesses of the Executive, from the popular passions that could run through the Chamber of Representatives like a freight train.

The language of the Constitution, of course, is subject to interpretation, but on some things, its words are clear. The President cannot spend money that Congress doesn’t appropriate — that is clear — and the Senate can’t remove a President for anything less than treason, bribery, high crimes and misdemeanors, and two-thirds of us, the Senators, must agree on that. That requires a bipartisan consensus.

We Senators take an oath to base our decisions on the provisions of our Constitution, which is what I have endeavored to do during this impeachment proceeding.

Madam President, I ask unanimous consent to include a few documents in the RECORD following my remarks. They include an editorial from February 3; an editorial from the Wall Street Journal; an editorial from the National Review, also dated February 3; an opinion editorial by Robert Doar, president of the American Enterprise Institute on February 1; an article from KnoxTNToday, a Wagon Mound, Iowa, editorial board; and an appearance on “Meet the Press” on Sunday, February 2, 2020. These documents illuminate and further explain my statement today.

Thank you.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 3, 2020]

EDITORIAL BOARD: L AMAR ALEXANDER’S F INEST HOUR—H IS VOTE AGAINST WITNESSES WAS ROOTED IN CONSTITUTIONAL PRINCIPLES

Senate Republicans are taking even more media abuse than usual after voting to bar witnesses from the impeachment trial of President Trump. “Crimes and Misdemeanors” are two examples of the sputtering progressive rage. On the contrary, we think it was Lamar Alexander’s finest hour.

The Tennessee Republican, who isn’t running for re-election this year, was a decisive vote in the narrowly divided Senate on calling witnesses. He listened to the evidence and arguments from both sides, and then he offered his sensible judgment: Even if Mr. Trump did what House managers charge, it still isn’t enough to remove a President from office. “It was inappropriate for the president to ask a foreign leader to investigate his political opponent and to withhold United States aid to encourage that investigation.” Mr. Alexander said in a statement Thursday night. “But the Constitution does not give the Senate the power to remove the president from office and ban him from this year’s ballot simply for actions that are inappropriate.”

The House managers had proved their case to his satisfaction even without new witnesses, Mr. Alexander added, but “they do not meet the Constitution’s ‘treason, bribery, and other high crimes and misdemeanors’ standard for an impeachable offense.” Nebraska Sen. Ben Sasse told reporters “I see it clearly: Lamar speaks for lots and lots of us.”

This isn’t an abdication. It’s a wise judgment based on what Mr. Trump did and the rushed, partisan nature of the House impeachment. Mr. Trump was wrong to ask Ukraine to investigate Biden and Hunter Biden, and wrong to use U.S. aid as leverage. His call with Ukraine’s President was far from perfect. It was reckless and self-destructive, as Mr. Trump often is.

Nearly all of his advisers and several Senate Republicans opposed his actions, like Wisconsin’s Ron Johnson lobbied Mr. Trump hard against the aid delay, and in the end the aid was delivered within the fiscal year and Ukraine did not begin an investigation. Even the House managers did not allege specific crimes in their impeachment articles.

For those who want the best overall account of what happened, we recommend the Nov. 18 letter that Mr. Johnson wrote to House Republicans.

Mr. Alexander’s statement made two other crucial points. The first is the damage that partisan removal of Mr. Trump would do to the country.
February 5, 2020

CONGRESSIONAL RECORD — SENATE

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ALEXANDER GOT IT RIGHT: IT TAKES MORE TO REMOVE A PRESIDENT

(BY ROBERT DOAR)

"It was inappropriate for the president to ask a foreign leader to investigate his political opponent and to withhold United States aid to encourage that investigation. When elected officials inappropriately interfere with such investigations, it undermines the principle of equal justice under the law. But the Constitution does not give the Senate the power to remove the president from office and ban him from this year's ballot simply for actions that are inappropriate."

Republican Sen. Lamar Alexander's words resonated some of the statements his colleague Sen. John Doar, had as he considered whether the conduct of President Richard Nixon was so serious that it should lead the House to impeach him and the Senate to remove him from office. Nixon was in charge of the House Judiciary Committee staff, which took seven months (between December 1973 and July 1974) to examine the evidence and consider the question. What he concluded, and what the House Judiciary Committee by bipartisan majorities also found, was that Nixon did not impeach the president for a pattern of conduct over a multi-year period that both obstructed justice and abused power.

So the first article, concerning obstruction of justice, found that Nixon and his subordinates had tampered with witnesses and evidence, misled the Justice Department's investigating attorneys. They had paid hush money and attempted to mislead the CIA. And they had lied repeatedly to investigators and the American people.

On abuse of power, Nixon was found to have misused his authority over the FBI, the CIA, and the Secret Service to deprive his political opponents of power and in the process he had violated the constitutional rights of citizens. After he came
under suspicion, he tried to manipulate these agencies to interfere with the investigation.

Alexander’s conduct toward Ukraine, though inappropriate, differs significantly from Nixon’s. Where Nixon’s impeachable abuse of power occurred over a period of several years, the conduct challenged by the House’s impeachment was almost instant. And it was prolonged. From July to September last year, Trump attempted to cajole a foreign government to open an investigation into his political opponent, whose conduct was wrong but not the same as what Nixon did over multiple years.

This contrast brings to light a critical difference between the House’s behavior in 1974 and its efforts today. When Nixon’s actions came to light, the House conducted an impeachment the right way: The House Judiciary Committee took seven months to examine all of the evidence, built up a theory of the case which matched the Constitution’s requirements, and produced charges that implicated the president and his subordinates in a pattern of impeachable conduct. Faced with certain impeachment and removal from office, Nixon resigned. What Trump attempted to do, as Alexander rightly sees, is not that.

Alexander is right about one other thing—we should let the people decide who our next president should be.

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[From the Knox TN Today, Feb. 4, 2020]

Lamar Was Right

(By Frank Caugle)

Since I’m older than dirt, there have been occasions over the years when first-term state legislators would ask me if I had any advice for them. Yes.

When a major and controversial issue looms study it, decide where you are and let everyone know where you are. In other words, pick your battle so you have a reason for keeping your word, and do not be known as a member who will go where the wind blows.

Make sure you do not get into the group known as the undecideds. You will get hammered by both sides, wooed by both sides and hounded by the media. And finally, do not under any circumstances be the deciding vote. Your will be the only vote anyone remembers.

You would think someone who has been around as long as Lamar Alexander could avoid this trap. But not so. In the impeachment trial of President Trump, he got the label undecided, he was then hounded by the media and hammered by both sides over whether he would march in lockstep with Majority Leader Mitch McConnell or whether he would vote no. He ended up being the deciding vote. The people will remember that.

And horror of horrors, he was the deciding vote and the only one that will be remembered. Lamar has announced how he will vote the “more witnesses” movement collapsed.

Alexander now finds himself being excoriated by both sides. The Trump supporters will never forget his failure to fall in line and salute. The anti-Trumpers are expressing their disappointment.

I’ve never been a Lamar fan. But I would like to make the case that he did exactly the right thing and he expressed the position of the majority of his Republican colleagues. He, said he had been paying attention, said Trump did what he was accused of and what he did was wrong—inauthentic. But it did not rise to the level of removing him from office. There was no point in lis-
the trial. So, if we make bipartisanship a standard, if somebody has a stranglehold on a base of a political party, then what you’re saying is, you can overcome any impeachable charge if you have this stranglehold on a group of people.

Alexander: Well, as far as what the Senate did, I thought we gave a good hearing to the case. And it seems to me that the House did not dismiss it. We heard it. There were some who wanted to dismiss it. I helped make sure that we had a right to ask for more evidence if we needed it. And I found out that although we had heard, we saw videotapes of 192 times that witnesses testified. We sat there for 11 and 12 hour days for nine days. So, I think we heard the case. The partisan politics, the most important point to me, James Madison, others thought there never, ever should be a wholly partisan impeachment. And if you look at Nixon, when the vote that authorized that inquiry was 410 to four and you look at Trump, where not a single Republican voted for it. If you start out with a partisan impeachment, you’re almost destined to have a partisan acquittal.

Todd: Alright, but what do you do if you have a witness who has the ability to essentially be a populist? You know, be somebody who is able to say it’s fake news. It’s deep state. Don’t trust this. Don’t trust that. The establishment is doing this. And so don’t worry about truth anymore. Don’t worry about what you hear over there. I mean, some may say I’m painting an accurate picture. I’m painting a radical picture. But how do you prevent that?

Alexander: Well, the way you prevent that in our country, according to the Declaration of Independence, is we have duly elected presidents with the consent of the governed. So we vote them out of office. The other thing is the Nixon case. Nixon had just been elected big in 1972 big time, only lost one state, I think. But then a consensus developed, a bipartisan consensus, that what he was doing was wrong. And then when they found the crimes, he only had 10 or 12 votes that would have kept him in the Senate. So he quit. So those are the two options you have.

Todd: Have we essentially eliminated impeachment as a tool for a first-term president?

Alexander: No, I don’t think so. I think impeachment as a tool should be rarely used and it’s never been used in 230 years to remove a president. There were, 63 impeachment, eight convictions. They’re all federal judges on a lower standard.

Todd: Does it bother you that the president’s lead lawyer, Pat Cipollone, is now sitting behind the desk with Rudy Giuliani? And I say that because Pat Cipollone is up there arguing that there’s no direct evidence and yet, he may have been a first-hand witness.

Alexander: Well, it doesn’t have anything to do with my decision because my decision was, did the president do it, what’s he charged with? He wasn’t charged with a crime. He was charged with two things. And my conclusion was, he did do that and I don’t need any more evidence to prove it. That doesn’t give me anything to do with where Cipollone was.

Todd: No, I say that does it only reinforce what that the White House was disingenuous about this the whole time. They’ve been disingenuous about how they’ve handled subpoenas from the House or requests from the House.

Alexander: I don’t agree with that Chuck. Either. The fact of the matter is in the Nixon case, the House voted 410 to four to authorize an inquiry. That means that it authorized subpoenas by the judiciary committee for impeachment. This House never did that. Bill Clinton offered regret for his behavior. This president has not. Does that bother you?

Alexander: Well, there hasn’t been a vote yet either, so we’ll see what he says and does. I think that’s up to him.

Todd: You’re comfortable acquitting him before he says anything about regret. Would that not, would that not help make your acquittal vote?

Alexander: Well, I wasn’t asked to decide who says his level of regret. I was asked, did he make a phone call and did he, at least in part, hold up aid in order to influence an investigation of Joe Biden? I concluded, he’s got a pretty good story to tell. If he’ll focus on it.

Todd: You’re one of the few people that detailed what you believe he did wrong. One of the few people who actually accepted the facts as they were presented. Mitt Romney was just uninvited from CPAC. Mike Pompeo can’t speak freely in talking about Maria Butina, the Russian spy. Is there room for dissent in the Republican party right now?

Alexander: Well, I believe there is. I mean, I dissent when I need to. Whether it’s on—

Todd: —not easy though right now, is it?

Alexander: Well, I voted in a way that not everybody agrees with. And you’ve accepted the facts as they were presented. Mitt Romney was just uninvited from CPAC. Mike Pompeo can’t speak freely in talking about Maria Butina, the Russian spy. Is there room for dissent in the Republican party right now?

Todd: You know, in that phone call, there’s one thing on the phone call that I’m surprised the president did more than any of his predecessors. He’s talked more than any of them. It’s the mere mention of the word, CrowdStrike is a Russian intelligence sort of piece of propaganda that they’ve been circulating that President Trump was focused on. The president of United States is reiterating Russian propaganda?

Alexander: Yes. I think that’s a mistake. I mean if you see what’s happening in the Baltic States where Russians have a big warehouse in St. Petersburg in Russia where they’re devoted to destabilizing Western democracies, I mean, for example, in one of the Baltic States, they accused a NATO officer of raping a local girl—of course it didn’t happen, but it threw the government in a complete, complete array for a week. So I think we need to be sensitive to the fact that the Russians are out to do no good to destabilize Western democracies, including us. And be very wary of theories that Russians come up and padle.

Todd: Well, I was just going to say this is not the same as what happened in the United States in this phone call and you clearly are judging him on the phone, more so than.

Alexander: Well the phone call and the evidence here is pretty straightforward. I mean, the House managers came to us and said, we have overwhelming evidence. We have a mountain of evidence and we approve it beyond a reasonable doubt. Which made me think, well, then why do you need more evidence?
Impeachment is serious. It’s the “Break Glass in Case of Emergency” provision of the Constitution.

I plan to vote against removing the president, and I write to explain this decision to the Nebraskans on both sides who have advocated impeachment.

An impeachment trial requires senators to carry out two responsibilities: We’re jurors sworn to “do impartial justice.” We’re also elected officials responsible for promoting the civic welfare of the country. We must consider both the facts before us, and the long-term effects of the verdict rendered. I believe Americans want and deserve a fair, transparent, and impartial trial.

Let’s start with the facts of the case. It’s clear that the president had mixed motives in his decision to temporarily withhold military aid from Ukraine. The line between personal and public was not firmly safeguarded. But it is important to understand, whether one agrees with him or not, three things President Trump believes:

He believes foreign aid is almost always a bad deal for America. I don’t believe this, but he has maintained this position consistently since the 1980s.

He believes the American people need to know the 2016 election was legitimate, and he believes they were surprised by the 2016 election. I believe this, but the president has heard it repeatedly from people he trusts, chiefly Rudy Giuliani, and he believes he’s right.

He believes the Crowdstrike theory of 2016, that Ukraine conducted significant meddling in our election. I don’t believe this theory, but the president has heard it repeatedly from people he trusts, chiefly Rudy Giuliani, and he believes he’s right.

These beliefs have consequences. When the president spoke to Ukraine’s president Zelensky in July 2019, he seems to have believed he was doing something that was simultaneously good for America, and good for himself politically—namely, reinforcing the legitimacy of his 2016 victory. It is worth remembering that that phone call occurred just days after Robert Mueller’s two-year investigation into the 2016 election concluded that “the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities.”

This is not a blanket excuse, of course. Some of the president’s lawyers have admitted that the way the administration conducted the impeachment process toward Ukraine was wrong. I agree. The call with Zelensky was certainly not “perfect,” and the president’s defense was made weaker by staking out that unrepentant position.

Moreover, Giuliani’s off-the-books foreign policy-making is unacceptable, and his role in walking the president into this airplane proper was unappreciated. His Crowdstrike theory was a booner attempt not only to validate Trump’s 2016 election, and to fling the media’s narrative of Russian interference in his face, but to embarrass his opponent. One certainty from this episode is that America’s Mayor shouldn’t be any president’s lawyer. It’s time for the president to appoint his team to usher Rudy off the stage—and to ensure that we do not normalize rogue foreign policy conducted by political operatives with murky financial interests.

There is no need to hear from any 18th impeachment witness, beyond the 17 whose testimony the Senate reviewed, to confirm facts we already knew. One consistent pattern that John Bolton’s entire testimony would support Adam Schiff’s argument, this doesn’t add to the reality already established: The aid delay was wrong.

But in the end, the president wasn’t seduced by the most malign voices; his honest and straightforward viscerally advocated the aid the law required. And importantly, this happened three weeks before the legal deadline. To repeat: The president’s official staff repeatedly pressured Ukraine to ultimately get the money, and no political investigation was initiated or announced. You didn’t get it for initially listening to bad advisors but eventually talking counsel from better advisors—which is precisely what happened here.

There is one crucial question, though, beyond the facts of the case: What is the right thing for the long-term civic health of our country? Will America be more stable and longer overruled their vote, overturned an election and struck their preferred candidate from the ballot. This one-party removal attempt leaves America more bitterly divided. It makes it more likely that impeachment, intended as a tool of last resort for the most serious presidential crimes, becomes just another bludgeon in the bag of tricks for the party out of power. And more Americans will conclude that constitutional self-government today is nothing more than partisan bloodsport.

We must do better. Our kids deserve better. Most of the restoration and healing will happen far from Washington, of course. But this week, senators have an important role: Get out of the way, and allow the American people to render their verdict on election day.

Mr. Sasse, Thank you

The PRESIDING OFFICER (Mr. Sasse). The time for Mr. Sasse is 1 minute.

Ms. HARRIS. Mr. President, when the Framers wrote the Constitution, they didn’t think someone like me would serve as a U.S. Senator, but they did envision someone like Donald Trump being President of the United States, someone who thinks he is above the law and that rules don’t apply to him. So they made sure our democracy had the tool of impeachment to stop that kind of abuse of power.

The Senate trial of Donald Trump has been a miscarriage of justice. Donald Trump is going to get away with abusing his position of power for personal gain, abusing his position of power to stop Congress from looking into his misconduct, and falsely claim he has been exonerated. He is going to escape accountability because a majority of Senators have decided to let him. They voted repeatedly to block key evidence like witnesses and documents that could have shed light on the full truth.

We must recognize that still in America there are two systems of justice—one for the powerful and another for everyone else. So let’s speak the truth about what our two systems of justice actually mean in the real world. It means that in our country too many people walk into courthouses and face systemic bias. Too often they lack adequate resources. Whether they are overworked, underpaid, or both. It means that a young man named Emmett Till was falsely accused and then murdered, but his murderer didn’t have to spend a day in jail.

It means that four young Black men named Groveland, FL. It means that four young Black men have their lives taken and turned upside-down after being falsely accused of a crime in Groveland, FL. It means that, right now, too many people in America are sitting in jail without having yet been convicted of a crime but simply because they cannot afford bail.

And it means that future Presidents of the United States will remember that the U.S. Senate failed to hold Donald Trump accountable. They will be emboldened to abuse their power knowing there will be no consequence.

Donald Trump knows all this better than anybody. He may not acknowledge that we have two systems of justice, but he knows the institutions in this country, be it the courts or the Senate, are set up to protect powerful people like him. He told us as much when, regarding the sexual assault of women, he said, “When you’re a star, they let you do it. You can do anything.” He said that article II of the U.S. Constitution promises him, as President, the right to do whatever he wants.

Trump has shown us through his words and actions that he thinks he is above the law. And when the American people see the President acting as though he is above the law, it undercuts the very trust in our government and our justice system that our Constitution promises. It is going to take all of us—in every State, every town, everywhere—to continue fighting for the best of who we...
February 5, 2020

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are as a country. We each have an important role to play in fighting for those words inscribed on the U.S. Supreme Court building: “Equal Justice Under Law.”

Frederick Douglass, who I, like many of the Founders of our Nation, wrote that the “whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle.”

The trial of Donald Trump has been one of those earnest struggles for liberty, and this fight, like so many before it, has been a fight against tyranny. This struggle has not been an easy one, and it has left too many people across our Nation feeling cynical. For too many people, this trial confirmed something they have always known, that the real power in this country lies not with them but with just a few people who advance their own interests at the expense of others’ needs and needs. But here is the thing. Frederick Douglass also told us that “if there is no struggle, there is no progress.” The trial is yet another example of the way that our system of justice has worked or, more accurately, failed to work.

But here is the thing. Frederick Douglass also told us that “if there is no struggle, there is no progress.” He went on to say: “Power concedes nothing without a demand.” And he said: “It never did, and it never will.”

In order to wrestle power away from the few people at the very top who abuse authority, the American people are going to have to fight for the voice of the people and the power of the people. We must go into the darkness to shine a light, and we cannot be deterred and we cannot be overwhelmed and we cannot ever give up on our country.

We cannot ever give up on the ideals that are the foundation for our system of democracy. We can never give up on the meaning of true justice. And it is part of our history, our past, our present, and our future that, in order to make these values real, in order to make the promise of our country real, we can never take it for granted.

There will be moments in time, in history, where we experience incredible disappointment, but the greatest disappointment of all will be if we give up. We cannot ever give up fighting for who we know we are, and we must always see who we can be, unburdened by who we have been. That is the strength of our Nation.

So, after the Senate votes today, Donald Trump will want the American people to feel cynical. He will want us not to care. He will want us to think that he is all powerful and we have no power, but we are not going to let him get away with that.

We are not going to give him what he wants because the true power and potential of the United States of America resides not with the President but with the people—all the people.

So, in our long struggle for justice, I will do my part by voting to convict this lawless President and remove him from office, and I urge my colleagues to join me on the right side of history. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. Santarsiero. Mr. President, considering whether to convict a President of the United States on Articles of Impeachment is a solemn and consequential duty, and I do not take it lightly. Even before we had a country, our Founders set forward the notion of “country first,” pledging in the Declaration of Independence their lives, fortunes, and sacred honor—a pledge they made to an idea, imagining and hoping for a country where no one was above the law, where no one had absolute power.

My dad, a World War II veteran, and my mom raised me to understand that this is what made our country the unique and indispensable democracy that it is.

My obligation throughout this process has been to listen carefully to the case that the House managers put forward and the defenses asserted by the President’s lawyers, and then to carefully consider the constitutional basis for impeaching him, for removing him, for recognizing the intent of our Founders, and the facts.

That is what I have done over the past few days. The Senate heard extensive presentations from both sides and answers to the almost 200 questions Senators posed to the House managers and the President’s advocates. The facts clearly showed that President Trump abused the public’s sacred trust by using taxpayer dollars to extract a foreign government into providing misinformation about a feared political opponent.

Let me repeat that. The President of the United States used taxpayer money that had been authorized, obligated, and cleared for delivery as critical military assistance to force Ukraine to interfere in our elections. He violated the law and the public trust. And he put our national security, and the lives of the Ukrainian soldiers on the frontlines of Russian aggression at risk.

Although the country was alerted to the possibility that the President had crossed a critical line because of revelations about his now-infamous July 25 phone call, it is not the phone call that led to the President’s impeachment. Instead, the phone call was a pivotal point in a scheme that had started earlier, spearheaded by President Trump’s personal lawyer Rudy Giuliani.

Mr. Giuliani has acknowledged that he was the President’s personal and political bidding when he engaged with the Ukrainian government. As the newly elected anti-corruption Ukrainian Government came into power, the new President and support from the United States, President Trump forced officials from Ukraine and the United States to negotiate through Mr. Giuliani, conflating his personal and political interests with the national security and diplomatic interests of our country.

And then, as President Zelensky resisted the request that he concoct and announce a fake investigation into the Bidens, the President and Mr. Giuliani increased the pressure. Suddenly, and without explanation or a legally required notification to Congress, the President ordered that previously approved and critically needed military aid to Ukraine be held up.

Mr. Trump, at the urging of Mr. Giuliani, and then directly, solicited interference with an American election from a foreign government. And he ordered others in his administration to work with Mr. Giuliani to ensure this scheme’s success.

While there is still more evidence that the Senate should have subpoenaed both witnesses and documents that would have given us a more complete understanding of what happened, we can see the extent of the courage and strength of American patriots who put country before self—patriots like the intelligence community whistleblower, who was followed by Army Lieutenant Colonel Vindman, Mr. Taylor, as well as current and former U.S. Ambassadors to Ukraine Marie Yovanovitch and William Taylor, as well as current members of the administration. These Americans who came forward were doing exactly what we always ask of ourselves: If you see something wrong, you need to speak up; “See something, say something.” It is a fundamental part of citizenship to alert each other to danger, to act for the greater good, to care about each other and our country without regard to political party.

When Americans step forward, sometimes at real risk to themselves, they rightly expect that their government will take the information they provide and act to make them safer, to protect their fundamental rights. That is the understanding between the American people and their representative government.

While the brave women and men who appeared before the House did their jobs, the Senate, under this majority, has unfortunately not. Rather than gathering full, relevant testimony under oath and with the benefit of cross-examination, the Senate majority has apparently decided that despite all that has happened, they are not interested in learning more: not interested in learning more about how a President, his personal agent, and members of his administration corrupted our foreign policy and put our Nation’s security at risk; not interested in learning more about how they planned to use the power of his office to tilt the scales of the next election to ensure that he stays in power; not interested in learning more about how they worked to cover it up.

Increasingly, over the last few days, the President’s defense team and more and more of my colleagues in the Senate have acknowledged the facts of the
President’s scheme. Their argument has shifted from “He didn’t do it” to “He had a right to,” to “He won’t do it again,” or even “It doesn’t really mat-
ter.” I disagree so strongly.

The United States is the country, established by the very rejection of a mon-
archy. The President has absolute power is absurd, as is the idea that this President, whose conduct is ultimately the cause of this entire process, will suddenly stop. President Trump con-
tinues to extort foreign powers to interfere with our elections, maintain-
ing to this day that “it was a perfect call.”

Our Founders knew that all people, all leaders, are fallible human beings. And they knew that our system of checks and balances could survive some level of human frailty, even in as important an office as the Presidency.

The one thing that they feared it could not survive was a President who would govern in the interest of the citizens of the American people or who didn’t understand the difference between the two. As citizen-in-chief, and one wielding enormous power, Presi-
dents must put country first.

Our Founders believed that they were establishing a country that would be unique in the history of humankind, a country that would be indispensable, built on the rule of law, not the whims of a ruler. Generation after generation of Americans have fought for that vi-
sion because of what it has meant to our individual and collective success and to the progress of humankind worldwide.

That is the America that I have sworn an oath to protect. I will vote in favor of both Articles of Impeachment because the President’s conduct re-
quires it. Congress’s responsibility as a coequal branch of government requires it, and the very foundation and secu-
rit y of our American idea requires it.

I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from Alabama.

Mr. JONES. Mr. President, on the day I was sworn in as a United States Senator, I took an oath to protect and defend the Constitution. Just last month, at the beginning of the im-
peachment trial, I took a second oath to do fair and impartial justice, accord-
ing to the same Constitution I swore to protect.

As I took the oath and throughout the impeachment trial, I couldn’t help but think of my father. As many of you know, I lost my dad over the holiday recess. While so many were arguing over whether or not the Speaker of the House should send Articles of Impeach-
ment to the Senate, I was struggling with watching him slip away, while only occasionally trying to weigh in with my voice to be heard about the need for fair and open impeachment trial. My dad was a great man, a loving husband, father, grand-
father, and great-grandfather who did his best to instill in me the values of right and wrong as I grew up in Fair-
delphia, a city I am proud to call my home. He was a proud patriot who loved this country. Although, for-

unately, he was never called on to do so, I firmly believe he would have placed his country even above his fam-
ily because he knew and understood fully what America and the freedoms and liberties that come with her mean to everyone in this great country and, significantly, to people around the world.

I know he would have put his country before any allegiance to any political party or government. He was on the younger side of that “greatest generation” who joined the Navy at age 17 to serve our great military. That service and love of country shaped him into the man of principle that he was, instilling in him the principles.

In thinking of him, his patriotism, his principles, and how he raised me, I am reminded of Robert Kennedy’s words that were mentioned in this trial:

Few men are willing to brave the dis-
approval of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world that yields most painfully to change.

Candidly, to my colleagues on both sides of the aisle, I fear that moral courage, country before party is a rare commodity. If one can write about it and talk about it in speeches and in the media, but it is harder to put into action when political careers may be on the line. Nowhere is the dilemma more difficult than in an im-
peachment of the President of the United States. Very early on in this process, I implored my colleagues on both sides of the aisle, in both Houses of Congress, to stay out of their political and partisan corners. Many did, but so many did not. Even the media continually view this entire process through partisan, political eyes and how it may or may not affect an elec-
tion. That is unfortunate. The country deserves better, and we must find a way to move beyond such partisan di-

terest.

The solemn oaths that I have taken have been my guides during what has been a difficult time for the country, my State, and for me personally. I did not run for the Senate hoping to par-
ticipate in the impeachment trial of a duly elected President, but I cannot and will not shrink from my duty to defend the Constitution and to do im-
partial justice.

In keeping with my oath as Senator and my oath to do impartial justice, I resolved that throughout this process, I would keep an open mind, to consider the evidence without regard to political affiliation, and to hear all of the evidence before making a decision on either charge against the President. I believe that my votes later today will reflect that commitment.

With the eyes of history upon us, I am acutely aware that the precedent that this impeachment trial will set for future Presidencies and Congresses. Unfortunately, I do not believe that those precedents are good ones. I am particularly concerned that we have set a precedent that the Senate does not have to go forward with wit-
nesses or review documents, even when those witnesses have firsthand in-
formation and the documents would allow us to test not just the credibility of witnesses but also test the words of counsel of both parties.

It is my firm belief that the Amer-
ican people deserve more. In short, wit-
nesses and documents would provide the Senate and the American people with a more complete picture of the truth. I believe the American people deserve nothing less.

That is not to say, however, that there is not sufficient evidence in what we have render judgment there is. As a trial lawyer, I once explained this process to a jury as like putting to-
gether the pieces of a puzzle. When you open the box and spread all the pieces on the table, it is just an incoherent jumble set of pieces. But one by one, you take those pieces up, and you hold them next to each other and see what fits and what doesn’t. Even if, as was often the case in my house growing up, you are missing a few pieces—even important ones—you more often than not see the picture.

As I have said many times, I believe the American people deserve to see a complete, a picture with all of the pieces—pieces in the form of docu-
ments and witnesses with relevant, firsthand information, which would have provided valuable context, cor-
raboration, or contradiction to that which we have heard. But even with missing pieces, our common sense and life’s experiences allow us to create the picture as it comes into full view.

Throughout the trial, one piece of evidence continued to stand out for me. It was the President’s statement that he had a right to “He won’t do it under the Constitution, "we have Arti-

cle II, and I can do anything I want." That seems to capture this President’s belief about the Presidency; that he has unbridled power, unchecked by Congress or the Judiciary or anyone else. That view, dangerous as it is, ex-

clines the President’s actions toward Ukraine and Congress. The sum of what we have seen and heard is, unfortunately, a picture of a President who has abused the great power of his office for personal gain—a picture of a President who has placed his personal interest well above the in-
terests of the Nation and, in so doing,
threatened our national security, the security of our European allies, and the security of Ukraine. The evidence clearly proves that the President used the weight of his office and the weight of the U.S. Government to seek to coerce a foreign government to interfere in our election process in a manner consistent with the specific duties assigned to him by the Constitution. The President’s actions were nothing less than a clear and present danger to our national security.

The evidence shows that the President deliberately and unconstitutionally obstructed the impeachment inquiry by refusing to cooperate with the investigation in any way. While I am sensitive to protecting the privileges and immunities afforded to the President and his advisers, I believe it is critical to our constitutional structure that we also protect the authorities of the Congress of the United States. Here it was clear from the outset that the President had no intention whatsoever of accommodating Congress when he blocked both witnesses and documents from being produced. In addition, he engaged in a course of conduct to threaten potential witnesses and smear the reputations of the civil servants who did come forward and provide testimony.

The President’s actions demonstrate a belief that he is above the law, that no branch is entirely unfettered by the Constitution because he is either President, and, and his efforts to conceal the truth from Congress for blocking testimony and records. While I am mindful that they were not those of our country. His efforts to engage in sham investigations, including one that sought to directly damage President Trump’s rival in the upcoming election. The President’s actions served his personal and political needs, not those of our country. His efforts to withhold military aid to Ukraine for his own personal benefit undermined our national security.

The second article of impeachment charges the President with obstruction of Congress for blocking testimony and records. He failed to do so himself. After hearing evidence closely to the impeachment managers and the President’s defense team, weighing the evidence presented to us, and being denied the opportunity to see relevant documents and hear from firsthand witnesses, I will vote to find President Trump guilty on both Articles of Impeachment.

Accordingly, I will vote to convict the President on both Articles of Impeachment. In doing so, I am mindful that in a democracy there is nothing more sacred than the right to vote and respecting the will of the people. But I am also mindful that when our Founders wrote the Constitution, they envisioned a time at least a possibility that our democracy would be more damaged if we fail to impeach and remove a President. Such is the moment in history that we face today.

The gravity of this moment, the seriousness of the charges, and the implication for future Presidencies and Congress have all contributed to the difficulty at which I arrived at my decision.

I am mindful that I am standing at a desk that once was used by John F. Kennedy, who famously wrote “Profiles in Courage,” and there will be so many who simply look at what I am doing today and say that it is a profile in courage. It is not. It is simply a matter of right and wrong, where doing right is not a courageous act; it is simply following your oath.

This has been a divisive time for our country but what has nonetheless been an important constitutional process for us to follow. As this chapter of history draws to a close, one thing is clear to me. As I have said before, our country deserves better than this. They deserve better from the President, and they deserve better from the Congress. We must find a way to come together, to set aside partisan differences, and to focus on what we have in common as Americans.

While we are living in our favor these days, we still face great challenges, both domestically and internationally. But it remains my firm belief that united we can conquer them and remain the greatest hope for the people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, today the Senate is called upon to uphold our oath of fidelity to the Constitution because President Trump failed to do so himself.

After listening closely to the impeachment managers and the President’s defense team, weighing the evidence that was presented to us, and being denied the opportunity to see relevant documents and hear from firsthand witnesses, I will vote to find President Trump guilty on both Articles of Impeachment.

Accordingly, I will vote to convict the President and remove him from office. I agree with those who say that impeachment should be rare and American voters should decide our elections. That is why it is so galling that President Trump blatantly solicited foreign interference in our democratic process. And he did it as he geared up for reelection.

The evidence shows President Trump deliberately and illicitly sought foreign help to manufacture a scandal that would invalidate his re-election.

The American people deserve a President who will serve their interests, not his own.

Mr. President, it is my hope that the American people will see through the fiction of the President’s case and that they will recognize the danger he poses to our democracy.

The Constitution grants the executive branch significant power, but as every student in America learns, our system is one of checks and balances so that no branch is entirely unfettered from oversight and the law.

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President Trump would have us believe this system of checks and balances is wrong. In President Trump’s own words, he expressed the misguided imperial belief in the supremacy of his unchecked power, stating, quote: “I have an Article II, where I have the right to do whatever I want as President.”

Couple this sentiment with his January 2016 boast that, quote: “I could stand in the middle of Fifth Avenue and shoot somebody and I wouldn’t lose votes.” That paints a chilling picture of someone who clearly believes, incorrectly, that he is above the law. The President’s attorneys have hewed to this line of faulty reasoning and, in one notably preposterous effort, even claimed the President could avoid impeachment for an inappropiate action motivated entirely by his own political and personal interests.

The President’s defense also failed to sufficiently demonstrate that the President’s actions and the defense team’s arguments were so unique as to justify the extraordinary deference to the President. The President’s lawyers have argued that the executive branch is not a subject matter for the Senate, and that the rules of impeachment are different than the rules of a criminal proceeding. This is not verdade principle for discussion: Congress has the authority to investigate and impeach the President. The Constitution does not give the Senate any new powers or duties, but it does grant the Senate the power of impeachment.

In the Clinton impeachment, there was an enormous amount of documentary evidence, as well as sworn depositions and testimony by the President and his closest advisers.

In the cases of United States v. Nixon and United States v. * et al., the House managers rightly point out that the courts have held “Congress’s power to investigate is as broad as its power to legislate and lies at the heart of Congress’s constitutional role.”

While President Trump’s impeachment lawyers claim the House should take the President to court over these previously settled issues, President Trump’s lawyers at the Justice Department blithely argue in the courts that the judicial branch has no control or even rule on such matters.

As President Trump staked out new, expansive, and aggressive positions about executive privilege, immunity, and the limits of Congress’s oversight authority, Republican leaders went along with it. I have heard a variety of explanations for why my Republican colleagues voted against witnesses. But no one has been able to provide the simplest explanation: My Republican colleagues did not want to hear new evidence because they have a hunch it would be really, really bad for this President. It would further expose the depth of his wrongdoing. And it would make it harder for them to run back to their bases.

My colleagues on the other side of the aisle did not ask to be put in this position. President Trump’s misconduct forced it on them. But in the partisan rush to spare President Trump from having his staff and former staff publicly testify against him under oath, a bar has been lowered, a constitutional guaranty has been removed, and the Senate has been voluntarily weakened, and our oversight powers severely diminished.

This short-term maneuver to shield President Trump from the truth is a severe blow against good government that will do lasting damage to this institution. If I hope one day the damage can be repaired.

The arc of history is indeed long, and it does bend toward justice—but not today. Today, the Senate and the American people have denied access to relevant, available evidence and firsthand witnesses. We have been prohibited from considering new, material information that became available after the House’s impeachment vote.

The Constitution is our national compass. But at this critical moment, clouded by the fog of President Trump’s misconduct, the Senate majority has lost its way, and is no longer guided by the Constitution. In order to regain our moral bearings, stay true to our oath to defend and protect our Constitution, we must act as sober servants of the country.

In the Clinton impeachment, there was an enormous amount of documentary evidence, as well as sworn depositions and testimony by the President and his closest advisers.

Throughout this trial, we have seen unprecedented obstruction from the Trump administration—obstruction so flagrant that it makes Nixon, when in the thick of Watergate, look like the model of transparency. Yet the facts uncovered still prove the truth of the matter: Trump abused his power when he secretly withheld security aid and a White House meeting to try to force Ukraine to announce investigations into a political rival in order to help him swing November’s election. He put his political self-interest ahead of our national security. And the President is absolutely wrong when he claims the President could avoid impeachment for anything.

When the reports first emerged about what he had done, he denied it. Then his explanation changed to: Well, maybe I did do it, but it was only because I was trying to root out corruption.

If that was true, there would be some documentary record to prove that, and we have seen absolutely none, even after I asked for it during the questioning period.

Now, we have gone so far as to claim that, well, it doesn’t matter if he did it because he is the President, and the President can do anything he wants if it will help him get reelected. Breathtaking. To put it another way, when he’s lying, he lied. Then, when that lie was found out, he lied again, then again, then again.

Along the way, his own defense counsel could not papier-mache together even the most basic argument to actually demonstrate that they could muster boiled down to: When the President does it, it is not illegal. Nixon already tried that defense. It did not work then, and it does not work now because—here is the thing—in America, we believe not in rulers but in the rule of law.

Through all we have seen over the past few months, the truth has never changed. It is what National Security Council officials and decades-long diplomats testified to under oath. It is what foreign policy experts and Trump administration staffers—and, yes, an American warrior with a Purple Heart—have raised their right hands to tell us, time after time, since the House hearings had begun.

Even some of my Republican colleagues have admitted that Trump “cross[ed] a line.” Some said it as recently as this weekend, but many more said months ago that, if Trump did do it, it was wrong—and the best case they could make, indeed, be wrong. Well, it is now obvious that those allegations were true, and it is pretty clear that Trump’s defense team knows that also. If they actually believe Trump did nothing wrong—that his call was “perfect”—then why would they fight so hard to block the witnesses and the documents from coming to light that could exonerate him? The only reason they would have done so is if they had known that he was guilty. The only reason for one to accuse Trump of doing what he did was that he was OK with his trying to cover it up.

Now, I know that some folks have been saying that we should acquit

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Mr. DUCKWORTH. Mr. President, from the first words in the Constitution, the weight that lies on every American’s shoulders has been clear: We the people are the ones who dreamed up this wild experiment that we call America, and we the people are the ones charged with ensuring its survival.

That is the tension—the push and the pull—behind our democracy because, while there is no greater privilege than to live in a country whose Constitution guarantees our rights, there is no greater burden than knowing that our actions could sap that very same Constitution of its power; that our inaction risks allowing it to wither like the fruit of some bygone era.

For the past few weeks, it has been my sworn duty as a U.S. Senator to sit as an impartial juror in the impeachment trial of Donalid J. Trump. While I wish the President had not put our Nation at risk, and the President can do anything, there is no greater burden than knowing that our actions could sap that very same Constitution of its power; that our inaction risks allowing it to wither like the fruit of some bygone era. While there is no greater privilege than to live in a country whose Constitution guarantees our rights, there is no greater burden than knowing that our actions could sap that very same Constitution of its power; that our inaction risks allowing it to wither like the fruit of some bygone era.

Throughout this trial, we have seen unprecedented obstruction from the Trump administration—obstruction so flagrant that it makes Nixon, when in the thick of Watergate, look like the model of transparency. Yet the facts uncovered still prove the truth of the matter: Trump abused his power when he secretly withheld security aid and a White House meeting to try to force Ukraine to announce investigations into a political rival in order to help him swing November’s election. He put his political self-interest ahead of our national security. And the President is absolutely wrong when he claims the President could avoid impeachment for anything.

When the reports first emerged about what he had done, he denied it. Then his explanation changed to: Well, maybe I did do it, but it was only because I was trying to root out corruption.

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Through all we have seen over the past few months, the truth has never changed. It is what National Security Council officials and decades-long diplomats testified to under oath. It is what foreign policy experts and Trump administration staffers—and, yes, an American warrior with a Purple Heart—have raised their right hands to tell us, time after time, since the House hearings had begun.
him—that we should ignore our constitutional duty and leave him in office—not because we are in an election year and that the voters should decide his fate. That is an argument that rings hollow because this trial was about Trump's trying to cheat in the next election and rob the voters of their ability to decide. Any action other than voting to remove him would give him the license and the power to keep tampering with that race, to keep trying to turn that election into as much as an impeachment trial without witnesses.

You know, I spent 23 years in the military, and one of the most critical lessons anyone who serves learns is of the damage that can be done when troops don't oppose illegal orders, when fealty becomes blind and ignorance becomes intentional. Just as it is the duty of military officers to oppose unlawful orders, it is the responsibility of public servants to hold those in power accountable.

Former NSC official Fiona Hill understood that when she testified before Congress because she knew that politics must never eclipse national security.

Ambassador Bill Taylor understood that as well. The veteran who has served in every administration since Reagan's answered the question that is at the heart of the impeachment inquiry. He said under oath that, yes, there was a clear understanding of a quid pro quo—exactly the sort of abuse of power no President should be allowed to get away with.

LT Col Alexander Vindman—the Purple Heart recipient who dedicated decades of his life to our Armed Forces—understood the lessons of the past, too, in his saying that, here in America, right matters.

My colleagues in this Chamber who have attacked Lieutenant Colonel Vindman or who have provided a platform for others to tear him down just for doing what he believes is right should be ashamed of themselves.

We should all be aware of the example we set and always seek to elevate the national discourse. We should be thoughtful about our own conduct both in terms of respecting the rule of law and the sacrifices our troops make to keep us safe because, at the end of the day, our Constitution is really just a set of rules on some pieces of paper. It is an example to our will to uphold its ideals and hold up the scales of justice.

So I am asking each of us today to muster up just an ounce of the courage shown by Fiona Hill, Ambassador Taylor, and Lieutenant Colonel Vindman. When our names are called from the dais in a few hours, each of us will either pass or fail the most elementary, yet most important, test any elected official will ever take—whether to put country over party or party over country.

It may be a politically difficult vote for some of us, but it should not be a morally difficult vote for any of us because, while I know that voting to acquit would make the lives of some of my colleagues simpler come election day, I also know that America would have never been born if the heroes of centuries past made decisions based on politics.

It would have been easier to have kept bowing down to King George III than to have pushed 342 chests of tea into the Boston Harbor, and it would have been easier to have kept paying taxes to the Crown than to have waged a revolution. Yet those patriots knew the importance of rejecting what was easy if it were in conflict with what was right. They knew that the courage of just a few could change history.

So, when it is time to vote this afternoon, we cannot think of political convenience. If we say abuse of power doesn't warrant removal from office today, we will be piling the way for future Presidents to do even worse tomorrow. We must keep our country safe because, at the end of the day, our Constitution is really just a set of rules on some pieces of paper. It is that rule that says the President is not above the law and to keep endangering our country—one "perfect" call, one "favor," one high crime and misdemeanor at a time. And time and again, over these past few months, we have heard one story about another—perhaps, more than any other. It was the time when Benjamin Franklin walked out of Independence Hall after the Constitutional Convention and someone asked: "What have we got—a republic or a monarchy?" And Franklin walked back into the building and said, "A Republic if you can keep it."

Keeping it may very well come down to the 100 of us in this very Chamber. We are the ones the Constitution vests with the power to hold the President accountable, and through our actions, we are the ones who vest the Constitution with its power.

In this moment, let's think not just of today but of tomorrow too. In this moment, let's remember that, here, right matters; truth matters. The truth is that Donald Trump is guilty of treason, of corruption, of sedition—of the very crimes that our Founders, perhaps, more than any other, feared most, and about which they worried the most. And this year, in this moment, let's remember that the United States of America is not a democracy; it is a republic. And we got—a republic or a monarchy?"

Even Mr. Speaker, Mr. President, every one of us knows that. And we know the truth. And we know that the Constitution vests us with the power to hold the President accountable, and through our actions, we are the ones who vest the Constitution with its power.

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President has the right to unfettered advice and to know all the options. In fact, I think when you pierce that right, you begin to have advisers who may not want to give all the options to the President because it might appear they were for all the options. Because the President’s advisors need to assure the President understands all the options and implications of a decision.

The President, by the way—a topic that came up here several times—the President determines executive policy. The staff, the assistants, and whoever else works in the executive branch do not determine executive policy; the President determines executive policy. The staff can put all the notes in front of the President they want to, but it is the President’s decision what the policy of the administration will be. Sharing that decision with the Congress, sharing how he got to that point—or later, she got to that point—is that decision is a negotiated balance.

Congress says: We want to know this. The President says: No. I need to have some ability for people to give me advice that isn’t all available for the Congress.

So this is balanced out, and if that can’t happen, if that balance can’t be achieved, the judiciary decides what the balance is. The judiciary decides a question and says: You really must talk to the Congress about this, but you don’t have to talk to them about the next sentence you said at that same meeting.

That is the kind of balance that occurs.

The idea repeatedly advanced by the House managers that the Senate, by majority vote, can decide these questions is both outrageous and dangerous.

The idea that the government would balance itself is, frankly, the miracle of the Constitution. Nobody had ever proposed, until Philadelphia in 1787, one, that the basis for government was the people themselves, and two, you could have a government that was so finely balanced that it would operate and maintain itself over time.

The House managers would really upset that balance. By being unwilling to take the time the House had to pursue the constitutional solution, they decided: We don’t have to worry about the Constitution to have that solution.

To charge that the President’s assertion of article II rights that go back to Washington is one of the actual Articles of Impeachment—that is dangerous.

The legislative branch cannot also be the judicial branch. The legislative branch cannot also decide ‘here is the balance’ if the executive and legislative branch are in a fight about what should be disclosed and what shouldn’t. You can’t continue to have the three balances of power in our government if one of the branches can decide what the legislative branch should decide.

In their haste to put this case together, the House sent the Senate the two weakest Articles of Impeachment possible. Presidents since Washington have been accused by some Members of Congress of abuse of power. Presidents since Washington have been accused by some Members of Congress of failure to cooperate with the Congress.

The House argued against their own case. They repeatedly contended that they had made their case completely; they had made their case in uncontroversially, but they wanted us to call witnesses they had chosen not to call. They said they had already been in court 9 months to get the President’s former White House Counsel to testify and weren’t done yet, but somehow they thought the Senate could get that person and others in a matter of days.

These arguments have been and should have been rejected by the Senate.

Today, the Articles of Impeachment should be and will be rejected by the Senate. Based on the Speaker’s March comments, these articles should have never been sent to the Senate. They were not compelling, they were not overwhelming, they were not bipartisan, and most importantly, they were not necessary.

One of the lessons we send today is to this House and to future Houses of Representatives: Do your job. Take it seriously. Don’t make it political. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Mr. President, I have long maintained that if not all of the most serious and vexing problems within our Federal Government can be traced to a deviation from the twin core structural protections of the Constitution.

There are two of these protections—one that operates along a vertical axis; the other, a horizontal.

The vertical protection we call federalism, which states a very simple fact: that in the American system of government, the power is to be reserved to the States respectively, or the people, where it is exercised at the State and local level. It is only those powers enumerated in the Constitution, either in article I, section 8 or elsewhere, that are made Federal, those things that the Founding Fathers appropriately deemed unavoidably, necessarily national or that we have otherwise rendered national through a subsequent constitutional amendment.

As with the case when James Madison wrote Federalists that had chosen reserves reserved to the States are numerous and indefinite, while those that are given to the Congress to be exercised federally are few and defined—few and defined powers, the Federal Government; numerous and indefinite reserved for the States.

The horizontal protection operates within the Federal Government itself. This is the acknowledgment of three coequal, independent branches within the Federal Government: one that makes the laws, one that executes the laws, and one that interprets the laws when people can’t come to an agreement and have an active, live dispute as to the meaning of a particular law in a particular case or controversy.

Sadly, we have drifted steadily, aggressively from both of these principles over the last 80 years. For roughly the first 150 years of the founding of our Republic and of the operation of our constitutional structure, we adhered pretty closely to them, but over the last 80 years or so, we have drifted steadily. This has been a bipartisan problem. It was one that was created under the broad leadership of Republicans and Democrats alike and, in fact, in Senates and Houses of Representatives and White Houses of every conceivable partisan combination.

We have essentially taken power away from the American people in two steps—first, by moving power from the State and local level and taking it to Washington, in violation of the vertical protection we call federalism; and then a second time, moving it away from the people’s elected leaders in Washington to unelected, unaccountable bureaucrats placed within the executive branch of government but who are neither elected by the people nor accountable to anyone who is electable. Thus, they constitute essentially a fourth branch of government within our system, one that is not sanctioned or contemplated by the Constitution and doesn’t really fit all that well within its framework.

This has made the Federal Government bigger and more powerful. It has occurred in a way that has made people less powerful. It has made government in general and in particular, this government, the Federal Government, less responsive to the needs of the people. It has been fundamentally contrary to the way our system of government operates.

What, one might ask, does any of this have to do with impeachment? Well, in my people’s elected lawmakers, you have a lot. This distance that we have created in these two steps—moving power from the people to Washington and within Washington, handing it to unelected lawmakers or unelected bureaucrats—has created an amount of anxiety among the American people. Not all of them necessarily recognize it in the same way that I do or describe it with the same words, but they know something is not right. They know it when their Federal Government requires that every year just to pay their Federal taxes, only to be told later that it is not enough and hasn’t been enough for
a long time since we have accumulated $22 to $23 trillion in debt, and when they come to understand that the Federal Government also imposes some $2 trillion in regulatory compliance costs on the American people.

This harms the poor and middle class. It makes everything we buy more expensive. It results in diminished wages, unemployment, and underemployment. On some level, the American people feel this. They experience this. They understand it. It creates anxiety. It was that very anxiety that caused people to want to elect a different kind of leader in 2016, and they did. It was this set of circumstances that caused them to elect Donald J. Trump as the 45th President of the United States, and I am glad they did because he promised to change the way we do things here, and he has done that.

But as someone who has focused intently on the need to reconnect the American people with the confidence in the American government, Donald Trump presents something of a serious threat to those who have occupied these positions of power, these individuals who, while hard-working, well-intentioned, well-educated, highly specialized, occupy these positions of power within what we loosely refer to as the executive branch but is in reality an unelected, unaccountable fourth branch of government.

He has bucked them on many, many levels and has infuriated them as he has done so, even as he is implementing the American people’s wishes to close that gap between the people and the government that is supposed to serve them.

He has bucked them on so many levels, declining to defer to the opinions of self-proclaimed government experts who claim that they know better than any of us on a number of levels.

He has bucked them, for example, when it comes to the Foreign Intelligence Surveillance Act—or FISA, as it is sometimes described—when he insisted that FISA had been abused in efforts to undermine his candidacy and infringe on the rights of the American people. When he took that position, Washington bureaucrats predictably mocked him, but he turned out to be right.

He called out the folly of engaging in endless nation-building exercises as part of a two-decade-long war effort that has cost this country dearly in terms of American blood and treasure.

Washington bureaucrats mocked him again, but he turned out to be right.

He raised questions with how U.S. foreign aid is used and sometimes misused throughout the world, sometimes to the detriment of the American people and the very interests that such aid was created to alleviate.

Washington bureaucrats mocked him, but he turned out to be right.

President Trump asked Ukraine to investigate a Ukrainian energy company, Burisma. He momentarily paused U.S. aid to Ukraine while seeking a commitment from the then newly elected Ukrainian President, Volodymyr Zelensky, regarding that effort. He wanted to make sure that he could trust this recently elected President with releasing the aid. Within a few weeks, his concerns were satisfied, and he released the aid.

Passing briefly before doing so isn’t criminal. It certainly isn’t impeachable. It is not even wrong.

Quite to the contrary, this is exactly the sort of thing the American people elected President Trump to do. He would and has decided to bring a different paradigm to Washington, one that analyzes things from how the American citizenry views the American Government.

This has in some respects, therefore, been a trial of the Washington, DC, establishment itself but not necessarily in the way Bush Jr. administrations apparently intended. While the House managers repeatedly invoked constitutional principles, including separation of powers, their arguments have tended to prove the point opposite of the one they intended.

Yes, we badly need to restore and protect both federalism and separation of power, and it is my view that the deviation from one contributes to the deviation from the other. But here, in order to do that, we have to respect the three branches of government for what they are, who leads them, how they operate, and who is accountable to whom.

For them to view President Trump as somehow subversive to the career civil servant bureaucratic class that has tended to manage agencies within the Federal Government, including the National Security Council, the Department of Defense, the Office of Management and Budget in the White House, and individuals within the State Department, among others, is not only mischaracterizing this problem, it helps identify the precise source of this problem.

Many of the people, including some of the witnesses we have heard from in this trial, have mistakenly taken the conclusion that because President Trump took a conclusion different from that offered by the so-called interagency process, that that amounted to a constitutionally impeachable act. It did not. It did nothing of the sort.

Quite to the contrary, when you actually look at the Constitution itself, it makes clear that the President has the power to do what he did here. The very first section of article II of the Constitution—this is the part of the Constitution that outlines the President’s authority—makes clear that the President has the power to do what he did here.

The Vice President’s duties, I would add, are relatively limited. Constitutionally speaking, the Vice President is the President of the Senate and thus performs a quasi-legislative role, but the Vice President’s executive branch duties are entirely bound up with those of the President’s. They consist of aiding and assisting the President as the President may deem necessary and standing ready to step into the position of the Presidency should it become necessary as a result of disability, incapacity, or resignation, or that, if the entire executive branch authority is bound up within the Presidency itself. The President is the executive branch of government, just as the Justices who sit across the street themselves amount to the capstone of the judicial branch, just as 100 Senators and 435 Representatives are the legislative branch.

The President is the executive branch. As such, it is his prerogative, what he wishes to do, that we have to respect that. It is not only not incompatible with that system of government, it is entirely consistent with it—and, indeed, authorized by it.

A President should be able to say: Look, we have a newly elected President in Ukraine.

We have longstanding allegations of corruption within Ukraine, those allegations have been investigated in Ukraine. No one disputes that corruption is rampant in Ukraine.

A newly elected President comes in. This President or any President in the future decides: Hey, we are giving a lot of aid to this country—$391 million for the year in question. I want to make sure that I understand how that President operates. I want to establish a relationship of trust before taking a step further with that President. So I am going to take my time. I am going to wait maybe a few weeks in order to make sure we are on a sure footing there.

He did that. There is nothing wrong with that.

What is the response from the House managers? Well, it gets back to that interagency process, as if people whom the American people don’t know or have reason to know because those people don’t stand accountable to the people—there are not really people; they are not really accountable to anyone who is in turn elected by the people—the fact that those people involved in the interagency process might disagree with a foreign policy decision made by the President of the United States and the fact that this President of the United States might take a different approach than his predecessor or predecessors does not make this President’s decisions criminal. It certainly doesn’t make them impeachable. It doesn’t even make them wrong.

In the eyes of many and I believe most Americans—they want a President to be careful about how the
United States spends money. They want the United States to stop and reconsider from time to time the fact that we spend a lot of money throughout the world on countries that are not the United States. We want a President of the United States to believe that we close a little bit of détente in pushing pause before that President knows whether he can trust a newly elected government in the country in question.

So to suggest here that our commitment to the Constitution; to suggest here, as the House managers have, that our respect for the separation of powers within the constitutional framework somehow demands that we remove the duly elected President of the United States is simply wrong. It is elevating to a status completely foreign to our constitutional structure an entity that the Constitution does not name. It elevates a policy dispute to a question of high crimes and misdemeanors. Those two are not the same thing.

At the end of the day, this government does, in fact, stand accountable to the people. This government is of, by, and for the people. We cannot remove the 45th President of the United States without acknowledging that the law and the Constitution allow him to do without doing undue violence to that system of government to which every single one of us has sworn an oath.

We have sworn to uphold and protect and defend that system of government. That means standing up for the American people and those they have elected to do a job recognized by the Constitution. I will be voting to defend this President’s actions. I will be voting against undoing the vote taken by the American people some 3½ years ago. I will be voting for the principle of freedom and for the very principles that our Constitution was designed to protect.

I urge all of my colleagues to reject these deeply factually and legally flawed Articles of Impeachment and to vote not guilty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, I rise today to officially declare that I will vote against both Articles of Impeachment brought against President Trump by the very partisan and, quite frankly, ridiculous House of Representatives. I know my position is hardly a surprise, but it is almost as unsurprising as the House impeaching the President, to begin with.

Since the moment he was sworn into office, Democrats have schemed to remove Donald Trump from office. It is not my opinion. I take them at their word. Their fixation on his removal was a conclusion in search of a justification, which they manufactured from a phone conversation between world leaders leaked—leaked—by one of the many career bureaucrats who seem to have forgotten that they work for the elected leaders in this country, not the other way around.

So the two Articles of Impeachment before this body today, in my view, are without merit. They are an affront, in fact, to this institution and to our Constitution, representing the very same partisan derangement that worried our Founding Fathers so much that they made the threshold for impeachment this high.

The Senate exists exactly for moments like this. I didn’t arrive at my conclusion to support acquittal hastily or flippantly, and I don’t believe any of my colleagues did either, including those who come to a different conclusion from me. I do believe that such flawed Articles by the House, the Senate did in fact dutifully and solemnly follow its constitutional obligation. During the last days of the trial, we heard sworn testimony from 13 witnesses, asked 189 questions, viewed 193 video clips, and poured over 28,000 pages of documents.

But even more than the House managers’ shallow arguments and lack of evidence against the process for our President and the obvious derangement at the very root of every investigation, beginning with the corrupt FBI Crossfire Hurricane counterintelligence investigation during the 2016 election cycle, the Articles of Impeachment we will vote on in a few hours should have ended at their beginning.

Can we agree that if a Speaker of the House unilaterally declares an impeachment inquiry, it represents the opinion of Congress, not the official authorization of the entire Congress? Can we agree that a vote to begin an impeachment inquiry that has only partisan support and bipartisan opposition is not what the Founders intended? And if the only basis was that we firmly rejected and cautioned about?

Can we agree that impeachment articles passed by a majority of one party and opposed by Members of both parties on their face fail, if not the letter of the law, certainly, the spirit of the Constitution?

Yet, even under the cloud of purely partisan politics of the House of Representatives, the Senate conducted a complete, comprehensive trial, resulting, in my view, in a crystal clear conclusion: The Democratic-led House of Representatives failed to meet the most basic standards of proof and has dramatically lowered the bar for impeachment to unacceptable levels. It is deeply concerning, and I believe we must commit to never, ever letting it happen again to the President of any political party.

That can start today. In just a few hours, the Senate will have the opportunity to cast a vote to end this whole ordeal, and, in doing so, can make a statement that the threshold for undoing the will of the American people in the most recent election and undermining the will of a major political party in the upcoming election should be higher than one party’s petty obsession.

I hope my colleagues on both sides of the aisle join me in voting against these charges. But whether he is acquitted or convicted and removed, it is my prayer, as we were admonished many times throughout the last few weeks by our Chaplain Black, that God will be the one to do it.

Then we can move on to the unifying issues the American people want us to tackle—issues like infrastructure, education, energy security and dominance, national security, and the rising cost of healthcare, among others. These are the issues the American people care about. These are issues that North Dakotans care about. These are issues that the people that have sent us here to deal with. Let’s do it together. Let’s start now.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, I rise today to officially declare that I will vote against both Articles of Impeachment presented by House Democrats. I have listened carefully to the arguments presented by both House managers and the White House defense team. Those prosecuting the President failed on a legal and constitutional basis to produce the evidence required to undertake the very serious act of removing a duly elected President from this office.

This trial exposed that pure political partisanship fueled a reckless investigation and the subsequent impeachment of the President on weak, vague, and noncriminal accusations. The President’s case, which lacked the basic standards of fairness and due process, was fabricated to fulfill their one long-held hope to impeach President Trump.

We should all be concerned about the dangerous precedent and consequences of convicting any President on charges originating from strictly partisan reasons. The Founding Fathers warned against allowing impeachment to become a political weapon. In this case, House Democrats created an illegal

Rejecting the abuse of power and obstruction of Congress articles before us will affirm our belief and the impeachment standards intended by the Founders. With my votes to acquit President Trump, justice will be done. The Senate has faithfully executed its constitutional duties to hear and judge the charges leveled against the President.

I remain hopeful that we can finally set aside this flawed partisan investigation, prosecution, and persecution of President Trump and allow the House of Representatives in Mississippi and this great Nation are more interested in us getting back to doing the work they sent us here to do.
I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, fellow Senators, I come today to talk about the business at hand. Obviously, it is the vote that we are going to take at 4 o’clock this afternoon.

We were subjected to days and days of trial here—many witnesses, witness statements, and all that sort of thing—and it is incumbent upon us now to jurors to reach a conclusion, and I have done so.

I come at this with a little bit of a different view, probably, than others. I have tried more cases, probably, than anyone, both as a prosecutor and in private practice. So I watched carefully as the case was presented to us and how the case had been put together by the managers from the House. What I learned in the many years of trial experience—just had is that the only way, really, to try a case and to reach where you want to get is to do it in good faith and to do it honestly.

I had real trouble right at the beginning when I saw that the lead manager read a transcript purporting to be a transcript of the President’s phone call that has been at issue here, and it was falsified. It was falsified knowingly, willfully, intentionally. So, as a result of that, when they walked through the door and wanted to present their case, there was a strike there already, and I put it in that perspective.

How the case unfolded after that was stunning. The managers had never seen a case succeed the way they put the case together. They put the case together by taking every fact that they wanted to make fly and put it only in the best light without showing the other side but not really—merely—merely—intentionally—intentionally excluding evidence. Of course, this whole thing centered on witness statements that the President had somehow threatened or pressured the President of Ukraine to do what he was going to do. That simply wasn’t the case. The transcript didn’t say that.

Now, admittedly, they had a witness who was going around saying that, and they called every person he told to tell us that that was the situation. The problem is, it was hearsay. There is a good reason why they don’t allow hearsay in a court of law, and that is, simply wasn’t true.

When the person who was spreading that rumor actually talked to the President about it, the President got angry and said: That is not true. I would never do that.

They never told us that. Once the tape was shown, the House managers spent days putting together that proposition for us. The President’s counsel dismantled that in about an hour and did so really quickly. And, as a result of that, simply, from a factual basis, it is my belief that the prosecution in this case did not meet its burden.

Now, much has been said about witnesses and how they did this and what have you, but the Constitution is crystal clear. It gives the House absolute, total, 100-percent control of impeachment; that is, the investigation and the vote on it. It gives us the same thing but on the trial basis.

The thing I was surprised is that they came over here and tried to tell us how to do their job. I suspect they, in the House, would feel the exact same way about it if we went over there and told them how they should impeach. They had already here and told us how we should do witness- and all that sort of thing. They had every opportunity to prepare the case. It was totally in their hands. They had as much time as they wanted, and they simply didn’t do it. So in that respect, I also found that they came short.

But the bottom line for me, too, is that there is a second reason I would vote to acquit, and that is the stunning attack that this was on the U.S. Constitution. This is really the first time in history at a trial when the attack was instigated by reaching to the U.S. Constitution and using what is really a sacred item in that Constitution, a process that the Founding Fathers gave us, and that is impeachment.

It was not intended to be used as a political bludgeon. It simply wasn’t. We had in front of us the Federalist Papers, and we had the debates of the Constitutional Convention. Really, the political exercise out of this was it underscored again for us the genius of the Founding Fathers giving us three branches of government—not just three branches of government but three branches of government that had distinct lanes in which they operated and, most importantly, indicating that they were separate but equal.

They wanted not a parliamentary system like they had looked at from Britain with a head of state that was a monarch and Lordstown, OH, or in Marietta, in Pennsylvania, where you had a head of state that is given to the first branch of government but, indeed, a very, very narrow swath. It was interesting that, from the beginning, they picked the two words of “treason” and “bribery,” and to that they then had a long debate about what it would be in addition to that. They had such words as “malfeasance,” “misconduct,” and all those kinds of things that could be very broad. They rejected all those and said, no, specifically, it had to be “high Crimes and Misdemeanors.”

So what they did was they narrowed the lane considerably and made it difficult to remove the head of the second branch of government. And then, on top of that, for frosting on the cake, they said it has got to be two-thirds. Now, what did that simply mean? They knew—they knew—that human beings being the way they are, that human beings who were involved in the political process and political parties would reach to get rid of a political enemy using everything they could. So they had to see that that didn’t happen with impeachment.

So, as a result of that, they gave us the two-thirds requirement, and that meant that no President was going to be impeached without a bipartisan movement.

This movement has been entirely partisan. No Republican voted to impeach him in the House of Representatives. This afternoon at 4 we are going to have a vote, and it is going to be along party lines and, again, it is going to be the political exercise.

So what do we have here? At the end of the day, we have a political exercise, and that political exercise is going to fail. And once again—one once again—God has blessed America, and the Republic that Benjamin Franklin said we have, if we can keep it, is going to be sustained.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, over the past 3 weeks, we have heard from the House managers and the President’s counsel regarding the facts of the case against President Donald Trump.

Much like trials in Lorain and Lima and Lordstown, OH, or in Marietta, in Massillon, and in Marion, OH, we have seen the prosecution—in this case, the House managers—and the defense—in this case, the President’s lawyers—present their cases. All 100 of us—every one of us—are the jury. We took an oath to be impartial jurors. We all took an oath to be impartial jurors just like juries in Ohio and across America. But to some of my colleagues, that just appeared to be a joke.

The great journalist Bill Moyers summed up the past 3 weeks: “What we’ve just seen is the dictator of the Senate manipulating the impeachment process to save the demagogue in the White House whose political party has become the gravedigger of democracy.”

Let me say that again. “What we have just seen is the dictator of the
Senate manipulating the impeachment process to save the demagogue in the White House whose political party has become the gravedigger of democracy.”

Even before this trial began, Leader MCCONNELL admitted out loud that he was coordinating the trial process with the White House. The leader of the Senate was coordinating with the White House on impeachment. I challenge him to show me one trial in my 25 years had withesses. Some of them had dozens. We had zero. Leader MCCONNELL rushed this trial through. He turned off cameras in this body so that the American people would not see the whole process. He restricted reporter access. We know reporters roam the halls to talk to Members of the House and Senate. He restricted access there. He twisted arms to make sure every Republican voted to block witnesses. He didn’t get a couple of them, but he had enough to protect himself.

The public already sees through it. This is a sham trial. I said from the beginning that I would keep an open mind. If there are witnesses who would exonerate the President, the American people need to hear from them.

Over the course of this trial we heard mounting, overwhelming evidence that President Trump did something that not even Richard Nixon ever did: He extorted a foreign leader. He fired a career foreign service officer for rooting out corruption. He pushed Donald Trump personally and his campaign.

The President said this is just hearsay, but he and the Republican leader, together with 51 of 53 Republican Senators, blocked every single potential witness to call. The President says it was hearsay. We knew there were witnesses who were in the room with President Trump. We didn’t get to hear from them. We didn’t hear from Ambassador Bolton. We didn’t hear from interim chief of Staff Mulvaney. We didn’t hear from Secretary Pompeo. The Republican leader denied the American people the chance to hear all of them testify under oath.

We have seen more information come to light each day, which builds on the pattern of facts laid out in great detail by the House managers. We have now heard tape recordings of the President of the United States telling associates to “get rid of” U.S. Ambassador Yovanovitch, a public servant who voted her life to fighting corruption and promoting American ideals and foreign policy throughout her long, distinguished career at the State Department. With her removed from the post, it appears that President Trump would be able to compel our ally Ukraine to investigate President Trump’s political opponent.

Reporters have now revealed that Ambassador Bolton—again, a firsthand witness—outlined that the President did exactly what the Impeachment Articles allege: He withheld security assistance to an ally at war with Russia in exchange for a political favor.

The Justice Department admits there are 24 emails showing the President’s thinking on Ukraine assistance. But you know what? Senator MCCONNELL, down the hall, will not allow us to see any of these 24 emails.

Make no mistake, the full truth is going to come out. The Presiding Officer, my colleagues on the other side of the aisle, they are all going to be embarrassed because they covered this up. It wasn’t just the President and the Vice President and Secretary Pompeo and Chief of Staff Mulvaney: it was 51 Republican U.S. Senators, including the Presiding Officer, who is a new Member of this body, who covered up this evidence.

It will come out this week. It will come out this month, this year, the year after that, for decades to come. And when the full truth comes out, we will be judged by our children and grandchildren.

Without additional witnesses, we must judge based on the facts presented. The House managers made a clear, compelling case. In the middle of a war with Russia, the President froze $400 million in security assistance to Ukraine. He launched an investigation into his 2020 political opponent. He refused a critical meeting with President Zelensky in the Oval Office.

These actions don’t promote our national security or the rule of law; they promote Donald Trump personally and his campaign.

We know the President extorted President Zelensky. He asked the leader of a foreign government to help him. That is the definition of an abuse of power. That is not a choice—but to convict this President of abusing his office. All of us know this. To acquit would set a clear, dangerous precedent: If you abuse your office, it is OK. Congress will look the other way.

This trial and these votes we are about to cast are about way more than just President Trump. They are about the future of democracy. It will send a message to this President—or whomver we elect to lead us all future Presidents. It will be heard around the world—our verdict—by our allies and enemies alike, especially the Russians. Are we going to roll out the welcome mat to our adversaries to interfere in our elections? Are we going to give a green light to the President of the United States to base our country’s foreign policy not on our collective, agreed-upon national security or that of our allies, like Ukraine, but on the President’s personal political campaign?

These are the issues at stake. If we don’t hold this President accountable for abuse of office, if no one in his own party, if no one on this side of the aisle—no one—has the backbone to stand up and say “stop,” there is no question it will get worse. How do I know that? I have heard it from a number of my Republican colleagues when, privately, they will tell me, “You are concerned about what the President is going to do if he is exonerated.”

I was particularly appalled by the words of Mr. Dershowitz. He said: “If a President does something which he believes will help him win the public interest, that cannot be the kind of quid pro quo that results in impeachment.”

Think about that for a moment. If the President thinks it is OK, he thinks it is going to help his election, and he thinks his election is in the public interest, then it is OK; the President can break any law, can funnel taxpayer money toward his reelection, can turn the arm of the State against his political enemies, and not be held accountable. That is what this claim comes down to.

Remember the words of Richard Nixon: “When the President does it, that means it is OK.” Our country rejected that argument during Watergate. We had a Republican Party with principle in those days and Senators with backbone, and they told President Nixon to resign because nobody is above the State; nobody is above the law.

If we have a President who can turn the Office of the Presidency and the entire executive branch into his own political campaign operation, God help us.

My colleagues think I am exaggerating. We don’t have the option to vote in favor of some arguments made during the trial and not others. Mr. Dershowitz’s words will live forever in the historical record. If they are allowed to stand beside a “not guilty” verdict—make no mistake—they will be used as precedent by future aspiring autocrats. In the words of House Manager SCIROCCHI, “that way madness lies.”

I know some of my colleagues agree this sets a dangerous precedent. Some of you have admitted to me that you are troubled by the President’s behavior. You know he is reckless. You know he lies. You know what he did was wrong. I have heard Republican after Republican after Republican Senator tell me that privately. If you acknowledge that, if you have said it to me, if you have said it to your family, if you said it to your staff, if you just said it to yourself, I implore you, we have no choice but to vote to convict.

What are my colleagues afraid of? I think about the words of ADAM SCHIFF in the Chamber on Tuesday: “If you find that the House has proved its case and still vote to acquit”—if you still vote to acquit—“your name will be tied to his with a cord of steel and for all of history.”

“[Y]our name will be tied to his with a cord of steel and for all of history.”

So I ask my colleagues again: What are you afraid of?
One of our American fundamental values is that we have no Kings, no nobility, no oligarchs. No matter how rich, no matter how powerful, no matter how much money you give to MITCH MCCONNELL’s super PAC, everyone can and should be accountable. I hope my colleagues remember that. I hope they will choose courage over fear. I hope they will choose country over party. I hope they will join me in holding this President accountable to the American people we all took an oath to serve.

We know this: Americans are watching. They will not forget.

I will close with quoting, again, Bill Moyers, a longtime journalist: “What we have just seen is the dictator of the Senate manipulating the impeachment process to save the demagogue in the White House whose political party has become the gravedigger of democracy. I know my colleagues on the other side of the aisle know better. I hope they vote what they really know.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. BERNSTEIN. Madam President, when the Framers debated whether to include the power of impeachment in the Constitution, they envisioned a moment very much like the one we face now. They were fearful of a corrupt President who would abuse the Presidency for his or her personal gain, particularly one who would allow any foreign country to interfere in the affairs of our United States. With this fear in mind, the Framers directed the Senate to determine whether to ultimately remove that President from office.

In normal times, the Senate—conscious of its awesome responsibility—would meet this moment with the appropriate solemnity and responsibility to conduct a full and fair trial. That includes calling appropriate witnesses and subpoenaing relevant documents, none of which happened here.

In this case, the Senate would have weighed the evidence presented by both sides and rendered impartial justice. And in normal times, having been presented with overwhelming evidence of impeachable acts, the Senate would have embraced its constitutional responsibility to convict the President and remove him or her from office.

But as we have learned too often over the past 3 years, these are not normal times. Instead of fulfilling its duty later, the U.S. Senate will fall its test at a crucial moment of our country by voting to acquit Donald J. Trump of abuse of power and obstruction of Congress.

The Senate cannot blame its constitutional failure on the House managers. They proved their case with overwhelming and compelling evidence. Manager JERRY NADLER laid out a meticulous case demonstrating how and why the President’s actions rose to the constitutional standard for impeachment and removal.

Manager HAKEEM JEFFRIES explained how Donald Trump “directly pressured the Ukrainian leader to commence phony political investigations as a part of his effort to cheat and solicit foreign interference in the 2020 election.”

Manager VAL DEMINGS walked us through the evidence of how Donald Trump used $391 million of taxpayer money to pressure Ukraine to announce politically motivated investigations. She concluded: “This is enough to prove extortion in court.”

Manager ADAM SCHIFF tied together the evidence of Donald Trump’s abuse of power—the most serious of impeachable offenses and one that includes extortion and bribery. And manager ZOE LOFGREN used her extensive experience to provide perspective on Donald Trump’s unprecedented, unilateral, and complete obstruction of Congress to cover up his corruption and abuse of power by the only Member of Congress to be involved in three Presidential impeachments.

The President’s lawyers could not refute the House’s case. Instead, they ultimately resorted to the argument that any facts as presented by the House managers, Donald Trump’s conduct is not impeachable. It is what I have called the “‘He did it; so what?’ argument.”

Many of my Republican colleagues are using the “‘So what?’” argument to justify their votes to let the President off the hook. Yet the senior Senator from Tennessee said: “I think he shouldn’t have done it. I think it was wrong. But he is not a ‘perverse’ or ‘improper’ route. But he refused to hold the President accountable, arguing that the senators should decide.

The junior Senator from Iowa said: “The President has a lot of latitude to do what he wants to do” but he “did it maybe in the wrong manner.”

She also said that “whether you like what the President did or not,” the charges didn’t rise to the level of an impeachable offense.

The junior Senator from Ohio called the President’s actions “wrong and inappropriate” but said they did not “rise to the level of removing a duly-elected president from office and taking him off the ballot in the middle of an election.”

And the senior Senator from Florida went so far as to say: “Just because actions meet a standard of impeachment does not mean it is in the best interest of the country to remove a president from office.”

By refusing to hold this President accountable, my Republican colleagues are reinforcing the President’s misguided belief that he can do whatever he wants under article II of the U.S. Constitution.

Donald Trump was already a danger to this country. We have seen it in his policy decisions—from taking away healthcare from millions of Americans to threatening painful cuts to Social Security and Medicare, to engaging in an all-out assault on immigrants in this country.

But today, we are called on to confront a completely different type of danger—one that goes well beyond the significant policy differences I have with this President.

If we let Donald Trump get away with extorting the President of another country for his own personal, political benefit, the Senate will be complicit—complicit—in his next corrupt scheme.

Which country will he bully or invite to interfere in our elections next? Which pot of taxpayer money will he use as a bribe to further his political schemes?

Later today, I will vote to convict and remove President Donald Trump for abusing his power and obstructing Congress. I am under no illusion that my Republican colleagues will do the same. They have argued it is up to the American people to decide, as though impeachment were not a totally separate, constitutional remedy for a lawless President.

As I considered my vote, I listened closely to Manager SCHIFF’s closing statement about why the Senate needs to convict this President. He said:

I do not ask you to convict him because truth or right or decency matters nothing to him.

He is referring to the President—but because we have proven our case, and it matters to you. Truth matters to you. Right matters to you. You are decent. He is not who you are.

It is time for the Senate to uphold its constitutional responsibility by convicting this President and holding him accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, when I was in the second grade—which I did twice because I was dyslexic, so I don’t know which year of the second grade it was, but one of those 2 years—we were asked to line up in order of whose family had been here the longest period of time and whose family had been here the shortest period of time.

I turned out to be the answer to both of those questions. My father’s family went all the way back to the Mayflower, and my mom’s family were Polish Jews who survived the Holocaust. They didn’t leave Warsaw because my grandfather had a large family he didn’t want to leave behind. And in the event—everybody was killed in the war except my mom, her parents, and an aunt. They lived in Warsaw for 2 years after the war. Then they went to Stockholm for a year. They went to
Mexico City for a year, of all places. And then they came to the United States—the one place in the world they could rebuild their shattered lives, and they did rebuild their shattered lives. My mom was the only person in the family who could speak any English. She graduated from the New York City public schools. She graduated from Hunter College High School. She went on to graduate from Wellesley College in Massachusetts in one generation. My grandparents rebuilt the business they had lost during the war. I knew from them how important this symbol of America was to people struggling all over the world. They had been through some of the worst events in human history, and their joy of being Americans was completely unadulterated. I have met many immigrants across this country, and I still haven’t met anybody with a stronger accent than my grandparents had, and I have never met anybody who were greater patriots than they were. They understood how important the idea of America was, not because we were perfect—exactly the opposite of that—because we were imperfect. But we lived in a free society that was able to cure its imperfections with the hard work of our citizens to make this country more democratic, more free, and more fair—a country committed to the rule of law. Nobody was above the rule of law, and nobody was treated unfairly by the law, even if you were an immigrant to this country.

From my dad’s example, I learned something really different. It might interest some people around here to know he was a staffer in the Senate for many years. I actually grew up coming here on Saturday mornings, throwing paper airplanes around the hallways of the Dirksen Building and Russell Building. He worked here at a very different time in the Senate. He worked here at a time when Republicans and Democrats worked together to uphold the rule of law, to pass important legislation that was needed by the American people to move our country forward, a time when Democrats and Republicans went back home and said: I didn’t get everything I wanted, to be sure, but the 65 percent I did get is worth the bill we have, and here is why the other side needed 35 percent.

Those issues are completely gone in the U.S. Senate, and I grieve for them. My dad passed away about a year ago. I know how disappointed he would be about where we are, but there isn’t anybody who can fix it, except the 100 people who are here and, I suppose, the American people for whom we ostensibly work.

In the last 10 years that I have been here, I have watched politicians come to this floor and destroy the solemn responsibility—the constitutional responsibility we have to advise and consent on judicial appointments, to turn that constitutional responsibility into nothing more than a vicious partisan exercise. That hasn’t been done by the American people. That wasn’t done by any other generation of politicians who were in this place. It has been done by this generation of politicians led by the Senator from Kentucky, the majority leader of the Senate.

We have become a body that does nothing. We are an employment agency. That is what we are. Seventy-five percent of the bills last year were on appointments. We voted on 26 amendments last year—26—26. In the world’s greatest deliberative body, we passed eight amendments in a year. Pathetic. We didn’t consider any of the major issues the American people are confronting in their lives, not a single one—10 years of townhalls with people saying to me: MICHAEL, we are killing ourselves, and we can’t afford housing, healthcare, higher education, early childhood education. We cannot save, we can’t live a middle-class life. We think our kids are going to live a more diminished life than we do.

What does the U.S. Senate do? Cut taxes for rich people. We don’t have time to do anything else around here. And now, when we are the only body on planet Earth charged with the responsibility of dealing with the guilt or innocence of this President, we can’t even bring ourselves to have witnesses and evidence as part of a fair trial, even when there are literally witnesses with direct knowledge of what the President did practically hanging on the door of the Senate saying: Let me testify. We are too lazy for that. The reality is, we are too broken for that. We are too broken for that. And we have failed in our duty to the American people. Hamilton said in Federalist 65 that in an impeachment trial we were the inquisitors for the people. The Senate—we would be the inquisitors for the people. How can you be the inquisitors for the people when you don’t even dignify the process with evidence and with witnesses?

I often have school kids come visit me here in the Senate, which I really enjoy because I used to be the superintendent of the Denver Public Schools. When they come visit me, they very often have been on the Mall. They have seen the Lincoln Memorial. They have seen the Washington Monument. They have been seen the Super Bowl. And there is a tendency among them to believe that this was just all here, that it was all just here. And of course, 230 years ago, I tell them, none of it was here. None of it was here. It was in the ideas of the Founders, the people whom we call the Founders, who did two incredible things in their lifetime, in their generation, that had never been done before in human history. They wrote a Constitution that would be ratified by the people who lived under it. It never happened. We have never imagined that we would have lasted 230 years—at least until the age of Donald Trump.

They led an armed insurrection against a colonial power. We call that the Revolutionary War. That succeeded too.

They did something terrible in their generation that will last for the rest of our days, and that is we inherited human slavery. The building we are standing in today was built by enslaved human beings because of the decisions that they made.

But I tell the kids who come and visit not that there is a reason why there are not enslaved human beings in this country anymore and that is because of people like Frederick Douglass. He was born a slave in the United States of America, escaped his slavery in Maryland, risked his life and limb to get to Massachusetts, and he found the abolitionist movement there. And the abolitionist movement has been arguing for generations that the Constitution was a pro-slavery document. Frederick Douglass, who is completely self-taught, said to them: You have this exactly wrong, exactly backward, 180 degrees from the truth. The Constitution is an anti-slavery document, Frederick Douglass said, not a pro-slavery document.

But we are not living up to the words of the Constitution. It is the same thing Dr. King said the night before he was killed in Memphis when he went down there for the striking garbage workers and he said: I am here to make America keep the promise you wrote down on the page.

In my mind, Frederick Douglass and Dr. King are Founders, just as much as the people who wrote the Constitution of the United States. How could they not be? How could they not be?

The women who fought to give my kids, my three daughters, the right to vote, who fought for 50 years to get the right to vote—mostly women in this country—are Founders, just like the people who wrote the Constitution, as well.

Over the years that I have been here, I have seen this institution crumble into rubble. This institution has become incapable of addressing the most existential questions of our time that the next generation cannot address. They can’t fix their own school. They can’t fix our immigration system. They can’t fix climate change, although they are getting less and less patient with us.

But what I have come to conclude is that the responsibility of all of us—not just Senators but all of us as citizens in a democratic republic—230 years after the founding of this Republic, is the responsibility of a Founder. It is that elevated sense of what a citizen is required to do in a republic to sustain that republic, and I think that is the right way to think about it. It gives you a sense of what is really at stake beyond the headlines on the cable television, certainly, in the social media feeds that divide us minute to minute in our political life today.
The Senate has clearly failed that standard. We have clearly failed that standard. The idea that we would turn our backs and close our eyes to evidence pouding on the outside of the doors of this Capitol is pitiful. It is disgraceful and it is a stain on every body for all time. More than 50 percent of the people in this place have said that what the President did was wrong. It clearly was wrong. It clearly was unconstitutional. It clearly was impeachable. What the President would run for office saying to the American people: I am going to try to extort a foreign power for my own electoral interest to interfere in our elections? It is exactly the kind of conduct that the impeachment clause was written for. It is a textbook case of why the impeachment clause exists.

But even if you don’t agree with me that he should have been convicted or that he should be convicted, I don’t know why in this body we go home and face our constituents and says that we wouldn’t even look at the evidence.

So I say to the American people: Our democracy is at much risk. I am not one of those people who believes that Donald Trump is the source of all our problems. I think he has made matters much worse, to be sure, but he is a symptom of our problem. He is a symptom of our failure to tend to the democracy—to our responsibility—as Founders. And if we don’t begin to take that responsibility as seriously as our parents and grandparents did—people who faced much bigger challenges than we ever did—what do we do? Who do we ask for help? Who do we ask for our freedom? We ask, thank God, to end human slavery. Nobody is asking us to fight for 50 years for the self-evident proposition that women should have the right to vote. We are not marching in Selma, being beaten, being videoed. We are asking if the President told his story, and this Senate trial should have been different. Unfortunately, it was. A majority of the Senate has taken the unprecedented step of refusing to hear all the evidence, declining all the facts, denying the full truth about the President’s corrupt abuse of power. President Trump has obstructed Congress, and this Senate will let him.

Last month, President Trump’s former National Security Advisor, John Bolton, provided an unpublished manuscript to the House. The recent media reports about what Ambassador Bolton could have testified to, had he not been blocked as a witness, go to the heart of this impeachment trial—abuse of power and obstruction of Congress.

As reported, in early May 2019, there was an Oval Office meeting that included President Trump, Mick Mulvaney, Pat Cipollone, Rudy Giuliani, and John Bolton. According to Mr. Bolton, the President directed him to help with his pressure campaign to solicit assistance from Ukraine to pursue investigations that would not only benefit President Trump politically but would act to exonerate Russia from their interference in our 2016 elections.

Several weeks later, the U.S. Department of Defense certified the release of military aid to Ukraine, concluding that they had taken substantial actions to support Ukraine’s defense. This was part of the security assistance we approved in Congress with bipartisan support to help Ukraine fight Russian aggression. However, President Trump blocked it and covered it up from Congress.

On July 25, 2019, as President Trump was withholding the support for Ukraine, he had a telephone call with Ukrainian President Zelensky. Based on a White House call summary memo that was released 2 months later, we now have evidence that the President put his own political interest ahead of our national security and the integrity of our elections.

Based on the clear and convincing evidence presented in this trial, we know President Trump used American taxpayer dollars in security assistance in order to get Ukraine to interfere in our elections to help him politically. We know the President solicited assistance from Ukraine to discriminate against former Vice President Joe Biden, and we know the President solicited assistance from Ukraine to undermine the conclusion by American law enforcement, the U.S. intelligence community, and confirmed by a bipartisan Senate report that Russia interfered with our 2016 elections. We also know President Trump solicited foreign interference in the upcoming election by pressuring Ukraine to publicly announce investigations to help him politically.

I ask my friends to consider the fact that the Ukrainian President was pressured and prepared to go on an American cable television network to announce these political investigations.

To those who are making the argument to acquit the President because to convict would divide our country, I ask you to acknowledge the fact that President Trump’s corrupt scheme has given Russia another opening to attack our democracy, interfere in our elections, and further divide our already divided country. We know this to be true, but the Senate is choosing to ignore the truth.

As reported just weeks after the Zelensky call, President Trump told Ambassador Bolton in August that he wanted to continue freezing $391 million in security assistance to Ukraine until it helped with the political investigations. Had Ambassador Bolton testified to these facts in this trial, it would have revealed that what the President told Senator Johnson in a phone call on August 31, 2019, in which, according to Senator Johnson, the President said:

I would never do that. Who told you that? John Bolton not only has direct evidence that implicates President Trump in a corrupt abuse of power, but he has direct evidence that President Trump lied to one of our colleagues in an attempt to cover it up. It may not matter to this Senate, but I can tell you that it matters to the people of Wisconsin that this President did not tell their Senator the truth.

Based on the facts presented to us, I refuse to join this President’s coverup, and I refuse to conclude that the President’s abuse of power doesn’t matter, that it is OK, and that we should just get over it.

I recognize the courageous public servants who did what this Senate has failed to do—to put our country first. In the House impeachment inquiry, brave government servants came forward and told the truth. They put their jobs on the line. Instead of inspiring us to do our duty—to do our jobs—they
have faced character assassination from this President, the White House, and some of my colleagues here in the Senate. It is a disgrace to this institution that they have been treated as anything less than the patriots they are.

As Army LTC Alexander Vindman said, “This is America. Here, right matters.”

My judgment is inspired by these words, and I am guided to my commitment but not country before party and our Constitution first.

My vote on the President’s abuse of power and obstruction of Congress is a vote to uphold my oath of office and to support and defend the Constitution. My vote is a vote to uphold the rule of law and our uniquely American principle that no one—not even the President—is above the law. I only have 1 of 100 votes in the U.S. Senate, and I am afraid that the majority is putting this President above the law by not convicting him of these impeachable offenses.

Let’s be clear. This is not an exoneration of President Trump. It is a failure to show moral courage and hold this President accountable.

Now, every American will have the power to make his or her own judgment. Every American gets to decide what is in our public interest. We the people get to choose what is in our national interest. I trust the American people will work to protect our fragile democracy.

The people work for know what the truth is, and they know, in America, it matters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Madam President, it is important to remind ourselves, at moments like this, how unnatural and uncommon democracy really is.

Just look at any of the important forums in your life. Think about your workplace, your family, your favorite sports team. None of them makes decisions by democratic vote. The CEO decides how much money you are going to make. It is not by the vote of your fellow employees. You love your kids, but they don’t get an equal say in household matters as mom and dad do.

The plays the Chiefs called on their game-winning drives were not decided by a vote of their fellow employees. You love your kids, but you don’t get an equal say in household matters as mom and dad do.

No, most everything in our lives that matters, other than the government under which we live, is not run by democratic vote, and, of course, a tiny percentage of humans—well under 1 percent—have lived in a democratic society over the last thousand years of human history.

Democracy is unnatural. It is rare. It is delicate. It is fragile, and untended to, neglected, or taken for granted, it will disappear like ashes that scatter into the cold night.

This body—the U.S. Senate—was conceived by our Founders to be the ultimate guardians of this brittle experience.

What happened here over the last 2 weeks is as much a corruption as Trump’s scheme was. This trial was simply an extension of Trump’s crimes—no documents, no witnesses. It was the first-ever impeachment trial in the Senate, with John Bolton, in his practically begging to come here and tell his firsthand account of the President’s corruption, was denied—just to make sure that voters couldn’t hear his story in time for them to be able to pressure their Senators prior to an impeachment vote.

This was a show trial—a gift-wrapped present for a grateful party leader. We became complicit in the very attacks on democracy that this body is supposed to guard against. We have failed to protect the Republic.

What is so interesting to me is that it is not like the Republicans didn’t see this moment coming. In fact, many of my colleagues across the aisle literally voted for it. President Trump’s election, here is what the Republican Senators said about Donald Trump.

One said:

He is shallow. He is ill-prepared to be Commander in Chief. I think he is crazy. I think he is unfit for office.

Another said:

The man is a pathological liar. He doesn’t know the difference between truth and lies.

Yet another Republican Senator said:

What we are dealing with is a con artist. He is a con artist.

Now, you can shrug this off as election-year rhetoric, but no Democrat has ever said these kinds of things about a candidate from our party, and prior to Trump, no Republican had said such things about candidates from their party either. The truth is the Republicans, before Trump became the head of their party, knew exactly how dangerous he was and how dangerous he would be if he won. They knew he would be the best candidate that bad man the Founders intended the Senate to protect democracy from.

That responsibility seems to no longer retain a position of primacy in this body today. The rule of law doesn’t seem to come first today. Our commitment to upholding decency and truth and honor is not the priority today. In the modern Senate today, all that seems to matter is party. What is different about this impeachment is not that the Democrats have chosen to make it partisan. It is that the Republicans have chosen to excuse their party’s President’s conduct in a way that the Republicans didn’t see this moment coming. In fact, many of my colleagues across the aisle literally voted for it. President Trump’s election, here is what the Republican Senators said about Donald Trump.

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Would we have the courage to stand up to our base, to our political supporters, and vote to remove a Democratic President who had chosen to trade away the safety of the Nation for political gain? It would not be easy. No, the easy thing to do would be to just go along with what is happening today—to box our ears, close our eyes, and just hope the corruption goes away.

So I have thought a lot about this question over these past 2 days, and I have come to the conclusion that at least for me, I would hold the Democrats to the same standard. I would vote to remove. But I admit to some level of doubt, and I think that I need to be honest about that because the pressures today to put party first are real on both sides of the aisle, and they are much more acute today than they were during Watergate.

It is with that reality as context that I prepare to vote today. I believe that the abuses of power are worthy of removal. I will vote to convict on both Articles of Impeachment.

But I know that something is rotten in the state of Denmark. Ours is an institution with a country above the party, and today we are doing, often, the opposite. I believe within the cult of personality that has become the Trump Presidency, the disease is more acute and more pernicious to the Nation’s health on the Republican side of the ledger, but I admit this affliction has spread to all corners of this Chamber.

If we are to survive as a democracy—a fragile, delicate, constantly in need of tending democracy—then this Senate needs to figure out a way after today to reorder our incentive system and recalibrate our faiths so that the health of one party never ever again comes at the health of our Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Utah.

Mr. ROMNEY. Mr. President, the Constitution established a vehicle of impeachment that has occupied both Houses of our Congress these many days. We have labored to faithfully execute our responsibilities to it. We have arrived at different judgments, but I hope we respect each other’s good faith.

The allegations made in the Articles of Impeachment are very serious. As a Senator-juror, I swore an oath before God to exercise impartial justice. I am profoundly religious. My faith is at the heart of who I am. I take an oath before God to exercise impartial justice.

I knew from the outset that being tasked with judging the President—the leader of my own party—would be the most difficult decision I have ever faced. I was not wrong.

The House managers presented evidence supporting their case, and the White House counsel disputed that case. In addition, the President’s team presented three defenses: first, that there could be no impeachment without a statutory crime; second, that the Bidens’ conduct justified the President’s actions; and third, that the judgment of the President’s actions should be left up to the American people.

The grave question the Constitution poses is the need to decide whether the President’s actions were impeachable. If the answer is yes, then the historic meaning of the words “high crimes and misdemeanors,” the writings of the Founders, and my own reasoned judgment convinced me that a President who commits acts against the public trust that are so egregious that, while they are not statutory crimes, they would demand removal from office.

To maintain that the lack of a codified and comprehensive list of all the outrageous acts that a President might conceivably commit renders Congress powerless to remove such a President defies reason.

The President’s counsel also notes that Vice President Biden appeared to have a conflict of interest when he undertook an effort to remove the Ukrainian prosecutor general. If he knew of the exorbitant compensation his son was receiving from a company actually investigating the business dealings with the Vice President, he should have recused himself. While ignoring a conflict of interest is egregious, it is surely very wrong.

With regard to Hunter Biden, taking excessive advantage of his father’s name is not a crime. Given that in neither the case of the father nor the son was any evidence presented by the President’s counsel that a crime had been committed, the President’s insistence that they be investigated by the Ukrainians is hard to explain other than as a political pursuit. There is no question in my mind that were their names not Biden, the President would never have done what he did.

The defense argues that the Senate should leave the impeachment decision to the voters. While that logic is appealing to our democratic instincts, it is inconsistent with the Constitution’s requirement that the Senate, not the voters, try the President. Hamilton explained that the Founders’ decision to invest Senators with this obligation rather than leave it to the voters was intended to minimize to the extent possible the partisan sentiments of the public so that what is ours to render under our Constitution. The people will judge us for how well and faithfully we fulfill our duty.

The grave question the Constitution tasks Senators to answer is whether the President committed an act so extreme and egregious that it rises to the level of a high crime and misdemeanor. Yes, he did. The President asked a foreign government to investigate his political rival. The President withheld vital military funds from that government that had been promised to Ukraine. The President delayed funds for an American ally at war with Russian invaders. The President’s purpose was personal and political. Accordingly, the President is guilty of an appalling abuse of public trust.

What he did was not “perfect.” No, it was a flagrant assault on our electoral rights, our national security, and our fundamental values of respecting our Constitution and demanding that one’s self in office is perhaps the most absurd and destructive violation of one’s oath of office that I can imagine.

In the last several weeks, I have received numerous calls and texts. Many demanded, in their words, that I “stand with the team.” I can assure you that thought has been very much in my mind. You see, I support a great deal of what the President has done. I have voted with him 80 percent of the time. But my promise before God to apply impartial justice required that I put my personal feelings and political biases aside. Were I to ignore the evidence that has been presented and disregard what I believe my oath and the Constitution demand of me for the sake of a partisan end, it would, I fear, expose my character to history’s rebuke and the censure of my own conscience.

I am aware that there are people in my party and in my State who will strenuously disapprove of my decision, and in some quarters, I will be vehemently denounced. I am sure to hear abuse from the President and his supporters. Does anyone seriously believe this would not have consequences other than from an inescapable conviction that my oath before God demanded it of me?

I sought to hear testimony from John Bolton, not only because I believe he could add context to the charges but also because I hoped that what he might say could raise reasonable doubt and thus remove from me the awful obligation to vote for impeachment.

Like each Member of this deliberative body, I love our country, and I believe that our Constitution was inspired by providence. I am convinced that freedom itself is dependent on the strength and vitality of our national character. As it is with each Senator, my vote is an act of conviction. We have come to different conclusions, fellow Senators, but I trust we have all followed the dictates of our conscience.

I acknowledge that my verdict will not remove the President from office. The results of this Senate court will, in fact, be appealed to a higher court—the judgment of the American people. Voters will make the final decision, just as the President’s lawyers have implored. My vote will likely be in the minority in the Senate. But irrespective of these things, with my vote, I will tell my children and their children that I did my duty to the best of my ability, believing that my country expected it of me.

To will only be one name among many—no more, no less—to future generations of Americans who look at the record of this trial. They will note merely that I was among the Senators...
who determined that what the President did was wrong, grievously wrong.

We are all footnotes at best in the annals of history, but in the most powerful Nation on Earth, the Nation conceived in liberty and justice, that distinction is enough for any citizen. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT of South Carolina. Mr. President, over the past few weeks, we have heard a lot of arguing and accusations, and anecdotes. Some very skilled speakers on both sides have presented their case both for and against impeachment.

I listened intently, hour after hour, day after day, to the House managers and the President’s lawyers, and the word that kept coming to me, that I kept writing down in my notes was “fairness” because, you see, here in America you are innocent until proven guilty.

As the President’s defense team noted, “[I] the foundation of those authentic forms of justice is fundamental fairness. It’s playing by the rules. It’s why we don’t allow deflated footballs or stealing signs from the field. Rules are rules. They’re there to be followed.”

You can create all the rhetorical imagery in the world, but without the facts to prove guilt, it doesn’t mean a thing. They can say the President can not be trusted, but without proving why he can’t be trusted, their words are just empty political attacks.

You can speak of David v. Goliath, but if you were the one trying to subvert the presumption of innocence, if you were the one to will facts into existence, you are not David; you have become Goliath.

Our job here in the Senate is to ensure a fair trial based on the evidence gathered by the House. I have been accused of my colleagues of not wanting that fair trial. The exact opposite is true. We have ensured a fair trial in the Senate after House Democrats abused historical precedents in their zeal to impeach a President they simply do not like.

During prior impeachment proceedings in the last 50 years—lasting around 75 days or so in the House—the House’s opposing party was allowed witnesses and the ability to cross-examine time. House Republicans were locked out of the first 71 of 78 days. Let me say that differently. The ability to cross-examine the witnesses who are coming before the House against the President, the House Republicans and the President’s team were not allowed to cross-examine those witnesses. The ability to contradict and/or to cross-examine or have a conversation about the evidence at the foundation of the trial? The White House’s lawyers and Republicans were not allowed to talk about the abuses of due process. The House Republicans and President’s team, were not allowed for 71 of 78 days in the House. This is not a fair process. Does that sound fair to you?

Democrats began talking about impeachment within months of President Trump’s election and have made it clear that their No. 1 goal—perhaps their only goal—was to remove him from office. Does that sound fair to you?

They have said: “We are going to impeach the . . .” and used an expletive.

They said: “We have to impeach him, otherwise he’s going to win the election.” Now that might be the transparency we have been looking for in this process—the real root or foundation of why we found ourselves here for 60 hours of testimony. It might be because, as they said themselves, if we don’t impeach him, he might just win.

What an amazing thought that the American people and not Members of Congress would decide the Presidency of the United States. What a novel concept that the House managers and Congress would not remove his name from the ballot in 2020, but we would allow the American people to decide the fate of this President and of the Presidency.

They don’t get it. They don’t understand what the American people should be and are the final arbiters of what happens. They want to make not only the President vulnerable, but they want to make Republican Senators vulnerable so that they can control the majority of the Senate because the facts are not winning for them. The facts are winning for us because when you look at the facts, they are not their facts and our facts, they are just the facts. What I have learned from watching the House managers who were very convincing—they were very convincing the first day—and after that what we realized was, some facts mixed with a little fiction led to 100 percent deception. You cannot mix facts and fiction without having the premise deceived by the American public, and that is what we saw here in our Chamber.

Why is that the case? It is simple. When you look at the facts of this Presidency, you come to a few conclusions that are, in fact, indisputable. One of those conclusions is that our economy is booming, and it is not simply booming from the top. When you start looking into the crosstabs, as I like to say, what you find is that the bottom 20 percent of the American economy are just working on behalf of Democracy when, in fact, they are seeking to overturn a fairly won election with absurd charges.

The House managers said over and over again, the Senate had to protect our Nation’s free and fair elections, but they are seeking to overturn a fairly won election with absurd charges.

The House managers said over and over again that the Senate has to allow new witnesses so as to make the Senate trial fair, but they didn’t bother with the notion of fairness when they were in charge in the House.

Their notion of fairness is to give the prosecution do-overs and extra latitude but not the defendants.

Actions speak louder than words, and the Democrats’ actions have said all we need to hear.

Let’s vote no on these motions today and get back to working for the American people.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, the last time this body—the last time the Senate—debated the fate of a Presidency in the context of impeachment, the legendary Senator from West Virginia, Robert Byrd, rose and said:

I think my country sinks beneath the yoke. It weeps, it bleeds, and each new day a gash is added to her wounds.

Our country today, as then, is in pain. We are deeply divided, and most days, it seems to me that we here are the ones wielding the shiv, not the salve.

The Founders gave this Senate the sole power to try impeachments because, as Alexander Hamilton wrote: “Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent?”

I wish I could say with confidence that we here have lived up to the faith our Founders entrusted in us. Unfortunately, I fear, in this impeachment trial, the Senate has failed a historic test of our ability to put country over party.

Foreign interference in our democracy has posed a grave threat to our Nation since its very founding. James Madison wrote that impeachment was an “indispensable” check against a President who would “betray his trust to foreign powers.”

The threat of foreign interference remains grave and real to this day. It is indisputable that Russia attacked our 2016 election and continues to do it broadly. President Trump’s own FBI Director and Director of National Intelligence have warned us they are intent
on interferring in our election this coming fall.

So, to my Republican colleagues, I have frankly found it difficult to understand why you would continue to so fervently support a President who has repeatedly and publicly invited foreign interference in our elections.

During his 2016 campaign, Donald Trump looked straight into the cameras at a press conference and said: Russian hackers, you're listening, I hope you're able to find Secretary Clinton's 30,000 emails.

We now know with certainty that Russian military intelligence hackers first attempted to break into Secretary Clinton's office servers for the first time that very day. Throughout his campaign, President Trump praised the publication of emails that Russian hackers had stolen from his political opponent. He mercilessly attacked former FBI Director Robert Mueller throughout his investigation into the 2016 election and allegations of Russian interference.

Now we know, following this trial, that the day after Special Counsel Mueller testified about his investigation to this Congress, President Trump, on a phone call with the President of Ukraine, asked for a favor. He asked President Zelensky to announce an investigation of his chief political rival, former Vice President Joe Biden, and he asked for an investigation into a Russian conspiracy theory about that DNC server. In the weeks and the months since, he has repeated that Ukraine should investigate his political opponent and that China should as well.

During the trial here, after the House managers and President's counsel made their presentation, Senators had the opportunity to ask questions. I asked a question of the President's lawyers about a sentence in their own trial brief: "Congress has forbidden foreigners' involvement in American elections."

I simply asked whether the President's own attorneys believed their client, again, who agrees with that statement, and they refused to confirm that he does. And how could they when he has repeatedly invited and solicited foreign interference in our elections?

So, to my colleagues: Do you doubt that President Trump did what he is accused of? Do you doubt he would do it again? Do you think for even one moment he would refuse the help of foreign agents to smear any one of us if he thought it was in his best political interest? And I have to ask: What becomes of our democracy when elections become a no-holds-barred blood sport, when our foreign adversaries become our allies, and when Americans of the opposite party take up our enemies' cudgels?

Throughout this trial, I have listened with the House managers prosecuting the case against President Trump and of the arguments of counsel defending the President. I engaged with colleagues on both sides of the aisle and listened to their positions.

The President's counsel have warned us of danger in partisan impeachments. They have cautioned that abuse of power—the first article—is a difficult standard to define. They have expressed deep concern about an impeachment trial that has become the brink of our next Presidential election.

I understand those concerns and even share some of them. The House managers, in turn, warned us that our President has demonstrated a perilous willingness to seek foreign interference in our elections and presented significant evidence that the President withheld foreign aid from a vulnerable ally, not to serve our national interest but to attack a political opponent. They demonstrated the President has categorically obstructed congressional investigations to cover up his misconduct. These are serious dangers too.

We, then, are faced with a choice between serious and significant dangers. After listening closely to the evidence, weighing the arguments, and reflecting on my constitutional responsibility and the need to do impartial justice, I have decided today I will vote guilty on both articles.

I recognize that many of my colleagues have made up their minds. No matter what decision you have reached, I think it is a sad day for our country. I myself have never been on a crusade to impeach Donald Trump, as has been alleged against all Democrats. I have sought ways to work across the aisle with his administration, and in the years that have followed his election, I have increasingly become convinced our President is not just unconventional, not just testing the boundaries of our norms and traditions, but he is at times unmoored.

Throughout this trial, I have heard from Delawareans who are frustrated the Senate refused to hear from witnesses or subpoena documents needed to understand the President's misconduct. I have heard from Delawareans who fear our President believes he is above the law and that he acts as if he is the law. I have also heard from Delawareans who want us to find common ground and work together.

It is my sincere regret that, with all the time we have spent together, we could not find common ground at all. From the opening resolution that set the parameters of the trial on a party-line basis, the majority leader refused all attempts to make this a more open and more fair process. Every Democrat was willing to have Chief Justice Roberts rule on motions to subpoena relevant witnesses and documents. Every Member of the opposing party refused. We could not even forge a consensus to call a single witness who has said he has firsthand evidence, who is willing to testify and was even prepared to appear before us.

When an impeachment trial becomes meaningless, we are damaged and weakened as a body, and our Constitution is in repair. We have a President who hasn't turned over a single scrap of paper in an impeachment investigation. Unlike Presidents Nixon and Clinton before him, who directed their senior advisers and Cabinet officials to cooperate, President Trump stonewalled every step of this Congress's impeachment inquiry and then personally attacked those who cooperated. The people who testified before the House of Representatives in spite of the President's orders are dedicated public servants and deserve our thanks, not condemnation.

Where do we go from here? Well, after President Clinton's impeachment trial, he said: "This can be and must be a time of reconciliation and renewal for our country!" Would we not want to do the same for the harm he had done to our Nation.

When President Nixon announced his resignation, he said: "The first essential is to begin healing the wounds of this Nation."

I wish President Trump would use this moment to bring our country together to assure us all that he will work to make the 2020 election a fair contest; that he would tell Russia and China to stay out of our elections; that he would tell the American people, whoever his opponent might be, the fight will be between candidates, not families; that if he loses, he will leave peacefully, in a dignified manner; and that if he wins, he will work tirelessly to be the President for all people.

But at this point, some might suggest it would be hopelessly naïve to expect President Trump that he would apologize or strive to heal our country or do the important work of safeguarding our next election. So that falls to us.

To my colleagues who have concluded impeachment is too heavy a hammer to wield, if you believe the American people should decide the fate of this President in the next election, what will you do to protect our democracy? What will you do to ensure the American people learn the truth of what happened so that they can cast informed votes? Will you cosponsor bills to secure our elections? Will you insist they receive votes on this floor?

Will you express support for the intelligence community that is working to keep our country safe? Will you ensure whistleblowers who expose corruption are protected, not vilified? Will you press this administration to cooperate with investigations and to allow meaningful accommodations so that Congress can have its power of oversight?

Why can we not do this together?

Each day of this trial, we have said the Pledge of Allegiance to our common Nation. For my Republican friends who have concluded the voters should decide President Trump's fate, we need to do more together to make that possible. Many of my Democratic friends, I know, are poised to do their very best to defeat President Trump at the ballot box.

So here is my plea—that we would find ways to work together to defend
our democracy and safeguard our next election. We have spent more time together here in the last few weeks than in the last few years. Imagine if we dedicated that same time to passing the dozens of bipartisan bills that have come over from the House that are awaiting a vote. Imagine what we could accomplish for our States and our country if we actually tackled the challenges of affordable healthcare and ending the opioid crisis, making our schools and communities safer, and bridging agreed disagreements.

What fills me with dread, to my colleagues, is that each day we come to this floor and talk past each other and not to each other and fail to help our constituents.

Let me close by paraphrasing our Chaplain—Chaplain Black—whose daily prayers brought me great strength in recent weeks: May we work together to bring peace and unity. May we permit Godliness to make us bold as lions. May we see a clear vision of our Lord’s desire for our Nation and remember we borrow our heartbeats from our Creator each day.

The PRESIDING OFFICER. The Senator from New York.

Mr. GARDNER. Mr. President, over the last several months and last several weeks, the American people have watched Washington convulse in partisan accusations, investigations, and acrimonious confrontations. The impeachment inquiry has reached its low watermark as the U.S. Senate carried out the third Presidential impeachment trial in our Nation’s history.

We saw, over the last 2 weeks, an impeachment process that included the testimony of 37 witnesses, more than 100 hours of testimony, and tens of thousands of pages of evidence, records, and documents, which I successfully fought to make part of the record. I fought hard to extend the duration of testimony to ensure that each side could be heard over 6 days instead of just 4. But what we did not see over the last 2 weeks was a conclusive reason to remove the President of the United States—an act which would nullify the 2016 election and rob roughly half the country of their preferred candidate for the 2020 elections.

House managers repeatedly stated that they had established “overwhelming evidence” and an “airtight case” against the President. Yet they also repeatedly claimed they needed additional investigation and testimony. A case cannot be both “overwhelming” and “airtight” and yet incomplete at the same time. That contradiction is not mere semantics. It is a fundamental flaw in their case.

In their partisan— their partisan—race to impeach, the House failed to do the fundamental work required to prove its case, to meet the heavy burden. For the Senate to ignore this deficiency and conduct its own investigation would weaponize the impeachment power. A House majority could simply short-circuit an investigation, impeachment, and demand the Senate complete the House’s work—what they were asking us to do.

The Founders were concerned about this very point. Alexander Hamilton wrote, regarding impeachments: “[T]here will always be the greatest danger that this decision will be regulated by, not by the comparative strength of parties, than by real demonstrations of innocence or guilt.”

More recently, Congressman JERRY NADLER, one of the House managers in the trial, said:

“There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment will lack legitimacy.”

Last March, Speaker NANCY PELOSI said: “Impeachment is so divisive to the country that unless there’s something so compelling and overwhelming and bipartisan, I don’t think we should go down that path, because it divides the country.”

The Framers knew that partisan impeachments could lead to impeachments over policy disagreements. Legal scholars like Charles Black have written that policy differences are not impeachable. But our current political differences about corruption and the proper use of tax dollars are at the very heart of this impeachment. Nevertheless, that disagreement led the House to deploy this most serious of constitutional remedies.

The reason the Framers were concerned about partisan or policy impeachments was their concern for the American people. Removing a President disenfranchises the American people. For a Senate of only 100 people, to do that requires a genuine, bipartisan, national consensus. Here, especially only 9 months before an election, I cannot pretend the people will accept this body removing a President who received nearly 63 million votes without meeting that high burden.

The House managers’ other argument to remove the President—obstruction of Congress—is an affront to the Constitution. The Framers created a system of government in which the legislative, executive, and the judiciary are evenly balanced. The Framers consciously diluted each branch’s power, making all three separate but equal and empowered to check each other.

The obstruction charge assumes the House has the power to compel evidence without express authority. As I’ve written, regarding impeachment and trial, but that cannot come at the expense of constitutional rights—certainly not without input from the judiciary. After all, since Marbury v. Madison, “[i]t is emphatically the province and duty of the judicial Department to say what the law is.”

Without this separation, nothing stops the House from seeking privileged information under the guise of an impeachment inquiry.

The House managers say that no matter how flimsy the House’s case, if the Executive tries to protect that information constitutionally, that itself is an impeachable offense. That dangerous precedent would weaken the standing of government—very threatening the President with removal and setting the stage for a constitutional crisis without recourse to the courts. With that precedent set, the separation of powers would simply cease to exist.

Over the 244-year history of our country, no President has been removed from office. The first Presidential impeachment occurred in 1868. The next was more than 100 years later. Now, 50 percent of Presidents have been impeached in the last 25 years alone. A tool so rarely used in the past is now being used more frequently. It is a dangerous development, and the Senate stands as the safeguard as passions grow even more heated.

These defective articles and the defective process leading to them allow the House to muddy things and claim we are setting a destructive precedent for the future.

Of course, bad cases make bad law. The House’s decision to short-circuit the investigation—moving faster than any Presidential impeachment ever, and a wholly partisan one at that—certainly makes for a bad case.

So, again, let me be clear about what this precedent does not do. At the outset, this case does not set the precedent that a President can do anything as long as he believes it to be in his electoral interest. I also reject the claim that impeachment requires criminal conduct. Rather, this shows, first, that House committees cannot simply assume the impeachment power to compel evidence without express authority from the full body and corresponding political accountability.

Second, the House should work in good faith with the Executive through the accommodation process. If that process reaches an impasse, the House should seek the assistance of the Judicial Branch before turning to impeachment.
Finally, when Articles of Impeachment come to the Senate along partisan lines, when nearly half of the people appear unmoved and maintain adamantly support for the President and when the country is just months away from the election, in these circumstances, the American people would likely not accept removing the President, and the Senate can wisely decline to usurp the people’s power to elect their own President.

But today, and throughout this “trial,” we are failing this test and witnessing the very worst of the modern Senate. After being confronted with overwhelming evidence of a brazen abuse of executive power, and an equally brazen attempt to keep that evidence hidden from the public and the American people, the Senate is poised to look the other way. To simply move on. To pretend the Senate has no responsibility to reveal the President’s misconduct and, God forbid, hold him to account.

Indeed we are being told the Senate has no constitutional role to play, and only the American people should judge the President’s misconduct in the next election. This is despite the Senate’s constitutionally-mandated role, and despite the fact that the President’s scheme was aimed at cheating in that very election. And now the Senate is cementing a cover-up of the President’s misconduct, to keep its extent hidden. By doing so in this way, then, will the American people be equipped to judge the President’s actions? How far the Senate has fallen.

In some ways, President Nixon’s misconduct—directing a break-in of the Democratic National Committee head-quarters to benefit himself politically—seems quaint compared to what we face today. As charged in Article I, President Trump secretly directed a sweeping, illegal scheme to withhold $400 million in aid from an ally at war in order to exert that ally into announcing investigations of his political opponent to boost his re-election. Then, instead of hiding select incriminating records, as President Nixon did, President Trump attempted to hide every single record from the American people. As reflected in Article II, President Trump has the distincting of being the only president in our nation’s history to direct all executive branch officials not to cooperate with a congressional investigation. I want to be clear: I did not relish the prospect of an impeachment trial. I have stark disagreements with this President on issues of policy and the law, on morality and honesty. But it is for the American people to judge a president on those matters. Today is not about differences over policy. It is about the integrity of our elections, and it is about the Constitution.

The Constitution cannot not protect itself. During this trial, the words of Washington, Madison, Jefferson, Hamilton, and Lincoln have frequently been invoked on behalf of our Constitution. Now it is our turn to record our names in defense of our democracy. In Federalist No. 65, Alexander Hamilton described impeachment as the remedy for “the abuse or violation of some public trust.” Although that definition has guided the nation for 230 years, President Trump’s counsel would have us rely on a very different definition.

The central arguments presented by the President’s defense team were stunning. The President argues that we cannot convict him because abuse of power is not impeachable. He can abuse his power to benefit his re-election, and engage in improper quid pro quo, so long he believes his re-election is in the national interest. King Louis XIV Dowling and Madison said “I am the State”—might approve of that reasoning, but the Senate should condemn it. The President and his attorneys even argue that a president may welcome and even request foreign governments to “dig up dirt” on their opponents with impunity. Yet not only are such requests illegal, they violate the very premise of our democracy—that American elections are decided only by Americans.

The Senate should flatly reject the President’s brazen and dangerous arguments. But an acquittal today will do the opposite. If you believe that the President’s outlandish arguments are irrelevant after today, and will have no prospect of an impeachment trial—may I remember this: The President’s counsel’s claim that abuse of power is not impeachable is largely—and mistakenly—based on the argument of another counsel, Justice Benjamin Curtis, defending another president from impeachment, President Johnson. That was 150 years ago.

What we do today will set a weighty precedent. An acquittal today—despite the overwhelming evidence of guilt, and the obvious prospect of an impeachment trial—may establish a principle that any president can commit fundamental, and perhaps irreparably, distort our system of checks and balances for another 150 years.

And what a sham trial it was. The fact that this body would not call a uniquely critical witness who has declared his willingness to testify, John Bolton, is beyond outrageous. And why? To punish the House for not taking years to first litigate a subpoena and then litigate every line of testimony. Or is it because testimony detailing this corrupt scheme—no matter how damaging, would not alter the Majority Leader’s pre-ordained acquittal? The Senate had a constitutional obligation to try this impeachment impartially. Yet the Senate willfully blinded itself to evidence that will soon be revealed. Senate Republicans even defeated a motion merely to consider and debate whether to seek critical documents and key witnesses. The notion that the Senate could retain the title of “the world’s most deliberative body” following this charade rings hollow.

It is often said that history is watching. I expect that’s true. But in this moment we are not merely witnesses to history— we are writing it. It is ours to shape. And let me briefly describe the dark chapters we are inscribing in the story of our republic today.

In his farewell address, George Washington warned us that “foreign influence is one of the most hallowed foes of republican government.” Yet, as a candidate, President Trump famously requested that Russia hack his political
opponent’s emails. Hours later, Russia did. The President then weaponized Russia’s criminal influence campaign, which resulted in an investigation that uncovered a morass of inappropriate contacts with Russians, lies to cover them up, multiple instances of the President of the United States acting in 37 other indictments and convictions. Yet, after the saga concluded, the President felt liberated. Literally the day after Special Counsel Robert Mueller testified, the President asked the Transportation secretary “for a favor.” He has since publicly repeated his request for Ukraine to intervene in our election, and made the same request to China, on national television. All of us must ask: If we acquit President Trump today, what will he do tomorrow? None of us knows. But two things I am confident of: President Trump’s willingness to abuse his office, and his eagerness to exploit foreign interference in our elections, will only grow. And, especially, Congress’s capacity to do anything about it will be crippled.

While the President’s lawyers stood on the Senate floor and admonished the House Managers for failing to litigate each supposed in court to exhaustion, he had other lawyers in court making the mutually exclusive argument that Article III courts have no jurisdiction to settle disputes between our two branches. Such duplicity would put to them God’s judgment. Meanwhile, the President’s Department of Justice claims not only that President Trump cannot be indicted while in office, he cannot even be investigated. But don’t worry, the President’s lawyers promise us, the President is still not above the law because Congress can hold him in check through our confirmation power and power of the purse. Neither would come close to checking a lawless executive. It is well known that the President has effectively stopped nominating senior officials in his administration. He has now set a modern record for acting cabinet secretaries. The President has said that he prefers having acting officials, who bypass Senate scrutiny, because they are easier to control.

More crucially, with this vote today, we inflict grave damage on our power of the purse. I am the Vice Chairman of Appropriations Committee, and I have served for 40 years. Members of this Committee not only write the spending bills, they are the guardians of this body’s power of the purse, granted exclusively to Congress by the Founders to counter “all the overgrown prerogatives of one or other branches.” The Framers, having broken free from the grip of a monarchy, feared an unchecked executive who would use public dollars like a king: as a personal slush fund. Yet this is precisely what President Trump has done if we fail to hold President Trump accountable for illegally freezing congressionally appropriated military aid to extract a personal favor, what would stop him from freezing disaster aid to states hit by hurricanes and flooding until governors or home state senators agree to endorse him? What would stop any future president from holding any executive branch hostage for $47 billion or $100 billion in aid to their personal whims? The answer is nothing. We will have relinquished the very check that the Founders entrusted to us to ensure a president could never behave like a king.

The President’s defense team also argued that impeachment is inappropriate unless it is fully bipartisan. Decades ago, I questioned whether an impeachment would be accepted if not bipartisan. But this argument has revealed itself to be painfully flawed. In 1974, Republicans ultimately convinced President Nixon to resign; in 1999, Democrats condemned President Clinton’s private misconduct and supported a formal censure. In contrast, with one important exception, President Trump’s support for impeachment has thus far shown no limits in their tolerance of overwhelming misconduct; they even chased out of their party a Congresswoman who stood up to the President. Indeed, a prerequisite for membership in Congress appears to workmanship: be the belief that he can do no wrong. Under this standard, claiming that President Trump’s impeachment would only be valid if it were supported by his most unflinching enablers renders the impeachment process void and voidable.

That said, I do understand the immense pressure my Republican friends are under to support this President. I know how much easier it is for me to express my disgust and disappointment that the President has proven himself so unfit for his office. That is one reason why I feel it is important to make a commitment right now. If any president, Republican or Democrat, uses the power of his or her office to intervene in an election to influence our elections to do the president’s domestic political bidding, I will support their impeachment and removal. It is wrong, no matter the party. And we all should say so.

Before I close, I want to thank the brave individuals who shared their testimony with both the House of Representatives and American people. Each of these witnesses served this President in his administration. And as President, I witnessed misconduct originating in the highest office in the world, and they spoke up. They did not hide behind the President’s baseless order not to cooperate. Most knew that by stepping forward they would be attacked by the President and some of his vindictive defenders. Yet they came forward anyway. We owe them our enduring appreciation. They give me hope for tomorrow.

Yet today is a dark day for our democracy. And what frightens me most is this: We are currently on a dangerous road, and no one has any idea where this road will take us. Not one of us here knows. But we all know our democracy has been indelibly altered.

The notion that the President has learned his lesson is farcical. The President’s lead counsel opened and closed this trial by claiming the President did nothing wrong. The President himself can get away with egregious, illegal misconduct.

If the Senate does not recognize the gravity of President Trump’s “violation of the public trust,” and hold him accountable, we will have seen but a preview of what is to come. Foreign interference in our elections, Total non-compliance with lawful congressional oversight, Disregard of our constitutional power of the purse. Open, flagrant corruption. I fear there is no bottom to it.

This is the tragic result of the Senate failing its constitutional duty to hold a real trial. We will leave President Trump “sacred and inviolable” and with “no constitutional tribunal to which he is answerable.” Nothing to which he can be subjected without involving the crisis of a national revolution.” As Hamilton warned over two centuries ago, that is not a president; that is a king. I, for one, will not merely keep it.

I have listened very carefully to both sides over the past two weeks. The record has established, leaving no doubt in my view, that President Trump directed the most impeachable, corrupt scheme by any president in this country’s history. To protect our constitutional republic, and to safeguard our government’s system of checks and balances, my oath to our Constitution compels me to hold the President of the United States accountable.

I will vote to convict and remove President Donald J. Trump from office. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON): The Senator from Alabama.

Mr. SHELBY. Mr. President, over the past 2 weeks, my colleagues and I have patiently listened to arguments from both the House managers and the President’s counsel right here in the Senate Chamber. I have received communications from the House that the President has committed an act worthy of impeachment.

As a Senator, I believe that the first and perhaps most important consideration is whether abuse of power and obstruction of Congress are impeachable offenses as asserted by our House managers.

Impeachment is a necessary and essential component of our Constitution. It serves as an important check on the President’s defense team also agreed. The only lesson the President of the United States acquittal of Presidential crimes would set a modern record for acting cabinet secretaries. Most knew that by stepping forward they would be attacked by the President and some of his vindictive defenders. Yet they came forward anyway. We owe them our enduring appreciation. They give me hope for tomorrow.

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As a Senator, I believe that the first and perhaps most important consideration is whether abuse of power and obstruction of Congress are impeachable offenses as asserted by our House managers.

Impeachment is a necessary and essential component of our Constitution. It serves as an important check on...
conviction of a sitting President would not be of partisan intent. Since President Trump took office, many have sought to delegitimize his Presidency with partisan attacks. We have heard this right here in the Senate, and we have experienced it. This extreme effort to delegitimize the President, I believe, is unjustified and intol erable.

Now that the Senate has heard and studied the arguments from both sides, I believe the lack of merit in the House managers' case is evident. The outcome of this trial is a matter of constitutional law, to meet the exceedingly high bar for removal of the President as established by our Founding Fathers, the Framers of the Constitution.

In this wisdom, the Framers rejected vague grounds for impeachment—offenses like we have heard here, "maladministration"—for fear that it would, in the words of Madison, result in a Presidential "tenure during [the] pleasure of the Senate." "Abuse of power," one of the charges put forward here by the House managers, is a concept as vague and susceptible to abuse, I believe, as "maladministration." If you take just a minute or two to look at the definitions of "abuse" and "mal," they draw distinct similarities. "Mal," a prefix of Latin origin, means bad, evil, wrong. "Abuse," also of Latin origin, means to wrongly use or to use for a bad effect. There is a kinship between "mal" and "abuse" as the Framers rejected in their wisdom "maladministration." I believe that they, too, would reject the noncriminal "abuse of power." Instead, the Framers, as the Presiding Officer knows, provided for impeachment only in a few limited cases: treason, bribery, and high crimes and misdemeanors. Only those offenses justify taking the dire step of removing a duly elected President from office and permanently taking his name off the ballot.

This institution, the U.S. Senate, I believe, should not lower the constitutional bar and authorize their theory of impeachment for abuse of power. It is simply not an impeachable offense, in my judgment. Their criteria for removal centers not on the President's actions but on their loose perception of his motivations. If the Senate endorses this approach, we will dramatically transform the impeachment power as we have known it over the years. We will for the first time turn this grave constitutional power into a tool for adjudicating policy disputes and political disagreements among all of us. The Framers, in their wisdom, cautioned us against this dangerous path, and I believe the Senate will heed their warning.

The other article, the House managers' obstruction of Congress claim, is similarly flawed. Congress' investigative tools, and we use them in ensuring our system of checks and balances. But those powers are not absolute.

The President, too, as head of a coequal branch of government, enjoys constitutional protections and immunities from congressional factfinding. That is his constitutional right and has been the right of former Presidents from both parties. The President's mere assertion of privileges and immunities is not an impeachable offense. Endorsing otherwise would be unprecedented and would ignore the past practices of administrations of both parties. Adopting otherwise would drastically undermine the separation of powers enshrined in our Constitution.

This was not what our Framers intended. Nowhere in the Constitution or in the Federal statute is abuse of power or obstruction of Congress listed as a crime—nowhere. What constitutes an impeachable offense is left to the discretion of the Congress. We cannot expand, I believe, on the scope of actions that could be deemed impeachable beyond that which the Framers intended.

What we really have here, I believe, is nothing more than the abuse of the power of impeachment itself by the Democratic House. Doesn't our country deserve better? The President certainly deserves better.

Today I am proud to stand and reiterate those very weak impeachment efforts, and I will accordingly vote to acquit the President on both articles.

My hope is that, in the future, Congress will reject this episode and, instead of trying to be guided by the Constitution and its words from our Framers.

Basically, I believe it is a time to move on. We know that the American economy is booming. The United States is projecting strength and promoting peace abroad. The President is unbowed. I believe the American people see all of this. At the end of the day, the ultimate judgment rests in their hands. In my judgment, that is just as it should be.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, Benjamin Franklin knew the strength of our Constitution but he also knew its vulnerability. His words, often repeated on this floor—"a republic, if you can keep it"—were a stark warning. Franklin believed every generation could face the challenge of protecting and defending our Nation's liberty-affirming document.

We know this personally. Before we can legally serve as Senators, we must publicly swear an oath to support and defend the Constitution of the United States. A trial of impeachment, more than any other Senate assignment, tests the oath each one of us takes before the people of this Nation.

The President's legal team warns us of the danger of impeachment conviction. They tell us to think carefully about what the removal of a duly elected President could mean for our democracy. But if we should have our eyes wide open to the danger of conviction, we also cannot ignore the danger of acquittal. The facts of this impeachment are well known, and many Republicans concede that they are likely true. They believe as I do, that President Trump pressured the Ukrainian President by withholding vital military aid and a prized White House visit in return for the announcement of an investigation of the Bidens and the Russian-concocted CrowdStrike fantasy.

Some of these same Republicans acknowledge that what the President did was "inappropriate." At least one has used the word "impeachable." But many say they are still going to vote to acquit him regardless. So let's open our eyes to the morning after a judgment. An acquittal will signal an established election siege by Russia and other enemies of the United States, we, the Senate, will have absolved a President who continues to brazenly invite foreign interference in our elections.

A majority of this body will have voted for the President's argument that inviting interference by a foreign government is not impeachable if it serves the President's personal political interests.

We will also have found for the first time in the history of this Nation that an impeachment proceeding in the Senate can be conducted without any direct witnesses or evidence presented on either side of the case. But a President facing impeachment can ignore subpoenas to produce documents or witnesses to Congress.

Alexander Hamilton described the Senate as the very best venue for an impeachment trial because it is "independent and dignified," in his words. When the Senate voted 51 to 49 against witnesses and evidence, those 51 raised into question any claim to independence or dignity. In addition, an acquittal will leave the extreme views stated by the President's defense counsel Alan Dershowitz unchallenged: first, that abuse of power is not an impeachable offense; second, that the impeachment charges against the President were constitutionally insufficient; and, third, his most dangerous theory, that unless the President has committed an actual crime, his conduct cannot be corrupt or impeachable as long as he believes it was necessary for his reelection.

In addition, the President's legal team would have excused Richard Nixon's obstruction of Congress claim. Mr. Dershowitz has created an
escape clause to impeachment, which is breathtaking in its impact and unfounded in our legal history. We have all received a letter signed by nearly 300 constitutional law scholars flatly rejecting the arguments offered by the President's team.

I ask unanimous consent to have printed in the RECORD the scholars' letter.

There being no objection, the material is ordered to be printed in the RECORD, as follows:


To the United States Senate: The sartorialists of this letter are professors of law and scholars of the American constitution who write to clarify that impeachment does not require proof of crime, that abuse of power is an impeachable offense, and that a president may not abuse the powers of his office to secure re-election, whatever he may believe about how beneficial his continuance in power is to the country.

Impeachable conduct does not require proof of criminal crime. Impeachment for “high Crimes and Misdemeanors” under Article II of the U.S. Constitution does not require proof that a president or high official has violated any criminal law. The phrase “high Crimes and Misdemeanors” is a term of art consciously adopted by the drafter of the American constitution from Great Britain. Beginning in 1396, the term was frequently used by Parliament to describe the wide variety of conduct, much of it non-criminal, abuses of public office, for which British officials were impeached.

The phrase “high crimes and misdemeanors” was introduced into the American constitution by George Mason, who explained that impeachment “is a term used to describe Hastings’ non-criminal misdeeds.” As Edmund Randolph observed at the Constitutional Convention, “the propriety of impeachments was a favorite principle with the framers because I believe we have great opportunities of abusing his power.” In Federalist 65, Hamilton defined “high crimes and misdemeanors” as “those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.”

This understanding has often been expressed sincerely. For example, in 1926, the House voted to impeach U.S. District Judge George English. The Judiciary Committee reported on the matter reviewed the abuses alleged.

Thus, an official may be impeached for offenses of a political character and for gross betrayal of public interests. Also, for abuses or betrayals of trusts, for inexcusable negligence of duty [or] for the tyrannical abuse of power.

Two of the three prior presidential impeachment crises have involved charges of abuse of power. The eleventh article of impeachment against President Andrew Johnson considered an abuse of non-criminal misconduct. The first and second articles of impeachment against President Richard Nixon alleged high crimes and misdemeanors, as did the House Judiciary Committee’s report in the Clinton impeachment. The third alleges non-criminal obstruction of Congress. Indeed, the Nixon House Judiciary Committee issued a report in 1974 stating that the House’s contention that impeachment conduct must be criminal.

The consensus of scholarly opinion is that impeachable conduct does not require proof of crime. An abuse of power is an impeachable high crime and misdemeanor.

It has been suggested that abuse of power is not a ground for impeachment and misdeemnor. The reverse is true. The British Parliament invented impeachment as a legislative counterweight to abuses of power by the Crown and its ministers. The American Framers inserted impeachment into our constitution primarily out of concern about presidential abuse of power. They inserted the phrase “high crimes and misdemeanors” into the definition of impeachable conduct in order to cover non-criminal abuses of power of the type charged against Warren Hastings.

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Two of the three prior presidential impeachment crises have involved charges of abuse of power. The eleventh article of impeachment against President Andrew Johnson alleged that he had attempted to prevent implementation of reconstruction legislation passed by Congress in March 1867, and thus violated Article II, Section 3, of the constitution by failing to take care that the laws be faithfully executed.” The second article of impeachment against Richard Nixon charged a litany of abuses of presidential power, including “interfering with agencies of the Executive Branch.”

Even if no precedent existed, the constitutional basis for abuse of presidential power is plain. The president is granted wide powers under the constitution.

The framers recognized that a great many abuses of those powers might violate no law, but nonetheless pose immense danger to the constitutional order. They consciously rejected the idea that periodic elections were a sufficient protection against this danger and inserted impeachment as a remedy.

The consensus of scholarly opinion is that abuse of power is an impeachable “high crime and misdemeanor.” A president may not abuse his powers of office to secure his own re-election.

Finally, one of President Trump’s attorneys has suggested that so long as a president benefits himself in the public interest, “if a president did something that he believes will help get him elected, in the public interest, that cannot be the kind of quid pro quo that results in his impeachment.” It is true that merely because a president makes a policy choice he believes will benefit himself in the public interest, that choice is not necessarily impeachable. However, if a President employs his powers in a way that cannot reasonably be explained by the public interest, that choice is impeachable.

To accept such a view would give the president carte blanche to corrupt American electoral democracy.

Distinguishing between minor misuses of presidential authority and grave abuses requiring impeachment and removal is not an exact science. That is why the Constitution assigns the task, not to a court, but to Congress, relying upon its collective wisdom to assess whether a president has committed a “high crime and misdemeanor” requiring his conviction and removal.

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More than anything, a verdict of acquittal says a majority of the Senate believes this President is above the law and cannot be held accountable for conduct abusing the powers of his office. And make no mistake, this President believes that too.

On July 23—2 days before his phone call with President Zelensky—President Trump spoke to a group of young supporters and he said: "I have an Article II, where I have the right to do whatever I want." This is the dangerous principle that President Trump and his lawyers are asking us, with a verdict of acquittal, to accept. Under the oath I have sworn, I cannot.

What does it say of this Congress and our Nation that in 3 years, we have become so anesthetized to outrage that, for a majority in this Senate, there is nothing—not nothing—this President can or should be accountable for.

Nearly 6 years ago, I traveled to Ukraine with a bipartisan group of Senate colleagues led by John McCain. It was the Tuesday before Thanksgiving. We were in Kyiv for 5 days. We met with government leaders, transition officials, members of the opposition parties. We met with civil society groups. We visited the site where we crammed 5 days’ worth of meetings into 48 hours. We arrived in Kyiv on March 14, 2014. It was bitterly cold. Ukrainians had just ousted a corrupt, Russian-backed leader who looted the national treasury and hollowed out their nation’s military. They had done so by taking to the streets, risking their lives for democracy and a better future. More than 100 ordinary citizens, including the opening of the door to China.

After studying the Watergate evidence closely, Congressman Railsback believed that President Nixon had violated the Constitution. When President Nixon refused to turn over records and transcripts requested by Congress, Tom Railback went to the House floor to say: “If the Congress wanted the truth, we think we need and then votes to exonerate, we’ll be regarded as a paper tiger.”

When he voted to impeach President Nixon, Tom believed it was probably the end of his career, but he was elected to four more terms. To the end of his days, Tom Railback was proud of his vote. He voted for his country above his party.

Bill Cohen—also a Republican—was a Republican Congressman at the time and a member of the House Judiciary Committee. He studied the evidence with Tom Railback and then worked with him to draft Articles of Impeachment. Bill Cohen received death threats, and he thought his votes to impeach President Nixon would be the end of his political career. But he went on to a distinguished career in the House, three terms in the Senate, and served as Secretary of Defense.

Listen to what Bill Cohen said recently of President Trump’s actions: "This is presidential conduct that you want to be ashamed of. He is corrupting institutions, politicizing the military, and acts like he is the law.

And then Cohen added: If (the President’s conduct) is acceptable, we really don’t have a Republic as we’ve known it any more.

I respectfully say to my Senate colleagues, Ben Franklin warned us of this day.

I will vote guilty on both Articles of Impeachment against President Donald John Trump, on article I abuse of power and article II obstruction of Congress. But at this moment of high constitutional drama, I hope my last words can be a personal appeal to my Senate colleagues.

Last night, many of us attended a State of the Union Address which was as emotionally charged as any I have
ever attended. As divided as our Nation may be and as divided as the Senate may be, we should remember America has weathered greater storms than this impeachment and our current political standoff.

It was Abraham Lincoln, in the darkness of our worst storm, who called on us “to strive on to finish the work we have in, to work to bind the nation’s wounds.”

After this vote and after this day, those of us who were entrusted with this high office must do our part to work to bind the wounds of our divided nation. I hope we can leave this Chamber with that common resolve.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, let me just begin with a note of optimism. You are going to get to pick the next President, not a bunch of politicians driven by grapes. I don’t say that lightly. I didn’t vote for President Trump. I voted for somebody I wouldn’t know if they walked in the door. But I accepted the fact that he won. That has been hard for a lot of people to do. And it is not like I am above the law. I am not above the law, but you put a President to decide in November whom they want to elect in their own lives; it is driven by blind partisanship and hatred of the man himself. And they wanted to do it in 78 days. Why? Because they wanted to impeach him before the election. I am not making this up. They said that.

The reason the President never was allowed to go to court and challenge the subpoenas that were never issued is because it is going to come back your way. Cause it is going to come back your way.

So as Congress, it is a wholesale assault on the Presidency; it is abandoning every sense of fairness that every American has come to expect in their own lives; it is driven by blind partisanship and hatred of the man himself. And they wanted to do it in 78 days. Why? Because they wanted to impeach him before the election. I am not making this up. They said that.

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The President was denied his day in court. And you are OK with the idea that the House managers understo — understood it might take time. President Clinton and President Nixon were allowed to go to article III court and contest the House’s action. That was denied this President because it would get in the way of impeaching him before the election. And you send this crap over here, and you are OK with it, my Democratic colleagues. You are OK with it, my Democratic colleagues. You are OK with the idea that the President was denied his day in court. And you are going to rule on executive privilege as a political body. You are willing to deal out the article III court because you hate Trump that much.

What you have done is you have weakened the institution of the Presidency. Be careful what you wish for because it is going to come back your way.

Abuse of Congress should be entitled “abuse of power by the Congress.” If you can’t see through that, your hatred of Donald Trump has blinded you to the truth, I have a bridge I want to sell you. These people hate Trump’s every deed. They impeached the President of the United States in 78 days. You cannot get a parking ticket, if you contested it, in 78 days. They gave out souvenirs pens when it was over.

If you can’t see through that, your hatred of Donald Trump has blinded you to the obvious. This is not about protecting the country; this is about destroying the President.

There are no rules when it comes to Donald Trump. Everybody in America can confront the witnesses against them, except Donald Trump. Everybody in America can call witnesses on their behalf, except President Trump. Everybody in America can introduce evidence, except for President Trump. He is not above the law, but you put him below the law. In the process of impeaching this President, you have made it almost impossible for future Presidents to do their job.

In 78 days, you took due process, as we have come to know it in America, and threw it in the garbage can. This is the first impeachment in the history of the country driven by politicians.

The Nixon impeachment had outside counsel. Watergate prosecutors. The Clinton impeachment had Ken Starr, who looked at President Clinton for years before he brought it to Congress. The Mueller investigation went on for 2 years. I trusted Bob Mueller. And when he rendered his verdict, it broke your heart. And you can’t let it go.

The only way this is going to end permanently is for the President to get reelected. And he will. So as Congress, it is a wholesale assault on the Presidency; it is abandoning every sense of fairness that every American has come to expect in their own lives; it is driven by blind partisanship and hatred of the man himself. And they wanted to do it in 78 days. Why? Because they wanted to impeach him before the election. I am not making this up. They said that.

What you have done is impeached the President of the United States and allowed to remove the President, and I am afraid President Trump gets reelected because the House managers understood it might take time. President Clinton and President Nixon were allowed to go to article III court and contest the House’s action. That was denied this President because it would get in the way of impeaching him before the election. And you send this crap over here, and you are OK with it, my Democratic colleagues. You are OK with it, my Democratic colleagues. You are OK with the idea that the President was denied his day in court. And you are going to rule on executive privilege as a political body. You are willing to deal out the article III court because you hate Trump that much.

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Monica Lewinsky. While the conduct covered by that article was inappropriate, to have made such conduct impeachable would have done grave damage to the Presidency by failing to recognize that, in the future, the office will be occupied by flawed human beings. It was obvious to me that President Clinton’s lying under oath about his relationship with Monica Lewinsky, while wrong, was not a high crime or misdemeanor and that many people who would have been inclined to lie to protect themselves and their families.

As to the impeachment of President Trump, I feel compelled to condemn the impeachment process used in the House because I believe it was devoid of basic, fundamental due process. The process used in the House for this impeachment was unlike that used for Presidents Nixon or Clinton. This impeachment was completed within 78 days and had a spirit of partisanship and haste that were unacceptable. The Senate must lead to the weaponization of impeachment against future presidents.

President Trump was entirely shut out of the evidence gathering stage in the House Intelligence Committee. He denied the right to counsel, and the right to cross-examine and call witnesses. Moreover, the great volume of evidence gathered against President Trump by the House Intelligence Committee consists solely because the House Judiciary Committee impeachment hearings were, for lack of a better term, a sham. And most importantly, the House managers admitted the reason that neither the House Intelligence Committee nor the House Judiciary Committee sought testimony in the House from President Trump’s closest advisers, including former National Security Adviser John Bolton, Secretary of State Mike Pompeo, and Acting Chief of Staff Mick Mulvaney, is because it would have required the House to go to court, impeding their desire to impeach the President before the election. It was a calculated decision to deal article III courts out of President Trump’s impeachment inquiry due to a political timetable. The Senate must send a clear message that this can never, ever happen again.

As to the substance of the allegations against President Trump, the abuse of power alleged by the House is vague, does not allege criminal misconduct, and requires the Senate to engage in a subjective analysis of the President’s motives and actions. The House managers argued to the Senate that the sole and exclusive purpose of freezing aid to Ukraine was for the private, political benefit of President Trump. It is clear to me that there is ample evidence—much more than a mere scintilla—that the actions of Hunter Biden and Vice President Biden were inappropriate and undercut American foreign policy.

Moreover, there was evidence in the record that officials in Ukraine were actively speaking against Candidate Trump and were pulling for former Secretary of State Clinton. Based on the overwhelming amount of evidence of inappropriate behavior by the Bidens and statements by State Department officials about certain Ukrainians’ beliefs that one American candidate would be better than the other, I found it eminently reasonable for the President to be concerned about Ukraine corruption, election interference, and the personal benefit of Vice President Biden and his son Hunter. It is hard to believe that Vice President Biden was an effective messenger for reform efforts in Ukraine while his son Hunter was receiving $3 million from Burisma, one of Ukraine’s most corrupt companies.

As Professor Dershowitz described, there are three buckets for examining allegations of corrupt motive or action with regards to impeachment. The first is where there is clearly only a public, national benefit, as in the analogy of freezing aid to Israel unless it stops building new settlements. The second is the mixed motive category in which there is a public benefit—in this case, the public benefit of exposing the Bidens’ conduct in the Ukrainian energy sector and the possibility of a personal, political benefit as well. The third is where there is clearly a pure corrupt motive, as when there is a pecuniary or financial benefit, an allegation that has not been made against President Trump.

It is obvious to me that, after the Mueller report, President Trump viewed the House impeachment inquiry as a gross double standard when it comes to investigations. The House launched an investigation into his phone call with President Zelensky while at the same time the House showed no interest in the actions of Vice President Biden and Hunter Biden. The President, in my view, was entirely justified in trying to look into the circumstances surrounding the firing of Ukrainian Prosecutor General Volker Shokin, who was investigating Burisma, and whether his termination benefited Hunter Biden and Burisma.

It is clear to me that the phone call focused on burden-sharing, corruption, and election interference in an appropriate manner. The most vexing question was how the President was supposed to legitimate these concerns. The House managers in one moment suggest that President Trump could not have asked the Attorney General to investigate these concerns because that would be equivalent to President Trump asking for an investigation of a political rival. But in the next moment, the House managers declare that the proper way for President Trump to have dealt with those allegations would have been to ask the Attorney General to investigate. They could not agree on whether it is fair to criticize President Trump’s over reliance on his private attorney, Rudy Giuliani, to investigate alleged corruption and conflicts of interest regarding the Bidens and Burisma. However, I do not find this remotely an impeachable offense, and it would be beneficial for the country as a whole to find ways to deal with such matters in the criminal-legal system.

Assuming the facts in the light most favorable to the House managers, that for a period of time the aid was suspended by President Trump to get Ukraine to investigate and election interference, I find both articles fail as nonimpeachable offenses. I find this to be the case even if we assume the New York Times article about Mr. Bolton is accurate. The Ukrainians received the military aid and did not open the requested investigation.

The abuse of power Article of Impeachment is beyond vague and requires a subjective analysis that no one would agree in. It also represents an existential threat to the Presidency. Moreover, the obstruction of Congress article is literally impeaching the President because he chose to follow the advice of White House counsel and the Department of Justice and he was willing to use constitutional privileges in a manner consistent with every other President. This article must be soundly rejected, not only in this case, but in the future. Whether one likes President Trump or not, he is the President with privileges attached to his office.

The House of Representatives, I believe, abused their authority by rushing the impeachment and putting the Senate in the position of having to play the role of an article III court. The long term effect of this practice would be to neuter the Presidency, making the office of the President only as strong as the House allows in. The allegations contained in this impeachment are not what the Framers had in mind as high crimes or misdemeanors. The Framers, in my view, envisioned serious misconduct that would shake the foundation of the American constitutional system. The Nixon impeachment had broad bipartisan support once the facts became known. The Clinton impeachment started with bipartisan support in the House and ended with bipartisan support in the Senate, even though it fell well short of the two-thirds vote requirement to remove the President. In the case of President Trump, this impeachment started with an attempt to tie with bipartisan rejection of the Articles of Impeachment in the House and, if not rejected in the Senate, will lead to impeachment as almost an inevitability, as future Presidents will be inclined to the same conduct in the same circumstances of the House in any given moment.

My decision to vote not guilty on both Articles of Impeachment, I hope, will be seen as a rejection of what the House did and how they did it. I firmly believe that article III courts have a role in the impeachment process and that, to remove a President from office, the conduct has to be of a nature
that would shake the very foundation of our constitutional system. The impeachment of President Trump was driven by a level of partisanship and ends justify the means behavior that the American people have rejected. The best way to end this matter is to allow the American people to vote for or against President Trump in November, not to remove him from the ballot.

These Articles of Impeachment must be soundly rejected by the Senate because they represent an assault on the Presidency to itself and on the Constitution. The weaponization of impeachment as a political tool. They must fail for a variety of reasons. First, the conduct being alleged by House managers is that there was a temporary suspension on military assistance to Ukraine, which was eventually received ahead of schedule to leverage an investigation that never occurred. This is not the constitutional earthquake the Founders had in mind regarding bribery, treason or other crimes and misdemeanors. Second, the articles as drafted do not allege any semblance of a crime and require the Senate to make a subjective analysis of the President’s motives. Third, the record is abundant with evidence that the President had legitimate concerns about corruption, election interference emanating from the Ukraine, and that Vice President Biden and his son undertook efforts to reform corruption in the Ukraine.

The second article, alleging obstruction of Congress, is literally punishing the President for exercising the legal rights available to all Presidents as part of our constitutional structure. This article must fail because the House chose their impeachment path based on a political timetable of impeaching the President before Christmas to set up an election year trial in the Senate. The Senate must reject the theory offered by the House managers with respect to the constitution of impeachment; to do otherwise would allow the House in the future to deal article III courts out of the impeachment process and give the House complete control over the impeachment field in a way that denies fundamental fairness.

Because it took the House 78 days from start to finish to impeach the President of the United States and, during its fact-gathering process, the House denied the President the right to counsel in the provision of evidence; to do otherwise would allow the House in the future to deal article III courts out of the impeachment process and give the House complete control over the impeachment field in a way that denies fundamental fairness.

I am compelled to vote not guilty, to ensure impeachment will not become the new normal. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, the Articles of Impeachment before us charged President Donald John Trump with offenses against the Constitution and the American people.

The first Article of Impeachment charges that President Trump abused the Office of the Presidency by soliciting the interference of a foreign power, Ukraine, to benefit himself in the 2020 election. The President asked a foreign leader to do us a favor”—meaning him—and investigate his political opponents.

In order to elicit these political investigations, President Trump withheld a White House meeting and hundreds of millions of dollars in military assistance from an ally at war with Russia. There is extensive documentation in the record proving this quid pro quo and the corrupt motive behind it.

The facts are not seriously in dispute. In fact, several Republican Senators admitted they believe the President committed this offense with varying degrees of “inappropriate,” “wrong,” “shameful.” Almost all Republicans will argue, however, that this reprehensible conduct does not rise to the level of an impeachable offense. The Founders could not have been clearer. William Davie, a delegate to the Constitutional Convention, deemed impeachment “an essential security,” lest the President “spare no efforts or means whatever to get himself re-elected.”

James Madison offered a specific list of impeachable offenses during a debate in Independence Hall:

A President “might lose his capacity” or “commit himself ultimately to foreign powers.” “A despicable soul might even succumb to bribes while in office.” Madison then arrived at what he believed was the worst conduct a President could engage in: the President could “betray his trust to foreign powers,” which would be “fatal to the Republic.” Those are Madison’s words.

When I studied the Constitution and the Federalist Papers in high school, admittedly, I was skeptical of George Washington’s warning that “foreign influence is one of the most baneful foes of republican government.” It seemed so far-fetched. Who would dare? But the foresight and wisdom of the Founders endure. Madison was right. Washington was right.

There is no greater subversion of our democracy than for powers outside of our borders to determine elections within them. If Americans believe that they don’t determine their Senator, their Governor, their President, but, rather, some foreign potentate does, that is the beginning of the end of democracy.

For a foreign country to attempt such a thing on its own is contemptible. For an American President to deliberately solicit such a thing—to blackmail a foreign country into helping him win an election—is unforgivable.

Does this rise to the level of an impeachable offense? As it does. Of course it does. The term “high crimes” derives from English law. “Crimes” were committed between subjects of the monarchy. “High crimes” were committed against the Crown itself. The Framers did not design a monarchy; they designed a democracy, a nation where the people were King. High crimes are those committed against the entire people of the United States.

The President sought to cheat the people out of a free and fair election. How could such an offense not be deemed a high crime—a crime against the people? As one constitutional scholar in the House inquiry hearings testified: “If this is not impeachable, nothing is.” I agree.

I judge that President Trump is guilty of the first Article of Impeachment.

The second Article of Impeachment is equally straightforward. Once the President realized he got caught, he tried to cover it up. The President asserted blanket immunity. He categorically defied congressional subpoenas, ordered his aides not to testify, and withheld the production of relevant documents.

Even President Nixon, author of the most infamous Presidential coverup in history, permitted his aides to testify in Congress in the Watergate investigation. The idea that the Trump administration was properly invoking the various rights and privileges of the Presidency is nonsense. At each stage of the House inquiry, the administration conjured up a different bad-faith justification for evading accountability. There is no circumstance under which the administration would have complied.

When I asked the President’s counsel twice to name one document or one witness the President provided to Congress, they could not answer. It cannot be that the President, by dint of legal shamelessness, can escape scrutiny entirely.

Once again, the facts are not in dispute, but some have sought to portray the second Article of Impeachment as somehow less important than the first. It is not. The second Article of Impeachment is necessary to uphold our Constitution and to hold a President accountable—again, Democratic or Republican. The consequences of sanctioning such categorical obstruction of Congress will be far-reaching, and they will be irreversible.

I judge that President Trump is guilty of the second Article of Impeachment.

The Senate should convict President Trump, remove him from the Presidency, and disqualify him from holding future office. The guilt of the President on these charges is so obvious that here, again, several Republican Senators admit that the House has proved its case.

So instead of maintaining the President’s innocence, the President’s counsel ultimately told the Senate that even if the President did what he was accused of, it is not impeachable. This has taken the form of an escalating series of Dershowitzian arguments, including “Abuse of power is not an impeachable offense”; “The President...
can’t be impeached for noncriminal conduct, but he also can’t be indicted for criminal conduct’; ‘If a President believes his own reelection is essential to the Nation, then a quid pro quo is not corrupt.’ These are the excuses of a child caught in a lie.

Each explanation is more outlandish and desperate than the last. It would be laughable if not for the fact that the cumulative effect of these arguments would render not just this President but all Presidents immune from impeachment and therefore above the law.

Several Members of this Chamber said that even if the President is guilty and even if it is impeachable, the Senate still shouldn’t convict the President because there is an election coming up—as if the Framers forgot about elections when they wrote the impeachment clause. If the Founders believed that even when a President is guilty of an impeachable offense, the next election should decide his fate, they never would have included an impeachment clause in the Constitution.

That much is obvious.

Alone, each of the defenses advanced by the President’s counsel comes close to being preposterous. Together, they are as dangerous to the Republic as this President—a fig leaf so large as to excuse any Presidential misconduct. Unable to defend the President, arguments were found to make him a King. Let future generations know that only a fraction of the Senate swallowed these fantasies. The rest of us condemn them to the ash heap of history and the derision of first-year law students everywhere.

We are only the third Senate in history to sit as a Court of Impeachment for the President. The task we were given was not easy, but the Framers gave the Senate this responsibility because they could not imagine any other body of government. They considered us, and others, but they entrusted it to us, and the Senate failed. The Republican caucus trained its outrage not on the conduct of the President but on the impeachment process in the House, deriding—falsely—an alleged lack of fairness and thoroughness.

The combined outrage was so blinding that the Republican majority ended up guilty of the very sins it falsely accused the House of committing. It conducted, at least through, most rushed impeachment trial in the history of this country.

A simple majority of Senators denied the Senate’s right to examine relevant evidence, to call witnesses, to review documents, and to properly try the impeachment of the President, making this the first impeachment trial in history that heard from no witnesses. A simple majority of Senators, in deference to and most likely in fear of the President of their party, perpetrated a great injustice to the American people, to the foundations of our Republic, and to the noblest principles of our Constitution.

By refusing the facts, by refusing witnesses and documents, the Republican majority has placed a giant asterisk—the asterisk of a sham trial—next to the acquittal of President Trump, written in permanent ink. Acquittal and an unfair trial with this giant asterisk attached is not the kind of trial that are worth nothing at all to President Trump or to anybody else.

No doubt, the President will boast he received total exoneration, but we know better. We know this wasn’t a trial by jury. The President and his lawyers have been given the opportunity to say what they want about the evidence. And the American people know it, too.

We have heard a lot about the Framers over the past several weeks, about the impeachment clause they forged, the separation of powers they wrought, the conduct they most feared in our chief magistrate. But there is something the Founders considered even more fundamental to our Republic: truth. The Founders had seen and studied societies governed by the iron fist of their leaders, by the kings and emperors of old. But they didn’t take one of the rights of Kings, but none by argument, rational thinking, facts, and debate.

Hamiltion said the American people would determine ‘whether societies of men are really capable or not of establishing good government from reflection and choice, or . . . forever destined to depend on accident and force.’ And what an astonishing thing the Founders did. They placed a bet with long odds. They believed that reflection and choice would make us capable of self-government; that we wouldn’t agree on everything, but at least we could agree on a common baseline of fact and of truth. They wrote a Constitution with the remarkable idea that even the most powerful person in our country was not above the law and could be put on trial. A trial—a place where you seek truth. The faith our Founders placed in us makes the failure of this Senate even more damning.

Our Nation was founded on the idea of truth, but there was no truth here. The Republican majority couldn’t let truth into this trial. The Republican majority refused to get the evidence because they were afraid of what it might show.

Our Nation was founded on the idea of truth, but in order to countenance this President, you have to ignore the truth. The Republicans walk through the halls with their heads down. They don’t want to face it. They can’t respond to everything he says. They hope he learned his lesson this time. Yes, maybe, this time, he learned his lesson.

Our Nation was founded on truth, but in order to excuse this President, you have to willfully ignore the truth and indulge in the President’s conspiracy theories: Millions of people voted illegally. The deep state is out to get him. Ukraine interfered in our elections. You must attempt to normalize his behavior no matter how false it is. The Democrats are just as bad.

Our Nation was founded on the idea of truth, but this President is such a menace—so contemptuous of every virtue, so dishonorable, so dishonest—that you must ignore—indeed, sacrifice—the truth to maintain his favor.

The trial of this President—its failure—reflects the central challenge of this Presidency and, maybe, the central challenge of this moment in American democracy. You cannot be on the side of this President and be on the side of truth, and if we are to survive as a nation, we must choose truth because, if the truth doesn’t matter, if the news you see every day and the views of the people you know are worth nothing at all, then the future of our democracy is in peril.

The eyes of the Nation are upon this Senate, and what we see will strike doubt in the heart of even the most ardent patriot.

The House managers established that the President abused the great power of his office to try to cheat in an election, and the Senate majority is poised to let the other side have it.

So I direct my final message not to the House managers, not even to my fellow Senators, but to the American people. My message is simple: Don’t lose hope. There is justice in this world beyond the reach of the other side. Together, we are something better than the other side.

And what an astonishing thing the Framers did. They placed a bet with long odds. In our time, this generation—our generation—will bring to our work a mighty heart to fight for what is right, to fight with a fierce moral certainty that you must ignore—indeed, sacrifice—the truth to maintain his favor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, the U.S. Senate was made for moments like this. The Framers predicted that factional fever might dominate House majorities from time to time. They knew the country would need a firewall...
to keep partisan flames from scorching our Republic. So they created the Senate—out of “necessity.” James Madison wrote, “of some stable institution in the government.”

Today, we will fulfill this founding purpose. We will reject this incoherent case that comes nowhere near—nowhere near—justifying the first Presidential removal in history. This partisan impeachment will end today, but I fear the threat to our institutions may not because this episode is one symptom of something much deeper.

In the last 3 years, the opposition to this President has come to revolve around a truly dangerous concept. Leaders in the opposite party increasingly argue that, if our institutions don’t produce the outcomes they like, our institutions themselves must be broken. One side has decided that defect simply means the whole system is broken, that the must literally tear up the rules and write new ones.

Normally, when a party loses an election, it accepts defeat. It reflects and retools—but not this time. With Secretary Clinton suggesting her defeat was invalid. She called our President “illegitimate.” A former President falsely claimed: “[President] Trump didn’t actually win.” “He lost the election, a former aide said. Members of Congress have used similar rhetoric—a disinformation campaign, weakening confidence in our democracy.

The very real issue of foreign election interference was abused to fuel conspiracy. For years, voices said there had been a secret conspiracy between the President’s campaign and a foreign government, but when the Mueller investigation and the Senate Intelligence Committee debunked, that the delegitimizing endeavor didn’t stop. It didn’t stop.

Remember what Chairman Schiff said here on the floor? He suggested that if the American people reelect President Trump in November that the election result would be presumptively invalid. That was Chairman SCHIFF, on this floor, saying, if the American people reelect President Trump in November that the election will be presumptively invalid as well.

So they still don’t accept the American voters’ last decision, and now they are preparing to reject the voters’ next decision if they don’t like the outcome—not only the last decision but the next. We say, you cheated. And who can trust our democracy anymore, they say?

This kind of talk creates more fear and division than our foreign adversaries could achieve in their wildest dreams. Rancor, disinformation, and division than our foreign adversaries seek to “divide us against each other, degrade our institutions, and destroy the faith of the American people in our democracy.” As she noted, if Americans become “consumed by partisan rancor,” we can easily do that work for them.

The architects of this impeachment claimed they were defending norms and traditions. In reality, it was an assault on both.

First, the House attacked its own precedents on fairness and due process and by rushing to use the impeachment power as a political weapon of first resort. Then their articles attacked the Office of the President; then they attacked the Senate and called us “treacherous.” Then the far left tried to impugn the Chief Justice for remaining neutral during the trial.

Now, for the final act, the Speaker of the House is trying to steal the Senate’s sole power over the verdict. The Speaker says she will just refuse to accept this acquittal. The Speaker of the House of Representatives says she refuses to accept this acquittal—whatever that means. Perhaps she will tear up the verdict like she tore up the State of the Union Address.

So I would ask my distinguished colleagues across the aisle: Is this really—really—where you want to go? The President isn’t the President? An acquittal isn’t an acquittal? Attack institutions until they get their way? Even my colleagues who may not agree with this President must see the insanity of this logic. It is like saying you are so worried about a bull in a china shop that you want to bulldoze the china shop to chase it out.

Here is the most troubling part. There is no sign this attack on our institutions will end here. In recent months, Democratic Presidential candidates and Senate leaders have toyed with killing the filibuster so that the Senate could approve radical changes with less deliberation and less persuasion.

Several of our colleagues sent an extraordinary brief to the Supreme Court, threatening political retribution if the Justice would not decide a case the way they wanted.

We have seen proposals to turn the FEC—the regulator of elections and political speech—into a partisan body for the first time ever.

All of these things signal a toxic temptation to stop debating policy within our great American governing traditions and, instead, declare war on the traditions themselves—a war on the traditions themselves.

So, colleagues, with whatever policy differences we may have, we should all agree are that the kind of reckless the Senate was created to stop. The response to losing one election cannot be to attack the Office of the President. The response to losing several elections cannot be to threaten the electoral college. The response to losing a court case cannot be to threaten the judiciary. The response to losing a vote cannot be to threaten the Senate.

We simply cannot let factional fear break our institutions. It must work the other way. Hamilton and Jefferson intended. The institutions must break the fever rather than the other way around.

The Framers built the Senate to keep temporary rage from doing permanent damage to our Republic. The Framers built the Senate to keep temporary rage from doing permanent damage to our Republic. That is what we will do when we vote on this precedent-breaking impeachment.

I hope we will look back on this vote and say this was the day the fever began to break. I hope we will not say this was just the beginning.

Mr. GRASSLEY. Mr. President, as Senators, we cast a vote of 13,200 of them. Each vote is important. A vote to convict or acquit the President of the United States on charges of impeachment is one of the most important votes a Senator could ever cast. Until this week, such a vote has only taken place twice since the founding of our Republic.

The President has been accused of committing “high Crimes and Misdemeanors” for requesting that a foreign leader launch an anti-corruption investigation into a potential political opponent and obstructing Congress’s subsequent inquiry into his actions. For such conduct, the House of Representatives asks this body to remove the President from office and shop from ever again serving in a position of public trust. As both a judge and juror, this Senator asks first whether the conduct alleged rises to the level of an offense that unquestionably demands removal. If it does, I ask whether the House has provided beyond a reasonable doubt that the conduct actually occurred. The House’s case clearly fails on the first of those questions. Accordingly, I will vote not guilty on both articles.

The President’s request, taken at face value, is not impeachable conduct. A President is not prohibited by law or any other restriction from engaging the assistance of a foreign ally in an investigation. The House attempts to cure this defect by suggesting that the President’s subjective motive—political advantage—is enough to turn an otherwise unimpeachable act into one that demands permanent removal from office. I will not lend my vote in support of such an unnecessary and irreversible break from the Constitution’s clear standard for impeachment.

The Senate is an institution of precedents. We are formed and often guided, especially in times like this, by history and the actions of our predecessors. While we look to history, however, we must be mindful of the reality that our choices make history, for better or for worse. As we do, we should use this opportunity to build a President of the United States who has been impeached can lead to cut corners, overheated rhetoric, and rushed.
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results. We are each bound by the special oath we take while sitting as a Court of Impeachment to “do impartial justice according to the Constitution and laws.” But as President pro tempore, I recognize we must also do justice to the Senate institution and to the Republic that it serves.

This trial began with a full and fair opportunity to debate and amend the rules that would guide our process. The Senate considered and voted on 11 separate amendments to the resolution, over the span of nearly 13 hours. Consistent with precedent, the Senate adopted a resolution to allow the same length of time for opening arguments and questions as was agreed to unanimously in 1999 during the Clinton impeachment trial. Consistent with precedent, the Senate agreed to table the issue of witnesses and additional evidence until after the conclusion of questions from Members. Consistent with precedent, the Senate engaged in a robust and open debate on the necessity of calling witnesses and pursuing additional evidence. We heard nearly 24 hours of presentation from the House managers, nearly 12 hours of presentation from the President’s counsel, and engaged in 16 hours of questioning to both sides.

Up to today, the Senate has sat as a Court of Impeachment for a combined total of over 70 hours. The Senate did not and does not cut corners, nor can the final vote be credibly called a rushed result or anything less than the product of a fair and judicious process. Future generations, if faced with the toxic turmoil of impeachment, will be better served by the precedent we followed and the example we set in this Chamber. I cannot in good conscience say the same of the articles before us today.

I have said since the beginning of this unfortunate episode that the House’s articles do not line up with precedent. They appear to allege anything satisfying the Constitution’s clear requirement of “Treason, Bribery, or other high Crimes and Misdemeanors.” Yet I took my role as a juror seriously. I committed to hear the evidence in the record and to reflect on the arguments made. After 9 days of presentation and questions and after fully considering the record as presented to the Senate, I am convinced that what the House is asking us to do is not only unconstitutional but dangerous and unprecedented.

The House’s first article, impeaching the President for “abuse of power,” rests on objectively legal conduct. Until Congress legislates otherwise, a President is well within his or her legal and constitutional authority, as the head of state, to request that a foreign head of state, to request that a foreign law that prohibits a President from conditioning his or her official acts upon the agreement by the foreign leader to carry out such an investigation. In an attempt to cure this fundamental defect in its charge, the House’s “abuse of power” article sets out an impossible and vague standard to justify removing the Chief Executive from office. As the House’s trial brief and presentation demonstrated, its theory of the case rests entirely on the President’s subjective motives for carrying out objectively permissible conduct. For two reasons, this cannot be sustained.

First, the House would seemingly have the Senate believe that motive by itself is sufficient to prove the illegality of an action. House managers repeatedly described the President’s “corrupt motive” as grounds for removal from office. But this flips basic concepts in our justice system upside down and represents an unprecedented expansion of the impeachment authority. With limited exception, motive is offered in court to show that the defendant on trial is the one who most likely committed the illegal act that has been charged. Jealously might compel one neighbor to steal something from another. But a court doesn’t convict the defendant for a crime of jealousy. Second, let’s assume, however, that motive could be grounds for impeachment and removal. The House offers no limiting principle on what motives are permissible. Under such an amorphous standard, future Houses would be empowered to impeach Presidents for taking lawful action for what the House considers to be the wrong reasons.

The House also gives no aid to this institution or to our successors on whether impeachment should rest on proving a single, “corrupt” motive or whether mixed motive suffices under the theory of a President from office. In its trial brief presented to the Senate, the House asserts that there is “no credible alternative explanation” for the President’s alleged conduct. This formulation, in the House’s own brief, necessarily implies that the presence of a credible alternative explanation for the President’s conduct would defeat the “abuse of power” theory. But once the Senate heard the President’s counsel’s presentation, the House changed its tune. Even a credible alternative explanation—or multiple benign motives—shouldn’t stop this body from removing the President, so long as one “corrupt” motive is in the mix. This apparent shift in trial strategy seems less indicative of a cohesive theory and more reflective of an “impeach-by-any-means-necessary” mindset. But reshaping their own standard mid-trial only served to undercut their initial arguments.

Simply asserting at least 53 times, as the House managers did, during the trial that their evidence was “overwhelming” and that the President’s guilt was proven does not make the underlying allegations accurate or prove an impeachable offense. Even in the midst of questions and answers, after opening arguments had concluded, the House managers started repeating the terms “bribery” and “extortion” on the Senate floor. The words “bribery” and “extortion” do not appear anywhere in the House’s articles. These are serious, statutory crimes that have specific elements of proof; they shouldn’t be casually used as window dressing to inflame the jury.

The House’s article of impeachment bears no resemblance to the charges that are enshrined in the Articles of Impeachment. The President’s counsel offered the Senate the choice of either being set in the Senate managers, give this Senator reason enough to vote not guilty. If we are to lower the bar of impeachment, we better be clear on where the bar is being set.

The President himself, however, should not conclude from my vote that I think his conduct was above reproach. He alone knows what his motives were. The President has a duty to the American people toIncoming a large corruption no matter who is implicated. And running for office does not make one immune from scrutiny. But the President’s request was poorly timed and poorly executed, and he should have taken better care to avoid even the mere appearance of impropriety. Had he done so, this impeachment saga might have been avoided altogether. It is clear that many of the President’s opponents had plans to impeach him from the day he took office and that the President didn’t have to give them this pretense.

The House’s second article, impeaching the President for “obstruction of Congress,” is equally unprecedented as grounds for removal from office and patently frivolous. It purports that, if the President claims constitutional privileges against Congress, “threatens” to litigate, or otherwise fails to immediately give up the goods, he or she must be removed from office.

I know a thing or two about obstruction by the executive branch under
both Democrat and Republican administrations. Congressional oversight—rooting out waste, fraud, and abuse—is central to my role as a Senator representing Iowa taxpayers and has been for 40 years. If there is anything as sure as death and taxes, it is Federal agencies resisting Congress’ efforts to look behind the curtain. In the face of obstruction, I don’t retreat. I go to work.

I use the tools the Constitution provides to this institution. I withhold consent on nominations until I get an honest answer to an oversight request. I work with my colleagues to exercise Congress’s power of the purse. And when necessary, I take the administration to court. That is the very core of checks and balances. For years, I fought the Obama administration to obtain documents related to Operation Fast and Furious. I spent years seeking answers and records from the Obama administration during my investigation into Secretary Clinton’s mishandling of highly classified information.

Under the House’s “obstruction of Congress” standard, should President Obama have been impeached for his failure to waive privileges during the course of other committee oversight investigations? We fought President Obama on this for 3 years in the courts, and we still didn’t end up with all we asked for. We never heard a peep from the Democrats then. So the hypocrisy here by the House Democrats is on full display.

When I face unprecedented obstruction, I don’t agitate to impeach. Rather, my office aggressively negotiates, in good faith, with the executive branch. We discuss the scope of questions and document requests. We discuss the intent of the inquiry to provide context for the requested documents. We build an airtight case and demand cooperation. Negotiations are difficult. They take time.

In the case before us, the House issued a series of requests and subpoenas to individuals within the White House and throughout the administration. But it did so rather early in its inquiry. The House learned of the whistleblower complaint in September, issued subpoenas for records in October, and impeached the President by December, 4 months from opening the inquiry to impeachment for “obstruction.” Can speak from experience, that is unreasonable and doesn’t allow an investigation to appropriately and reasonably run its course. That timeline makes clear to me that the House majority really had one goal in mind: to impeach the President at all costs, no matter what the facts and the law might say. Most importantly, the House failed to exhaust all legal remedies to enforce its requests and subpoenas. When challenged to stand up for the legality of its requests, the investigative committee simply retreated. Yet, now, the House accuses the Senate of aiding and abetting a coverup, if we don’t finish their job for them. The evidence is “overwhelming.” yet the Senate must entertain more witnesses and gather more records that the House chose to forgo.

The House’s failure to proceed with the investigation in a reasonable, good-faith manner has created fundamental flaws in its own case. They skipped basic steps. It is not the job of the Senate to fix the fundamental flaws that directly result from the House’s failure to do its job. The House may cower to defend its own authority, but it will not extort and demean this body into cleaning up a mess of the House’s own making.

For the myriad ways in which the House failed to exercise the fundamentals of oversight, for the terrible new precedent the House wants us to endorse, and for the risk of future generations taking it up as the standard, I will vote not guilty on the obstruction article.

Now, there has been much discussion and debate about the whistleblower whose complaint framed the House’s inquiry in this case. I have worked for and with whistleblowers for more than 30 years. They shed light on waste, fraud, and abuse. They fixed problems and that the public ought to know about, all frequently at great personal cost. Whistleblowers are patriots, and they are heroes. I believed that in the 1980s. I believe it today. I have sponsored, cosponsored, and otherwise strongly supported numerous laws designed to strengthen whistleblowers protections. I have reminded agencies and agencies of the whistleblowers’ rights to speak with us and of their protection under the law for doing so. And this is how it works. Of course, it is much better to have firsthand information because it is more reliable. However, whether it is firsthand information or secondhand, it is possible to conduct a thorough investigation of a whistleblower’s claims and respect his or her request for confidentiality.

As I said in October of last year, attempts by anyone in government or the media to “out” a whistleblower just to sell an article or score a political point is not helpful. It undermines the spirit and purpose of the whistleblower protection laws. I remember very well the rabid, public lashing experienced by the brave whistleblowers who came to me about the Obama administration’s Operation Fast and Furious. President Obama’s Justice Department worked overtime to discredit them and tarnish their good names in the press, all to protect an operation that it tried to keep hidden from Congress and the American people, and that resulted in the death of an American Border Patrol agent. That was not the treatment those whistleblowers deserved. It is not the treatment any whistleblower deserves, who comes forward in good faith, to report what he or she truly believes is waste, fraud, or abuse.

But whistleblower claims require careful evaluation and follow up, particularly because their initial claim frames your inquiry and forms the basis for further fact finding. The questions you ask and the documents and witnesses you seek all start there. Any investigator worth their salt will tell you the investigative process involving a whistleblower, or indeed any witness, requires the investigator to evaluate that individual’s claim and credibility. It is standard procedure. So we talk to the whistleblower reporting for purely partisan ends, we have already evaluated their claim and credibility and determined that the claim merits additional follow up, we also frequently work closely with the other side to look into those claims.

We have done many bipartisan investigations of whistleblowers’ claims over the years and hopefully will continue to do so. We trust the other side to respect the whistleblower’s confidence as well and treat the investigation with the care and attention it deserves. I worked over many witnesses in investigations who want to maintain low profiles and who request additional security measures to come and speak with us. We are flexible on location. We have the Capitol Police. We have SCIFs. We have also worked to talk to whistleblowers and how to respect their role and confidentiality. So why no efforts were taken in this case to go through these very basic, bipartisan steps is baffling. I do not under any circumstances support reprisal or efforts to throw stones without facts. But neither do I support efforts to skirt basic fundamental investigative procedures to try and learn those facts. I fear that, to achieve its desired ends, the House weaponized and politicized whistleblowers and whistleblower reporting for purely partisan purposes. I hope that the damage done from all sides to these decades-long efforts will be short lived.

Finally, throughout my time on the Judiciary Committee, including as chairman, I have made it a priority to hold judicial nominees to a standard of restraint and fidelity to the law. As judges in the Court of Impeachment, we too should be mindful of those factors which counsel restraint in this matter.

To start, these articles came to the Senate as the product of a flawed, unprecedented and partisan process. For
In the 220 years this body has served as a constitutional court of impeachment, we have never refused to look at critical evidence sitting in front of us. We have never raced to a pre-ordained verdict while deliberately avoiding the truth or evaluating plainly critical evidence.

And when I say “sitting in front of us,” I mean that literally. Just this morning, we learned that Pat Cipollone, lead counsel for the President, along with Rudy Giuliani and Mick Mulvaney, was part of a meeting where President Trump directed John Bolton to “ensure [President] Zelensky would meet with Mr. Giuliani.” A meeting with the President’s personal lawyer is not subject to executive privilege; and a meeting with Bolton and Mulvaney is not subject to attorney-client privilege. And this afternoon we received a proffer from Lev Parnas’s attorney, claiming that Parnas could provide us with testimony implicating several cabinet officials and members of Congress in the President’s scheme. I cannot say whether that is credible, but shouldn’t he at least be heard and cross-examined? The Senate cannot turn a blind eye to such directly relevant evidence.

This slipshod process reminds me of another trial. That was the trial of Alice in Wonderland. In that trial, the accusation was read, and the King immediately said to the jury, “Consider your verdict.” But even in that case it was acknowledged that “There’s a great deal to be said before that,” and the first witness was called. With apologies to Lewis Carroll, surely the United States Senate can at least match the rigorous criminal procedure of Wonderland?

The oath that each of us swore just two weeks ago requires that we do “impartial justice.” Reasonable people can disagree about what that means, but every single time this body has sat as a court—every single time—it has acted as a court. “Impartial justice” can only be described as a cover-up. As Senators, we are here to debate, to deliberate, to keep the truth buried?

When the Chief Justice spoke up at the start of this trial to defuse some rising emotions, he challenged both sides addressing the Chamber to “remember where they are.” We, too, should remember where we are—this is the U.S. Senate has ably served the American people through trying times. These are trying times. And when this trial adjourns, the cloud of impeachment may not so quickly depart. But if there is any institution best equipped to help bridge the divide and once again achieve our common goals, it is this one.

Let’s get back to work for the People.

Mr. LEAHY. Mr. President, the question before us is incredibly serious, but it is also more than a little absurd. We are sitting as a court, exercising the sole power to try impeachments, entrusted to us by the Framers. The President of the United States has been charged with high crimes—a constitutional charge of abuse of power that includes in its text each of the elements of criminal bribery. The President’s lawyers have complained all week about the weight of sworn testimony from officials with first-hand knowledge of the President’s actions and intent. They claim not to know when the President froze the aid. They falsely claim there is no evidence the President withheld the aid in exchange for the “Quid pro quo” that we were about to probe. They say this political trial has gone on for far too long.

The Senate simply cannot look away. In the 220 years this body has served as a constitutional court of impeachment, we have never refused to look at critical evidence sitting in front of us. We have never raced to a pre-ordained verdict while deliberately avoiding the truth or evaluating plainly critical evidence.

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of his counsel arguing that the President cannot be impeached for failing to respond to House subpoenas, the Justice Department argued in court that the House can use its impeachment power to enforce its subpoenas. It is up to all 100 of us to put a stop to this nonsense.

I have served in this body for 45 years. It is not often we face votes like this—votes that will leave a significant mark on history, and will shape our constitutional ability to serve as a check against presidents for generations to come. I pray the Senate is worthy of this responsibility, and of this moment. I fear the repercussions if it is not.

I will vote to hear from witnesses. With deep respect, I ask my fellow senators to do the same.

Mr. ENZI. Mr. President, I rise today to speak on the trial of President Trump.

After information from more than a dozen witnesses, over a hundred questions, and days of oral arguments, I believe the House failed to prove its case for the two Articles of Impeachment. The House’s story relies on too much speculation, guessing games and repetition to hold up under scrutiny. The House claims to have proven its case, but insists on more evidence. It was the House’s responsibility to ensure it had developed a complete record of the evidence it needed to make its case, rather than prying open the Senate to start the process over again.

There were contradictions in the House’s case from the very beginning. The House counted on repetition to make its claims seem true, but often didn’t provide the underlying evidence. For example, the House managers relied on telephone records for timing, but speculated on the content of the calls.

The House managers claimed the President wanted to influence an election, but it is difficult to see how the House’s rush to bring this case in such a haphazard manner is nothing more than an attempt to influence the 2020 election. The House managers asked the Senate to do additional witnesses in 1 week, which could mean the Senate would essentially have to start the trial all over.

I not only can’t call their efforts adequate. I have to say they have been entirely inadequate. Consequently, I cannot vote for more witnesses or more evidence and will vote to acquit the President on both counts.

I hope we can learn from everything we do, especially in regard to impeachment. The animosity toward President Trump is uncharacteristic, and I believe it is the reason we have ended up where we are today. I believe we should give each newly elected President a chance to show what he or she can do. We should provide them the opportunity to prove themselves and demonstrate our faith in our country and its leadership.

We have to give the President an opportunity to lead or even to fail. Unfortunately, President Trump was promised an impeachment from the day he was elected, before he even took his oath of office. On the day of his inauguration, before any official act, there were riots where, and I quote from the New York Times, “protesters threw smoke bombs and set a car on fire and shattered storefront windows.” I have never seen that kind of conduct before stemming from the result of our democratic process. I hope to never see it again.

The obstruction continued as President Trump’s nominations were held up in an unprecedented way. This obstruction kept the new President from getting his key people in place. The few nominations approved had to work with career or hold-over staff from the previous administration. We have read in news articles that some of those staffers not only disliked their new bosses, but they tried to actively undercut their policies. Sometimes they even delayed or used inaction or gave adverse advice. These types of tactics were used to put blame on their boss and on President Trump, and that ultimately hurt our country, too.

Again, almost immediately after the election, the House began investigation, ending with the appointment of Special Counsel Robert Mueller. This investigation went on for almost 2 years. When the Mueller investigation didn’t yield the desired results, the House rushed to the Senate with the continuing cry for an impeachment. The volume and pitch increased even as the 2020 election got closer.

Eventually, the House of Representatives found its latest accusation. Yet, not willing to conduct a thorough impeachment investigation and wanting to reach a foregone conclusion as the election year approached, the House of Representatives hurried its investigation so it would be done before Christmas and the election. It was forced to address these articles as a new year started. Ironically, after all that rushing and taking shortcuts, the House delayed sending the articles to the Senate until the new year. All of this was just the latest example of the efforts to block President Trump’s agenda.

I have now served in two Presidential impeachment trials, one during my first term and this one in my last. I have never underestimated the responsibility of my oath. I have not forgotten the oaths I took to uphold the Constitution. There are few duties senators will face as grave as deciding the fate of the President of the United States, but just like 21 years ago, this decision is about country, not politics. These experiences have helped refine my views, which I will now share.

Our Forefathers did well setting the trial in the Senate where it takes a 2⁄3 majority, currently 67 votes, to convict. They could see the difficulty it would bring to the Nation if impeachment could easily be convicted by a slight majority. Even though it is not the law, I would counsel the Senate not to impeach without at least a ¾ vote in their own body, and that should include some number from the minority party.

I have also come to believe that impeachment should be primarily about a criminal activity. Impeachment is inherently undemocratic because it reverses an election, so in election years, the bar for considering impeachment and removal goes even higher. Ultimately, the American people should say whether the President should have the final say.

The House of Representatives must also be sure to complete its investigation. It shouldn’t send the Senate impeachment charges and then expect the Senate to continue gathering more evidence. The House should subpoena witnesses and deal with defense claims such as privilege, even if that means going through the judicial process rather than placing such a burden on the Senate.

The House cannot simply rely on repetition of possibilities of violations, no matter how many times stated, to make their accusations true. A complete investigation means the investigators don’t rush to judgment, don’t speculate about the content of calls, and don’t rely on repetition of accusations about the content of such calls as a substitute for seeking the truth.

During the initial investigation, witnesses should have already been deposed by both sides before it comes to the Senate. The President’s counsel must be allowed to cross-examine all persons deposed by the House. Then, and only then, can any of the witnesses be called to testify at the Senate trial. The House investigation has to be complete.

Finally, I would call for our outside institutions to also think about how they contribute to the well-being of our country. I have often said that conflict sells. It might even increase sales to consumers of news for both parties, but I fear that we are all treating this like a sport, speculating which team will win and which will lose. I suspect that some venomous statements about this process have ended some friendships and strained some families. In the end, if we lose faith in our institutions, our friends and our families, we will all lose.

We desperately need more civility. That is simply being nice to each other. As my mother always says, “Do what’s right. Do your best. Treat others as THEY wish to be treated.” One of the first movies I saw was the now-classic animated picture, “Bambi.” I am reminded of the little rabbit saying, “My Mom always says, if you can’t say something nice, don’t say anything at all!” I believe we all agree on at least 80 percent of most issues, but the trend seems to be shifting to conflict on the other 20 percent we don’t agree on. That 20 percent causes divisiveness, opposition, venomous harsh words, and anger.
Too often, it feels like our Nation is only becoming more divided, more hostile. I do not believe that our country will ever be able to successfully tackle our looming problems if we continue down this road. As we move forward from the partisan rhetoric that has united our nation’s history, I hope that we will focus more on our shared goals that can help our Nation, and not the issues that drive us apart.

Mr. BURR. Mr. President, in my 25 years representing North Carolina in Congress, I have cast thousands of votes, each with its own significance. The ones that weigh most heavily are those that send our men and women in uniform into armed conflict. Those are the votes I spend the most time debating before casting—first and foremost because of the human cost involved but secondly because they hold the power to irrevocably set the course of American history.

With similar consideration, I have taken a sober and deliberate approach to the impeachment proceedings of the last few weeks, conscious of my constitutional responsibility to serve as an impartial juror. As the investigative body, the House has charged President Trump with abuse of power and obstruction of Congress. The Senate’s role is to determine whether the House has proven its case beyond a reasonable doubt. If true, these charges rise to the level of removing the President from office.

In my role as chairman of the Senate Intelligence Committee, I have visited countries all over the world. What separates the United States from every other nation on Earth is our predictable, peaceful, and stable democratic process. Every 4 years, Americans cast their ballots with the confidence their vote will be counted and the knowledge that both winners and losers will abide by the results.

To remove a U.S. President from office, for the first time in history, on anything less than overwhelming evidence of “Treason, Bribery, or High Crimes and Misdemeanors” would effectively overturn the will of the American people.

As the Speaker said last year, “Impeachment is so divisive to the country that unless there’s something so compelling and overwhelming and bipartisan, I don’t think we should go down that path, because it divides the country.” I believe the Speaker was correct in her assessment. A year later, however, the House went down that exact path, choosing to conduct a highly partisan impeachment inquiry, with underwhelming evidence, in a deeply flawed process.

The House had ample opportunity to pursue the answers to its inquiry in order to prove their case beyond a reasonable doubt. They chose not to do so. Instead, investigators followed an arbitrary, self-imposed timeline dictated by political, rather than substantive, concerns.

For example, the House did not attempt to compel certain witnesses to testify because doing so would have meant confronting issues of executive privilege—something every administration lays claim to—may have caused some level of delays and involved the courts.

At the time, the House justified their decision by claiming the issue was too important, too urgent, for any delays. Yet, after the House voted on the Articles of Impeachment, the Speaker waited 4 full weeks before transmitting the articles to the Senate. Those weeks, the House could have spent furthering its inquiry, had it not rushed the process. Instead, without a hint of irony, House leadership attempted to use that time to pressure the Senate into gathering the very witness testimony their own investigators chose not to pursue.

Additionally, in drafting the Articles of Impeachment, the House stated President Trump committed “Criminal bribery and conspiracy to commit wire fraud,” two crimes that carry penalties under our Criminal Code. Inexplicably, the House chose not to include those alleged criminal misdeeds in the articles sent to the Senate, much less argue them in front of this body. At every turn, it appears the House made decisions not based on the pursuit of justice but on politics. When due process threatened to slow down the march forward, they took short-cuts. When evidence was too complicated to obtain or an accusation did not carry weight, the House created new, flimsy standards on the fly, hoping public pressure would sway Senate juror opinions in their favor.

The Founding Fathers who crafted our modern impeachment mechanism predicted this moment, and warned against a solely partisan and politically motivated process. In Federalist 65, Alexander Hamilton wrote, “In many cases [impeachment] will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and craft; divide them into the two other Allokian parties; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.”

Hamilton believed impeachment was a necessary tool but one to be used only when the evidence of wrongdoing was so overwhelming, it elevated the process above partiality and partisanship. The House has failed to meet that standard.

The Founders also warned against using impeachment as recourse for management or policy disagreements with the President. Prior to America’s founding, impeachment had been used for centuries in England as a measure to reprimand crown-appointed officials and landed gentry. At the time, it included the value charge of “maladministration,” as well.

During the Constitutional Convention in 1787, George Mason moved to add “maladministration” to the U.S. Constitution’s list of impeachable offenses, asking: “Why is the provision restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Attempts to subvert the Constitution may not be Treason as above defined.”

I submit for this body James Madison’s response: “So vague a term will be equivalent to a tenure during the pleasure of the Senate.”

Madison knew that impeachment based purely on disagreements about governance would turn the U.S. Congress into a parliamentary body, akin to those tumultuous coalitions in Europe, which could recall a President on little more than a whim. To do so subordinate the President to the Congress, rather than delineating its role as a coequal branch of our Federal Government. And with political winds changing as frequently as they do now, he saw that every President could theoretically be impeached on fractional and uncertain terms.

In a functioning democracy, the President cannot serve at “the pleasure of Senate.” He must serve at the pleasure of the people. Gouverneur Morris supported Madison’s argument, adding at the time: “An election every four years will prevent maladministration.”

Thus “maladministration” was not made an impeachable offense in America expressly because it was the recourse of free and fair elections.

I bring up this story for two reasons. First, the Founder’s decision signals to me they felt strongly that an impeachable offense must be a crime akin to treason, bribery, or an act equally serious, as defined in the Criminal Code. Second, this story tells me the Founders believed anything that does not meet the Constitutional threshold should be navigated through the electoral process.

By that standard, I do not believe the Articles of Impeachment presented to the Senate rise to the level of removal from office, nor do I believe House managers succeeded in making the case incumbent upon them to prove. Given the weak underpinnings of the articles themselves and the House’s partisan process, it would be an error to remove the President mere months before a national election; therefore, I have concluded I will vote to acquit President Donald J. Trump on both articles of impeachment.

Ms. KLOBUCHAR. Mr. President, today is a somber day for our country.
As Senators, we are here as representatives of the American people. It is our duty, as we each swore to do when we took our oath of office, to support and defend the Constitution. We also took an oath, as judges and jurors in this proceeding, to pursue justice "impartial justice" as we consider these articles— including the serious charge that the President of the United States leveraged the power of his office for his own personal gain.

Those are oaths that the Framers set out for us in the Constitution, to guide the Senate in its oversight responsibilities. The Framers believed that the legislative branch was best positioned to provide a check on the Executive. They envisioned that the separation of powers would allow each branch of government to oversee the other. They also knew, based on their experience living under the British monarchy, that someday a President might corrupt the powers of the office. William Davis of North Carolina was particularly concerned that a President could abuse his office by sparing "no efforts or means whatever to get himself reelected."

So the Framers put in place a standard that would cover a range of Presidential misconduct, settling on: "Treason, Bribery, or other high Crimes and Misdemeanors." As Alexander Hamilton explained in Federalist 65, the phrase was intended to cover "abuse or violation of some public trust" and "injuries done immediately to society itself." The Framers designed a remedy for this public harm: removal from public office. So now we are here as judge and jury to try the case and to evaluate whether the President's acts have violated the public trust and injured our democracy.

I am concerned of course that the Senate has decided that we must make this decision without all the facts. Within 24 hours of the House sending the opportunity to call witnesses with firsthand knowledge or to get relevant documents. Fairness means evidence—it means documents, and it means witnesses. In every past impeachment trial in the Senate, in this body's entire 231-year history, there have been witnesses. There is no reason why the Senate should not have called people to testify who have firsthand knowledge of the President's conduct, especially if, as some of my colleagues have suggested, you believe the facts are disputed.

During the question period, I asked about the impeachment of Judge Porteous in 2010. I joined several of my colleagues in serving on the trial committee. We heard from 26 witnesses in the Senate, 17 of whom were new witnesses who had not previously testified in the House. What possible reason could there be for allowing 26 witnesses in a judicial impeachment trial and zero in this trial? However, consider this a fair trial if we are not even willing to try and get to the truth?

We do not even have to try and find it. John Bolton has firsthand knowledge about central facts in this case, and he said he would comply with a subpoena from the Senate. We also know there are documents that could verify testimony presented in the House, like emails sent between administration officials in the days after the July 25 call. We cannot ignore this evidence—we have a constitutional duty to consider it.

And since, new evidence has continued to emerge. One way or another, the truth is going to come out. I believe that history will remember that the majority in this body did not seek out the evidence and instead decided that the President's alleged corrupt acts did not even require a closer look.

But even without firsthand accounts and without primary documents, the House managers have presented a compelling case. I was particularly interested in North Carolina manager Demings presented showing that the President's conduct put our national security at risk by jeopardizing our support for Ukraine.

Protecting Ukraine's fragile democracy has been a bipartisan priority. I went to Ukraine with the late Senator John McCain and Senator LINDSEY GRAHAM right after the 2016 election to make clear that the United States would continue to support Ukraine in the face of Russian aggression—that we will stand up for democracy. As the House managers stressed, it is in our national security interest to strengthen Ukraine's democracy. The United States has 60,000 troops stationed in Europe, and thousands of Ukrainians have died fighting Russian forces and their proxies.

Our Nation's support for Ukraine is critically needed. Ukraine is at the front line of Russian aggression, and most of its invaded Crimea in 2014, the United States has provided over $1.5 billion in aid. Russia is watching everything we do. So this summer, as a new Ukrainian President prepared to lead his country and address the war with Russia, it was critical that President Trump showed the world that we stand with Ukraine. Instead, President Trump decided to withhold military security assistance and to deny the Ukrainian President an Oval Office meeting. In doing so, he jeopardized our national security interests and put the Ukrainians in danger. But worse yet, he did so to benefit himself.

Testimony from the 17 current and former officials from the President's administration made it clear that the President leveraged the power of his office to pressure Ukraine to announce an investigation into his political rival. These brave public servants defied the President's order and agreed to testify about what happened despite the risks to their jobs. Former U.S. Ambassador to Ukraine Marie Yovanovitch showed particular courage, testifying before the House even as the President disparaged her on Twitter. And I will never forget when Lieutenant Colonel Vindman testified and sent a message to his immigrant father, saying, "Don't worry Dad, I will be fine for telling the truth." Manager Schumer said in our country "right matters." What is right and wrong under our Constitution does not turn on whether or not you like the President. It is not about whether the defendant for its policies that you agree or disagree with. It is about whether it remains true that in our country, right matters. Through his actions, the President compromised the security of our ally Ukraine, invited document interference in our elections, and undermined the integrity of our democratic process—conduct that I believe the Framers would see as an abuse of power and violation of his oath of office.

The Articles of Impeachment include a second charge: that the President used the powers of his office to prevent Congress from investigating his actions and attempted to place himself above the law.

Unlike any President before him, President Trump categorically refused to comply with any requests from Congress. Even President Nixon refused "all the president's men" to comply with congressional requests. Despite that history, President Trump directed every member of his administration not to comply with requests to testify and also directed the executive branch not to release a single document. The President's refusal to respect the Congress's authority is a direct threat to the separation of powers. The Constitution gives the House the "sole power of impeachment," a tool of last resort to provide a check on the President. By refusing to cooperate, the President is attempting to erase the Congress's constitutional power and to prevent the American people from learning of his misconduct. As we discussed during our question period, the President is asserting that his aides have absolute immunity, a proposition that Federal courts have consistently rejected. Manager Demings warned, "absolute power corrupts absolutely."

But this President had taken many steps to place himself above the law. This administration has taken the position that a sitting President cannot be indicted or prosecuted. This President has argued to remove from State and criminal investigations. And now we are being asked to say that the Constitution's check on a President's power, as set out by the Framers, cannot prevent a President from abusing his power and covering it up.

During the trial, we have heard this directly from the President's defense. In the words of Alan Dershowitz, "If a president does something which he believes will help him get elected—in the public interest—that cannot be kind of quid pro quo that results in impeachment." These echo the words of
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CONGRESSIONAL RECORD — SENATE

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President Trump then withheld aid in order to increase the pressure on Ukraine, in the 2020 United States Presidential election. Based on the evidence I heard during the Senate trial, Trump "corruptly solicited" an investigation into former Vice President Joe Biden and his son in order to benefit his own reelection chances. To increase the pressure on Ukraine, President Trump then withheld approximately $400 million in military aid from Ukraine. Finally, according to the charges, even when Trump's scheme to withhold aid was made public, he "persisted in openly and corruptly urging and soliciting Ukraine to undertake a personal political benefit." So on this first Article of Impeachment, it is my view that the President is clearly guilty.

The evidence of Trump's guilt is so overwhelming that the Republican Party, for the first time in the history of Presidential impeachment, obstructed testimony from witnesses—even willing witnesses. It defies basic common sense that in a trial to determine whether any branch of the United States is above the law, the Senate would not hear from the people who could speak directly to President Trump's behavior and motive. Leader Mitch McConnell's handling of this trial, unfortunately, was nothing more than a political act.

Yet this impeachment trial is about more than just the charges against President Trump. What this impeachment vote will decide is whether we believe that the President, any President, is above the law.

Last week, Alan Dershowitz, one of President Trump's lawyers, argued to the Senate that a President cannot be impeached for any actions he or she may take in their own self-interest. He said: "If we acquit based on that, that means it is not illegal."

Imagine what such a precedent would allow an incumbent president to get away with: for the sake of their own reelection, hacking an opponent's email, using government resources? Soliciting election interference from China? Under this argument, what would stop a President from withholding infrastructure or education funding to a given State to pressure elected officials into helping the President politically? Let me be clear: Republicans will set a dangerous and lawless precedent if they vote to acquit President Trump. A Republican acquittal of Donald Trump won't just mean that the current President is above the law; it will give a green light to all future Presidents to disregard the law so long as it benefits their reelection.

It gives me no pleasure to conclude that President Donald Trump is guilty of the offenses laid out in the two Articles of Impeachment. I will vote to convict on both counts. But my greater concern is if Republicans acquit President Trump by undercutting the very rule of law. That will truly be remembered as a sad and dangerous moment in the history of our country.

Mr. TOOMEY. Mr. President, I rise to speak about the House Articles of Impeachment against President Donald Trump.

In 1999, then-Senator Joe Biden of Delaware asked the following question during the impeachment trial of President Bill Clinton: "[D]o these actions rise to the level of high crimes and misdemeanors necessary to justify the most obviously antidemocratic act the Senate can engage in—overturning an election in the history of our country?" He answered his own question by voting against removing President Clinton from office.
It is this constitutionally grounded framework—articulated well by Vice President Biden—that guided my review of President Trump’s impeachment and, ultimately, my decision to oppose his removal.

House Democrats’ impeachment articles allege that President Trump briefly paused aid and withheld a White House meeting with Ukraine’s President to pressure Ukraine into investigating two publicly reported corruption matters. The first matter was President Trump’s stated desire for credible Ukraine interference in the 2016 election. The second was Vice President Biden’s role in firing the controversial Ukrainian prosecutor investigating a company on whose board Vice President Biden’s son sat. When House Democrats demanded witnesses and documents concerning the President’s conduct, he invoked constitutional rights and resisted their demands.

The President’s actions were not “viewpoint.” Some were inappropriate. But the question before the Senate is not whether his actions were perfect; it is whether they constitute impeachable offenses that justify removing a sitting President from office for the first time in 50 years. That is not an impeachable offense.

House Democrats separately allege President Trump abused his power by conditioning a White House meeting and the release of aid on Ukraine agreeing to pursue corruption investigations. Their case rests entirely on the faulty claim that the only possible motive for his actions was his personal political gain. In fact, there are also legitimate interests for Congress to investigate apparent corruption, especially when taxpayer dollars are involved.

Here is what ultimately occurred: President Trump met with Ukraine’s President, and the aid was released after a brief pause. These actions happened without Ukraine announcing or conducting investigations. The idea that President Trump committed an impeachable offense by meeting with Ukraine’s President at the United Nations at a time when the administration was in Washington, DC, is absurd. Moreover, the pause in aid did not hinder Ukraine’s ability to combat Russia. In fact, as witnesses in the House impeachment proceedings stated, U.S. policy in support of Ukraine is stronger under President Trump than under President Obama.

Even if House Democrats’ presumptions about President Trump’s motives are true, additional witnesses in the Senate, beyond the 17 witnesses who testified in the House impeachment proceedings, are unnecessary because the President’s actions do not rise to the level of removing him from office, much less the national upheaval that would result from his removal from office and the ballot months before an election. Our country is already far too divided and this would only make matters worse.

As Vice President Biden also stated during President Clinton’s impeachment trial, “[t]here is no question the Constitution sets the bar for impeachment very high.” A President can only be impeached and removed for “Treason, Bribery, or other high Crimes and Misdemeanors.” While there is debate about the precise meaning of “other high Crimes and Misdemeanors,” it is clear that impeachable conduct must be comparable to the serious offenses of treason and bribery.

The Constitution sets the impeachment bar so high for good reasons. Removing a President from office and forbidding him from seeking future office overturns the results of the last election and requires the American people to vote for him in the next one. The Senate’s impeachment power essentially allows 67 Senators to substitute their judgment for the judgment of millions of Americans.

The framework Vice President Biden articulated in 1999 for judging an impeachment was right then, and it is right now. President Trump’s conduct does not meet the very high bar required to justify overturning the election. The President has not committed high Crimes and Misdemeanors.

When they decided to include impeachment in the Constitution, the Framers understood how disruptive and traumatic it would be. As Alexander Hamilton warned, impeachment will “agitate the passions of the whole community.”

This is why they decided to require the support of two-thirds of the Senate to remove a President we serve as a guardrail against partisan impeachments and against removal of a President without broad public support.

Leaders in both parties previously recognized that impeachment must be bipartisan and must enjoy broad public support. In fact, as recently as March of last year, Manager Adam Schiff said there would be “little to be gained by putting the country through the ‘wrenching experience’ of a partisan impeachment.” Yet, only a few months later a partisan impeachment is exactly what the House produced. This meant two Articles of Impeachment whose true purpose was not to protect the Nation but, rather, to, as Speaker Nancy Pelosi said, stain the President’s record because he has been impeached forever” and “they can never erase that.”

It now falls upon this Senate to take up what the House produced and faithfully execute our duties under the Constitution of the United States.

Why does impeachment exist?

As manager Jerry Nadler reminded us last week, removal is not a punishment for a crime, nor is removal supposed to be a way to hold Presidents accountable that injustices are redressed. The sole purpose of this extraordinary power to remove the one person entrusted with all of the powers of an entire branch of government is to provide a last-resort remedy to protect the public from wrongdoing that is unconstitutional.

That is what Hamilton wrote that in these trials our decisions should be pursuing “the public good.”

Even before the trial, I announced that, for me, the question would not just be whether the President’s actions were impeachable, but whether his actions were removable. The two are not the same. It is possible for an offense to meet a standard of impeachment and yet not be in the best interest of the country to remove a President from office.

To answer this question, the first step was to ask whether it would serve the public good to remove the President, even if the managers had proven every allegation they made. It was not difficult to answer that the answer is no. The public good is already far too divided and this would only make matters worse.

Negotiations with Congress and enforcement in the courts, not impeachment, should be the front-line recourse when Congress and the courts disagree on the separation of powers. But here, the House failed to go to court because, as Manager Schiff admitted, they did not want to go through a year-long exercise to get the information they wanted. Ironically, they now demand that the Senate sit through this very long exercise they themselves decided to avoid.

On the first Article of Impeachment, I reject the argument that abuse of power can never constitute grounds for removal unless a crime or a crime-like action is alleged. However, even if the House managers had been able to prove every allegation made in article I,
would it be in the interest of the Nation to remove the President? Answering this question requires a political judgment—one that takes into account both the severity of the wrongdoing they allege and the impact removal would have on the Nation.

I disagree with the House Managers' argument that, if we find the allegations they have made are true, failing to remove the President leaves us with no remedy to constrain this or future Presidents. Congress and the courts have power by which they can restrain the power of the Executive. And ultimately, voters themselves can hold the President accountable in an election, including the one just 9 months from now.

I also considered removal in the context of the bitter divisions and deep polarization our country currently faces. The removal of the President—especially one based on a narrowly voted impeachment, supported by one political party and opposed by another—would, as Manager NADLER warned over two decades ago, “produce divisiveness and bitterness” that will threaten our Nation for decades. Can anyone doubt that at least half of the country would view his removal as illegitimate—as nothing short of a coup d’etat? It is difficult to conceive of any scheme Putin could undertake that would undermine confidence in our democracy more than removal would.

I also reject the argument that unless we call new witnesses, this is not a fair trial. First, they cannot argue that fairness demands we seek witnesses they did little to pursue. Second, even if new witnesses would testify to the truth of the allegations made, these allegations, even if they had been able to prove them, would not warrant the President’s removal.

This high bar I have set is not new for me. In 2014, I rejected calls to pursue impeachment of President Obama, noting that he “has two years left in his term,” and, instead of pursuing impeachment, we should use existing tools at our disposal to “limit the amount of damage he’s doing to our economy and our national security.”

Senator PATRICK LEAHY, the President pro tempore emeritus, once warned, “[A] partisan impeachment cannot command the respect of the American people. It is no more valid than a stolen election.” His words are more true today than when he said them two decades ago. We should heed his advice.

I will not vote to remove the President because doing so would impose on the Nation something that is entirely disproportionate to the offense. I have heard the President’s defense and his closing arguments, I have read the report from the Committee on Oversight and Reform. I have heard the House Managers’ arguments, and I have reviewed the record of the impeachment hearings.

Just last year, Speaker PELOSI said that any impeachment “would have to be so clearly bipartisan in terms of acceptance of it.” And in 1998, Representative NADLER, currently a House impeachment manager, said, “There must be, of course, an impeachment, substantially supported by one of our major political parties and largely opposed by the other... Such an impeachment would lack legitimacy, would produce divisiveness and bitterness in our politics for years to come...”

Secretary of State Hillary Clinton, combined with Fusion GPS’ solicitation and dissemination of the Steele dossier—and the FBI’s counterintelligence investigation based on that dossier—has set a dangerous precedent and dramatically altered the constitutional order, encouraging more of them.

As I listened to the House managers’ closing arguments, I jotted down adjectives describing the case they were making: angry, dishonourable, strsirted—if not outright dishonest—and overstated; they were making a mountain out of a molehill.

Congressman SCHIFF and the other House managers are not stupid. They had to know that their insults and accusations—that the President had threatened to put our heads on a pike, that we would be part of the coverup if we didn’t cave to their demand for witnesses—would not sway Republican Senators. No, they had another goal in mind. They were using impeachment and their public offices to accomplish the very thing they accused President Trump of doing, interfering in the 2020 election.

Impeachment should be reserved for the most serious of offenses where the risk to our democracy simply cannot wait for the voters’ next decision. That was not the case here.

Instead, the greater damage to our democracy would be to ratify a highly partisan House impeachment process that lacked a fair trial and sought to impose a duty on the Senate to repair the House’s flawed product. Caving to House managers’ demands would have set a dangerous precedent and dramatically altered the constitutional order, further weaponizing impeachment and encouraging more of them.

Now that the trial is over, I sincerely hope everyone involved has renewed appreciation for the genius of our Founding Fathers and for the separation of powers they incorporated into the U.S. Constitution. I also hope all the players in this national travesty go forward with a greater sense of humility and recognition of the limits the Constitution places on their respective offices.

I am concerned about the divisiveness and bitterness that Chairman NADLER warned us about. We are divided nation, and it often seems the lines are only hardening and growing farther apart. But hope lies in finding what brings us together—our love of freedom, our faith, our families.

We should vote who elect us. It is appropriate and necessary to engage in discussion and debate to sway public opinion, but in the end, it is essential that we rely upon, respect, and accept the public’s electoral decisions.

In addition, I ask unanimous consent that my November 18, 2019, letter to Chairman NUNES and JORDAN, and the January 22, 2020, Real Clear Investigations article written by Paul Sperry be printed in the RECORD following my remarks.

The November 18, 2019, letter responds to NUNES’ and JORDAN’ requests to provide information regarding my firsthand knowledge of events regarding Ukraine that were relevant to the impeachment inquiry. The January 22, 2020, article was referenced in my question to the House managers and counsel to the President during the 16-hour question and answer phase of the impeachment trial. Specifically, that question asked: “Recent reporting described two NSC staff holders from the Obama administration attending President Trump’s_ call with President Zelensky, and what role has he played throughout your committee’s investigation?”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. JIM JORDAN, Ranking Member, Committee on Oversight and Reform, and DEVOS NUNES, Ranking Member, Permanent Select Committee on Intelligence.

DEAR CONGRESSMEN JORDAN AND CONGRESSMAN NUNES: I am writing in response to the request of Ranking Members Nunes and Jordan to provide my first-hand information and resulting perspective on events relevant to the House impeachment inquiry of President Trump. It is being written in the middle of that inquiry—after most of the deposition have been given behind closed doors, but before all the public hearings have been held.

I view this impeachment inquiry as a continuation of a concerted, and possibly coordinated, effort to sabotage the Trump administration that probably began in earnest the day after the 2016 presidential election. The latest evidence of this comes with the reporting of a Jan. 30, 2017 tweet (10 days after Trump’s inauguration) by one of the whistleblower’s attorneys, Mark Zaid: “#coup has started. #whistleblower's #dock #millen #impeachment will follow immediately.”

But even prior to the 2016 election, the FBI’s investigation and exoneration of Secretary of State Hillary Clinton, combined with Fusion GPS’ solicitation and dissemination of the Steele dossier—and the FBI’s counterintelligence investigation based on that dossier—has set a dangerous precedent and has set the stage for future sabotage. As a result, my first-hand knowledge and involvement in this
saga began with the revelation that former Secretary of State Hillary Clinton kept a private e-mail server.

I have been chairman of the Senate Committee on Homeland Security and Governmental Affairs (HSGAC) since January 2015. In addition to its homeland security portfolio, it also is charged with general oversight of the federal government. Its legislative jurisdiction includes federal records. So when the full extent of Clinton’s use of a private server became apparent in March 2015, HSGAC initiated an oversight investigation.

Although many questions remain unanswered, for example, what level of ongoing investigation was occurring while the media that created the false narrative of Trump campaign collusion with Russia all fit a pattern. I received a game plan that I suspect has been implemented once again. It is from this viewpoint that I report my specific involvement in the events related to the Ukrainian diplomatic imbroglio.

I also am chairman of the Subcommittee on Europe and Regional Security Cooperation of the Senate Foreign Relations Committee. I have made six separate trips to Ukraine starting in April 2011. Most recently, I led two separate Senate resolutions calling for a strong U.S. and NATO response to Russian military action against Ukraine’s navy in the Kerch Strait. I traveled to Ukraine to attend president-elect Volodymyr Zelensky’s inauguration on May 20, and again on Sept. 5 with U.S. Sen. Chris Murphy to meet with Zelensky and other Ukrainian leaders.

Following the Orange Revolution, and even more so after the Maidan protests, the Revolution of Dignity, and Russia’s illegal annexation of Crimea and invasion of eastern Ukraine, support for the people of Ukraine has been strong within Congress and in both the Obama and Trump administrations. There was also universal recognition and concern at the high level of corruption that was endemic throughout Ukraine. In 2015, Congress overwhelmingly authorized $300 million of security assistance to Ukraine, which $100 million was made available only for lethal defensive weaponry. The Obama administration never supplied the authorized lethal defensive weaponry, but President Trump did.

Zelensky won a strong mandate—73%—from the Ukrainian public to fight corruption. In his inauguration date was set on that short notice, which made attending it a scheduling challenge for members of Congress who wanted to go to show support. As a result, a number of Congress members who were attending the executive branch’s inaugural delegation led by Energy Secretary Rick Perry, Special Envoy Kurt Volker, U.S. Ambassador to the European Union Gordon Sondland, and Lt. Col. Alexander Vindman, representing the National Security Council. I arrived the evening before the inauguration and, along with a number of other members of Congress, visited by U.S. embassy staff the next morning, May 20, went to the inauguration, a luncheon following the inauguration, and a delegation meeting with Zelensky and his advisers.

The main purpose of my attendance was to demonstrate to members of Congress to express our support for Zelensky and the people of Ukraine. In addition, the delegation repeatedly stressed the importance of fulfilling the election mandate to fight corruption, and also discussed the priority of Ukraine obtaining sufficient inventories of gas prior to winter.

Two events made during the meetings stand out in my memory as being relevant. The first occurred during the country briefing. I had just finished making the point that supporting Ukraine was essential because it was ground zero in our geopolitical strategy to confronting Russia. I was surprised for when Vindman responded to my point. He stated that it was the position of the NSC that our relationship with Ukraine should be based on competitive parity in competition with Russia. My blunt response was, “How in the world is that even possible?”

I also remember Sondland’s opening remarks, together with other witnesses’ use of similar terms as the president, “stated policy,” and “long-standing policy” lead further credence to the point that Vindman made. In my Sept. 5 meeting with Zelensky, under俄罗斯 annexation, I emphasized with the president that there must be an end to the Russian occupation of Crimea and that the United States would promote a peaceful resolution of the conflict in eastern Ukraine.

Zelensky and I met three times prior to any future meeting. I used this opportunity to brief the president on what we learned at the inauguration, and convey our impressions of Zelensky and the current political landscape in Ukraine. Our specific goals were to obtain a commitment from President Trump to invite Zelensky to the Oval Office and meet with the President and to provide political and economic support to Ukraine if its allies provided strong bipartisan support, and to have President Trump publicly voice his support.

Trump met with Zelensky in the Oval Office on May 23. The four members of the delegation sat lined up in front of President Trump’s desk. Because we were all directly facing the president, I do not know who else was in attendance sitting or standing behind us. I can’t speak for the others, but I was very surprised by President Trump’s reaction to our report and requests.

He expressed strong reservations about supporting Ukraine. He made it crystal clear that he viewed Ukraine as a corrupt country both generally and, specifically, regarding rumored meddling in the 2016 election. I was convinced that Putin summed up this attitude in his testimony before the House as saying, “They are all corrupt. They are all terrible people. . . . I don’t want to spend any time with that.” I do not recall President Trump ever explicitly mentioning the names Burisma or Biden, but it was obvious he was aware of rumors that corrupt actors in Ukraine might have played a part in helping create the false Russia collusion narrative.

Of the four-person delegation, was the only one who did not work for a candidate or president. As a result, I was in a better position to push back on the president’s viewpoint and attempt to persuade him to change it. I acknowledged that he was correct regarding endemic corruption. I said that we weren’t asking him to support corrupt oligarchs and politicians but to support the Ukrainian people who had given Zelensky much in common with the American people. I also noted that he and Zelensky had much in common. Both were complete outsiders who faced strong resistance from entrenched interests both within and outside government. Zelensky would need much help in fulfilling his mandate, and America’s support was crucial.

It was obvious that his viewpoint and reservations were strongly held, and that we would have a significant sales job ahead of us to get him to change his mind. I specifically asked him to support corrupt oligarchs and politicians but to support the Ukrainian people who had given Zelensky much in common with the American people. I also noted that he and Zelensky had much in common. Both were complete outsiders who faced strong resistance from entrenched interests both within and outside government. Zelensky would need much help in fulfilling his mandate, and America’s support was crucial.

I continued to meet in my Senate office with representatives from Ukraine: on June
13 with members of the Ukrainian Parliament’s Foreign Affairs Committee, on July 11 with Ukraine’s ambassador to the U.S. and secretary of Ukraine’s National Security and Defense Council, Oleg Danylik; and on July 31 with Ukraine’s ambassador to the U.S., Valeriy Chaly. At no time during those meetings did anyone raise the issue of the withholding of military aid or express concerns regarding pressure being applied by the president or his administration.

During August recess, my staff worked with the State Department and others in the administration to plan a trip to Europe, beginning with a visit to Ukraine as part of a larger pocketbook delegation that would include Russia, Serbia, Kosovo and Ukraine. On or around Aug. 26, we were informed that our requests for visas into Russia were denied. On either Aug. 26 or 28, I became aware of the fact that $250 million of military aid was being withheld. This news would obviously impact my trip and discussions with Zelensky.

Sondland had texted me on Aug. 26 remarking on the Russian visa denial. I replied on Aug. 30, apologizing for my tardy response and reassuring him that we would discuss Ukraine. We scheduled a call for sometime between 12:30 p.m. and 1:30 p.m. that same day. I called Sondland and asked what he knew about the hold over military aid. He did not decontextualize the conversation in any way, and my memory of exactly what Sondland told me is far from perfect. I was hoping that his testimony would help jog my memory, but he seems to have an even fuzzier recollection of that call than I do.

The most salient point of the call involved Sondland describing an arrangement where, if Ukraine did something to demonstrate its serious intention to fight corruption and possibly help determine what involvement operations had in August might have been happening during the 2016 U.S. presidential campaign, Trump would release the hold on military support.

I have stated that I winced when that arrangement was described to me. I felt U.S. support for Ukraine was essential, particularly with Zelensky’s new and inexperienced administration facing an aggressive Vladimir Putin. I feared any sign of reduced U.S. support would prompt Putin to demonstrate even more aggression. I thought Zelensky was sincere in his desire to fight corruption, this was no time to be withholding aid for any reason. It was the time to show maximum strength and resolve.

I next put in a call request for National Security Adviser John Bolton, and spoke with him on Aug. 31. I believe he grewed with my position on providing military assistance, and he suggested I speak with both the vice president and president. I requested calls with both, but was not able to schedule a call with Vice President Trump. President Trump called me that same day.

The purpose of the call was to inform President Trump of my upcoming trip to Ukraine and to try to persuade him to authorize me to tell Zelensky that the hold would be lifted on military aid. The president was not prepared to lift the hold, and he was consistent in the reasons he cited. He reminded me how thoroughly corrupt Ukraine was and again conveyed his frustration that Europe doesn’t do its job to stabilize the country. He specifically told me that Ukraine was in need of additional military aid. He specifically cited the sort of conversation he would have with Angela Merkel, chancellor of Germany. To paraphrase him: “Ron, I am going to talk to Angela and ask her, ‘Why don’t you fund these things,’ and she tells me, ‘Because we know you will.’ We’re schmucks. Ron. We’re schmucks.”

I acknowledged the corruption in Ukraine, and I did not dispute the fact that Europe could and should provide more military support. But I pointed out that Germany was opposed to providing Ukraine lethal defensive weaponry and simply would not do so. As a result, Ukraine would be more vulnerable to further aggression, it was up to the U.S. to provide it.

I had two additional counterarguments. First, I wasn’t suggesting we support the oligarchs and other corrupt Ukrainians. Our support would be for the courageous Ukrainians who have been fighting corruption, Viktor Yanukovich, and delivered a remarkable 73% mandate in electing Zelensky to fight corruption. Second, I argued that withholding aid was not a constructive way to approach the administration politically in that it could be used to bolster the “Trump is soft on Russia” mantra.

It was only after he reiterated his reasons for not giving me the authority to tell Zelensky the support would be released that I asked him about whether there was some kind of arrangement where Ukraine would take some action and the hold would be lifted. Without hesitation, President Trump immediately denied such an arrangement existed. As reported in the Wall Street Journal, I quoted the president as saying, “(Expletive deleted)—No way, I would never do that. Who told you that?” I have accurately characterized the president’s vehe­ment and angry—there was more than one expletive that I have deleted.

Based on his reaction, I felt more than a little guilty even asking him the question, much less telling him I heard it from Sondland. He seemed even more annoyed by that, and asked me, “Who is that guy?” I interpreted that not as a literal question—the president did know whom Sondland was—but rather as a sign that the president did not know how to respond or was not sure what to say. “I thought you were his buddy from the real estate business.” The president replied by saying he barely knew him.

After discussing Ukraine, we talked about other unrelated matters. Finally, the president said he had to go because he had a hurricane to deal with. He wrapped up the conversation by saying, “Ron, you’re one of my perennial successes. You’re one of the most valuable assets Ukraine possesses is bipartisan congressional support. I warned Zelensky not to respond to requests from American political actors or he would risk losing Ukraine’s bipartisan support. I did not comment on this issue that Murphy raised.

Instead, I began discussing a possible meeting with President Trump. I viewed a meeting between the two presidents as crucial for overcoming President Trump’s fraught relationship with Ukraine and securing full U.S. support. It was at this point that President Trump’s May 23 directive came into play.

I prefaced my comment to Zelensky by saying, “Let me go out on a limb here. Are you or any of your advisers aware of the inaugural delegation’s May 23 meeting in the Oval Office following your inauguration?” No one admitted they were, so I pressed on. “What is your reaction to the fact that I don’t want you caught off-guard if President Trump reacts to you the same way he reacted to the delegation’s request for support for Ukraine?”

I told the group that President Trump explicitly told the delegation that he wanted to make sure Zelensky knew exactly how he felt about Ukraine before any meeting took place. To repeat Volker’s quote of President Trump: They are not going to get any better. They are all terrible people. . . . I don’t want to spend any time with that.” That was the general attitude toward Ukraine that I felt President Trump directed us to convey. Since I did not know Volker’s quote from that time, I tried to portray that strongly held attitude and reiterated the reasons President Trump consistently gave me for his reservations regarding Ukraine: endemic corruption and inadequate European support.

I also conveyed the counterarguments I used (unsuccessfully) to persuade the president to lift his hold: (1) We would be supporting the people of Ukraine, not corrupt oligarchs and (2) withholding military support was not politically smart. Although I recognized how this next point would be problematic, I also suggested any public statement Zelensky could make asking for greater support from Europe would probably be viewed favorably by President Trump.

Finally, I commented on how excellent Zelensky’s English was and encouraged him to speak in English as much as possible in a future meeting with President Trump. With a smile on his face, he replied, “But Senator Johnson, you don’t realize how beautiful my Ukrainian is,” I jokingly conceded the point by saying I was not able to distinguish his Ukrainian from his Russian.

This was a very open, frank, and supportive discussion. There was no reason for
anyone on either side not to be completely honest or to withhold any concerns. At no time during this meeting—or any other meeting on this trip—was there any mention by Ukrainian officials that we were feeling pressure to do anything in return for the military aid, nor after Murphy made his statement at the head of the Ukrainian press outside the presidential office building. We were very encouraged by our meetings with Zelensky and other members of his new government in their commitment to fulfill their obligations to the people of Ukraine.

We were concerned that the leadership of the new government did not have the same level of commitment to fulfill their obligations to the people of Ukraine. We were concerned that the leadership of the new government did not have the same level of commitment to fulfill their obligations to the people of Ukraine.

On Friday, Oct. 4, I saw news reports of the phone call with President Trump, where I had become aware of the contents of the call. I had discussed it with the Ukrainian officials and was concerned that we might have to deal with this issue again in the future. I had discussed it with the Ukrainian officials and was concerned that we might have to deal with this issue again in the future.

The coordination between the official branch of the government and the whistleblower in this instance exhibits some measure of “apolitical bias.” The whistleblower’s selection of a target based on its potential for political purposes is a serious concern. The whistleblower had a personal political agenda and was willing to use his position of power to further his own political goals. The whistleblower had a personal political agenda and was willing to use his position of power to further his own political goals.
pretext they and their Democratic allies had been looking for.

“They didn’t like his policies,” another former White House official said. “They had a political vendetta against him from Day One.”

Their efforts were part of a larger pattern of coordination to build a case for impeachment. In the weeks leading up to the Senate trial, anti-Trump figures both inside and outside of government.

All of the advice for this article spoke only on condition that they not be further identified or described. Although strong evidence points to Ciaramella as the government official who has neither confirmed nor denied that he is a whistleblower, he has not been officially identified as such. As a result, this article makes a distinction between public information about the whistleblower or in the case of the unnamed whistleblower: CIA analyst and specific information about Ciaramella.

Democrats based their impeachment case on the whistleblower complaint, which alleges that President Trump sought to help his re-election campaign by demanding that Ukraine’s leader investigate former Vice President Joe Biden and his son Hunter in exchange for military aid. Yet Schiff, who heads the House Intelligence Committee, and other Democrats have insisted on keeping the identity of the whistleblower secret, citing concern for his safety, while arguing that his testimony no longer matters because other witnesses and documents have “corroborated” what he said in his complaint about the Ukraine call.

Republicans have fought unsuccessfully to call him as a witness, arguing that his motivations and associations are relevant—and that the president has the same due-process right to confront his accuser as any other American citizen.

The whistleblower’s candor is also being called into question. It turns out that the CIA operative did not report his contacts with Schiff’s office to the intelligence community’s inspector general who fielded his whistleblower complaint. He withheld the information both in interviews with the inspector general, Michael Atkinson, and in writing, according to impeachment committee investigators. The whistleblower form he filled out required him to disclose whether he had contact with other entities, including “members of Congress.” But he left that section blank on the disclosure form he signed.

The investigators say that details about how the whistleblower consulted with Schiff’s staff and perhaps mislaid Atkinson about those interactions are contained in the transcript of a closed-door briefing Atkinson gave to the House Intelligence Committee last October. However, Schiff has sealed the transcript from public view. It is the only impeachment document outside of the administration that the president has neither confirmed nor denied that he is a whistleblower.

Schiff has classified the document “Secret,” preventing Republicans who attended the Atkinson briefing from quoting it. Even impeachment investigators cannot view it outside a highly secured room, known as a “SCIF.” In the basement of the Capitol, they must first get permission from Schiff, and they are forbidden from bringing phones into the SCIF or from taking notes for fear it might be leaked.

While the identity of the whistleblower remains unconfirmed, at least officially, Trump recently retweeted a message naming Ciaramella, while Republican senators Paul and Roy Moore have publicly demanded that Ciaramella testify about his role in the impeachment.

During last year’s closed-door House depositions, witnesses, including Misko, referring to Trump, “We can’t let him enact this foreign policy.”

Allegations of interference, the military staff immediately reported what he heard to his superiors.

It was so shocking that they were so blant and outspoken about their opinion,” he recalled. “They weren’t shouting it, but they didn’t seem to feel the need to hide it.”

Attempts to reach Vindman through his lawyer were unsuccessful.
July 26 was also the day that Schiff hired Misko to head up the investigation of Trump, congressional employment records show. Misko, in turn, secretly huddled with the lawyer to fill his complaint, according to multiple congressional sources, and shared what he told him with Schiff, who initially denied the contacts when reporters revealed them.

Schiff’s office has also denied helping the whistleblower prepare his complaint, while rejecting a Republican subpoena for document-wrangling to it. Per Capitol Hill sources, the House Intelligence Committee staff,不行in addition to性感 federal and congressional investigators, are suspicious of that account.

Fred Fleitz, who fielded a number of whistleblowers from the intelligence community as a former senior House Intelligence Committee staff member, said it was obvious that the CIA analyst had received coaching in writing the nine-page whistleblower report.

“From my experience, such an extremely polished whistleblowing complaint is unheard of,” Fleitz, also a former CIA analyst, said. “He appears to have collaborated in drafting his complaint with partisan House Intelligence Committee members and staff.”

Fleitz is currently served as chief of staff to former National Security Adviser John Bolton, said the complaint appears to have been the product of an investigation involving the “interference” of a foreign government in the election.

And the whistleblower’s unsupported allegations, which are supported by forms to list any other agencies he had consulted with the inspector general. He was required to file a complaint under Intelligence Community whistleblower protections, he was not identified the go-between.

Schiff, who initially denied the contacts, admitted that he had met with Schiff’s staff. But people familiar with the matter say that former Justice Department national security lawyer David Laufman could not be reached for comment.

Laufman and Zaid are old friends who have worked together on legal matters in the past. “I would not hesitate to join forces with him,” Zaid said of Laufman in a recommendation posted on his LinkedIn page.

“Mark is an ardent advocate for his clients,” Zaid tweeted.

“After the CIA analyst was coached on how to file a complaint under Intelligence Community whistleblower protections, he steered to another Obama holdover—former Justice Department attorney-turned-inspector general Michael Atkinson, who facilitated the processing of his complaint, developing the whistleblower claims raised by career Justice Department lawyers who reviewed it. The department’s Office of Legal Counsel, moreover, gave him added protections against reprisals, while letting him disclose classified information. If he had filed directly with Congress, it could not have made the complaint public due to classified concerns. But a complaint referred by the IG to Congress gave it more latitude over what it could make public.”

OUTSIDE HELP

After providing the outlines of his complaint to Schiff’s staff, the CIA analyst was referred to whistleblower attorney Andrew Bakaj by a mutual friend. “Who is an attorney and expert in national security law,” according to the Washington Post, which did not identify the go-between.

A former CIA officer, Bakaj has worked with Ciaramella at the spy agency. He even more in common: like the 33-year-old Clapper, he is a Connecticut native who has spent time in Ukraine. He’s also contributed money to Biden’s presidential campaign and once worked for former Sen. Hillary Clinton. He also briefed the intelligence panel Schiff chairs.

Bakaj brought in another whistleblower lawyer, Mark Zaid, to help on the case. A Democratic donor and a politically active anti-Trump advocate, Zaid was willing to help represent the CIA analyst. On Jan. 30, 2017, around the same time former colleagues say they overheard Ciaramella and Misko conspiring to take Trump out, Zaid tweeted that he had a “coup has started” and that “impeachment is inevitable.”

Neither Bakaj nor Zaid responded to requests for an interview.

It’s not clear who the mutual friend and national security attorney was whom the analyst turned to for additional help after meeting with Schiff’s staff. But people familiar with the matter say that former Justice Department national security lawyer David Laufman involved himself early on in the whistleblower case.

Also a former CIA officer, Lufman was prominent on the administration’s declassified intelligence reports run counterintelligence cases, including the high-profile investigations of Clinton’s classified emails and the Trump campaign’s alleged Russian collusion. Laufman sat out on the July 26th 2016 FBI interview. He also signed off on the wiretapping of a Trump campaign adviser, which the Department of Justice Inspector general determined was conducted under false pretenses involving doctored emails, suppression of exculpatory evidence, and other misconduct.

Laufman’s office was implicated in a report detailing the surveillance misconduct.

Laufman could not be reached for comment.

Laufman and Zaid are old friends who have worked together on legal matters in the past. “I would not hesitate to join forces with him,” Zaid said of Laufman in a recommendation posted on his LinkedIn page.

Laufman recently defended Zaid on Twitter after Zaid criticized Laufman for advocating for a “coup” against him. “These attacks on Mark Zaid’s patriotism are baseless, irresponsible and dangerous,” Laufman tweeted.

“Mark is an ardent advocate for his clients.”

However, the whistleblower did not disclose to Atkinson that he had briefed Schiff’s office about his complaint before filing it with the IG inspector general. He was only required to file on forms to list any other agencies he had contacted, including Congress. But he omitted those contacts and other material facts from his disclosure. He also appears to have misled Atkinson on Aug. 12, when on a separate form he stated: “I reserve the option to exercise my legal right to contact the commissioner orally in a separate contac tok,” the whistleblower committee weekly weeks prior to making the statement.

“The whistleblower made statements to the Justice Department inspector general, that the person who later became the whistleblower.”

But he said Atkinson claimed that he had not invested them because he had only just learned about them in media.

On Oct. 8, after more media reports revealed the whistleblower’s major role in writing the complaint, another Russia-related whistleblower called Atkinson’s office to try to explain why he made false statements in writing and verbally, transgressions that could be punishable with a fine of up to $10,000, imprisonment for up five years, or both, according to the federal form he stated: “I reserve the option to exercise my legal right to contact the commissioner orally in a separate contacted Schiff’s committee weeks prior to making the statement.

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In his clarification to the inspector general, the whistleblower acknowledged for the first time reaching out to Schiff’s staff before filing his complaint, saying that an investigative report filed later that month by Atkinson.

The whistleblower got caught,” Ratcliffe said. “The whistleblowers are seeking false statements. The whistleblower got caught with Chairman Schiff.”

He says the truth about what is happened is documented on pages 53-73 of the transcript of Atkinson’s eight-hour testimony. Except that Schiff refuses to release it.

Chairman Schiff can prevent you from seeing the answers to my questions,” Ratcliffe told RCI.

Atkinson replaced Charles McCullough as the IG in 2018. McCullough is now a partner in the same law firm for which Bakaj and Zaid work. McCullough formerly reported directly to the director of national intelligence, James Clapper, one of Trump’s biggest critics in the intelligence community and a regular egitigator for his impeachment on CNN.

HIDDEN POLITICAL AGENDA

Atkinson also repeatedly refused to answer Senate Intelligence Committee questions about the political bias of the whistleblower. Republican members of the panel called his Sept. 26 testimony “evasive.” Senate investigators say they are seeking all records generated from Atkinson’s “preliminary review” of the whistleblower’s complaint, including evidence and “indicia” of the whistleblower’s “political bias” in favor of Biden.

Republicans point out that Atkinson was the top national security lawyer in the Office of the Director of National Intelligence, yet it was investigating Trump campaign aides and Trump himself in 2016 and 2017. He worked closely with Schiff, the department’s top lawyer, and a Trump himself in 2016 and 2017. He worked closely with Schiff, the department’s top lawyer, and a Trump

After leaving the department, McCord was appointed as a special counsel to Mary McCord, the senior judge on the federal appeals court, and a Trump judge who helped oversee the FBI’s Russia “collusion” probe, and who personally pressured the White House to fire then National Security Adviser John Bolton. She and Atkinson worked together on the Russia case. Closing the circle tighter, McCord was Laufman’s boss at Justice.

As it happens, all three are now involved in the whistleblower case or the impeachment process.

After leaving the department, McCord joined the stable of attorneys Democrats recruited last year to help impeach Trump. She is listed as a top outside counsel for the House in key legal battles tied to impeachment, including trying to convince federal judges to unblock White House witnesses and documents.

“Michael Atkinson is a key anti-Trump conspirator who played a central role in the effort to turn the whistleblower complaint into the current impeachment proceedings,” said Bill Marshall, a senior investigator for Judicial Watch, the conservative government watchdog group that is investigating the Justice Department for Atkinson’s internal communications regarding impeachment.
Atkinson’s office declined comment.

ANOTHER ‘CO-CONSPIRATOR’?

During closed-door depositions taken in the impeachment inquiry, Ciaramella’s confederate Misko was observed handing notes to Schock’s lawyer. For the first time, the official with knowledge of the proceedings told RealClear Investigations. Misko also was observed sitting on the dais behind Democratic members during Schock’s last public hearing.

Another Schiff recruit believed to part of the clandestine political operation against Trump was House Intelligence Committee staffer in a meeting with President Zelensky at the White House. He sought, instead of demanding a meeting with President Zelensky at the White House and hide the proof of their actions in meetings.

Schock’s lawyer, John Dowd, said in a recent House floor speech arguing for their testi-

There is no question—based on the original meaning of the Constitution, the elaboration of the impeachment clause in the Federalist Papers, historical precedent, and common sense—that the Constitution does not violate provision of any criminal code in order to warrant removal from office. The President’s argument that he must violate “established law” to be impeached would be laughable if its implications were not so dan-

But there is no reasonable doubt that the President has violated established law. The Constitution specifically states that a President who commits bribery should be im-

Section 201 of Title 18 of the U.S. Code criminalizes “bribery of public officials and witnes-

The evidence shows that the President solicited interference in the 2020 election for his own benefit by pressuring Ukraine to announce an investigation into his political opponents in return for releasing nearly $400 million in taxpayer-funded military aid to Ukraine desperately needed, as well as a meeting with a witness at the White House. He sought, indeed demanded, a personal benefit in exchange for an official act.

A. The requested investigations constitute “things of value”

The investigations for which President Trump requested into his political enemies and to undermine claims that Russia illegally helped him get elected are clearly “things of value.” By all accounts, he was obsessed with them. According to multiple reports, Trump cared more about the investigations than he did about defending Ukraine from Russian interference in the 2016 election.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to have a statement I prepared concerning the impeachment trial be printed in the Record.

The case for impeachment presented by the House managers is overwhelming. Donald Trump is guilty of abuse of power and betrayal of his oath of office. Just as a sheriff cannot delay respond-

Further, the “thing” need not be tangible, and it need not be immediately available. Specifically, the House managers are arguing that a promise of “future employment” is a thing of value.

For the record, Grace was an assistant to Obama national security aide Ben Rhodes.

Second, the President’s unprecedented cam-

Two further points are significant. First, the President is guilty of the crime of brib-

But there is no reasonable doubt that the President has violated established law. The Constitution specifically states that a President who commits bribery should be im-

Further, the electoral value to President Trump of investigations that would smear him trailing his opponent until offi-

Mr. BLUMENTHAL—STATEMENT FOR THE RECORD

IMPEACHMENT TRIAL OF DONALD JOHN TRUMP

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Second, the President’s unprecedented campaign to obstruct the impeachment inquiry compels us to conclude that the evidence he is hiding would provide further proof of his guilt.

I. The President committed the federal crime of bribery

There is no question—based on the original meaning of the Constitution, the elaboration of the impeachment clause in the Federalist Papers, historical precedent, and common sense—that the Constitution does not violate provision of any criminal code in order to warrant removal from office. The President’s argument that he must violate “established law” to be impeached would be laughable if its implications were not so dan-

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Section 201 of Title 18 of the U.S. Code criminalizes “bribery of public officials and witnesses.” A public official is guilty under this section when he “offers, promises or agrees to give anything of value” in exchange for any official act and do so with corrupt intent. The code even specifies that punishment for this crime may include disqualification “from holding any office, trust, or profit under the United States.”

A. The requested investigations constitute “things of value”

The investigations for which President Trump requested into his political enemies and to undermine claims that Russia illegally helped him get elected are clearly “things of value.” By all accounts, he was obsessed with them. According to multiple reports, Trump cared more about the investigations than he did about defending Ukraine from Russian interference in the 2016 election.
corruption effort. In short, they want the Senate to leave our common sense at the door. At least four undisputed facts decisively disprove the claim that President Trump’s decision was motivated by the public interest and not his own.

First, as one of my colleagues has put it,20 it “stands to reason that President Trump was pursuing the public interest and not his political benefit when the only corruption investigations he could think to make clear that he was duty bound to pursue personal attorney, Rudy Giuliani, a man who was known that his conspiracy theories could not withstand scrutiny and he set out to circumvent law enforcement officials. They were solely intended to serve Trump’s personal political goals.”

Finally, as the American Intelligence Community has unanimously concluded,29 the CrowdStrike conspiracy is not supported by any evidence gathered from hacking Russian-generated propaganda that implicates American public figures and is the national interest of the United States.10

President Trump’s counsel have claimed throughout this trial that the President believed corruption in Ukraine to be widespread and that the President intended to pursue the investigations against his political rivals.11

Second, President Trump did not actually want to see the investigations emerge from the often clandestine atmosphere of corruption with a simple wink and a nod if the surrounding circumstances make it clear that something of value will pass to a public official if he takes improper, or withholds proper action.”26 While the defendant in that case never made an explicit offer and never relayed a specific amount of money, the court nonetheless upheld his conviction.

The implication of Trump’s message to Zelensky on the July 25 phone call is that Trump would not lift the hold or have the White House visit was also conditioned upon Zelensky complying with Trump’s request for these investigations.46 Gordon Sondland, the ambassador to the European Union, testified that the President’s proposal to lift the hold in exchange for the investigations was as clear as “two plus two equals four.”47 Trump’s acting Chief of Staff, Mick Mulvaney, confessed during a press conference that there was a quid pro quo exchange and suggested that the public should “get over it.”

President Trump’s proposal to lift the hold on the aid for these investigations.49 Gordon Sondland, the ambassador to the European Union, testified that the President’s proposal to lift the hold or have the White House visit was also conditioned upon Zelensky complying with Trump’s request for these investigations.46 Gordon Sondland, the ambassador to the European Union, testified that the President’s proposal to lift the hold in exchange for the investigations was as clear as “two plus two equals four.”47 Trump’s acting Chief of Staff, Mick Mulvaney, confessed during a press conference that there was a quid pro quo exchange and suggested that the public should “get over it.”

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President Trump is guilty of a quid pro quo.

The two acts the President agreed to perform—releasing the hold on military aid and setting up an official White House meeting with Zelensky—constitute “official acts.” The bribery statute defines “official act” broadly to include “any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official’s official capacity, or in such official’s place of trust or profit.” 34 Military assistance and an official White House visit were within his control and were by law his official duties. In fact, both receiving foreign dignitaries and providing foreign assistance are in the President’s official, constitutional job description.35

Actions authorized by statute, such as the ones President Trump took here, are particularly clear examples of official acts.36 Congress has specifically and circumscribed, the President’s ability to award military assistance to foreign countries. This process has been codified since the early 1900s.37 It is a federal apparatus devoted to evaluating the needs of foreign nations, how those needs intersect with legitimate U.S. foreign policy interests, and how to award foreign aid in line with those interests.37

Further, when the President placed a hold on the aid, he was acting on behalf of the United States, not in his personal capacity. He has made it clear that the President’s decision to award, or fail to execute, a foreign aid determination is not an “official act” under the bribery statute.37

Similarly, a request at a press conference that the President personally make a decision to lift the hold is an “official act” because the President is specifically “assigned by law”38—in both the Constitution and the halls of Congress—his responsibility to receive representations from foreign governments.39 Indeed, the authority to receive ambassadors and recognize foreign governments is considered so core to the office of the President that the Supreme Court has struck down statutes that interfere with it.40

C. The President corruptly sought a quid pro quo

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The implication of Trump’s message to Zelensky on the July 25 phone call is that Trump would not lift the hold or have the White House visit with Zelensky when it opened the requested investigations. The obvious political value to the President of opening these investigations constitutes sufficient grounds for a reasonable belief that he had a “bad motive” in making this request. Trump is guilty of quid pro quo bribery.

D. Trump’s defenses are not persuasive

Trump attempts to absolve his behavior by arguing that his subjective intent is irrelevant to whether he committed an impeachable offense. The Senate rejected that argument. The President is not only responsible for his own culpable conduct. He is also responsible for the investigation he set in motion for the President’s defense, a quid pro quo, he cannot be impeached further explains that, ordinarily, this “bad purpose” is “a hope or expectation of either financial gain or other benefit to one’s self, or some aid or profit or benefit to another.” In other words, the intent need not to be influenced in the way prohibited by the bribery statute itself is sufficient to find that the defendant acted “corruptly.”

President Trump has consistently held in 2016 that the quid pro quo demand “need not be explicit,” the official “need not specify the means that he will use to perform the official act, but need only be informed that the official actually intend to follow through for a prosecutor to succeed in making her case that the defendant is guilty of bribery.” In a Sev- en-Count indictment, the court found that the context of a communication can be determinative: evidence of a quid pro quo can emerge from “the often clandestine atmosphere of corruption with a simple wink and a nod if the surrounding circumstances make it clear that something of value will pass to a public official if he takes improper, or withholds proper action.”26 While the defendant in that case never made an explicit offer and never relayed a specific amount of money, the court nonetheless upheld his conviction.

President Trump’s actions clearly qualify as a quid pro quo. Less than a month prior to this phone call, President Trump had requested that Ukraine allocate hundreds of millions of dollars in military aid to Ukraine and had previously set in motion, but not committed to, an official White House visit with Ukraine’s new president, Volodymyr Zelensky. When Trump and Zelensky spoke on July 25, Trump set the terms of the conversation by making clear that he hoped it would be helpful to Ukraine’s generosity. And as soon as Zelensky mentioned that Ukraine was interested in receiving American anti-tank missiles, the President immediately told Zelensky he wanted Zelensky to “do us a favor though,” and explicitly asked Zelensky to investigate the Biden conspiracy theory and alleged Ukrainian interference in the 2016 election. As soon as Zelensky appeared to agree to open the requested investigations, Trump almost immediately assured the Ukrainian President that “whenever you would like to come to the White House, feel free to call.”24 Text messages sent by Special Envoy Volker indicate that it had also been made clear to the Ukrainian government prior to the official White House visit was also conditioned upon Zelensky complying with Trump’s request for these investigations.46 Gordon Sondland, the ambassador to the European Union, testified that the President’s proposal to lift the hold in exchange for the investigations was as clear as “two plus two equals four.”47 Trump’s acting Chief of Staff, Mick Mulvaney, confessed during a press conference that there was a quid pro quo exchange and suggested that the public should “get over it.”

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because the articles do not accuse him of bribery. Even setting aside that these defenses ignore the fact that Trump still has not held a White House meeting with Zelensky, the arguments are wholly unpersuasive in their own right.

1. Trump’s subjective intent is eminently relevant

Trump claims that his subjective intent is irrelevant because it cannot be inferred based on the reasons for which he sought the investigations. This argument is specious for at least three reasons. First, the two offenses—one of bribery and the other of obstruction of justice—are not mutually exclusive, as Trump’s obstruction was based on the very reasons for which he sought the investigations. Second, the President maintains that he needs to have violated “established law” in order to be impeached.53 Using the President generally has the authority to command the armed forces. If the President vetoes a law because someone has paid him a large bribe, then he has committed bribery, even if the President generally has the authority to veto laws. Laws can only be unconstitutional if they violate a provision of the Constitution. The President has veto power as provided by the Constitution. See Art. I, §7, cl. 2. If the President acts with the subjective intent of making the aid contingent on something to his benefit, then he has committed bribery.

2. Trump completed his crime the moment he asked for the investigations

The first article of impeachment accuses the President of “corruptly soliciting[ing]” the public announcement of investigations that were in his “personal political benefit,” in exchange for “two official acts.”54 In response to questions from Senators, Trump’s counsel has argued that because the article did not explicitly refer to the crime of bribery, Trump was provided inadequate notice. This argument is absurd.

3. Senators must convict if they conclude that the President committed the crime of bribery, whether or not the term “bribery” appears in the articles

The historical record confirms the common sense notion that the articles need not be drafted with the term “bribery.” The historical record confirms the common sense notion that the articles need not be drafted with the term “bribery.” The historical record confirms the common sense notion that the articles need not be drafted with the term “bribery.” The historical record confirms the common sense notion that the articles need not be drafted with the term “bribery.” The historical record confirms the common sense notion that the articles need not be drafted with the term “bribery.”

February 5, 2020
prevent intransigent parties from abusing “costly and time consuming” court proceedings to subvert their legal duty to produce relevant evidence. The Supreme Court has long held that if evidence is weak and available, the court will consider only whether the evidence is weak enough to conclude that the mountain of evidence that Trump is hiding proves his guilt.

B. THE EVIDENCE THAT HAS EMERGED DESPITE TRUMP’S INTRANSIGENCE HAS ONLY BOLSTERED THE INQUIRY

Based on the above analysis alone, the Senate is more than entitled to infer that the mountain of evidence that Trump is withholding would demonstrate his guilt. But the steady drip of convincing evidence only increases the pressure on Trump to come clean.

ENDNOTES

2. See generally, JARED P. COLE & TODD GARVEY, CONG. RES. SERV., R44260, IMPEACHMENT AND REMOVAL (2015); see also Paul Kielshl, Benefits Playbook 1999 Video of Lindsey Graham Talking About Impeachment to Bolster Case Against Trump, CNN, Jan. 23, 2020, available at https://www.cnn.com/2020/01/23/politics/sen-lindsey-graham-impeachment-trump/index.html (quoting then-Representative Graham’s statement during the Clinton impeachment that “[i]t certainly deserves to be stolen by some-body who completely corruptions the office of president and who abuses trust and who poses great danger to our liberty. You don’t need any constitutional crisis, just acts of state. We look at how they conduct the foreign policy. We look at whether they try to subvert the Constitution”).

3. 18 U.S.C. § 373(a) (2018). (Note: this is more than a scholarly text. This is an actual legislative act, signed into law by President Trump in 2018 as Public Law 115-412 — the “Intimidation Prevention Act.”)


5. The President does not contest that he is a “public official,” and the law confirms that it would be foolish to claim otherwise. The courts have found that a wide array of officials are subject to the bribery statute: from state senators in a private dinner with top donors where Trump is heard yelling: “Get rid of her! Get her out tomorrow. I don’t care. Get her out! Don’t bother, don’t contact it.” to reference to Ambassador Yovanovitch. The President is also specifically addressing how long Ukraine would last in a war against Russia, determined by U.S. support—in other words, the mercy of the United States. Not only does this tape provide further evidence of a coordinated campaign against the Ambassador: it also undermines “earlier defenses by the White House that Trump wasn’t aware of what was taking place in the early phase of the Ukraine affair.” This tape suggests that Trump not only knew about the Ukraine affair, but also that “he may have been directing events” as early as April 2018.

The steady drip of damning evidence leaking from the President’s associates, combined with Trump’s own public confession to obstruction of justice, conceals us to conclude what the law already instructs us to infer: that the mountain of evidence Trump is hiding proves his guilt.

Conclusion

It is clear to me that Trump is guilty of bribery and that his campaign to obstruct any investigation into his wrongdoing only strengthens the case against him. Trump’s actions clearly qualify as bribery, and the law requires him to resign from office. When the Framers included the impeachment power in the Constitution, they knew that there would be a presidential election every four years—and they also knew that this was an insufficient check against a President who abuses the power of his office to cheat his way to re-election. Trump’s misconduct fits a pattern of abuse in the need for impeachment.

Throughout the impeachment trial, I have been moved by the grave moral purpose that the Senate embodies—of sustaining America as an idea, and of our Constitution, as a living document that gives substance to our identity as the world’s leading liberal democracy. As a President, I am deeply disturbed by a President—so deeply disturbed in fact that he has been subjectively attached to the items represented by him. He may reasonably be understood to be subject to the items in question, as defined in section 373 of title 18, United States Code.
The thing of value need not be a reason that the official performed the act at all. See infra 14–15.


44. McDonnell, 136 S. Ct. at 2371.

45. United States v. Synyovic, 333 F. 3d 786, 787 (7th Cir. 2003).

46. Id. at 798–96.

47. MEMORANDUM OF TELEPHONE CONVERSATION, supra n. 21 at 3.

48. Chuck Todd, ‘This Was a Political Show.’ He Wanted a Political Investigation into Biden. He Needed a ‘Radical Claim That a President Can Do Something He Is Allowed to Do, If He Does It for the Wrong Reason.’ He Wanted It to Be Helpful to My Government.’’’ (emphasis added).

49. Id.


51. See Trial Memorandum of President Donald J. Trump, Nov. 25, 2019 (rebutting ‘‘radical claim that a President can be impeached and removed from office solely for doing something he is allowed to do, if he does it for the wrong reason’’). By eliminating any requirement for wrongful conduct, House Democrats have tried to make the wrong thoughts an impeachable offense” (emphasis in original).

52. As discussed supra pp. 1–2, it is eminently clear that the President need not have violated ‘‘established law’’ in order to have committed an impeachable offense.

53. 18 U.S.C. § 320(c).

54. 18 U.S.C. § 201(c).

55.-breiter, 506 F. 2d at 72.

56. MEMORANDUM OF TELEPHONE CONVERSATION, supra n. 21 at 3.

57. Sun-Diamond Growers, 536 U. S. at 404.


59. As discussed supra pp. 1–2, it is eminently clear that the President need not have violated ‘‘established law’’ in order to have committed an impeachable offense.

60. 18 U.S.C. § 320(c).

61. Id. at 2370–71 (2016); see also United States v. Hawkins, 37 F. Supp. 3d 964 (N.D. Ill. 2014), aff’d in part, vacated in part on other grounds, remanded, 2015 WL 309520 (7th Cir. 2015) (“What is required to make the act corrupt is not an intent to take a specific action, but the holding out of the performance of the duties of one’s office for sale.”).


63. Same.

64. Same.

65. See United States v. Morones, 508 F. 2d 995 (9th Cir. 1975).

66. Id. at 998.

67. Id. at 998.

68. See United States v. Bland, 351 F. 2d 750 (7th Cir. 1965).


70. Id. at 72 (D.C. Cir. 1975).


72. Id. at 798–96.

73. MEMORANDUM OF TELEPHONE CONVERSATION, supra n. 21 at 3.

74. Sun-Diamond Growers, 536 U. S. at 404.


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78.-breiter, 506 F. 2d at 72.

79. MEMORANDUM OF TELEPHONE CONVERSATION, supra n. 21 at 3.

80. Sun-Diamond Growers, 536 U. S. at 404.


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85. MEMORANDUM OF TELEPHONE CONVERSATION, supra n. 21 at 3.

86. Sun-Diamond Growers, 536 U. S. at 404.


88. As discussed supra pp. 1–2, it is eminently clear that the President need not have violated ‘‘established law’’ in order to have committed an impeachable offense.
Get Case Next Week, Pelosi Says


83. 18 U.S.C. § 201(b); see supra pp. 2-13.

84. Id.


93. Id.

94. WS. Mr. WARREN. Mr. President, when I was elected to serve in the U.S. Senate, I swore an oath to support and defend the Constitution of the United States. Every U.S. Senator takes the same oath. The Constitution makes clear that no one is above the law, not even the President of the United States.

Over the past 2 weeks, the Senate has heard overwhelming evidence showing that the President of the United States, Donald J. Trump, abused the power of his office to pressure the President of Ukraine to dig up dirt on a political rival to help President Trump in the next election. The President then executed an unprecedented campaign to cover up his actions, including a wholesale obstruction of Congress’s effort to investigate his abuse of power.

The Constitution gives the Senate the sole power to conduct impeachment trials. A fair trial is one in which Senators are allowed to see and hear all of the relevant information needed to address this President’s political appointment, including relevant witnesses and documents. The American people expected and deserved a fair trial, but that is not what they got. Instead of engaging in a pursuit for the truth, Senate Republicans sided with the President and refused to subpoena a single witness or document. They even refused to allow the testimony of the President’s former National Security Advisor, John Bolton, who possessed direct evidence related to the issues at the heart of the trial, even as more evidence continued to come to light and as Bolton repeatedly volunteered to share what he knows.

This trial boils down to one word: corruption—the corruption of a President who has repeatedly put his interests ahead of the interests of the American people and violated the Constitution in the process; the corruption of this President’s political appointees, including individuals like U.S. Ambassador to the European Union Gordon Sondland, who paid $1 million for an ambassadorship; the corruption running throughout our government that poisons and defends the interests of the wealthy and powerful to the detriment of everyone else.

Americans have a right to hear and see information that further exposes the gravity of the President’s actions and the unprecedented steps he and his agents took to hide it from the American people. But more importantly, Americans deserve to know that the President of the United States is using the power of his office to work in the Nation’s interest, not his own personal interest.

I voted to convict and to remove the President from office in order to stand up to the corruption that has permeated our government throughout our government that poisons and defends the interests of the wealthy and well-connected but to make it work for everyone.

Mr. PETERS. Mr. President, I swore an oath to defend the Constitution...
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both as an officer in the U.S. Navy Reserve and as a U.S. Senator.

At the beginning of the impeachment trial, I swore an oath to keep an open mind, listen carefully to the facts, and in the end deliver impartial justice.

After carefully listening to the arguments presented by both House managers and the President’s lawyers, I believe the facts are clear.

President Trump stands accused by the House of Representatives of abusing his official power as President in an attempt to extort a foreign government to announce a trumped up investigation into a political rival and thereby put his personal interest ahead of national security and the public trust.

The President illegally withheld congressionally approved military aid to an ally at war with Russia and conditioned its release on Ukraine making an announcement the President could use to falsely discredit a likely political opponent.

When the President’s corrupt plan was brought to light, the White House engaged in a systematic and unprecedented effort to cover up the scheme.

The President’s complete refusal to cooperate with a constitutionally authorized investigation is unparalleled in American history.

Despite the extraordinary efforts by the President to cover up the facts, the House managers made a convincing case.

It is clear.

The President’s actions were not an effort to further official American foreign policy.

The President was not working in the public interest.

What the President did was wrong, unacceptable, and impeachable.

I expected the President’s lawyers to offer new eyewitness testimony from people with firsthand knowledge and offer new documents to defend the President. They did not.

It became very clear to me that the President’s closest advisers could not speak to the President’s innocence, and his lawyers did everything in their power to prevent them from testifying under oath.

Witness testimony is the essence of a fair trial. It is what makes us a country committed to the rule of law.

If you are accused of wrongdoing in America, you have every right to call witnesses in your defense, but you also don’t have the right to stop the prosecution from calling a hostile witness or subpoenaing documents.

No one in this country is above the law—no one—not even the President.

If someone is accused of a crime and they have witnesses who could clear them of any wrongdoing, they would want those witnesses to testify. In fact, not only would they welcome it, they would insist on it.

All I wanted to do is use our common sense. The fact that the President refuses to have his closest advisers testify tells me that he is afraid of what they will say.

The President’s conduct is unacceptable for any official, let alone the leader of our country.

Our Nation’s Founders feared unchecked and unlimited power by the President. They rebelled against an abusive monarch with unlimited power and instead created a republic that distributed power across different branches of government.

They were careful students of history: they knew unchecked power would destroy a democratic republic.

They were especially fearful of an unchecked Executive and specifically granted Congress the power of impeachment to check a President who thought of themselves as above the law.

Two years ago, I had the privilege of participating in an annual bipartisan Senate tradition reading President George Washington’s farewell address on the Senate floor.

In that address, President Washington warned that unchecked power, the rise of partisan factions, and foreign influence, if left unchecked, would undermine our young Nation and allow for the rise of a despot.

He warned that we could become so divided and so entrenched in the beliefs of our particular partisan group that “cunning, ambitious and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government.”

I am struck by the contrast of where we are today and where our Founders were more than 200 years ago.

George Washington was the ultimate rock star of his time. He was beloved, and when he announced he would leave the Presidency and return to Mount Vernon, people begged him to stay.

There was a call to make him a King, and he said no. He reminded folks that he had just fought against a monarch so that the American people could enjoy the liberties of a free people.

George Washington, a man of integrity and an idea, refused to be anointed King when it was offered to him by his adoring countrymen. He chose a republic over a monarchy.

But tomorrow, by refusing to hold President Trump accountable for his abuses, Republicans in the Senate are offering him unbridled power without accountability, and he will gleefully seize that power.

And when he does, our Republic will face an existential threat.

A vote against the Articles of Impeachment will set a dangerous precedent and will be used by future Presidents to act with impunity.

Given what we know, that the President is guilty of high crimes and misdemeanor, I am not sure what would.

This is not what our Founders intended. The oath I swore to protect and defend the Constitution demands that I vote to preserve the future of our Republic. I will faithfully execute my oath and vote to hold this President accountable for his actions.

Mr. COTTON. Mr. President, I will soon join a majority of the Senate in voting down the Articles of Impeachment brought against the President by his partisan opponents. The time has come to end a spectacle that has elevated the obsessions of Washington’s political class over the concerns and interests of the American people.

This round of impeachment is just the latest Democratic scheme to bring down the President. I say “this round” because House Democrats have tried to impeach President Trump at least four times—first, for being mean to football players; then for his transgressions of a transmogrified millitary policy; and for his immigration policy. And those are just the impeachment attempts. Along the way, Democrats also proclaimed that Robert Mueller would drive the President from office. Some even speculated that the Vice President and the Cabinet would invoke the 25th amendment to seize power from the President—a theory that sounds more like resistance fan fiction than reality.

What is behind this fanaticism? Simply put, the Democrats have never accepted that Donald Trump won the 2016 election, and they will never forgive him for it.

It is time for the Democrats to get a perspective. They are claiming that we ought to impeach and remove a President from office for the first time in our history for briefly pausing aid to Ukraine and rescheduling a meeting with the Ukrainian President, allegedly in return for a corruption inquiry. But the aid was released after a few weeks and the meeting occurred, yet the inquiry did not—even though, I might add, it remained difficile by the Biden family’s obvious, glaring conflict of interest in Ukraine.

Just how badly have the Democrats lost perspective? The House managers have argued that we ought to impeach and remove the President because his meeting with the Ukrainian President happened in New York, not Washington.

When most Americans think about why a President ought to be impeached and removed from office for the first time, they worry that a President is strong willed, assertive, or other
high crimes and misdemeanors." And that is especially true when we are just months away from the election that will let Americans make their own choice. Indeed, Americans are already voting to select the President’s Democratic challenger. Why not let the voters decide whether the President ought to be removed?

The Democrats’ real answer is that they are afraid they will lose again in 2020, so they designed impeachment to hurt Trump before the election. As one Democratic congresswoman said last year, “I’m concerned that if we don’t impeach this president, he will get reelected.” Or, as minority leader Chuck Schumer claimed earlier this month, impeachment is a “win-win” for Democrats: either it will lead to the President’s defeat or it will hurt enough Republican Senators in tough races to hand Democrats the majority. Or maybe both.

The political purpose of impeachment was clear from the manner in which House Democrats conducted their proceedings. If impeachment was indeed the high-minded, somber affair that Speaker Nancy Pelosi claimed, House Democrats would have taken their time to get all the facts from all relevant witnesses. Instead, they barreled ahead with a slipshod and secretive process, denying the President’s due-process rights, gathering testimonies—all hand-selected by the House managers to look at the whole picture, the flawed process in the House, the purely partisan nature of the articles of impeachment, the President’s actions that led to his impeachment, and the impact of all of this on our constitutional norms.

Most importantly, we must weigh the impact on our Nation and on the legitimacy of our institutions of government, if the Senate were to agree with the House managers’ demands to override a President’s duty to look at the entire record of this proceeding—from what happened in the House to final arguments made here in the Senate. At the heart of impeachment, the President’s actions that led to his impeachment, and the impact of all of this on our constitutional norms.

It is also our job as Senators during an impeachment trial to be guided by “a deep responsibility to future times.” This is a quote from U.S. Supreme Court Justice Joseph Story, two centuries ago, but it couldn’t be more relevant today. With this grave constitutional responsibility in mind, and considering the important factors listed above, I will vote to acquit the President on both charges brought against him.

It may surprise some, but if you listened to all the witnesses in this trial and you examine the sweep of American history, one strong bipartisan point of consensus has emerged: Purely partisan impeachments are not in the country’s best interest. In fact, they are a danger which the Framers of the Constitution clearly feared.

Alexander Hamilton’s warning from Federalist No. 65 bears repeating: “In many cases [impeachment] will constitute a political stunt, and will inlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt . . . . Yet it ought not to be forgotten that the demon of faction will, at certain seasons, extend his sceptre over all the governments of this country.”

The reason for this “greatest danger” is obvious: the weaponization of impeachment as a regular tool of partisan warfare will incapacitate our government, undermine the legitimacy of our institutions, and turn the 2016 election and remove the President. Indeed, the Republican House did not impeach President Obama for, yes, withholding aid from Bowe Bergdahl. Indeed, the Republican House did not impeach the President’s actions that led to the release of an American deserter, nor did they impeach Bush misled the country into the Iraq war or when President Barack Obama broke the law by releasing terrorists from Guantanamo Bay in return for the release of a Taliban insurgent, Sergeant Bowe Bergdahl. Indeed, the Republican House did not impeach President Obama for, yes, withholding aid from Ukraine for 3 full years.

No House in the future should lead the country down this path again. By refusing to do this House’s dirty work, the Senate is stopping this dangerous precedent and preserving the Founders’ understanding that Congress ought to restrain the executive through the many checks and balances still at our disposal. More fundamentally, we are preserving the most important check of all—an election. It is time to teach that lesson to this House and to all future Houses, of both parties.

Nancy Pelosi and Adam Schiff have failed, but the American people lost. Now it is time to get back to doing the people’s business.

Mr. SULLIVAN. Mr. President, I rise today to speak about the impeachment of Donald J. Trump.

The Democratic House managers, who are prosecuting the case against the President, emphasized that history is watching. That is true. Every action taken by the House and the Senate during this impeachment sets a precedent for our country and our institutions of government, whether good or bad.

For that reason, it is our job as Senators to look at the entirety of this proceeding—from what happened in the House to final arguments made here in the Senate. At the heart of impeachment, the President’s actions that led to his impeachment, and the impact of all of this on our constitutional norms.

Yet it must be remembered that the Framers of the Constitution clearly feared the weaponization of impeachment as a regular tool of partisan warfare. The Founders didn’t intend impeachment as a tool to check the Executive over policy disagreements or out of political spite. And the House has never before used impeachment in this way, nor when the Democrats claimed that President George W. Bush misled the country into the Iraq war or when President Barack Obama broke the law by releasing terrorists from Guantanamo Bay in return for the release of a Taliban insurgent, Sergeant Bowe Bergdahl. Indeed, the Republican House did not impeach President Obama for, yes, withholding aid from Ukraine for 3 full years.

No House in the future should lead the country down this path again. By refusing to do this House’s dirty work, the Senate is stopping this dangerous precedent and preserving the Founders’ understanding that Congress ought to restrain the executive through the many checks and balances still at our disposal. More fundamentally, we are preserving the most important check of all—an election. It is time to teach that lesson to this House and to all future Houses, of both parties.
call into question the very legitimacy of our political institutions.

Less than a year ago, Speaker PELOSI said: “Impeachment is so divisive to the country that unless there’s something so compelling and overwhelming and how I don’t think we should go down that path because it divides the country.”

Yet here we are. Against the weight of bipartisan consensus and the wisdom of the Framers, the House still took this dramatic and controversial step, the first purely partisan impeachment in U.S. history. Only Democrats in the House voted to impeach the President, while a bipartisan group of House members opposed.

This was done through rushed House proceedings that lacked the most basic due process procedures afforded Presidents Clinton and Nixon during their impeachment investigations. A significant portion of the House proceedings last fall took place in secret, where the President was not afforded the ability to call his own witnesses, or cross-examine those of the House Democrats. Certain testimonies from these secret hearings were then selectively leaked to a pro-impeachment press in America. In my view, it sounds like something more worthy of the Soviet Union, not the world’s greatest constitutional republic.

Yet here we are. A new precedent has been set in the House. When asked several times if these precedents and the partisan nature of this impeachment should concern us, the House managers dodged the questions, and my Senate colleagues, who in 1999 were so strongly and correctly and vocally against the dangers of purely partisan impeachments, have all gone silent.

Perhaps it is too late. Perhaps the genie is now out of the bottle. Perhaps the danger that Hamilton so astutely predicted 233 years ago is upon us. I hope not. No one thinks that partisan impeachments every few years would be good for our great Nation.

The Senate does not have to validate this House precedent, and a Senate focused on “deep responsibility to future generations” shouldn’t do so.

In addition to unleashing the danger of purely partisan impeachments, the House’s impeachment action and their arguments before the Senate, if ratified, have potential to undermine other critical constitutional norms, such as the separation of powers and the independence of our judiciary.

These traditions exist to implement the will of the people we represent and to protect their liberty. And yet so much of what has already been done in the House and what has now been argued in the Senate has little or no precedent in U.S. history, thereby threatening many of the constitutional safeguards that have served our country so well for over two centuries.

Take, for example, the debate we recently had on whether to have the Senate seek additional evidence for this impeachment trial. The House Managers claim that, by not doing so, we are undermining a “fair trial” in the Senate. The irony of such a claim should not be lost on the American people.

Throughout this trial, and in their briefs, the House managers have claimed dozens of times that they have “overwhelming evidence” on the current record to impeach the President, thereby undermining their own rationale for more evidence. And in the name of fairness, it is well documented that the Democratic leadership in the House just conducted the most rushed, partisan, and fundamentally unfair House impeachment proceedings in U.S. history.

A Senate vote to pursue additional evidence and witnesses would have turned the article I constitutional impeachment responsibilities of the House and Senate on their heads. It would have required the Senate to do the impeachment investigation work, even when the House affirmatively declined to seek additional evidence last fall, such as subpoenaing Ambassador John Bolton, because of Speaker PELOSI’s artificial deadline to impeach the President.

A vote by the Senate to pursue additional evidence that the House consciously chose not to obtain would incentivize less thorough and more frequent partisan impeachments in the future, a danger that should concern us all.

Another example of the House’s attempt to erode long-standing constitutional norms is found in its second Article of Impeachment, obstruction of Congress. This article claims that the President committed an impeachable offence by resisting House subpoenas for witnesses and documents, even though the House didn’t attempt to negotiate, accommodate, or litigate the President’s executive privileges, such as executive privilege and immunity, to provide such evidence.

These defenses have been utilized by administrations, Democratic and Republican, for decades and go to the heart of the separation of powers within the article I and article II branches of the Federal Government and even implicate a defendant’s right to vigorously defend oneself in court. Indeed, the Supreme Court acknowledged in United States v. Nixon that the President has the right to assert executive privilege.

Nevertheless, the House managers argued that the mere assertion of these constitutional rights is an impeachable offense, in essence claiming the unilateral power to define the limits and scope of executive privilege, while simultaneously usurping that power from the courts, where it has existed for centuries.

Indeed, the House managers even argued that merely defending these defenses is itself an impeachable offense. This is a dangerous argument that demonstrates a lack of understanding of basic constitutional norms. As U.S. Supreme Court Justice Brandeis stated in his famous dissent in Myers v. United States, “The doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.” If allowed to stand, the implications of these House precedents for our Nation and the individual liberties of the people we represent are difficult to discern, but would be profound and likely very negative.

Similarly concerning were the attempts, both subtle and not so subtle, to inject Chief Justice Roberts of the U.S. Supreme Court into this trial. The smooth siren song of House Manager Nadler as an article III judge and while the Senate and Chief Justice into a constitutional labyrinth for which there may have been no exit, was a recurring theme of this trial.

“We have a perfectly good judge here,” SCHIFF said over and over again, “whom you all trust and have confidence in.” Let him quickly decide all the weighty legal and constitutional issues before the Senate, the relevance of witnesses, claims of immunity and executive privilege, what House Manager NADLER described on day 1 of the trial as “executive privilege, and other nonsense.”

Moreover, the Chief Justice could do this all within a week, SCHIFF told us. It all seemed so simple, rational, and efficient. But our Constitution doesn’t work this way. The Chief Justice, in an impeachment of the President, sits as the Presiding Officer over the Senate, not as an article III judge. And while the Senate can delegate certain trial powers to him, it cannot delegate matters, such as a President’s claims of executive privilege, over which the Senate itself does not have constitutional authority.

The quick and efficient fix SCHIFF was tempting the Senate with might have ended up as a form of constitutional demolition. And as the trial proceeded, it became apparent that it was more than just claims of efficiency behind the invitation to draw the Chief Justice fully into the trial.

There was something else afoot, a subtle and not so subtle attempt by some to attack the credibility and independence of the Chief Justice and the Court he leads. The junior Senator from Massachusetts’ question for the House managers, which drew an audible gasp from those watching in the gallery, later acknowledged, if made this clear, when she asked about “the loss of legitimacy of the Chief Justice, the Supreme Court, and the Constitution,” so too did Minority Leader SCHUMER’s parliamentary inquiry about the precedent from the impeachment of President Johnson 150 years ago, on the role of the Chief Justice in breaking ties on 50-50 votes in
the Senate during Presidential impeachments. Chief Justice Roberts’ cogency, historically accurate, and constitutionally, based answer to this inquiry will set an important precedent on this impeachment issue for generations to come.

Perhaps it is all a coincidence, but as these attempts to diminish the Chief Justice’s credibility by more fully dragging him into this impeachment trial were ongoing, much more harsh political ad attacks directly attacking him in this regard were also launched across the country. Members of the Senate, noticed, and we were not impressed.

The independence of the Federal judiciary as established in our Constitution is a gift to our Nation that has taken centuries to develop. The overreach of the House managers and certain Democratic Senators seeking to undermine this essential constitutional norm was a disappointing and even dangerous aspect of this impeachment trial.

When historians someday write about this divisive period of American history, they would do well to focus on these subtle and not so subtle attacks on the Chief Justice’s credibility—and by extension the credibility of the Supreme Court—for it was clearly one of the important reasons why the Senate voted last week, 51 to 49, to no longer prolong the trial phase of this impeachment.

The impeachment articles do not charge the President with a crime. Although there was much debate in the trial on whether this is required, it is undisputed that in all previous presidential impeachments—Johnson, Nixon, and Clinton—the President was charged with having violated a criminal statute. And there was little dispute that these charges were accurate. Lowering the bar to non-criminal offenses has set a new precedent. How ever, whether a crime is required is still debatable. Instead, the House impeachment charged the President with an abuse of power based on speculative interpretation of his intent. So what about the President’s actions that were the primary focus of this impeachment trial and the basis of the House’s first Article of Impeachment claim that he abused his power? The House managers argued that the President abused his power by taking actions that on their face appeared valid— withholding aid to a foreign country and investigating corruption—but were motivated by “corrupt intent.”

One significant problem with this argument is that it is vague and hinges on deciphering the President’s intent and motives, a difficult feat because it is subjective and could be—and was in deed in this case—defined by a partisan House. Further, the House managers argued essentially that there could be no legitimate national interest in pursuing investigations into interference of the U.S. 2016 elections by Ukraine and corruption involving Burisma.

I believe all Presidents have the right to investigate interference in U.S. elections and credible claims of corruption and conflicts of interest, particularly in countries where America sends significant amounts of foreign aid, like Ukraine, and where corruption is endemic; his actions were motivated by a desire to assure that aid would be used for official and robust channels, such as pursuing cooperation through the U.S. Mutual Legal Assistance Treaty with Ukraine, with the Department of Justice in the lead. I also believe that the role of Rudy Giuliani has caused confusion and may have undermined the Trump administration’s broader foreign policy goals with regard to Ukraine.

But none of this even remotely rises to the level of an offense that merits removal from office. It is difficult to imagine a situation requiring a higher burden of proof. The radical and dangerous step that the House Democrats are proposing seems to have been lost in all of the noise.

What the Senate is asked to do is not just overturn the results of the 2016 election—nullifying the votes of millions of Americans—but to remove the President from the 2020 ballot, even as primary voting has begun across the country.

Such a step, if ever realized, would do infinitely more damage to the legitimacy of our constitutional republic and political system than any mistake or error of judgment President Trump may have made.

An impeachment trial is supposed to be the last resort to protect the American people against the highest crimes that undermine and threaten the foundations of our Republic, not to get rid of a President because a faction of one political party disagrees with the way he governs. That is what elections are for.

I trust the Alaskan and American people, not House Democrats, with the monumental decision of choosing who should lead our Nation. And soon, they will decide, again, who should lead our Nation. In churches, libraries, and school cafeterias, the people all across the country will vote for who they want to represent them. And I am confident that the American people will make their choices wisely.

Let me conclude by saying a few words about where we should go from here.

Right before this impeachment trial began, I was at an event in Wasilla, AK, where many of Alaska’s military veterans attended. A proud veteran approached me with a simple but fervent request. “Senator SULLIVAN,” he said, “protect our Constitution.”

So many of us, including me, have heard similar pleas over the past few months from the people we represent, but there was something about the way he said it, something in his eyes that truly got my attention. I realized that something was fear. That man, a brave Alaskan who had served in the military to protect our constitutional freedoms, was afraid that the country he knows and loves, his America, was at stake. And I have to admit that I have had similar fears these past weeks.

But I look around me, on this floor, and I continue to see hope for our Nation.

I see my colleagues on the other side of the aisle—my friends—who are willing to work with me on so many issues to find solutions sorely needed for the country.

And back home, I see my fellow Alaskans, some of them fearful, but also so hungry to do their part to help heal the divides.

We should end this chapter, and we should take our cues from them, the people whose spirit and character made America great. It makes us want us to protect our Constitution. They need us to work together to do that and address America’s challenges.

It’s time to get back to the work Alaskans want the Congress to focus on. Issues like improving our infrastructure, rebuilding our military, cleaning up our oceans, lowering healthcare costs and drug prices, opening markets for our fishermen, and taking care of our most vulnerable in society like survivors of sexual assault and domestic violence and those struggling with addiction.

That is what I am committed to do.

Ms. CORTEZ MASTO. Mr. President, the decision I make today is not an easy one, nor should it be.

I have approached this serious task with an open and impartial mind, as my trial oath required. I have studied the facts and the evidence of the case before me.

I have been an attorney for over two decades, and I was the attorney general of Nevada for 8 years. And I keep coming back to what I learned in the courtroom. The law is a technical field, but it is also based on common sense.

You don’t have to study the law for years to know that stealing and cheating are wrong. It is one of the first things we learn in our formative years.

And you don’t have to be a law school professor to realize that a President who is using the job to the American people’s advantage should not benefit himself personally.

Abraham Lincoln reminded us that our Nation was founded on the essential idea of government “of the people, by the people, for the people.”

As I sat on the Senate floor thinking about President Lincoln and listening to the arguments in President Trump’s impeachment trial, I thought of the awesome responsibility our Founding Fathers entrusted to each Senator.

I thought about all of the Nevadans I represent—those who voted for President Trump and those who did not. For those who did, I put myself in
their shoes and considered how I would respond if the President were from my political party.

The removal of a sitting President through impeachment is an extraordinary remedy. It rarely occurs, and no Senator should rush into it.

Yet impeachment is a key part of our constitutional order. When our Founding Fathers designed the Office of the Presidency, the Framers of the Constitution had just gotten rid of a King, and they had wanted another one.

They were afraid that the President might use his extensive powers for his own benefit.

To prevent this, the Framers provided for impeachment by the House and trial by the Senate for "treason, bribery, or other high crimes and misdemeanors."

They didn't have to do things this way. They could have left it up to the courts, a due process trial of a President accused of wrongdoing.

But they wanted to make sure each branch of government could be a check on the other, which would bring balance to our system of government.

And we were especially concerned with the idea of an all-powerful Executive who might abuse his power and invite foreign interference in our elections.

The concern is reflected in the Articles of Impeachment laid out by the House managers.

Putting aside the biases I heard coming from both political parties, I focused on getting to the truth of the case—like any trial attorney.

The truth in any case that I have been involved with starts with the facts.

For 2 weeks I listened to the arguments presented by both sides, took notes, posed questions, and identified the facts that were supported and substantiated and those that were not.

With a heavy heart and great sadness, I became convinced by the evidence that President Trump intentionally withheld security assistance and a coveted White House meeting to pressure Ukraine into helping him politically, even though Ukraine was defending itself from Russia.

"This wasn't an action "of the people, by the people, for the people." President Trump used the immense power of the U.S. Government not for the people but, rather, for himself.

We know these facts from President Trump's own words in a phone call to Ukrainian President Zelensky in July and in statements to the press in October.

We also know through testimony provided during the House investigation that President Trump tried to pressure Ukraine to announce those investigations, first by conditioning a visit by President Zelensky to the White House on them and later by denying $391 million in security assistance to Ukraine.

Some of my colleagues don't dispute these facts.

President Trump's actions interfere with the fundamental tenets of our Constitution. Citizens do not get to govern themselves if the officials who get elected seek their own benefit to the detriment of the public good.

The Framers knew this. They were very aware that officials could leverage their office to benefit themselves.

In Federalist No. 65, Alexander Hamilton explained why we had the impeachment power in the first place: it was to respond to "those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust."

With the undisputed facts condemning the president, I listened to the President's counsel argue that the Articles of Impeachment were defective because abuse of power and obstruction of Congress are not crimes.

However, many constitutional scholars soundly refuted this argument, and precedent supports them. The Impeachment Articles in President Nixon's case included abuse of power and obstruction of Congress.

During this impeachment investigation, the President blocked all members of his administration from testifying in response to congressional committee requests and withheld all documents.

This action is absolutely unprecedented in American history. Even Presidents Nixon and Clinton allowed staff to testify to Congress during impeachment investigations and provided some documents.

The executive branch has no blanket claim to secrecy. It works for the American people, as do Members of Congress.

In the Senate, the President's counsel argued that the House investigators should have fought this wholesale obstruction in court. Yet at the same time, in a court down the street, other administration lawyers contended that the courts should stay out of disputes between Congress and the President.

The President's counsel also argued that the American people should decide in the next election whether to remove President Trump for his actions. But if this were the standard, then the impeachment clause could only ever be used for the second term of a Presidency, when no upcoming election would preserve the country.

Most importantly, isn't the impeachment clause pointless if a president can abuse his power in office and then complain that the House refused to comply with a House impeachment investigation and a Senate trial in order to delay until the next election?

The Framers themselves actually argued about whether Americans could rely on elections to get rid of bad presidents. They decided that if they didn't put the impeachment power into the Constitution, a corrupt President "might be willing to do anything to get himself reelected."

James Madison said that without impeachment, a corrupt President "might be fatal to the Republic."

And through my oath of office as a Senator, I swore to protect not just Nevadans but also our great Republic.

Our country, unfortunately, has never been more divided along party lines. It played out in the House impeachment investigation and in the Senate trial. The Senate rules for the trial were not written by all of the Senators with bipartisan input. Instead, they were written behind closed doors by one man in coordination with the President. In so doing, the Senate has abdicated its powerful check on the executive branch.

Without this important check, I am concerned about what the President will do next to put our Republic in jeopardy.

We have seen that President Trump is willing to violate our Constitution in order to get himself reelected. He has disrespected norms and worked to divide our country for his own political gain. He has undermined our standing in the world and put awesome pressure on foreign leaders to benefit himself rather than to advance the interests of our country.

I have also learned from this trial that the President is willing to take any action, including cheating in the next election, to serve his personal interest.

No act in our country is more sacred and solemn for democracy than voting, and nothing in our system of government is more vital to the continued health of our democratic elections. No American should stand for foreign election interference, much less invite it.

American elections are for Americans.

That is why I cannot condone this President's actions by acquitting him.

Finding the President guilty of abuse of power and obstruction of Congress marks a sad day for our country and not something I do with a light heart.

But I was sent to Congress not just to fight for all Nevadans but also to fight for our children and their future. To leave them with a country that still believes in right and wrong, that exposes corruption in government and holds it accountable, that stands up to tyranny at home and abroad.

In my view, President Trump has fallen far, far short of those lofty ideals and of the demands of our Constitution.

That requires the rest of us, regardless of party, creed, or ethnicity, to work together all the more urgently to defend our democracy, our elections, and our national security.
I have faith in Americans because I have seen time and time again in Nevada our ability to come together and work with one another for our common good. America is more than just one person, and like President Lincoln’s, my faith will always lie with the people.

Ms. ROSEN. Mr. President, I didn’t come to the Senate expecting to sit as a juror in an impeachment trial. I have participated in this trial with an open mind, determined to evaluate using the evidence presented to me — and with a focus on my constitutional obligations. I listened to the arguments, took detailed notes, asked questions, and heard both sides answer questions from my colleagues.

After thorough consideration, based on the evidence presented, sadly, I find I have no choice but to vote to remove the President from office.

The first Article of Impeachment charges the President with abuse of power, specifically alleging that the President used the powers of his public office to obtain an improper political benefit. I can now conclude the evidence shows that this is exactly what the President did. He engaged in a scheme or course of conduct critically important security assistance from Ukraine in order to persuade the Ukrainian Government to investigate his political rival. I understand that foreign policy involves negotiations and advantages, and using all the powers at our disposal to advance U.S. national security goals. But this was different. The President sent his personal attorney, whose obligation is to protect the personal interests of the President, not the United States, to meet and negotiate with foreign government officials from Ukraine to get damaging information about the President’s rivals, culminating in the July 25 phone call between the U.S. and Ukrainian Presidents, during which the President used his position to withhold aid until a political favor was completed. In doing so, the President put U.S. national security and a key alliance against Russian aggression at risk, all so he could benefit politically from the potential fallout from an investigation into a possible opponent.

While I would like to hear more from witnesses and see the documents the President is using to withhold aid until a political favor was completed, the evidence presented is compelling and not evidence if it were any President. The President’s refusal to negotiate in good faith with the House investigators over documents and testimony and instead to impede any investigation into his official conduct can only be characterized as blatant obstruction.

More importantly, it suggests that he will continue to operate outside the law, and if he believes he can ignore lawful subpoenas from Congress, it will be impossible to hold him accountable. For these reasons, I will vote to convict the President of obstruction of Congress, as delineated in article II. Impeachment is a constitutional remedy, not a partisan exercise. To fulfill my constitutional role as a juror, I asked myself how I would view the evidence if it were any President accused of this conduct. Based on the facts and arguments presented, I conclude that no President of the United States, regardless of party, can trade congressionally approved and legally mandated military assistance for personal political favors. No one is above the law, not this President or the next President. Having exercised my constitutional duty, I will continue what I have been doing over the course of this trial and have done since I first came to Congress, to look past partisanship and develop bipartisan solutions that help hard-working families in Nevada and across the country.

RECESS SUBJECT TO THE CALL OF THE CHAIR
Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate at 4:00 p.m. recessed subject to the call of the Chair and reassembled at 4:04 p.m., when called to order by the Chief Justice.

TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES
The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment.

THE JOURNAL
The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial is approved to date.

The Deputy Sergeant at Arms, Jennifer Hemingway, will make the proclamation.

The Deputy Sergeant at Arms, Jennifer Hemingway, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep a clear space of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Donald John Trump, President of the United States.

As a reminder to everyone in the Chamber, as well as those in the Galleries, demonstrations of approval or disapproval are prohibited.

The CHIEF JUSTICE. The majority leader is recognized.

Mr. McCONNELL. Mr. Chief Justice, the Senate is now ready to vote on the Articles of Impeachment, and after that is done, we will adjourn the Court of Impeachment.

ARTICLE I
The CHIEF JUSTICE. The clerk will now read the first Article of Impeachment.

The senior assistant legislative clerk read as follows:

ARTICLE I: ABUSE OF POWER
The Constitution provides that the House of Representatives “shall have the sole Power of Impeachment” and that the President “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” In his conduct of the office of President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States—Donald J. Trump has abused the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election. He did so through a scheme or course of conduct that included soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage. President Trump also sought to undermine the Government of Ukraine to take these steps by conditioning official United States Government
acts of significant value to Ukraine on its public announcement of the investigations. President Trump engaged in this scheme or course of conduct for corrupt purposes in pursuit of political benefit. In so doing, President Trump used the powers of the Presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States democratic process. He thus injured and ignored the interests of the Nation.

President Trump engaged in this scheme or course of conduct through the following means:

(1) President Trump—acting both directly and through his agents within and outside the United States Government—corruptly solicited the Government of Ukraine to publicly announce investigations into:

(a) A political opponent, former Vice President Joseph R. Biden, Jr.; and

(b) A discredited theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 United States presidential election.

(2) With the same corrupt motives, President Trump—acting both directly and through his agents within and outside the United States Government—conditioned two official acts on the public announcements that he had requested—

(A) The release of $391 million of United States taxpayer funds that Congress had appropriated on a bipartisan basis for the purpose of providing vital military and security assistance to Ukraine to oppose Russian aggression and which President Trump had ordered suspended; and

(B) A head of state meeting at the White House, which the President of Ukraine sought to demonstrate continued United States support for the Government of Ukraine in the face of Russian aggression.

(3) Faced with the public revelation of his actions, President Trump ultimately released the military and security assistance to the Government of Ukraine, but has persisted in openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit.

These actions were consistent with President Trump’s previous invitations of foreign interference in United States elections. In a May 23, 2019, phone call, President Trump asked the President of Ukraine to “look into” the matters with respect to the Governor of Pennsylvania, Tom Wolf, and the Democratic governor of Michigan, Gretchen Whitmer, as well as investigations of Hunter and Joe Biden. In a June 24, 2019, phone call, President Trump sought to have the United States intercede on behalf of a Ukrainian official, Andriy7758byvs, who was under investigation by the Ukrainian authorities, in exchange for an official meeting, which was ultimately scheduled.

Wherefore, President Trump, by such conduct, has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump’s actions imperil the Constitution and our electoral democracy. In a manner contrary to his trust as President solely in the House of Representatives, President Trump has sought to arrogate to himself functions and judgments necessary to the exercise of the “sole Power of Impeachment” vested by the Constitution in the House of Representatives to investigate “high Crimes and Misdemeanors”. This abuse of office served to cover up the President’s own repeated misconduct and to seize and control the power of impeachment—and thus to nullify a vital constitutional safeguard vested solely in the House of Representatives.

In all of this, President Trump has acted in a manner contrary to his trust as President to provide an adequate corrective to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, President Trump, by such conduct, has demonstrated that he will remain a threat to the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

VOTE ON ARTICLE I

The CHIEF JUSTICE. Any Senator, when his or her name is called, will stand at his or her place and vote guilty or not guilty, as required by rule XXIII of the Senate Rules on Impeachment.

The clerk will read the second Article of Impeachment.

The legislative clerk read as follows:

ARTICLE II: OBSTRUCTION OF CONGRESS

The Constitution provides that the House of Representatives “shall have the sole Power of Impeachment” and that the President “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”. This abuse of office served to cover up the President’s own repeated misconduct and to seize and control the power of impeachment—and thus to nullify a vital constitutional safeguard vested solely in the House of Representatives.

In all of this, President Trump has acted in a manner contrary to his trust as President to provide an adequate corrective to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, President Trump, by such conduct, has demonstrated that he will remain a threat to the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

VOTE ON ARTICLE II

The CHIEF JUSTICE. The question is on the second Article of Impeachment.
Senators, how say you? Is the respondent, Donald John Trump, guilty or not guilty?

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—guilty 47, not guilty 53, as follows:

**[Roll Call Vote No. 34]**

**GUILTY—47**

Baldwin
Bennet
Blumenthal
Booher
Brown
Cassidy
Cardin
Carper
Cassidy
Coons
Corry
Duckworth
Durbin
Feinstein
Gillibrand
Harris
NOT GUILTY—53

Alexander
Baucus
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Casidy
Collins
Corry
Cotton
Cramer
Crapo
Cruz
Daines
Embi
Ernst

The CHIEF JUSTICE. On this Article of Impeachment, 47 Senators have pronounced Donald John Trump, President of the United States, guilty as charged; 53 Senators have pronounced him not guilty as charged; two-thirds of the Senators present not having pronounced him guilty, the Senate adjudge that respondent, Donald John Trump, President of the United States, is not guilty and charge him in the second Article of Impeachment.

The Presiding Officer directs judgment to be entered in accordance with the judgment of the Senate as follows:

The Senate, having tried Donald John Trump, President of the United States, upon two articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained therein, it is, therefore, ordered and adjudged that the said Donald John Trump be, and he is hereby, acquitted of the charges in said articles.

The Chair recognizes the majority leader.

**COMMUNICATION TO THE SECRETARY OF STATE AND TO THE HOUSE OF REPRESENTATIVES**

Mr. MCCONNELL, Mr. Chief Justice, I send an order to the desk.

The CHIEF JUSTICE. The clerk will report the order.

The legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by Rule XXII of the Rules of Procedure and Practice of the Senate when sitting on impeachment trials, and also to the House of Representatives, the judgment of the Senate in the case of Donald John Trump, and transmit a certified copy of the judgment to each.

The CHIEF JUSTICE. Without objection, the order will be entered.

The majority leader is recognized.

**EXPRESSION OF GRATITUDE TO THE CHIEF JUSTICE OF THE UNITED STATES**

Mr. MCCONNELL. Mr. Chief Justice, before this process fully concludes, I want to very quickly acknowledge a few of the people who helped the Senate fulfill its unique role.

First and foremost, I know my colleagues join me in thanking Chief Justice Roberts for presiding over the Senate trial with a clear head, steady hand, and the forbearance that this rare occasion demands.

We know full well that his presence as our Presiding Officer came in addition to, not instead of, his day job across the street, so the Senate thanks the Chief Justice and his staff who helped perform this unique role.

Like his predecessor, Chief Justice Rehnquist, the Senate will be awarding Chief Justice Roberts the golden gavel to commemorate his time presiding over this body. We typically award this to new senators after about 100 hours in the chair, but I think we can agree that the Chief Justice has put in his due and then some.

The page is delivering the gavel. The CHIEF JUSTICE. Thank you very much.

Mr. McCONNELL. Of course, there are countless Senate professionals whose efforts were essential, and I will have more thorough facts to offer next week to all of those teams, from the Secretary of the Senate’s office, to the Parliamentarian, to the Sergeant at Arms team, and beyond.

But there are two more groups I would like to single out now. First, the two different classes of Senate pages who performed this trial, their footwork and cool under pressure literally kept the floor running. Our current class came on board right in the middle of the third Presidential impeachment trial in American history and quickly found themselves hand-delivering (Applause.)

180 question cards from Senators’ desks to the dais.

No pressure, right, guys?

So thank you all very much for your very good work.

Second, the fine men and women of the Capitol Police, we know that the safety of our democracy literally rests in their hands every single day, but the heightened measures surrounding the trial meant even more hours and even more work and even more vigilance.

Thank you all very much for your service to this body and to the country.

Farmers, like their predecessor, Chief Justice on national television is not how most of us spend our first week at work, but they did it with aplomb.

I would also like to extend my personal thanks to David Hauck, Director of the Office of Accessibility Services; Tyler Pumphrey, supervisor; and Grace Ridgeway, wonderful Director of the Capitol Police, for their diligence.

Everyone on Grace’s team worked so hard to make sure we were ready for impeachment: Gary Richardson, known affectionately to us as “Tiny,” the chief Chamber attendant; Jim Hoover and the cabinet shop who built new cabinets to deprive us of the use of our electronics and flip phones during the trial; Brenda Byrd and her team who did a spectacular job of keeping the Capitol clean; and Lynden Webb and his team, who moved the furniture, and then moved it again and again and again.

Grace, we appreciate all your hard work. Please convey our sincerest thanks to your staff. Thank you all, those brave men and women who work through many long days and late nights during this very trying time in our Nation’s history.

[Statement of the Chief Justice of the United States on the Senate Floor]

The CHIEF JUSTICE. At this time, the Chair also wishes to make a very brief statement.

I would like to begin by thanking the majority leader and the Democratic leader for their support as I attempted to carry out ill-defined responsibilities in an unfamiliar setting. They ensured that I had wise counsel of the Senate itself through its Secretary and her legislative staff.

I am especially grateful to the Parliamentarian and her deputy for their unfailing patience and keen insight. I am likewise grateful to the Sergeant at Arms and his staff for the assistance and many courtesies that they extended during my period of required residency. Thank you all for making my presence here as comfortable as possible.

As I depart the Chamber, I do so with an invitation to visit the Court. By
long tradition and in memory of the 135 years we sat in this building, we keep the front row of the gallery in our courtroom open for Members of Congress who might want to drop by to see an argument—or to escape one.

I also depart with sincere good wishes as we carry out our common commitment to the Constitution through the distinct roles assigned to us by that charter. You have been generous hosts, and I look forward to seeing you again under happier circumstances. The Chair recognizes the majority leader.

ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT
Mr. McCONNELL. Mr. Chief Justice, I move that the Senate, sitting as a Court of Impeachment on the Articles against Donald John Trump adjourn sine die.

The motion was agreed to, and at 4:31 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

LEGISLATIVE SESSION
ESCORTING OF THE CHIEF JUSTICE
Whereupon, the Committee of Escort: Mr. BLUNT of Missouri, Mr. LEAHY of Vermont, Mr. GRAHAM of South Carolina, and Mrs. FEINSTEIN of California, escorted the Chief Justice from the Chamber.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Sergeant at Arms escorted the House managers from the Chamber.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 562.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nominations of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION
Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION
We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

LEGISLATIVE SESSION
Mr. McCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 563.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION
Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION
We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

LEGISLATIVE SESSION
Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 461.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

CLOTURE MOTION
Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION
We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

LEGISLATIVE SESSION
Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 461.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION
Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented...
under rule XXII, the Chair directs the clerk to read the motion. The senior assistant legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

**LEGISLATIVE SESSION**

Mr. McCONNELL, Mr. President, I ask unanimous consent to move to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. McCONNELL, Mr. President, I move to proceed to executive session for the consideration of Calendar No. 535.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Philip M. Halpern, of New York, to be United States District Judge for the Southern District of New York.

**CLOTURE MOTION**

Mr. McCONNELL, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum calls for these cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

**LEGISLATIVE SESSION**

**MORNING BUSINESS**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

**TRIBUTE TO DONNA PASQUALINO**

Mr. GRASSLEY. Mr. President, I would like to recognize a remarkable Senate career that has drawn to a close after nearly 30 years. Donna Pasqualino began her career with the Office of the Legislative Counsel in May of 1990. Donna came to the office having spent several years at the Naval Research Lab. Hired to serve as a staff assistant in the office Donna quickly mastered the job and became a valuable asset to the office attorneys as they worked to produce draft legislation for the Senate. In 2001, Donna was promoted to office manager. She flourished in that position, carrying out her duties with the highest degree of professionalism keeping the office running smoothly and efficiently for the last 20 years.

Donna is a people person. While working for the office, she was frequently seen in the halls of the Senate office buildings, hustling to the Disbursing Office to drop off vouchers and other important papers for the office, just doing her daily walk during her lunch break to get in some exercise. Whether she was on official office business or just getting in some exercise, Donna always had a smile on her face or a kind word for the many Senators and Senate staffers that she met along the way.

Donna is now moving on to a well-earned retirement. She has relocated to the Eastern Shore of Maryland with her husband Frank and plans to learn to dance. She is looking forward to spending more time with her four grandchildren. She departs with the immeasurable thanks and gratitude of the staff of the Office of Legislative Counsel and the Senate and with our best wishes for her and for her family.

**VOTE EXPLANATION**

Mr. BOOKER. Mr. President, throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 2/7/19 for vote No. 18, motion to table amendments to the Natural Resources Management Act, S. 47, PL 116-9.

Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 2/7/19 for vote No. 18, motion to table amendment to the Natural Resources Management Act, S. 47, PL 116-9.

Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 4/11/19 for vote No. 77, the confirmation of David Bernhardt to be Secretary of the Interior.

Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 4/11/19 for vote No. 77, the confirmation of David Bernhardt to be Secretary of the Interior.
Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 9/26/19 for vote No. 318, amendment to continuing appropriations, 2020/health extenders, H.R. 4378, PL 116-59.

Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 10/31/19 for vote No. 340, amendment to further continuing appropriations, 2020, H.R. 3055.

Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 10/31/19 for vote No. 339, amendment to continuing appropriations, 2020, H.R. 3055.

Throughout my time in Congress, I have worked to address our Nation’s most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 12/11/19 for vote No. 395, confirmation of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service.

ADDITIONAL STATEMENTS

REMEMBERING DENMAN WOLFE

- Mr. COTTON. Mr. President, Denman Wolfe of Scottsville, AR, was called home to be with the Lord last Thursday at age 98. He was Arkansas’s last surviving Army Ranger who served in the Second World War.

Denman’s whole life was a portrait of honor, and he will be remembered especially for his heroic actions at age 23, when he took part in the invasion of Normandy—one of many thousands of American troops who stormed the beaches that morning to free Europe from Nazi tyranny.

Private Wolfe was part of the elite 5th Ranger Battalion charged with silencing the guns atop Pointe du Hoc, a dagger-like cliff well-guarded by German troops. His force landed at Omaha Beach amid intense artillery fire, sustaining casualties amid the fighting on the beachhead. He was still on the beach with his fellow Rangers when MG Norman Cota shouted the order that has now become part of Ranger lore: “Rangers, lead the way!”

Denman Wolfe obeyed this order with distinction over the course of his military service. In addition to fighting on D-day, Wolfe led the way during the Allied invasions of North Africa and Sicily during World War II and later in Asia during the Korean war. In total, he served in the Army for more than 20 years, remaining on Active Duty until 1964 and attaining the rank of sergeant first class. For his service, Wolfe was awarded the Bronze Star, Purple Heart, and many other combat decorations.

Denman’s service to his country didn’t end once he left the military, however. Once marked, a Ranger serves for life. After settling in Arkansas after the war, Denman was called to work for his adopted State as a correctional officer, deputy sheriff, and election judge.

But his heart was always with the land, where he worked for many years as a rancher. Denman’s many friends and relatives remember him as an avid outdoorsman who spent his free time fishing, hunting, gardening, foraging—even winemaking.

Denman took special joy in sharing these hobbies with his family, including his wife, Kay, his two daughters, Lesa and Lori, and his many grandchildren and great-grandchildren. In Wolfe, there was a greatest of a great generation. It is fitting we honor him for his bravery at age 23 as a young private but also for a lifetime of service to his country and community. We honor him for his sake but also to hold up his life as an example worthy of emulation. It is worth noting that Denman has already inspired others to follow his lead: his daughter, Lesa, served in the U.S. Army just like he did. Let’s hope that many others are inspired to serve by his example.

In every aspect of life, Rangers lead the way. Denman Wolfe took this motto to heart during his long life. Now he is leading the way again, going ahead of us to our eternal home. May he rest in peace.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3922. A communication from the Acting Director, Office of Management and Budget,
Executive Office of the President, transmitting, pursuant to law, a report entitled “OMB Final Sequestration Report to the President and Congress for Fiscal Year 2020”; to the Select Committee on Aging, Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; the Budget; Commerce, Science, and Transportation; Education; Environment and Public Works; Select Committee on Ethics; Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; Indian Affairs; Select Committee on Intelligence; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans’ Affairs.

EC–3923. A communication from the Assistant Secretary, Office of Electricity, Department of Energy, pursuant to law, a report entitled, “Potential Benefits of High-Power, High-Capacity Batteries”; to the Committee on Appropriations.

EC–3924. A communication from the Assistant Secretary of the Navy (Research, Development, and Acquisition), transmitting, pursuant to law, the report of a rule entitled “Conforming the Acceptable Separation Distance (ASD) Standards for Residential Propane Tanks to Industry Standards” (RIN2506–AC45) received in the Office of the President of the Senate on February 4, 2020; to the Committee on Armed Services.

EC–3925. A communication from the Acting Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting pursuant to law, the report of a rule entitled “Revisions to the Uniform Federal Residential Subsidy Standards” (EC–3926. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Office of Legislation and Congressional Affairs, Department of Education, received in the Office of the President of the Senate on February 4, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC–3927. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, received in the Office of the President of the Senate on February 4, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–3928. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, received in the Office of the President of the Senate on February 4, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–3929. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, received in the Office of the President of the Senate on February 4, 2020; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORAN, from the Committee on Veterans’ Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 450. A bill to require the Secretary of Veterans Affairs to carry out a pilot program to expedite the boarding process for new medical providers of the Department of Veterans Affairs to Wisconsin National Guard, and the hiring process for such medical providers, and for other purposes.

By Mr. MORAN, from the Committee on Veterans’ Affairs, with an amendment:

S. 450. A bill to extend the authorization of appropriations to the Department of Veterans Affairs for purposes of awarding grants to veterans organizations for the transportation of highly rural veterans.

By Mr. MORAN, from the Committee on Veterans’ Affairs, with an amendment in the nature of a substitute:

S. 2864. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on information sharing between the Department of Veterans Affairs and designated relatives and friends of veterans regarding the assistance and benefits available to the veterans, and for other purposes.

By Mr. MORAN, from the Committee on Veterans’ Affairs, with an amendment and an amendment to the title:

S. 3182. A bill to direct the Secretary of Veterans Affairs to carry out the Women’s Health Transition Training pilot program through at least fiscal year 2020, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times, and referred to committee or committees, as indicated:

By Ms. WARREN (for herself, Mr. MARKY, Mr. MENENDEZ, and Mr. BOOKER):

S. 3254. A bill to end the epidemic of gun violence and build safer communities by strengthening Federal firearms laws and supporting gun violence research, intervention, and prevention initiatives; to the Committee on Finance.

By Ms. WARREN (for herself, Mr. BROWN, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. BERNSTEIN, Mr. MARKY, Mr. HASSAN, Mr. SANDERS, Mrs. HIRONO, Mr. PETERS, Ms. STABENOW, Mr. HARRIS, Mr. BOOKER, Mr. BLUMENTHAL, Mr. CARDIN, Mr. SMITH, and Ms. KLOBUCHAR):

S. 3255. A bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes; to the Committee on Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. BROWN, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. BROWN, Mr. DURBIN, Mr. HARRIS, Mr. CARDIN, Mr. REED, Mr. BOOKER, Mrs. FEINSTEIN, Mr. MARKY, Mr. SANDERS, Mr. WHITEHOUSE, Mr. MURPHY, Ms. KLOBUCHAR, Ms. DUCETTE, Mr. LEAHY, Mr. SCHUMER, Mrs. HIRONO, Mr. MENENDEZ, Mr. WYDEN, and Mrs. MURRAY):

S. 3256. A bill to permit employees to require changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require changes to work schedules predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Ms. BALDWIN):

S. 3257. A bill to designate the facility of the United States Postal Service located at 901 West National Avenue, Milwaukee, Wisconsin, as the “Eiman Sarge H. Inman, Jr. Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER:

S. 3258. A bill to foster the implementation of the policy of the United States to achieve 355 battle force ships as soon as practicable; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself, Mr. DAINES, Ms. CANTWELL, Ms. SMITH, Ms. WARNER, Ms. McSALLY, Ms. Cramer, Ms. BALDWIN, Mr. Udall, Ms. Klobuchar, Mr. Rounds, Mr. Heinrich, Mr. BARRASSO, Mr. Hoeven, Mrs. Fischer, and Mr. Thune):

S. 3259. A resolution designating the week beginning February 2, 2020, as “National Tribal Colleges and University Week”; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. MURRAY, Ms. CANTWELL, Ms. McSALLY, Ms. BALDWIN, Ms. STABENOW, Ms. CORTEZ MASTO, Ms. HIRONO, Ms. ROSIN, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. GILLIBRAND, Ms. SIDEMA, Ms. DUCKWORTH, Mrs. SHAREEF, Ms. Collins, Ms. HARRIS, Mr. LEAHY, Ms. SMITH, Ms. HASSAN, and Ms. WARNER):

S. Res. 490. A resolution supporting the observance of “National Girls & Women in Sports Day” on February 5, 2020, to raise awareness of and celebrate the achievements of girls and women in sports; to the Committee on Commerce, Science, and Transportation.

By Mr. McCONNELL (for himself and Mr. SCHUMER):

S. Res. 493. A resolution to authorize testimony, documents, and representation in United States v. Stahniecher; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. DAINES, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a co-sponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to limit the amount of certain qualified conservation contributions.

At the request of Ms. HIRONO, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 277, a bill to posthumously award Congressional Gold Medal to Fred Korematsu, in recognition of his dedication to justice and equality.
To the Committee on the Judiciary:

Following resolution; which was referred to the Committee on the Judiciary:

SEMINOLEDUNO 491—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2020, AS "NATIONAL TRIBAL COLLEGES AND UNIVERISITIES WEEK"

WHEREAS there are 37 Tribal Colleges and Universities operating on more than 75 campuses in 16 States;

WHEREAS Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

WHEREAS Tribal Colleges and Universities serve students from more than 230 federally recognized Indian tribes;

WHEREAS Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which—

(1) enhances Indian communities; and

(2) enriches the United States as a nation;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and the laws of the United States, I hereby designate the week beginning February 2, 2020, as "National Tribal Colleges and Universities Week".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Dated at the request of Mr. LANKFD, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 458, a resolution calling for the global repeal of blasphemy, heresy, and apostasy laws.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 491—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2020, AS "NATIONAL TRIBAL COLLEGES AND UNIVERSITY WEEK"

Mr. TESTER (for himself, Mr. DAINES, Ms. CANTWELL, Ms. SMITH, Ms. WARREN, Ms. MCSALLY, Mr. CRAMER, Ms. BALDWIN, Mr. UDALL, Ms. KLOBUCHAR, Mr. ROUNDS, Mr. HEINRICH, Mr. BARRASSO, Mr. HOEVEN, Mrs. FISCHER, and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

WHEREAS there are 37 Tribal Colleges and Universities operating on more than 75 campuses in 16 States;

WHEREAS Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

WHEREAS Tribal Colleges and Universities serve students from more than 230 federally recognized Indian tribes;

WHEREAS Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which—

(1) enhances Indian communities; and

(2) enriches the United States as a nation;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and the laws of the United States, I hereby designate the week beginning February 2, 2020, as "National Tribal Colleges and Universities Week".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Dated
Whereas Tribal Colleges and Universities are institutions of higher education that prepare students to succeed in the global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 15 percent of the students at Tribal Colleges and Universities are non-Indian individuals;

and whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition; Now, therefore, be it

RESOLVED, that the Senate—

(1) designates the week beginning February 2, 2020, as “National Tribal Colleges and Universities Week”;

and (2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate activities and programs to demonstrate support for Tribal Colleges and Universities.

SENATE RESOLUTION 492—SUPPORTING THE OBSERVATION OF “NATIONAL GIRLS & WOMEN IN SPORTS DAY” ON FEBRUARY 5, 2020, TO RAISE AWARENESS OF SEXUAL ABUSE AND SAFE SPORT AUTHORIZATION ACT OF 2017 (PUBLIC LAW 115-129, 122 STAT. 318), CONGRESS HAS TAKEN STEPS—

(A) TO PROTECT FEMALE ATHLETES FROM THE CRIME OF SEXUAL ABUSE AND

(B) TO EMPower ATHLETES TO REPORT SEXUAL ABUSE WHEN IT OCCURS.

WHEREAS, WITH INCREased PARTICIPATION BY WOMEN AND GIRLS IN SPORTS, IT IS MORE IMPORTANT THAN EVER TO ENSURE THE SAFETY AND WELL-BEING OF ATHLETES FROM THE CRIME OF SEXUAL ABUSE, WHICH HAS HARMED SO MANY YOUNG ATHLETES WITHIN YOUTH ATHLETIC ORGANIZATIONS;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE SUPPORTS—

(1) OBSERVING “NATIONAL GIRLS & WOMEN IN SPORTS DAY” ON FEBRUARY 5, 2020, TO RECOGNIZE—

(A) THE FEMALE ATHLETES WHO REPRESENT SCHOOLS, UNIVERSITIES, AND THE UNITED STATES IN THEIR ATHLETIC PURSUITs; AND

(B) THE IMPORTANT ROLE THAT THE PEOPLE OF THE UNITED STATES HAVE IN EMPOWERING GIRLS AND WOMEN IN SPORTS;

(2) MARKING THE OBSERVATION OF NATIONAL GIRLS & WOMEN IN SPORTS DAY WITH APPROPRIATE PROGRAMS AND ACTIVITIES, INCLUDING LEGISLATIVE EFFORTS—

(A) TO ENSURE EQUAL PAY FOR FEMALE ATHLETES; AND

(B) TO PROTECT YOUNG ATHLETES FROM THE CRIME OF SEXUAL ABUSE SO THAT FUTURE GENERATIONS OF FEMALE ATHLETES WILL NOT HAVE TO EXPERIENCE THE PAIN THAT SO MANY FEMALE ATHLETES HAVE HAD TO ENDURE; AND

(3) ALL ONGOING EFFORTS—

(A) TO PROMOTE EQUALITY IN SPORTS, INCLUDING EQUAL PAY AND EQUAL ACCESS TO ATHLETIC OPPORTUNITIES FOR GIRLS AND WOMEN; AND

(B) TO SUPPORT THE COMMITMENT OF THE UNITED STATES TO EXPANDING ATHLETIC PARTICIPATION FOR ALL GIRLS AND FUTURE GENERATIONS OF WOMEN ATHLETES.

SENATE RESOLUTION 493—TO AUTHORIZE TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. STAHLNECKER

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 493

Whereas, in the case of United States v. Stahlhecker, Cr. No. 19-394, pending in the United States District Court for the Central District of California, the government has requested the production of testimony, and, if necessary, documents from Sarah Harms, an employee of the office of Senator Sherrod Brown, Leah Uhir, an employee of that office, and Kyle Rutherford, an employee of the office of Senator Shelby Moore Capito;

WHEREAS, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288(b)(a) and 288(c)(a)(2), the Senate may direct its counsel to represent and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

WHEREAS, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or any administrative process, be taken from such control or possession but by permission of the Senate; and

WHEREAS, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore be it

RESOLVED, That Sarah Harms and Leah Uhir, current and former employees, respectively, of Senator Brown’s office and Kyle Rutherford, a current employee of Senator Capito’s office, and any other current or former employee of the Senator’s office from whom relevant evidence may be necessary, are authorized to testify and produce documents in the case of United States v. Stahlhecker, except concerning matters for which a privilege should be asserted,

S. RES. 493

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Senator Schatz, I send to the desk a resolution authorizing the production of testimony, documents, and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. President, this resolution concerns a request for evidence in a criminal action pending in California Federal district court. In this action, the defendant is charged with making threatening telephone calls last year to the Washington offices of Senator SHERROD BROWN and Senator SHELLEY MOORE CAPITO. Trial is scheduled to commence on February 11, 2020.

The prosecution is seeking testimony at trial from three Senate witnesses who received the telephone calls at issue: current employees of Senator BROWN’s and Senator CAPITO’s offices and a former employee of Senator BROWN’s office. Senators BROWN and CAPITO would like to cooperate with this request by providing relevant employee testimony, if necessary, documents from their offices.

The enclosed resolution would authorize those staffs, and any other
current or former employee of the Senators' offices from whom relevant evidence may be necessary, to testify and produce documents in this action, with representation by the Senate Legal Counsel.

AUTHORITY FOR COMMITTEES TO MEET

Mr. McConnell. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE
The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a hearing on the following nominations: Kipp Kranbuhl, of Ohio, to be an Assistant Secretary of the Treasury, Sarah C. Arbes, of Virginia, to be an Assistant Secretary of Health and Human Services, and Jason J. Fichtner, of the District of Columbia, to be a Member of the Social Security Advisory Board.

COMMITTEE ON VETERANS' AFFAIRS
The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 9:30 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE
The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a closed briefing.

AUTHORIZING TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. STAHLNECKER
Mr. McConnell. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 493, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:
A resolution (S. Res. 493) to authorize testimony, documents, and representation in United States v. Stahlnecker.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McConnell. I ask unanimous consent that the preamble be agreed to, the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 493) was agreed to.

ORDERS FOR THURSDAY, FEBRUARY 6, 2020, AND MONDAY, FEBRUARY 10, 2020

Mr. McConnell. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m., Thursday, February 6, for a pro forma session only, with no business being conducted; further, that when the Senate adjourns on Thursday, February 6, it next convene at 3 p.m. on Monday, February 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Brasher nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today's session ripen at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. McConnell. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:15 p.m., adjourned until Thursday, February 6, 2020 at 11:30 a.m.