time for him, the demon, to exit the stage. We have indeed witnessed an abuse of power—a grave abuse of power—by just the kind of House majority that the Framers warned us about.

So tomorrow—tomorrow—the Senate must do what we were created to do. We have done our duty. We considered all the arguments. We have studied the “mountain of evidence,” and, tomorrow, we will vote.

We must be able to reject the House’s abuse of power, vote to protect our institutions, vote to reject new precedents that would reduce the Framers’ design to rubble, and vote to keep factual fever from boiling over and scorching our Republic.

I urge every one of our colleagues to cast the vote that the facts in evidence, the Constitution, and the common good clearly require. Vote to acquit the President of these charges. I support the removal of a quorum.

The PRESIDING OFFICER (Mr. Cassidy). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hydzik). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, the majority leader can come up on the floor and repeat his talking points, but there are some salient points that are irrefutable.

The first, this is the first impeachment trial of a President or impeachment trial of anybody else that was completed that has no witnesses and no documents. The American people are just amazed that our Republican friends would not even ask for witnesses and documents.

I thought the House did a very good job. I thought they made a compelling case. But even if you didn’t, the idea that that means you shouldn’t have witnesses and documents, when we are doing something as august, as important as an impeachment trial, fails the laugh test. It makes people believe—correctly, in my judgment—that the administration, its top people, and Senate are all hiding the truth. They are afraid of the truth.

Second, the charges are extremely serious. To interfere in an election, to blackmail a foreign country to interfere in our elections gets at the very core of what our democracy is about. If Americans believe that they don’t determine who is President, who is Governor, who is Senator, but some foreign potentate out of reach of any law enforcement can jaundice our elections, that is the beginning of the end of democracy.

So it is a serious charge. Republicans refused to get the evidence because they were afraid of what it would show, and that is all that needs to be said. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HＹＤＺＩΚ). Without objection, it is so ordered.

Mr. THUNE. Madam President, tomorrow we will be voting on the two impeachment articles sent over to us by the House of Representatives, a process, as the leader pointed out, that really started from the very day this President took office.

I will be voting to acquit the President for several reasons. First and foremost, I do not believe the facts in this life, these lifetime—amount to impeachable offenses. The Framers set for removal from office.

The Founders imposed a threshold for impeachment of “Treason, Bribery, or other high Crimes and Misdemeanors”—in other words, very serious violations of public trust. The Founders were deliberate in their choice of words. They wanted to be clear that impeachment was a severe remedy to be deployed only for very serious violations. When George Mason proposed adding the term “maladministration” to the impeachment clause during the Constitutional Convention, the Framers rejected the proposal because, as Madison pointed out, the term was too vague and would be “equivalent to a tenure during pleasure of the Senate.”

The Founders recognized that without safeguards, impeachment could quickly degenerate into a political weapon to be used to turn over elections when one faction or another decided they didn’t like the President. That is why the Founders split the impeachment power, giving the House sole authority to impeach and the Senate the sole authority to try impeachments. As a final check, the Founders required a two-thirds supermajority vote in the Senate to remove a President.

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The PRESIDING OFFICER (Mr. Hydzik). Without objection, it is so ordered.
that partisan majorities could use impeachment as a political weapon.

In Federalist 65, Alexander Hamilton speaks of the danger of impeachment being used by “an intemperate or designing majority in the House of Representatives” in order to subvert the President. Hamilton notes, “Power to impeach the President and not to remove him from office, the Founders hoped that the Senate would act as a check on any attempt by the House to use the power of impeachment for partisan purposes.

Unfortunately, the Founders’ concerns about partisanship were realized in this impeachment process. For the first time in modern history, impeachment was initiated and conducted on a purely partisan basis.

While the Nixon impeachment proceedings in the House are held up as an example of bipartisanship, even the impeachment of President Clinton was initiated with the support of more than 30 Democrats. By contrast, in this case, House Democrats drove ahead in a completely—completely—partisan exercise. Then they rushed through the impeachment process at breakneck speed, rejecting a thorough investigation because they wanted to impeach the President as quickly as possible. Did they expect the Senate to take on the House’s investigatory responsibility?

House Democrats paid lip service to the idea that they regretted having to impeach President Trump, but their actions told a different story. The Speaker of the House—the Speaker—distributed celebratory pens when she signed the Articles of Impeachment and then went on TV and celebrated the impeachment with a fist bump.

It doesn’t require much work to imagine the damage that could be done to our Republic if impeachment becomes a weapon to be used whenever a political party doesn’t like a President. Pretty soon, Presidents would not be serving at the pleasure of the American people but at the pleasure of the House and the Senate.

We need to call a halt before we have gone too far to turn back. Endorsing the House’s rushed, partisan, and slipshod work would encourage future Houses to use impeachment for partisan purposes. Both parties need to learn that partisan impeachments are perilous.

Finally, I believe that except in the most extreme circumstances, it should be the American people, and not Washington politicians, who decide whether a President should be removed from office. Presidential primary voting, as we learned yesterday in Iowa, is already underway. We have a Presidential election in November, when the people of this country can weigh in and make their voices heard. I think we should leave the decision up to them.

Indeed, given the deep divisions plaguing our country, as reflected in the starkly different views about this impeachment, removing the President from office and from the ballots for the upcoming election would almost certainly plunge the country into even greater political turmoil.

I am deeply troubled by the events of the past few months. I have always believed that we can differ here in Congress while still respecting and working with those who disagree with us, but Democrats have increasingly sought to demonize anyone who doesn’t share their obsession with impeaching this President. One of the House managers in this trial went so far as to suggest that the President who voted against them was treacherous.

At one point, a Senator asked whether the Chief Justice’s constitutionally required participation in the trial was contributing to “the loss of legitimacy of the Chief Justice, the Supreme Court, and the Constitution,” with the clear suggestion that the only way for the Supreme Court to maintain its legitimacy would be for it to agree with the Democratic Party. We have sunk pretty low when we have come to the point of suggesting that disagreement is unconstitutional.

But for all this, I remain hopeful. Congress has been through contentious times before, and we have gotten through them. There is no question that this partisan impeachment has been divisive, but I do believe we can move on from this. I am ready to work with all of my colleagues, both Democratic and Republican, in the coming months to get back to the business of the American people. And for the Nation that we all love, I pray that proves possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Madam President, the Senate must determine whether to remove a President duly elected by the people. A decision of such magnitude deserves, first, full consideration of the merits of the charges; and third, the ramifications of removal would have on our Republic.

The Framers of the Constitution granted the House of Representatives impeachment powers yet cautioned against using that power unless absolutely necessary. Impeachment negates an election in which Americans choose their leader. If substantial numbers of Americans disagree with removing the President, removal damages civic society. If the House should conduct thorough and complete investigations, even if time-consuming, before impeaching,

A thorough investigation educates Americans that a President should be impeached and removed. Failing to convince the people leaves anger towards, disdain for, and abandonment of the democratic process.

The Framers also required a two-thirds Senate majority for removal to prevent partisanship, so that removal only occurs after the House convincingly presents its own Members, the Senate, and the American people. The Watergate investigations, for example, convinced Americans that President Nixon committed crimes, forcing his resignation with overwhelming support for removal in the House and the Senate.

In the case against President Trump, the House declined to call witnesses it considered irrelevant, arguing that pursuit would take too long and the President was an imminent threat to our Republic. House managers blamed legal resistance from the administration and witnesses. For example, Dr. Charles Kupperman threatened that a congressional committee afraid of being sued while claiming to be fearlessly pursuing truth for the good of the country rings hollow. It also rang hollow when Adam Schiff said that we could not wait for the next election for voters to decide President Trump’s fate after Speaker Nancy Pelosi held the articles for 37 days. That decision smacks of partisan political motivation.

The partisanship the Founders warned against is reflected in the House vote with the only bipartisan votes being against impeachment. House Managers Schiff, Nadler, andjen once said that impeachment would divide the Nation. They never explained why their opinions changed.

The role of the Senate, though, is to judge the House’s evidence. House managers stated their case as “overwhelming” and “compelling.” Having not pursued further witness testimony in building their case, the House managers demanded the Senate call witnesses the House did not call.

Additional witnesses, however, would not have changed material facts, but allowing the House to poorly develop a case, sacrificing thoroughness for political timing, would have forever changed the dynamic of the Chambers respective to the role of each in the impeachment process. Should the Senate acquiesce in this manipulation of the process, it would welcome the House to use impeachment as a political weapon whenever the majority feels relevant, arguing that the courts exhaust remedies before bringing charges.

I have been speaking of procedure. I want to emphasize that procedure matters. Justice Frankfurter once wrote: “The history of liberty has largely been the history of the observance of procedural safeguards.” If the appropriate use of impeachment is to be preserved, procedural safeguards must be observed.

Moving now to charges, in article II, House managers argued the President obstructed Congress by acting on the advice of legal counsel to resist subpoenas. The judiciary resolves disputes between the executive and legislative branches. The House should have exhausted judicial remedies before bringing this charge. I shall vote against article II.

On article I, abuse of power, three issues must be addressed: one, the legal standard of guilt by which to judge the President; two, whether the President committed a crime; and if so, three, whether that crime warrants removal from office.
Since the House managers allege President Trump committed something “akin to a crime,” in deciding whether abuse of power is a high crime or misdemeanor, the prudent decision is to apply the principle of lenity. This principle, relied upon by Supreme Court Justice Marshall and Justice Frankfurter, says that if a law is ambiguous, it is better to narrowly interpret the words of a law in favor of the defendant.

Although the preceding discussion finds that the House managers failed to prove their case beyond a shadow of a doubt, failed to define the crime, thereby invoking the principle of lenity, it still is a question that if a crime was committed, was it an impeachable crime?

In 1998, then-Democratic Congressman Ed Markey argued that even though President Clinton, as chief law enforcement officer of the land, lied under oath, the crime was not impeachable. The Senate agreed, establishing the precedent that to remove a President, the crime must reach a high threshold of severity. The allegation against President Trump was not proven beyond a reasonable doubt, and it does not meet that high threshold.

I shall vote against both articles. Mr. SCHUMER was a prophet.

Mr. SCHUMER was a prophet. I end by speaking of the ramifications for our Republic. In 1998, then-Congressman CHUCK SCHUMER said of the Clinton impeachment:

> I suspect history will show that we have lowered the bar for impeachment so much, we have broken the seal on this extreme penalty so cavalierly that it will be used as a routine tool to fight political battles. My fear is that when a Republican wins the White House, Democrats will demand payback.

Mr. SCHUMER was a prophet. This must stop.

With that, I yield.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, I want to first thank the House managers and the counsel for the President for their time and their hard work and patience these past few weeks.

Yes, folks, we have had a robust and at times a rancorous trial. Some days I left here feeling angry, and some days I left more hopeful. Frankly, it is likely that many Americans—and in my case, Iowans—from every political stripe will feel hurt by this process at some level. But we are all representatives of the ideals and beliefs of the people we are here to represent.

Like all of you, I have sworn an oath to uphold the Constitution, and I take that oath very seriously. There have been a lot of arguments presented about what the Constitution says regarding the threshold for impeaching a President. It is clear to me that the Constitution goes out of its way to make it a high bar for removing the President. This is because the Founders were rightfully concerned that impeachment might be used to upend the electoral will of the American people. Absent restraint, the impeachment process would be all too tempting for those who oppose a sitting President to simply use it as a tool to achieve political advantage.

Each of us had one job—one job—during this process: to decide, based on the evidence, whether the President committed an impeachable offense. Given the constitutional requirements, voting any other way on these articles would remove the ability of the American people to make their own decision at the ballot box in November.

This process was fraught from the start with political aims and partisan innuendos that simply cannot be overlooked. House managers’ arguments have argued that the American people cannot be trusted to render their own judgment on this President. I reject this premise and the complete distrust of the American people with everything in my heart. To do this would set a new and dangerous precedent in American history.

As we sit here today, we believe we are experiencing a unique and historical event: however the case presented by the House of Representatives is allowed to be the basis for the removal of this President, I am afraid that impeachment will become just another tool used by those who play partisan politics. This is not what the Founders intended, and this is a very dark path to go down.

Under the Constitution, impeachment wasn’t designed to be a litmus test for every action of the President’s; elections were designed to be that check. Further, the issue of foreign affairs has historically been fraught with peril for Presidents. Foreign affairs is an art, not a science, and trying to insert a formula into every Presidential interaction with a foreign leader is a path toward ineffectiveness.

The Senate is about to close this chapter in American history. I pray that we do not allow this to become a dark chapter in American history. I also pray that we will shift into a spirit of cohesiveness, coming together to get our work done for the American people. Our people, our Founders, our country, and my great State of Iowa deserve better than this.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Mississippi.

Mr. WICKER. Madam President, tomorrow I will cast my vote against the removal of our duly elected President. I will do so based upon my understanding of the duty conferred upon me.
by the Constitution of the United States.

I do not believe the House managers have proved the allegations contained in the Articles of Impeachment, nor do I believe the articles allege conduct that warrants removal. I find the President’s counsel to be persuasive in this regard. Significantly, much of the American public, without the benefit of learned constitutional instruction, has come to the same conclusion.

During the 2½ weeks of this trial, we have received more than 28,000 pages of documents, we have seen 192 video clips of 13 different witnesses, we had the opportunity to question each side for a total of 16 hours, and we have listened to literally hours and hours of argument. Clearly, I am unable to discuss every aspect of the trial in the time allotted me. Some facts in this case are in dispute, but many are not. Here is what we all know beyond a doubt.

First, that voices on the left have been calling for the impeachment of Donald Trump since day one—literally day one. The Washington Post on January 20, 2017, published an article titled “The Campaign to Impeach President Trump Has Begun” on Inauguration Day.

Secondly, we know that the yearlong $32 million Mueller investigation failed to reveal sufficient ammunition for those who desired impeachment.

Third, the impeachment of this President in the House was the result of a narrowly partisan vote, with no Republican Representatives—zero—voting in favor of the articles.

And fourth, a guilty verdict this week would not only immediately remove the President from office, but it would also remove his name from the ballot in an election, which is already going on, and the first caucuses of which were conducted only yesterday.

The words are right there in articles I and II, on pages 3 and 4 of the resolution: “disqualification to hold . . . any office.”

The Founders of this country entrusted Congress with the power of impeachment as a check and balance on the executive branch. This power was never intended to settle policy differences or political disagreements—even intense disagreements. It was not designed so Congress could cut out of a President they found odious or obnoxious or with whom they vehemently disagree.

The Constitution gives Congress this extraordinary authority as a remedy only for what it calls “high Crimes and Misdemeanors.” And making it clear what an extreme action of impeachment is, the Framers required the support of two-thirds in this Chamber in order to convict.

These standards intentionally set a very high bar to prevent abuse of the impeachment process. Meeting these standards requires this process be used to try only the most serious allegations and requires broad consensus in the Senate. Members of both parties have, in the past, warned about the dangers of a narrowly partisan impeachment.

As late as last year, House Speaker NANCY PELOSI cautioned, “The impeachment process is not a check on the White House; it’s a check on 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.”

Congressman NADLER, one of the impeachment managers, said in 1998: “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 would lack legitimacy, would produce divisiveness and bitterness in our politics for years to come.

This wide approach has been supported in the past by House Manager ZOE LOFgren, by Senator and future Vice President Joe Biden, and by our own colleagues, Senator MENENDEZ and SCHUMER, who feared that impeachment would become a routine tool.

These leaders had good company in taking this position. In Federalist No. 65, Alexander Hamilton warned of the danger that the decision to impeach “will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt.”

Many of our Democratic friends who once sided with Hamilton have apparently changed their minds. They have also reversed themselves on the urgency of doing so—a rather sudden and abrupt change of heart on that question.

House advocates of impeachment have argued that President Trump is willing to cheat in the ongoing election and amounting to such an imminent threat to our democracy that he must be removed before he can cause more damage, and out and out quickly, they assert, we cannot have any confidence that the 2020 election results will be trustworthy.

I ask: Does any Senator really believe that; that America cannot have a fair election if Donald Trump is in the White House? But that alleged danger was the reason for the abbreviated House procedure. The lead House manager, Congressman SCHIFF, said in an interview last year that the timing of impeachment was driven by the urgency of removing the President. Congressman NADLER agreed, saying that “nothing could be more urgent.”

Speaker PELOSI repeated the same argument many times to explain the rushed process in the House and why there was not time to give the President a fair hearing. Senators heard the words repeated and repeated on video clips shown during this trial—“urgent,” “urgency.”

What happens to that urgency once the House voted? Did the Speaker then rush the papers to the Senate so we could address this imminent threat? Hardly, Speaker PELOSI held the articles for more than a month. If this trial was so urgent, why not send the articles without delay? Some might conclude that by withholding the articles, the Speaker exposed that she did not, in fact, believe that this case was urgent. Perhaps it was an effort to influence our procedural decisions. I do not impugn motives here. Our rules prohibit me from doing so. I merely note an obvious change for whatever reason.

As I consider the high bar of impeachment tomorrow, I will vote not to convict. I will do so because there is no overwhelming evidence, because no high crimes are shown, because there is not a broad consensus among my colleagues that it is only articles framed on a narrowly partisan basis, and because removing President Trump on these charges at this time would set a dangerous precedent.

I recall a century ago, during the depths of World War I, Vachel Lindsay composed “Abraham Lincoln Walks at Midnight,” imagining an agonized, sleepless Lincoln walking the streets of Springfield, dismayed over the carnage in Europe.

Let us ask ourselves today, do Hamilton and Madison and Franklin walk these venerable halls at midnight? Do these Founding Fathers traverse the stone corridors of these great building, this symbol of stability and rule of law? If they do, they caution us, as they always have, to be careful, to avoid rash decisions, to resist the urges of partisanship, and to let the Constitution work. I hope my colleagues will heed their counsel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, as we think back over these last weeks, when we have sat together on the floor considering evidence and sitting in judgment as jurors and judges, spending countless hours deliberating, I often think about what I will remember from these days on a very personal level.

It has been a historic event, but in some ways, the human element strikes
me as the most memorable. I will re-
member vividly the bravery of dedi-
cated public servants who had every-
thing to lose and nothing to gain by
telling the American people the truth
about Donald Trump and his scheme to
corrump for his personal benefit. Their
courage, their grace under pressure, their
dignity, and unshakeable honesty should be a model
for all of us.

I will remember, for example, LTC
Alexander Vindman, whose video ap-
peared before us, a man who was
brought to the United States at the age
of 3 and grew to love this country so
much that he put his life at risk in
combat and then his career at risk by
coming before the Congress.

I will remember Fiona Hill, the
daughter of a coal miner and nurse,
who proceeded to get a Ph.D., swear an
oath to this country, serving in both
Republican and Democratic adminis-
trations, warning us not to peddle the
“fictional narrative . . . perpetrated
and propagated,” as she said, “by the
Russian security services themselves
about a Ukrainian effort to meddle in
our election. I will remember very
vividly Ambassador William Tay-
lor, West Point graduate and decorated
Vietnam war veteran, who testified
that he thought it was “crazy to with-
hold security assistance for help with a
political campaign.”

I will remember the whistleblower
who came forward to express shock and
alarm that the President of the United
States would attempt to extort a vul-
nerable democracy to help him cheat in
the next election in ex-
change for the foreign military aid
they so desperately needed to fight
their adversary, Russia, and our adver-
sary, Russia, attacking and killing
their young men.

I have met some of those young men
and women who came to Connecticut
to the Burn Center at Bridgeport Hos-
pital, so badly injured they could bare-
lly talk. Stories of the suffering and
hardship came back to me, as I sat on the floor here,
and their courage and their bravery and strength
also will stay with me.

I will remember the moment that we
raised our hands and took an oath to be
impartial, all 100 of us—99—at the same
time, in a historic moment when the
weight of that responsibility shook me
as I sat on the floor here, and their
suffering and hardship came back to me,
and women, like Ambassador Taylor,
Fiona Hill, Colonel Vindman, and oth-
ers, who are willing to put country
ahead of their personal careers.

When my children grow up—and they
are pretty well grown—I hope they will
be more like them than like the Presi-
dent. I never, ever thought I would say
that. The Senate, the United States, let alone anywhere, because
this President has shown that he will
take advantage of every opportunity
for self-enrichment and self-aggran-
dizement. Whether it is violating the
emoluments clause—and I, along with
199 of my colleagues, have sued him on
that issue, making money from the
President, profiting and putting prof-
it ahead of his official duties, or seek-
ing to smear a political rival and solic-
ting a crime. Even if the aid went
ahead of the emoluments clause and if
the investigation was never announced, it is still a
crime—putting that kind of self-benefit
ahead of his duty to the country and
Congress’s oversight authority—our
oversight authority—to check any of
these abuses, all of it is for the purpose of

His claim of absolute immunity is to-
tally discredited and rejected by the
Supreme Court, and the open question
is whether it is a patriotic duty, or an
impeachable offense, or both.

His claim of executive privilege as the
reason for keeping that evidence secret—well, he never really invoked
executive privilege, but executive privilege cannot be invoked to conceal
criminal conduct that fits within the
crime of a fraud exception.

And while the President’s lawyers arg-
ued before this body that the House
should have gone to court to enforce	hose subpoenas instead of resorting to
the remedy of impeachment, they then
had the audacity to, simultaneously, at
exactly the same time, argue in court
that Congress cannot seek a judicial
remedy to enforce subpoenas because it
had already had the remedy. It is not
just the remedy; they argued no jurisdiction because of
impeachment, and at the same time no
access to evidence necessary for im-
peachment because, supposedly, you
can go to court. This duplicity is abso-
utely stunning.

The revelations in the New York
Times about what John Bolton has
written in his book indicate the truth is
going to come out in mid-March with
John Bolton’s book, assuming the
President doesn’t try to censor it and
tie him up in court or exercise some
prior restraint. It will come out in con-
gressional investigations when John
Bolton and others testify. It will come out
because there are courageous men
and women, like Ambassador Taylor,
Fiona Hill, Colonel Vindman, and oth-
ers, who are willing to put country
ahead of their personal careers.

And I will remember audible gasps,
some laughs, and raised eyebrows in
this Chamber when Professor Alan
Dershowitz made the incredible, shock-
ing argument that a President who be-
lieves that his own reelection serves
the public interest can do anything he
wants, and there is no excuse for that
impeachable. The implications of that
argument for the future of our democ-
rary are simply indescribable.

I have been a trial lawyer. I have
spent most of my career in and out of
the courtroom. So I can argue the le-
galities. But I am not here to rehash
the legal arguments, because culpabi-
lity here seems pretty clear to me.
The President solicited a bribe when he
sought a personal benefit and inves-
tigation of his political opponent, a
smear of his rival, in exchange for an
official act—in fact, two official acts:
the release of military funding for an
ally and a White House meeting—in re-
turn for that personal benefit. Those
actions are a violation of section 201, 18
United States Code, today. They were a
violation of criminal law at the time of
the Framers, and that is why they put
it in the Constitution.

Bribery and treason are specifically
mentioned. One of them is defined as an
abuse of power, as it was when Judge
Porteous was convicted and impeached.
Many of the Members of this Chamber
voted to impeach him, although bri-
bery was never mentioned in the articles
charging him with bribery.

The idea that bribery or any crime
has to be mentioned for there to be an
abuse of power is clearly preposterous.
In my view, the elements of bribery
have been proved beyond a reasonable
doubt, and there is no excuse for that
criminal conduct. I am going to submit
a detailed statement for the RECORD
that makes the legal case, but, clearly,
bribery has been committed by this
President.

Looking beyond the legalities, what
strikes me, perhaps, as most telling
here is the constant theme of secrecy—
the fact that the President kept his
reasons for withholding aid a secret.
Unlike other suspensions of aid to
other countries—like the Northern Tri-
gle in Central America or Egypt,
where it was announced publicly and
Congress was notified—here, he kept it
secret. He operated through his per-
sonal attorney, Rudy Giuliani, in se-
cret, not through the Secretary of State,
Department of Justice. Despite all of his claims of
corruption and wrongdoing by Hunter
or Joe Biden, he either never went to the
Department of Justice or they de-
clined to investigate because there was
no “there” there. Instead, he sought,
secretly, the investigation of a politi-
cal rival through a foreign govern-
ment, targeting a U.S. citizen secretly.

His refusal to provide a single docu-
ment to Congress to answer a single
witness to testify, keeping their testi-
mony and that evidence secret, con-
cealing it; his defiance of every sub-
poena in court, effectively neutering
our national security, the welfare and fight of an ally at the tip of the spear against a common adversary who is seeking to destroy Western democracies. He is someone who has said: Show me the boundaries of the law, and I will push them, and if I can successf
[...]

And the he will do it again. Everyone in this Chamber knows it.

So, as we make this momentous decision, I implore each of my colleagues to think about the gravity of what we will do if we fail to convict this President, the message that we send to countries struggling to overcome corruption, because America is more than just a country. America is an idea and an ideal. When we implore them to fight corruption, our credibility is shredded when we condone it at home.

The Framers, in their wisdom, knew that elections every 4 years were an inadequate check against any President who corruptly abuses power for personal advantage. And this situation and this President are exactly what they feared when our young infant country was struggling to avoid foreign interference in our elections. It was their worst nightmare, foreign interference, the threat of our country's freedom of information material under the truth. They will continue providing our independent judiciary and our free
[...]

President Trump's Attorney General, William Dershowitz, did not hold this view during the Clinton impeachment; nor does the authority cited by the House Judiciary Committee hearing the Clinton impeachment; nor does the authority cited by the Senate to his campaign, individuals who served our country in war, dedicated public servants who took an oath to defend the Constitution as "anti-Trumpers" and "Democratic witnesses" is wrong, as were the President's attempts to bully and intimidate them.

With the facts proven, the Senate must now ask: Do these charges meet the standard for impeachment? The President claims impeachment requires charging him with a statutory crime, but that is a fringe view patently absurd results. Their lead lawyer making this argument, Alan Dershowitz, did not hold this view during the Clinton impeachment; nor does Trump's Attorney General, William Barr; nor does Jonathan Turley. Trump's constitutional-law expert at the House Judiciary Committee hearing—nor does the authority cited by the President's own lawyers here in the Senate and referenced nine times in their legal briefs, That authority, entitled "Impeachment: A Handbook" states that: "the limitation of impeachable offenses to those offenses made generally criminal by statute is unwarranted—even absurd."

This suggested standard has been roundly dismissed because it leads to ridiculous conclusions—for example, that a President could withhold taxpayer-funded disaster assistance to the people of a State until their Governor endorsed a hypothetical measure before the next election is no defense, the fact that he got caught before his scheme succeeded is no defense.

The House has also proved its case on the charge of obstruction of Congress. President Trump has engaged in unprecedented stonewalling, a blanket-coverup that makes President Nixon look like an amateur—not a single document produced nor a single witness. Those who did testify did so despite the President's order not to show. They served our country in war, dedicated public servants who took an oath to defend the Constitution as "anti-Trumpers" and "Democratic witnesses" is wrong, as were the President's attempts to bully and intimidate them.

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The Framers have presented overwhelming evidence, a "mountain of it," as Senator Alexander has conceded. For anyone with eyes to see or ears to hear, President Trump undoubtedly used the power of the Presidency to withhold vital, taxpayer-funded military aid to a government into helping him in his re-election campaign. He did so even though fighting Russian aggression is in our national interest. And make no mistake, the fact that he got caught before his scheme succeeded is no defense.

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The Senate will reach this decision, who lack the courage to stand against a common adversary who is running our country into an electoral storm in 2020. The Framers, in their wisdom, knew that elections every 4 years were an inadequate check against any President who corruptly abuses power for personal advantage. And this situation and this President are exactly what they feared when our young infant country was struggling to avoid foreign interference in our elections. It was their worst nightmare, foreign interference, the threat of our country's freedom of information material under the truth. They will continue providing our independent judiciary and our free
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Let's be honest. President Trump sees the Constitution not as a check on his powers but as a blank check to abuse power, and he will not change. His ongoing betrayal of the oath of office represents a clear and present danger to our Constitution, our democracy, and the rule of law. Those who argue we must not remove the President before the next election ignore the fact that the Founders included an impeachment clause in the same Constitution that establishes 4-year terms for the President. They wrote the impeachment clause for exactly this moment—so he can't corrupt President from enlisting a foreign power to help him cheat in an election.

President Trump has committed high crimes and misdemeanors against the Constitution, and we must use the Founders' remedy. We must find him guilty and remove him from office. Failure to convict will send a terrible signal that this President and any future President cannot commit crimes against the Constitution and the American people and get away with it.

But it is not only the President who has violated his duty under the Constitution. So, too, has this Senate, not because of the ultimate conclusion expected tomorrow but because of the flawed way the Senate is reaching that decision. While I strongly disagree with acquittal, that verdict might be accepted by most Americans if reached through a real and a fair trial. But this Senate did not hold a real trial. It held the first impeachment proceeding in our history not to call a single witness or seek a single document.

President Trump’s former National Security Advisor, John Bolton, offered us important information about the charges against the President. The Senate voted not to hear from him. President Trump said he wanted his Acting Chief of Staff, Mick Mulvaney, to testify at the Senate trial, but then he changed his mind and Senate Republicans voted not to hear from him. I offered to have the Chief Justice make decisions about relevant witnesses and documents, just as impartial judges do in trials every day across America. In fact, unlike in every other courtroom, it preserved the right of the Senate to overturn the Chief Justice’s decision by a majority vote. That is obviously a fair process for the President, but every Republican Senator voted
against it. And why? Because they are afraid of getting to the truth, the whole truth, and nothing but the truth. They know that, as more incriminating facts come out, it becomes harder to acquit. By joining the President’s coverup, they have become his accomplices.

While the decision on the President will come tomorrow, the verdict on this Senate is already in—guilty. Guilty of dereliction of its constitutional duty to conduct an impartial trial. For the first time, the trial was a farce. The final result will be seen by most of the country as illegitimate, the product of a tainted trial.

President Trump must understand this: There is no exoneration, no vindication, no real acquittal from a fake trial. In failing to adhere to the principles of our Constitution and the values of our country, I fear we have done grievous injury to the nature of our democracy. I only hope America will find the president ready to repair the damage in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. PETERS. Madam President, I swore to defend the Constitution, both as an officer in the U.S. Navy Reserve and as a U.S. Senator. At the beginning of this 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 power in an attempt to extort a foreign government to announce a trumped-up investigation into his political opponents.

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 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 expect the President’s lawyers to offer new eyewitness testimony from people with firsthand knowledge and offer new documents to defend the President, but that did not happen. 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.

Nothing in this country is above the law—no one, not even the President. If someone is accused of a crime and they have witnesses that could clear them of any wrongdoing, they would want those witnesses to testify. In fact, not only would they want to; they would insist on it. All we need to do is use some 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 who 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 uncheked 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 the annual bipartisan Senate tradition, reading President George Washington’s Farewell Address to the Senate. In that address, President Washington warned against the rise of a demagogue. He warned us of what he called the “great-subservience.”

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 absolutely no way 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 American hero, 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 of power, the Republican leaders 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. It will be used by future Presidents to act with impunity. Given what we know—that the President used his power in office by attempting to extort a foreign government to interfere with an American election: that he willfully obstructed justice at every turn; and that his actions run counter to our Nation’s most cherished and fundamental values—it is clear the President betrayed the trust the American public placed in him to fully execute his constitutional responsibilities.

This betrayal is, by definition, a high crime and misdemeanor. If it does not rise to the level of impeachment and removal, I am not sure what would.

The Senate has a constitutional responsibility to hold him accountable. If we do not stand up and defend our democracy during this fragile period, we will be allowing the President and future Presidents to have unchecked power. 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.

I yield the floor.

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

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

Mr. WHITEHOUSE. Madam President, may I say that it is a pleasure to speak to the Senate with the new Senator from Georgia presiding for the first time, at least, that I have had this occasion.

Well, here we are. The impeachment outcome is settled, as it was from day one. In my view, the facts are clear, the conduct impeachable, and the obstruction unprecedented.

In my view, this impeachment process ran into a partisan wall, and the Senate’s part was to deny the American people the most basic elements of a fair trial: witnesses and evidence.

Alexander Hamilton, years ago, warned us of what he called the “greatest danger” in impeachments, “that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.”

In my view, that danger has met us. The Senate’s action is an affront to the stanza that “to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side.”

In my view, the Senate chose the wrong side.

We are obviously going to disagree about a lot here, so let me focus on two thoughts that perhaps we can agree on.
One is that what we have done here should carry little weight as precedent. Politics cast very long shadows over this proceeding. This was not our finest hour, by any stretch, and much of what was said and done here should not be repeated, let alone treated as precedent.

I hope history treats this episode as an aberration, not a precedent.

Too many things that are right and proper had to be bent or broken to get to this moment. But I do not think much of what was said by White House counsel was not only wrong but disgraceful.

The presentation in this Chamber by White House counsel was characterized by smarminess, smear, elision, outright misstatement, and various dishonest rhetorical tricks that I doubt they would dare pull before judges.

Knowing that we were a captive and silent audience, knowing the outcome was predetermined in their favor, and grandslammed TV audiences, particularly an audience of one, they delivered a performance that leaves a stain on the pages of the Senate Record.

Perhaps there will be consequences for some of their conduct in our Chamber.

The conduct of White House counsel in the Trump impeachment trial raise grave concerns.

A staunch Republican friend, who is an accomplished prominent lawyer, emailed me about a White House counsel argument, calling it “the most shocking thing I have seen a ‘serious’ lawyer say in my entire legal career.” He referred to Professor Dershowitz, but the conduct of White House counsel in this matter has indeed been shocking far beyond the excesses of Professor Dershowitz.

In some cases, we do not know who pays them. Mr. Sekulow is evidently anonymously paid, with dark money, who pays them. Mr. Sekulow is evidently a client of Mr. Trump. The presentation in this Chamber by White House counsel was characterized by smarminess, smear, elision, outright misstatement, and various dishonest rhetorical tricks that I doubt they would dare pull before judges.

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Among them are lawyers who appear to have grave professional conflicts. They represent the President although they are fact witnesses to conduct charged in the impeachment. This concern was brought to their attention by House letter on January 21, 2020, putting them on notice. They ignored the letter.

The House argued that members of the White House counsel team actually administered a massive cover-up, using extreme and unprecedented arguments to protect a blanket defiance against congressional inquiry into alleged Presidential misdeeds, with the intent to hide evidence of those misdeeds.

There is new evidence that counsel were not just fact witnesses, but present at meetings in which the scheme and issue was advanced, and the misconduct alleged was confessed to, by the President. Being present during the commission of the offense and witness to an overt act in furtherance of the alleged scheme is more grave than being a mere fact witness. This needs further inquiry, but it raises the question of actual participation in the crime or fraud or misconduct at issue, which would waive their attorney-client privilege.

They have not been candid about the law. They have argued over and over that they will delay the Senate proceedings by litigation in United States District Courts if we allow witnesses or subpoenas, mentioning only once, in their pretrial brief, the case of Walter Nixon v. United States, where the Supreme Court save the federal Judiciary “no role” in senate impeachment proceedings, warning “that opening the door of judicial review to the procedures used by the Senate in trying impeachments would expose the political life of the country to months, or perhaps years, of chaos,” the very delay White House lawyers threatened.

Further investigation may reveal whether various counsel made, or permitted co-counsel to make, arguments at odds with facts to which they were witness, thereby deliberately misleading the Senate. For lawyer to participate in or be immediate witness to criminal or impeachable wrongful activity; and then practice as a counsel in matters related to that criminal or impeachable or wrongful activity; and then conceal from that tribunal what they knew about it. It would be deeply self-serving. That self-serving conduct of the gravest nature.

In light of these problems, one recurring argument by White House counsel takes on new meaning. In an often conflated argument, White House counsel insisted that no crime was alleged in the House of Representatives’ Articles of Impeachment. Even if there was no crime committed. If, as recent evidence suggests, at least one White House counsel was present at and participated in a meeting in furtherance of the scheme at issue, the argument that the scheme was not criminal is deeply self-serving. That self-serving nature is precisely why counsel under that sort of conflict of interest should not appear in proceedings addressing conduct which they witnessed, which they aided or abetted, or in which they participated.

White House counsel used their time before us to smear non-parties; to present virtual political commercials; to misstate, exaggerate or mislead about legal propositions; to misstate, exaggerate or mislead about factual propositions; to misstate, exaggerate or mislead about House managers’ arguments; and to float conspiracy theories and unsupported political charges to the public audience. In some cases, arguments for instance, calling secondary witnesses’ testimony hearsay and secondhand at the same time they are blocking the direct witnesses’ testimony. It was in sum, a sordid spectacle, one that few if any courts would have tolerated. They came into our House, and dirtied it.

So enough of my professional disgust with their performance, but let us agree that this ought not to let us also agree on something else. There is one particular argument the White House made that we should trample, discard, and put out into the trash: the notion that a U.S. district court can supervise our Senate impeachment proceeding. I truly hope we can agree on this.

As a Court of Impeachment, we are constituted at the Founders’ command. The Chief Justice presided in that seat at the Founders’ command. We convened as a body at the Founders’ command. And at the Founders’ command, the Senate—the Senate—has the sole power to try all impeachments.

Every signal from the Constitution directs that we try acts and no part of the Senate’s power to do so is conferred anywhere else in the government. It is on us.

The President’s counsel proposed that they may interrupt the Senate’s trial of impeachment, delay the Senate proceedings, or be permitted to go down the street to the U.S. district court to litigate our trial determinations about evidence and privilege—terminations in our proceeding.

There are three arguments against this proposition. The obvious one is the Constitution. The Constitution puts the trial in the hands of the Senate sitting as a Court of Impeachment and makes no mention of any role for any court to supervise or pass on the Senate’s conduct of this trial. It is simply not in the Constitution.

The second argument is the improbability—the improbability—that the Founders would convene the U.S. Senate as a Court of Impeachment, bring charges of the U.S. House of Representatives over here to present their charges, put the Chief Justice of the U.S. Supreme Court into that chair to preside over the trial, give the Senate the sole power to try the impeachment; and then allow a defendant to run down the street to a district judge and interrupt the proceedings. That idea is contrary to common sense as well as constitutional order.

The impeachment provisions of the Constitution were adopted by the Founders in September of 1787, after that long, hot summer in Philadelphia, and ratified with the Constitution in 1788. The Judiciary Act establishing lower courts did not pass until 1789. It is hard to imagine that the Founders meant the proceedings and determinations of our Senate Court of Impeachment to be subject to the oversight of a judge down the road from us whose office did not even exist at the time.

The Founders in the Constitution put this squarely on us. To one, it is mentioned. It is our “sole Power.” It is the duty of the Chief Justice under the Constitution to preside over the trial.
It is his duty to make appropriate rulings. And it is on us to live with that, unless—as we may—we choose to overrule the Chief Justice as a body, by recorded vote, and live with that. We run this trial—the Senators, the Senate—no one else. We are responsible to the people of the United States to run this trial. We were trusted by the Founders to live up to those responsibilities.

When we sit as a Court of Impeachment, it is all on us. The Founders put it squarely on us. We took that job when we took the oath. If we are to fulfill our role as this Court, we control the trial rulings, the timing, the evidence determinations, and the privileges we will accept. We can accept the rulings of the Chief Justice or we can reverse them, but it is our job.

Previous impeachments record the Senate making just such rulings. Never has the Senate referred such a ruling to a court. Indeed, in Walter Nixon v. United States, 506 U.S. 224, a 1993 decision, the Court held that federal courts have no power to review procedures used by the Senate in trying impeachments, that it was a non-justiciable political question, and that “the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments.”

The Supreme Court in that decision even foresaw the delays that White House Counsel threatened us with and saw them as an argument against any judicial review. The Court said that “opening the door of judicial review to the procedures used by the Senate in trying impeachments would expose the political life of the country to months, or perhaps years, of chaos,” and the Court immediately went on to particularly highlight that concern with respect to the impeachment of a President.

It would have been nice if White House Counsel, when they were in this Chamber arguing for their threatened delay, would have addressed this Supreme Court decision.

The Constitution, common sense, and our impeachment precedents all put the responsibility for a Senate trial of impeachment squarely on us. We should not—we should never—shirk that responsibility.

This has been a sad and sordid moment for the Senate. It has done harm enough. Let it not provide any credit to this false White House argument, and let this not be precedent for future Presidential misconduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. SMITH. Madam President, this morning, I let Minnesotans know that I will vote to remove President Donald Trump from office. I rise today because, on this historic vote, I want Minnesotans to understand why and where I think we go from here.

I want to go down the path of impeachment. While I strongly disagree with the President on many issues, I see impeachment as a last resort, and I feared that leaping to impeachment would only serve to drive us even further into our political corners. This changed when I read the whistleblower report, which alleged nothing less than the President’s corrupt abuse of power, an abuse that had the potential to undermine our election in 2020. For me, this left no choice but for the House to fully investigate these allegations.

When the House sent the two Articles of Impeachment to the Senate, it brought forward the Constitution and the laws, and I take that oath as seriously as anything I have ever done.

This impeachment trial has been about whether the President’s corrupt abuse of power—power that he used for his own personal, political benefit while betraying the public trust—is a high crime and misdemeanor as defined by the Founders of our Constitution.

I believe that it is, and I also believe that any corruption, any behavior such as this undermines the core values we stand for as a nation that no one is above the law, including and most especially the President.

Over the past several weeks, I have listened carefully to hundreds of hours of presentations, questions and answers, and read thousands of pages of documents. Through it all, the facts underlying the case against the President were never really refuted.

The President’s actions were through his personal lawyer, Rudy Giuliani, withheld Ukrainian security assistance and a prestigious meeting in the White House in an effort to persuade President Zelensky to announce he was investigating Joe Biden and the theory that Ukraine interfered in our 2016 elections. In order to improve his prospects for reelection, Trump directed that vital assistance he withheld until Ukraine announced investigations into a baseless conspiracy theory that originated as Russian propaganda, and he only released the aid when he was found out.

Then, when the House sought to investigate these actions, the Trump White House categorically blocked any and all subpoenas for documents and witnesses. No U.S. President has ever categorically rejected the power of Congress to investigate and do oversight of the executive branch—not Nixon, not Clinton. This obstruction of investigations would have set a dangerous precedent for how the legislative and executive branches work across the constitutional system work if we allow the President to decide if and how Congress can investigate the President’s misconduct? It can’t. If we say that the President can decide when he cooperates with a congressional investigation, we are saying that he is above the law.

While evidence of the President’s wrongdoing is substantial, I advocated every single day for a trial that would be fair for both sides, which means hearing from witnesses with direct knowledge of the President’s actions. I am greatly disappointed that almost all of my Republican colleagues in the Senate abandoned the historical, bipartisan precedent of hearing from witnesses in every Senate impeachment trial.

Ultimately, when so many people know the truth of what happened, the complete truth will come out. Yet the Senate abandoned its responsibilities when it blocked efforts to get the complete truth here in this Chamber. As a result, there will be a permanent cloud over these proceedings. The President may be acquitted, but without a fair trial he cannot claim to be exonerated.

The core question of this impeachment trial is this: Do we say that it is OK for the President to use his office to advance his personal political interests while ignoring or damaging the public good? My answer is no.

Corruptly soliciting a foreign government to interfere in our elections and our national security—this is what Alexander Hamilton was talking about when he wrote that impeachment proceedings should concern “the abuse or violation of some public trust.”

Some have argued that what the President did was wrong, but his conduct does not rise to the level of impeachment. They agree that the President used his power to secure an unfair advantage in our elections but think that his abuse of power isn’t that bad. It isn’t bad enough to remove him from office.

It is that bad. Trump’s abuses of power are grave offenses that threaten the constitutional balance of power and the core value that no one, especially the President, is above the law. The President’s abuse of power undermines the integrity of our next election and calls into question whether our elections will be free and fair. His abuse of power does not protect our security by undermining the moral stature of the United States as a trusted ally and as a fighter against corruption.

For me, one of the saddest moments of this trial was the testimony from American diplomats who urged Ukrainian leaders not to engage in political investigations. According to the testimony, the Ukrainians responded by saying, in effect: Do you mean like the investigation you are asking us to do with the Bidens and the Clintons?

Some have said that we should wait and let the American people decide in the next election, only months away. But when the President has solicited foreign nations to interfere in our elections with disinformation and has prevented the American people from hearing a full and fair accounting of that effort, our duty to defend the Constitution requires that we act now. A vote to remove the President from office protects our next election.

When Leader MCCONNELL refuses to allow the Senate to consider election
What is the evidence that it is partisan? They didn’t convince one Republican. Not one elected Republican decided that any of their arguments were valid or that the President should be impeached.

They made it into a sham. They made it into a political process because they didn’t like the results of the election.

When did this start? Did the impeachment process to go after the President started 6 months before he was elected.

We had something truly devastating to our Republic happen. We had, for the first time in our history, a secret court decide to investigate a campaign. At the time, when those of us who criticized this secret court for spying on the Trump campaign, they said: Oh, it is just another investigation. This is happening. There is no “there” there.

But now that we have investigated it—guess what—the FISA court admits they were lied to 17 times. We have a half a dozen people at the top level of our intelligence community who have admitted to having extreme bias. You have Peter Strzok and Lisa Page talking about taking down the President and having an insurance policy against him succeeding and becoming the President. You have McCabe, you have Comey, and you have Clapper.

You remember James Clapper, the one who came to the Senate, and, when asked by Senator Wyden, “Are you storing, are you gathering information from Americans by the millions and storing it on government computers?” James Clapper said no. He lied to Congress and committed a felony. Is he in jail? No, he is making millions of dollars as a contributor on television now, using and peddling his national security influence for dollars, after having committed a felony in lying to us.

These are the people who plotted to bring the President down. These are the people who continue to plot to bring the President down. Before all of this started, though, I was a critic of the secret courts. I was a critic of FISA. I was a critic of them abusing American civil liberties. I was a critic of them invading our privacy, recording the phone calls, who we talk to, and sometimes recording conversations—all of this done supposedly to go after terrorists, but Americans, by the millions, are caught up in this web.

But now, for the first time, it is not just American civil liberties that are being abused by our intelligence agencies. It is an entire Presidential campaign, and it could go either way. This is why you want to limit power. Men are not angels, and that is why we put restrictions on government. We need more restrictions now. We can’t allow secret courts to investigate campaigns.

This started before the election. It went on for the last 3 years, through the Mueller investigation. They thought they had the President dead to rights, and they would bring him down through this investigation. So, initially, the spying didn’t work, and the Mueller investigation work. They went seamlessly into the impeachment.

The question for the American public is now: Will they go on? Are they going to immediately start up hearings again in the House that will be partisan hearings again? I suspect they will. They have had their day in the Sun, and they loved it, and I think they are going to keep doing it time and time and time again.

Now, during the proceedings, I asked a question that was disallowed, but I am going to ask that question again this morning, because the Constitution does protect debate and does protect the asking of questions. I think they made a big mistake not allowing my question.

My question did not talk about anybody who is a whistleblower. My question did not accuse anybody of being a whistleblower. It did not make a statement saying there was someone who was a whistleblower. I simply named two people’s names because I think it is very important to know what happened.

We are now finding out that the FISA investigation was predicated upon 17 lies by the FBI, by people at high levels who were biased against the President, and it turns out it was an illegitimate investigation. Everything they did about investigating the President was untrue and abused government to do something they never should have done in the first place.

So I asked this question. And this is my question—my exact question. We will put it up here:

Are you aware that the House Intelligence Committee staffer Shawn Misko had a close relationship with Eric Ciaramella while at the National Security Council together? Are you aware and how do you explain that Ciaramella and Misko may have worked together to plot impeaching the President before there were formal House impeachment proceedings?

Now, why did I ask this question? Because there are news reports saying that these two people—one of them who works for Adam Schiff and one of them who worked with this person at the National Security Council—that they knew each other and had been overheard talking about impeaching the President in the first month of his office. In January of 2017, they were already plotting the impeachment.

And you say: Well, we should protect the whistleblower. The whistleblower deserves anonymity.

The law does not preserve anonymity. His boss is not supposed to say anything about him. He is not supposed to be fired. I am for that.

But when you get into the details of talking about whistleblowers, there is a variety of opinions around here. The
DISTURBINGLY, THERE WAS A LACK OF DUE PROCESS. ONE, AND I THINK WE SHOULD STILL GET TO THE BOTTOM OF IT. WERE PEOPLE PLOTTING TO BRING DOWN THE PRESIDENT? WERE THEY PLOTTING IN ADVANCE OF THE ELECTION. WERE THEY PLANNING WITHIN THE HALLS OF GOVERNMENT TO BRING DOWN THE PRESIDENT? LOOK, THESE PEOPLE ALSO KNEW THE VINDMAN BROTHERS, WHO ARE STILL WORKING AT THE NATIONAL SECURITY COUNCIL, AND THEY WANTED TO TAP INTO THEM. SO HOW AM I PREVENTED FROM ASKING A QUESTION WHEN NOBODY SEEMS TO ADMIT THAT THEY EVEN KNOW WHO THIS PERSON IS?

MY POINT IS, IS BY HAVING SUCH PROTECTIONS—SUCH OVERZEALOUS PROTECTION—WE DON’T GET TO THE ROOT OF THE MATTER OF HOW THIS STARTED, BECAUSE THIS COULD HAPPEN AGAIN. WHEN THE INSTITUTION OF THE BUREAUCRACY, WHEN THE INTELLIGENCE COMMUNITY WITH ALL THE POWER TO LISTEN TO YOUR PHONE CALLS, TO TAP INTO SOMEBODY OR TAP THE PHONE, ALL RIGHT, WE HAVE TO QUESTION WHETHER THEY HAD TO GET TO BE AN EXTRAORDINARY THING.

THINK ABOUT IT. THINK ABOUT THE DANGER. THE OTHER SIDE SAYS IT IS A DANGER TO DEMOCRACY. THINK ABOUT THE DANGER TO DEMOCRACY OF LETTING YOUR GOVERNMENT TAP THE PHONE OF PEOPLE YOU DISAGREE WITH POLITICALLY.

I DON’T CARE WHETHER IT IS REPUBLICAN OR DEMOCRAT. WE CANNOT ALLOW THE INTELLIGENCE COMMUNITY AND SECRET COURTS LIKE THE FISA COURT TO GO AFTER POLITICAL CAMPAIGNS. AND I MEAN THAT SERIOUSLY—REPUBLICAN OR DEMOCRAT. WE NEED TO CHANGE THE RULES. WE CANNOT HAVE SECRET COURTS TRYING TO REVERSE THE ELECTIONS.

I FEEL VERY STRONGLY ABOUT THIS. I WAS FOR THIS REFORM BEFORE DONALD TRUMP EVER CAME ON THE SCENE AND BEFORE ANY OF THIS HAPPENED. I HAVE BEEN FOR HAVING MORE SIGNIFICANT RESTRICTIONS ON THESE SECRET COURTS AND MORE SIGNIFICANT RESTRICTIONS ON THE INTELLIGENCE COMMUNITY THAN THEY HAVE HAD. I DON’T ABUSE THE RIGHTS OF AMERICANS. THIS IS A BIG DEAL, AND IF WE ARE GOING TO GET SOMETHING GOOD OUT OF THIS, IF THERE IS GOING TO BE SOMETHING POSITIVE TO COME OUT OF THIS NIGHTMARE WE HAVE BEEN THROUGH IN THE LAST SEVERAL MONTHS OR EVEN NOW, THE BLESSING IN DISGUISE HERE WOULD BE THAT WE ACTUALLY REFORM THE SYSTEM SO THAT THIS NEVER HAPPENS TO ANYONE ELSE EVER AGAIN.

I YIELD THE FLOOR.

THE PRESIDING OFFICER. THE SENATOR FROM NEBRASKA.

MRS. FISCHER. MR. PRESIDENT, I RISE TO VOICE MY OPPOSITION TO THESE ARTICLES OF IMPEACHMENT. I WANT THE PEOPLE OF NEBRASKA TO KNOW HOW I WILL VOTE AND WHY, AS THE SENATE PREPARES FOR THE TRIAL’S FINAL VOTE.

I TOOK AN OATH TO UPHOLD THE CONSTITUTION, AND I HAVE A RESPONSIBILITY TO BE AN IMPARTIAL JUROR DURING THE TRIAL.

I HAVE GIVEN FAIR AND CAREFUL CONSIDERATION TO THE EVIDENCE PRESENTED DURING THIS TRIAL, AND I HAVE ENGAGED IN THE QUESTIONING PROCESS. THIS IS A PROCESS THAT SHOULD BE ABOUT FACTS AND FAIRNESS, AND THAT IS WHAT THE SENATE HAS DONE ITS VERY BEST TO DO, BUT THE REALITY IS THAT THE HOUSE OF REPRESENTATIVES DIDN’T DO ITS JOB.


THE THIRD BRANCH OF GOVERNMENT—OUR COURT SYSTEM—IS OF FOUNDATIONAL IMPORTANCE, AND WE HAVE IT FOR A REASON. THAT REASON IS TO PROVIDE EVERY AMERICAN WITH THE OPPORTUNITY TO HAVE JUSTICE WITHOUT FEAR. WE WILL CHOOSE BETWEEN THE CONSTITUTION AND THE RULE OF LAW. BUT BECAUSE HOUSE DEMOCRATS WERE IN A RUSH TO IMPEACH THE PRESIDENT BEFORE THEIR HOLIDAY BREAK, THEY DECIDED TO ABANDON THE COURTS COMPLETELY. WAS THIS THE PRESIDENT’S CONSTITUTIONAL RIGHT TO SUBPOENA WITNESSES? IT WAS THE PRESIDENT’S CONSTITUTIONAL RIGHT TO ASSERT PRIVILEGE. AND IT WAS THE COURT’S CONSTITUTIONAL RIGHT TO ENFORCE SUBPOENAS. THE HOUSE DID NOT PETITION THE COURT TO ENFORCE SUBPOENAS. SHORTCIRCUITING THE PROCESS LED TO AN INCOMPLETE INVESTIGATION BY THE HOUSE.

ARTICLE 1, SECTION 3 OF THE CONSTITUTION PROVIDES THAT THE SENATE SHALL HAVE THE SOLE POWER TO TRY ALL IMPEACHMENTS. IF THE SENATE WERE TO BECOME THE FACTFINDER IN AN IMPEACHMENT INVESTIGATION, IT WOULD COMPLETELY CHANGE THE ROLE OF THE SENATE FROM THIS POINT FORWARD, THIS Hallowed CHAMBER, THE WORLD’S GREATEST DELIBERATIVE BODY. IT WOULD BECOME AN INVESTIGATORY ARM OF THE HOUSE. SETTING THIS PRECEDENT WOULD HAVE A DEVASTATING EFFECT ON OUR POLITICAL INSTITUTION, TRANSFORMING THE VERY NATURE OF THE SENATE DURING IMPEACHMENT HEARINGS FOR GENERATIONS TO COME.

THE SENATE IS SUPPOSED TO CONDUCT A FAIR TRIAL, PROTECT THE CONSTITUTION, AND GUARANTEE DUE PROCESS OF LAW.

MY REPUBLICAN COLLEAGUES AND I UNDERSTAND THE GRAVITY OF THESE PROCEEDINGS. THE RECORD SHOWS THAT PRESIDENT CLINTON’S IMPEACHMENT TRIAL WAS MET WITH A MOTION FILED BY SENATOR BYRD TO DISMISS THE ARTICLES OF IMPEACHMENT EARLY ON. THE SINGLE SENATOR FILED SUCH A MOTION. WE APPROACHED THIS PROCESS WITH THE SERIOUSNESS IT DESERVES.

SENATE REPUBLICANS SUPPORTED A RESOLUTION THAT GAVE THE HOUSE MANAGERS MORE THAN A MONTH TO PREPARE THEIR CASE. SINCE THEN, WE HAVE HEARD AN EXTRAORDINARY AMOUNT OF INFORMATION OVER THE LAST 2 WEEKS. THE HOUSE MANAGERS PRESENTED 192 VIDEO CLIPS WITH TESTIMONY FROM 13 WITNESSES AND SUBPOENED MORE THAN 9,000 PAGES OF DOCUMENTS. SENATORS THEN SUBMITTED 198 QUESTIONS. AFTER 2 WEEKS OF TRIAL ARGUMENTS, THE HOUSE MANAGERS FAILED TO
make a compelling case that the President should be removed from office; therefore, I will vote for the President's acquittal.

I firmly believe it is time for the Senate to move forward and return to the people's business. It is time to refocus our attention on our bipartisan work: providing for our servicemembers, caring for our veterans, funding research to cure diseases that cut short too many lives, fighting the opioid addiction, and improving our criminal justice system.

So I speak to Nebraskans and to all Americans in urging every Senator in this Chamber to have the courage, the heart, and the vision to move past this process and work together toward a brighter future for generations to come. That should be our mindset at this pivotal moment. That should be our mindset in everything we do.

I urge my colleagues to take the long view and fulfill our constitutional role. Let's unite around our common goals and our values. Let's bring this process to an end and advance policies that will make life better for Nebraskans and better for all Americans.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise today to discuss why I will be voting to acquit President Trump on both Articles of Impeachment tomorrow afternoon.

Our Constitution makes clear that only a particularly grave act—"treason, bribery, or other high crimes and misdemeanors"—would justify a Senate vote to reverse the will of the people, the voters, and remove from office the person they chose to lead this Nation.

Besides making clear just how serious an offense needs to be in order to warrant removal, our Founding document allows the President to remain in office unless two-thirds of our body—the Senate—votes for impeachment. To me, that underscores the need for a national consensus that runs across partisan lines before undoing an election.

The Senate has never in our history removed a President from office following an impeachment trial.

Our Founding Fathers recognized that impeachment should not be used as a blunt partisan instrument. President Trump was duly elected by the people of this country to be President of the United States in 2016. Nothing that I have heard in this process has come close to providing a reason that would justify my voting to overturn the choice made by nearly half a million West Virginians and tens of millions of other Americans and even further—even further—to remove him from the ballot in 2020.

There is no doubt that the House impeachment process was partisan, politically driven, and denied President Trump some of his most basic rights of due process. At the same time, the product that was brought to our Chamber was obviously flimsy, rushed, and contained incomplete evidence.

Time and again, House managers demanded that we do things here in the Senate that they themselves did during their House proceedings, such as calling witnesses they refused to call—witnesses they are now asking us to bring forward.

Regardless of the failings of the House managers, it is the Senate's job, and, indeed, our oath to do impartial justice. In keeping with that oath, I supported a trial process that was modeled after the Senate's precedent in 1999, when it received the approval of 100 Senators. I am glad we conducted this trial under that process because I felt it was fair to both sides.

Both the managers and the President's attorneys were given 3 full days in the Senate to present their respective cases, and Senators spent 2 full days—16 hours—receiving answers to their questions. The House record, which we received here in the Senate, included the testimony of 17 witnesses. So there were witnesses. The House brought witness testimony into the Senate. I hope the managers are willing to present their presentations with an open mind, and I have concluded that the arguments and evidence do not provide me with a sufficient rationale for reversing the 2016 election and removing President Trump from the ballot in 2020. That is especially true considering the partisan nature of this impeachment process.

In the cases of President Nixon and President Clinton, there was significance from House Members of the President's party for opening impeachment inquiries. The impeachment inquiry into President Nixon was supported by more than 400 Members of the House, many of those—an overwhelming number of those—from his own party. And 31 House Democrats voted to open an impeachment inquiry into their President, the Democratic President, President Clinton.

By contrast, in this case, not a single Member of the President's party voted the House of Representatives to start an impeachment inquiry or to adopt either Article of Impeachment against the President.

Many of the President's political opponents want—and have wanted for years—to have him removed from office, while virtually no one in his own party supports this impeachment.

We have a mechanism in this country for dealing with issues that divide along party lines. That mechanism is not inviolate and is not perfect. That mechanism, quite simply, is an election, and we have one in 9 months. So, beginning yesterday, we think, and in 9 months, we will have the certainty everyone desires.

In the meantime, I am casting a "no" vote in this Chamber tomorrow. I am voting no on both of these articles. But do you know what? I am also going to do something else. I am going to take this opportunity to re dedicate myself to the principles that this U.S. Senate stands for. I am going to take this opportunity to look at those principles and appreciate that these are the principles that are tied to making America better each and every day. Together we can do this, as Republicans and Democrats.

During the impeachment process, Republicans approached me all the time—West Virginians approached me all the time, regardless of party, to ask why we were spending all of this time on a wasted process. They asked me questions like, Why don't you just get on with the business of giving America the confidence that you are working on the things that we care about—this was the butcher in the grocery store who asked me this very question—our families, making our families stronger, our lives better, and our jobs more permanent?

When we rid ourselves of the shackles of politics, we can truly work together on issues like transportation, broadband, energy, ending the drug crisis, or strengthening our military. We face the issues all of our citizens face. These are the issues that transcend the day-to-day lives of all the people we represent. They also transcend the day-to-day sound bites we hear from the constant barrage of both positive and negative media to which we are so attuned.

No one has been served by this intense—and, at times, sensationalized—and very divisive proceeding. When we rid ourselves of the poisonous venom of partisan politics, we see more clearly. We know that we don't always agree. Obviously, it is pretty clear that we certainly find common ground, and we do, as was envisioned by our Founders.

So let's all just take a deep breath and move on from here. Let's listen to our better voices. Those are the Americans we represent, who remind us every day how important our freedom and our liberties are to the American people and to the constitutional institutions that gird our values.

We sure have work to do. The American public expects us to do better. We should expect that of ourselves. After these wayward few weeks, there is no question we will need to rebuild that confidence. Do you know what? I am in this for the long haul, as I know the Presiding Officer is—the one where West Virginians and Texans and Americans see better days ahead for themselves and their children; the one where the West Virginians, Texans, and Americans drive to work each day and hear that Congress is actually doing its job. We were sent to Congress to work
for the American people, to deliver results, to renew their faith in our institutions, to rise above our own parties, and to make life better.

I have always been humbled by the confidence that has been placed in me by my fellow citizens. It is truly an honor to serve, and it is one that comes with great responsibility. We need to roll up our sleeves, stop the bickering, and deliver.

I am looking at a lot of young people here in the Senate, and I am thinking: How can I do better for you all? That is where our future lies.

I am an eternal optimist. I always have been. I am optimistic that we can find the solutions that move our country forward. Sure, there will be differences of opinion. There will probably be some harsh and sharp words along the way and differences in our philosophies, but Americans and these young people expect that we will bridge those gaps. It is going to take a lot of hard work, but I am certainly ready for the challenge, and I hope you will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, tomorrow, on this floor, the Senate will reconvene again as a court to vote on two Articles of Impeachment against President Trump. Now, after performing my due diligence, along with many others, and considering all assertions by the House and Senate managers, I believe the President should be acquitted from both charges. I do not believe that removal from office is warranted, more especially during an election year.

If everyone in this body, listened to 12 days of debate and testimony covering nearly 90 hours, I spent time meeting with my fellow Senators in order to reach a conclusion that was, one, fair; and two, met our constitutional mandates; and three, what will best serve our Nation. I did not seek that responsibility. However, I have tried to carry it out to the best of my ability. As a Senate juror, I was asked to weigh whether or not the House Articles of Impeachment charging the President with obstruction of Congress or abuse of power had merit and, if true, whether the offenses rose to a level that requires the President to step aside, but to agree with their line of reasoning, I believe the President should be acquitted from both charges.

The House managers have not put cause before personal animus. I would think, back in the day, perhaps, that they had a barrel—like a rain barrel to catch the excess water off of the roof. I know of no House Member who thinks, in a whirlpool of partisan impeachment, I pray that the Senate managers do not put cause before personal animus. It is a barrel to catch that and gets rid of it and let us get back to our business. I deeply regret that.

Additionally, my top concern was what precedence would be set for future Presidents and their expectations of privacy in conversation with their advisers, not to mention the future, with regard to this situation, once again, with our Nation finding itself in a whirlpool of partisan impeachment. I also believe that the House managers have not put cause before personal animus. I would think, back in the day, perhaps, that they had a barrel—like a rain barrel to catch the excess water off of the roof. I know of no House Member who thinks, in a whirlpool of partisan impeachment, I pray that the Senate managers do not put cause before personal animus. It is a barrel to catch that and gets rid of it and let us get back to our business. I deeply regret that.

As has been stated frequently, Alexander Hamilton described it best, that charges against the President “will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or the other; and in such cases there will always be the greater danger [to our Nation] that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.”

I don’t know how many Senators and, for that matter, the distinguished professor from Harvard, Professor Dershowitz, said that over and over again. Unfortunately, the warning of Alexander Hamilton and our Founders have come into fruition today. It is important for our ability to function as the United States Senate, where the threads of comity are already getting pretty frayed, threadbare.

In this regard, I appreciated yesterday when the White House counsel showed clips of major bills important to the American people that we have done in a bipartisan fashion, despite our differences, despite the animus in the Senate, especially highlighting something called the farm bill, where members from both parties worked, not by the way, of the distinguished Presiding Officer. We don’t always agree on every issue on the Ag Committee, but we can work together to accomplish great things for America. We have done that with the farm bill. Along with Senate Stabenow and the entire Agriculture Committee, we are the least partisan committee in this distinguished body. That is what we do here, and that is what we will do on behalf of our farmers, ranchers, our growers—everybody throughout rural and smalltown America—and we are charged with certainty and predictability, and we had to get it done. That is why I think the White House has won on a number of occasions. We use the threads of comity to get things done. It needs a lot of restitching.

So I have, President Trump’s actions risen to the level and vision by our Founding Fathers and the Constitution as high crimes and misdemeanors warranting removal from office? Our Constitution requires that the threshold for that judgment must be set by each Senator sitting as a judge, not as a juror.

All of us in this Senate have concerns about the direction this country is heading, but let me just stress that we have come through, time and time again, dark times. These are not the first of these times. When I first arrived here in the Senate as a chief of staff for Senator Frank Carlson, it was within weeks we had the horrible tragedy of the assassination of Martin Luther King. Washington was burning. Marines were on the Capitol steps with shotguns and live ammunition. That was tough. Vietnam tore the country apart, so did Watergate, so did the impeachment of Bill Clinton, so did Iran-Contra, just to name a few.

Today a charge of impeachment against the President has placed this Nation in jeopardy again. The House managers’ assertions are exactly the kind of situation the Framers were trying to avoid—the remarks by Alexander Hamilton that I just read—as they devised the mechanism to remove a sitting President whose actions endangered the Republic.

However, as we did back then, we will once again come together. As I said, these are not the worst of times, and we have always pulled it together. We are a strong nation because we have strong people. We are a strong nation because it is in our nature to work together, even as we disagree among ourselves.

So I made my choice very clear, and my plea is, let us restore the threads of comity in this distinguished body. Work together, we must. We will emerge strong because we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today to speak regarding the impeachment of President Trump.

In the past few weeks, the Senate has listened as both the House managers and the President’s counsel presented their cases. Nearly 28,000
pages of documents, including testi-
mony from 17 witnesses gathered as part of the House investigation, will be part of the Senate record. Over the course of 2 days, Senators asked 180 questions of the House managers and the White House counsel. The Senate took its constitutional duty very seri-
ously.

After carefully listening to the House managers, President’s counsel, reviewing the documents and testimony, and asking questions, it is clear to me that the Senate should not have impeached President Trump, and the Senate should vote to acquit the President.

The House process did not provide the President with an important due proc-
ess rights. On the other hand, the Sena-
tial trial was conducted using past precedent of the Clinton trial as the framework. At the start of the Senate trial, the Senate agreed that the House evidence could be admitted into the record. We provided ample opportunity for both the House managers and White House counsel to make their argu-
ments and ensure that Senators had substantial time to ask their ques-
tions. Again, in fact, Senators asked 180 questions over 2 full days and re-
ceived lengthy answers from both—and detailed answers from both President’s counsel and the House managers.

The American public has seen the transac-
tions that have led between President Trump and President Zelensky. President Zelensky has said on several occasions that he did not feel pressured to do anything in return for the security

Mr. MENENDEZ. Mr. President, I rise today as an unwavering believer in the system of checks and balances laid out by our Framers in the Constitu-
tion, with three coequal branches of government at times working with and against each other as a check against each other. It is this sys-

The facts show that the President used U.S. security assistance and an of-

The United States provides foreign assistance to countries all over the world because it benefits America’s in-

The PRESIDING OFFICER. The Sen-
ator from New Jersey.
day for our democracy, for our national security, and for our constitutional order.

I ask my colleagues, what future damage will we enable if this body says that it is OK for a President to subvert our duly elected government, and empow- er illicit foreign interference in our elec-

tions? What will be left of our system of checks and balances if there are no consequences for obstructing investiga-
tions, blocking witnesses, and with-
holding evidence from Congress? If we do not remove this President, can we pull ourselves back to a place where the rule of law matters? How much more shedding of the Constitution as a nation can we possibly endure?

We already know President Trump thinks he can go to war without congres-
sional authorization. He believes he can misuse congressionally appro-
priated funds for whatever he wants, like taking billions from the Depart-
ment of Defense to spend on a border wall. He is prepared to do a col-
lossal waste. And through it all, the compliant and complicit Republican majority has further emboldened this President by eliminating the 60-vote threshold for Supreme Court nominations—no call witnesses in this trial, by further stripping the Sen-
ate of its David versus Goliath role in which we serve as a check on vast exec-
utive power.

If the Senate is prepared to say that this is not impeachable, future Presidents of either party can misuse congression-
ally appropriated funding to extract political favors from a foreign power, can deny all witnesses, can withhold all relevant documents, can openly threaten Ambassadors, career public servants, and Members of Congress—if a President can commit all of these gross abuses of power as if he were above the law, then the very essence of our democracy is broken, and what we must ask ourselves is, What is left? What is the Constitution if we are not prepared to defend it? What is left other than lawlessness?

We need Republicans of conscience and courage to say more than just “Yes, the President did it, and it was wrong.” We need our Republican col-
leagues to be intellectually honest. We need them to speak the truth and say it is impeachable so we can mount a bi-
partisan defense of the Constitution and all that America stands for.

I, for one, am prepared to defend our Constitution. I will vote guilty on the Articles of Impeachment, not because of loyalty to any party, not because of how it will or won’t play in any upcoming election. I will vote for impeach-
ment and removal not because I hate this President, because I don’t, but be-
cause I love our country more.

I took an oath to uphold the Con-
stitution, and with this vote, I intend to do so.

I yield the floor.

Mr. MARKEY. Madam President, I thank you.

Over the course of this trial, we have heard nothing less than a blistering, scalding indictment of President

Trump’s conduct. The House managers put it best, indeed, compelling—and overwhelm-
ing—case: Donald Trump engaged in impeachable con-
duct. He withheld both congressionally approved aid to our ally Ukraine and an Oval Office meeting desperately sought by Ukraine’s new President—two official acts designed to get per-
sonal favors that would benefit him pol-

itically.

Trump sought an announcement by Ukraine of baseless investigations into bogus corruption allegations against Joe Biden, whom Donald Trump most feared as an opponent in the 2020 Presi-
dential election. He also wanted Ukraine to announce an investigation into the disproved and debunked con-
spiracy theory that Ukraine, not Rus-
sia, interfered in the 2016 Presidential election.

At every turn, Donald Trump refused to cooperate with and actively ob-
structed Congress’s investigation into his wrongdoing. His obstruction was, in the words of the Articles of Impeach-
ment, “unprecedented, categorical, and indisciminate.”

I listened carefully to the President’s lawyers as they presented their defense case. Like my colleagues, I took pages of notes. They patiently trying to hear each argument that was being made by the defense counsel. I took notes. They took notes.

As I sat at this desk, with the seri-
ousness and sanctity of the proceedings thick in the air, I waited for the Presi-
dent’s lawyers to rebut the avalanche of evidence against their client, and I waited and I waited. At the end of the case, I was still waiting. And that is because the President’s lawyers did no more than to repeat the facts in this case—nothing. They knew what we all knew after we heard the House managers’ case. Donald Trump did it. He did it. He did exactly what he was alleged to have done. He abused his power. He committed impeachable crimes. He is guilty. There is no ques-
tion about it—no question at all.

There is no doubt that President

Trump used his personal attorney, Rudy Giuliani, to solicit Ukraine’s in-
terference in the U.S. election. There is no doubt that President Trump froze the $391 million of taxpayer dollars in Ukraine military aid and security as-
sistance that Congress authorized and appropriated. There is no doubt that President Trump conditioned the release of that aid on the Ukrainian Gov-

ernment’s announcement of politically motiva-
ted investigations.

There is no doubt that in a July 25, 2019, telephone call, President Trump directly solicited investigations from

President Zelensky. And there is no doubt that President Trump released the aid to Ukraine only after a patriot within

the intelligence community blew the whistle on him and after several House committees announced a joint investi-
gation into the President’s coercive scheming. There is no doubt that the President directed and orchestrated a coverup and the wholesale obstruction of Congress’s investigation into his wrongdoing.

Donald Trump has shown no remorse, no contrition, no recognition whatso-
ever of his conduct was wrong. In-
stead, he has doubled down on his abuses, gaslighting us repeatedly with the assertion that his call with Presi-
dent Zelensky was “perfect” and by publicly urging Ukraine and China to investigate his political rivals.

The question now before the U.S. Senate is not, What are the facts? We know the facts. No reasonable person can dispute them. No, the question for the Senate is, What in the pursuit of impartial justice, if this is what we require, must we do with these facts?

To me, the answer is clear. We must vote to convict Donald Trump and re-

move him from office. All the evidence shows that he has committed impeach-
able offenses and is a clear and present danger to our democracy and our na-
national security.

But if we fail to remove Donald Trump from office, we are left with an equally consequential question: What would prevent an unrepentant Donald Trump from abusing his power again? We all know that the answer is noth-

ing—nothing will. That is the answer I received from the House managers when I asked this question during the trial. In fact, we know that an acquit-
tal will only embolden him.

We know that Donald Trump’s phone call with Ukrainian President Zelensky took place the day after Special Coun-
sel Mueller testified in the House of Repre-
sentatives. The facts of this case were found and explained in his House testi-
mony that there was evidence of a criminal conspiracy between members of the Trump campaign and Russia, but the evidence was not sufficient to bring charges. Robert Mueller never said there was no evidence of such a con-
spiracy. There was evidence. It was merely insufficient for a prosecution.

We know that Donald Trump took this as a green light to invite further foreign interference in our elections, which he did the very next day.

Donald Trump has no shame. He can-
not help himself. If we acquit President

Trump, he will believe himself to be ac-
countable to no one, and when—not if, but when—he is again faced with a choice between the public interest and his personal interest, he will choose his personal interest, and it will, in part, be a reckoning of our own making. A majority in this Chamber will have made President Trump a dictator.

What will the world—what will the American people? How will we convince them that we still have a democracy that they should have faith in, a system of
checks and balances that ensures accountability, that no one is above the law?
This weekend I asked some of my constituents what they would say on the floor of the Senate if they could make witnesses in this trial.
Jennifer Baker Jones of Woburn said it perfectly:
Wednesday’s vote won’t be a vindication of Trump, but an end to the right of Congress to push back on the President. They are giving up their power.
It will be difficult because we have already ceded much of our authority and, indeed, betrayed the public’s faith in us by the conduct of this trial.
Hope Anderson in Lowell, MA, told me:
We need to not only hold our leaders and ourselves accountable, but seek to maintain and repair the public’s trust.
We are not here simply to protect one election in 2020. We are here to protect all elections.
At the beginning of this trial, we each took an oath to do impartial justice, but then we held the trial without witnesses and without documents. We moved to vote on the Articles of Impeachment without hearing from John Bolton whose firsthand knowledge directly cuts the heart out of the President’s case; without hearing from Mick Mulvaney, whose fingerprints are all over this scheme; without the emails, texts, and other documents we know exist, writings that memorialize communications about the actions at issue here.
A trial is a search for the truth, the full truth, the whole truth. That search for the truth requires hearing from relevant witnesses and seeing relevant documents so that the fact finders understand the entire story. By not pursuing this evidence, the Senate—the fact finders—have told the American people that the truth does not matter.
Thomas Jefferson said something very similar to that. He said that if the people know the truth, they won’t make a mistake.
The same is true of the Senate. If given the truth, they, too, can be depended upon to meet any national crisis.
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The same is true of the Senate. If given the truth, they, too, can be depended upon to meet this crisis and do the right thing. I believe the truth will not only set us free but keep us free.
We now have an obligation to consider the evidence presented by House managers and the President’s defense team related to the Articles of Impeachment—abuse of power; two, obstruction of Congress.
The House managers have presented a case that is a result of a 3-month-long investigation during which the House Intelligence Committee issued scores of subpoenas for documents and testimony. Donald Trump obstructed this process from the start. No President—not even President Richard Nixon during Watergate—has ever issued an order to tell Congress to refuse to cooperate in an impeachment inquiry. As a result of this unprecedented obstruction, the Trump administration did not provide a single document to the House of Representatives—none.
Fortunately, those 17 brave public servants, many of whom risked their careers, came forward to testify under oath, and here is what we learned from them.
Donald Trump used the powers of his office to pressure the Government of Ukraine to interfere in the 2020 election on his behalf and to smear his credentials to our Constitution to secure power, we will never lose it.
most feared political opponent, our colleague, former Vice President Joe Biden. Donald Trump did this by illegally withholding funds appropriated by Congress to help an ally, Ukraine, in the midst of a hot war against Russia. Donald Trump did this by withholding a coveted White House meeting from the newly elected President of Ukraine, President Zelensky.

This President illegally withheld the funds and a meeting until President Zelensky merely announced sham investigations. Vice President Joe Biden and a debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 election. And when he got caught in the midst of this corrupt scheme, President Trump even called for other foreign nations to interfere on his behalf in the upcoming 2020 election.

While I believe the evidence against Donald Trump is overwhelming, like any criminal defendant, he is entitled to a fair trial. Many of us listened carefully to the President’s defense team over the course of his 2-week trial. Not once did the President’s defense team rebut the facts of the case. Not once did they defend the President or call on an eyewitness who could contradict the assertions made by witnesses who testified under oath. Not once did we hear the President’s defense team say: Of course, the President wouldn’t use the weight of the Federal Government to smear his political rival.

What did we hear? Instead, we heard distractions, conspiracy theories, unfounded smears about Vice President Biden—our former colleague—and his family. Instead, we heard a farfetched legal theory that Presidents cannot be impeached for soliciting foreign interference in our elections if they believe their own reelection is in the national interest.

I believe the House managers proved their case, and there now appears to be some bipartisan agreement that the President abused his power. Still, does this merit conviction and removal from office? Think about that.

Our Constitution, agreed to in 1787, sought to establish “a more perfect Union”—not a perfect union, “a more perfect Union.” The hard work toward a more perfect union did not end when Delaware became the first State to ratify the Constitution on December 7, 1787. In public only just begun. We went on as a nation to enact the Bill of Rights, abolish slavery, give women the right to vote, and much, much more.

Throughout our history, each generation of Americans has sought to improve our government and our country because, after all, we are not perfect.

In the words of Senator Bryan, we do not leave our destiny to chance. We make it a matter of choice. And we choose to make this a more perfect union, a reflection that the hard work begun in Philadelphia in 1787 is never—never—truly complete.

Our Constitution has weathered a Civil War, World War I, World War II, Vietnam, Watergate, a Great Depression, a great recession, death of Presidents, assassination of Presidents, and, yes, impeachment of Presidents. Our Constitution will weather this storm too.

A vote to acquit this President does not exonerate this President. A vote to acquit effectively legalizes the corruption of our elections—the very foundation under our democratic process. A vote to acquit President Trump and all who follow, that you may use the powers of the office to solicit foreign interference in our elections—the very thing that the Founding Fathers feared. A vote to acquit is the realization of our Founders’ worst fears: leaving a President with the impulses of a King, unchecked by the other coequal branches of government and undeterred by the prospect of impeachment.

Donald Trump violated his oath. He broke the most fundamental law in our country by cheat again, in the 2020 election, and when he got caught, he left little doubt that he will cheat again. That is not the conduct we expect of an American President. That is the conduct of someone who believes the law, or she is above the law. Donald Trump is our President. He is not our King.

So colleagues, if our destiny is to remain the most enduring democracy in the history of the world, we must not leave this to be a matter of chance. We must choose to preserve and protect our Constitution, and, to do so, we must convict Donald Trump on both Articles of Impeachment and remove him from office.

As he left the Constitutional Convention in 1787, Benjamin Franklin was asked this question we heard asked several times in the last 2 weeks on this floor. He was asked: “What do we have, [what do we have here] a monarchy or a republic?” Franklin answered famously: “A republic, if you can keep it.”

Today I want to pose the same question to all of us, to our colleagues, in this Chamber: What do we have here, a monarchy or a Republic? I guess we can all answer for ourselves, but I want to leave you with my answer today. Here it is. We have a Republic, and I intend to keep it.

I yield the floor to the塊HENRY CLAY OFFICER, The Senator from Virginia.

Mr. KAIN. Madam President, I rise also to discuss the pending matter, the serious matter of impeachment.

President Trump schemed to get Ukraine to help him win the 2020 election by strong-arming its new President to announce a bogus investigation against a political opponent. To carry out his scheme, he smeared, fired, and threatened a dedicated career ambassador, thwarted Congress by secretly withholding a Presidential aid to Ukraine over the advice of his national security team, violated two laws in order to hide his actions, outsourced critical foreign policy to a rogue private attorney, hurt an American ally, gratified an adversary, and overturned longstanding precedent regarding the relationship between the executive and legislative branches. The scheme was so repellent that numerous members of the President’s administration against it, and then, when they could not stop it themselves, courageously brought it to light.

The House managers have proven both Articles of Impeachment. But I want to note the adjacent constitutional provision—Article 1, Section 4, clause 3—which cannot be called a trial due to the shocking refusal to allow key witnesses and documents—with a basic question: Is it an abuse of trust for a President to behave exactly as expected?

President Trump’s behavior has been appalling, but it has not been a surprise. The American people knew that Donald Trump would seek foreign help to win an election. He publicly did so in 2016 by leading crowds in chants of “Lock her up.” That he will again target perceived opponents, Democrats or Republicans, Ambassadors or whistleblowers, Representatives or Senators, war heroes or teenage environmental activists, is no surprise.

The American public knew that Donald Trump would obstruct the release of information. He publicly did so in 2016, when he violated longstanding practice by refusing to release his tax returns. That he will continue to obstruct Congress, the media, and the American public is no surprise. His bigotry is no surprise. His lying is no surprise. His lack of ethics is no surprise. His xenophobia is no surprise. His misogyny is no surprise. His obsequious selfishness is no surprise. His hateful, divisive, and ignorant rhetoric is no surprise.

But Presidential impeachment was not designed to remove an immoral leader that the Nation had knowingly and willingly elected. It was designed to rescue the Nation from a leader who abuses the public trust. Can one abuse the public trust by behaving exactly as expected?

The Senate impeachment process answered my question. In 1974, Senators of both parties were willing to condemn extreme President misconduct. In 1999, Senators of both parties were able to distinguish between unacceptable personal behavior and “high Crimes and Misdemeanors.” But in 2020, the Senate majority engineered an effort to conceal the truth rather than find the truth. Some described the President’s actions as “impeachable.” I do not agree, even as they voted to hide critical evidence from the American people.
While the President’s actions have not been surprising, the Senate’s capitulation has surprised me. And last Friday, as the majority repeatedly blocked the effort to consider witnesses and documents, I had a sad epiphany. Unchallenged evil spreads like a virus. We had allowed President Poroshenko to infect the Senate and warp its behavior, and now the Senate’s refusal to allow a fair trial threatens to spread a broader anxiety about whether “impartial justice” is a hollow fiction. An acquittal will lead to worse conduct.

I will not be part of this continual degradation of public trust; thus, I will vote to convict.

An acquittal will, however, underscore a higher principle. The removal of a man will not remove the moral void he exemplifies. Instead, every day, people of good will must engage as the Senate was obligated to do much more than pass a resolution that comports with both the facts and the law.

These impeachment proceedings began in the House of Representatives in a thoroughly partisan affair, driven by House Democrats, without allowing the President to participate in cross-examining witnesses and calling defense witnesses.

When the matter came to the Senate, the Senate was obligated to do much better. We had an obligation under the Constitution to conduct a fair trial, and that is what the Senate has done. Over the course of the last 2 weeks, we have heard hour upon hour upon hour of argument. The House proceeding heard testimony from 18 different witnesses and calling defense witnesses. The Senate proceeded to call 18 different witnesses and urging the Senate to allow a fair trial.

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a million dollars a year, despite having no background in oil and gas and no discernible background in Ukraine. Hunter Biden gets paid a million dollars a year, and Joe Biden actively, aggressively, vigorously leads the Obama administration’s policies on Ukraine. Now, the House managers were asked in questioning: What exactly did Hunter Biden do for his million dollars a year? They refused to answer that. That is a perfectly reasonable question to ask if you are investigating corruption. We don’t know for sure if there was, in fact, corruption, but when President Trump asked that it be investigated to get to the bottom of what happened, the President has the authority to investigate corruption, and there was more than sufficient basis to do so.

Of course, the House managers are right that it is somehow illegitimate, it is somehow inappropriate—it is, in fact, impeachable—to seek the investigation of your political rival. We know for a fact that the Obama administration only sought the investigation but aggressively led an investigation marred by abuse of power, going after then-Candidate Trump, including wiretaps, including fraudulently obtained court documents and court warrants from the FISA Court.

Impeachment is an extraordinary remedy. It is not designed for when you disagree. It is not designed for when you have political differences or policy differences. It is designed for when a President crosses the constitutional threshold.

On February 6, 1974, the Democratic Judiciary Committee Chairman Peter Rodino, Democrat from New Jersey who led the impeachment inquiry into Richard Nixon, told his colleagues:

“Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: This was the right course. There was no other way.

That was the standard that led to an overwhelming bipartisan vote to open the impeachment proceeding against Richard Nixon, a standard that is remotely followed by the House managers. This was a partisan impeachment, and we are right now in an election year. The voters are voting, and it is up to the voters to decide which policies they want to continue. The House managers failed the constitutional process by trying to use impeachment to settle a partisan score. That is divisive to the country, and I am proud that this body will vote—and I hope in a bipartisan way—to reject these Articles of Impeachment, to acquit the President, and to find President Trump not guilty of the articles the House has sent over.

I yield the floor to the Presiding Officer. The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will vote against each of the House Democrats’ Articles of Impeachment, and I would like to explain why.

The House Democrats’ impeachment proceedings and their Articles of Impeachment were and are fatally flawed. My friends, the House Democrats, say that the President is out of control. What they really mean is that the President is out of their control. And that is not grounds for impeachment.

First, the process. The House Democrats’ impeachment proceedings were rigged. Speaker PELOSI and the House Democratic leadership decided before they even began to give President Trump a fair and impartial firing squad. Speaker PELOSI and the House Democrats’ judicial philosophy from the very beginning was guilty. That is why much of the proceedings were held in secret.

Democracy, they say, dies in darkness, and I believe it. That is why the House Democrats hid the identity of the original accuser, the so-called whistleblower, thus prohibiting the Able American public from being able to judge the accuser’s motives. That is also why the House Democrats prevented the President and his counsel from cross-examining the House Democrats’ witnesses, from offering his own witnesses, from offering rebuttal evidence, and even from being able to challenge the House Democrats’ evidence. The House Democrats wouldn’t even allow the President or his counsel to attend critical parts of the impeachment proceedings.

The U.S. Senate cannot and should not consider an impeachment based on such a deficient record. It is true that in America no one is above the law, but no one is beneath it either. Fairness matters in our country.

The House Democrats’ impeachment is also flawed because it is a partisan impeachment. Its genesis is partisan rage. Not a single, solitary House Republican voted for the Articles of Impeachment.

The House Democrats made a conscious decision to turn impeachment into a routine Washington, DC, political weapon, to normalize it. Our country’s Founders were concerned about impeachments based on partisan rage and our country’s Founders were adamantly opposed. That is why in the Constitution they required a two-thirds vote of the Senate to impeach.

Now, a word about the substance of the House’s Articles of Impeachment. The House Democrats accused the President of obstruction of justice. Why? Because he chose to assert executive privilege and testimony are well-established, constitutionally based Presidential and executive branch privileges that every President at one time or another has asserted. The proper course by the House Democrats in the face of the assertion of these privileges was to seek judicial review—go see a judge to seek judicial review from our third branch of government, which then would have balanced the policies the House Democrats sought to override with the public interest of the privileges. But House Democrats chose not to do that. They cannot now complain.

The House Democrats also accused President Trump of abuse of power. If you listen carefully to their allegations, you will see that they don’t really argue that the President of the United States did not and does not have the inherent power to pause U.S. foreign aid to Ukraine until Ukraine agreed to investigate corruption. That is clearly within the authority of the President of the United States.

Instead, the House Democrats, claiming to be able to read the President’s mind, say that the President did it with a corrupt motive because the investigation of corruption was against former Vice President Joe Biden, a political rival. But the President didn’t get Joe Biden’s name out of a phonebook. Why did the President ask for an investigation involving former Vice President Biden? Four words: Hunter Biden and Burisma.

Now, these are the facts. President Obama put Vice President Biden in charge of the foreign affairs of our country for two other countries, Ukraine and China. And in both instances, the President’s son, Hunter Biden, promptly walked away with millions of dollars in contracts from politically connected companies in those two countries, including Burisma Holdings. The message that this behavior sent to the world was that America’s foreign policy can be bought like a sack of potatoes. No fairminded person can argue that an investigation of this possible corruption was not in the national interest.

The House Democrats seek to annul the 134 million Americans who voted in the 2016 Presidential election, which resulted in the Trump Presidency, and to do so when a new Presidential election is just 10 months away. No one in the Milky Way who is fairminded can believe this is good for America. A nation as great as ours deserves better.
To my Democratic friends, here is what I say. The 2016 Presidential election is over. Let it go. Put aside your partisan rage. Stop regretting yesterday, and instead, let’s try working together and creating tomorrow, because, after all, the future is just a bunch of things we do right now strung together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Madam President, in Federalist Papers No. 65, which we have heard referred to quite a bit in the last 2 weeks, Alexander Hamilton warned that the impeachment process should never be used as a partisan political weapon. He said that impeachment can “connect itself with the pre-existing factions and will enlist all their animosities, partialities, influences, and interest on one side or on the other. This process, across the aisle, this is only about overturning the 2016 election, impacting the 2020 election, and gaining the Senate majority.

From the start, this House process has been totally illegitimate. The Articles of Impeachment that the House of Representatives presented to us last month were nothing more than the fruit of a poisonous tree.

In America, we believe in the rule of law. In America, we believe in due process. In America, we believe that the President has the right to a fair trial. In America, we believe anyone is innocent until proven guilty. However, House Democrats violated each of these foundational precepts in using the impeachment process as a partisan political weapon.

Throughout the course of the House impeachment investigation, Democrats repeatedly denied President Trump due process and the fundamental rights of the accused in America. Simply put, what they did was not fair. They denied him the right to have counsel, the right to have witnesses, the right to cross-examine their witnesses, the right to the evidence, and, lastly, the right to face his accuser.

Contrast that with the last two Presidents to face impeachment. The grand jury investigation of Clinton and the Watergate investigation of Nixon were conducted in a fair manner, with rights for the accused. No action was taken by the House of Representatives until the facts were clear and indisputable in both of those trials. When these investigations were complete and those, you know, Presidents were found to have committed a crime, impeachment had bipartisan support, unlike this time.

This investigation is entirely different. It was rushed and was totally partisan, with not one single House Republican voting for these two pitiful Articles of Impeachment.

The impeachment trial in the Senate has been in 2 weeks. Unlike in the House, the Senate upheld its constitutional duty to conduct a fair trial. The Democratic House managers had the opportunity to present their case. Then, for the first time in this sad affair, the President and his team—his legal opportunity to present their case, their defense.


It is pretty simple. I am not a lawyer, but if you look at the facts, it is very direct. The Constitution clearly lays out four explicit reasons for impeaching a President. Even corruption does not qualify under these definitions. It is characterized as treason, bribery, high crimes, and misdemeanors. And they explained to us in the hearings: Another translation in modern terms, using the Old English for misdemeanors, is crimes. It is another very important point.

The charges against President Trump don’t come close to any of these specified requirements. It is as simple as that. The House was beginning to make up new constitutional law. Each of the three other Presidents who has faced impeachment was charged with committing a crime.

President Trump is the first President ever to face impeachment who was never accused of any crime in these proceedings, whatsoever. These two Articles of Impeachment simply do not qualify as reasons to impeach any President. Further, Democratic House managers did not prove their case for either of the two Articles of Impeachment.

The entire case for abuse of power is centered around the June 25, 2019, phone call between President Trump and President Zelensky of Ukraine. The Democrats allege President Trump only asked for help in investigating the Burisma situation for political gain. It is clear now, after hearing all the testimony, that the primary motivation to ask Zelensky to look into the Biden Burisma corruption issue was to root out corruption in Ukraine. Ukraine has a long history of corruption and this President was well within his rights to ask for help in rooting out this fairly obvious example of corruption. Democrats completely failed to prove the President’s request was for political gain only.

Regarding the obstruction of Congress article, every President has the right to exert executive privilege to protect our national interests and the separation of power. Honestly, this article is a red herring. This article was not even received in the Senate in the first place. We should have dismissed this article out of hand. It simply is absurd.

Arguing that President Trump obstructed Congress by claiming his rights is unacceptable and would fundamentally weaken this right for future Presidents. When President Trump exerted executive privilege—his right under the Constitution, Democratic House members did not follow through on the subpoenas. That is the way the Founders laid it out. They could have pursued the subpoenas in court. For some reason, the House Democrats chose not to do that.

Democrats were in such a rush that they sent the Senate an incomplete case. That is why I believe the Senate should not have accepted them in the first place, because the process was illegitimate, inappropriate, and incomplete.

Bottom line: House Democrats simply did not do their job. In the Clinton investigation, the House investigated for over 400 days before they brought Articles of Impeachment. There was a seat of imprisonment. In this case, it was barely 100.

The Democratic House managers brought the Articles of Impeachment and claimed they had overwhelming proof. Immediately in their opening statements, they presented no proof. However, right away, even with that, they immediately demanded the Senate call witnesses that the House had already chosen not to call, like John Bolton. They could have easily done more calling it would take too long. Instead, they demanded that the Senate call additional witnesses who were not included in the House investigation.

The Constitution requires that the House conduct the investigation, including calling witnesses, taking depositions, collecting evidence, and the Senate is charged to rule based on the evidence the House provides.

This was designed this way for a very specific reason, a very practical reason. In the House, committees can investigate these charges while the rest of the House continues to do their legislative work. Unfortunately, in the Senate, when Articles of Impeachment are brought and sent to the Senate, the Senate, by constitutional law, must stop what it is doing, must open an impeachment hearing, and while in a formal impeachment hearing, the Senate cannot do anything else by law. It goes into legislative shutdown, and then the Senate managers had the opportunity to present their case. This is not what the Founders wrote.

In this case, if we were to call additional witnesses, then we would be setting a dangerous precedent for every future case. The House could theoretically make up any flimsy charge they wanted to, with no investigation, with no witnesses, no testimony, no evidence whatsoever, and then send the articles to the Senate to expect the Senate to do their job. That is not what the Founders wrote. That is not what they had in mind. It would open up a pandora’s box of Senate shutdowns in the future. In this case, definitely, and you can see why the Founders did not want to go down that road. That is now how they built this
process. For the sake of our very system of government, we cannot yield to this unconstitutitional effort.

The House actually did call 17 witnesses. They sent over 193 videos and 28,000 pages of documents. Ultimately, a majority in this body concluded it was substantially protected from any of those witnesses again. On top of that, the impeachment rules do not require the Senate to call witnesses. That is the House’s job. It is just that simple.

Letter. This entire impeachment process has been a purely partisan political stunt perpetrated by House Democrats. It truly is an embarrassment and exactly what Alexander Hamilton warned us all against.

It is no secret—Democrats have been trying to obstruct this President from day one. On the day President Trump was inaugurated, the headline of the Washington Post—right here in town—claimed “The Campaign to Impeach this President has Begun.”

House Democratic manager ADAM SCHIFF, in his opening remarks, said you can’t trust elections. That is why we have impeachments? Really? Really? That is absurd.

The President has done nothing to warrant this impeachment process. He must be acquitted. If we let House Democrats get away with this today, we are setting a dangerous precedent for the future.

Already, we are in an era of impeachment. In the first 180 years, we only had one impeachment case that came to the Senate and was investigated in the House. In the last 45 years, we have had three investigated by the House, and two have actually made it to the Senate. If we let Democrats improperly use the impeachment process as a partisan political weapon, then it will only get worse in the future.

I call on my colleagues today—I plead with my colleagues today—to reject this unconstitutitional effort and vote to acquit Donald J. Trump of these illegitimate and unconstitutional Articles of Impeachment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES, Madam President, I rise today in the very Chamber where just three Presidential impeachment trials have been held over the course of our Nation’s history—President Johnson in 1868, President Clinton in 1999, and now President Trump.

In fact, I sat at this desk the past 2 weeks listening to over 65 hours of trial proceedings, and during that time, we heard from 13 witnesses, and we viewed 193 video clips and 28,000-plus pages of documentation. Senators asked over 16-hour period, asked over 190 questions. In the Senate, we took our solemn duty seriously.

If there is one thing to be remembered from this trial for generations to come, it is this: Sadly, over the course of our country’s 244-year history, never has our Nation faced such a partisan abuse of power. Never has the Senate been faced with Articles of Impeachment that allege no crimes in an attempt to remove a duly elected President of the United States from office.

Never before have we seen such a partisan Presidential impeachment process.

In 1974, when President Nixon faced impeachment—Nixon, a Republican—177 House Republicans joined Democrats in support of the impeachment inquiry. During President Clinton’s impeachment—a Democrat—35 Democrats joined with President Trump, there were zero. Not one Republican supported it. In fact, there were some Democrats who opposed it. So, to be clear, there was actually a bipartisan opposition.

This impeachment is an unprecedented, purely partisan threat to the Constitution. Our Founding Fathers, the Framers of our great Constitution, understood what the power of impeachment meant when they gave it to Congress after great deliberation.

Alexander Hamilton and James Madison feared—they feared—congressional abuse of power and legislative tyranny as they debated whether to include the power of the impeachment. The Founders knew the removal of a President from office amounted to a political death sentence.

In Federalist 65, Hamilton warns that the Constitution must be “an independent” institution to determine whether a House impeachment was warranted.

The Founders had the wisdom to establish a two-thirds Senate vote threshold to help ensure that removal could not be achieved by mere partisan politics. The Founders established that the thermonuclear option of impeachment must be bipartisan to safeguard not just the President from unwarranted removal but, importantly, to protect the will of the American people who elected the President in the first place.

Unfortunately, NANCY PELOSI, ADAM SCHIFF, and House Democrats have done exactly what the Founding Fathers feared. They have ignored what House manager and the chairman of the House Judiciary Committee, JERRY NADLER, himself correctly observed during the 1998 Clinton impeachment when he stated:

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 would lack legitimacy.

That was JERRY NADLER in 1998. Unanimously, in President Clinton’s House of Representatives discarded NADLER’s very wise words, and they stubbornly defied historical precedent by rushing these Articles of Impeachment, driven by a Christmas deadline, on a purely partisan vote and sending it to the Senate.

The Democrats’ decision was a mistake, and it has only further divided our Nation at a time when we need to be working together. It was wrong, and it has damaged our country. We now need to fight for future Presidents, Democrats or Republicans, who will hold the oath of office in this newly hyperpartisan era.

This partisan and weak case from the House managers proves what this impeachment has always been about—it is about purely partisan politics. This impeachment has been nothing more than an attempt to overturn the 2020 Presidential election and to severely impact the 2020 election.

By the way, if we were to convict the President of either one of these articles, one or both, he literally would be removed not only from office but from the 2020 ballot.

Speaking of the 2020 ballot, the 2020 election is already underway. Just yesterday, Americans cast their votes in Iowa for President of the United States. In fact, last year, Montanaans submitted signatures and filed the paperwork to place President Trump on the Montana ballot for the 2020 election.

Sad? I am, in this situation today. You see, the Democrats have been obsessed with impeaching President Trump since before he was even sworn into office. They could not accept the fact that Donald Trump won the 2016 election.

On December 15, 2016, just 5 weeks following the 2016 Presidential election, there was a headline from Vanity Fair, and I quote it: “Democrats are Paving the Way to Impeach Donald Trump.”

It’s January 20—now, when I think of January 20, 2017, I think about the day the President was inaugurated, which it was—the Washington Post headline read “The campaign to impeach President Trump has begun.” This article was posted 19 minutes—just 19 minutes—after President Trump was sworn into office.

It gets worse. Ten days later, on January 30, 2017, the attorney for the whistleblower who was talked about during the trial—the whistleblower’s attorney, 10 days after President Trump was inaugurated back in 2017, said this in a tweet: “Coup has started. First of many steps. Rebellion. Impeachment will follow immediately.” That was the attorney for the whistleblower who really started this entire impeachment process.

We have even seen some House Democrats publicly state that the only way to beat President Trump in the next election is to impeach him.

Our Founding Fathers would be grieved by the careless use of this most powerful tool against the Presidency. Impeachment is not a tool to overturn
the results of a past election. It is not a tool to change the outcome of an upcoming election.

You see, in America, the power of our government doesn’t come from 100 Senators in this body or a handful of lawmakers; it comes from the people whom we serve. This grand American experiment of our democratic Republic is built upon the idea of a government of, by, and for the people.

Montanans elected me to represent them in the U.S. Senate, to be their voice on this floor and in Washington, DC. Montanans overwhelmingly oppose this impeachment. Montanans stand with President Trump. They stand with the majority of the American people. They are against impeachment. They trusted the Senate, requiring more solicitude to require removal from office.

President Trump won Montana by over 20 points in the 2016 election. Supporting this impeachment means ignoring the voices of Montanans who voted for President Trump in the last election, and it means silencing Montanans who plan to vote for President Trump in the 2020 election.

I am voting to acquit President Donald J. Trump.

For the good of our country, let it be seared in our minds forevermore: Impeachment must never ever again be used as a partisan weapon.

I encourage my colleagues on both sides of the aisle to fully understand the magnitude of what this would mean for our country. This is the first purely partisan impeachment. In fact, President Trump won Montana by over 20 points in the 2016 election. Supporting this impeachment means ignoring the voices of Montanans who voted for President Trump in the last election, and it means silencing Montanans who plan to vote for President Trump in the 2020 election.

The answer is an election, not impeachment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, today we are faced with the decision on whether to remove the President from office based on the Articles of Impeachment sent to us by the House of Representatives.

Our Founding Fathers included impeachment—effectively overturning the will of the American electorate—to be used only as a last resort. They trusted the Senate, requiring more solemn judgment than their counterparts in the House, to decide whether an allegation of impeachment has the substantiality to require removal from office.

According to “Commentaries on the Constitution” by Joseph Story, the Framers saw the Senate as a tribunal “removed from popular power and passions and from the more dangerous influence of mere party spirit,” guided by “a deep responsibility to future times.”

This impeachment process, driven by partisan desire, was rushed and lacked any proper form and substance. This is an attempt by the House to undo the results of the 2016 election and impact the 2020 election.

Article II, section 4 of the Constitution states: “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”


Within his work, Blackstone discussed “high misdemeanors,” which included many crimes against the King and government, including maladministration. According to Blackstone, maladministration applied to high officers in public trust and employment and was punished by the method of parliamentary impeachment. It is from Blackstone’s work that “high crimes and misdemeanors” had a limited and technical meaning.

In defining high misdemeanors, Blackstone wrote: “So vague a term will be equivalent to a tenure during pleasure of the Senate.”

The Framers knew what they were adopting when they chose “high crimes and misdemeanors.” They explicitly rejected maladministration and other vague terms in favor of more specific allegations, which had a limited and technical meaning.

In the first Article of Impeachment before the Senate, the question is whether abuse of power as a charge on its own is an impeachable offense.

The answer is no. Abuse of power does not have a limited meaning and is as vague as maladministration. The Framers actually discussed abuse of power and rejected it.

At the Virginia ratifying convention, James Iredell, one of the first Supreme Court Justices, stated: “No power of any kind or degree can be given but what may be abused; we have, therefore, only to consider whether any particular power is absolutely necessary. If it be, the power must be given, and we must rule the risk of abuse.

In the first Article of Impeachment, the House has claimed that the abuse of power is within the scope of high crimes and misdemeanors. I believe the Framers saw abuse of power as an inherent risk within the delegation of that authority. The Framers did not intend impeachment proceedings to be brought every time an abuse of power is alleged.

In the second Article of Impeachment, the House and President obstructed Congress when he refused to comply with congressional subpoenas. The President rejected the legitimacy of those subpoenas. The House then failed to pursue redress through the courts, rejecting the court’s rightful role in settling disputes between the two branches of government.

The separation of powers doctrine recognized executive privilege as a lawful exercise for the President to protect both Presidential and deliberative communications. The House showed a deliberate disregard for the proper role of the judicial branch and now expects the Senate to gather evidence after they have already impeached.

Presuming an obstruction of Congress charge before the House exhausted its remedy for judicial relief would change the balance of power between our co-equal branches of government and ignore the rightful place the courts hold in determining disputes between the executive and legislative branches.

No branch of government is above the Constitution. We are obligated
under oath of office to support and defend it.

Article I, sections 2 and 3 of the Constitution state “the House shall have the sole Power of Impeachment,” and “the Senate shall have the sole Power to try all Impeachments.” The Framers intentionally separated these authorities.

The Senate does not have the authority to impeach; however, the Senate does have the authority to judge the sufficiency of articles presented to it. The Senate’s responsibility to bring the evidence to make their case, not simply make an allegation.

This does not mean that the Senate cannot call witnesses, but it most certainly should not be the Senate’s obligation to do so because the House failed to do so in the first place.

Upon the founding of the Senate, James Madison explained that the Senate’s “necessary fence” against the “fickleness and passion” that tended to influence the attitudes of the general public and Members of the House of Representatives.

George Washington is said to have told Thomas Jefferson that the Framers had created the Senate to “cool” House legislation, just as a saucer was used to cool hot tea. For impeachment, there can be no difference.

When the House is ignited by partisan passions eager for a desired result, the Senate must be cool and firm in its heightened review. In recognizing the haste and half-hearted attempt by our colleagues in the House, the Senate must also recognize these Articles of Impeachment to be wholly insufficient and not warranting a removal from office.

Let this decision lie in its rightful place, with the electorate. The Senate has conducted a fair, impartial trial. We did our due diligence and fulfilled our constitutional duty. Now it is time to bring this process to a close and get on with the business of the American people who sent us here.

I will vote against the Articles of Impeachment, in keeping with the constitutional intent our Framers expected.

Madam President, I ask unanimous consent that citations to my remarks be printed in the RECORD.

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

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1. According to Commentaries on the Constitution by Joseph Story, the Framers saw the Senate as a tribunal “removed from popular power and passion...and from the more dangerous influence of mere party spirit,” guided by “a deep responsibility to future times.” 2 Joseph Story, Commentaries on the Constitution §743 (1833).
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want witnesses in something as important as an impeachment of a sitting President? We know that documents exist that could help shed more light on this case. We also know of other witnesses with additional firsthand information whom we have yet to hear from. We have one witness, in particular—former National Security Advisor John Bolton, who has told the world he has relevant information and he is willing to testify.

Yet, despite all of that, the Senate, on a partisan vote, refused to listen to Ambassador Bolton or any other witnesses. Members of this institution have willfully turned their back on important, relevant, firsthand information.

On the Articles of Impeachment before us, I have listened to the extensive arguments from both the House managers and the defense counsel for the President. I have heard the law. The evidence clearly shows that the President abused his power—which has been acknowledged by several Republican Senators—and he obstructed Congress, which is why I will be supporting both Articles of Impeachment.

On the first Article of Impeachment, it is my strong view that the House managers have proved that President Trump withheld military aid and a White House meeting from the Government of Ukraine to further his own political interests in the upcoming Presidential election and to damage the candidacy of his opponent. The evidence presented to the Senate was overwhelming.

Further supporting the House managers’ case, the independent Government Accountability Office, the GAO, concluded that the witholding of military aid to Ukraine was improper and illegal under the law. The evidence presented by the President’s defense and the GAO clearly stated that the administration’s hold on assistance would do lasting damage to the Ukrainian military and would undo the progress made by Ukraine to defend itself. That was a bipartisan letter.

Putting our national security at risk in order to secure personal political favors is an unacceptable abuse of power, and that is why we are here today. In response to the overwhelming evidence presented by the House managers, the President’s counsel failed to refute these serious allegations. Their arguments that President Trump was focused only on the national interest are not supported by the facts. The President has never demonstrated an interest in reconstruction in Ukraine and has a troubling pattern of personally seeking political dirt from foreign governments. I worry that this behavior will continue.

The 2020 election is 9 months away, and the President continues to suggest that he would consider receiving political help from foreign governments. Just recently, the President suggested that China should also investigate the Bidens.

Now, with respect to the second article dealing with obstruction of justice, the House managers have also presented overwhelming evidence that President Trump obstructed the investigation into his conduct toward Ukraine. President Trump repeatedly denied the House of Representatives’ constitutional authority to conduct an impeachment inquiry. The President ordered Federal agencies and officials to ignore all requests for documents and all subpoenas. Those agencies obeyed the President’s order, and not a single document was turned over to the House. In total, nine witnesses called by the House followed President Trump’s order and refused to testify in an impeachment inquiry. This is an unprecedented attempt to thwart Congress’s constitutional authority to exercise the impeachment power. Even President Nixon instructed his White House staff to voluntarily appear before Congress and to testify under oath, despite the administration’s stonewalling, many courageous officials did come forward to testify at great personal and professional expense. I want to thank those who testified. Their bravery and commitment to the truth should be commended. But if the President is allowed to completely stonewall congressional impeachment investigations into executive branch abuses, then the congressional power of impeachment is meaningless.

As a Senator, I never imagined I would have to participate in an impeachment trial of a sitting President. After hearing the House managers’ case, it is clear that President Trump withheld U.S. aid in an effort to obtain Ukraine’s assistance to...
win reelection by asking that Ukraine launch and make public an investigation into Joe Biden, Mr. Trump’s political opponent.

The President’s legal team tried to argue that this didn’t happen, but without the evidence available to us and considering the President’s pattern of similar misconduct, I will vote yes on the Articles of Impeachment.

The House presented a compelling factual case. Congress appropriated nearly $400 million in foreign aid to Ukraine, an ally engaged in a war with a major power, Russia. It was signed into law by President Trump, who knew what he was signing and what it entailed. President Trump also knew that Ukraine desperately needed the aid and America’s partnership in its efforts against the huge power, Russia.

He used that vulnerability to his advantage. He privately demanded that, in exchange for U.S. aid and a White House visit, Ukraine’s newly elected President, Ukraine’s leaders had to publicly announce an investigation that would damage his political rival, Vice President Joe Biden. The President relayed those same demands to senior Ukrainian officials through both private and official government channels. This was a clear quid pro quo, and it is at the heart of the argument in the first Article of Impeachment: abuse of power.

President Trump took this action to benefit himself personally and not for the good of the Nation. He violated the law by withholding appropriated funds in order to benefit himself and not our country. President Trump did not witheld that aid because of concern about corruption generally. Instead, he demanded just two specific investigations—Burisma and Biden—both intended to help him win reelection in 2020.

After hearing the House managers’ presentation, I think we have got to really ask ourselves, How can this President deal with any foreign nation after compromising himself in such a way? How can he be trusted to ensure that American elections are free from foreign interference? Other countries are watching. After the President compromised himself this way with Ukraine, what is to keep them, or any other country, from seeking benefits from the President in exchange for political or personal assistance? So, if the Senate refuses to correct this precedent now, the door to foreign political influence in our elections will be opened.

The House managers also presented a strong case on the second Article of Impeachment: obstruction of Congress. Here, the facts themselves are not in dispute. President Trump ordered his administration to withhold all documents and ordered executive branch witnesses not to testify before the House began its inquiry. The President’s legal team countered that he has a right to defy congressional subpoenas as much as he pleases, but there is no precedent for their sweeping claim of absolute immunity from congressional oversight, particularly in the context of impeachment proceedings.

President Trump has taken the position that there are no checks on his Presidential authority, effectively placing himself above the law, and I don’t believe the Senate can let this stand. Unfortunately, the President’s actions are not isolated incidents. Both Articles of Impeachment point to this. The articles note: “These actions were consistent with President Trump’s previous invitations of foreign interference into U.S. presidential elections and with ‘previous efforts to undermine United States Government investigations into foreign interference in United States elections.’”

During the 2016 campaign, President Trump welcomed Russia’s assistance to defeat his opponent, Hillary Clinton. The Mueller report detailed exactly how the Trump campaign sought to work with Russia to improve his electoral chances, including providing internal campaign polling data to a Russian operative, inviting Russia to hack Hillary Clinton after Russia had already successfully hacked the Democratic National Committee, and obtaining information about upcoming releases of emails stolen by Russian agents and weaponizing these stolen documents to harm Hillary Clinton.

When this conduct came under question, President Trump obstructed the investigation into Special Counsel and with “previous efforts to undermine United States Government investigations into foreign interference in United States elections.”

This evidence reflects a corrupt connection with China to win re-election by asking that Ukraine, an ally engaged in a war with a major power, Russia. It was signed into law by President Trump, who knew what he was signing and what it entailed. President Trump also knew that Ukraine desperately needed the aid and America’s partnership in its efforts against the huge power, Russia.

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meeting that would have strengthened our relationship with a democratically elected leader of Ukraine, a leader who was trying to prevent further Russian occupation of his country.

The President used these powerful tools—foreign policy leverage—not leverage to further advance America's national interests but leverage to secure investigations into a political opponent. He also used these as an opportunity to try to expound on the so-called CrowdStrike conspiracy theory, a notion that has been hideously debunked by Mr. Trump's own law enforcement and intelligence agencies; a theory that somehow it was Ukraine, not Russia, that attacked our democracy in 2016. It is a theory, by the way, that currently has been and continues to be promoted by the Russian spy services.

Since this information came to light, the President has attempted to confound the House of Representatives' constant quest for the impeachment process. The White House issued a blanket refusal to provide any witnesses or documents without any historical precedent or sound legal argument to support this position. For this reason, I thought, Trump charged with obstruction of Congress.

Frankly, I understand some of the points the President's defense team has raised concerning this second Article of Impeachment. There are legitimate questions about executive privilege and separation of powers, but we cannot accept the absolute immunity argument this White House has invented. This absolute stance and the evidence we have seen about the President's corrupt actions and intentions do not reflect a principled, good-faith defense of executive privilege. Rather, it suggests an effort to deny Congress the constitutional authority to investigate Presidential wrongdoing and, ultimately, to prevent that exposure of the President's conduct.

In reviewing this evidence, I have tried to stick to my oath of impartiality. I have tried to keep an open mind about what witnesses like John Bolton and Mick Mulvaney—people who were in the room with the President—could tell us. If anyone can provide new information that further explains the President's actions, it is they. But I don't see how the White House efforts to hide the facts is anything but an admission that what they would say under oath would not be good for this President. And I am deeply disappointed that the Senate could not achieve the majority necessary for a full, fair trial. Consequently, the defense of the President that we are left with is thin, legalistic, and, frankly, cynical.

Instead of disputing the core facts, which are damning on their own terms, the President's lawyers have resorted to remarkable legal gymnastics. The notion that even if the President did what he is accused of, abuse of power is not impeachable; that foreign interference is not a crime; that even calling witnesses to seek the truth about the President's actions and motivations might somehow endanger the Republic. And then when Professor Dershowitz made his bizarre argument that abusing Presidential power to aid your political enemies is impeachable if you believe your own election to be in the national interest, I paid close attention. Frankly, I paid closer attention to what Professor Dershowitz said in this Chamber than I paid when I was in his class back in 1977. But you don't need a Harvard Law School degree to understand what utter nonsense that argument is and where it could take us if we followed it to its logical conclusion.

The Framers wrote impeachment into the Constitution precisely because they were worried about the abuse of Presidential power. And if an abuse of power is what the Framers had in mind when they crafted impeachment, then, the threshold for what our deliberations are simple: Did President Trump abuse his power and should he be removed from office?

The House managers have presented a compelling case that the President crossed the threshold to advance politically motivated investigations. Again, a number of my Republican colleagues have acknowledged these facts, acknowledged that what the President did was wrong. And, frankly, it is clear to me why he did it. But why would we hope that anyone, including Donald Trump, would do so? Why did he do it? Does anyone here honestly believe that Donald Trump wanted an investigation into the Bidens for any other reason than to damage Joe Biden politically and, therefore, aid in his own reelection? Time and again, this President has shown a willingness to attack anyone who stands in his way. And on this he is ecumenical—Republicans, Democrats, members of his staff, Members of this body. Nobody is off limits. There is nothing out of character about this President using every available tool to damage an opponent regardless of their political party.

I don't find fault for the President in his unorthodox style. That is not an impeachable offense. The long list of things I disagree with this President on are not impeachable offenses either. But the Constitution draws a line that is much clearer than the President's lawyers have tried to argue. The President crossed it. He abused his power. He commandeered America's foreign policy, not to advance America's interest but to advance Donald Trump's political interest. And despite his efforts to cover it up, he got caught.

Now, each one of us must vote guilty or not guilty. I will vote to convict the President because I swore an oath to do impartial justice and the evidence proves the charges against him are true. There must be consequences for abusing the power of the Presidency to solicit foreign interference in our election.

If the Senate fails to hold him accountable, we will be setting a dangerous precedent. We will be giving the green light to foreign adversaries and future Presidents that this kind of behavior is OK. I will vote to convict the President because it is the Senate's constitutional responsibility to uphold this bedrock American principle that no one is above the law, not even the President, and especially not the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

SPEAKER. Madam President, I am going to read a statement and then I am going to go back through the information that I used to make the decision to be able to write this statement.

Montanans sent me to the U.S. Senate to hold government accountable. I fought to allow this trial to include documents and testimony from witnesses with firsthand knowledge of the allegations against the President, regardless of whether they were incriminating or exculpatory, so that the Senate could make a decision based on the best information available.

Unfortunately, my Republican colleagues and the administration blocked this information, robbing the American people of their legitimate right to hold their elected officials accountable.

Based on the evidence that was available to me during this trial, I believe President Trump abused his power by withholding military aid and information from an ally in order to advance America's national interests but to advance Donald Trump's political interest, not to advance America's interests.

This is a sad day for this country and for all Americans who believe that no one—not even the President of the United States—is above the law.

So how did I get to this point? Well, just a little over 2 weeks ago, we came into this Chamber and we started hearing testimony. That testimony resulted in these two notebooks full of notes, because, quite frankly, the House managers laid out a compelling case. The defense made their arguments, but the case of the House was overwhelmingly compelling.

An impeachment is a solemn time. It is not something we should be taking without the deepest and most serious consideration. I compare it to a vote to send our people to war. But in this particular case, there was very little transparency, and none, if the President would have had it his way, of information coming out during this trial. This, in fact, is the shortest impeachment trial of a President ever. If we are going to have information to make good decisions—and I always said if you have good information, you can make good decisions—then, the President really needed to open up and cooperate just a little bit.

This is the first time ever that we had a trial with no witnesses and no documents—a trial in the Senate with no information from the executive branch. And yet, we get "executive privilege," and I think there are times when executive privilege has to be used because the information is sensitive.
But I have to tell you that the Williams letter is a prime example. I went down to the SCIF. I read it. I have to tell you something. If there is something in there that needs to be classified, you have me. The information in that letter was information that I knew before I went in the SCIF. It is the same with many of the emails—if not all of the emails—that the President has requested to be classified and kept away from this body and kept away from the press.

Then we should say this democracy should work. It should be open. If things are done, the people should be allowed to know.

There are moments in time when documents have to be classified on sensitive information, but I am here to tell you I have seen none of that. I think many of the FOIA requests that have been brought forth show heavily redacted email messages, and then when we find out what was really in them, there was no need for that redaction.

So when it comes to the obstruction of Congress, the article II impeachment, I don't think there is any doubt that the President obstructed our ability—the United States Senate—to do its job as a coequal branch to make sure that the executive branch is being honest and forthright.

Let's talk about the abuse of power. There is a lot of information that was brought forth this trial about what the President did. It has been stated many times on this floor over the last nearly 3 weeks. The fact of the matter is, there is little doubt that the President withheld the aid to an ally that is at war with an adversary for his own personal and political gain, and he used his powers to make a decision on whether to convict a President of withholding information from the entire executive branch. And the only ones who testified were those patriotic Americans who defied his order. We are going to vote on whether he obstructed Congress. This is a no-brainer. He absolutely, unequivocally is guilty of both article I and article II of the impeachment.

So the question is this: If it goes as predicted tomorrow and the President gets acquitted, where do we go from here? I am very concerned about where we go from here because the next President will use this precedent to not give any information to a coequal branch of government when we question them. The next President will use this as, geez, if it is good for me and my election, it is good for the country, as Dershowitz said. So, Katy, bar the door.

As Chairman SCHIFF said yesterday, if you think this President is going to stop doing these actions, you are living on a different planet than I am living on. This will empower him to do anything he wants.

At some point in time—if we want to listen to what the Framers said—at some point in time, we are going to have to do our constitutional duty. It doesn’t appear we are going to do it this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COTLAND, Madam President, for more than 200 years after our Constitution was adopted, only one President faced an impeachment trial before the Senate. That was Andrew Johnson in 1868. But now we are concluding our second impeachment trial in just 21 years.

While each case must stand on its own facts, this trend reflects the increasingly acrimonious partisanship facing our Nation. The Founders warned against excessive partisanship, fearing that it would lead to “instability, injustice, and confusion,” ultimately posing a mortal threat to our framers’ government.

To protect against this, the Founders constructed an elaborate system of checks and balances to prevent “factions” from sacrificing “both the public good and the rights of other citizens.” Impeachment is part of that elaborate system. The Founders set a very high bar for its use, requiring that the President may only be removed by a two-thirds vote of the Senate.

The Framers recognized that in removing a sitting President, we would be acting against not only the officeholder but also the voters who entrusted him with that position. Thus, the Senate must consider whether misconduct occurred, its nature, and the traumatic and disruptive impact that removing a duly elected President would have on our Nation.

In the trial of President Clinton, I argued that in order to convict, “we must conclude from the evidence presented to us with no room for doubt that President Clinton’s misconduct occurred, and our democracy suffer should the President remain in office one moment more.” The House managers adopted a similar threshold when they argued that President Trump’s conduct is so dangerous that he must not remain in power one moment longer.

The point is, impeachment of a President should be reserved for conduct that poses such a serious threat to our governmental institutions as to warrant the extreme step of immediate removal from office. I voted to acquit President Clinton, even though the House managers proved to my satisfaction that he did commit a crime, because his conduct did not meet that threshold.

I will now discuss each of the articles.

In its first Article of Impeachment against President Trump, the House asserts that the President abused the power of his Presidency. While there are gaps in the record, some key facts are not disputed.

It is clear from the July 25, 2019, phone call between President Trump and Ukrainian President Zelensky that President Trump was offering a “quid pro quo” from sacrificing “both the public good and the rights of other citizens” by withholding a crucial whistleblower investigation requested by President Trump was improper and demonstrated very poor judgment.

There is conflicting evidence in the record about the President’s motivations for this improper request. The House managers stated repeatedly that President Trump’s actions were motivated “solely” for his own political gain in the 2020 campaign. Yet the President’s attorneys argued that the President had sound public policy motives for withholding aid about widespread corruption in Ukraine.

Regardless, it was wrong for President Trump to mention former Vice
President Biden on that phone call, and it was wrong for him to ask a foreign country to investigate a political rival. The House Judiciary Committee identified in its report crimes that it believed the President committed. Article II does not even attempt to assert that the President committed a crime. I sought to reconcile this contradistinction between the report and the articles in a question I posed to the House managers, but they failed to address that point in their response.

In any event, the House did little to support its assertion in article I that the President “will remain a threat to national security and the Constitution if allowed to remain in office.” As in the impeachment trial of President Clinton, I do not believe that the House has met its burden of showing that the President’s conduct, however flawed, warrants the extreme step of immediate removal from office, nor does the record support the assertion that the House managers are literally bent on removing the President must not remain in office one moment longer. The fact that the House delayed transmitting the Articles of Impeachment to the Senate for 33 days undercuts this argument.

For the reasons I have discussed, I will vote to acquit on article I.

Article II seeks to have the Senate convict the President based on a dispute over witnesses and documents between the legislative and executive branches. As a general principle, an objection or privilege asserted by one party cannot be deemed invalid, let alone impeachable, simply because the opposing party disagrees with it.

Before the House even authorized its impeachment inquiry, it issued 23 subpoenas to current and former administration officials. When the House and the President could not reach an accommodation, the House failed to compel testimony and document production. The House actually withdrew a subpoena seeking testimony from Dr. Charles Kupperman, a national security aide, once he went to court for guidance. And the House chose not to issue a subpoena to John Bolton, the National Security Advisor, whom the House has identified as the key witness.

At a minimum, the House should have pursued the full extent of its own remedies before bringing impeachment charges. The House should have requested the attendance of a neutral third party—the judicial branch.

In making these choices, the House substituted its own political preference for speed over finality. The House managers described impeachment as a “last resort” for the Congress. In this case, however, the House chose to skip the basic steps of judicial adjudication and instead leap straight to impeachment as the first resort. Therefore, I will vote to acquit on article II.

This decision is not about whether you like or dislike this President, or agree with or oppose his policies, or approve or disapprove of his conduct in other circumstances. Rather, it is about whether the charges meet the very high constitutional standard of “Treason, Bribery, or other High Crimes and Misdemeanors.”

It has been 230 years since George Washington first took the oath of office, and there are good reasons why during that entire time the Senate has never removed a President. Such a move would not only affect the sitting President but could have unpredictable and potentially adverse consequences for public confidence in our electoral process.

It is my judgment that, except when extraordinary circumstances require a different result, we should entrust to the people the most fundamental decision of a democracy; namely, who should lead their country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, in 1974, and our Judiciary Committee voted to approve Articles of Impeachment against President Nixon, Chairman Peter Rodino, of my home State of New Jersey, a lifelong Newark resident of my home city who had been thrust into the high-profile position only the previous year, returned to his office and called his wife. When she answered the phone, this chairman, this longtime Congressman broke down in tears and cried.

Forty-six years later, our Nation has found itself under similar duress, and I agree with my fellow Newarker—impeaching a President is a profoundly sad time for our Nation. It is a painful time. No matter what party, if you love your country, then this is heartbreaking.

When we think about our history as Americans, so many of us have reverence for our Founding Fathers and our founding documents. They represented imperfect genius. We talk about the Declaration of Independence. We hail the Constitution. These documents literally bent the arc of not just our own history but human history for democratic governance on the planet. While these documents in the path of our Nation’s relatively brief existence, the governing document that came between the Declaration of Independence and our Constitution is often overlooked—the Articles of Confederation.

With the benefit of hindsight, it is easy to view the development of our Nation as preordained, inevitable—as if it were an expected march toward the greatness we now collectively hail, that this was somehow a perfectly plotted path toward a more perfect union. But it wasn’t.

In 1787, as our Founders gathered in Philadelphia, our fledgling country was at a crisis and at a crossroads. It’s future, as in so many moments of our past, was deeply uncertain.

You see, when the Framers designed our system of government in the Articles of Confederation, you can say they economized. They specified a small, slim government. But in the 18th century, King George III fresh in their minds, they created a government with powers so diffuse and decentralized that nothing could really get done. Instead of one Nation, we were operating essentially as 13 independent States. The Federal Government could tax its citizens. It could not raise money. It lacked a judiciary and an executive branch.

So when our Framers arrived in Philadelphia that hot summer, they would have to thread a difficult needle, providing for a strong central government that represented the people and one that also guarded against the corrupt tendencies that come when power is concentrated, as they well knew was so in a monarchy.

Our democratic Republic was their solution. The Nation needed a powerful Executive, yes, but that Executive needed guardrails, and his power needed to be checked and balanced. So the Founders created what was no almost for granted—three coequal branches of government: the legislative, the executive, and judicial branches. Each branch would have the ability to check the power of the other to ensure, as James Madison so profoundly argued, that ambition would “be made to counteract ambition.”

But this system of checks and balances was not enough for our Founders. Still reeling from their experience under the oppressive rule of the King, many feared an unaccountable, autocratic leader. So the Founders created a mechanism of last resort—impeachment.

George Mason prophetically asked the Founders to wrestle with the concept of impeachment at the Constitutional Convention, saying: “Shall any man be above Justice?”

The Founders answered that question with a resounding no. The Constitution made clear that any Federal officer, even the President, would be subject to impeachment and removal. No one—no one is above the law. This was seen as the ultimate safeguard, and it has been invoked twice before in American history. This is the third.

I sat in this very spot and listened to the evidence presented, honoring my oath to be objective, and based on the evidence that was presented in hour after hour after hour of presentations. I concluded that the President, Donald John Trump, is guilty of committing high crimes and misdemeanors against the United States of America, against the people. I believe he abused the awesome power of his office for personal and political gain to threaten foreign power to interfere in the most sacred institution of our democracy, our elections. He then engaged in a concerted,
It brings me no satisfaction to come to this conclusion. I feel that sadness of my heart. Yet we have sworn an oath to protect and defend the Constitution of the United States.

This is not a moment that should call for partisan passions. It is not a moment that we think of in terms of the limitless of personal ambition. This is a patriotic moment. It is about putting principle above party. It is about honoring this body and the Senate’s rightful place in our constitutional system of checks and balances.

It is about fulfilling the enormous trust the Founders placed in this body as an impartial Court of Impeachment and a necessary check on what they foresaw as the potential for “grave abuses” by the Executive.

If we fail to hold this President accountable, then we fail the Founders’ intent; we fail our democracy; and I fear the injury that will result.

When our grandchildren and their children read about this chapter in the history books at a time far into the future, when this President is a memory along with those of us serving in this Chamber, it will not be seen through the eye of politics or partisanship. They will read about how this body acted in the moment of constitutional crisis. I fear that they will find us lacking, at a time when the full body of evidence will be out in the public domain, will see clearly how this body abdicated its constitutional responsibilities, surrendering them to partisanship. They will read about how the Senate shut its doors to the truth, even though it was within easy reach; how, for the first time in our history of impeachment proceedings for judges and for past Presidents, the world’s greatest deliberative body conducted an impeachment trial without demanding a single witness and without subpoenaing a single document; how, even as new evidence during the trial continued to be uncovered, the Members of this body failed to even view it. They failed to pursue with even the faintest effort those things that would have easily and more perfectly revealed the breadth and depth of the President’s misconduct.

We cross the street, in the Supreme Court, the saying is that justice is blind, but that means that no one is above the law. It does not mean that this body should abdicate its responsibilities and it should abandon its senses and even abandon common sense. If there is evidence know about that could speak beyond a reasonable doubt to this President’s alleged crimes and misconduct, it makes no sense whatsoever that we should deny, in this deliberative body, the reasonable doubt to this President’s allegations.

This President has claimed authoritarian power that our Constitution was explicitly designed to prevent. He has literally said that article II allows him to do whatever he wants. That outrageous statement tomorrow could be given life within this democracy.

He has declared himself unaccountable as a President. He has shredded the very governing ideals of this great Republic, and we, the Senate, the body designed to check such abuses of power, that “dignified . . . independent . . . unawed and unifunctional” tribunal, as Hamilton so famously wrote in Federalist Paper No. 65, have been enablers to this destructive instinct.

This is a sad day. This is a sad moment in the history of this body and in our Nation, and I fear that it is emblematic of a symptom of deeper challenges to this Nation, challenges that are being exploited by our enemies abroad and by opportunists here at home.

The factionalism that our Founders warned us of has deepened beyond mere partisanship to a self-destructive tribalism. The “cunning, ambitious, and unprincipled men” seeking to subvert the power of the people, as Washington predicted in his profound and prophetic Farewell Address, have found their season to flourish here in our time. Many in our society now hate other Americans, not because of the content of their character or their virtue and the values they hold dear, but we, as Americans, now more and more see hate proliferating in our country between fellow Americans because of what party we belong to.

We have failed to listen to the words that come out of each other’s mouths, failed to deal with the principles or the underlying facts because we now simply listen to partisanship. This Nation was founded with great sacrifice. The blood, sweat, and tears of our ancestors, which gave life and strength to this Nation, are now being weakened and threatened, as our very first President warned.

And, yes, today is a sad moment, but we, as a nation, have never been defined by our darkest hours. We have always chosen the light of truth and transparency but by trying to heighten and ignite even more partisan passions.

So the question is really, How do we heal this Nation? How do we meet this challenge that is not embodied in any individual?

It was a man far greater than me named Learned Hand who said:

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can ever give it back again.

Hebrews 13:8: “Jesus Christ is the author and finisher of our faith.”

How do we heal? How do we move forward? I say on this dark day that the true test of our democracy will not come simply from the low actions from our leaders on most high. The true test of democracy of this court can save it: no constitution, no law, no court can even do much to help it.

The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which sees no difference between men of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias.

I continue to quote this great judge.

Our dangers, as it seems to me, are not from the outrageous but from the conforming: not from those who rarely and under the lurid glare of obloquy upset our moral complaisance, or shock us with unaccustomed conduct, but from those, the mass of us, who take their virtues and their tastes, like their shirts and their furniture, from the limited patterns which the market offers.

I love our Nation’s history. I am telling you right now we have seen that the true test of our democracy will not come simply from the low actions from our leaders on most high. The true test of democracy of this court can save it: no constitution, no law, no court can even do much to help it.

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The spirit of liberty is the spirit which sees no difference between men of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias.
Stonewall and they beat us back in Selma, the hope of this Nation lies with the people who faced defeats but must never be defeated.

So my prayer for our Republic, now yet in another crisis in the Senate, is that once this be leading us further and further into a treacherous time of partisanship and tribalism where we tear at each other and when we turn against each other. Now is the time in America where we must begin, in the hearts of people, to turn each other and we who find a way out of this dark time to a higher ground of hope. This is not a time to simply point blame at one side or another. This is a time to accept responsibility.

Like our ancestors in the past so under-}

stood, that change does not come from Washington. It must come to Washington. As I was taught as a boy, we didn’t get civil rights because Strom Thurmond came to the Senate floor one day and pronounced that he had changed his mind. No, this is the body, the body, the body, the body.

We are a weary people in America again. We are tired. We are frustrated. But we cannot give up. That flag over there and we who swear an oath to it and don’t just parrot words or say them with some kind of perfunctory obligation—but those who swear an oath to this Nation—must now act with a greater unyielding conviction. We must act to do justice. We must act to heal harms. We must act to walk more humbly. We must act to love one another unconditionally. And now, more than ever, perhaps we need to act in the words of a great abolitionist, a former slave, who in a dark, difficult time when America was failing to live up to its promise, gave forth a sentiment of his actions captured in the poetry of Langston Hughes. He declared through his deed and through his work and through his sacrifice:

America will be!

America will be!

As a Nation, in this difficult time where we face the betrayal of a President, the surrender of obligation by a body, may we meet this time with our actions of good will, of a commitment to love and to justice, and to yet again elevate this body so that body, to may be like, as it says in that great text, “a light unto all Nations.”

I yield the floor.

The PRESIDING OFFICER (Mr. CAS-}

idy), The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am here today to talk about the Senate trial and the factors I have considered in making my decision on the Articles of Impeachment from the House. I have now read hundreds of pages of legal briefs and memoranda including the testimony of 17 witnesses. Here, on the Senate floor, I have reviewed more than 190 witness videos and listened care-}

fully to more than 65 hours of detailed presentations from both the House managers and from the President’s legal team.

As co-founder and cochair of the Ukraine Caucus and someone who is proud to represent the Ukrainian Americans in Ohio, I have been active for the past several years in helping Ukraine as it has sought freedom and independence since the 2014 Revolution of Dignity that saw the corrupt Russian-backed government of Viktor Yanukovych replaced with pro-Western elected leaders.

Since first seeing the transcript of the phone call between President Trump and President Zelensky 4 months ago, I have consistently said that the President asking Ukraine for an investigation into Joe Biden was inappropriate and wrong. I have also said, since then, that any actions taken by members of the administration or those outside the administration, it is either high treason or a White House meeting pending an investigation by Ukraine were not appropriate either.

But while I don’t condone this behav-}

ior, these actions do not rise to the level of removing President Trump from office and taking him off the bal-}

lot in a Presidential election year that is already well under way.

I first looked to the fact that the Founders meant for impeachment of a President to be extremely rare, re-}

served for only “Treason, Bribery, or other High Crimes and Misdemeanors.” Any fair reading of what the Founders meant in the Constitution and in the Federalist papers in the context of his-}

tory and just plain common sense makes it clear that removing a duly elected President demands that those arguing for conviction meet a high standard.

As an example, for good reason there has never been a Presidential impeach-}

ment that didn’t allege a crime. In the Clinton impeachment, the independent counsel concluded that President Clinton committed not one but two crimes. In this case, no crime is alleged. Let me repeat. In the two Articles of Im-}

peachment that came over to us from the House, there is no criminal law viola-}

tion alleged. Although I don’t think that that is always necessary—there could be circumstances where a crime isn’t necessary in an impeachment proceedings—there is another bar for those who advocate for a conviction, and that high bar is not met here.

What is more, even though it was de-}

layed, the President ultimately did provide the needed military assistance to Ukraine, and he provided it before the September 30 budget deadline, and the requested investigations by Ukraine were not undertaken. It is an important point to make. The aid went. The investigations did not occur. This military assistance is particularly important to me as a strong sup-}

porter of Ukraine. In fact, I was one of those Senators who fought to give

President Obama and his administra-}

tion the authority to provide badly needed lethal military assistance to Ukraine in response to the Russian ag-}

gression that came right after the Rev-}

olution of Dignity in 2014.

I must say that if we are to urge the Obama administration to use that author-}

ity, and, like Ukraine, I was deeply disappointed when they did not. I strongly supported President Trump’s decision to change course and provide that assistance shortly after he came into office. While I may have been one of the dozen or so Republican senators who supported President Trump’s initial decision to provide lethal assistance to Ukraine, I understood that change does not come to love and to justice, and to yet again

body, may we meet this time with our

An Unguessable Future

Beyond whether the President’s con-}

duct met the high bar of impeachment, there is also the underlying issue of the legitimacy of the House impeachment process. The House Democrats sent the Senate a flawed case built on what re-}

vealed later to be false and unfounded. It is not within the purview of this body, the constitutional law professor Jonathan Turley calls “the shortest proceeding, with the thinnest evidentiary record, and the narrowest grounds ever used to impeach a President.”

Beyond it’s use of the tools available to compel the administration to produce documents and witnesses, the House followed a self-imposed and entirely political deadline for voting on the Articles of Impeachment before Congress adjourned. After the rushed vote, the House then inexcusably stalled, keep-}

ing those articles from being delivered here in the Senate for 28 days, time they could have used to subpoena wit-}

nesses and resolve legitimate disagree-}

ments about whether evidence was privileged or not. They didn’t even bother to subpoena witnesses they then wanted the Senate to subpoena for them.

The House process was also lacking in fundamental fairness and due pro-}

cess in a number of respects. It is in-}

comprehensible to me that the Presi-}

dent’s counsel did not have the opportu-}

nity to cross-examine fact witnesses and that the House selectively leaked deposition testimony from closed-door sessions.

Rushing an impeachment case through the House without due process and giving the Senate a half-baked case to finish sets a very dangerous precedent. If the Senate were to con-}

vict, it would send the wrong message and risk making this kind of quick, partisan impeachment in the House a regular occurrence moving forward. That would be terrible for the country.

Less than a year ago, Speaker Nancy Pelosi said “Impeachment is so divi-}

sive to the country that unless there’s something so compelling and over-}

whelming and bipartisan, I don’t think we should go down that path.” She was right.

It is better to let the people decide.

Early voting has already started in some States, and the Iowa caucuses oc-}

urred last night. Armed with all the

The military assistance is particu-}

larly important to me. It is an unprece-}

tented power, and it is a tool that we have to use to protect our national interest, and it is the same tool that we gave to the President to use.

It is better to let the people decide.
information, we should let the voters have their say at the ballot box.

During the last impeachment 21 years ago, now-House Manager Congressman JERRY NADLER said:

"There must never be a narrowly voted impeachment—substantially supported by Democrats; it was only supported by Democrats. In fact, a few Democrats actually voted with all the Republicans to oppose the impeachment."

"For the past year, we have watched how the impeachment was treated as a political process and how the White House made no effort to protect the Constitution."

Mr. CASEY. Mr. President, as I rise today to discuss this impeachment trial, I am reminded of an inscription above the front door of the Finance Building on Pennsylvania Ave. from the 1930s. Here is the inscription: "All public service is a trust, given in faith and accepted in honor."

I believe that President Trump and every public official in America must earn that trust every day. That sacred trust is given to us, as the inscription says, "in faith," by virtue of our election.

The question for the President and every public official is this: Will we accept this trust or will we abuse it? Our country and the world depend on us to be worthy of this trust.

The President reiterated on the White House lawn on October 3 that Ukraine should "start a major investigation into the Bidens" before adding that China should also "start an investigation into the Bidens."

President Trump's own politically appointed Ambassador to the European Union, Gordon Sondland, explicitly testified that the meeting and the assistance were conditioned on announcing — the investigation into the Bidens."

"The President's defense lawyers first insisted on this floor that he "did absolutely nothing wrong." But later, after even Republican Senators would not make that claim, the new justification for his misconduct was "corruption" and "burden-sharing."

"If the President were so concerned about corruption in Ukraine, why did he dismiss one of our best corruption-fighting diplomats, Marie Yovanovitch? In May, the Department of Defense also certified—certified—that Ukraine had taken "substantial actions" to decrease corruption."

"If there were legitimate foreign policy concerns about corruption, the President would not have released aid to Ukraine without delay in 2017 and in 2018, only to delay it in 2019, after Joe Biden announced his run for President."

"If there were legitimate foreign policy concerns, the President would not have been interested to begin investigations based on—as Dr. Fiona Hill testified—a "fictional narrative that is being perpetuated and propagated by the Russian security services" to raise doubts about Ukraine's own culpability in the 2016 election interference and to harm the relationship between the United States and Ukraine."

"Furthermore, the President's defense team would have us believe that he legitimately asserted executive privilege over the House's well-founded impeachment inquiry, despite the fact that he never actually asserted a privilege over a single document or witness. Rather, he issued a blanket directive in which he granted himself complete privilege in this impeachment inquiry."

The House managers provided substantial evidence of wrongdoing. First, as to article I regarding abuse of power, many of the facts here are undisputed. For example, there is no dispute that the President has said, when referring to the Constitution itself: "It is ill that any man ever hold a position of power." This is what the President of the United States of America said.

"Then he withheld congressionally authorized military assistance to Ukraine in a White House meeting with President Zelensky saying that military assistance and the meeting on Ukraine publicly announcing investigations into Vice President Biden and his son, as well as a debunked conspiracy theory about the 2016 election interference. The memorandum of the July 25 phone call in which President Trump asked President Zelensky "to do us a favor though," after Zelensky brought up in the conversation military assistance, that evidence is compelling evidence of corruption."

"The President reiterated on the White House lawn on October 3 that Ukraine should "start a major investigation into the Bidens" before adding that China should also "start an investigation into the Bidens.""

"President Trump's own politically appointed Ambassador to the European Union, Gordon Sondland, explicitly testified that the meeting and the assistance were conditioned on announcing—announcing—the investigation into the Bidens."

"President Trump's defense lawyers first insisted on this floor that he "did absolutely nothing wrong." But later, after even Republican Senators would not make that claim, the new justification for his misconduct was "corruption" and "burden-sharing."

"If the President were so concerned about corruption in Ukraine, why did he dismiss one of our best corruption-fighting diplomats, Marie Yovanovitch? In May, the Department of Defense also certified—certified—that Ukraine had taken "substantial actions" to decrease corruption."

"If there were legitimate foreign policy concerns about corruption, the President would not have released aid to Ukraine without delay in 2017 and in 2018, only to delay it in 2019, after Joe Biden announced his run for President."

"If there were legitimate foreign policy concerns, the President would not have been interested to begin investigations based on—as Dr. Fiona Hill testified—a "fictional narrative that is being perpetuated and propagated by the Russian security services" to raise doubts about Ukraine's own culpability in the 2016 election interference and to harm the relationship between the United States and Ukraine."

"Furthermore, the President's defense team would have us believe that he legitimately asserted executive privilege over the House's well-founded impeachment inquiry, despite the fact that he never actually asserted a privilege over a single document or witness. Rather, he issued a blanket directive in which
he refused to cooperate entirely with the House investigation. This action not only obstructed the House’s constitutional responsibility of oversight, it also sought to cover up the President’s corrupt abuse of power.

At the time of the drafting of the Constitution, the Framers’ understanding of “high Crimes and Misdemeanors” was informed by centuries of English legal precedent. This understanding was reflected in the language of Federalist No. 65 that I referred to earlier: “an abuse or violation of some public trust.” Based on this history, both Chambers of Congress have consistently interpreted “high Crimes and Misdemeanors” broadly to mean “serious violations of the public trust.”

The President’s defense lawyers argued that impeachment requires the violation of a criminal statute to be constitutionally valid. This argument is offensive, dangerous, and not supported by the precedent of scholarship, or common sense about the sacred notion of the public trust.

When applying the impeachment standard of an “abuse or violation of some public trust,” it is clear that President Trump’s conduct did not meet that standard. Any effort to corrupt our next election must be met with swift accountability, as provided for in the impeachment clause in the Constitution. There is no other remedy to constrain a President who has acted time and again to advance his personal interests over those of the Nation.

Furthermore, as demonstrated through Special Counsel Mueller’s report regarding Russian interference in the 2016 election and the substantial evidence presented in this impeachment trial and the House proceedings, President Trump has engaged in ongoing efforts to solicit foreign interference in our elections.

As the Washington Post reported on September the 21st in a story written by three reporters who have covered the President for several years, the President’s conduct on the Ukraine phone call revealed a “President convinced of his own invincibility—apparently willing and even eager to wield the vast powers of the United States to taint a political foe and confident that no one could hold him back.”

This President will abuse his power again.

At the outset of this trial and throughout the proceedings, Senate Democrats and 75 percent of the American people have repeatedly called for relevant witnesses and relevant documents to be subpoenaed to ensure a full and fair trial for all parties. For example, we sought testimony from former National Security Advisor John Bolton, whose unpublished manuscript indicates that the President explicitly told Bolton that he wanted to continue the inquiry into乌克兰 until it announced the political investigations he was seeking. Fifty-one Senate Republicans refused to examine this or other relevant evidence, thereby rigging this trial to the benefit of the President. Fair trials have witnesses and documents. Cover-ups have neither.

This is the third Presidential impeachment trial in our country’s history, and it is the only one—the only one—to be conducted without calling a single witness. In fact, every completed impeachment trial in history has included new witnesses who were not even interviewed in the House of Representatives. Senator Republicans slammed the door shut on relevant testimony, contrary to the national interest.

Our Founders had the foresight to ensure that the power of the President was not unlimited and that Congress could, if necessary, hold the Executive accountable for abuses of power through the impeachment process. This trial is not simply about grave Presidential abuse of power; it is about our democracy’s sanctity of due Process to every American, the sanctity of due Process, and the very values that the Founders agreed should guide our Nation.

I go back to the beginning and that inscription: “All public service is a trust from the people. A President, as President, can only accept the trust, as President, and can only accept the trust, as President, as long as the public continues to extend it.” President Trump dishonored that public trust and thereby abused his power for personal political gain. In order to prevent continuing interference in our upcoming election and blatant insensitivity to the dignity of Congress, I will vote guilty on both articles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise today to address the topic that has consumed this body for the past several weeks, which is, of course, the impeachment trial of the President of the United States.

After the passage of two Impeachment managers in the House, Speaker PELOSI waited nearly a month to transmit the articles to the Senate. Once she finally did, the trial took precedence, and the wheels were set in motion to conduct the proceedings and render a verdict.

Since it became clear that the House would vote to impeach the President, I have taken my constitutional duty to serve as a juror in the impeachment trial with the seriousness and attention that it demands.

In light of the extensive coverage the situation received, it was impossible not to take notice of the process that unfolded in the House over the course of its investigation. Its inquiry was hasty, flawed, and clearly undertaken under partisan pretenses.

Hushing rushed to impeach the President ahead of an arbitrary deadline, as well as failing to provide adequate opportunities for the President to defend himself, the impeachment investigation in this case specifically was contrived, at least partially, and was a vehicle to fulfill the fierce desire among many of the President’s detractors that has existed since before he was even sworn in to remove him from office.

Be that as it may, the Constitution makes clear that the Senate has a duty to try all the impeachments. As such, the House of Representatives transmitted the articles, many of my colleagues also shared, was for the process in this body to be fair. It was clear to me that what transpired in the House was incredibly partisan and unfair.

I believed the Senate must and would rise to the occasion to conduct a trial that was fair, respectful, and faithful to the design and intent of our Founders. I believed that the organizing resolution that we passed was sufficient in establishing a framework for the trial and also would address the outstanding issues at the appropriate times.

Throughout the course of the trial, I stayed attentive and engaged, taking in the arguments and the evidence presented to the Senate, which included the testimony of over 56 witnesses and thousands of documents as part of the House investigation.

The House impeachment managers were emphatic that their case against the President was overwhelming, well substantiated, and proven. The President’s counsel made an equally forceful case in his defense, countering the claims made by the House and underscoring the grounds on which the Senate should reject the articles. As I have stated before, the great danger of this trial is that it could, if necessary, hold the President from office and a future ballot.

Based on the work done by the House—or maybe, more accurately, the work not done and the inherently flawed and partisan nature of the product it presented to the Senate—I was skeptical that it could prove its case and convince anybody, apart from the President’s constituents, that his behavior merited removal from office. After 2 weeks of proceedings, the Senate has finally rendered a verdict.

Throughout the course of the trial, I was eminently willing and even eager to wield the weaponization of Congress’s authority to impeach the duly elected President of the United States.

To be clear, the partisan nature of this impeachment process potentially sets the stage for more impeachments along strictly partisan lines—a development that would be terrible for our country. The Constitution lays out justifications for impeachment, which include “Treason, Bribery, or other high Crimes and Misdemeanors.”

As a U.S. Senator, there is perhaps no more important decision that I am asked to make aside from voting to send Americans to war. That is exactly why I treated this impeachment trial with the gravity and the thoughtfulness I believe that it deserved.

The accusations explicitly made by the House impeachment managers and echoed by some on this side that the Senate is engaging in a coverup are wrong on the merits and further drag this process down into the rhetoric of
partisan political warfare. I regret that it has descended to such a place. Fulfilling my constitutional obligation after drawing my own conclusions is far from a coverup.

The attempt to turn the impeachment weapon of political convenience will be far more damaging than any other aspect of this chapter in our Nation’s history.

At the end of the day, this partisan, deficiently-built product on inadequate foundation, in addition to being clearly motivated by the desire to remove the President, who some vocal activists have viewed as illegitimate since Election Day 2016.

The country is deeply divided on multiple issues right now, and the impeachment trial is both a symptom of our times and another example of our division.

The Nation didn’t have an impeachment inquiry for almost 100 years, until 1868, the partisan impeachment of Andrew Johnson.

Another impeachment wasn’t conducted for over 100 years after that, when the House began a formal impeachment inquiry into President Nixon with an overwhelmingly bipartisan vote of 410 to 4.

Just a little over two decades later, there was another partisan impeachment process—President Clinton, when he was impeached on an almost straight partisan vote.

Tomorrow we will join many others to vote to acquit the President of the United States. His actions certainly do not rise to the level of removal from office.

Over the past 3 years, the House of Representatives has voted four times to open an impeachment inquiry: once in 2017, once in 2018, and twice in 2019. Only the second vote in 2019 actually passed and turned into an actual impeachment inquiry.

For 4 months the country has been consumed with impeachment hearings and investigations. First, rumors of issues with Ukraine arose on August 28. Then Washington Post wrote a story about U.S. aid being slow-walked for Ukraine, and then September 18, when the Washington Post released a story about a whistleblower report that claimed President Trump pressured an unnamed foreign head of state to state to do an investigation for his campaign.

Within days of the Washington Post story, before the whistleblower report came out, before anything was known, Speaker Pelosi announced the House would begin to impeach the President, which led to a formal House vote to open an impeachment inquiry on October 31 and a formal vote to impeach the President on December 18.

The House sent over two Articles of Impeachment, asking the Senate to decide if the President should be removed from office and barred from running for any future office in the United States—on one of abuse of power; the second on obstruction of Congress. Let me take those two in order.

The abuse of power argument hinges on two things: Did the President of the United States use official funds to compel the Ukrainian Government to investigate Joe Biden’s son and his work for the corrupt natural gas company in Ukraine, Burisma, and did the President withhold a meeting with President Zelensky until President Zelensky agreed to investigate Joe Biden’s son? To be clear, the theory of the funds being withheld from Ukraine in exchange for an investigation doesn’t originate from that now-infamous July 25 call. There is nothing in the text of the articles or the hearing of funds for an investigation. The theory originates from the belief of Ambassador to the European Union Gordon Sondland’s—he said—presumption—and he repeated that over and over again—presumption that the aid must have been held because of the President’s desire to get the Biden investigation done, since the President’s attorney—his private attorney—Rudy Giuliani was working to find out more about the Biden investigation and Burisma.

Ambassador Sondland told multiple people about his theory. When he actually called President Trump and asked him directly about it, the President responded that there wasn’t any quid pro quo. He just said he wanted the President of Ukraine to do what he can on and to do the right thing.

Interestingly enough, that is the same thing that President Zelensky said and his Defense Minister said and his chief of staff said because there was legitimate concern about the transition of a brand-new President in Ukraine and his administration in the early days of his Presidency. An unknown on a world stage was elected, President Zelensky, on April 21. His swearing-in date was May 21. During his swearing-in, he also abolished Parliament and called for snap elections. No one knew what he was going to do or what was going to happen.

Those elections happened July 21 in Ukraine, where an overwhelming number of President Zelensky’s party won in Parliament. There was an amazing transition in a relatively short period of time in Ukraine and there were a lot of questions.

I will tell you, I was in Ukraine in late May of 2019, and our State Department officials there certainly had questions on the ground about the rapid transition that was taking place in Ukraine. It was entirely reasonable for there to be able to be a pause in that time period. Those concerns were resolved in August and early September when the new Parliament started passing anti-corruption laws, and Vice President Pence sat down face-to-face with President Zelensky on September 1 in Poland to discuss the progress and corruption and their progress on getting other nations to help supply more aid to Ukraine.

As for the meeting with the President being withheld, as I just mentioned, the Vice President of the United States met with President

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Zelensky on September 1. That meeting was originally scheduled to be with the President of the United States and all the planning had gone into it, and there was documentation for that. There was a meeting happening between President Zelensky, which was actually scheduled for that date, and the President, but maybe he should have been, though President Trump obstructed Congress because he didn’t turn over documents that didn’t even have a legal subpoena in 2 months, then I would say President Obama was not impeached, because he didn’t turn over documents that didn’t even have a legal subpoena in 2 months, then I would say President Obama was not impeached, but maybe he should have been, though I don’t think he should have been. But you could argue in that same way because President Obama did not honor three subpoenas in 3 years on the

Fast and Furious investigation when that happened. For 3 years, he stalled out, but there was no consideration for impeaching President Obama because he shouldn’t have been impeached. He was working through the court system as things moved.

This is a serious issue that became even more serious when the House managers moved, not just to say that this is obstruction of Congress if the President doesn’t immediately submit, but they turned to a different level by saying, the President should not have access to the courts at all, literally stating: Does the Constitution give the legislative branch the power to block the executive branch from the judicial branch? House managers said, yes, they can rapidly move through a trial, then bring the case to the Senate and have it only partially investigated and then try to use the power of the Senate to block the executive branch from ever acting.

That has not been done in the past, nor should it be. The President, like every other citizen of the United States, should have access to the courts, and it is not grounds for contempt of Congress, for the President to come to court to resolve issues that need to be resolved. Every other President has had that right. This one should have had that right as well.

This tale that President Trump things he can break the President from every try and try to go to court to resolve issues that need to be resolved. Every other President has had that right. This one should have had that right as well.

After 2½ years, the final conclusion was there was no conspiracy between the President’s campaign and the Russian Federation. It did honor those 2,800 subpoenas. The President has been very clear in multiple court cases that he did not like it and he did not agree with it. He has been outspoken on those, but he has honored every court decision. It would be a terrible precedent for the Senate to remove a President from office because he didn’t agree that Congress couldn’t take away his rights in court like every other American.

The difficulty in this process, as with every impeachment process, is separating facts and the politics of it. There are facts in this case that we took a lot of time to go through. Each of us in this body sat for hour upon hour upon hour for 2½ weeks, listening to testimony and going through the record. We all spent lots of time being able to read, on our own, the facts and details. That was entirely reasonable to be able to do.

But we have to examine, at the end of the day, what is a fact-based issue that has been answered—and each of the key facts raised by the House all have answers—and what is a politics issue—to say in an election year, what is being presented by the House that says: What can we do to slow down this process and to try to give the President a bad name during the middle of an election time period? To separate out those two is not a simple process.

But at this moment and the facts at this time, in the partisan rancor from the House and into the Senate, I am going to choose to acquit the President of the United States. This certainly does not rise to the level of removal from office and forbidding him to run for any other office in the future. It certainly doesn’t rise to that level.

In the days ahead, as more facts come forward, all of history will be able to see how this occurred and the details of what happens next. I look forward, actually, for that to continue to be able to come out so all can be known.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I would like to share my remarks, not only with my colleagues today, but more so with those who will come after us. I wanted to focus on the trial evidence: the President’s actions as outlined in articles I and II of the Articles of Impeachment; and, finally, and most importantly in my mind, the implications of our decision this week on the future of our government and our country.

First, the trial—weeks ago, I joined my colleagues in swearing an oath to “do impartial justice.” Since that time, I have done everything possible to assure that this trial would full attention, taken three legal pads’ worth of notes, reviewed press accounts, and had conversations with my colleagues and citizens in my home State of Maine.

The one question I got most frequently back home was how we could proceed without calling relevant witnesses and securing the documents that would confirm or deny the charges against the President, which are at the heart of this matter.

But for the first time in American history, we failed to do so. We robbed ourselves and the American people of a full record of this President’s misuse of his office. This failure stains this institution, undermines tomorrow’s verdict, and creates a precedent that will haunt those who come after us and, indeed, will haunt the country. But now, we are here, left to make this decision without the facts, concealed by the White House and left concealed by the Senate. This was not a trial in any real sense.

It was, instead, an argument based upon a partial, but still damning,
record. How much better it could have been had we had access to all the facts, facts which will eventually come out, but too late to inform our decisions? As to the articles themselves, I should begin by saying I have always been a conservative on the subject of impeachment. For the better part of the last 3 years, I have argued both publicly and privately against the idea. Impeachment should not be a tool to remove the President on the basis of policy disagreements. The President's lawyers are right when they argue that this would change our system of government and dangerously weaken any President. But this reluctance must give way if it requires my turning a blind eye to what happened last summer. The events of last summer were no policy disagreement. They were a deliberate series of acts whereby the President sought to use the power of his office in his own personal and political interests, specifically by pressuring a government of a strategic partner—a partner, by the way, significantly dependent upon our moral and financial support—that government to take action against one of the President's political rivals and, thereby, undermine the integrity of the coming American election.

This last point is important. In normal circumstances, the argument of the President's defenders that impeachment is not necessary because the election is less than a year away would be persuasive. I could understand that. But the President, in this matter, was attempting to undermine that very election, and he gives every indication that he will continue to do so.

He has expressed no understanding that he did anything wrong, let alone anything reassembling remorse. Impeachment is not a punishment; it is a prevention. The only way, unfortunately, to keep an unrepentant President from repeating his wrongful actions is removal. This President has made it plain that he will listen to nothing else.

Article I charges a clear abuse of power, inviting foreign interference in the upcoming election. The President tasked his personal attorney to work with a foreign head of state to induce an investigation—or just the mere announcement of an investigation—that could harm one of the President's top political rivals. And to compel the Ukrainians to do so, he unilaterally withheld nearly $400 million appropriated by Congress to help them fend off Russia's naked and relentless aggression. The President's backdrop was done in an effort to root out corruption. So why not use official channels? Why did he focus on no examples of corruption generally other than ones directly affecting his political fortunes? And why did he not make public the withholding of funds, as the executive branch typically does, when seeking to leverage Federal moneys for policy goals?

No matter how many times the President claims his phone call with President Zelensky was perfect, it simply wasn’t. He clearly solicited foreign interference in our elections. He disregarded a congressionally passed law. He impeded the security of a key American partner. He undermined our own national security. And, if he was simply pursuing our national interests rather than his own, why was his personal attorney Rudy Giuliani put in charge? Why did he pursue such an overt witness intimidation thrown in because you guessed it—impeachment. They argued that in the Federal court in Washington this week.

Interestingly, the first assertion of executive privilege was by George Washington, when the House sought background documents on the Jay Treaty. Washington rested his refusal to produce those documents on the idea that the House had no jurisdiction over matters of foreign policy, but, interestingly, Washington, in his message to Congress, did specify one instance where the House would have a legitimate claim on the documents' release. What was the instance? You guessed it—impeachment.

If allowed to stand, this position that the President—any President—can use his or her position to totally obstruct the production of evidence of their own wrongdoing eviscerates the impeachment power entirely, and it compromises the ongoing authority of Congress to provide any meaningful oversight of the executive whatsoever.

For these and other reasons, I will vote guilty on both Articles of Impeachment.

A final point, the Congress has been committing slow-motion institutional suicide for the past 70 years, abdicating its constitutional authorities and responsibilities one by one: the war power, effectively in the hands of the President since 1942; authority over trade with other countries, superceded by unilateral Presidentialism; power over impeachment, from the Framers' vision, enabled a new and unbounded Presidency, and as a majority of the Members of this body apparently now recognize, President Trump placed his own political interests above the national interests he is sworn to protect. And, as I mentioned, he has shown no sign that he will stop doing so when the next occasion arises, as it surely will. The implications of acquitting the President on either article are serious. This President will likely do it again, and future Presidents will be unbound from any restraints on the use of the world's most powerful political office for their own personal benefit.

We are moving dangerously close to an elected Monarch—the very thing the Framers feared most.

Article II, to me, is even more serious in its long-term implications. Article I concerns an incident—an egregious misuse of power, to be sure, but a specific set of actions in time. A scheme is probably the most appropriate description, which took place over the course of the past year. Article II, however, which concerns the President's wholesale obstruction of the impeachment process itself, goes to the heart of Congress's constitutionally derived power to investigate wrongdoing by this or any future President. I do not arrive at this conclusion lightly. I take seriously the White House counsel's argument that there is a legitimate separation of powers issue at play here, that the President has made it plain that he will listen to nothing else.

Article I charges a clear abuse of power, inviting foreign interference in the upcoming election. The President tasked his personal attorney to work with a foreign head of state to induce an investigation—or just the mere announcement of an investigation—that could harm one of the President's top political rivals. And to compel the Ukrainians to do so, he unilaterally withheld nearly $400 million appropriated by Congress to help them fend off Russia's naked and relentless aggression. The President's backdrop was done in an effort to root out corruption. So why not use official channels? Why did he focus on no examples of corruption generally other than ones directly affecting his political fortunes? And why did he not make public the withholding of funds, as the executive branch typically does, when seeking to leverage Federal moneys for policy goals?

No prior President has ever taken such a position, and the argument that this blanket obstruction should be tested in court is severely undercut by the administration's recent argument that the courts have no jurisdiction over such disputes and that the remedy for wrongdoing should be...
The PRESIDING OFFICER (Ms. McSALLY). The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON-TON'S FAREWELL ADDRESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 24, following the prayer and pledge; further, that Senator BALDWIN be recognized to deliver the address.

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

ADDITIONAL STATEMENTS

TRIBUTE TO ALICE PRIESTER

Mr. MANCHIN. Madam President, it is my distinct honor to recognize a beloved member of my hometown of Farmington, WV, as well as a very dear lifelong friend to me and my family: Alice Jones, who celebrated her 100th birthday on February 2, 2020.

Particularly what comes to mind when I think of Alice is our bond with the coal miners of our great State. She and I have both lost loved ones to accidents in the coal mines. Every day, as I fight for these brave souls who perform this dangerous work, I am also thinking of the family members like Alice, who also depend on safety standards, fair wages, and precautions. She and her late husband Paul have one son, Fred, who is also involved in the coal industry. I carry this heritage with me no matter where I am but especially when I am in Washington.

The women in my life who raised me are the most important people in the world to me. Even those not related by blood are considered as good as family in tight-knit communities like Farmington, and Alice is an inspiration to me and so many others. Having defeated cancer twice, Alice is one of the strongest, most inspirational people I have ever had the pleasure of calling a dear friend. When she is not cheering on the WVU Mountaineers, Alice is very involved with our church, helping with funeral dinners and driving her neighbors and friends to town and church functions. She also has had a history of involvement with the volunteer fire department and fundraising, and she treats her neighbors as family.

From her days working at the local mine’s company store to her retirement from the dining hall at Fairmont State University, Alice has showcased an unparalleled work ethic and zest for life that truly represents the very best of what it means to be a West Virginian.

Alice while you weren’t born here, you certainly are a West Virginian in your heart and soul. In West Virginia, if you are hungry, you will be fed. If you are lost, someone will not only give you directions but will offer to drive you to your destination. I am so deeply proud of the people of my home State and the values that make us stand out from the rest of the Nation.

Gayle and I are so deeply appreciative of all the lives you have touched. Again, it is with the greatest admiration that I send to you my best wishes.

TRIBUTE TO MATTIE FLORENCE JONES

Mr. PAUL. Madam President, I want to recognize Ms. Mattie Florence Jones, recipient of the 2020 Dr. Martin Luther King, Jr. Freedom Award, for her lifetime of commitment to the dream of equality so beautifully articulated by Dr. King. Her tireless civil rights advocacy is surpassed only by her loving commitment to her family, including the dozens of foster children who were welcomed into her Louisville household. Her legacy of activism and service are unparalleled and worthy of this special distinction.

RECOGNIZING SUN HARVEST CITRUS

Mr. RUBIO. Madam President, as chair of the Senate Committee on Small Business and Entrepreneurship, each week I honor a small business that demonstrates America’s unique entrepreneurial spirit. I am pleased to recognize a business that has been a notable member of their local community for nearly 30 years. Today, it is my pleasure to name Sun Harvest Citrus of Fort Myers, FL, as the Senate Small Business of the Week.

Founded in 1980 by Sandy McKenzie Nicely, Sun Harvest Citrus is known for their high-quality citrus products, which makes them a premiere Fort Myers destination. Their produce is sourced from citrus groves originally purchased by Sandy’s grandfather Robert Edsall, Sr., in 1940. The grove, located along the east coast of Florida and consisting of approximately 800 acres of land, has passed through her family for three generations and is now managed by her brother, David McKenzie. Sandy became inspired to open the Sun Harvest Citrus store in 1990 when the Florida citrus industry dealt with overproduction. The store became a great way to sell the surplus citrus from the groves while offering location for customers to gather. Since 1990, they have expanded their products to offer several different types of citrus produce, juices, candies, and sweets, as well as serve as a tourist attraction for the Fort Myers area.

Today, Sun Harvest Citrus employs more than 25 Floridians and produces a diverse variety of orange and grapefruit products. The store sells seasonal citrus baskets and produces up to 2,500 gallons of juice a day. One of their most popular products is the Orange Vanilla mix soft-serve ice cream that has become a well-known tourist stop for people traveling down the west coast of Florida. Many of their products are seasonal, such as Valencia oranges or Honeybell tangelos, with Sun Harvest Citrus providing each seasonal fruit and juice during the months they are produced.

In addition to their store and citrus groves, Sun Harvest Citrus has become a centerpiece in the Fort Myers community. USA Today listed Sun Harvest Citrus as one of the 10 best places to shop in the Fort Myers area. Sun Harvest Citrus also distributes their juice to local businesses and community events. For example, in an effort to spread Christmas cheer, Sun Harvest Citrus provided their fresh orange juice to patients and families at a holiday event hosted by the local Fort Myers Kiwanis at the John Hopkins All Children’s Outpatient Care center.

Sun Harvest Citrus is an excellent example of a family run business that is making a positive impact in their community. I commend this Florida business for its dedication to providing great products to the community and creating a gathering place where all local residents and visitors are welcomed. I am proud to recognize everyone at Sun Harvest Citrus, and I look forward to seeing their continued success.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Please note: The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON FEBRUARY 4, 2020—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying