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Senate

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

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Strong Deliverer, our shelter in the time of storms, we acknowledge today that You are God and we are not. You don't disappoint those who trust in You, for You are our fortress and bulwark.

Lord, show our Senators Your ways and teach them to walk in Your path of integrity.

Through the seasons of our Nation's history, You have been patient and merciful. Mighty God, be true to Your name. Fulfill Your purposes for our Nation and world.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to speak for 1 minute.

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

PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Last night, in the State of the Union Address, President Trump called on Congress to put bipartisan legislation to lower prescription drug prices on his desk and that he would sign it.

Here are the facts. The House is controlled by Democrats. The Senate requires bipartisanship to get any legislating done. There are only a couple of months left before the campaign season will likely impede anything from being accomplished in this Congress. So the time to act is right now.

I am calling on my colleagues on both sides of the aisle to get off the sidelines and to work with me and Senator WYDEN, as President Trump already is, to heed the call to action that he gave us last night and pass the Prescription Drug Pricing Reduction Act. It is the only significant bipartisan bill in town. President Trump, the AARP, and the libertarian Cato think tank, to name just a few people involved, have all endorsed the bill.

If you are serious about fulfilling promises to lower drug costs, my office door is open, as Senator WYDEN's door is open. It is time for the Senate to act and to deliver for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

IMPEACHMENT

Mr. MERKLEY. Madam President, as Senators, our decisions build the foundation for future generations. I want those generations to know that I stood here on the floor of this Chamber fighting for equal justice under law. I stood here to defend our Senate's responsibility to provide a fair trial with witnesses and documents. I stood here to say that when our President invites and pressures a foreign government to smear a political opponent and corrupt the integrity of our 2020 Presidential election, he must be removed from office.

As a number of my Republican colleagues have confessed, the House managers have proven their case. President Trump did sanction a corrupt conspiracy to smear a political opponent, former Vice President Joe Biden. President Trump assigned Rudy Giuliani, his personal lawyer, to accomplish that goal by arranging sham investigations by the Government of Ukraine. President Trump advanced his corrupt scheme by instructing the three amigos—Ambassador Volker, Secretary of Energy Rick Perry, and Ambassador Gordon Sondland—to work with Rudy for this goal. President Trump did use the resources of America, including an Oval Office meeting and security assistance to pressure Ukraine, which was at war with Russia, to participate in this corrupt conspiracy. The facts are clear.

But do President Trump's acts rise to the level the Framers envisioned for removal of a President, or are they, as some colleagues in this Chamber have said, simply ''inappropriate,'' but not ''impeachable''? With respect to those colleagues, ''inappropriate'' is lying to the public; ''inappropriate'' is shunning our allies or failing to put your personal assets into a blind trust or encouraging foreign governments to patronize your properties. That is something you might call ''inappropriate,'' but that word does not begin to encompass President Trump's actions in this case—a corrupt conspiracy comprising a fundamental assault on our Constitution.

This conspiracy is far worse than Watergate. Watergate was about a break-in to spy on the Democratic National Committee—bad, yes; wrong, definitely. But Watergate didn't involve soliciting foreign interference to destroy the integrity of an election. It didn't involve an effort to smear a political opponent. Watergate did not involve an across-the-board blockade of access by Congress to witnesses and documents.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

If you believe that Congress was right to conclude that President Nixon's abuse of power merited expulsion from office, you have no choice but to conclude that President Trump's corrupt conspiracy merits his expulsion from office.

President Trump should be removed from office this very day by action in this very Chamber, but he will not be removed because this Senate has failed to conduct a full and fair trial to reveal the extensive dimensions of his conspiracy and because the siren call to party loyalty over country has infected this Chamber.

Every American understands what constitutes a full and fair trial. A full and fair trial has witnesses. A full and fair trial has documents. A full and fair trial does not begin with the jury foreman declaring that he is working hand-in-glove with the defendant. When discussing why the Senate tries impeachments, Alexander Hamilton stated: ''Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent'' for that daunting responsibility?

Every American should feel the sadness, the darkness, the tragedy of this moment in which this Senate is neither sufficiently dignified nor sufficiently independent for that responsibility.

The Senate trial became a coverup when the majority voted on January 22 and again on January 31 to block all access to witnesses and documents. If this coverup goes forward, it will be the latest in a set of corrupt firsts this Senate has achieved under Republican leadership.

It has been the first Senate to ignore our constitutional responsibilities to debate and vote on a Supreme Court nominee in 2016. It became the first Senate to complete the theft of a Supreme Court seat from one administration giving it to another in 2017.

And now, it becomes the first Senate in American history to replace an impeachment trial with a coverup. President Trump might want to consider this: With a coverup in lieu of a trial, there is no ''exoneration,'' no matter how badly President Trump might want it. No matter how boldly he might claim it, there is no ''exoneration'' from a coverup.

If this Senate fails to convict President Trump when we vote later today, we destroy our constitutional responsibility to serve as a check against the abuses of a runaway President. It is a devastating blow to the checks and balances which have stood at the heart of our Constitution.

Our tripartite system is like a three-legged stool, where each leg works in balance with the others. If one leg is cracked or weakened, well, that stool topples over. If the Senate's responsibility is gutted and the limits on Presidential power are undermined, then, there is lasting damage to the checks and balances our Founders so carefully crafted.

Let's also be clear. The situation that we find ourselves in today didn't spring out of nowhere. With respect to the Chief Justice, the road to this moment has been paved by decisions made in the Supreme Court undermining the ''We the People'' Republic, while Justice Roberts has led the Court—decisions like Citizens United in 2010, which corrupted our political campaigns with a flood of dark money, the equivalent of a stadium sound system drowning out the voice of the people; decisions like Shelby County in 2013, which gutted the Voting Rights Act, opening the door to voter suppression and voter intimidation—if you believe in our Republic, you believe in voter empowerment, not voter supression—decisions like Rucho V. Common Cause in 2019, giving the green light to extreme partisan gerrymandering, in which politicians choose their voters rather than voters choosing their politicians. It is one blow after another giving more power to the powerful and undermining the vision of government of, by, and for the people—blow after blow making officials more responsive to the rich and wealthy donors than the people they are elected to represent.

These Supreme Court decisions have elevated government by and for the powerful, and trampled government by and for the people, paving the path for this dark moment in which the U.S. Senate chooses to defend a corrupt President by converting a trial into a coverup. A trial without access to witnesses and documents is what one expects of a corrupted court in Russia or China, not the United States of America.

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

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

Before casting their votes today, I urge each and every one of my colleagues to ask themselves: Will you defend the integrity of our elections? Will you deliver impartial justice? Will you protect the separation of powers—the heart of our Constitution? Will you uphold the rule of law and the inspiring words carved above the doors of our Supreme Court, ''Equal Justice Under Law''?

I stand here today in support of our Constitution, which has made our Nation that shining city on a hill. I stand here today for equal justice under law. I stand here today for a full and fair trial as our Constitution demands. I stand here today to say that a President who has abused this office by soliciting a foreign country to intervene in the election of 2020 and bias the outcome—betraying the trust of the American people and undermining the strength of our Constitution—must be removed from office.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

STATE OF THE UNION ADDRESS

Mr. SCHUMER. Madam President, I will speak later this afternoon, at about 3:30—prior to the vote on the Articles of Impeachment—about impeachment, but this morning, I would like to briefly respond to President Trump's third State of the Union Address. It was a sad moment for democracy.

The President's speech last night was much more like a Trump rally than a speech a true leader would give. It was demagogic, undignified, highly partisan, and, in too many places, just untruthful. Instead of a dignified President, we had some combination of a pep rally leader, a reality show host, and a carnival barker. That is not what Presidents are.

President Trump took credit for inheriting an economy that has been growing at about the same pace over the last 10 years. The bottom line is, during the last 3 years of the Obama administration, more jobs were created than under these 3 years of the Trump administration. Yet he can't resist digging at the past President even though the past President's economic number was better than his.

He boasted about how many manufacturing jobs he has created. Manufacturing jobs have gone down, in part, because of the President's trade policies for 5 months late last year. There was a 5-month-long recession last year. Farmers are struggling mightily. Farm income is way down. Bankruptcies are the highest they have been in 8 years. Crop prices are dwindling, and markets may never recover from the damage of the President's trade war as so many contracts for soybeans and other goods have gone to Argentina and Brazil. These are not 1-year contracts; these are long-term contracts.

The President talked at length about healthcare and claimed—amazingly at one point—he will fight to protect patients with preexisting conditions. This President just lies—just lies. He is in court right now, trying to undo the protections for preexisting conditions. At the same time, he says he wants to do it, and all the Republicans get up

and cheer. His administration is working as hard as it can to take down the law that guarantees protections for preexisting conditions. The claim is not partly true; it is not half true; it is not misleading. It is flatly, objectively, unequivocally false. It reads on my notes ''false.'' Let's call it for what it is—it is a lie.

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

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

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

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

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

He spoke about the desire for a bipartisan infrastructure bill. We Senate Democrats put together a $1 trillion bill 3 years ago, and the President hasn't shown any interest in discussing it. In fact, when Speaker PELOSI and I went to visit him about infrastructure, he walked out.

This is typical of Donald Trump. In his speech, he bragged about all of these things he wants to do or is doing, but his actions belie his words. Maybe the best metaphor was his claim to bring democracy to Venezuela. There was a big policy there. It flopped. If the policy were working, Juan Guaido wouldn't have been in the balcony here. He would have been in Venezuela. He would have been sitting in the President's palace or at least have been waging a fight to win. He was here—and the President brags about his Venezuela policy? Give us a break.

He hasn't brought an end to the Maduro regime. The Maduro regime is more powerful today and more entrenched today than it was when the President began his anti-Maduro fight—the same thing with North Korea, the same thing with China, the same thing with Russia, the same thing with Syria.

The fact is, when President Trump gets over an hour to speak, the number of mistruths, mischaracterizations, exaggerations, and contradictions is breathtaking. No other President comes close. The old expression says: ''Watch what I do, not what I say.''

What the President does will be revealed on Monday in his budget. That is what he wants to do. If past is prologue, almost everything in that budget will contradict what he will have said in his speech. In the past, he has cut money for healthcare, cut money for medical research, cut money for infrastructure, cut money for education, cut money to help kids with college—every one of those things.

Ladies and gentlemen, I have faith in the American people. They will not be fooled. They are used to it. They can tell a little show here—a nonreality show—when they see one. They know it is a show. It is done for their amusement, for their titillation, but it doesn't improve America. Working people are not happy. The middle class is struggling to stay in the middle class, and those struggling to get to the middle class find it harder to get there. Their path is steeper.

Far more than the President's speech, the President's budget is what truly reveals his priorities. The budget will be the truth serum, and in a few days, the American people will see how many of the President's words here are reality. I expect very few will be.

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. CORNYN. 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. CORNYN. Madam President, I ask unanimous consent that following my oral remarks that my more extensive, written remarks that I have prepared be printed in the RECORD.

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

IMPEACHMENT

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

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

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

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

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

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

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

The first charge, as we know, is abuse of power. House Democrats alleged that the President withheld military aid from Ukraine in exchange for investigations of Joe and Hunter

Biden. But they failed to bring forward compelling and unassailable evidence of any crime—again, the Constitution talks about treason, bribery, or other high crimes and misdemeanors; clearly, a criminal standard—and thus failed to meet their burden of proof. Certainly, the House managers did not meet the high burden required to remove the President from office, effectively nullifying the will of tens of millions of Americans just months before the next election. What is more, the House's vague charge in the first article is equivalent to acts considered and rejected by the Framers of our Constitution.

That brings us to the second article we are considering—obstruction of Congress. During the House inquiry, Democrats were upset because some of the President's closest advisers—and their most sought-after witnesses—did not testify. To be clear, some of the executive branch witnesses were among the 13 witnesses whose testimony we did hear during the Senate trial. But for those witnesses for whom it was clear the administration would claim a privilege, almost certainly leading to a long court battle, the House declined to issue the subpoenas and certainly did not seek judicial enforcement. Rather than addressing the privilege claims in court, as happened in the Nixon and Clinton impeachments, the Democratic managers moved to impeach President Trump for obstruction of Congress for protecting the Presidency itself from a partisan abuse of power by the House.

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

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

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

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

It is no secret that Democrats' crusade to remove the President began more than 3 years ago on the very day he was inaugurated. On January 20, 2017, the Washington Post ran a story with the headline ''The campaign to impeach President Trump has begun.''

At first, Speaker PELOSI wisely resisted. Less than a year ago, she said, ''Impeachment is so divisive to the country that unless there is something so compelling and overwhelming and bipartisan, I don't think we should go down that path because it divides the country.'' And she was right. But when she couldn't hold back the stampede of her caucus, she did a 180-degree about-face. She encouraged House Democrats to rush through an impeachment inquiry before an arbitrary Christmas deadline.

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

Once the articles finally made it to the Senate after a confusing, 28-day delay, Speaker PELOSI tried to have Senator SCHUMER—the Democratic leader here—use Speaker PELOSI's playbook, and he staged a number of political votes every Member of the Senate knew would fail, just so he could secure some perceived political advantage against Republican Senators in the 2020 election.

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT FOR THE RECORD—IMPEACHMENT TRIAL OF DONALD JOHN TRUMP

SENATOR JOHN CORNYN OF TEXAS

Mr. President, I would like to submit this statement for the record regarding the impeachment trial of President Donald Trump. This statement seeks to supplement the remarks that I made on the Senate floor on Wednesday, February 5, 2020. It includes some of my observations as a former judge on some of the complicated constitutional, legal, and factual issues associated with this impeachment proceeding and its implications for future presidential impeachments.

(1) What is the Constitutional standard?

In America, all government derives its power, in the words of the Declaration of Independence, ''from the consent of the governed.''[1] This is not just a statement of national policy, but a statement about legitimacy.

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

an election. It seems obvious that an impeachment of a President during an election year should give rise to heightened concerns about legitimacy.

While there was extensive argument on what the Framers intended the impeachment standard to be, suffice it to say, they believed it should be serious enough to warrant removal, and disqualification from future office, of a duly elected President.

The role of impeachments in a constitutional republic like the United States was borrowed, to some extent, from our British forebears. But it was not a wholesale acceptance of the British model, with its parliamentary system where entire governments can be removed on a vote of no confidence, but rather a distinctly Americanized system that purposefully created a strong and co-equal chief executive, elected by the people for a definite term, with a narrowed scope of impeachable offenses for the President.

Under the U.S. Constitution, Presidents may be impeached for ''treason, bribery, and other high crimes and misdemeanors.'' Due to the rarity of presidential impeachments (three in 232 years), the age of some precedents (dating back to the Johnson impeachment of 1868), and the diversity of impeachment cases (and in particular, the significant difference between the impeachment of judges and Presidents), there remains quite a bit of debate about precisely what actions by a President are impeachable.

Some argue a crime is not required, although all previous presidential impeachments charged a crime. Some argue that not all crimes are impeachable, only serious crimes can be ''high'' crimes. Some categories, including ''malversation,'' ''neglect of duty,'' ''corruption,'' ''malpractice,'' and ''maladministration'' were considered and rejected by the Framers.[2]

(2) Abuse of power

The President's lawyers charge that ''abuse of power'' alleged in the first Article of Impeachment is not a crime, much less a ''high'' crime, nor a violation of established law. This argument raises Due Process of Law concerns with regard to notice of what is prohibited. As Justice Antonin Scalia observed shortly before his death in the criminal context, ''invoking so shapeless a provision to condemn someone . . . does not comport with the Constitution's guarantee of due process.''[3]

Moreover, they argue that ''abuse of power'' is tantamount to ''maladministration,'' which was rejected by the Framers. There is little doubt that a vague and ambiguous charge in an Article of Impeachment can be a generalized accusation into which the House can lump all of their political, policy, and personal differences with a President. This should be avoided.

The House Managers say no crime is required for impeachment, and that abuse of power, which incorporates a host of nefarious acts, is all that is required. No violation of criminal statutes is alleged, nor required they say, and they disagree that abuse of power equates with ''maladministration.'' They point to Alexander Hamilton's statement in Federalist 65 that impeachable offenses are ''those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.''

(3) Obstruction of Congress.

The House Permanent Select Committee on Intelligence issued dozens of subpoenas and heard testimony from 17 witnesses. As to other witness subpoenas issued to members of the Trump Administration, White House Counsel Pat Cipollone argued in his October 8, 2019 letter to Speaker of the House Pelosi that any subpoenas issued before passage of a formal resolution of the House establishing an impeachment inquiry were constitutionally invalid and a violation of due process. The House Managers rely on the Constitution's grant of the ''sole power of impeachment'' to the House and argue that no authorizing resolution was required. Essentially, they argue that under the Constitution the House can run an impeachment inquiry any way the House wants and no one can complain.

No committee of the House was officially delegated the House's impeachment authority until October 31, 2019, when the House passed House Resolution 660 directing ''the Permanent Select Committee on Intelligence and the Committees on Financial Services, Foreign Affairs, the Judiciary, Oversight and Reform, and Ways and Means to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Donald John Trump, President of the United States.''

Neither the House's theory that it could act without a delegation resolution, nor the White House Counsel's argument that subpoenas were void without one was presented to a court during this impeachment inquiry.[4] In fact, the House intentionally avoided litigation because, as House Manager Adam Schiff stated, it would slow down their inquiry.

One example makes this point. Charles Kupperman was a deputy to former National Security Advisor John Bolton. Other than Bolton himself, Kupperman was one of the officials most likely to have direct knowledge of an alleged quid pro quo on aid to Ukraine. But after the House subpoenaed him last fall, Kupperman went to court and asked for a resolution of the competing claims between the President and the House. Rather than wait for a judicial determination in this interbranch dispute, the House withdrew its subpoena and affirmatively disclaimed any desire to pursue Kupperman's testimony in the future.[5] The House also decided not to subpoena Bolton or any other key witnesses in the administration.

Instead, the House elected to push through impeachment with an abbreviated period of roughly three months and declared any delay by President Trump, even to seek judicial review, to be obstruction of Congress and a high crime and misdemeanor. The Administration is currently in court challenging demands for witnesses and documents. Just a couple weeks ago, the Supreme Court accepted such cases for review and stayed the lower court decisions ordering the production of President Trump's financial records from third parties.[6] Still, the House impeached President Trump before the Supreme Court or other federal courts could rule on the merits of claims of presidential privileges and immunities in this impeachment inquiry.

The essence of the House's second Article of Impeachment is that it is Obstruction of Congress to decline to voluntarily submit to the House's inquiry and forgo any claims of presidential privileges or immunities. One interpretation of these facts is that the House simply gave up pursuing the testimony in the interest of speed. While undoubtedly litigation would have delayed for a time the House's impeachment inquiry if they were determined to secure the testimony they initially sought, it is clear that the President, and not the witnesses, would assert claims of executive privilege or absolute testimony immunity to protect the Office of the Presidency. These claims are constitutionally based in the separation of powers, long-recognized by the Department of Justice's Office of Legal Counsel, and repeatedly asserted by both Republican and Democratic Administrations in countless disputes with Congress. And since the House did not pursue the testimony originally subpoenaed, the issue of presidential privileges or immunity was never decided.[7]

But that is not all. Representative Eric Swalwell recently declared that not only should a sitting president be impeached if he or she goes to the courts rather than submit to Congress, but that contesting demands for evidence is actually evidence of guilt on all of the charged offenses. Congressman Swalwell claimed ''we can only conclude that you are guilty'' if someone refuses to give testimony or documents to Congress.[8] So much for the presumption of innocence and other constitutional rights encompassed by the Constitution's guarantee of Due Process of Law.

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

(4) The House's impeachment inquiry

The House Managers argue that since Article 1, Section 2 of the Constitution gives the House the ''sole power of impeachment,'' the President cannot question the procedures as a denial of Due Process of Law or authority by which that House produced the Articles. What they don't explain is how House rules can preempt the Constitution. They can't. As Chief Justice John Marshall wrote in *Marbury v. Madison*, ''the Constitution is superior to any ordinary act of the legislature, [and] the Constitution, and not such ordinary act, must govern the case to which they both apply.''[9]

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

But impeachment is not, strictly speaking, a criminal case, even though the Constitution speaks in terms of ''conviction'' and the impeachment standard is ''treason, bribery, or other high crimes and misdemeanors.'' Contrast that with Article 1, Section 3, Clause 7: ''the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.'' In other words, the constitutional prohibition of double jeopardy does not apply.

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

Hamilton wrote in Federalist 65 the Senate was chosen as the tribunal for courts of impeachment because:

''Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation, to preserve, unawed and uninfluenced, the necessary impartiality between an individual accused, and the representatives of the people, his accusers?''

Because impeachment is neither civil nor criminal in the usual sense, it must be something different. President Trump's counsel referred to the Senate role as sitting in a

''High Court of Impeachment,'' and ''Democracy's ultimate court.'' Hamilton, in Federalist 65, called it ''a method of national inquest.''

One of most significant disputes in the Senate impeachment trial of President Trump was the duty of the House to develop evidence during its impeachment inquiry and the duty of the Senate when new evidence is sought by one or both parties during the trial. In addressing this issue, it is helpful to remind ourselves that the American system of justice is adversarial in nature. That is, it is a system that ''resolves disputes by presenting conflicting views of fact and law to an impartial and relatively passive arbiter, who decides which side wins what.''[10] This system ''consists of a core of basic rights that recognize and protect the dignity of the individual in a free society.''[11]

The rights that comprise the adversary system include . . . the rights to call and to confront witnesses, and the right to require the government to prove guilt beyond a reasonable doubt. . . . These rights, and others, are also included in the broad and fundamental concept [of] due process of law—a concept which itself has been substantially equated with the adversary system.''[12]

The adversarial nature of these proceedings means that the House Managers were obligated to develop their case, including the evidence, in the House inquiry, and not rely on the Senate to do so. In typical court proceedings, the failure of the prosecutor to present sufficient evidence at trial results in dismissal, not in open-ended discovery or a re-opened investigation.

President Trump's lawyers argued that there were three main errors in the House proceedings:

(1) The House did not initially authorize the impeachment inquiry, thus delegating its ''sole power'' to the Intelligence Committee, which issued dozens of subpoenas the President deemed invalid;

(2) Numerous due process violations during the Intelligence Committee's proceedings, including denial of notice, counsel, cross examination, and the opportunity to call witnesses;

(3) And, finally, that as an interested fact witness regarding Intelligence Committee contacts with the whistleblower, Chairman Schiff could not be said to have fairly conducted the House investigation.

Again, the House Managers argue that the method by which the Articles of Impeachment were approved in the House cannot be challenged in the Senate trial given the House's ''sole power to impeach.''

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

Thus, during a Senate impeachment trial, absent unanimous consent—unlikely given the contentious nature of the proceedings—the Senate is precluded from any other business, even during delays while executive privilege and similar issues are litigated in the courts. Given that the House chose to not seek judicial enforcement of subpoenas during its impeachment inquiry because of concerns about delay, the question is do they have a right to do so during the Senate trial? If so, the President's lawyers claim, such an outcome would significantly protract a Senate trial and permanently alter the relationship between the House and Senate in impeachment proceedings. Indeed, there is a strong textual and structural argument that the Constitution prohibits the Senate from performing the investigative role assigned to the House.

The House Managers contend that Chief Justice John Roberts could rule on questions of privilege while presiding over the impeachment trial, avoiding delay during litigation, but the Chief Justice made clear his was not a judicial role in the usual sense.[13] When the issue of whether the Chief Justice would be a tie-breaking vote came up during the trial, he said: ''I think it would be inappropriate for me, an unelected official from a different branch of government, to assert the power to change that result so that the motion would succeed.'' So it is that the Senate, not the Chief Justice presiding in an essentially ceremonial role during impeachment trials, determines disputed issues. This conclusion is further supported by the rule that a majority of Senators are empowered to effectively ''overrule'' an initial determination by the presiding officer. In the words of Senate Impeachment Rule Seven: ''The presiding officer may, in the first instance, submit to the Senate, without a division, all questions of evidence and incidental questions; but the same shall, on the demand of one-fifth of the members present, be decided by yeas and nays.'' The unseemliness of imposing this role on the Chief Justice is obvious and should be avoided.

(5) The Facts

Of course, the main factual contentions of the House Managers involve President Trump's interest in an investigation of Hunter and Joe Biden's role in Ukraine. They allege the President's ''corrupt'' motive to dig up dirt on a potential political rival is an abuse of power. The President's lawyers argue that it is clearly within the President's authority to investigate corruption and leverage foreign aid in order to combat it. Even if it incidentally helps the President electorally, they argue it is not a ''high crime and misdemeanor.''

But there are more basic factual conundrums. Any investigations discussed in the July 25 conversation between Ukrainian President Volodymyr Zelensky and President Trump never occurred. And the foreign aid, including lethal defensive aid and weapons, was paused for just a short time and delivered on September 11, 2019, before the deadline of September 30.

The abuse of power alleged was based on desired investigations and the withholding of foreign aid. But neither, ultimately, occurred. This is similar to an ''attempted'' offense under the criminal law. Indeed, the law criminalizes a host of attempted offenses. But the Articles of Impeachment do not charge President Trump with any crimes, including any ''attempted'' offenses.

(6) Burden of Proof

President Trump's counsel argued that the appropriate burden of proof in this quasi-criminal trial is ''proof beyond a reasonable doubt.'' This point was not seriously contested by the House Managers who repeatedly claimed the evidence in support of the Articles of Impeachment was ''overwhelming.'' Manager Jerry Nadler went further and claimed, repeatedly, that the evidence produced was ''conclusive'' and ''uncontested.'' Manager Zoe Lofgren argued that Senators could use, literally, any standard they wished.

This is significant on the issue of the President's motive in seeking a corruption investigation from President Zelensky, one that included former Vice President Biden and his son, Hunter, and the company on whose board he served, Burisma. The House Managers argued, repeatedly, that President Trump did not care about Ukrainian corruption or burden sharing with allies and that his sole motive was to get information damaging to a political rival, Joe Biden.

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

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

Conclusion

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

Even if President Trump had mixed motives—a public interest combined with a personal interest—the fact is the investigations never occurred and the aid to Ukraine was paused but delivered on schedule.

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

Finally, the second article, Obstruction of Congress, cannot be sustained on this record. The President's counsel argued persuasively that its subpoenas were largely unauthorized in the absence of a House resolution delegating its authority to a House committee. What's more, the House never sought to enforce its subpoenas in the courts, essentially giving up efforts to do so in favor of expediting the House impeachment inquiry. The desire to meet an arbitrary deadline before Christmas was prioritized over a judicial determination in the interbranch dispute.

ENDNOTES

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

2. *See* The Records of the Federal Convention of 1787 (Max Farrand, ed., 1911).

3. *Johnson v. United States*, 135 S.Ct. 2551, 2560 (2015). Chief Justice Roberts similarly relied on Justice Scalia's views when he raised due process concerns in the context of an amorphous definition of corruption in the criminal prosecution of public officials. *McDonnell v. United States*, 136 S.Ct. 2355, 2373 (2016).

4. A variation of these arguments came up in active litigation related to the House's access to testimony and evidence connected

with Special Counsel Mueller's investigation. The district courts rejected the White House Counsel's position. *See House of Representatives v. McGahn*, No. 1:19–cv–02379–KBJ, 2019 WL 6312011 (D.D.C. Nov. 25, 2019) and *In re Application of House of Representatives for Release of Certain Grand Jury Materials*, No. 1:19–gj–00048, 2019 WL 5485221 (D.D.C. Oct. 25, 2019). But those decisions are now on appeal, and the D.C. Circuit heard argument in those cases on January 3, 2020.

5. *See Kupperman v. House of Representatives*, 1:19–cv–03224–RJL, 2019 WL 729359 (D.D.C. Dec. 30, 2019).

6. *See* Order of Supreme Court dated December 13, 2019 granting certiorari in *Trump v. Mazars USA*, 940 F.3d 710 (D.C. Cir. 2019); *Trump v. Deutsche Bank*, 943 F.3d 627 (2d Cir. 2019), and *Trump v. Vance*, 941 F.3d 631 (2d Cir. 2019). The Supreme Court will hear argument in these cases on March 31, 2020.

7. Issues associated with executive privilege were litigated and resolved in the courts well in advance of the Nixon and Clinton impeachments.

8. *See* December 17, 2019 Interview of Congressman Eric Swalwell by CNN's Wolf Blitzer (''Unless you send those [witnesses] to us, we can only conclude that you are guilty, because in America, innocent men do not hide and conceal evidence. In fact, . . . they do just the opposite, they are forthcoming and they want to cooperate, and the President is acting like a very guilty person.'')

9. *See Marbury v. Madison*, 5 U.S. 137, 138 (1803) (''An act of congress repugnant to the constitution cannot become a law.'')

10. Monroe H. Freeman, ''Our Constitutionalized Adversary System,'' 1 Chapman Law Rev. 57, 57 (1998). Justice Scalia noted that the adversarial system is founded on ''the presence of a judge who does not (as the inquisitor does) conduct the factual and legal investigation himself, but instead decides on the basis of facts and arguments pro and con adduced by the parties.'' *McNeil v. Wisconsin*, 501 U.S. 171, 181 n.2 (1991).

11. *Id.*

12. *Id.*

13. As even one of the witnesses who testified in the House has recognized, the Constitution designates the Chief Justice to serve as presiding officer of the Senate for presidential impeachments because the Framers understood the obvious conflict of interest and tension in allowing the Vice President to preside over the trial of the President. Michael Gerhardt, The Constitutional Limits to Impeachment and Its Alternatives, 68 Texas Law Review 1, 98 (1989).

Mr. CORNYN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LOEFFLER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HAWLEY. 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. HAWLEY. Madam President, I come here today with the business of impeachment before this Chamber. It should hardly be necessary at this late juncture to outline again the train of abuses and distortions and outright lies that have brought us to today's impeachment vote: the secret meetings in the Capitol basement; the closed hearings without due process or basic fairness; the failure of the House to follow their own rules and authorize an impeachment inquiry and then the bipartisan vote against impeachment; and the attempt to manipulate or even prevent a trial here in the Senate—holding the Articles of Impeachment for 33 days—in brazen defiance of the Constitution's mandates.

The House Democrats have given us the first purely partisan impeachment in our history and the first attempt to remove an elected President that does not even allege unlawful conduct.

Animating it all has been the bitter resentment of a professional political class that cannot accept the verdict of the people in 2016, that cannot accept the people's priorities, and that now seeks to overturn the election and entrench themselves in power. That is how we arrived at this moment, that is how we got here, and that is what this is really about.

Now it is time to bring this fiasco to a close. It is time to end this cycle of retribution and payback and bitterness. It is time to end the abuse of our institutions. It is time to let the verdict of the people stand. So I will vote today to acquit the President of these charges.

You know, it has been clear for a long time that impeachment is not a priority of the people—it is not even close. It is a pipe dream of politicians. And as the Democrats have forced it on this country over these many months, it has sapped our energy and diverted our attention from the real issues that press upon our country, the issues the people of this Nation have tried to get this town to care about for years. I mean the crisis of surging suicides and drug addiction that is driving down life expectancy in my State and across this Nation. I mean the crisis at the border, where those drugs are pouring across. I mean the crisis of skyrocketing healthcare costs, which burden families, young and old, with bills they cannot pay. I mean the crisis of affordable housing, which robs parents of a safe place to raise their children and build a life. I mean the crisis of trafficking and exploitation, which robs our young girls and boys of a future and our society of their innocence. I mean the crisis of the family farm and the crisis of education costs for those who go to college and the lack of good-paying jobs for those who don't. I mean the crisis of connectivity in our heartland, where too many schoolchildren can't access the internet even to do their homework at night. I mean the crisis of unfair trade and lost jobs and broken homes. And I could go on.

My point is this: When I listen to the people of my State, I don't hear about impeachment. No, I hear about the problems of home and neighborhood, of family and community, about the loss of faith in our government and about the struggle to find hope for the future. This town owes it to these Americans—the ones who sent us here—finally to listen, finally to act, and finally to do something that really matters to them.

We must leave this impeachment circus behind us and ensure that our Constitution is never again abused in this way. It is time to turn the page. It is time to turn to a new politics of the people and to a politics of home. It is time to turn to the future—a future where this town finally accepts the people's judgment and the people's verdict and where this town finally delivers for the people who elected them; a future where the middle of our society gets a fair shake and a level playing field; a future where maybe—maybe—this town will finally listen.

When I think of all the energy and all the effort that has been expended on this impeachment crusade over almost 3 years now, I wonder what might have been.

Today is a sad day, but it does not have to remain that way. Imagine what we might achieve for the good of this Nation if we turn our energy and our effort to the work of the American people. Imagine what we could do to keep families in their homes and to bring new possibility to the Nation's heartland and to care for our children in every part of this society. Imagine what we could do to lift up the most vulnerable among us who have been exploited and trafficked and give them new hope and new life. Imagine what we could do for those who have been forgotten, from our rural towns to our inner cities. Imagine what we could do to give them control over their own destinies.

We can find the common good. We can push the boundaries of the possible. We can rebuild this Nation if we will listen to the American people. Let us begin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, in this impeachment proceeding, I worked with other Senators to make sure that we had the right to ask for more documents and witnesses, but there was no need for more evidence to prove something that I believe had already been proven and that did not meet the U.S. Constitution's high bar for an impeachable offense.

There was no need for more evidence to prove that the President asked Ukraine to investigate Joe Biden and his son, Hunter. He said this on television on October 3, 2019, and he said it during his July 25, 2019, telephone call with the President of Ukraine.

There was no need for more evidence to conclude that the President withheld United States aid, at least in part, to pressure Ukraine to investigate the Bidens. The House managers have proved this with what they called a ''mountain of overwhelming evidence.'' One of the managers said it was ''proved beyond a shadow of a doubt.''

There was no need to consider further the frivolous second Article of Impeachment that would remove from the President and future Presidents—remove this President for asserting his constitutional prerogative to protect confidential conversations with his close advisers.

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

The question, then, is not whether the President did it but whether the Senate or the American people should decide what to do about what he did. I believe that the Constitution clearly provides that the people should make that decision in the Presidential election that began on Monday in Iowa.

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

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

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

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

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

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

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

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

I replied to her: ''I was not voting for or against the President. I was voting for the United States Constitution, which, in my view, does not give the Senate the power to remove a President from his office and from this year's election ballot simply for actions that are inappropriate. The United States Constitution says a President may be convicted only for Treason, Bribery, and other High Crimes and Misdemeanors. President Trump's actions regarding Ukraine are a far cry from that. Plus,'' I said, ''unlike the Nixon impeachment, when almost all Republicans voted to initiate an impeachment inquiry, not one single Republican voted to initiate this impeachment inquiry against President Trump. The Trump impeachment,'' I said to her, ''was a completely partisan action, and the Framers of the United States Constitution, especially James Madison, believed we should never ever have a partisan impeachment. That would undermine the separation of powers by allowing the House of Representatives to immobilize the executive branch, as well as the Senate, by a perpetual partisan series of impeachments.'' Well, she was not convinced.

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

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

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

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

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

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

Thank you.

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

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

EDITORIAL BOARD: LAMAR ALEXANDER'S FINEST HOUR—HIS VOTE AGAINST WITNESSES WAS ROOTED IN CONSTITUTIONAL WISDOM

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

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

The House managers had proved their case to his satisfaction even without new witnesses, Mr. Alexander added, but ''they do not meet the Constitution's 'treason, bribery, or other high crimes and misdemeanors' standard for an impeachable offense.'' Nebraska Sen. Ben Sasse told reporters ''let me be clear: Lamar speaks for lots and lots of us.''

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

Nearly all of his advisers and several Senators opposed his actions, Senators like Wisconsin's Ron Johnson lobbied Mr. Trump hard against the aid delay, and in the end the aid was delivered within the fiscal year and Ukraine did not begin an investigation. Even the House managers did not allege specific crimes in their impeachment articles. For those who want the best overall account of what happened, we again recommend the Nov. 18 letter that Mr. Johnson wrote to House Republicans.

Mr. Alexander's statement made two other crucial points. The first concerns the damage that partisan removal of Mr. Trump would do to the country.

''The framers believed that there should never, ever be a partisan impeachment. That is why the Constitution requires a 2/3 vote of the Senate for conviction. Yet not one House Republican voted for these articles,'' Mr. Alexander noted. ''If this shallow, hurried and wholly partisan impeachment were to succeed, it would rip the country apart, pouring gasoline on the fire of cultural divisions that already exist. It would create the weapon of perpetual impeachment to be used against future presidents whenever the House of Representatives is of a different political party.''

Does anyone who isn't a Resistance partisan doubt this? Democrats and the press talk as if removing Mr. Trump is a matter of constitutional routine that would restore American politics to some pre-2016 normalcy. That's a dangerous illusion.

The ouster of Mr. Trump, the political outsider, on such slender grounds would be seen by half the country as an insider coup d'etat. Unlike Richard Nixon's resignation, it would never be accepted by Mr. Trump's voters, who would wave it as a bloody flag for years to come. Payback against the next Democratic President when the Republicans retake the House would be a certainty.

Mr. Alexander directed Americans to the better solution of our constitutional bedrock. ''The question then is not whether the president did it, but whether the United States Senate or the American people should decide what to do about what he did,'' his statement said. ''Our founding documents provide for duly elected presidents who serve with 'the consent of the governed,' not at the pleasure of the United States Congress. Let the people decide.''

Democrats and their allies in the media have spent three years trying to nullify the election their candidate lost in 2016. They have hawked false Russian conspiracy theories, ignored abuse by the FBI, floated fantasies about triggering the 25th Amendment, and tried to turn bad presidential judgment toward Ukraine into an impeachable offense. Yet Mr. Trump's job approval rating has increased during the impeachment hearings and trial.

Our friendly advice to Democrats and the impeachment press is to accept that you lost fair and square in 2016 and focus on nominating a better Democratic candidate this year. On the recent polling evidence, that task is urgent. In the meantime, thank you, Lamar Alexander.

[From the National Review, Feb. 3, 2020]

EDITORIAL BOARD: LAMAR ALEXANDER GETS IT RIGHT

The impeachment saga is drawing to a close.

The Senate is prepared to acquit without hearing from witnesses, after Lamar Alexander, a swing vote, came out against calling them late last week.

In his statement, Alexander expressed the correct view on the underlying matter—one we have been urging Republicans to publicly adopt since impeachment first got off the ground.

The Tennessee Republican said that it has been amply established that Donald Trump used a hold on defense aid to pressure the Ukrainians to undertake the investigations that he wanted, and that this was, as he mildly put it, inappropriate. But this misconduct, he argued, doesn't rise to the level of the high crimes and misdemeanors required to remove a president from office. If the Senate were to do so anyway, it would further envenom the nation's partisan divide. Besides, there is a national election looming where the public itself can decide whether Trump should stay in office or not.

Since we already know the core of what happened, Alexander explained, there was no need to hear from additional witnesses in the Senate trial. (On this theory of the case, the Senate is in effect acting like an appellate court, rendering a judgment on a threshold question of law, rather than a trial court sifting through the facts.)

In the wake of Alexander's statement, other Senate Republicans endorsed his line of analysis, which, it must be noted, is superior to the defense mounted by the White House legal team over the last two weeks.

Because the president refused to acknowledge what he did, his team implausibly denied there was a quid pro quo and argued that one hadn't been proven since there were no first-hand witnesses. Obviously, this position was at odds with the defense team's insistence that no further witnesses be called. It also raised the natural question why, if people with firsthand knowledge had exculpatory information, the White House wasn't eager to let them come forward.

Additionally, the White House maintained that a president can't be impeached unless he's guilty of a criminal violation. This is an erroneous interpretation of the Constitution, although it is true that past presidential impeachments have involved violations of the law and that such violations provide a bright line that's missing if the charge is only abuse of power. Alan Dershowitz argued this position most aggressively for the president's defense, and made it even worse by briefly seeming—before walking it back—to argue that anything a president does to advance his reelection is properly motivated.

As for the House managers, they were at their strongest making the case that the president had done what they alleged, and their weakest arguing that he should be removed for it.

They tried to inflate the gravity of Trump's offense by repeatedly calling it ''election interference.'' At the end of the day, though, what the Trump team sought was not an investigation of Joe or Hunter Biden, but a statement by the Ukrainians that they'd look into Burisma, the Ukrainian company on whose board Hunter Biden sat. The firm has a shady past and has been investigated before. Trump should have steered clear of anything involving his potential opponent, but it's not obvious that a new Burisma probe would have had any effect on 2020 (the vulnerability for Biden is Hunter's payments, which are already on the record) and, of course, the announcement of an investigation never happened.

They said that Trump's seeking this Ukrainian interference was in keeping with his welcoming of Russian meddling, implying that Trump had been found guilty of colluding with the Russians in 2016, rather than exonerated. (Part of the complaint here is that Trump made use of material that emerged via Russian hacking. Then again, so did Bernie Sanders in his fight with the DNC.)

They alleged that the brief delay in aid to Ukraine somehow endangered our national security, a risible claim given that the Ukrainians got the aid and that Trump has provided Ukraine lethal assistance that President Obama never did.

They accused the president of obstruction of justice for asserting privileges invoked by other presidents and not producing documents and witnesses on the House's accelerated timeline, a charge that White House lawyer Patrick Philbin effectively dismantled.

Finally, they insisted that a trial without witnesses wouldn't be fair, despite making no real effort to secure the new witnesses during their own rushed impeachment inquiry.

As for the Senate trial being a ''cover up,'' as Democrats now insist it is, there is nothing stopping the House—or the Senate, for that matter—from seeking testimony from John Bolton and others outside the confines of the trial. This would be entirely reasonable congressional oversight (despite the White House arguing otherwise) and there is still a public interest in knowing as much as possible about this matter, even if Trump isn't going to be removed.

If nothing else, the last two weeks have been a forum for extensive discussion about the respective powers of the two elected branches of government. We are sympathetic to the view that the executive branch has too much power. If Congress seeks to remedy this imbalance by impeaching and removing presidents, though, it will be sorely disappointed, since the two-thirds requirement for a Senate conviction is an almost insuperable obstacle to removal (as both House Republicans and House Democrats have experienced the last 20 years).

It would be better if Congress undertook a more systematic effort to take back prerogatives it has ceded to the executive branch and the courts. But we aren't optimistic on this score, since the same Democrats who claim to be sticklers about congressional power on the Ukraine matter won't say a discouraging word about Elizabeth Warren's and Bernie Sanders's promised adventures in unilateral rule as president.

At the end of the day, Nancy Pelosi impeached knowing that the Senate wouldn't convict, and so here we are—with nine months to go until voters get to make their judgment: not just about Ukraine, but about the last four years and Trump's eventual opponent.

[From the AEI, Feb. 1, 2020]

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

(By Robert Doar)

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

Republican Sen. Lamar Alexander's words reminded me of the struggle my father, John Doar, had as he considered whether the conduct of President Richard Nixon was so serious that it should lead the House to impeach him and the Senate to remove him from office. Dad was in charge of the House Judiciary Committee staff, which took seven months (between December 1973 and July 1974) to examine the evidence and consider the question. What he concluded, and what the House Judiciary Committee by bipartisan majorities also found, was that Nixon deserved impeachment and removal for a pattern of conduct over a multi-year period that both obstructed justice and abused power.

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

On abuse of power, Nixon was found to have misused his authority over the IRS, the FBI, the CIA, and the Secret Service to defeat political opponents and protect himself, and in the process he had violated the constitutional rights of citizens. After he came

under suspicion, he tried to manipulate these agencies to interfere with the investigation.

President Trump's conduct toward Ukraine, though inappropriate, differs significantly from Nixon's in one crucial respect. Where Nixon's impeachable abuse of power occurred over a period of several years, the conduct challenged by the House's impeachment of Trump was not nearly as prolonged. From July to September of last year, Trump attempted to cajole a foreign government to open an investigation into his political opponent. That conduct was wrong. But it's not the same as what Nixon did over multiple years.

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

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

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

LAMAR WAS RIGHT

(By Frank Cagle)

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

Yes.

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

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

You would think someone who has been around as long as Lamar Alexander could avoid this trap. But not so. In the impeachment trial of President Trump, he got the label undecided, he was then hounded by the media and hammered by both sides over whether he would march in lockstep with Majority Leader Mitch McConnell or whether he would vote to call more witnesses as the Democrats wanted.

And horror of horrors, he was the deciding vote and the only one that will be remembered. When he announced how he would vote the ''more witnesses'' movement collapsed.

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

I've never been a Lamar fan. But I would like to make the case that he did exactly the right thing and he expressed the position of the majority of his Republican colleagues. He, and anyone who has been paying attention, says Trump did what he was accused of and what he did was wrong—inappropriate. But it did not rise to the level of removing him from office. There was no point in listening to additional witnesses and dragging things out. Everyone knew he was guilty. But if Trump is to be removed from office, let the voters do it.

If you believe that Trump didn't hold up aid to Ukraine or that he didn't ask them to investigate Joe Biden you have surrendered your critical faculties or you haven't been paying attention.

Joe and Hunter Biden should be investigated. By the FBI. I understand Trump's frustration that the mainstream media could not be counted on to investigate what should be disqualifying information about Biden's presidential run. (In the media's defense, Trump's kids are also trading off their father's position.) Trump's problem is that instead of turning to the FBI he turned the problem over to Rudy Giuliani and a couple of his questionable associates, otherwise known as the ''Gang Who Couldn't Shoot Straight.''

I doubt you could find 10 Republican senators who, in their heart of hearts, didn't agree with Lamar's position. Many have echoed his argument. But it will be Lamar who will take the heat.

[From Meet the Press, Feb. 2, 2020]

INTERVIEW WITH SENATOR LAMAR ALEXANDER, U.S. SENATOR FOR TENNESSEE

Chuck Todd: Republican Senator Lamar Alexander of Tennessee. Senator Alexander, welcome back.

Senator Lamar Alexander: Thank you, Chuck.

Todd: So one of the reasons you gave in your release about not voting for more witnesses is that—and to decide that, okay, this trial is over, let's let the people decide—was that the election was too close. So let me ask you though, on the witness vote itself, would it be helpful for the people to decide if they had more information?

Alexander: Well, I mean, if you have eight witnesses who say someone left the scene of an accident, why do you need nine? I mean, the question for me was, do I need more evidence to conclude that the president did what he did? And I concluded no. So I voted.

Todd: What do you believe he did?

Alexander: What I believe he did. One, was that he called the president of Ukraine and asked him to become involved in investigating Joe Biden, who was—

Todd: You believe his wrongdoing began there, not before?

Alexander: I don't know about that, but he admitted that. The president admitted that. He released the transcript. He said it on television. The second thing was, at least in part, he delayed the military and other assistance to Ukraine in order to encourage that investigation. Those are the two things he did. I think he shouldn't have done it. I think it was wrong. Inappropriate was the way I'd say it, improper, crossing the line. And then the only question left is, who decides what to do about that?

Todd: Well, who decides what to do with that?

Alexander: The people. The people is my conclusion. You know, it struck me really for the first time early last week, that we're not just being asked to remove the president from office. We're saying, tell him you can't run in the 2020 election, which begins Monday in Iowa.

Todd: If this weren't an election year, would you have looked at this differently?

Alexander: I would have looked at it differently and probably come to the same conclusion because I think what he did is a long way from treason, bribery, high crimes and misdemeanors. I don't think it's the kind of inappropriate action that the framers would expect the Senate to substitute its judgment for the people in picking a president.

Todd: Does it wear on you though that one of the foundational ways that the framers wrote the constitution was almost fear of foreign interference.

Alexander: That's true.

Todd: So, and here it is.

Alexander: Well, if you hooked up with Ukraine to wage war on the United States, as the first Senator from Tennessee did, you could be expelled, but this wasn't that. What the president should have done was, if he was upset about Joe Biden and his son and what they were doing in Ukraine, he should've called the Attorney General and told him that and let the Attorney General handle it the way they always handle cases that involve public things.

Todd: Why you think he didn't do that?

Alexander: Maybe he didn't know to do it.

Todd: Okay. This has been a rationale that I've heard from a lot of Republicans. Well boy, he's still new to this.

Alexander: Well, a lot of people come to Washington—

Todd: At what point though, is he no longer new to this?

Alexander: The bottom line is not an excuse. He shouldn't have done it. And I said he shouldn't have done it and now I think it's up to the American people to say, okay, good economy, lower taxes, conservative judges, behavior that I might not like, call to Ukraine. And weigh that against Elizabeth Warren and Bernie Sanders and pick a president.

Todd: Are you at all concerned though when you seek foreign interference? He does not believe he's done anything wrong. That what has happened here might encourage him that he can continue to do this?

Alexander: I don't think so. I hope not. I mean, enduring an impeachment is something that nobody should like. Even the president said he didn't want that on his resume. I don't blame him. So, if a call like that gets you an impeachment, I would think he would think twice before he did it again.

Todd: What example in the life of Donald Trump has he been chastened?

Alexander: I haven't studied his life that close, but, like most people who survive to make it to the Presidency, he's sure of himself. But hopefully he'll look at this and say, okay, that was a mistake I shouldn't have done that, shouldn't have done it that way. And he'll focus on the strengths of his Administration, which are considerable.

Todd: Abuse of power, define it.

Alexander: Well, that's the problem with abuse of power. As Professor Dershowitz said during his argument, he had a list of 40 presidents who'd been accused of abuse of power from Washington to Obama. So it's too vague a standard to use to impeach a president. And the founders didn't use it. I mean, they said, I mean, think of what a high bar they set. They said treason, bribery, high crimes or misdemeanors. And then they said

Todd: What do you think they meant by misdemeanors? Violation of a public trust.

Alexander: At the time they used it, misdemeanor meant a different thing in Great Britain. But I think Dershowitz was right. It was something akin to treason, bribery and other high crimes and misdemeanors, very high. And then in addition to that, two thirds of us in the Senate have to agree to that, which is very hard to do, which is why we've never removed a president this way in 230 years.

Todd: One of your other reasonings was the partisan nature of the impeachment vote itself in the House. Except now we are answering a partisan impeachment vote in the House with a partisan, I guess, I don't know what we would call this right now.

Alexander: Well you all it acquittal. That's what happens.

Todd: An acquittal, but essentially also, on how the trial was run—a partisan way from

the trial. So, if we make bipartisanship a standard, if somebody has a stranglehold on a base of a political party, then what you're saying is, you can overcome any impeachable offense as long as you have this stranglehold on a group of people.

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

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

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

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

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

Todd: Does it bother you that the president's lead lawyer, Pat Cipollone, is now fingered as being in the room with John Bolton the first time the president asked John Bolton to call the new President of Ukraine and have him take a meeting with Rudy Giuliani? And I say that because Pat Cipollone is up there arguing that there's no direct evidence and yet, he may have been a firsthand witness.

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

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

Alexander: I don't agree with that Chuck, either. The fact of the matter is in the Nixon case, the House voted 410 to four to authorize an inquiry. That means that it authorized subpoenas by the judiciary committee for impeachment. This House never did that. And so, all the subpoenas that they asked for were not properly authorized. That's the reason that the president didn't respond to them.

Todd: Bill Clinton offered regret for his behavior. This president has not. Does that bother you?

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

Todd: You're comfortable acquitting him before he says something of regret. Would that not, would that not help make your acquittal vote?

Alexander: Well, I wasn't asked to decide who says his level of regret. I was asked, did he make a phone call and did he, at least in part, hold up aid in order to influence an investigation of Joe Biden? I concluded yes. So I don't need to assess his level of regret. What I hope he would do is when he makes his State of the Union address, that he puts this completely behind him, never mentions it and talks about what he thinks he's done for the country and where we're headed. He's got a pretty good story to tell. If he'll focus on it.

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

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

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

Alexander: Well, I voted in a way that not everybody appreciated on immigration. Just before I was reelected, I voted against the president's decision to use what I thought was unauthorized money to build a wall, even though I think we need the wall. I said, I thought he did it this past week and we'll vote to acquit him. So I'm very comfortable saying what I believe. And I think others can as well.

Todd: You know, in that phone call, there's one thing on the phone call that I'm surprised frankly, hasn't been brought up more by others. It's the mere mention of the word, CrowdStrike is a Russian intelligence sort of piece of propaganda that they've been circulating. Does it bother you that the President of United States is reiterating Russian propaganda?

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

Todd: Well, I was just going to say this, is it not alarming? The President of United States in this phone call and you clearly are judging him on the phone, more so than,

Alexander: Well the phone call and the evidence. There was plenty of evidence. I mean the House managers came to us and said, we have overwhelming evidence. We have a mountain of evidence and we approve it beyond a shadow of a doubt. Which made me think, well then why do you need more evidence?

Todd: Do you think it's more helpful for the public to hear from John Bolton?

Alexander: They'll read his book in two weeks.

Todd: You don't want to see him testify.

Alexander: Well, if the question is do I need more evidence to think the president did it, the answer is no. I guess I'm coming back to this issue—if you looked at it as an isolated incident, here he is using Russian propaganda in order to try to talk to this new president of Ukraine. That's alarming. Where is he getting this CrowdStrike propaganda. My view is that that is Russian propaganda. Maybe he has information that I didn't have.

Todd: Okay. Are you definitely voting to acquit or do you think you may vote present?

Alexander: No question. I'm going to vote to acquit. I'm very concerned about any action that we could take that would establish a perpetual impeachment in the House of Representatives whenever the House was a different party than the president. That would immobilize the Senate. You know, we have to take those articles, stop what we're doing, sit in our chairs for 11 hours a day for three or four weeks and consider it. And it would immobilize the presidency. So I don't want a situation—and the framers didn't either—where a partisan majority in the house of either party can stop the government.

Todd: You used the phrase ''pour gasoline on a fire.''

Alexander: Yeah.

Todd: It certainly struck home with me reading you saying something that I've been thinking long and hard about. How concerned are you about the democracy as it stands right now?

Alexander: Well, I'm concerned and I want to give credit to Marco Rubio because that's really his phrase. I borrowed it from him—pouring gasoline on the cultural fires.

Todd: He went a step further. He said this was an impeachable offense, but he was uncomfortable in an election year.

Alexander: But, I'm concerned about the divisions in the country. They're reflected in the Senate. They make it harder to get a result. I mean, I work pretty hard to get results on healthcare, making it easier to go to college. And we've had some real success with it. But the Senate is for the purpose of solving big problems that the country will accept. And that goes back to what happened this past week. The country would not have accepted the Senate saying to it, you can't vote for or against President Trump in the Iowa caucus, New Hampshire primary, or the election this year.

Todd: Are you glad you're leaving?

Alexander: No, I've really loved being in the Senate, but it's time for me to go on, turn the page, think of something else to do. It'll be my third permanent retirement.

Todd: You've retired a few times, is this one going to stick?

Alexander: Well, we'll see.

Todd: Senator Lamar Alexander, Republican from Tennessee, our always thoughtful guest. Thanks for coming on.

Alexander: Thank you, Chuck.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. SASSE. Madam President, I ask unanimous consent to introduce into the Senate RECORD and into the impeachment trial record an op-ed that I wrote in the Omaha World-Herald this morning.

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

[From the Omaha World Herald, Feb. 4, 2020]

MIDLANDS VOICES: OPEN LETTER FROM BEN SASSE PRESENTS HIS TAKE ON IMPEACHMENT

(By Ben Sasse)

Impeachment is serious. It's the ''Break Glass in Case of Emergency'' provision of the Constitution.

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

An impeachment trial requires senators to carry out two responsibilities: We're jurors sworn to ''do impartial justice.'' We're also elected officeholders responsible for promoting the civic welfare of the country. We must consider both the facts before us, and the long-term effects of the verdict rendered. I believe removal is the wrong decision.

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

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

He believes the American people need to know the 2016 election was legitimate, and he believes it's dangerous if they worry Russia picked America's president. About this, he's right.

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

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

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

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

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

But in the end, the president wasn't seduced by the most malign voices; his honest advisers made sure Ukraine got the aid the law required. And importantly, this happened three weeks before the legal deadline. To repeat: The president's official staff repeatedly prevailed upon him, Ukraine ultimately got the money, and no political investigation was initiated or announced.

You don't remove a president for initially listening to bad advisors but eventually taking counsel from better advisors—which is precisely what happened here.

There is another prudential question, though, beyond the facts of the case: What is the right thing for the long-term civic health of our country? Will America be more stable in 2030 if the Senate—nine months from Election Day 2020—removes the president?

In our Constitution's 232 years, no president has ever been removed from office by the Senate. Today's debate comes at a time when our institutions of self-government are suffering a profound crisis of legitimacy, on both sides of the aisle. This is not a new crisis since 2016; its sources run much deeper and longer.

We need to shore up trust. A reckless removal would do the opposite, setting the nation on fire. Half of the citizenry—tens of millions who intended to elect a disruptive outsider—would conclude that D.C. insiders overruled their vote, overturned an election and struck their preferred candidate from the ballot.

This one-party removal attempt leaves America more bitterly divided. It makes it more likely that impeachment, intended as a tool of last resort for the most serious presidential crimes, becomes just another bludgeon in the bag of tricks for the party out of power. And more Americans will conclude that constitutional self-government today is nothing more than partisan bloodsport.

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

Mr. SASSE. Thank you.

The PRESIDING OFFICER (Mr. SASSE). The Senator from California.

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

The House managers have clearly laid out a compelling case and evidence of Donald Trump's misconduct. They have shown that the President of the United States of America withheld military aid and a coveted White House meeting for his political gain. He wanted a foreign country to announce—not actually conduct, announce—an investigation into his political rivals. Then he refused to comply with congressional investigations into his misconduct. Unfortunately, a majority of U.S. Senators, even those who concede that what Donald Trump did was wrong, are nonetheless going to refuse to hold him accountable.

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

We must recognize that still in America there are two systems of justice—one for the powerful and another for everyone else. So let's speak the truth about what our two systems of justice actually mean in the real world. It means that in our country too many people walk into courthouses and face systemic bias. Too often they lack adequate legal representation, whether they are overworked, underpaid, or both. It means that a young man named Emmett Till was falsely accused and then murdered, but his murderer didn't have to spend a day in jail. It means that four young Black men have their lives taken and turned upside-down after being falsely accused of a crime in Groveland, FL. It means that, right now, too many people in America are sitting in jail without having yet been convicted of a crime but simply because they cannot afford bail. And it means that future Presidents of the United States will remember that the U.S. Senate failed to hold Donald Trump accountable, and they will be emboldened to abuse their power knowing there will be no consequence.

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

Trump has shown us through his words and actions that he thinks he is above the law. And when the American people see the President acting as though he is above the law, it understandably leaves them feeling distrustful of our system of justice, distrustful of our democracy. When the U.S. Senate refuses to hold him accountable, it reinforces that loss of trust in our system.

Now, I am under no illusion that this body is poised to hold this President accountable, but despite the conduct of the U.S. Senate in this impeachment trial, the American people must continue to strive toward the more perfect Union that our Constitution promises. It is going to take all of us—in every State, every town, everywhere—to continue fighting for the best of who we

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

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

The impeachment of Donald Trump has been one of those earnest struggles for liberty, and this fight, like so many before it, has been a fight against tyranny. This struggle has not been an easy one, and it has left too many people across our Nation feeling cynical. For too many people, this trial confirmed something they have always known, that the real power in this country lies not with them but with just a few people who advance their own interests at the expense of others' needs. For many, the injustice in this trial is yet another example of the way that our system of justice has worked or, more accurately, failed to work.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

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

That is what I have done over the past few days. The Senate heard extensive presentations from both sides and answers to the almost 200 questions that Senators posed to the House managers and the President's advocates.

The facts clearly showed that President Trump abused the public's sacred trust by using taxpayer dollars to extort a foreign government into providing misinformation about a feared political opponent.

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

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

Mr. Giuliani has acknowledged that he was doing the President's personal and political bidding when he engaged with the Ukrainian government.

As the newly elected anti-corruption Ukrainian Government came into power, in need of recognition and support from the United States, President Trump forced officials from Ukraine and the United States to negotiate through Mr. Giuliani, conflating his personal and political interests with the national security and diplomatic interests of our country.

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

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

While there is still more evidence that the Senate should have subpoenaed both witnesses and documents that would have given us a more complete understanding of what happened, we know as much as we do because of the courage and strength of American patriots who put country before self—patriots like the intelligence community whistleblower, who was followed by Army Lieutenant Colonel Vindman, and former U.S. Ambassadors to Ukraine Marie Yovanovitch and William Taylor, as well as current members of the administration.

These Americans who came forward were doing exactly what we always ask of citizens: If you see something wrong, you need to speak up; ''See something, say something.'' It is a fundamental part of citizenship to alert each other to danger, to act for the greater good, to care about each other and our country without regard to political party.

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

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

Increasingly, over the last few days, the President's defense team and more and more of my colleagues in the Senate have acknowledged the facts of the

President's scheme. Their argument has shifted from ''He didn't do it'' to ''He had a right to,'' to ''He won't do it again,'' or even ''It doesn't really matter.''

I disagree so strongly.

The idea that in our country, established by the very rejection of a monarchy, the President has absolute power is absurd, as is the idea that this President, whose conduct is ultimately the cause of this entire process, will suddenly stop. President Trump continues to invite foreign powers to interfere with our elections, maintaining to this day that ''it was a perfect call.''

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

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

Our Founders knew that we needed a mechanism to hold Presidents accountable for behavior that violated that basic understanding and that would threaten our democracy. And they provided a mechanism for removal outside of the election process because of the immense damage a President could do in the time between elections—damage, in the case of this President's continuing behavior, to our national security and election integrity.

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

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

As I took the oath and throughout the impeachment trial, I couldn't help but think of my father. As many of you know, I lost my dad over the holiday recess. While so many were arguing over whether or not the Speaker of the House should send Articles of Impeachment to the Senate, I was struggling with watching him slip away, while only occasionally trying to weigh in with my voice to be heard about the need for witnesses in the upcoming impeachment trial. My dad was a great man, a loving husband, father, grandfather, and great-grandfather who did his best to instill in me the values of right and wrong as I grew up in Fairfield, AL. He was also a fierce patriot who loved this country. Although, fortunately, he was never called on to do so, I firmly believe he would have placed his country even above his family because he knew and understood fully what America and the freedoms and liberties that come with her mean to everyone in this great country and, significantly, to people around the world.

I know he would have put his country before any allegiance to any political party or even to any President. He was on the younger side of that ''greatest generation'' who joined the Navy at age 17 to serve our great military. That service and love of country shaped him into the man of principle that he was, instilling in me those same principles. In thinking of him, his patriotism, his principles, and how he raised me, I am reminded of Robert Kennedy's words that were mentioned in this trial:

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

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

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

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

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

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

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

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

Throughout the trial, one piece of evidence continued to stand out for me. It was the President's statement that under the Constitution, ''we have Article II, and I can do anything I want.'' That seems to capture this President's belief about the Presidency; that he has unbridled power, unchecked by Congress or the Judiciary or anyone else. That view, dangerous as it is, explains the President's actions toward Ukraine and Congress.

The sum of what we have seen and heard is, unfortunately, a picture of a President who has abused the great power of his office for personal gain—a picture of a President who has placed his personal interest well above the interests of the Nation and, in so doing,

threatened our national security, the security of our European allies, and the security of Ukraine. The evidence clearly proves that the President used the weight of his office and the weight of the U.S. Government to seek to coerce a foreign government to interfere in our election for his personal political benefit. His actions were more than simply inappropriate; they were an abuse of power.

When I was a lawyer for the Alabama Judicial Inquiry Commission, there was a saying that the chairman of the inquiry commission and one of Alabama's great judges, Randall Cole, used to say about judges who strayed from the canons of ethics. He would say that the judge ''left his post.''

Sadly, President Trump left his post with regard to the withholding of military aid to Ukraine and a White House visit for the new Ukrainian President, and in so doing, he took the great powers of the Office of the President of the United States with him. Impeachment is the only check on such Presidential wrongdoing.

The second article of impeachment, obstruction of Congress, gave me more pause. I have struggled to understand the House's strategy in their failure to fully pursue documents and witnesses and wished that they had done more. However, after careful consideration of the evidence developed in the hearings, the public disclosures, the legal precedents, and the trial, I believe that the President deliberately and unconstitutionally obstructed Congress by refusing to cooperate with the investigation in any way. While I am sensitive to protecting the privileges and immunities afforded to the President and his advisers, I believe it is critical to our constitutional structure that we also protect the authorities of the Congress of the United States. Here it was clear from the outset that the President had no intention whatsoever of accommodating Congress when he blocked both witnesses and documents from being produced. In addition, he engaged in a course of conduct to threaten potential witnesses and smear the reputations of the civil servants who did come forward and provide testimony.

The President's actions demonstrate a belief that he is above the law, that Congress has no power whatsoever in questioning or examining his actions, and that all who do so, do so at their peril. That belief, unprecedented in the history of this country, simply must not be permitted to stand. To do otherwise risks guaranteeing that no future whistleblower or witness will ever come forward, and no future President, Republican or Democrat, will be subject to congressional oversight as mandated by the Constitution even when the President has so clearly abused his office and violated the public trust.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

I take no pleasure in voting to impeach a President and remove him from office. I agree with those who say that impeachment should be rare and American voters should decide our elections. That is why it is so galling that President Trump blatantly solicited foreign interference in our democratic process. And he did it as he geared up for reelection.

The evidence shows President Trump deliberately and illicitly sought foreign help to manufacture a scandal that would elevate him by tarnishing a political rival.

He attempted to undermine our democracy, using U.S. taxpayer money in the form of U.S. military aid for Ukraine as leverage for his own personal benefit. The President's aides who heard President Trump's call seeking ''a favor'' from the Ukrainian President immediately sensed it was wrong. So when they alerted the White House lawyers, the record of the call was immediately placed on a highly classified computer system. And despite the President claiming that the version of the call that was publicly released ''is an exact word-for-word transcript of the conversation,'' we know from testimony that there are key omissions in the document we all read.

Compounding the President's misconduct, he then engaged in an extended cover up that appears to be ongoing to this day.

There is a lot to unravel here, and I will provide a more detailed legal explanation in the near future. But for now, let me briefly explain my decision and outline my thoughts on the Senate's impeachment proceedings and the disturbing precedents I fear will be set when the majority chooses to side with the President over the Constitution's checks and balances.

The House of Representatives voted to impeach the President for abuse of power and obstruction of Congress. Based on the uncontested evidence, I concur.

It is clear that President Trump and others, such as Mr. Giuliani, who was serving as the President's lawyer, attempted to coerce the newly elected President of Ukraine to announce two sham investigations, including one that sought to directly damage President Trump's rival in the upcoming election. The President's actions served his personal and political needs, not those of our country. His efforts to withhold military aid to Ukraine for his own personal benefit undermined our national security.

The second article of impeachment charges the President with obstruction of Congress for blocking testimony and refusing to provide documents in response to House subpoenas in the impeachment inquiry. Again, the House managers produced overwhelming evidence of the President's obstruction and his efforts to cover up his malfeasance.

The President's counsel offered a number of unpersuasive arguments against this article, which fail to overcome the following: first, that the legislative branch has sole power over impeachment under the Constitution. That could not be more clear; second, past precedents of prior administrations and court rulings; and third, the blatant October 8 letter expressing a complete rejection of the House's impeachment proceedings.

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

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

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

The President's defense also failed to sufficiently demonstrate that the President's blanket defiance of subpoenas and document requests overcomes the precedents established in prior impeachment proceedings and the record of congressional oversight of the executive branch.

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

In the cases of United States v. Nixon, House Judiciary Committee v. Miers, and others, the House managers rightly point out that the courts have held ''Congress's power to investigate is as broad as its power to legislate and lies at the heart of Congress's constitutional role.''

While President Trump's impeachment lawyers claim the House should take the President to court over these previously settled issues, President Trump's lawyers at the Justice Department are simultaneously arguing in the courts that the judicial branch cannot even rule on such matters.

As President Trump staked out new, expansive, and aggressive positions about executive privilege, immunity, and the limits of Congress's oversight authority, Republican leaders went along with it.

I have heard a variety of explanations for why my Republican colleagues voted against witnesses. But no one has offered the simplest explanation: My Republican colleagues did not want to hear new evidence because they have a hunch it would be really, really bad for this President. It would further expose the depth of his wrongdoing. And it would make it harder for them to vote to acquit.

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

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

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

The Constitution is our national compass. But at this critical moment, clouded by the fog of President Trump's misconduct, the Senate majority has lost its way, and is no longer guided by the Constitution. In order to regain our moral bearings, stay true to our core values, and navigate a better path forward, we must hold President Trump accountable.

The President was wrong to invite foreign interference in our democracy. He was wrong to try and stonewall the investigation. And he is wrong if he thinks he is above the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

For the past few weeks, it has been my sworn duty as a U.S. Senator to sit as an impartial juror in the impeachment trial of Donald J. Trump. While I wish the President had not put our Nation in this position, after having listened closely with an open mind to both sides, it is now my duty as an American to vote on whether to remove him from office. Other than sending our troops into harm's way, I cannot think of a more serious, more somber vote to take in this Chamber, but as sobering as it is, the right path forward is clear.

Throughout this trial, we have seen unprecedented obstruction from the Trump administration—obstruction so flagrant that it makes Nixon, when in the thick of Watergate, look like the model of transparency. Yet the facts uncovered still prove the truth of the matter: Trump abused his power when he secretly withheld security aid and a White House meeting to try to force Ukraine to announce investigations into a political rival in order to help him swing November's election. He put his political self-interest ahead of our national security. He smeared the name of an American Ambassador, even seemingly risking her safety because she was simply too principled to further his corruption, because she was too clean to help him strong-arm Ukraine into that favor he demanded.

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

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

Now his defense team has gone so far as to claim that, well, it doesn't matter if he did it because he is the President, and the President can do anything he wants if it will help him get reelected. Breathtaking. To put it another way, when he got caught, he lied. Then, when that lie was found out, he lied again, then again, then again.

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

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

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

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

him—that we should ignore our constitutional duty and leave him in office—because we are in an election year and that the voters should decide his fate. That is an argument that rings hollow because this trial was about Trump's trying to cheat in the next election and rob the voters of their ability to decide. Any action other than voting to remove him would give him the license and the power to keep tampering with that race, to keep trying to turn that election into as much of a sham as an impeachment trial without witnesses.

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

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

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

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

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

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

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

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

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

So, when it is time to vote this afternoon, we cannot think of political convenience. If we say abuse of power doesn't warrant removal from office today, we will be paving the way for future Presidents to do even worse tomorrow—to keep breaking the law and to keep endangering our country—one ''perfect'' call, one ''favor,'' one high crime and misdemeanor at a time.

Time and again, over these past few months, we have heard one story about our Founders, perhaps, more than any other. It was the time when Benjamin Franklin walked out of Independence Hall after the Constitutional Convention and someone asked: ''What have we got—a republic or a monarchy?''

We all know what he said: ''A Republic if you can keep it.''

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

In this moment, let's think not just of today but of tomorrow too. In this moment, let's remember that, here, right matters; truth matters. The truth is that Donald Trump is guilty of these Articles of Impeachment. I will vote to do the right thing, and I hope my colleagues will as well. For the sake of tomorrow and the tomorrow after that, we must.

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

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

Mr. BLUNT. Mr. President, later today I will vote to acquit the President on the charges of the two Articles of Impeachment. A not-guilty verdict, as every Senator on this floor has known for some time, was always what would happen in a House-driven, partisan impeachment process.

Less than a year ago, the Speaker of the House said that we should not go through this process unless something was compelling, unless something was overwhelming, unless something was bipartisan. I think the Speaker was exactly right then, and I hope all future Speakers look at that guidance as we think about this process of impeachment.

In the first 180 years of the Constitution, individual Members talked about impeachment of Presidents—maybe of almost every President—but the Congress only seriously touched this topic one time—one time in 180 years.

In the last 46 years, Presidential impeachment has been before the country three times, and each case has been less compelling than the one before it. We don't want partisan impeachment to become an exercise that happens when one party—not the party of the President—happens to have a majority of the votes in the House of Representatives.

Impeachment is fundamentally a political process. The Members of the Senate meet no standards for a regular jury. The jury can override the judge. Two-thirds of the Senate is necessary to remove the President. We really have no better term in the Constitution, I suppose, to use than ''trial,'' but in any classic sense, this isn't a trial. In any classic sense, a partisan impeachment isn't any kind of a real indictment.

Maybe, first and foremost, the House has to do its job. Part of that job would be to create a case that would produce a bipartisan vote on the articles in the House. If you haven't met that standard—going back to the Speaker's standard—you should work on the case some more and then wonder, if you can't meet the standard, what is wrong with the process you are going through. Part of that job is to do everything necessary to have Articles of Impeachment that are compelling and complete.

The House has time available to it to consider impeachment as they go about their essential work. They can continue to do the work of the Congress. They have weeks, months, if they choose to have, even maybe years to put a case together. They can call witnesses. They can go to court to seek testimony. They can determine if this is an impeachment question or just an oversight question.

The House can do lots of things, but once the Senate gets the Articles of Presidential Impeachment, they become for the Senate an absolute priority. Both our rules and reality mean we cannot do anything else, realistically, until we are done dealing with the case the House sent over.

That was fundamentally what was so wrong with the House sending over a case that they said needed more work. If it needed more work, it should have had more work.

You can be for strong review of the executive. You can be for strong congressional oversight and still support the idea of executive privilege. The

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

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

Congress says: We want to know this.

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

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

That is the kind of balance that occurs.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

As was the case when James Madison wrote Federalist No. 45, the powers reserved to the States are numerous and indefinite, while those that are given to the Congress to be exercised federally are few and defined—few and defined powers, the Federal Government; numerous and indefinite reserved for the States.

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

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

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

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

What, one might ask, does any of this have to do with impeachment? Well, in my opinion, everything—or at least a lot. This distance that we have created in these two steps—moving power from the people to Washington and within Washington, handing it to unelected lawmakers or unelected bureaucrats—has created an amount of anxiety among the American people. Not all of them necessarily recognize it in the same way that I do or describe it with the same words, but they know something is not right. They know it when their Federal Government requires them to work many months out of every year just to pay their Federal taxes, only to be told later that it is not enough and hasn't been enough for

a long time since we have accumulated $22 to $23 trillion in debt, and when they come to understand that the Federal Government also imposes some $2 trillion in regulatory compliance costs on the American people.

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

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

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

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

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

He called out the folly of engaging in endless nation-building exercises as part of a two-decade-long war effort that has cost this country dearly in terms of American blood and treasure. Washington bureaucrats mocked him again, but he turned out to be right.

He raised questions with how U.S. foreign aid is used and sometimes misused throughout the world, sometimes to the detriment of the American people and the very interests that such aid was created to alleviate. Washington bureaucrats mocked him, but he turned out to be right.

President Trump asked Ukraine to investigate a Ukrainian energy company, Burisma. He momentarily paused U.S. aid to Ukraine while seeking a commitment from the then newly elected Ukrainian President, Volodymyr Zelensky, regarding that effort. He wanted to make sure that he could trust this recently elected President Zelensky before sending him the aid. Within a few weeks, his concerns were satisfied, and he released the aid. Pausing briefly before doing so isn't criminal. It certainly isn't impeachable. It is not even wrong.

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

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

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

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

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

Quite to the contrary, when you actually look at the Constitution itself, it makes clear that the President has the power to do what he did here. The very first section of article II of the Constitution—this is the part of the Constitution that outlines the President's authority—makes clear that ''[t]he executive Power [of the United States Government] shall be vested in the President of the United States.''

It is important to remember that there are exactly two Federal officials who were elected within the executive branch of government. One is the Vice President, and the other is the President.

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

The President is the executive branch. As such, it is his prerogative, within the confines of what the law allows and authorizes and otherwise provides, to decide how to execute that. It is not only not incompatible with that system of government, it is entirely consistent with it—indeed, authorized by it.

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

We have longstanding allegations of corruption within Ukraine. Those allegations have been well-founded in Ukraine. No one disputes that corruption is rampant in Ukraine.

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

He did that. There is nothing wrong with that.

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

In the eyes of many and I believe most Americans—they want a President to be careful about how the

United States spends money. They want the United States to stop and reconsider from time to time the fact that we spend a lot of money throughout the world on countries that are not the United States. We want a President of the United States to be able to exercise a little bit of discretion in pushing pause before that President knows whether he can trust a newly elected government in the country in question.

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

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

We have sworn to uphold and protect and defend that system of government. That means standing up for the American people and those they have elected to do a job recognized by the Constitution.

I will be voting to defend this President's actions. I will be voting against undoing the vote taken by the American people some 3½ years ago. I will be voting for the principle of freedom and for the very principles that our Constitution was designed to protect.

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

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

The Senate exists exactly for moments like this. I didn't arrive at my conclusion to support acquittal hastily or flippantly, and I don't believe any of my colleagues did either, including those who come to a different conclusion from mine. Despite being sent such flawed Articles by the House, the Senate did in fact dutifully and solemnly follow its constitutional obligation. During the last days of the trial, we heard sworn testimony from 13 witnesses, read 17 depositions, asked 180 questions, viewed 193 video clips, and poured over 28,000 pages of documents.

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

Can we agree that if a Speaker of the House unilaterally declares an impeachment inquiry, it represents the opinion of one Member of Congress, not the official authorization of the entire Congress? Can we agree that a vote to begin an impeachment inquiry that has only partisan support and bipartisan opposition is not what the Founders had in mind and in fact is what they firmly rejected and cautioned about? Can we agree that impeachment articles passed by a majority of one party and opposed by Members of both parties on their face fail, if not the letter of the law, certainly, the spirit of the Constitution?

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. HYDE-SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HYDE-SMITH. Mr. President, I will vote to acquit President Donald J. Trump on both Articles of Impeachment presented by House Democrats. I have listened carefully to the arguments presented by the House Democratic managers and the White House defense team. Those prosecuting the President failed on a legal and constitutional basis to produce the evidence required to undertake the very serious act of removing a duly elected President from this office.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

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

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

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

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

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

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

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

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

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

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

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

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

They wanted not a parliamentary system like they had looked at from Britain with a head of state that was a Prime Minister who could be removed and changed, as happens all around the world today. They gave us a unique system with three branches of government.

So the Founding Fathers were very clear. They debated the question of what should it take to get rid of the head of state, and they concluded that the second branch of government couldn't be a strong branch of government if, indeed, the President could be removed as a Prime Minister could be removed, simply by Congress getting unhappy with his policies or disagreeing with him. So, as a result of that, they did give us impeachment, and it is a unique process. They were very clear that it was supposed to be used only in very extreme circumstances and not just simply because of a political disagreement or a policy disagreement. And that is exactly what happened here.

The Federalist Papers and the Constitutional Convention debates are very, very clear that it is not a broad swath of reasons to impeach the President that is given to the first branch of government but, indeed, a very, very narrow swath. It was interesting that, from the beginning, they picked the two words of ''treason'' and ''bribery,'' and to that they then had a long debate about what it would be in addition to that. They had such words as ''malfeasance,'' ''misfeasance,'' ''corruption,'' and all those kinds of things that could be very broad. They rejected all those and said, no, specifically, it had to be ''high Crimes and Misdemeanors.''

So what they did was they narrowed the lane considerably and made it difficult to remove the head of the second branch of government. And then, on top of that, for frosting on the cake, they said it has got to be two-thirds. Now, what did that simply mean? They knew—they knew—that human beings being the way they are, that human beings who were involved in the political process and political parties would reach to get rid of a political enemy using everything they could. So they wanted to see that that didn't happen with impeachment. So, as a result of that, they gave us the two-thirds requirement, and that meant that no President was going to be impeached without a bipartisan movement.

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

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

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Ohio is recognized.

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

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

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

Let me say that again. ''What we have just seen is the dictator of the

Senate manipulating the impeachment process to save the demagogue in the White House whose political party has become the gravedigger of democracy.''

Even before this trial began, Leader MCCONNELL admitted out loud that he was coordinating the trial process with the White House. The leader of the Senate was coordinating with the White House on impeachment. I challenge him to show me one trial in my State of Ohio or his State of Kentucky where the jury coordinated with the defense lawyers. In a fair trial, the defense and prosecution would have been able to introduce evidence, to call witnesses, and to listen to testimony.

Every other impeachment proceeding in the Senate for 250 years had witnesses. Some of them had dozens. We had zero. Leader MCCONNELL rushed this trial through. He turned off cameras in this body so that the American public couldn't see the whole process. He restricted reporter access. We know reporters roam the halls to talk to Members of the House and Senate. He restricted access there. He twisted arms to make sure every Republican voted with him to block witnesses. He didn't get a couple of them, but he had enough to protect himself.

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

Over the course of this trial we heard mounting, overwhelming evidence that President Trump did something that not even Richard Nixon ever did: He extorted a foreign leader. He fired a career foreign service officer for rooting out corruption. He put his own Presidential campaign above our collective national security.

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

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

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

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

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

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

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

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

We know the President extorted President Zelensky. He asked the leader of a foreign government to help him. That is the definition of an abuse of power. That is why we have no choice—no choice—but to convict this President of abusing his office. All of us know this. To acquit would set a clear, dangerous precedent: If you abuse your office, it is OK. Congress will look the other way.

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

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

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

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

Remember the words of Richard Nixon: ''When the President does it, that means it is not illegal.'' Our country rejected that argument during Watergate. We had a Republican Party with principle in those days and Senators with backbone, and they told that President to resign because nobody is above the State; nobody is above the law.

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

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

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

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

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

So I ask my colleagues again: What are you afraid of?

One of our American fundamental values is that we have no Kings, no nobility, no oligarchs. No matter how rich, no matter how powerful, no matter how much money you give to MITCH MCCONNELL's super PAC, everyone can and should be held accountable.

I hope my colleagues remember that. I hope they will choose courage over fear. I hope they will choose country over party. I hope they will join me in holding this President accountable to the American people we all took an oath to serve.

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

I will close with quoting, again, Bill Moyers, a longtime journalist: ''What we have just seen is the dictator of the Senate manipulating the impeachment process to save the demagogue in the White House whose political party has become the gravedigger of democracy.''

I know my colleagues on the other side of the aisle know better. I hope they vote what they really know.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

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

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

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

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

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

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

Manager SYLVIA GARCIA showed us how Donald Trump's demand for investigations was purely for his personal, political benefit. She debunked the conspiracy theories the President's counsel raised against former Vice President Joe Biden—Donald Trump's political rival and the true target of his corrupt scheme.

Manager JASON CROW described vividly the human costs of withholding aid from Ukrainian troops fighting a hot war against Russia.

Manager ADAM SCHIFF tied together the evidence of Donald Trump's abuse of power—the most serious of impeachable offenses and one that includes extortion and bribery.

And manager ZOE LOFGREN used her extensive experience to provide perspective on Donald Trump's unprecedented, unilateral, and complete obstruction of Congress to cover up his corrupt scheme. She is the only Member of Congress to be involved in three Presidential impeachments.

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

Many of my Republican colleagues are using the ''So what?'' argument to justify their votes to let the President off the hook. Yet the senior Senator from Tennessee said: ''I think he shouldn't have done it. I think it was wrong.'' He said it was ''inappropriate'' and ''improper, crossing a line.'' But he refused to hold the President accountable, arguing that the voters should decide.

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

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

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

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

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

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

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

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

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

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

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

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

He is referring to the President—

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

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

I turned out to be the answer to both of those questions. My father's family went all the way back to the Mayflower, and my mom's family were Polish Jews who survived the Holocaust. They didn't leave Warsaw because my grandfather had a large family he didn't want to leave behind. And in the event—everybody was killed in the war, except my mom, her parents, and an aunt. They lived in Warsaw for 2 years after the war. Then they went to Stockholm for a year. They went to

Mexico City for a year, of all places. And then they came to the United States—the one place in the world they could rebuild their shattered lives, and they did rebuild their shattered lives. My mom was the only person in the family who could speak any English. She registered herself in the New York City public schools. She graduated from Hunter College High School. She went on to graduate from Wellesley College in Massachusetts in one generation. My grandparents rebuilt the business they had lost during the war.

I knew from them how important this symbol of America was to people struggling all over the world. They had been through some of the worst events in human history, and their joy of being Americans was completely unadulterated. I have met many immigrants across this country, and I still haven't met anybody with a stronger accent than my grandparents had, and I have never met anybody who were greater patriots than they were. They understood how important the idea of America was, not because we were perfect—exactly the opposite of that—because we were imperfect. But we lived in a free society that was able to cure its imperfections with the hard work of our citizens to make this country more democratic, more free, and more fair—a country committed to the rule of law. Nobody was above the rule of law, and nobody was treated unfairly by the law, even if you were an immigrant to this country.

From my dad's example, I learned something really different. It might interest some people around here to know he was a staffer in the Senate for many years. I actually grew up coming here on Saturday mornings, throwing paper airplanes around the hallways of the Dirksen Building and Russell Building.

He worked here at a very different time in the Senate. He worked here at a time when Republicans and Democrats worked together to uphold the rule of law, to pass important legislation that was needed by the American people to move our country forward, a time when Democrats and Republicans went back home and said: I didn't get everything I wanted, to be sure, but the 65 percent I did get is worth the bill we have, and here is why the other side needed 35 percent.

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

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

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

What does the U.S. Senate do? Cut taxes for rich people. We don't have time to do anything else around here. And now, when we are the only body on planet Earth charged with the responsibility of dealing with the guilt or innocence of this President, we can't even bring ourselves to have witnesses and evidence as part of a fair trial, even when there are literally witnesses with direct knowledge of what the President did practically banging on the door of the Senate saying: Let me testify.

We are too lazy for that. The reality is, we are too broken for that. We are too broken for that. And we have failed in our duty to the American people.

Hamilton said in Federalist 65 that in an impeachment trial we were the inquisitors for the people. The Senate—we would be the inquisitors for the people. How can you be the inquisitors for the people when you don't even dignify the process with evidence and with witnesses?

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

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

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

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

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

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

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

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

But what I have come to conclude is that the responsibility of all of us—not just Senators but all of us as citizens in a democratic republic—230 years after the founding of this Republic, is the responsibility of a Founder. It is that elevated sense of what a citizen is required to do in a republic to sustain that republic, and I think that is the right way to think about it. It gives you a sense of what is really at stake beyond the headlines on the cable television at night and, certainly, in the social media feeds that divide us minute to minute in our political life today.

The Senate has clearly failed that standard. We have clearly failed that standard. The idea that we would turn our backs and close our eyes to evidence pounding on the outside of the doors of this Capitol is pitiful. It is disgraceful, and it will be a stain on this body for all time. More than 50 percent of the people in this place have said that what the President did was wrong. It clearly was wrong. It clearly was unconstitutional. It clearly was impeachable. What President would run for office saying to the American people: I am going to try to extort a foreign power for my own electoral interest to interfere in our elections? It is exactly the kind of conduct that the impeachment clause was written for. It is a textbook case of why the impeachment clause exists.

But even if you don't agree with me that he should have been convicted or that he should be convicted, I don't know how anybody in this body goes home and faces their constituents and says that we wouldn't even look at the evidence.

So I say to the American people: Our democracy is very much at risk. I am not one of those people who believes that Donald Trump is the source of all our problems. I think he has made matters much worse, to be sure, but he is a symptom of our problem. He is a symptom of our failure to tend to the democracy—to our responsibility—as Founders. And if we don't begin to take that responsibility as seriously as our parents and grandparents did—people who faced much bigger challenges than we ever did—nobody is asking us, thank God, to end human slavery. Nobody is asking us to fight for 50 years for the self-evident proposition that women should have the right to vote. We are not marching in Selma, being beaten for the self-evident prospect that all people are created equal. Nobody is asking us to climb the Cliffs of Normandy to fight for freedom in a World War.

But we are being asked to save the democracy and we are going to fail that test today in the Senate. And my prayer for our country is that the American people will not fail that test. I am optimistic that we will not. We have never failed it before, and I don't think we will fail it in our time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, in 2012, the good people of Wisconsin elected me to work for them in the Senate. Like every one of my fellow Senators, I took an oath of office. In 2018, I was reelected and I took that same oath. We have all taken that oath. It is not to support and defend the President—this President or any other. Our oath is to support and defend the Constitution of the United States. That is our job every day that we come to work, and it certainly is our job here today.

Just over 2 weeks ago, we all stood together right here and we took another oath given to us by Chief Justice Roberts to do impartial judgment in this impeachment trial. I have taken this responsibility very seriously. I have listened to both sides make their case. I have reviewed the evidence presented and I have carefully considered the facts.

From the beginning, I have supported a full, fair, and honest impeachment trial. A majority of this Senate has failed to allow it. I supported the release of critical evidence that was concealed by the White House. The other side of the aisle let President Trump hide it from us, and they voted to keep it a secret from the American people. I voted for testimony of relevant witnesses with direct, firsthand evidence about the President's conduct. Senate Republicans blocked witness testimony because they didn't want to be bothered with the truth.

Every Senate impeachment trial in our Nation's history has included witnesses, and this Senate trial should have been no different. Unfortunately, it was. A majority of the Senate has taken the unprecedented step of refusing to hear all the evidence, declining all the facts, denying the full truth about this President's corrupt abuse of power. President Trump has obstructed Congress, and this Senate will let him.

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

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

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

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

Based on the clear and convincing evidence presented in this trial, we know President Trump used American taxpayer dollars in security assistance in order to get Ukraine to interfere in our elections to help him politically. We know the President solicited assistance from Ukraine to pursue an investigation of phony conspiracy theories about our 2016 U.S. elections that are a part of a Russian disinformation campaign. We know the President solicited assistance from Ukraine to discredit the conclusion by American law enforcement, the U.S. intelligence community, and confirmed by a bipartisan Senate report that Russia interfered with our 2016 elections. We also know President Trump solicited foreign interference in the upcoming election by pressuring Ukraine to publicly announce investigations to help him politically.

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

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

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

I would never do that. Who told you that?

John Bolton not only has direct evidence that implicates President Trump in a corrupt abuse of power, but he has direct evidence that President Trump lied to one of our colleagues in an attempt to cover it up. It may not matter to this Senate, but I can tell you that it matters to the people of the State of Wisconsin that this President did not tell their Senator the truth.

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

I recognize the courageous public servants who did what this Senate has failed to do—to put our country first. In the House impeachment inquiry, brave government servants came forward and told the truth. They put their jobs on the line. Instead of inspiring us to do our duty—to do our jobs—they

have faced character assassination from this President, the White House, and some of my colleagues here in the Senate. It is a disgrace to this institution that they have been treated as anything less than the patriots they are.

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

My judgment is inspired by these words, and I am guided to my commitment to put country before party and our Constitution first.

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

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

Now every American will have the power to make his or her own judgment. Every American gets to decide what is in our public interest. We the people get to choose what is in our national interest. I trust the American people. I know they will be guided by our common good and the truth. The people we work for know what the truth is, and they know, in America, it matters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

Just think of all of the important forums in your life. Think about your workplace, your family, your favorite sports team. None of them makes decisions by democratic vote. The CEO decides how much money you are going to make. It is not by the vote of your fellow employees. You love your kids, but they don't get an equal say in household matters as mom and dad do. The plays the Chiefs called on their game-winning drives were not decided by a team vote.

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

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

This body—the U.S. Senate—was conceived by our Founders to be the ultimate guardians of this brittle experiment in governance. We, the 100 of us, were given the responsibility to keep it safe from those who may deign to harm it, and when the Senate lives up to this charge, it is an awesome, inspirational sight to behold.

I was born 3 weeks after Alexander Butterfield revealed the existence of a taping system in the White House that likely held evidence of President Nixon's crimes, and I was born 1 week after the Senate Watergate Committee, in a bipartisan vote, ordered Nixon to turn over several key tapes.

Now, my parents were Republicans. My mom is still a Republican. Over the years, they have voted for a lot of Democrats and Republicans. They raised me, in the shadow of Watergate, to understand that what mattered in politics wasn't really someone's party. It was whether you were honest and decent and if you were pursuing office for the right reasons.

In the year I was born, this Senate watched a President betray the Nation, and this Senate—both Democrats and Republicans—stood together to protect the country from this betrayal. This is exactly what our Founders envisioned when they gave the Congress the massive responsibility of the impeachment power. They said to use it sparingly, to use it not to settle political scores but to use it when a President has strayed from the bonds of decency and propriety.

The Founders wanted Congress to save the country from bad men who would try to use the awesome power of the executive branch to enrich themselves or to win office illicitly, and I grew up under the belief that, when those bad men presented themselves, this place had the ability to put aside party and work to protect our fragile democracy from attack.

This attack on our Republic that we are debating today, if left unchecked, is potentially lethal. The one sacred covenant that an American President makes with the governed is to use the massive power of the executive branch for the good of the country, not for personal financial or political benefit. The difference between a democracy and a tin-pot dictatorship is that, here, we don't allow Presidents to use the official levers of power to destroy political opponents. Yet that is exactly what President Trump did, and we all know it. Even the Republicans who are going to vote to acquit him today admit that. If you think that our endorsement through acquittal will not have an impact, then, just look at Rudy Giuliani's trip to Ukraine in December, which was in the middle of the impeachment process. He went back, looking for more dirt, and the President was ringing him up to get the details before Giuliani's plane even hit the gate. The corruption hasn't stopped. It is ongoing. If this is the new normal—the new means by which a President can consolidate power and try to destroy political opponents—then we are no longer living in America.

What happened here over the last 2 weeks is as much a corruption as Trump's scheme was. This trial was simply an extension of Trump's crimes—no documents, no witnesses. It was the first-ever impeachment trial in the Senate without either. John Bolton, in his practically begging to come here and tell his firsthand account of the President's corruption, was denied—just to make sure that voters couldn't hear his story in time for them to be able to pressure their Senators prior to an impeachment vote.

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

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

One said:

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

Another said:

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

Yet another Republican Senator said:

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

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

That responsibility seems to no longer retain a position of primacy in this body today. The rule of law doesn't seem to come first today. Our commitment to upholding decency and truth and honor is not the priority today. In the modern Senate today, all that seems to matter is party. What is different about this impeachment is not that the Democrats have chosen to make it partisan. It is that the Republicans have chosen to excuse their party's President's conduct in a way that they would not have done and did not do 45 years ago. That is what makes this moment exceptional.

Now, Congressman SCHIFF, in his closing argument, rightly challenged the Democrats to think about what we would do if a President of our party ever committed the same kind of offense that Donald Trump has. I think it was a very wise query and one that we as Democrats should not be so quick on the trigger to answer self-righteously.

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

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

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

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

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

I yield the floor.

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

Mr. ROMNEY. Mr. President, the Constitution is at the foundation of our Republic's success, and we each strive not to lose sight of our promise to defend it.

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

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

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

The House managers presented evidence supporting their case, and the White House counsel disputed that case.

In addition, the President's team presented three defenses: first, that there could be no impeachment without a statutory crime; second, that the Bidens' conduct justified the President's actions; and third, that the judgment of the President's actions should be left to the voters. Let me first address those three defenses.

The historic meaning of the words ''high crimes and misdemeanors,'' the writings of the Founders, and my own reasoned judgment convinced me that a President can indeed commit acts against the public trust that are so egregious that, while they are not statutory crimes, they would demand removal from office.

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

The President's counsel also notes that Vice President Biden appeared to have a conflict of interest when he undertook an effort to remove the Ukrainian prosecutor general. If he knew of the exorbitant compensation his son was receiving from a company actually under investigation, the Vice President should have recused himself. While ignoring a conflict of interest is not a crime, it is surely very wrong.

With regard to Hunter Biden, taking excessive advantage of his father's name is unsavory but also not a crime.

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

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

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

What he did was not ''perfect.'' No, it was a flagrant assault on our electoral rights, our national security, and our fundamental values. Corrupting an election to keep one's self in office is perhaps the most abusive and destructive violation of one's oath of office that I can imagine.

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

I am aware that there are people in my party and in my State who will strenuously disapprove of my decision, and in some quarters, I will be vehemently denounced. I am sure to hear abuse from the President and his supporters. Does anyone seriously believe that I would consent to these consequences other than from an inescapable conviction that my oath before God demanded it of me?

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

Like each Member of this deliberative body, I love our country. I believe that our Constitution was inspired by providence. I am convinced that freedom itself is dependent on the strength and vitality of our national character.

As it is with each Senator, my vote is an act of conviction. We have come to different conclusions, fellow Senators, but I trust we have all followed the dictates of our conscience.

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

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

who determined that what the President did was wrong, grievously wrong.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

Why is that the case? It is simple. When you look at the facts of this Presidency, you come to a few conclusions that are, in fact, indisputable. One of those conclusions is that our economy is booming, and it is not simply booming from the top. When you start looking into the crosstabs, as I like to say, what you find is that the bottom 20 percent are seeing increases that the top 20 percent are not seeing. So this economy is working for the most vulnerable Americans, and that is challenging to our friends on the other side.

When you think about the fact that the opportunity zone legislation supported by this President is bringing $67 billion of private sector dollars into the most vulnerable communities, that is challenging to the other side, but those, too, are facts. When you think about the essence of criminal justice reform and making communities safer and having a fairer justice system for those who are incarcerated, that is challenging to the other side, but it is, indeed, a fact, driven home by the Republican Party and President Donald John Trump. These facts do have consequences, just like elections.

Our friends on the other side, unfortunately, decided that if they could not beat him at the polls, give Congress an opportunity to, in fact, impeach the President. My friends on the left simply don't want a fair process. This process has lacked fairness. Instead, they paint their efforts as fighting on behalf of democracy when, in fact, they are just working on behalf of Democrats. That is not fair. It is not what the American people deserve.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

on interfering in our election this coming fall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Where do we go from here? Well, after President Clinton's impeachment trial, he said: ''This can be and must be a time of reconciliation and renewal for [our country],'' and he apologized for the harm he had done to our Nation.

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

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

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

To my colleagues who have concluded impeachment is too heavy a hammer to wield, if you believe the American people should decide the fate of this President in the next election, what will you do to protect our democracy? What will you do to ensure the American people learn the truth of what happened so that they can cast informed votes? Will you cosponsor bills to secure our elections? Will you insist they receive votes on this floor? Will you express support for the intelligence community that is working to keep our country safe? Will you ensure whistleblowers who expose corruption are protected, not vilified? Will you press this administration to cooperate with investigations and to allow meaningful accommodations so that Congress can have its power of oversight? Why can we not do this together?

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

So here is my plea—that we would find ways to work together to defend

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

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

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

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, over the last several months and last several weeks, the American people have watched Washington convulse in partisan accusations, investigations, and endless acrimony. That division reached its high watermark as the U.S. Senate carried out the third Presidential impeachment trial in our Nation's history.

We saw, over the last 2 weeks, an impeachment process that included the testimony of 17 witnesses, more than 100 hours of testimony, and tens of thousands of pages of evidence, records, and documents, which I successfully fought to make part of the record. I fought hard to extend the duration of testimony to ensure that each side could be heard over 6 days instead of just 4. But what we did not see over the last 2 weeks was a conclusive reason to remove the President of the United States—an act which would nullify the 2016 election and rob roughly half the country of their preferred candidate for the 2020 elections.

House managers repeatedly stated that they had established ''overwhelming evidence'' and an ''airtight'' case to remove the President. Yet they also repeatedly claimed they needed additional investigation and testimony. A case cannot be both ''overwhelming'' and ''airtight'' and yet incomplete at the same time. That contradiction is not mere semantics.

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

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

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

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

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

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

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

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

The obstruction charge assumes the House is superior to the executive branch. In their zeal, the House managers would disempower the judiciary and demand that the House's interpretation of the sole power of impeachment be accepted by the Senate and the other branches without question. They claim no constitutional privilege exists to protect the executive branch against the legislature seeking impeachment. They go further and claim that a single Justice—a single Justice—exercising the Senate's sole power to try impeachments, can actually strip the executive of its constitutional protections with a simple decree.

In Federalist 78, Hamilton wrote: ''[L]iberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments.''

If the House managers prevail, the House would have destroyed our constitutional balance, declaring itself the arbiter of constitutional rights and conscripting the Chief Justice to do it.

To be clear, the executive branch is not immune from legislative oversight or impeachment and trial, but that cannot come at the expense of constitutional rights—certainly not without input from the judiciary. After all, since Marbury v. Madison, ''[i]t is emphatically the duty of the Judicial Department to say what the law is.'' Without this separation, nothing stops the House from seeking privileged information under the guise of an impeachment inquiry.

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

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

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

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

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

Second, the House should work in good faith with the Executive through the accommodation process. If that process reaches an impasse, the House should seek the assistance of the judicial branch before turning to impeachment.

Finally, when Articles of Impeachment come to the Senate along partisan lines, when nearly half of the people appear unmoved and maintain adamant support for the President and when the country is just months away from an election, in these circumstances, the American people would likely not accept removing the President, and the Senate can wisely decline to usurp the people's power to elect their own President.

It has been said in this trial that the American people cannot make that decision for themselves. I couldn't disagree more. I believe in the American people. I believe in the power of our people to evaluate the President, to make their decision in November, and to move forward in our enduring effort to form a more perfect union. I do not believe a Senate nullification of two elections over defective Impeachment Articles is in the Nation's best interest.

So let's move forward with the people's business and bring this Nation back together. Let's rise up together, not fight each other. Not all of us voted for President Trump. Not all of us voted for the last President or the one before him. Yet we should work to make our Nation successful regardless of partisan passions. Passion, positively placed, will provide our Nation with the prosperity it has always been blessed with. Partisan poison will prove devastating to our Nation's long-term prosperity.

We must not allow our fractures to destroy our national fabric or partisanship to destroy our friendships. If we come together, we will succeed together, for surely we are bound together in this, the great United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I entered the Senate in the wake of Watergate in 1975, a time when the American people's faith in our institutions was profoundly shaken. The very first vote I cast was in favor of creating the Select Committee to Study Government Operations with Respect to Intelligence Activities and the Rights of Americans—that is, the Church Committee. Through that Committee's work, the American public soon learned of years of abuses that had occurred at the hands of the executive branch's intelligence agencies. In response, the Senate passed sweeping reforms to rein in this overreach. In many ways, this represented the best of the Senate: we came together across party lines to thoroughly investigate, and ultimately curb, gross executive branch abuses.

The Senate has never been perfect. And much has changed in the 45 years I have served in this body. Yet today we face a similar test: whether the Senate, in the face of egregious misconduct directed by the President himself, will rise again to serve as the check on executive abuses our Founders intended us to be.

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

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

In some ways, President Nixon's misconduct—directing a break-in of the Democratic National Committee headquarters to benefit himself politically—seems quaint compared to what we face today. As charged in Article I, President Trump secretly directed a sweeping, illegal scheme to withhold $400 million in military aid from an ally at war in order to extort that ally into announcing investigations of his political opponent to boost his re-election. Then, instead of hiding select incriminating records, as President Nixon did, President Trump attempted to hide every single record from the American people. As reflected in Article II, President Trump has the distinction of being the only president in our nation's history to direct all executive branch officials not to cooperate with a congressional investigation.

I want to be clear: I did not relish the prospect of an impeachment trial. I have stark disagreements with this President on issues of policy and the law, on morality and honesty. But it is for the American people to judge a president on those matters. Today is not about differences over policy. It is about the integrity of our elections, and it is about the Constitution.

The Constitution cannot not protect itself. During this trial, the words of Washington, Madison, Jefferson, Hamilton, and Lincoln have frequently been invoked on behalf of our Constitution. Now it is our turn to record our names in defense of our democracy.

In Federalist No. 65, Alexander Hamilton described impeachment as the remedy for ''the abuse or violation of some public trust.'' Although that definition has guided the nation for 230 years, President Trump's counsels would have us rely on a very different definition.

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

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

What we do today will set a weighty precedent. An acquittal today—despite the overwhelming evidence of guilt, and following a sham of a trial—may fundamentally, and perhaps irreparably, distort our system of checks and balances for another 150 years.

And what a sham trial it was. The fact that this body would not call a uniquely critical witness who has declared his willingness to testify, John Bolton, is beyond outrageous. And why? To punish the House for not taking years to first litigate a subpoena and then litigate every line of testimony? Or is it because testimony detailing this corrupt scheme, no matter how damning, would not alter the Majority Leader's pre-ordained acquittal?

The Senate had a constitutional obligation to try this impeachment impartially. Yet the Senate willfully blinded itself to evidence that will soon be revealed. Senate Republicans even defeated a motion merely to consider and debate whether to seek critical documents and key witnesses. The notion that the Senate could retain the title of the ''world's greatest deliberative body'' following this charade rings hollow.

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

In his farewell address, George Washington warned us that ''foreign influence is one of the most baneful foes of republican government.'' Yet, as a candidate, President Trump famously requested that Russia hack his political

opponent's emails. Hours later, Russia did. The President then weaponized Russia's criminal influence campaign, which resulted in an investigation that uncovered a morass of inappropriate contacts with Russians, lies to cover them up, multiple instances of the President's obstruction of justice, and 37 other indictments and convictions. Yet, after the saga concluded, the President felt liberated. Literally the day after Special Counsel Robert Mueller testified, the President asked the Ukrainian president ''for a favor.'' He has since publicly repeated his request for Ukraine to intervene in our election, and made the same request to China, on national television.

All of us must ask: If we acquit President Trump today, what will he do tomorrow? None of us knows. But two things I am confident of: President Trump's willingness to abuse his office, and his eagerness to exploit foreign interference in our elections, will only grow. And, crucially, Congress's capacity to do anything about it will be crippled.

While the President's lawyers stood on the Senate floor and admonished the House Managers for failing to litigate each subpoena in court to exhaustion, he had other lawyers in court making the mutually exclusive argument that Article III courts have no jurisdiction to settle disputes between our two branches. Such duplicity would put the two-faced Roman God Janus to shame. Meanwhile, the President's Department of Justice claims not only that President Trump cannot be indicted while in office, he cannot even be investigated.

But don't worry, the President's lawyers promise us, the President is still not above the law because Congress can hold him in check through our confirmation power and power of the purse. Neither would come close to checking a lawless executive. It is well known that the President has effectively stopped nominating senior officials in his administration. He has now set a modern record for acting cabinet secretaries. The President has said that he prefers having acting officials, who bypass Senate scrutiny, because they are easier to control.

More crucially, with this vote today, we inflict grave damage on our power of the purse. I am the Vice Chairman of Appropriations, a Committee on which I have served for 40 years. Members of this Committee not only write the spending bills, they are the guardians of this body's power of the purse, granted exclusively to Congress by the Founders to counter ''all the overgrown prerogatives of the other branches.'' The Framers, having broken free from the grip of a monarchy, feared an unchecked executive who would use public dollars like a king: as a personal slush fund. Yet this is precisely what President Trump has done.

If we fail to hold President Trump accountable for illegally freezing congressionally appropriated military aid to extract a personal favor, what would stop him from freezing disaster aid to states hit by hurricanes and flooding until governors or home state senators agree to endorse him? What would stop any future president from holding any part of the $4.7 trillion budget hostage to their personal whims? The answer is nothing. We will have relinquished the very check that the Founders entrusted to us to ensure a president could never behave like a king.

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

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

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

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

The notion that the President has learned his lesson is farcical. The President's lead counsel opened and closed this trial by claiming the President did nothing wrong. The President himself describes his actions as ''perfect.'' On 75 separate occasions, including yesterday, he's claimed he's done nothing wrong. Lord help us if the Senate agrees. The only lesson the President has learned from this trial is how easily he can get away with egregious, illegal misconduct.

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

This is the tragic result of the Senate failing its constitutional duty to hold a real trial. We will leave President Trump ''sacred and inviolable'' and with ''no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution.'' As Hamilton warned over two centuries ago, that is not a president; that is a king. I, for one, will not merely ''get over it.''

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

I will vote to convict and remove President Donald J. Trump from office.

Mr. President, I yield the floor.

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

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

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

Impeachment is a necessary and essential component of our Constitution. It serves as an important check on civil officers who commit crimes against the United States. However, our Founding Fathers were wise to ensure that the impeachment and the

conviction of a sitting President would not be of partisan intent. Since President Trump took office, many have sought to delegitimize his Presidency with partisan attacks. We have heard this right here in the Senate, and we have experienced it. This extreme effort to unseat the President, I believe, is unjustified and intolerable.

Now that the Senate has heard and studied the arguments from both sides, I believe the lack of merit in the House managers' case is evident. The outcome of the impeachment trial is a foregone conclusion. Acquittal is the judgment the Senate should and, I believe, will render—and soon.

For my part, I have weighed the House managers' case and found it wanting in fundamental aspects. I will try to explain.

I believe that their case does not allege an impeachable offense. Even if the facts are as they have stated, the managers have failed, I believe, as a matter of constitutional law, to meet the exceedingly high bar for removal of the President as established by our Founding Fathers, the Framers of the Constitution.

In their wisdom, the Framers rejected vague grounds for impeachment—offenses like we have heard here, ''maladministration''—for fear that it would, in the words of Madison, result in a Presidential ''tenure during [the] pleasure of the Senate.''

''Abuse of power,'' one of the charges put forward here by the House managers, is a concept as vague and susceptible to abuse, I believe, as ''maladministration.'' If you take just a minute or two to look at the definitions of ''abuse'' and ''mal,'' they draw distinct similarities. ''Mal,'' a prefix of Latin origin, means bad, evil, wrong. ''Abuse,'' also of Latin origin, means to wrongly use or to use for a bad effect. There is a kinship between ''mal'' and ''abuse.''

As the Framers rejected in their wisdom ''maladministration,'' I believe that they, too, would reject the noncriminal ''abuse of power.'' Instead, the Framers, as the Presiding Officer knows, provided for impeachment only in a few limited cases: treason, bribery, and high crimes and misdemeanors. Only those offenses justify taking the dire step of removing a duly elected President from office and permanently taking his name off the ballot.

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

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

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

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

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

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

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

Alexander Hamilton described the Senate as the very best venue for an impeachment trial because it is ''independent and dignified,'' in his words. When the Senate voted 51 to 49 against witnesses and evidence, those 51 raised into question any claim to independence or dignity.

In addition, an acquittal will leave the extreme views stated by the President's defense counsel Alan Dershowitz unchallenged: first, that abuse of power is not an impeachable offense; second, that the impeachment charges against the President were constitutionally insufficient; and, third, his most dangerous theory, that unless the President has committed an actual crime, his conduct cannot be corrupt or impeachable as long as he believes it was necessary for his reelection.

By this logic, Professor Dershowitz would have excused Richard Nixon's ordering of IRS audits of his political enemies. Mr. Dershowitz has created an

escape clause to impeachment, which is breathtaking in its impact and unfounded in our legal history. We have all received a letter signed by nearly 300 constitutional law scholars flatly rejecting the arguments offered by the President's defense team.

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

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

JANUARY 31, 2020.

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

IMPEACHABLE CONDUCT DOES NOT REQUIRE PROOF OF ANY CRIME

Impeachment for ''high Crimes and Misdemeanors'' under Article II of the U.S. Constitution does not require proof that a president violated any criminal law. The phrase ''high Crimes and Misdemeanors'' is a term of art consciously adopted by the drafters of the American constitution from Great Britain. Beginning in 1386, the term was frequently used by Parliament to describe the wide variety of conduct, much of it noncriminal abuses of official power, for which British officials were impeached.

The phrase ''high crimes and misdemeanors'' was introduced into the American constitution by George Mason, who explained the necessity for expanding impeachment beyond ''treason and bribery'' by drawing his colleagues' attention to the ongoing parliamentary impeachment trial of Warren Hastings. Hastings was charged with a long list of abuses of power that his articles of impeachment labeled ''high crimes and misdemeanors,'' but which even his chief prosecutor, Edmund Burke, admitted were not prosecutable crimes. On George Mason's motion, the Philadelphia convention wrote into our constitution the same phrase Parliament used to describe Hastings' non-criminal misconduct.

No convention delegate ever suggested that impeachment be limited to violations of criminal law. Multiple founders emphasized the need for impeachment to extend to plainly non-criminal conduct. For example, James Madison and George Nicholas said that abuses of the pardon power should be impeachable. Edmund Randolph believed that violation of the foreign emoluments clause would be.

Thus, Alexander Hamilton's famous observation in *Federalist 65* that impeachable offenses ''are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself'' was not merely an advocate's rhetorical flourish, but a well-informed description of the shared understanding of those who wrote and ratified the Constitution.

Since ratification, one senator and multiple judges have been impeached for non-criminal behavior. The first federal official impeached, convicted, and removed for ''high crimes and misdemeanors'' was Judge John Pickering, whose offenses were making bad legal rulings, being drunk on the bench, and taking the name of the Supreme Being in vain.

Among presidents, the tenth and eleventh articles of impeachment against President Andrew Johnson charged non-criminal misconduct. The first and second articles of impeachment against President Richard Nixon approved by the House Judiciary Committee allege both criminal and non-criminal conduct, and the third alleges non-criminal obstruction of Congress. Indeed, the Nixon House Judiciary Committee issued a report in which it specifically rejected the contention that impeachable conduct must be criminal.

The consensus of scholarly opinion is that impeachable conduct does not require proof of crime.

ABUSE OF POWER IS AN IMPEACHABLE HIGH CRIME AND MISDEMEANOR

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

As Edmund Randolph observed at the Constitutional Convention, ''the propriety of impeachments was a favorite principle with him'' because ''[t]he Executive will have great opportunities of abusing his power.'' In *Federalist 65*, Hamilton defined ''high crimes and misdemeanors'' as ''those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.''

This understanding has often been expressed in the ensuing centuries. For example, in 1926, the House voted to impeach U.S. District Judge George English. The Judiciary Committee report on the matter reviewed the authorities and concluded:

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

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

Even if no precedent existed, the constitutional logic of impeachment for abuse of presidential power is plain. The president is granted wide powers under the constitution. The framers recognized that a great many misuses of those powers might violate no law, but nonetheless pose immense danger to the constitutional order. They consciously rejected the idea that periodic elections were a sufficient protection against this danger and inserted impeachment as a remedy.

The consensus of scholarly opinion is that abuse of power is an impeachable ''high crime and misdemeanor.''

A PRESIDENT MAY NOT ABUSE HIS POWERS OF OFFICE TO SECURE HIS OWN RE-ELECTION

Finally, one of President Trump's attorneys has suggested that so long as a president believes his re-election is in the public interest, ''if a president did something that he believes will help get him elected, in the public interest, that cannot be the kind of quid pro quo that results in his impeachment.'' It is true that merely because a president makes a policy choice he believes will have beneficial political effects, that choice is not necessarily impeachable. However, if a President employs his powers in a way that cannot reasonably be explained except as a means of promoting his own reelection, the president's private conviction that his maintenance of power is for the greater good does not insulate him from impeachment. To accept such a view would be to give the president *carte blanche* to corrupt American electoral democracy.

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

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Mr. DURBIN. Yet a verdict of acquittal by the Senate blesses the professor's torturous reasoning. An acquittal verdict would also give President Trump's personal attorney Rudy Giuliani a pat on the back to continue his global escapades, harassing American Ambassadors whose service he distrusts, and lounging at European cigar bars with an entourage of post-Soviet amigos.

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

On July 23—2 days before his phone call with President Zelensky—President Trump spoke to a group of young supporters and he said: ''I have an Article II, where I have the right to do whatever I want as president.''

This is the dangerous principle that President Trump and his lawyers are asking us, with a verdict of acquittal, to accept. Under the oath I have sworn, I cannot.

What does it say of this Congress and our Nation that in 3 years, we have become so anesthetized to outrage that, for a majority in this Senate, there is nothing—nothing—this President can do or say that rises to the level of blushworthy, let alone impeachable?

Nearly 6 years ago, I traveled to Ukraine with a bipartisan group of Senate colleagues led by John McCain. It was one of John's whirlwind visits where we crammed 5 days' worth of meetings into 48 hours. We arrived in Kyiv on March 14, 2014. It was bitterly cold. Ukrainians had just ousted a corrupt, Russian-backed leader who looted the national treasury and hollowed out their nation's military. They had done so by taking to the streets, risking their lives for democracy and a better future. More than 100 ordinary citizens in Kyiv had been killed by security forces of the old government simply because they were protesting for democracy.

Seeing Ukraine in a fragile democratic transition, Vladimir Putin pounced on them, ordered an invasion and occupied Crimea. Putin and his thinly disguised Russian thugs were on the verge of seizing Donetsk in the east.

I asked the Prime Minister what Ukraine needed to defend itself. He said:

> Everything. We don't have anything that floats, flies or runs.

Many may not appreciate how devastating Russia's war on Ukraine has been to that struggling young democracy. Their costly battle with Russia was for a principle that is really basic to America's national security as well.

In a country with one-eighth of our population, more Ukrainian troops have died defending Ukraine from Russia than American troops have perished in Afghanistan.

During the months President Trump illegally withheld military aid, as many as two dozen Ukrainian soldiers were killed in battle. By withholding security aid from Ukraine for President Trump's personal political benefit, he endangered the security of a fragile democracy.

Can there be any deeper betrayal of a President's responsibility than to endanger our national security and the security of an ally for his own personal political gain?

And to those of my colleagues who describe the President's conduct as merely ''inappropriate,'' I disagree. Disparaging John McCain's service to our country is disgusting and inappropriate. What this President has done to Ukraine crosses that line. It is impeachable.

I will close by remembering two public servants who, like us, were called by history to judge a President. Tom Railsback passed away as this impeachment proceeding began. He was 2 days shy of his 88th birthday. I knew Tom. I considered him a friend.

In 1974, Tom was a Republican Congressman from Moline, IL, and a member of the House Judiciary Committee. He regarded President Nixon as a political friend. He believed that Richard Nixon had achieved much for America, including the opening of the door to China.

After studying the Watergate evidence closely, Congressman Railsback came to believe that Richard Nixon had violated the Constitution. When President Nixon refused to turn over records and recordings requested by Congress, Tom Railsback took to the House floor to say: ''If the Congress doesn't get the material we think we need and then votes to exonerate, we'll be regarded as a paper tiger.''

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

Bill Cohen—also a Republican—was a freshman Congressman at the time and a member of the House Judiciary Committee. He studied the evidence with Tom Railsback and then worked with him to draft Articles of Impeachment.

Bill Cohen received death threats, and he thought his votes to impeach President Nixon would be the end of his political career. But he went on to a distinguished career in the House, three terms in the Senate, and served as Secretary of Defense.

Listen to what Bill Cohen said recently of President's Trump's actions:

> This is presidential conduct that you want to be ashamed of. He is corrupting institutions, politicizing the military, and acts like he is THE law.

And then Cohen added:

> If [the President's conduct] is acceptable, we really don't have a Republic as we've known it any more.

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

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

Last night, many of us attended a State of the Union Address which was as emotionally charged as any I have

ever attended. As divided as our Nation may be and as divided as the Senate may be, we should remember America has weathered greater storms than this impeachment and our current political standoff.

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, let me just begin with a note of optimism. You are going to get to pick the next President, not a bunch of politicians driven by sour grapes. I don't say that lightly. I didn't vote for President Trump. I voted for somebody I wouldn't know if they walked in the door. But I accepted the fact that he won. That has been hard for a lot of people to do. And it is not like I am above the President being investigated.

I supported the Mueller investigation. I had Democratic colleagues come to me and say: We are afraid he is going to fire Mueller. Will you stand with us to make sure Mueller can complete his investigation? And I did—2 years, $32 million, FBI agents, subpoenas, you name it. The verdict is in. What did we find? Nothing. I thought that would be it.

But it is never enough when it comes to President Trump. This sham process is the low point in the Senate for me. If you think you have done the country a good service by legitimizing this impeachment process, what you have done is unleashed the partisan forces of Hell. This is sour grapes.

They impeached the President of the United States in 78 days. You cannot get a parking ticket, if you contested it, in 78 days. They gave out souvenir pens when it was over.

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

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

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

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

The only way this is going to end permanently is for the President to get reelected. And he will.

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

The reason the President never was allowed to go to court and challenge the subpoenas that were never issued is because the House managers understood it might take time. President Clinton and President Nixon were allowed to go to article III court and contest the House's action. That was denied this President because it would get in the way of impeaching him before the election.

And you send this crap over here, and you are OK with it, my Democratic colleagues. You are OK with the idea that the President was denied his day in court, and you were going to rule on executive privilege as a political body. You are willing to deal out the article III court because you hate Trump that much.

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

Abuse of Congress should be entitled ''abuse of power by the Congress.'' If you think ADAM SCHIFF is trying to get to the truth, I have a bridge I want to sell you. These people hate Trump's guts. They rammed it through the House in a way you couldn't get a parking ticket, and they achieved their goal of impeaching him before the election.

The Senate is going to achieve its goal of acquitting him in February. The American people are going to get to decide in November whom they want to be their President.

Acquittal will happen in about 2 hours; exoneration comes when President Trump gets reelected because the people of the United States are fed up with this crap. But the damage you have done will be long-lasting.

Abuse of power. You are impeaching the President of the United States for suspending foreign aid for a short period of time that they eventually received ahead of schedule to leverage an investigation that never happened. You are going to remove the President of the United States for suspending foreign aid to leverage an investigation of a political opponent that never occurred. The Ukrainians did not know of the suspension until September. They didn't feel any pressure. If you are OK with Joe Biden and Hunter Biden doing what they did, it says more about you than it does anything else. The point of the abuse of power article is that you made it almost impossible now for any President to pick up the phone, if all of us can assume the worst and impeach somebody based on this objective standard. He was talking about corruption in the Ukraine with a past President.

And the Bidens' conduct in the Ukraine undercut our ability to effectively deal with corruption by allowing his son to receive $3 million from the most corrupt gas company in the Ukraine. Can you imagine how the Ukrainian Parliamentarian must have felt to be lectured by Joe Biden about ending sweetheart deals?

What you have done is impeached the President of the United States and willing to remove him because he suspended foreign aid for 40 days to leverage an investigation that never occurred.

And to my good friend DICK DURBIN, Donald Trump has done more to help the Ukrainian people than Barack Obama did in his entire 8 years. If you are looking for somebody to help the Ukrainian people fight the Russians, how about giving them some weapons?

This is a sham. This is a farce. This is disgusting. This is an affront to President Trump as a person. It is a threat to the office. It will end soon. There is going to be an overwhelming rejection of both articles. We are going to pick up the pieces and try to go forward.

But I can say this without any hesitation: I worry about the future of the Presidency after what has happened here. Ladies and gentlemen, you will come to regret this whole process.

And to those who have those pens, I hope you will understand history will judge those pens as a souvenir of shame.

Mr. President, this is my second Presidential impeachment. My first was as a House manager for the impeachment of President Clinton. I believe President Clinton corruptly interfered in a lawsuit filed against him by a private citizen alleging sexual assault and misconduct. It was clear to me that President Clinton tampered with the evidence, suborned perjury, and tried to deny Paula Jones her day in court. I believed then and continue to believe now that these criminal acts against a private citizen by President Clinton were wholly unacceptable and should have cost him his job. However, at the end of the Clinton impeachment, I accepted the conclusions of the Senate and said that a cloud had been removed from the Presidency, and it was time to move on.

During the Clinton impeachment, I voted against one Article of Impeachment that related to lying under oath regarding his sexual relationship with

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

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

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

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

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

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

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

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

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

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

The House of Representatives, I believe, abused their authority by rushing this impeachment and putting the Senate in the position of having to play the role of an article III court. The long term effect of this practice would be to neuter the Presidency, making the office of the President only as strong as the House will allow.

The allegations contained in this impeachment are not what the Framers had in mind as high crimes or misdemeanors. The Framers, in my view, envisioned serious, criminal-like misconduct that would shake the foundation of the American constitutional system. The Nixon impeachment had broad bipartisan support once the facts became known. The Clinton impeachment started with bipartisan support in the House and ended with bipartisan support in the Senate, even though it fell well short of the two-thirds vote requirement to remove the President. In the case of President Trump, this impeachment started as a partisan affair with bipartisan rejection of the Articles of Impeachment in the House and, if not rejected in the Senate, will lead to impeachment as almost an inevitability, as future Presidents will be subject to the partisan whims of the House in any given moment.

My decision to vote not guilty on both Articles of Impeachment, I hope, will be seen as a rejection of what the House did and how they did it. I firmly believe that article III courts have a role in the impeachment process and that, to remove a President from office, the conduct has to be of a nature

that would shake the very foundation of our constitutional system. The impeachment of President Trump was driven by a level of partisanship and ends justify the means behavior that the American people have rejected. The best way to end this matter is to allow the American people to vote for or against President Trump in November, not to remove him from the ballot.

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

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

Because it took the House 78 days from start to finish to impeach the President of the United States and, during its fact-gathering process, the House denied the President the right to counsel, to cross-examine witnesses against him, and the ability to introduce evidence on his behalf, the Senate must reject both Articles of Impeachment.

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

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

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

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

In order to elicit these political investigations, President Trump withheld a White House meeting and hundreds of millions of dollars in military assistance from an ally at war with Russia. There is extensive documentation in the record proving this quid pro quo and the corrupt motive behind it. The facts are not seriously in dispute. In fact, several Republican Senators admitted they believe the President committed this offense with varying degrees of ''inappropriate,'' ''wrong,'' ''shameful.'' Almost all Republicans will argue, however, that this reprehensible conduct does not rise to the level of an impeachable offense.

The Founders could not have been clearer. William Davie, a delegate to the Constitutional Convention, deemed impeachment ''an essential security,'' lest the President ''spare no efforts or means whatever to get himself reelected.''

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

A President ''might lose his capacity'' or embezzle public funds.

''A despicable soul might even succumb to bribes while in office.''

Madison then arrived at what he believed was the worst conduct a President could engage in: the President could ''betray his trust to foreign powers,'' which would be ''fatal to the Republic.'' Those are Madison's words.

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

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

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

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

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

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

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

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

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

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

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

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

So instead of maintaining the President's innocence, the President's counsel ultimately told the Senate that even if the President did what he was accused of, it is not impeachable. This has taken the form of an escalating series of Dershowitzian arguments, including ''Abuse of power is not an impeachable offense''; ''The President

can't be impeached for noncriminal conduct, but he also can't be indicted for criminal conduct''; ''If a President believes his own reelection is essential to the Nation, then a quid pro quo is not corrupt.'' These are the excuses of a child caught in a lie.

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

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

Alone, each of the defenses advanced by the President's counsel comes close to being preposterous. Together, they are as dangerous to the Republic as this President—a fig leaf so large as to excuse any Presidential misconduct. Unable to defend the President, arguments were found to make him a King.

Let future generations know that only a fraction of the Senate swallowed these fantasies. The rest of us condemn them to the ash heap of history and the derision of first-year law students everywhere.

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

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

A simple majority of Senators denied the Senate's right to examine relevant evidence, to call witnesses, to review documents, and to properly try the impeachment of the President, making this the first impeachment trial in history that heard from no witnesses. A simple majority of Senators, in deference to and most likely in fear of the President of their party, perpetrated a great miscarriage of justice in the trial of President Trump. As a result, the verdict of this kangaroo court will be meaningless.

By refusing the facts, by refusing witnesses and documents, the Republican majority has placed a giant asterisk—the asterisk of a sham trial—next to the acquittal of President Trump, written in permanent ink. Acquittal and an unfair trial with this giant asterisk—the asterisk of a sham trial—are worth nothing at all to President Trump or to anybody else.

No doubt, the President will boast he received total exoneration, but we know better. We know this wasn't a trial by any stretch of the definition. And the American people know it, too.

We have heard a lot about the Framers over the past several weeks, about the impeachment clause they forged, the separation of powers they wrought, the conduct they most feared in our chief magistrate. But there is something the Founders considered even more fundamental to our Republic: truth. The Founders had seen and studied societies governed by the iron fist of tyrants and the divine right of Kings, but none by argument, rational thinking, facts, and debate.

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

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

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

Our Nation was founded on truth, but in order to excuse this President, you have to willfully ignore the truth and indulge in the President's conspiracy theories: Millions of people voted illegally. The deep state is out to get him. Ukraine interfered in our elections. You must attempt to normalize his behavior. Obama did it, too, they falsely claim. The Democrats are just as bad.

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

The trial of this President—its failure—reflects the central challenge of this Presidency and, maybe, the central challenge of this time in our democracy. You cannot be on the side of this President and be on the side of truth, and if we are to survive as a nation, we must choose truth because, if the truth doesn't matter, if the news you don't like is fake, if cheating in an election is acceptable, if everyone is as wicked as the wickedest among us, then hope for the future is lost.

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

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

So I direct my final message not to the House managers, not even to my fellow Senators, but to the American people. My message is simple: Don't lose hope. There is justice in this world and truth and right. I believe that. I wouldn't be in this government if I didn't. Somehow, in ways we can't predict, with God's mysterious hand guiding us, truth and right will prevail.

There have been dark periods in our history, but we always overcome. The Senate's opening prayer yesterday was Amos 5:24: Let justice roll down like water, righteousness like an ever-flowing stream.

The long arc of the moral universe, my fellow Americans, does bend toward justice. America does change for the better but not on its own. It took millions of Americans hundreds of years to make this country what it is today—Americans of every age and color and creed who marched and protested, who stood up and sat in; Americans who died while defending this democracy, this beautiful democracy, in its darkest hours.

On Memorial Day in 1884, Oliver Wendell Holmes told his war-weary audience: ''[W]hether [one] accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is [yours] to command is to bring to [your] work a mighty heart.''

I have confidence that Americans of a different generation—our generation—will bring to our work a mighty heart to fight for what is right, to fight for the truth, and never, never lose faith.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, the U.S. Senate was made for moments like this. The Framers predicted that factional fever might dominate House majorities from time to time. They knew the country would need a firewall

to keep partisan flames from scorching our Republic. So they created the Senate—out of ''necessity,'' James Madison wrote, ''of some stable institution in the government.''

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

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

Normally, when a party loses an election, it accepts defeat. It reflects and retools—but not this time.

Within months, Secretary Clinton was suggesting her defeat was invalid. She called our President ''illegitimate.'' A former President falsely claimed: ''[President] Trump didn't actually win.'' ''He lost the election,'' a former President said. Members of Congress have used similar rhetoric—a disinformation campaign, weakening confidence in our democracy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Framers built the Senate to keep temporary rage from doing permanent damage to our Republic.

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

I hope we will look back on this vote and say this was the day the fever began to break.

I hope we will not say this was just the beginning.

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

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

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

The Senate is an institution of precedent. We are informed and often guided, especially in times like this, by history and the actions of our predecessors. While we look to history, however, we must be mindful of the reality that our choices make history, for better or for worse. What we say and do here necessarily becomes part of the roadmap for future Presidential impeachments and their consideration by this body. These days, that reality can be difficult to keep front and center. Partisan fervor to convict or acquit a President of the United States who has been impeached can lead to cut corners, overheated rhetoric, and rushed

results. We are each bound by the special oath we take while sitting as a Court of Impeachment to ''do impartial justice according to the Constitution and laws.'' But as President pro tempore, I recognize we must also do justice to the Senate as an institution and to the Republic that it serves.

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

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

I have said since the beginning of this unfortunate episode that the House's articles don't, on their face, appear to allege anything satisfying the Constitution's clear requirement of ''Treason, Bribery, or other high Crimes and Misdemeanors.'' Yet I took my role as a juror seriously. I committed to hear the evidence in the record and to reflect on the arguments made. After 9 days of presentation and questions and after fully considering the record as presented to the Senate, I am convinced that what the House is asking us to do is not only constitutionally flawed but dangerously unprecedented.

The House's first article, impeaching the President for ''abuse of power,'' rests on objectively legal conduct. Until Congress legislates otherwise, a President is well within his or her legal and constitutional authority, as the head of state, to request that a foreign leader assist with an anti-corruption investigation falling outside of the jurisdiction of our domestic law enforcement authorities. Short of political blowback, there is also nothing in the law that prohibits a President from conditioning his or her official acts upon the agreement by the foreign leader to carry out such an investigation.

In an attempt to cure this fundamental defect in its charge, the House's ''abuse of power'' article sets out an impermissibly flexible and vague standard to justify removing the Chief Executive from office. As the House's trial brief and presentation demonstrated, its theory of the case rests entirely on the President's subjective motive for carrying out objectively permissible conduct. For two reasons, this cannot be sustained.

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

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

Simply asserting at least 63 times, as the House managers did, during the trial that their evidence was ''overwhelming'' and that the President's guilt was proven does not make the underlying allegations accurate or prove an impeachable offense. Even in the midst of questions and answers, after opening arguments had concluded, the House managers started repeating the terms ''bribery'' and ''extortion'' on the floor of the Senate, while neither appears anywhere in the House's articles. These are serious, statutory crimes that have specific elements of proof; they shouldn't be casually used as window dressing to inflame the jury. And the House's attempts to shoehorn those charges into their articles is itself a due process violation.

It is not the Senate's job to read into the House's articles what the House failed or didn't see fit to incorporate itself. No more so is it the job of a judge to read nonexistent provisions into legislation that Congress passes and the President signs. Articles of Impeachment should not be moving targets.

The Senate, accordingly, doesn't need to resolve today the question of whether a criminal violation is necessary for a President's conduct to be impeachable. The text of the Constitution and the Framers' clear intent to limit the scope of the impeachment power counsels in favor of such a brightline rule. And until this episode, no President has been impeached on charges that didn't include a violation of established law. Indeed, the only Presidential impeachments considered by this body included alleged violations of laws, and both resulted in acquittals. But the stated ambiguities surrounding the House's ''abuse of power'' theory, acknowledged even by the House managers, give this Senator reason enough to vote not guilty. If we are to lower the bar of impeachment, we better be clear on where the bar is being set.

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

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

I know a thing or two about obstruction by the executive branch under

both Democrat and Republican administrations. Congressional oversight—rooting out waste, fraud, and abuse—is central to my role as a Senator representing Iowa taxpayers and has been for 40 years. If there is anything as sure as death and taxes, it is Federal agencies resisting Congress' efforts to look behind the curtain. In the face of obstruction, I don't retreat. I go to work. I use the tools the Constitution provides to this institution. I withhold consent on nominees until I get an honest answer to an oversight request. I work with my colleagues to exercise Congress's power of the purse. And when necessary, I take the administration to court. That is the very core of checks and balances. For years, I fought the Obama administration to obtain documents related to Operation Fast and Furious. I spent years seeking answers and records from the Obama administration during my investigation into Secretary Clinton's mishandling of highly classified information.

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

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

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

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

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

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

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

But whistleblower claims require careful evaluation and follow up, particularly because their initial claim frames your inquiry and forms the basis for further fact finding. The questions you ask and the documents and witnesses you seek all start there. Any investigator worth their salt will tell you that part of the investigative process involving a whistleblower, or indeed any witness, requires the investigator to evaluate that individual's claim and credibility. It is standard procedure. So we talk to the whistleblowers, we meet with them when possible, we look at their documents. We keep them confidential from potential retaliators, but not from the folks who need to speak with them to do their jobs. When whistleblowers bring to us significant cases of bipartisan interest, where we have initially evaluated their claim and credibility and determined that the claim merits additional follow up, we also frequently work closely with the other side to look into those claims.

We have done many bipartisan investigations of whistleblowers' claims over the years and hopefully will continue to do so. We trust the other side to respect the whistleblower's confidence as well and treat the investigation seriously. We have also worked with many witnesses in investigations who want to maintain low profiles and who request additional security measures to come and speak with us. We are flexible on location. We have the Capitol Police. We have SCIFs. We have interviewed witnesses in both classified and unclassified settings. We are willing to work with those witnesses to make them comfortable and to ensure they are in a setting that allows them to share sensitive information with us.

I know the House committees, particularly the oversight committees, have all taken that course themselves. They routinely work with whistleblowers too. Both sides understand how to talk to whistleblowers and how to respect their role and confidentiality. So why no efforts were taken in this case to go through these very basic, bipartisan steps is baffling. I do not under any circumstances support reprisal or efforts to throw stones without facts. But neither do I support efforts to skirt basic fundamental investigative procedures to try and learn those facts. I fear that, to achieve its desired ends, the House weaponized and politicized whistleblowers and whistleblower reporting for purely partisan purposes. I hope that the damage done from all sides to these decades-long efforts will be short lived.

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

To start, these articles came to the Senate as the product of a flawed, unprecedented and partisan process. For

71 of the 78 days of the House's expedited impeachment inquiry, the President was not permitted to take part or have agency counsel present. Many of the rights traditionally afforded to the minority party in impeachment proceedings were altered or withheld. And an authorizing vote by the full House didn't occur until 4 weeks after hearings had already begun. When the articles themselves were put to a vote by the full House, just in time for Christmas, the only bipartisanship we saw was in opposition. Moreover, the Iowa caucuses have already occurred. The 2020 Presidential election is well underway. Yet we are being asked to remove the incumbent from the ballot, based on Articles of Impeachment supported by only one party in Congress. Taken together, the Senate should take no part in endorsing the dangerous new precedent this would set for future impeachments.

With more than 28,000 pages of evidence, 17 witnesses, and over 70 hours of open, transparent consideration by the Senate, I believe the American people are more than adequately prepared to decide for themselves the fate of this President in November. This decision belongs to them.

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

Let's get back to work for the People.

Mr. LEAHY. Mr. President, the question before us is incredibly serious, but it is also more than a little absurd. We are sitting as a court, exercising the sole power to try impeachments, entrusted to us by the Framers. The President of the United States has been charged with high crimes—a constitutional charge of abuse of power that includes in its text each of the elements of criminal bribery. The President's lawyers have complained all week about the absence of sworn testimony from officials with first-hand knowledge of the President's actions and intent. They claim not to know when the President froze the aid. They falsely claim there is no evidence the President withheld the aid in exchange for his political errand—announcing an investigation into his political rival. And yet whenever the President's counsels have pled ignorance or claimed a lack of evidence, they ask not that we pursue the truth; they ask instead that we look away.

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

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

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

The oath that each of us swore just two weeks ago requires that we do ''impartial justice.'' Reasonable people can disagree about what that means, but every single time this body has sat as a court—every single time—it has heard from witnesses and weighed sworn testimony. We have never been denied the opportunity to hear from critical witnesses with firsthand information. During the Johnson trial, this court heard live testimony from 41 witnesses, including private counsel for the President and a cabinet secretary. During the Clinton trial, three witnesses were deposed and we considered the grand jury testimony of the President's chief of staff, deputy chief of staff, and White House Counsel—plus the grand jury testimony of the President himself. ''Impartial justice'' cannot mean burying our collective heads in the sand, and preventing relevant, probative testimony from being taken.

Briefly, I also want to address the arguments made against calling witnesses. The President has said that ''Witnesses are up to the House, not up to the Senate.'' But the Senate has never been, and should not be now, limited to the House record. The Senate's constitutional obligation to try impeachments stands independent of the House's obligation. The Constitution does not allow the House's action or inaction to limit the evidence and testimony the Senate can and must consider. The last time we sat as a court we heard from 26 witnesses in total, including 17 who had not testified before the House. Seventeen.

Some have also said that calling witnesses like John Bolton would leave us tangled up in an endless court battle over executive privilege. Not so. The Senate alone has the ''sole Power to try all Impeachments,'' and the Chief Justice reminded us just a few years ago in Zivotofsky v. Clinton that Article III courts cannot hear cases ''where there 'is a textually demonstrable constitutional commitment of the issue to a coordinate political department.'''' And in Walter Nixon v. United States, the Supreme Court expressly ruled out ''[j]udicial involvement in impeachment proceedings, even if only for purposes of judicial review.''

Moreover, and more simply, executive privilege cannot prevent testimony from a private citizen like Bolton who is willing to testify. And, in any event, the President has almost certainly waived any claim to privilege by endlessly tweeting and talking to the media about his conversations with Bolton. The Senate is not helpless. We are the only court with jurisdiction. We can and should resolve these questions.

Let us conduct this trial with the seriousness it deserves—consistent with Senate precedent, the overwhelming expectations of the American people, and how every other trial across the country is conducted every single day.

As Senators, we are here to debate and vote on difficult questions. I understand this may be a difficult question politically—but it is nowhere close to a difficult question under the law or common sense. I do not believe for one second that any of us sought public office to become an accomplice to what can only be described as a cover-up. As the Chief Justice has reminded us, we have the privilege of serving in the world's greatest deliberative body. So let's actually deliberate.

But if we adopt the rule—rejected even in Wonderland—of verdict first, witnesses later, be assured those witnesses will eventually follow. Whether through FOIA, journalism, or book releases, the American people will learn the truth, likely sooner rather than later. Maybe even over the upcoming weekend. What will they think of a Senate that went to such extraordinary lengths—ignoring 220 years of precedent, any notions of fairness or respect for facts, and indeed ignoring our duties to the Constitution itself—to keep the truth buried?

A vote to preclude witnesses will embolden this President to further demean the Congress, this Senate, and the balance of power so carefully established by the Framers in the Constitution. It will ratify the President's shell game of telling the House it should sue to enforce its subpoenas, and then telling courts that the House has no standing to do so. Just today, after a week

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

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

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

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

After information from more than a dozen witnesses, over a hundred questions, and days of oral arguments, I believe the House failed to prove its case for the two Articles of Impeachment. The House's story relies on too much speculation, guessing games and repetition. It fails to hold up under scrutiny. The House claims to have proven its case, but insists on more evidence. It was the House's responsibility to ensure it had developed a complete record of the evidence it needed to make its case, and it is not up to the Senate to start the process over again.

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

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

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

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

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

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

Again, almost immediately after the election came the call for investigations, ending with the appointment of Special Counsel Robert Mueller. This investigation went on for almost 2 years. When the Mueller investigation didn't yield the desired results, the President's detractors returned to the continuing cry for an impeachment. The volume and pitch increased even as the 2020 election got closer.

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

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

Our Forefathers did well setting the trial in the Senate where it takes a ⅔ majority, currently 67 votes, to convict. They could see the difficulty it would bring to the Nation if impeachment could easily be convicted by a slight majority. Even though it is not the law, I would counsel the House not to impeach without at least a ⅗ vote in their own body, and that should include some number from the minority party.

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

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

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

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

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

We desperately need more civility. That is simply being nice to each other. My mom said, ''Bad behavior is inexcusable.'' It violates the Golden Rule as revised by my mom, ''Do what's right. Do your best. Treat others as THEY wish to be treated.'' One of the first movies I saw was the now-ancient animated picture, ''Bambi.'' I am reminded of the little rabbit saying, ''My Mom always says, if you can't say something nice, don't say anything at all!'' I believe we all agree on at least 80 percent of most issues, but the trend seems to be shifting to concentrate on the other 20 percent we don't agree on. That 20 percent causes divisiveness, opposition, venomous harsh words, and anger.

Too often, it feels like our Nation is only becoming more divided, more hostile. I do not believe that our country will ever be able to successfully tackle our looming problems if we continue down this road. As we move forward from this chapter in our Nation's history, I hope that we will focus more on our shared goals that can help our Nation, and not the issues that drive us apart.

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

With similar consideration, I have taken a sober and deliberate approach to the impeachment proceedings of the last few weeks, conscious of my constitutional responsibility to serve as an impartial juror.

As the investigative body, the House has charged President Trump with abuse of power and obstruction of Congress. The Senate's role is to determine whether the House has proven its case beyond a reasonable doubt and whether, if true, these charges rise to the level of removing the President from office.

After listening to more than 70 hours of arguments from the House managers and the President's counsel, I have concluded that the House has not provided the Senate with a compelling reason for taking the unprecedented and destabilizing step of removing the President from office.

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

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

As the Speaker said last year, ''Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path, because it divides the country.''

I believe the Speaker was correct in her assessment. A year later, however, the House went down that exact path, choosing to conduct a highly partisan impeachment inquiry, with underwhelming evidence, in a deeply flawed process.

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

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

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

Additionally, in drafting the Articles of Impeachment, the House stated President Trump committed ''Criminal bribery and honest services wire fraud,'' two crimes that carry penalties under our Criminal Code. Inexplicably, the House chose not to include those alleged criminal misdeeds in the articles sent to the Senate, much less argue them in front of this body.

At every turn, it appears the House made decisions not based on the pursuit of justice but on politics. When due process threatened to slow down the march forward, they took shortcuts. When evidence was too complicated to obtain or an accusation did not carry weight, the House created new, flimsy standards on the fly, hoping public pressure would sway Senate jurors in lieu of facts.

The Founding Fathers who crafted our modern impeachment mechanism predicted this moment, and warned against a solely partisan and politically motivated process.

In Federalist 65, Alexander Hamilton wrote, ''In many cases [impeachment] will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.''

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

The Founders also warned against using impeachment as recourse for management or policy disagreements with the President.

Prior to America's founding, impeachment had been used for centuries in England as a measure to reprimand crown-appointed officials and landed gentry. At the time, it included the vague charge of ''maladministration,'' as well.

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

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

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

In a functioning democracy, the President cannot serve at ''the pleasure of Senate.'' He must serve at the pleasure of the people.

Gouverneur Morris supported Madison's argument, adding at the time: ''An election every four years will prevent maladministration.''

Thus ''maladministration'' was not made an impeachable offense in America, expressly because we have the recourse of free and fair elections.

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

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

Ms. KLOBUCHAR. Mr. President, today is a somber day for our country.

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

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

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

I am concerned of course that the Senate has decided that we must make this decision without all the facts. With a 51 to 49 vote, the senate blocked the opportunity to call witnesses with firsthand knowledge or to get relevant documents. Fairness means evidence—it means documents, and it means witnesses. In every past impeachment trial in the Senate, in this body's entire 231-year history, there have been witnesses. There is no reason why the Senate should not have called people to testify who have firsthand knowledge of the President's conduct, especially if, as some of my colleagues have suggested, you believe the facts are in dispute.

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

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

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

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

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

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

Testimony from the 17 current and former officials from the President's administration made it clear that the President leveraged the power of his office to pressure Ukraine to announce an investigation into his political rival. These brave public servants defied the President's order and agreed to testify about what happened despite the risks to their careers. Former U.S. Ambassador to Ukraine Marie Yovanovitch showed particular courage, testifying before the House even as the President disparaged her on Twitter. And I will never forget when Lieutenant Colonel Vindman testified and sent a message to his immigrant father, saying, ''Don't worry Dad, I will be fine for telling the truth.''

As Manager SCHIFF said, in our country ''right matters.'' What is right and wrong under our Constitution does not turn on whether or not you like the President. It is not about whether the disregard for its boundaries furthers policies that you agree or disagree with. It is about whether it remains true that in our country, right matters. Through his actions, the President compromised the security of our ally Ukraine, invited foreign interference in our elections, and undermined the integrity of our democratic process—conduct that I believe the Framers would see as an abuse of power and violation of his oath of office.

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

Unlike any President before him, President Trump categorically refused to comply with any requests from Congress. Even President Nixon directed ''all the president's men'' to comply with congressional requests. Despite that history, President Trump directed every member of his administration not to comply with requests to testify and also directed the executive branch not to release a single document.

The President's refusal to respect the Congress's authority is a direct threat to the separation of powers. The Constitution gives the House the ''sole power of impeachment,'' a tool of last resort to provide a check on the president. By refusing to cooperate, the President is attempting to erase the Congress's constitutional power and to prevent the American people from learning of his misconduct. As we discussed during our questions, the President is asserting that his aides have absolute immunity, a proposition that Federal courts have consistently rejected. Manager Demings warned, ''absolute power corrupts absolutely.''

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

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

an impeached President, Richard Nixon, who said: ''When the president does it, that means it is not illegal.'' We cannot accept that conclusion. In this country the President is not King, the law is King. But if the Senate looks past the President's defiance of Congress, we will forever undermine our status as a coequal branch and undermine the rule of law.

So as we consider these Articles of Impeachment, I ask my colleagues to think about the consequences. Our system, designed by the Framers 232 years ago, is one not of absolute power but of power through and by the people. We are, in some ways, faced with the same question the Founders faced when they made the fateful decision to challenge the unchecked power of a King.

When signing the Declaration of Independence, John Hancock signed his name large and said, ''There must be no pulling different ways. We must all hang together.'' Benjamin Franklin replied, ''Yes, we must, indeed, all hang together, or most assuredly we shall all hang separately.''

We have the opportunity today to stand together and say that the Constitution, that these United States, are stronger than our enemies, foreign and domestic, and we, together, are stronger than a President who would corrupt our democracy with an abuse of power and an attempt to deny the rights of a coequal branch of government. We do not have to agree on everything today or tomorrow or a year from now, but surely we can agree on the same basic principles: that this is a government of laws, not of men-and women; that in this country, no one is above the law. If we can agree on that much, then I submit to my colleagues that the choice before us is clear.

Mr. SANDERS. Mr. President, an impeachment trial of a sitting President of the United States is not a matter to be taken lightly. A President should not and must not be impeached because of political disagreements or policy differences. That is what elections are for. Instead, an impeachment trial occurs when a President violates the oath he or she swore to uphold the Constitution of the United States.

Therefore, there are two questions for me to answer as a juror in the impeachment trial of President Donald J. Trump: whether President Trump is guilty of abusing his power as President for his own political gain and whether he obstructed Congress in their investigation of him.

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

The second Article of Impeachment asserts that Trump obstructed Congress in its investigation of Trump's abuse of power, stating that Trump ''has directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives pursuant to its 'sole Power of Impeachment.' '' According to the warped logic of the arguments presented by the President's counsel, there are almost no legal bounds to anything a President can do so long as it benefits his own reelection. If a President cannot be investigated criminally or by Congress while in office, then he or she would be effectively above the law. President Trump, who raised absurd legal arguments to hide his actions and obstruct Congress, is clearly guilty here as well.

Now, frankly, while the House of Representatives passed two Articles of Impeachment, President Trump could have been impeached for more than just that.

For example, it seems clear that Donald Trump has violated both the domestic and foreign emoluments clauses. In other words, it appears Trump has used the Federal Government over and over to benefit himself financially.

In 2018 alone, Trump's organization made over $40 million in profit just from his Trump hotel in DC alone. And foreign governments, including lobbying firms connected to the Saudi Arabian Government, have spent hundreds of thousands of dollars at that hotel. That appears to be corruption, pure and simple.

In addition, as we all know, there is significant evidence that Donald Trump committed obstruction of justice with regard to the Robert Mueller investigation by, among other actions, firing the FBI Director, James Comey.

One of the difficulties of dealing with President Trump and his administration is that we cannot trust his words. He is a pathological liar who, according to media research, has lied thousands of times since he was elected. During the trial, I posed a question to the House impeachment managers: Given that the media has documented President Trump's thousands of lies while in office—more than 16,200 as of January 20, 2020—why would we be expected to believe that anything President Trump says has credibility? The answer is that, sadly, we cannot.

Sadly, we now have a President who sees himself as above the law and is either ignorant or indifferent to the Constitution. And we have a President who clearly committed impeachable offenses.

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

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

Last week, Alan Dershowitz, one of President Trump's lawyers, argued to the Senate that a President cannot be impeached for any actions he or she takes that are intended to benefit their own reelection. That is truly an extraordinary and unconstitutional assertion. If Trump is acquitted, I fear the repercussions of this argument would do grave damage to the rule of law in our country.

Imagine what such a precedent would allow an incumbent president to get away with for the sake of their own reelection. Hacking an opponent's email using government resources? Soliciting election interference from China? Under this argument, what would stop a President from withholding infrastructure or education funding to a given State to pressure elected officials into helping the President politically?

Let me be clear: Republicans will set a dangerous and lawless precedent if they vote to acquit President Trump. A Republican acquittal of Donald Trump won't just mean that the current President is above the law; it will give a green light to all future Presidents to disregard the law so long as it benefits their reelection.

It gives me no pleasure to conclude that President Donald Trump is guilty of the offenses laid out in the two Articles of Impeachment. I will vote to convict on both counts. But my greater concern is if Republicans acquit President Trump by undercutting the very rule of law. That will truly be remembered as a sad and dangerous moment in the history of our country.

Mr. TOOMEY. Mr. President, I rise to speak about the House Articles of Impeachment against President Donald Trump.

In 1999, then-Senator Joe Biden of Delaware asked the following question during the impeachment trial of President Bill Clinton: ''[D]o these actions rise to the level of high crimes and misdemeanors necessary to justify the most obviously antidemocratic act the Senate can engage in—overturning an election by convicting the president?'' He answered his own question by voting against removing President Clinton from office.

It is this constitutionally grounded framework—articulated well by Vice President Biden—that guided my review of President Trump's impeachment and, ultimately, my decision to oppose his removal.

House Democrats' impeachment articles allege that President Trump briefly paused aid and withheld a White House meeting with Ukraine's President to pressure Ukraine into investigating two publicly reported corruption matters. The first matter was possible Ukrainian interference in our 2016 election. The second was Vice President Biden's role in firing the controversial Ukrainian prosecutor investigating a company on whose board Vice President Biden's son sat. When House Democrats demanded witnesses and documents concerning the President's conduct, he invoked constitutional rights and resisted their demands.

The President's actions were not ''perfect.'' Some were inappropriate. But the question before the Senate is not whether his actions were perfect; it is whether they constitute impeachable offenses that justify removing a sitting President from office for the first time and forbidding him from seeking office again.

Let's consider the case against President Trump: obstruction of Congress and abuse of power. On obstruction, House Democrats allege the President lacked ''lawful cause or excuse'' to resist their subpoenas. This ignores that his resistance was based on constitutionally grounded legal defenses and immunities that are consistent with longstanding positions taken by administrations of both parties. Instead of negotiating a resolution or litigating in court, House Democrats rushed to impeach. But as House Democrats noted during President Clinton's impeachment, a President's defense of his legal and constitutional rights and responsibilities is not an impeachable offense.

House Democrats separately allege President Trump abused his power by conditioning a White House meeting and the release of aid on Ukraine agreeing to pursue corruption investigations. Their case rests entirely on the faulty claim that the only possible motive for his actions was his personal political gain. In fact, there are also legitimate national interests for seeking investigations into apparent corruption, especially when taxpayer dollars are involved.

Here is what ultimately occurred: President Trump met with Ukraine's President, and the aid was released after a brief pause. These actions happened without Ukraine announcing or conducting investigations. The idea that President Trump committed an impeachable offense by meeting with Ukraine's President at the United Nations in New York instead of Washington, DC is absurd. Moreover, the pause in aid did not hinder Ukraine's ability to combat Russia. In fact, as witnesses in the House impeachment proceedings stated, U.S. policy in support of Ukraine is stronger under President Trump than under President Obama.

Even if House Democrats' presumptions about President Trump's motives are true, additional witnesses in the Senate, beyond the 17 witnesses who testified in the House impeachment proceedings, are unnecessary because the President's actions do not rise to the level of removing him from office, nor do they warrant the societal upheaval that would result from his removal from office and the ballot months before an election. Our country is already far too divided and this would only make matters worse.

As Vice President Biden also stated during President Clinton's impeachment trial, ''[t]here is no question the Constitution sets the bar for impeachment very high.'' A President can only be impeached and removed for ''Treason, Bribery, or other high Crimes and Misdemeanors.'' While there is debate about the precise meaning of ''other high Crimes and Misdemeanors,'' it is clear that impeachable conduct must be comparable to the serious offenses of treason and bribery.

The Constitution sets the impeachment bar so high for good reasons. Removing a President from office and forbidding him from seeking future office overturns the results of the last election and denies Americans the right to vote for him in the next one. The Senate's impeachment power essentially allows 67 Senators to substitute their judgment for the judgment of millions of Americans.

The framework Vice President Biden articulated in 1999 for judging an impeachment was right then, and it is right now. President Trump's conduct does not meet the very high bar required to justify overturning the election, removing him from office, and kicking him off the ballot in an election that has already begun. In November, the American people will decide for themselves whether President Trump should stay in office. In our democratic system, that is the way it should be.

Mr. RUBIO. Mr. President, voting to find the President guilty in the Senate is not simply a finding of wrongdoing; it is a vote to remove a President from office for the first time in the 243-year history of our Republic.

When they decided to include impeachment in the Constitution, the Framers understood how disruptive and traumatic it would be. As Alexander Hamilton warned, impeachment will ''agitate the passions of the whole community.''

This is why they decided to require the support of two-thirds of the Senate to remove a President we serve as a guardrail against partisan impeachment and against removal of a President without broad public support.

Leaders in both parties previously recognized that impeachment must be bipartisan and must enjoy broad public support. In fact, as recently as March of last year, Manager ADAM SCHIFF said there would be ''little to be gained by putting the country through'' the ''wrenching experience'' of a partisan impeachment. Yet, only a few months later, a partisan impeachment is exactly what the House produced. This meant two Articles of Impeachment whose true purpose was not to protect the Nation but, rather, to, as Speaker NANCY PELOSI said, stain the President's record because ''he has been impeached forever'' and ''they can never erase that.''

It now falls upon this Senate to take up what the House produced and faithfully execute our duties under the Constitution of the United States.

Why does impeachment exist?

As manager JERRY NADLER reminded us last week, removal is not a punishment for a crime, nor is removal supposed to be a way to hold Presidents accountable; that is what elections are for. The sole purpose of this extraordinary power to remove the one person entrusted with all of the powers of an entire branch of government is to provide a last-resort remedy to protect the country. That is why Hamilton wrote that in these trials our decisions should be pursuing ''the public good.''

Even before the trial, I announced that, for me, the question would not just be whether the President's actions were wrong but ultimately whether what he did was removable. The two are not the same. It is possible for an offense to meet a standard of impeachment and yet not be in the best interest of the country to remove a President from office.

To answer this question, the first step was to ask whether it would serve the public good to remove the President, even if the managers had proven every allegation they made. It was not difficult to answer that question on the charge of obstruction of congress. The President availed himself of legal defenses and constitutional privileges on the advice of his legal counsel. He has taken a position identical to that of every other administration in the last 50 years. That is not an impeachable offense, much less a removable one.

Negotiations with Congress and enforcement in the courts, not impeachment, should be the front-line recourse when Congress and the President disagree on the separation of powers. But here, the House failed to go to court because, as Manager SCHIFF admitted, they did not want to go through a yearlong exercise to get the information they wanted. Ironically, they now demand that the Senate go through this very long exercise they themselves decided to avoid.

On the first Article of Impeachment, I reject the argument that abuse of power can never constitute grounds for removal unless a crime or a crime-like action is alleged. However, even if the House managers had been able to prove every allegation made in article I,

would it be in the interest of the Nation to remove the President? Answering this question requires a political judgment—one that takes into account both the severity of the wrongdoing they allege and the impact removal would have on the Nation.

I disagree with the House Managers' argument that, if we find the allegations they have made are true, failing to remove the President leaves us with no remedy to constrain this or future Presidents. Congress and the courts have multiple ways by which to constrain the power of the Executive. And ultimately, voters themselves can hold the President accountable in an election, including the one just 9 months from now.

I also considered removal in the context of the bitter divisions and deep polarization our country currently faces. The removal of the President—especially one based on a narrowly voted impeachment, supported by one political party and opposed by another and without broad public support—would, as Manager NADLER warned over two decades ago, ''produce divisiveness and bitterness'' that will threaten our Nation for decades. Can anyone doubt that at least half of the country would view his removal as illegitimate—as nothing short of a coup d'état? It is difficult to conceive of any scheme Putin could undertake that would undermine confidence in our democracy more than removal would.

I also reject the argument that unless we call new witnesses, this is not a fair trial. First, they cannot argue that fairness demands we seek witnesses they did little to pursue. Second, even if new witnesses would testify to the truth of the allegations made, these allegations, even if they had been able to prove them, would not warrant the President's removal.

This high bar I have set is not new for me. In 2014, I rejected calls to pursue impeachment of President Obama, noting that he ''has two years left in his term,'' and, instead of pursuing impeachment, we should use existing tools at our disposal to ''limit the amount of damage he's doing to our economy and our national security.''

Senator PATRICK LEAHY, the President pro tempore emeritus, once warned, ''[A] partisan impeachment cannot command the respect of the American people. It is no more valid than a stolen election.'' His words are more true today than when he said them two decades ago. We should heed his advice.

I will not vote to remove the President because doing so would inflict extraordinary and potentially irreparable damage to our already divided Nation.

Mr. JOHNSON. Mr. President, I am glad that this unfortunate chapter in American history is over. The strength of our Republic lies in the fact that, more often than not, we settle our political differences at the ballot box, not on the streets or battlefield and not through impeachment.

Just last year, Speaker PELOSI said that any impeachment ''would have to be so clearly bipartisan in terms of acceptance of it.'' And in 1998, Representative NADLER, currently a House impeachment manager, said, ''There must never be . . . 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 . . .''

And yet, that is exactly what House Democrats passed. I truly wish Speaker PELOSI, Chairman NADLER, and their House colleagues would have followed their own advice.

As I listened to the House managers' closing arguments, I jotted down adjectives describing the case they were making: angry, disingenuous, hyperbolic, sanctimonious, distorted—if not outright dishonest—and overstated; they were making a mountain out of a molehill.

Congressman SCHIFF and the other House managers are not stupid. They had to know that their insults and accusations—that the President had threatened to put our heads on a pike, that the Senate was on trial, that we would be part of the coverup if we didn't cave to their demand for witnesses—would not sway Republican Senators. No, they had another goal in mind. They were using impeachment and their public offices to accomplish the very thing they accused President Trump of doing, interfering in the 2020 election.

Impeachment should be reserved for the most serious of offenses where the risk to our democracy simply cannot wait for the voters' next decision. That was not the case here.

Instead, the greater damage to our democracy would be to ratify a highly partisan House impeachment process that lacked due process and sought to impose a duty on the Senate to repair the House's flawed product. Caving to House managers' demands would have set a dangerous precedent and dramatically altered the constitutional order, further weaponizing impeachment and encouraging more of them.

Now that the trial is over, I sincerely hope everyone involved has renewed appreciation for the genius of our Founding Fathers and for the separation of powers they incorporated into the U.S. Constitution. I also hope all the players in this national travesty go forward with a greater sense of humility and recognition of the limits the Constitution places on their respective offices.

I am concerned about the divisiveness and bitterness that Chairman NADLER warned us about. We are a divided nation, and it often seems the lines are only hardening and growing farther apart. But hope lies in finding what binds us together—our love of freedom, our faith, our families.

We serve those who elect us. It is appropriate and necessary to engage in discussion and debate to sway public opinion, but in the end, it is essential that we rely upon, respect, and accept the public's electoral decisions.

In addition, I ask unanimous consent that my November 18, 2019, letter to Congressmen NUNES and JORDAN, and the January 22, 2020, Real Clear Investigations article written by Paul Sperry be printed in the RECORD following my remarks.

The November 18, 2019, letter responds to NUNES' and JORDAN's request to provide information regarding my firsthand knowledge of events regarding Ukraine that were relevant to the impeachment inquiry. The January 22, 2020, article was referenced in my question to the House managers and counsel to the President during the 16-hour question and answer phase of the impeachment trial. Specifically, that question asked: ''Recent reporting described two NSC staff holdovers from the Obama administration attending an 'all hands' meeting of NSC staff held about two weeks into the Trump administration and talking loudly enough to be overheard saying, 'we need to do everything we can to take out the president.' On July 26, 2019, the House Intelligence Committee hired one of those individuals, Sean Misko. The report further describes relationships between Misko, Lt. Col. Vindman, and the alleged whistleblower. Why did your committee hire Sean Misko the day after the phone call between Presidents Trump and Zelensky, and what role has he played throughout your committee's investigation?''

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

Hon. JIM JORDAN,
Ranking Member,
Committee on Oversight and Reform.
Hon. DEVIN NUNES,
Ranking Member, Permanent Select Committee on Intelligence.

DEAR CONGRESSMAN JORDAN AND CONGRESSMAN NUNES: I am writing in response to the request of Ranking Members Nunes and Jordan to provide my first-hand information and resulting perspective on events relevant to the House impeachment inquiry of President Trump. It is being written in the middle of that inquiry—after most of the depositions have been given behind closed doors, but before all the public hearings have been held.

I view this impeachment inquiry as a continuation of a concerted, and possibly coordinated, effort to sabotage the Trump administration that probably began in earnest the day after the 2016 presidential election. The latest evidence of this comes with the reporting of a Jan. 30, 2017 tweet (10 days after Trump's inauguration) by one of the whistleblower's attorneys, Mark Zaid: ''#coup has started. First of many steps. #rebellion. #impeachment will follow ultimately.''

But even prior to the 2016 election, the FBI's investigation and exoneration of former Secretary of State Hillary Clinton, combined with Fusion GPS' solicitation and dissemination of the Steele dossier—and the FBI's counterintelligence investigation based on that dossier—laid the groundwork for future sabotage. As a result, my firsthand knowledge and involvement in this

saga began with the revelation that former Secretary of State Hillary Clinton kept a private e-mail server.

I have been chairman of the Senate Committee on Homeland Security and Governmental Affairs (HSGAC) since January 2015. In addition to its homeland security portfolio, the committee also is charged with general oversight of the federal government. Its legislative jurisdiction includes federal records. So when the full extent of Clinton's use of a private server became apparent in March 2015, HSGAC initiated an oversight investigation.

Although many questions remain unanswered from that scandal, investigations resulting from it by a number of committees, reporters and agencies have revealed multiple facts and episodes that are similar to aspects of the latest effort to find grounds for impeachment. In particular, the political bias revealed in the Strzok/Page texts, use of the discredited Steele dossier to initiate and sustain the FBI's counterintelligence investigation and FISA warrants, and leaks to the media that created the false narrative of Trump campaign collusion with Russia all fit a pattern and indicate a game plan that I suspect has been implemented once again. It is from this viewpoint that I report my specific involvement in the events related to Ukraine and the impeachment inquiry.

I also am chairman of the Subcommittee on Europe and Regional Security Cooperation of the Senate Foreign Relations Committee. I have made six separate trips to Ukraine starting in April 2011. Most recently, I led two separate Senate resolutions calling for a strong U.S. and NATO response to Russian military action against Ukraine's navy in the Kerch Strait. I traveled to Ukraine to attend president-elect Volodymyr Zelensky's inauguration held on May 20, and again on Sept. 5 with U.S. Sen. Chris Murphy to meet with Zelensky and other Ukrainian leaders.

Following the Orange Revolution, and even more so after the Maidan protests, the Revolution of Dignity, and Russia's illegal annexation of Crimea and invasion of eastern Ukraine, support for the people of Ukraine has been strong within Congress and in both the Obama and Trump administrations. There was also universal recognition and concern regarding the level of corruption that was endemic throughout Ukraine. In 2015, Congress overwhelmingly authorized $300 million of security assistance to Ukraine, of which $50 million was to be available only for lethal defensive weaponry. The Obama administration never supplied the authorized lethal defensive weaponry, but President Trump did.

Zelensky won a strong mandate—73%—from the Ukrainian public to fight corruption. His inauguration date was set on very short notice, which made attending it a scheduling challenge for members of Congress who wanted to go to show support. As a result, I was the only member of Congress joining the executive branch's inaugural delegation led by Energy Secretary Rick Perry, Special Envoy Kurt Volker, U.S. Ambassador to the European Union Gordon Sondland, and Lt. Col. Alexander Vindman, representing the National Security Council. I arrived the evening before the inauguration and, after attending a country briefing provided by U.S. embassy staff the next morning, May 20, went to the inauguration, a luncheon following the inauguration, and a delegation meeting with Zelensky and his advisers.

The main purpose of my attendance was to demonstrate and express my support and that of the U.S. Congress for Zelensky and the people of Ukraine. In addition, the delegation repeatedly stressed the importance of fulfilling the election mandate to fight corruption, and also discussed the priority of Ukraine obtaining sufficient inventories of gas prior to winter.

Two specific points made during the meetings stand out in my memory as being relevant.

The first occurred during the country briefing. I had just finished making the point that supporting Ukraine was essential because it was ground zero in our geopolitical competition with Russia. I was surprised when Vindman responded to my point. He stated that it was the position of the NSC that our relationship with Ukraine should be kept separate from our geopolitical competition with Russia. My blunt response was, ''How in the world is that even possible?''

I do not know if Vindman accurately stated the NSC's position, whether President Trump shared that viewpoint, or whether Vindman was really just expressing his own view. I raise this point because I believe that a significant number of bureaucrats and staff members within the executive branch have never accepted President Trump as legitimate and resent his unorthodox style and his intrusion onto their ''turf.'' They react by leaking to the press and participating in the ongoing effort to sabotage his policies and, if possible, remove him from office. It is entirely possible that Vindman fits this profile.

Quotes from the transcript of Vindman's opening remarks and his deposition reinforce this point and deserve to be highlighted. Vindman testified that an ''alternative narrative'' pushed by the president's personal attorney, Rudy Giuliani, was ''inconsistent with the consensus views of the'' relevant federal agencies and was ''undermining the consensus policy.''

Vindman's testimony, together with other witnesses' use of similar terms such as ''our policy,'' ''stated policy,'' and ''long-standing policy'' lend further credence to the point I'm making. Whether you agree with President Trump or not, it should be acknowledged that the Constitution vests the power of conducting foreign policy with the duly elected president. American foreign policy is what the president determines it to be, not what the ''consensus'' of unelected foreign policy bureaucrats wants it to be. If any bureaucrats disagree with the president, they should use their powers of persuasion within their legal chain of command to get the president to agree with their viewpoint. In the end, if they are unable to carry out the policy of the president, they should resign. They should not seek to undermine the policy by leaking to people outside their chain of command.

The other noteworthy recollection involves how Perry conveyed the delegation concern over rumors that Zelensky was going to appoint Andriy Bohdan, the lawyer for oligarch Igor Kolomoisky, as his chief of staff. The delegation viewed Bohdan's rumored appointment to be contrary to the goal of fighting corruption and maintaining U.S. support. Without naming ''Bohdan, Secretary Perry made U.S. concerns very clear in his remarks to Zelensky.

Shortly thereafter, ignoring U.S. advice, Zelensky did appoint Bohdan as his chief of staff. This was not viewed as good news, but I gave my advice on how to publicly react in a text to Sondland on May 22: ''*Best case scenario on COS: Right now Zelensky needs someone he can trust. I'm not a fan of lawyers, but they do represent all kinds of people. Maybe this guy is a patriot. He certainly understands the corruption of the oligarchs. Could be the perfect guy to advise Zelensky on how to deal with them. Zelensky knows why he got elected For now, I think we express our concerns, but give Zelensky the benefit of the doubt. Also let him know everyone in the U.S. will be watching VERY closely*.''

At the suggestion of Sondland, the delegation (Perry, Volker, Sondland and me) proposed a meeting with President Trump in the Oval Office. The purpose of the meeting was to brief the president on what we learned at the inauguration, and convey our impressions of Zelensky and the current political climate in Ukraine. The delegation uniformly was impressed with Zelensky, understood the difficult challenges he faced, and went into the meeting hoping to obtain President Trump's strong support for Zelensky and the people of Ukraine. Our specific goals were to obtain a commitment from President Trump to invite Zelensky to meet in the Oval Office, to appoint a U.S. ambassador to Ukraine who would have strong bipartisan support, and to have President Trump publicly voice his support.

Our Oval Office meeting took place on May 23. The four members of the delegation sat lined up in front of President Trump's desk. Because we were all directly facing the president, I do not know who else was in attendance sitting or standing behind us. I can't speak for the others, but I was very surprised by President Trump's reaction to our report and requests.

He expressed strong reservations about supporting Ukraine. He made it crystal clear that he viewed Ukraine as a thoroughly corrupt country both generally and, specifically, regarding rumored meddling in the 2016 election. Volker summed up this attitude in his testimony by quoting the president as saying, ''They are all corrupt. They are all terrible people. . . . I don't want to spend any time with that.'' I do not recall President Trump ever explicitly mentioning the names Burisma or Biden, but it was obvious he was aware of rumors that corrupt actors in Ukraine might have played a part in helping create the false Russia collusion narrative.

Of the four-person delegation, I was the only one who did not work for the president. As a result, I was in a better position to push back on the president's viewpoint and attempt to persuade him to change it. I acknowledged that he was correct regarding endemic corruption. I said that we weren't asking him to support corrupt oligarchs and politicians but to support the Ukrainian people who had given Zelensky a strong mandate to fight corruption. I also made the point that he and Zelensky had much in common. Both were complete outsiders who face strong resistance from entrenched interests both within and outside government. Zelensky would need much help in fulfilling his mandate, and America's support was crucial.

It was obvious that his viewpoint and reservations were strongly held, and that we would have a significant sales job ahead of us getting him to change his mind. I specifically asked him to keep his viewpoint and reservations private and not to express them publicly until he had a chance to meet Zelensky. He agreed to do so, but he also added that he wanted Zelensky to know exactly how he felt about the corruption in Ukraine prior to any future meeting. I used that directive in my Sept. 5 meeting with Zelensky in Ukraine.

One final point regarding the May 23 meeting: I am aware that Sondland has testified that President Trump also directed the delegation to work with Rudy Giuliani. I have no recollection of the president saying that during the meeting. It is entirely possible he did, but because I do not work for the president, if made, that comment simply did not register with me. I also remember Sondland staying behind to talk to the president as the rest of the delegation left the Oval Office.

I continued to meet in my Senate office with representatives from Ukraine: on June

13 with members of the Ukrainian Parliament's Foreign Affairs Committee; on July 11 with Ukraine's ambassador to the U.S. and secretary of Ukraine's National Security and Defense Council, Oleksandr Danyliuk; and again on July 31 with Ukraine's ambassador to the U.S., Valeriy Chaly. At no time during those meetings did anyone from Ukraine raise the issue of the withholding of military aid or express concerns regarding pressure being applied by the president or his administration.

During Congress' August recess, my staff worked with the State Department and others in the administration to plan a trip to Europe during the week of Sept. 2 with Senator Murphy to include Russia, Serbia, Kosovo and Ukraine. On or around Aug. 26, we were informed that our requests for visas into Russia were denied. On either Aug. 28 or 29, I became aware of the fact that $250 million of military aid was being withheld. This news would obviously impact my trip and discussions with Zelensky.

Sondland had texted me on Aug. 26 remarking on the Russian visa denial. I replied on Aug. 30, apologizing for my tardy response and requesting a call to discuss Ukraine. We scheduled a call for sometime between 12:30 p.m. and 1:30 p.m. that same day. I called Sondland and asked what he knew about the hold on military support. I did not memorialize the conversation in any way, and my memory of exactly what Sondland told me is far from perfect. I was hoping that his testimony before the House would help jog my memory, but he seems to have an even fuzzier recollection of that call than I do.

The most salient point of the call involved Sondland describing an arrangement where, if Ukraine did something to demonstrate its serious intention to fight corruption and possibly help determine what involvement operatives in Ukraine might have had during the 2016 U.S. presidential campaign, then Trump would release the hold on military support.

I have stated that I winced when that arrangement was described to me. I felt U.S. support for Ukraine was essential, particularly with Zelensky's new and inexperienced administration facing an aggressive Vladimir Putin. I feared any sign of reduced U.S. support could prompt Putin to demonstrate even more aggression, and because I was convinced Zelensky was sincere in his desire to fight corruption, this was no time to be withholding aid for any reason. It was the time to show maximum strength and resolve.

I next put in a call request for National Security Adviser John Bolton, and spoke with him on Aug. 31. I believe he greed with my position on providing military assistance, and he suggested I speak with both the vice president and president. I requested calls with both, but was not able to schedule a call with Vice President Pence. President Trump called me that same day.

The purpose of the call was to inform President Trump of my upcoming trip to Ukraine and to try to persuade him to authorize me to tell Zelensky that the hold would be lifted on military aid. The president was not prepared to lift the hold, and he was consistent in the reasons he cited. He reminded me how thoroughly corrupt Ukraine was and again conveyed his frustration that Europe doesn't do its fair share of providing military aid. He specifically cited the sort of conversation he would have with Angela Merkel, chancellor of Germany. To paraphrase President Trump: ''Ron, I talk to Angela and ask her, 'Why don't you fund these things,' and she tells me, 'Because we know you will.' We're schmucks. Ron. We're schmucks.''

I acknowledged the corruption in Ukraine, and I did not dispute the fact that Europe could and should provide more military support. But I pointed out that Germany was opposed to providing Ukraine lethal defensive weaponry and simply would not do so. As a result, if we wanted to deter Russia from further aggression, it was up to the U.S. to provide it.

I had two additional counterarguments. First, I wasn't suggesting we support the oligarchs and other corrupt Ukrainians. Our support would be for the courageous Ukrainians who had overthrown Putin's puppet, Viktor Yanukovich, and delivered a remarkable 73% mandate in electing Zelensky to fight corruption. Second, I argued that withholding the support looked horrible politically in that it could be used to bolster the ''Trump is soft on Russia'' mantra.

It was only after he reiterated his reasons for not giving me the authority to tell Zelensky the support would be released that I asked him about whether there was some kind of arrangement where Ukraine would take some action and the hold would be lifted. Without hesitation, President Trump immediately denied such an arrangement existed. As reported in the Wall Street Journal, I quoted the president as saying, ''(Expletive deleted)—No way. I would never do that. Who told you that?'' I have accurately characterized his reaction as adamant, vehement and angry—there was more than one expletive that I have deleted.

Based on his reaction, I felt more than a little guilty even asking him the question, much less telling him I heard it from Sondland. He seemed even more annoyed by that, and asked me, ''Who is that guy''? I interpreted that not as a literal question—the president did know whom Sondland was—but rather as a sign that the president did not know him well. I replied by saying, ''I thought he was your buddy from the real estate business.'' The president replied by saying he barely knew him.

After discussing Ukraine, we talked about other unrelated matters. Finally, the president said he had to go because he had a hurricane to deal with. He wrapped up the conversation referring back to my request to release the hold on military support for Ukraine by saying something like, ''Ron, I understand your position. We're reviewing it now, and you'll probably like my final decision.''

On Tuesday, Sept. 3, I had a short follow up call with Bolton to discuss my upcoming trip to Ukraine, Serbia and Kosovo. I do not recall discussing anything in particular that relates to the current impeachment inquiry on that call.

We arrived in Kyiv on Sept. 4, joining Taylor and Murphy for a full day of meetings on Sept. 5 with embassy staff, members of the new Ukrainian administration, and Zelensky, who was accompanied by some of his top advisers. We also attended the opening proceedings of the Ukrainian High Anti-Corruption Court. The meetings reinforced our belief that Zelensky and his team were serious about fulfilling his mandate—to paraphrase the way he described it in his speech at the High Anti-Corruption Court—to not only fight corruption but to defeat it.

The meeting with Zelensky started with him requesting we dispense with the usual diplomatic opening and get right to the issue on everyone's mind, the hold being placed on military support.

He asked if any of us knew the current status. Because I had just spoken to President Trump, I fielded his question and conveyed the two reasons the president told me for his hold. I explained that I had tried to persuade the president to authorize me to announce the hold was released but that I was unsuccessful.

As much as Zelensky was concerned about losing the military aid, he was even more concerned about the signal that would send. I shared his concern. I suggested that in our public statements we first emphasize the universal support that the U.S. Congress has shown—and will continue to show—for the Ukrainian people. Second, we should minimize the significance of the hold on military aid as simply a timing issue coming a few weeks before the end of our federal fiscal year. Even if President Trump and the deficit hawks within his administration decided not to obligate funding for the current fiscal year, Congress would make sure he had no option in the next fiscal year—which then was only a few weeks away. I also made the point that Murphy was on the Appropriations Committee and could lead the charge on funding.

Murphy made the additional point that one of the most valuable assets Ukraine possesses is bipartisan congressional support. He warned Zelensky not to respond to requests from American political actors or he would risk losing Ukraine's bipartisan support. I did not comment on this issue that Murphy raised.

Instead, I began discussing a possible meeting with President Trump. I viewed a meeting between the two presidents as crucial for overcoming President Trump's reservations and securing full U.S. support. It was at this point that President Trump's May 23 directive came into play.

I prefaced my comment to Zelensky by saying, ''Let me go out on a limb here. Are you or any of your advisers aware of the inaugural delegation's May 23 meeting in the Oval Office following your inauguration?'' No one admitted they were, so I pressed on. ''The reason I bring up that meeting is that I don't want you caught off-guard if President Trump reacts to you the same way he reacted to the delegation's request for support for Ukraine.''

I told the group that President Trump explicitly told the delegation that he wanted to make sure Zelensky knew exactly how he felt about Ukraine before any meeting took place. To repeat Volker's quote of President Trump: ''They are all corrupt. They are all terrible people. . . . I don't want to spend any time with that.'' That was the general attitude toward Ukraine that I felt President Trump directed us to convey. Since I did not have Volker's quote to use at the time, I tried to portray that strongly held attitude and reiterated the reasons President Trump consistently gave me for his reservations regarding Ukraine: endemic corruption and inadequate European support.

I also conveyed the counterarguments I used (unsuccessfully) to persuade the president to lift his hold: (1) We would be supporting the people of Ukraine, not corrupt oligarchs, and (2) withholding military support was not politically smart. Although I recognized how this next point would be problematic, I also suggested any public statement Zelensky could make asking for greater support from Europe would probably be viewed favorably by President Trump.

Finally, I commented on how excellent Zelensky's English was and encouraged him to use English as much as possible in a future meeting with President Trump. With a smile on his face, he replied, ''But Senator Johnson, you don't realize how beautiful my Ukrainian is.'' I jokingly conceded the point by saying I was not able to distinguish his Ukrainian from his Russian.

This was a very open, frank, and supportive discussion. There was no reason for

anyone on either side not to be completely honest or to withhold any concerns. At no time during this meeting—or any other meeting on this trip—was there any mention by Zelensky or any Ukrainian that they were feeling pressure to do anything in return for the military aid, not even after Murphy warned them about getting involved in the 2020 election—which would have been the perfect time to discuss any pressure.

Following the meeting with Zelensky and his advisers, Murphy and I met with the Ukrainian press outside the presidential office building. Our primary message was that we were in Kyiv to demonstrate our strong bipartisan support for the people of Ukraine. We were very encouraged by our meetings with Zelensky and other members of his new government in their commitment to fulfill their electoral mandate to fight and defeat corruption. When the issue of military support was raised, I provided the response I suggested above: I described it as a timing issue at the end of a fiscal year and said that, regardless of what decision President Trump made on the fiscal year 2019 funding, I was confident Congress would restore the funding in fiscal year 2020. In other words: Don't mistake a budget issue for a change in America's strong support for the people of Ukraine.

Congress came back into session on Sept. 9. During a vote early in the week, I approached one of the co-chairs of the Senate Ukraine Caucus, U.S. Sen. Richard Durbin. I briefly described our trip to Ukraine and the concerns Zelensky and his advisers had over the hold on military support. According to press reports, Senator Durbin stated that was the first time he was made aware of the hold. I went on to describe how I tried to minimize the impact of that hold by assuring Ukrainians that Congress could restore the funding in fiscal year 2020. I encouraged Durbin, as I had encouraged Murphy, to use his membership on the Senate Appropriations Committee to restore the funding.

Also according to a press report, leading up to a Sept. 12 defense appropriation committee markup, Durbin offered an amendment to restore funding. On Sept. 11, the administration announced that the hold had been lifted. I think it is important to note the hold was lifted only 14 days after its existence became publicly known, and 55 days after the hold apparently had been placed.

On Friday, Oct. 4, I saw news reports of text messages that Volker had supplied the House of Representatives as part of his testimony. The texts discussed a possible press release that Zelensky might issue to help persuade President Trump to offer an Oval Office meeting. Up to that point, I had publicly disclosed only the first part of my Aug. 31 phone call with President Trump, where I lobbied him to release the military aid and he provided his consistent reasons for not doing so: corruption and inadequate European support.

Earlier in the week, I had given a phone interview with Siobhan Hughes of the Wall Street Journal regarding my involvement with Ukraine. With the disclosure of the Volker texts, I felt it was important to go on the record with the next part of my Aug. 31 call with President Trump: his denial. I had not previously disclosed this because I could not precisely recall what Sondland had told me on Aug. 30, and what I had conveyed to President Trump, regarding action Ukraine would take before military aid would be released. To the best of my recollection, the action described by Sondland on Aug. 30 involved a demonstration that the new Ukrainian government was serious about fighting corruption—something like the appointment of a prosecutor general with high integrity.

I called Hughes Friday morning, Oct. 4, to update my interview. It was a relatively lengthy interview, almost 30 minutes, as I attempted to put a rather complex set of events into context. Toward the tail end of that interview, Hughes said, ''It almost sounds like, the way you see it, Gordon was kind of freelancing and he took it upon himself to do something that the president hadn't exactly blessed, as you see it.'' I replied, ''That's a possibility, but I don't know that. Let's face it: The president can't have his fingers in everything. He can't be stage-managing everything, so you have members of his administration trying to create good policy.''

To my knowledge, most members of the administration and Congress dealing with the issues involving Ukraine disagreed with President Trump's attitude and approach toward Ukraine. Many who had the opportunity and ability to influence the president attempted to change his mind. I see nothing wrong with U.S. officials working with Ukrainian officials to demonstrate Ukraine's commitment to reform in order to change President Trump's attitude and gain his support.

Nor is it wrong for administration staff to use their powers of persuasion within their chain of command to influence policy. What is wrong is for people who work for, and at the pleasure of, the president to believe they set U.S. foreign policy instead of the duly elected president doing so. It also would be wrong for those individuals to step outside their chain of command—or established whistleblower procedures—to undermine the president's policy. If those working for the president don't feel they can implement the president's policies in good conscience, they should follow Gen. James Mattis' example and resign. If they choose to do so, they can then take their disagreements to the public. That would be the proper and high-integrity course of action.

This impeachment effort has done a great deal of damage to our democracy. The release of transcripts of discussions between the president of the United States and another world leader sets a terrible precedent that will deter and limit candid conversations between the president and world leaders from now on. The weakening of executive privilege will also limit the extent to which presidential advisers will feel comfortable providing ''out of the box'' and other frank counsel in the future.

In my role as chairman of the Senate's primary oversight committee, I strongly believe in and support whistleblower protections. But in that role, I am also aware that not all whistleblowers are created equal. Not every whistleblower has purely altruistic motives. Some have personal axes to grind against a superior or co-workers. Others might have a political ax to grind.

The Intelligence Community Inspector General acknowledges the whistleblower in this instance exhibits some measure of ''an arguable political bias.'' The whistleblower's selection of attorney Mark Zaid lends credence to the ICIG's assessment, given Zaid's tweet that mentions coup, rebellion and impeachment only 10 days after Trump's inauguration.

If the whistleblower's intention was to improve and solidify the relationship between the U.S. and Ukraine, he or she failed miserably. Instead, the result has been to publicize and highlight the president's deeply held reservations toward Ukraine that the whistleblower felt were so damaging to our relationship with Ukraine and to U.S. national security. The dispute over policy was being resolved between the two branches of government before the whistleblower complaint was made public. All the complaint has accomplished is to fuel the House's impeachment desire (which I believe was the real motivation), and damage our democracy as described above.

America faces enormous challenges at home and abroad. My oversight efforts have persuaded me there has been a concerted effort, probably beginning the day after the November 2016 election, to sabotage and undermine President Trump and his administration. President Trump, his supporters, and the American public have a legitimate and understandable desire to know if wrongdoing occurred directed toward influencing the 2016 election or sabotaging Trump's administration. The American public also has a right to know if no wrongdoing occurred. The sooner we get answers to the many unanswered questions, the sooner we can attempt to heal our severely divided nation and turn our attention to the many daunting challenges America faces.

Sincerely,

RON JOHNSON,
United States Senator.

[From RealClearInvestigations, Jan. 22, 2019]

WHISTLEBLOWER WAS OVERHEARD IN '17 DISCUSSING WITH ALLY HOW TO REMOVE TRUMP

(By Paul Sperry)

Barely two weeks after Donald Trump took office, Eric Ciaramella—the CIA analyst whose name was recently linked in a tweet by the president and mentioned by lawmakers as the anonymous ''whistleblower'' who touched off Trump's impeachment—was overheard in the White House discussing with another staffer how to remove the newly elected president from office, according to former colleagues.

Sources told RealClearInvestigations the staffer with whom Ciaramella was speaking was Sean Misko. Both were Obama administration holdovers working in the Trump White House on foreign policy and national security issues. And both expressed anger over Trump's new ''America First'' foreign policy, a sea change from President Obama's approach to international affairs.

''Just days after he was sworn in they were already talking about trying to get rid of him,'' said a White House colleague who overheard their conversation.

''They weren't just bent on subverting his agenda,'' the former official added. ''They were plotting to actually have him removed from office.''

Misko left the White House last summer to join House impeachment manager Adam Schiff's committee, where sources say he offered ''guidance'' to the whistleblower, who has been officially identified only as an intelligence officer in a complaint against Trump filed under whistleblower laws. Misko then helped run the impeachment inquiry based on that complaint as a top investigator for congressional Democrats.

The probe culminated in Trump's impeachment last month on a party-line vote in the House of Representatives. Schiff and other House Democrats last week delivered the articles of impeachment to the Senate, and are now pressing the case for his removal during the trial, which began Tuesday.

The coordination between the official believed to be the whistleblower and a key Democratic staffer, details of which are disclosed here for the first time, undercuts the narrative that impeachment developed spontaneously out of the ''patriotism'' of an ''apolitical civil servant.''

Two former co-workers said they overheard Ciaramella and Misko, dose friends and Democrats held over from the Obama administration, discussing how to ''take out,'' or remove, the new president from office within days of Trump's inauguration. These co-workers said the president's controversial Ukraine phone call in July 2019 provided the

pretext they and their Democratic allies had been looking for.

''They didn't like his policies,'' another former White House official said. ''They had a political vendetta against him from Day One.''

Their efforts were part of a larger pattern of coordination to build a case for impeachment, involving Democratic leaders as well as anti-Trump figures both inside and outside of government.

All unnamed sources for this article spoke only on condition that they not be further identified or described. Although strong evidence points to Ciaramella as the government employee who lodged the whistleblower complaint, he has not been officially identified as such. As a result, this article makes a distinction between public information released about the unnamed whistleblower/CIA analyst and specific information about Ciaramella.

Democrats based their impeachment case on the whistleblower complaint, which alleges that President Trump sought to help his re-election campaign by demanding that Ukraine's leader investigate former Vice President Joe Biden and his son Hunter in exchange for military aid. Yet Schiff, who heads the House Intelligence Committee, and other Democrats have insisted on keeping the identity of the whistleblower secret, citing concern for his safety, while arguing that his testimony no longer matters because other witnesses and documents have ''corroborated'' what he alleged in his complaint about the Ukraine call.

Republicans have fought unsuccessfully to call him as a witness, arguing that his motivations and associations are relevant—and that the president has the same due-process right to confront his accuser as any other American.

The whistleblower's candor is also being called into question. It turns out that the CIA operative failed to report his contacts with Schiff's office to the intelligence community's inspector general who fielded his whistleblower complaint. He withheld the information both in interviews with the inspector general, Michael Atkinson, and in writing, according to impeachment committee investigators. The whistleblower form he filled out required him to disclose whether he had ''contacted other entities''—including ''members of Congress.'' But he left that section blank on the disclosure form he signed.

The investigators say that details about how the whistleblower consulted with Schiff's staff and perhaps misled Atkinson about those interactions are contained in the transcript of a closed-door briefing Atkinson gave to the House Intelligence Committee last October. However, Schiff has sealed the transcript from public view. It is the only impeachment witness transcript out of 18 that he has not released.

Schiff has classified the document ''Secret,'' preventing Republicans who attended the Atkinson briefing from quoting from it. Even impeachment investigators cannot view it outside a highly secured room, known as a ''SCIF,'' in the basement of the Capitol. Members must first get permission from Schiff, and they are forbidden from bringing phones into the SCIF or from taking notes from the document.

While the identity of the whistleblower remains unconfirmed, at least officially, Trump recently retweeted a message naming Ciaramella, while Republican Sen. Rand Paul and Rep. Louie Gohmert of the House Judiciary Committee have publicly demanded that Ciaramella testify about his role in the whistleblower complaint.

During last year's closed-door House depositions of impeachment witnesses, Ciaramella's name was invoked in heated discussions about the whistleblower, as RealClearInvestigations first reported Oct. 30, and has appeared in at least one testimony transcript. Congressional Republicans complain Schiff and his staff counsel have redacted his name from other documents.

Lawyers representing the whistleblower have neither confirmed nor denied that Ciaramella is their client. In November, after Donald Trump Jr. named Ciaramella and cited RCI's story in a series of tweets, however, they sent a ''cease and desist'' letter to the White House demanding Trump and his ''surrogates'' stop ''attacking'' him. And just as the whistleblower complaint was made public in September, Ciaramella's social media postings and profiles were scrubbed from the Internet.

'TAKE OUT' THE PRESIDENT

An Obama holdover and registered Democrat, Ciaramella in early 2017 expressed hostility toward the newly elected president during White House meetings, his co-workers said in interviews with RealClearInvestigations. They added that Ciaramella sought to have Trump removed from office long before the filing of the whistleblower complaint.

At the time, the CIA operative worked on loan to the White House as a top Ukrainian analyst in the National Security Council, where he had previously served as an adviser on Ukraine to Vice President Biden. The whistleblower complaint cites Biden, alleging that Trump demanded Ukraine's newly elected leader investigate him and his son ''to help the president's 2020 reelection bid.''

Two NSC co-workers told RCI that they overheard Ciaramella and Misko—who was also working at the NSC as an analyst—making anti-Trump remarks to each other while attending a staff-wide NSC meeting called by then-National Security Adviser Michael Flynn, where they sat together in the south auditorium of the Eisenhower Executive Office Building, part of the White House complex.

The ''all hands'' meeting, held about two weeks into the new administration, was attended by hundreds of NSC employees.

''They were popping off about how they were going to remove Trump from office. No joke,'' said one ex-colleague, who spoke on the condition of anonymity to discuss sensitive matters.

A military staffer detailed to the NSC, who was seated directly in front of Ciaramella and Misko during the meeting, confirmed hearing them talk about toppling Trump during their private conversation, which the source said lasted about one minute. The crowd was preparing to get up to leave the room at the time.

''After Flynn briefed [the staff] about what 'America first' foreign policy means, Ciaramella turned to Misko and commented, 'We need to take him out,' '' the staffer recalled. ''And Misko replied, 'Yeah, we need to do everything we can to take out the president.' ''

Added the military detailee, who spoke on condition of anonymity: ''By 'taking him out,' they meant removing him from office by any means necessary. They were triggered by Trump's and Flynn's vision for the world. This was the first 'all hands' [staff meeting] where they got to see Trump's national security team, and they were huffing and puffing throughout the briefing any time Flynn said something they didn't like about 'America First.' ''

He said he also overheard Ciaramella telling Misko, referring to Trump, 'We can't let him enact this foreign policy.' ''

Alarmed by their conversation, the military staffer immediately reported what he heard to his superiors.

''It was so shocking that they were so blatant and outspoken about their opinion,'' he recalled. ''They weren't shouting it, but they didn't seem to feel the need to hide it.''

The co-workers didn't think much more about the incident.

''We just thought they were wacky,'' the first source said. ''Little did we know.''

Neither Ciaramella nor Misko could be reached for comment.

A CIA alumnus, Misko had previously assisted Biden's top national security aide Jake Sullivan. Former NSC staffers said Misko was Ciaramella's closest and most trusted ally in the Trump White House.

''Eric and Sean were very tight and spent nearly two years together at the NSC,'' said a former supervisor who requested anonymity. ''Both of them were paranoid about Trump.''

''They were thick as thieves,'' added the first NSC source. ''They sat next to each other and complained about Trump all the time. They were buddies. They weren't just colleagues. They were buddies outside the White House.''

The February 2017 incident wasn't the only time the pair exhibited open hostility toward the president. During the following months, both were accused internally of leaking negative information about Trump to the media.

But Trump's controversial call to the new president of Ukraine this past summer—in which he asked the foreign leader for help with domestic investigations involving the Obama administration, including Biden—gave them the opening they were looking for.

A mutual ally in the National Security Council who was one of the White House officials authorized to listen in on Trump's July 25 conversation with Ukraine's president leaked it to Ciaramella the next day—July 26—according to former NSC co-workers and congressional sources. The friend, Ukraine-born Lt. Col. Alexander Vindman, held Ciaramella's old position at the NSC as director for Ukraine. Although Ciaramella had left the White House to return to the CIA in mid-2017, the two officials continued to collaborate through interagency meetings.

Vindman leaked what he'd heard to Ciaramella by phone that afternoon, the sources said. In their conversation, which lasted a few minutes, he described Trump's call as ''crazy,'' and speculated he had ''committed a criminal act.'' Neither reviewed the transcript of the call before the White House released it months later.

NSC co-workers said that Vindman, like Ciaramella, openly expressed his disdain for Trump whose foreign policy was often at odds with the recommendations of ''the interagency''—a network of agency working groups comprised of intelligence bureaucrats, experts and diplomats who regularly meet to craft and coordinate policy positions inside the federal government.

Before he was detailed to the White House, Vindman served in the U.S. Army, where he once received a reprimand from a superior officer for badmouthing and ridiculing America in front of Russian soldiers his unit was training with during a joint 2012 exercise in Germany.

His commanding officer, Army Lt. Col. Jim Hickman, complained that Vindman, then a major, ''was apologetic of American culture, laughed about Americans not being educated or worldly and really talked up Obama and globalism to the point of [It being] uncomfortable.''

''Vindman was a partisan Democrat at least as far back as 2012,'' Hickman, now retired, asserted. ''Do not let the uniform fool you. He is a political activist in uniform.''

Attempts to reach Vindman through his lawyer were unsuccessful.

July 26 was also the day that Schiff hired Misko to head up the investigation of Trump, congressional employment records show. Misko, in turn, secretly huddled with the whistleblower prior to filing his Aug. 12 complaint, according to multiple congressional sources, and shared what he told him with Schiff, who initially denied the contacts before press accounts revealed them.

Schiff's office has also denied helping the whistleblower prepare his complaint, while rejecting a Republican subpoena for documents relating to it. But Capitol Hill veterans and federal whistleblower experts are suspicious of that account.

Fred Fleitz, who fielded a number of whistleblower complaints from the intelligence community as a former senior House Intelligence Committee staff member, said it was obvious that the CIA analyst had received coaching in writing the nine-page whistleblower report.

''From my experience, such an extremely polished whistleblowing complaint is unheard of,'' Fleitz, also a former CIA analyst, said. ''He appears to have collaborated in drafting his complaint with partisan House Intelligence Committee members and staff.''

Fleitz, who recently served as chief of staff to former National Security Adviser John Bolton, said the complaint appears to have been tailored to buttress an impeachment charge of soliciting the ''interference'' of a foreign government in the election.

And the whistleblower's unsupported allegation became the foundation for Democrats' first article of impeachment against the president. It even adopts the language used by the CIA analyst in his complaint, which Fleitz said reads more like ''a political document.''

OUTSIDE HELP

After providing the outlines of his complaint to Schiff's staff, the CIA analyst was referred to whistleblower attorney Andrew Bakaj by a mutual friend ''who is an attorney and expert in national security law,'' according to the Washington Post, which did not identify the go-between.

A former CIA officer, Bakaj had worked with Ciaramella at the spy agency. They have even more in common: like the 33-year-old Ciaramella, the 37-year-old Bakaj is a Connecticut native who has spent time in Ukraine. He's also contributed money to Biden's presidential campaign and once worked for former Sen. Hillary Clinton. He's also briefed the intelligence panel Schiff chairs.

Bakaj brought in another whistleblower lawyer, Mark Zaid, to help on the case. A Democratic donor and a politically active anti-Trump advocate, Zaid was willing to help represent the CIA analyst. On Jan. 30, 2017, around the same time former colleagues say they overheard Ciaramella and Misko conspiring to take Trump out, Zaid tweeted that a ''coup has started'' and that ''impeachment will follow ultimately.''

Neither Bakaj nor Zaid responded to requests for an interview.

It's not clear who the mutual friend and national security attorney was whom the analyst turned to for additional help after meeting with Schiff's staff. But people familiar with the matter say that former Justice Department national security lawyer David Laufman involved himself early on in the whistleblower case.

Also a former CIA officer, Laufman was promoted by the Obama administration to run counterintelligence cases, including the high-profile investigations of Clinton's classified emails and the Trump campaign's alleged ties to Russia. Laufman sat in on Clinton's July 2016 FBI interview. He also signed off on the wiretapping of a Trump campaign adviser, which the Department of Justice inspector general determined was conducted under false pretenses involving doctored emails, suppression of exculpatory evidence, and other malfeasance. Laufman's office was implicated in a report detailing the surveillance misconduct.

Laufman could not be reached for comment.

Laufman and Zaid are old friends who have worked together on legal matters in the past. ''I would not hesitate to join forces with him on complicated cases,'' Zaid said of Laufman in a recommendation posted on his LinkedIn page.

Laufman recently defended Zaid on Twitter after Trump blasted Zaid for advocating a ''coup'' against him. ''These attacks on Mark Zaid's patriotism are baseless, irresponsible and dangerous,'' Laufman tweeted. ''Mark is an ardent advocate for his clients.''

After the CIA analyst was coached on how to file a complaint under Intelligence Community whistleblower protections, he was steered to another Obama holdover—former Justice Department attorney-turned-inspector general Michael Atkinson, who facilitated the processing of his complaint, despite numerous red flags raised by career Justice Department lawyers who reviewed it.

The department's Office of Legal Counsel that the complaint involved ''foreign diplomacy,'' not intelligence, contained ''hearsay'' evidence based on ''secondhand'' information, and did not meet the definition of an ''urgent concern'' that needed to be reported to Congress. Still, Atkinson worked closely with Schiff to pressure the White House to make the complaint public.

Fleitz said cloaking the CIA analyst in the whistleblower statute provided him cover from public scrutiny. By making him anonymous, he was able to hide his background and motives. Filing the complaint with the IC inspector general, moreover, gave him added protections against reprisals, while letting him disclose classified information. If he had filed directly with Congress, it could not have made the complaint public due to classified concerns. But a complaint referred by the IG to Congress gave it more latitude over what it could make public.

OMITTED CONTACTS WITH SCHIFF

The whistleblower complaint was publicly released Sept. 26 after a barrage of letters and a subpoena from Schiff, along with a flood of leaks to the media.

However, the whistleblower did not disclose to Atkinson that he had briefed Schiff's office about his complaint before filing it with the inspector general. He was required on forms to list any other agencies he had contacted, including Congress. But he omitted those contacts and other material facts from his disclosure. He also appears to have misled Atkinson on Aug. 12, when on a separate form he stated: ''I reserve the option to exercise my legal right to contact the committees directly,'' when he had already contacted Schiff's committee weeks prior to making the statement.

''The whistleblower made statements to the inspector general under the penalty of perjury that were not true or correct,'' said Rep. John Ratcliffe, a Republican member of the House Intelligence Committee.

Ratcliffe said Atkinson appeared unconcerned after the New York Times revealed in early October that Schiff's office had privately consulted with the CIA analyst before he filed his complaint, contradicting Schiff's initial denials. Ratcliffe told RealClearInvestigations that in closed door testimony on Oct. 4, ''I asked IG Atkinson about his 'investigation' into the contacts between Schiff's staff and the person who later became the whistleblower.'' But he said Atkinson claimed that he had not investigated them because he had only just learned about them in the media.

On Oct. 8, after more media reports revealed the whistle blower and Schiff's staff had concealed their contacts with each other, the whistleblower called Atkinson's office to try to explain why he made false statements in writing and verbally, transgressions that could be punishable with a fine of up to $10,000, imprisonment for up five years, or both, according to the federal form he signed under penalty of perjury.

In his clarification to the inspector general, the whistleblower acknowledged for the first time reaching out to Schiff's staff before filing the complaint, according to an investigative report filed later that month by Atkinson.

''The whistleblower got caught,'' Ratcliffe said. ''The whistleblower made false statements. The whistleblower got caught with Chairman Schiff.''

He says the truth about what happened is documented on pages 53–73 of the transcript of Atkinson's eight-hour testimony. Except that Schiff refuses to release it.

''The transcript is classified 'Secret' so Schiff can prevent you from seeing the answers to my questions,'' Ratcliffe told RCI.

Atkinson replaced Charles McCullough as the intelligence community's IG. McCullough is now a partner in the same law firm for which Bakaj and Zaid work. McCullough formerly reported directly to Obama's National Intelligence Director, James Clapper, one of Trump's biggest critics in the intelligence community and a regular agitator for his impeachment on CNN.

HIDDEN POLITICAL AGENDA?

Atkinson also repeatedly refused to answer Senate Intelligence Committee questions about the political bias of the whistleblower. Republican members of the panel called his Sept. 26 testimony ''evasive.'' Senate investigators say they are seeking all records generated from Atkinson's ''preliminary review'' of the whistleblower's complaint, including evidence and ''indicia'' of the whistleblower's ''political bias'' in favor of Biden.

Republicans point out that Atkinson was the top national security lawyer in the Obama Justice Department when it was investigating Trump campaign aides and Trump himself in 2016 and 2017. He worked closely with Laufman, the department's former counterintelligence section chief who's now aligned with the whistleblower's attorneys. Also, Atkinson served as senior counsel to Mary McCord, the senior Justice official appointed by Obama who helped oversee the FBI's Russia ''collusion'' probe, and who personally pressured the White House to fire then National Security Adviser Flynn. She and Atkinson worked together on the Russia case. Closing the circle tighter, McCord was Laufman's boss at Justice.

As it happens, all three are now involved in the whistleblower case or the impeachment process.

After leaving the department, McCord joined the stable of attorneys Democrats recruited last year to help impeach Trump. She is listed as a top outside counsel for the House in key legal battles tied to impeachment, including trying to convince federal judges to unblock White House witnesses and documents.

''Michael Atkinson is a key anti-Trump conspirator who played a central role in transforming the 'whistleblower' complaint into the current impeachment proceedings,'' said Bill Marshall, a senior investigator for Judicial Watch, the conservative government watchdog group that is suing the Justice Department for Atkinson's internal communications regarding impeachment.

Atkinson's office declined comment.

ANOTHER 'CO-CONSPIRATOR'?

During closed-door depositions taken in the impeachment inquiry, Ciaramella's confederate Misko was observed handing notes to Schiff's lead counsel for the impeachment inquiry, Daniel Goldman—another Obama Justice attorney and a major Democratic donor—as he asked questions of Trump administration witnesses, officials with direct knowledge of the proceedings told RealClear Investigations. Misko also was observed sitting on the dais behind Democratic members during last month's publicly broadcast joint impeachment committee hearings.

Another Schiff recruit believed to part of the clandestine political operation against Trump is Abby Grace, who also worked closely with Ciaramella at the NSC, both before and after Trump was elected. During the Obama administration, Grace was an assistant to Obama national security aide Ben Rhodes.

Last February, Schiff recruited this other White House friend of the whistleblower to work as an impeachment investigator. Grace is listed alongside Sean Misko as senior staffers in the House Intelligence Committee's ''The Trump-Ukraine Impeachment Inquiry Report'' published last month.

Republican Rep. Louie Gohmert, who served on one of the House impeachment panels, singled out Grace and Misko as Ciaramella's ''co-conspirators'' in a recent House floor speech arguing for their testimony.''These people are at the heart of everything about this whole Ukrainian hoax,'' Gohmert said. ''We need to be able to talk to these people.''

A Schiff spokesman dismissed Gohmert's allegation.

''These allegations about our dedicated and professional staff members are patently false and are based off false smears from a congressional staffer with a personal vendetta from a previous job,'' said Patrick Boland, spokesman for the House Intelligence Committee. ''It's shocking that members of Congress would repeat them and other false conspiracy theories, rather than focusing on the facts of the president's misconduct.''

Boland declined to identify ''the congressional staffer with a personal vendetta.''

Schiff has maintained in open hearings and interviews that he did not personally speak with the whistleblower and still does not even know his identity, which would mean the intelligence panel's senior staff has withheld his name from their chairman for almost six months. Still, he insists that he knows that the CIA analyst has ''acted in good faith,'' as well as ''appropriately and lawfully.''

The CIA declined comment. But the agency reportedly has taken security measures to protect the analyst, who has continued to work on issues relating to Russia and Ukraine and participate in interagency meetings.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to have a statement I prepared concerning the impeachment trial be printed in the RECORD.

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

SENATOR RICHARD BLUMENTHAL—STATEMENT FOR THE RECORD

IMPEACHMENT TRIAL OF DONALD JOHN TRUMP

The case for impeachment presented by the House managers is overwhelming. Donald Trump held taxpayer-funded military aid hostage from an ally at war while demanding a personal, political favor. He tried to cheat, got caught, and worked hard to cover it up. His actions constitute a shocking, corrupt abuse of power and betrayal of his oath of office. Just as a sheriff cannot delay responding to calls for help until the callers endorse his re-election, the President is not entitled to withhold vital military assistance from a foreign ally until they announce an investigation to smear his political rival. The proof shows precisely the type of corruption that the Framers sought to prevent through the Impeachment Clause, including foreign interference in our election.

Two further points are significant. First, the President is guilty of the crime of bribery, which is specifically listed in the Constitution as a grounds for impeachment.[1] Second, the President's unprecedented campaign to obstruct the impeachment inquiry compels us to conclude that the evidence he is hiding would provide further proof of his guilt.

I. *The President committed the federal crime of bribery*

There is no question—based on the original meaning of the Constitution, the elaboration of the impeachment clause in the Federalist Papers, historical precedent, and common sense—that the President need not violate a provision of any criminal code in order to warrant removal from office.[2] The President's argument that he must violate ''established law'' to be impeached would be laughable if its implications were not so dangerous.

But there is no reasonable doubt that the President *has* violated established law. The Constitution specifically states that a President who commits bribery should be impeached.[3] The evidence before us establishes that President Trump has committed the crime of bribery as it existed at the time of the framers and now. Therefore, even using the President's own standard, the Senate has no choice but to convict.

The evidence shows that the President solicited interference in the 2020 election for his own benefit by pressuring Ukraine to announce an investigation into his political opponents in return for releasing nearly $400 million in taxpayer-funded military aid Ukraine desperately needed, as well as a meeting with President Zelensky at the White House. He sought, indeed demanded, a personal benefit in exchange for an official act.

Section 201 of Title 18 of the U.S. Code criminalizes ''bribery of public officials and witnesses.'' A public official is guilty under this section when they seek ''anything of value'' in exchange for any ''official act'' and do so with corrupt intent. The code even specifies that punishment for this crime may include disqualification ''from holding any office of honor, trust, or profit under the United States.''[4]

A. The requested investigations constitute ''things of value''

The investigations that President Trump requested into his political enemies and to undermine claims that Russia illegally helped him get elected are clearly ''things of value.''[5] By all accounts, he was obsessed with them. According to multiple reports, Trump cared more about the investigations than he did about defending Ukraine from Russia. Ambassador Gordon Sondland even testified that the President ''doesn't give a s**t'' about Ukraine and only cares about ''big stuff'' like the announcement of the investigations he requested.[6]

Courts have consistently applied a broad and subjective understanding of the phrase ''anything of value.'' All that matters is that the bribe had value in the eyes of the official accepting or soliciting it. The Second Circuit has determined that ''anything of value'' includes stock that, although it had no commercial value at the time, had subjective value to the defendant.[7] Similarly, the Sixth Circuit held that loans that a public official would have been otherwise unable to receive were ''thing[s] of value.''[8] The Eighth Circuit has similarly emphasized that ''anything of value'' should be interpreted ''broadly'' and ''subjectively.''[9]

Further, the ''thing'' need not be tangible, and it need not be immediately available. For example, the Sixth Circuit held that a promise of ''future employment'' is a thing of value.[10] A D.C. district court found that travel and entrance to various events that Tyson Foods gave to the Agriculture Secretary's girlfriend counted as things of value, despite the fact that they were not given directly to the Secretary and were not tangible items.[11] Campaign contributions also count as ''things of value,'' even contributions made to Super PACs, despite Supreme Court precedent holding that independent expenditures do not have sufficient value to candidates to justify placing limits on them.[12] In other contexts, the courts have interpreted the phrase ''thing of value'' to encompass a tip about the whereabouts of a witness,[13] information about government informants,[14] and the testimony of a government witness.[15] The courts have roundly rejected the proposition that this phrase ''covers only things having commercial value;'' intangibles, including information itself, can certainly be a ''thing of value.''[16] The relevant inquiry is not the objective value of the thing offered, but ''whether the donee placed any value on the intangible gifts.''[17]

Here, President Trump clearly placed value on the announcement of investigations. During the July 25 phone call, Trump stated that it was ''very important'' that Zelensky open these investigations.[18] Over several months, Trump and Rudy Giuliani had made repeated public statements about how important they thought the investigations were. Since at least April, 2017, President Trump has been publicly promoting the debunked conspiracy theory that a California-based cybersecurity company, CrowdStrike, worked with the Democratic National Committee to fabricate evidence that Russia interfered in the 2016 election and hide the proof of their actions in Ukraine. Rudy Giuliani, the President's personal attorney, has been promoting a conspiracy theory about Joe and Hunter Biden since at least January, 2019.[19] Days after Zelensky was elected, Trump stated on air that he would be directing Attorney General Barr to ''look into'' the CrowdStrike conspiracy theory.[20] In May, 2019, Rudy Giuliani, with the knowledge and consent of President Trump and acting on the President's behalf,[21] planned to travel to Ukraine to ask for these investigations, which he said would be ''very, very helpful to my client, and may turn out to be helpful to my government.''[22] On July 10, top Ukrainian officials met with Energy Secretary Perry, John Bolton, Kurt Volker, and Ambassador Sondland at the White House where Sondland made clear that an official White House visit with Zelensky was important to the President.[23]

Further, the electoral value to President Trump of investigations that would smear Joe Biden and the DNC while casting doubt on Russian interference in the 2016 election is obvious. President Trump was elected in a shocking and narrow victory after polls showed him trailing his opponent until officials announced that she was under investigation.[24] The announcement of an investigation into his political opponents clearly had tremendous value to him personally.

The President's counsels claim that Trump demanded investigations of his political rival as part of a perfectly legitimate anti-

corruption effort. In short, they want the Senate to leave our common sense at the door. At least four undisputed facts decisively disprove the claim that President Trump's actions were motivated by the public interest and not his own.

First, as one of my colleagues has put it,[25] it ''strains credulity'' to suggest that President Trump was pursuing the public interest and not his political benefit when the only corruption investigations he could think to demand involved his political opponents.[26] President Trump's counsel have claimed throughout this trial that the President believed corruption in Ukraine to be widespread. Yet he did not suggest a single investigation or programmatic action other than the two investigations of his political rivals.

Second, President Trump did not actually want Ukraine to conduct the investigations he only wanted Zelensky to *announce* them.[27] If he really did want to get to the bottom of a legitimate concern, a *public announcement* of the investigation would not further that interest. Any good investigator knows that, if you actually want to get to the truth, you do not prematurely tip off the subject of the investigation. Indeed, federal prosecutors are instructed to not even ''respond to questions about the existence of an ongoing investigation or comment on its nature or progress before charges are publicly filed.''[28] While announcing the investigations could only harm any legitimate law enforcement objective, it would obviously benefit President Trump's political goals.

Third, President Trump never sought the investigations through ordinary, official channels, or if he did seek them the Justice Department declined to pursue them. If President Trump wanted bona fide investigations, as opposed to politically-motivated announcements, he would have charged the Department of Justice with conducting an official investigation, and the Department would have sought cooperation from the Ukrainian government through the U.S.-Ukraine Mutual Legal Assistance Treaty (MLAT). Legitimate requests made pursuant to an MLAT allow DOJ to take testimony, obtain records, locate persons, serve documents, transfer persons into U.S. custody, execute searches and seizures, freeze assets, and engage in any other lawful actions that the state can take.[29] Trump claims that he just wanted to root out criminality and corruption. But he did not ask domestic U.S. law enforcement to look into the matter; to date, there is no criminal investigation of Hunter Biden. Instead, Trump tried to coerce a *foreign government* to investigate a U.S. citizen without any formal coordination with the U.S. Justice Department. In other words, there was not a sufficient basis for a bona fide, domestic criminal investigation, so Trump had to go elsewhere. The fact that Trump asked a foreign government to investigate Hunter Biden is not evidence that he cared about corruption; it is evidence that he was engaged in corruption.

In fact, Ukraine ultimately resisted President Trump's requests for investigations precisely because the President had failed to rely on the usual channels used to prevent political interference with law enforcement.[30] If Trump actually wanted a legitimate investigation, and wanted to ensure that DOJ would be privy to relevant information, he would have sought formal assistance through the U.S.-Ukraine MLAT. DOJ has confirmed that he did no such thing.[31] Instead, President Trump acted through his personal attorney, Rudy Giuliani, a man who made clear that he was duty bound to pursue his boss's personal interests and not those of the public.[32] The only reasonable explanation for the President's decision to completely bypass the Justice Department is that he knew that his conspiracy theories could not withstand scrutiny and he set out to circumvent law enforcement officials. They were solely intended to serve Trump's personal, political interests.

Finally, as the American Intelligence Community has unanimously concluded,[33] the CrowdStrike conspiracy is not supported by any evidence. It is difficult to fathom how propagating Russian-generated propaganda that implicates American public figures and companies is in the national interest of the United States. Even if his motives were mixed, and he cared peripherally about corruption generally, his predominant goal was to smear a political opponent.

B. The release of the hold on military aid and the promised White House visit constitute ''official acts''

The two acts the President agreed to perform—releasing the hold on military aid and setting up an official White House meeting with Zelensky—constitute ''official acts.'' The bribery statute defines ''official act'' broadly to include ''any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.''[34] Military assistance and an official White House visit were within his control only because of his tenure in elective office. In fact, both receiving foreign dignitaries and providing foreign assistance are in the President's official, constitutional job description.[35]

Actions authorized by statute, such as the ones President Trump took here, are particularly clear examples of official acts.[36] Congress has specifically authorized, and circumscribed, the President's ability to award military assistance to foreign countries. This process has been codified since the early 1960s, and there is an enormous federal apparatus devoted to evaluating the needs of foreign nations, how those needs intersect with legitimate U.S. foreign policy interests, and how to award foreign aid in line with those interests.[37] Further, when the President placed a hold on the aid, he was acting on behalf of the United States, not in his personal capacity. It defies reason to argue that the President's decision to award, or fail to execute, a foreign aid determination is not an ''official act'' under the bribery statute.

Similarly, an official White House meeting is an ''official act'' because the President is specifically ''assigned by law''[38]—in both the Constitution and numerous statutes—with receiving representatives from foreign governments.[39] Indeed, the authority to receive ambassadors and recognize foreign governments is considered so core to the office of the President that the Supreme Court has struck down statutes that interfere with it.[40]

C. The President corruptly sought a quid pro quo

President Trump made an agreement with the specific intent to be influenced in his decision whether to lift the hold on the military aid and to host a White House meeting. In *United States v. Sun-Diamond Growers of California*, the Supreme Court held that a bribe made or solicited ''in return for'' an official act entails an exchange, a *quid pro quo*.[41] In a seminal case, the D.C. Circuit reasoned that the term ''corruptly'' means that the official act would not be undertaken (or undertaken in a particular way) without the thing of value.[42]

Department of Justice guidance on the issue, citing the standard jury instructions that numerous courts have upheld, indicates that ''corruptly'' denotes ''nothing more than . . . acting 'with bad purpose' to achieve some unlawful end.''[43] The guidance further explains that, ordinarily, this ''bad purpose'' is ''a hope or expectation of either financial gain or other benefit to one's self, or some aid or profit or benefit to another.''[44] In other words, the intent merely to be influenced in the way prohibited by the bribery statute itself is sufficient to find that the defendant acted ''corruptly.''

Further, the Supreme Court unanimously held in 2016 that the *quid pro quo* demand ''need not be explicit,'' the official ''need not specify the means that he will use to perform his end of the bargain,'' nor must the official actually intend to follow through for a prosecutor to succeed in making her case that the defendant is guilty of bribery.[45] In a Seventh Circuit case, the court made clear that the context of a communication can be determinative: evidence of a *quid pro quo* can emerge from ''the often clandestine atmosphere of corruption with a simple wink and a nod if the surrounding circumstances make it clear that something of value will pass to a public official if he takes improper, or withholds proper, action.''[46] While the defendant in that case never made an explicit offer and never relayed a specific amount of money, the court nonetheless upheld his conviction for bribery.[47]

Trump's actions clearly qualify as a *quid pro quo*. Less than a month prior to this phone call, President Trump had put a hold on hundreds of millions of dollars in military aid to Ukraine and had previously set in motion, but not committed to, an official White House visit with Ukraine's new president, Volodomyr Zelensky. When Trump and Zelensky spoke on July 25, Trump set the terms of the conversation by making clear that he felt Ukraine owed him for America's generosity. And as soon as Zelensky mentioned that Ukraine was interested in receiving American anti-tank missiles, the President immediately stated that he would like Zelensky to ''do us a favor though,'' and explicitly asked Zelensky to investigate the Biden conspiracy theory and alleged Ukrainian interference in the 2016 election. As soon as Zelensky appeared to agree to open the requested investigations, Trump almost immediately assured the Ukrainian President that ''whenever you would like to come to the White House, feel free to call.''[48] Text messages sent by Special Envoy Volker indicate that it had also been made clear to the Ukrainians prior to the call that the official White House visit was also conditioned upon Zelensky complying with Trump's request for these investigations.[49] Gordon Sondland, the American ambassador to the EU, testified that the President's proposal to lift the hold in exchange for the investigations was as clear as ''two plus two equals four.''[50] Trump's acting Chief of Staff, Mick Mulvaney, confessed during a press conference that there was a *quid pro quo* exchange and suggested that the public should just ''get over it.''[51]

The implication of Trump's message to Zelensky on the July 25 phone call is that Trump would not lift the hold or have the White House meeting unless Zelensky opened the requested investigations. The obvious political value to the President of opening these investigations constitutes sufficient grounds for a jury to determine that he had a ''bad motive'' in making this request. Trump is guilty of *quid pro quo* bribery.

D. Trump's defenses are not persuasive

Trump attempts to absolve his behavior by arguing that his subjective intent is irrelevant to whether he committed an impeachable offense, that there is no *quid pro quo* because Ukraine never announced the infamous investigations, and that, even if he did commit a *quid pro quo*, he cannot be impeached

because the articles do not accuse him of bribery. Even setting aside that these defenses ignore the fact that Trump *still* has not held a White House meeting with Zelensky, these arguments are wholly unpersuasive in their own right.

1. Trump's subjective intent is eminently relevant

Trump claims that his subjective intent is irrelevant; that he cannot be impeached based on the reasons for which he sought the investigations.[52] This argument is specious for at least three reasons. First, the two offenses that the Constitution explicitly mentions as requiring removal from office—treason and bribery—hinge on the *subjective reasons* that the official acted. If the Commander-in-Chief orders the military to take certain actions with the purpose of benefiting an enemy of the United States, then the President has committed treason, even if the President generally has the authority to command the armed forces. If the President vetoes a law because someone has paid him a large bribe, then he has committed bribery, even if the President generally has the authority to veto laws. When we are prohibited from scrutinizing the President's reasons for acting, we lose the ability to protect our democracy from tyrants and traitors.

Second, the President maintains that he needs to have violated ''established law'' in order to be impeached.[53] Using the President's own standard, then, in evaluating whether he violated the federal bribery statute, we must evaluate whether he acted with corrupt intent. If the President wants to be scrutinized using the standards of the federal criminal code, then he must concede that his subjective intent is at issue.

Third, even if Trump had *other* reasons for releasing the aid, it was *still a crime* for him to even *ask* for the investigations. Section 201(c) of Title 18 prohibits public officials from demanding anything of value ''for or because of any official act.''[54] The courts have been clear that even if the official act ''might have been done without'' the bribe, the defendant is still guilty under section 201(c).[55] Even if Trump never actually intended to maintain a hold on the aid, even if he decided to release the aid for entirely legitimate reasons, the fact that he requested the investigations as a ''favor''[56]—because of how generous the President was in agreeing to conduct a White House visit or lifting the hold on the military aid—means that the President committed a crime.

Even if a legislator would have voted for a piece of legislation because he thinks it is in the public interest, he still commits bribery if he takes a payoff to do it. As the courts have made clear, an illegal bribe under this section may take the form of ''a reward [. . .] *for a past act that has already been taken.*''[57] Thus, the fact that the President *continued* to ask for the investigations after the hold was finally released[58] does not absolve him; it further incriminates him.

2. Trump completed his crime the moment he solicited the bribe

It is undisputed that the President, either directly or indirectly, demanded investigations into Joe Biden and a conspiracy theory involving the Democratic National Committee. The President's only response is that he cannot be liable because he did not receive what he requested. Under federal law, however, a corrupt official need not receive the benefit he demands or perform the official acts in question; ''it is enough that the official agreed to do so.''[59] It is the solicitation of a private benefit *in and of itself* that constitutes the crime.[60] All a prosecutor would have to demonstrate is that the President made an agreement or offer to exchange official acts for a thing of value.

We know from the memorandum of the July 25 phone call, from Volker and Sondland's texts, and from Sondland's testimony that Trump had agreed to lift the hold and conduct the White House meeting in exchange for the investigations.[61] We also know that there is additional evidence out there that speaks to the President's communications—both directly and through his agents—with Ukraine regarding his illegal scheme. We know, at the very least, of the existence of diplomatic cables from the Ukrainian embassy about the hold on the military assistance and communications with the State Department about the hold.[62] The head of the agency that placed the hold on the military assistance has refused to respond to a lawful subpoena, under the instruction of the White House.[63] As discussed below, when a party fails to produce or obstructs access to relevant evidence, that failure ''gives rise to an inference that the evidence is unfavorable to him.''[64] In this case, although the evidence already presented proves the crime of bribery, the Senate should infer that the evidence that the executive branch has hidden about these communications would provide further evidence that Trump agreed to this illicit exchange.

3. Senators must convict if they conclude that the President committed the crime of bribery, whether or not the term 'bribery' appears in the articles

The first article of impeachment accuses the President of ''corruptly solicit[ing]'' the public announcement of investigations that were in his ''personal political benefit,'' in exchange for ''two official acts.''[65] In response to questions from Senators, Trump's counsel has argued that because the article did not explicitly refer to the crime of bribery, Trump was provided inadequate notice. This argument is absurd.

Trump has received plenty of notice that he stands accused of bribery. Trump's actions, as described in the article, clearly align with the elements of the federal crime of bribery: he solicited a thing of value in exchange for official acts and did so with corrupt intent.[66] Further, the House Judiciary Committee report adeptly explained why the President is guilty of bribery under the criminal code.[67] Lawmakers have been discussing the President's misdeeds in terms of bribery for months now.[68] His lack of a defense is due not to lack of notice but to lack of facts.

The historical record confirms the common sense notion that the articles need not name specific crimes. In 1974, the House Judiciary Committee approved three articles of impeachment against President Nixon, none of which referenced any provisions of any criminal code.[69] Many of my colleagues were presented with similarly drafted articles of impeachment against Judge Porteous in 2010. In that instance, the House adopted four articles of impeachment, none of which explicitly referenced the criminal code.[70] The first article described conduct that amounts to bribery—claiming that Judge Porteous ''solicited and accepted things of value'' in exchange for ruling in favor of a particular party—but never used the term ''bribe'' or mentioned the federal bribery statute.[71] The Senate unanimously convicted Judge Porteous on this article and voted to forever disqualify him from holding office.[72] No one seriously entertained the notice argument then, and there is no good reason to do so now. This bad faith defense is a red herring, and we must not let it distract us from the issue before us: the President's crimes.

Trump's claim that he cannot be removed for a crime unless the crime is specifically mentioned in the articles of impeachment—coupled with his claim that there must be proof of a crime—is simply untenable. By Trump's flawed logic, if he had been impeached for ''shooting someone on Fifth Avenue,'' he could not be removed for ''murder'' unless that word was specifically included in the articles. We have not been called to sit in judgment of the House of Representatives' diction; we sit in judgment of the President's actions—carefully and precisely described in the articles of impeachment as a clear-cut case of bribery.

II. *The President's unprecedented campaign to obstruct access to relevant evidence compels us to conclude that the evidence is against him.*

The House of Representatives has made a very strong case that the President's refusal to engage in any way with their investigation is unlawful and constitutionally offensive. But make no mistake—this conflict is more than a dispute between the branches of government. The House of Representatives and a number of Senators have raised the alarm bells not for our own sake, but because when the President hides from Congress, he hides from the American people. The separation of powers does not exist to benefit members of Congress; it exists to curb the excesses of enormously powerful government officials.

Throughout this entire ordeal—from the moment the call transcript was improperly placed on a classified server[73] to the time when Trump threatened to unlawfully assert executive privilege over any testimony requested by the Senate[74]—the President has sought to keep his illegal scheme secret from the very people the scheme was designed to manipulate: the American electorate.

Indeed, the withholding of aid itself was concealed, unlike with other similar pauses or suspensions of military assistance.

The law and historical precedent are clear—when the President stifles Congress' investigative authority, whether during an impeachment inquiry or when Congress is exercising its broader mandate to investigate the executive branch, he has exceeded the bounds of the law. Because Trump has flouted congressional inquiry in such a brazen and unhinged manner, this violation alone requires us to vote to remove him from office.

Separately, this egregious campaign of obfuscation strengthens the case against the President for abuse of power. As a matter of law, when a party to a case improperly withholds relevant evidence, courts can instruct juries to make an adverse inference—to assume that the evidence would be unfavorable to the withholding party. In this case, Trump has withheld *every single piece of evidence that the House requested.* The facts before us confirm the underlying logic of the adverse inference rule—that when a party hides something, it is because they have something to hide. Applying that rule here, the already overwhelming evidence against Trump becomes an avalanche.

A. Trump's obstruction requires us to infer that all the evidence is against him, which only strengthens the case for removal for abuse of power

It is a long-established rule of law that when a party ''has relevant evidence within his control which he fails to produce, that failure gives rise to an inference that the evidence is unfavorable to him.''[75] Importantly, this rule applies even in the absence of a subpoena and, in fact, ''the willingness of a party to defy a subpoena in order to suppress the evidence *strengthens the force of the preexisting inference*,'' because in that scenario ''it can hardly be doubted he has some good reason for his insistence on suppression.''[76] Indeed, the courts have recognized that the adverse inference rule is essential to

prevent intransigent parties from abusing ''costly and time consuming'' court proceedings to subvert their legal duty to produce relevant evidence.[77] The Supreme Court has specifically applied this rule against a party who selectively provided weak evidence and failed to allow those persons with the most relevant knowledge to testify, noting that ''the production of weak evidence when strong is available can lead only to the conclusion that the strong would have been adverse.''[78] As the Court put it, in circumstances like this, ''silence then becomes evidence of the most convincing character.''[79]

We know that the Trump administration has relevant evidence that it refuses to produce. As an initial matter, the President has failed to comply with a single request from the House of Representatives, and, following the President's orders, the White House, the office of the Vice President, the Office of Management and Budget, the State Department, the Department of Defense, and the Department of Energy refused to produce a single document in response to 71 specific requests issued by the House of Representatives.[80]

But we also know of specific pieces of evidence that go to the heart of the House's case and that Trump is concealing. Mark Sandy testified that in August, OMB produced a memorandum recommending that the President's hold on the Ukraine military assistance be released.[81] William Taylor testified that on August 29, he sent a first person cable to Secretary Pompeo, relaying his concerns about the ''folly I saw in withholding military aid to Ukraine at a time when hostilities were still active in the east and when Russia was watching closely to gauge the level of American support for the Ukrainian Government.''[82] Mr. Taylor also testified that he had exchanged WhatsApp messages with Ambassadors Volker and Sondland as well as with Ukrainian officials. The White House has refused to release any of these documents. We therefore must infer that they demonstrate that there was no interagency process to review the best use of the funds—that this rationale was pre-textual.

The White House maintains that Ukraine was not even aware of the hold on the military assistance until after it was reported on publicly. But we have testimony to the contrary—testimony that includes reference to specific documents that the President is withholding. Laura K. Cooper, the American deputy assistant secretary of defense for Russia, Ukraine and Eurasia, testified that her staff received two emails on July 25th that directly undermine Trump's claim. The first, received at 2:31 PM, stated that the Ukrainian embassy was asking about the security assistance. The second, received at 4:25 PM, stated that the Ukrainian embassy knew that the foreign military financing assistance had been held up.[83] At the behest of President Trump, the State Department has not released these emails. Unless and until the administration produces these documents and any others bearing on when Ukraine first learned about the hold, we should assume that they demonstrate that Ukraine knew about the hold when Trump spoke to Zelensky on July 25.

B. THE EVIDENCE THAT HAS EMERGED DESPITE TRUMP'S INTRANSIGENCE HAS ONLY BOLSTERED THE CASE AGAINST HIM

Based on the above analysis alone, the Senate is more than entitled to infer that the mountain of evidence that Trump is withholding would demonstrate his guilt. But two further points compel us to make such an inference. First, Trump confessed on national television to having ''all the materials'' and bragged about how he had kept them from Congress.[84] We cannot let this gleeful boast stand without inferring that the materials in question speak to Trump's guilt.

Second, as the House managers repeatedly cautioned us would happen, the evidence that Trump has been hiding has started to come out. And each newly revealed tape or record *has been* unfavorable to the President's case. The assumption that the law compels us to make about the contents of these materials—that they demonstrate the President's guilt—is confirmed each and every time they come out into the light. Most damning has been the leak of a draft of John Bolton's forthcoming book, which confirms that the President ''told his national security adviser in August that he wanted to continue freezing $391 million in security assistance to Ukraine until officials there helped with investigations into Democrats including the Bidens,'' as well as details about the involvement of various senior cabinet officials in Trump's illegal scheme.[85] And this is only the most recent revelation in a rapidly growing series of records that have come to light. On January 14, 2020, Lev Parnas, a former associate of Rudy Giuliani, released documents which demonstrate both that the President was orchestrating a deal to get Zelensky to ''announce that the Biden case will be investigated,'' and that Marie Yovanovitch was the subject of an illegal intimidation campaign.[86] On January 25, 2020, a tape from April, 2018 was publicly released of a private dinner with top donors where Trump is heard yelling: ''Get rid of her! Get her out tomorrow. I don't care. Get her out tomorrow. Take her out. Okay? Do it,'' in reference to Ambassador Yovanovitch.[87] The President is also heard specifically asking how long Ukraine would last in a war against Russia absent U.S. support—in other words, inquiring how much Ukraine is at the mercy of the United States.[88] Not only does this tape provide further evidence of a coordinated campaign against the Ambassador; it also undermines ''earlier defenses by the White House that Trump wasn't aware of what was taking place in the early phase of the Ukraine affair.''[89] This tape suggests that Trump not only knew about the Ukraine affair, but also that ''he may have been directing events'' as early as April 2018.[90]

The steady drip of damning evidence leaking from the President's associates, combined with Trump's own public confession to concealing relevant evidence, compels us to conclude what the law already instructs us to infer: that the mountain of evidence Trump is hiding proves his guilt.

Conclusion

It is clear to me that Trump is guilty of bribery and that his campaign to obstruct any investigation into his wrongdoing only strengthens the case against him. Trump's actions require us to vote to remove him from office. When the Framers included the impeachment power in the Constitution, they knew that there would be a presidential election every four years—and they also knew that this was an insufficient check against a President who abuses the power of his office to cheat his way to re-election. Trump's misdeeds are a case study in the need for impeachment.

Throughout the impeachment trial, I have been moved by the grave moral purpose that the Senate is charged with pursuing—of sustaining America as an idea, of our Constitution as a living document that gives substance to our identity as the world's leading democracy. As we sit in judgment of a President who has demonstrated nothing but contempt for our laws and our values, history sits in judgment of the Senate. By failing to remove Trump from office, we will have failed our country.

ENDNOTES

1. U.S. CONST. art. II. §4 (''The President [. . .] shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors'').

2. See generally, JARED P. COLE & TODD GARVEY, CONG. RES. SERV., R44260, IMPEACHMENT AND REMOVAL (2015); *see also* Paul Leblanc, *Democrats Play 1999 Video of Lindsey Graham Talking About Impeachment to Bolster Case Against* Trump, CNN, Jan. 23, 2020, available at *https://www.cnn.com/2020/01/23/politics/impeachment-managers-lindsey-graham-video/index.html* (quoting then-Representative Graham's statement during the Clinton impeachment that an impeachable offense ''[d]oesn't even have to be a crime. It's just when you start using your office and you're acting in a way that hurts people, you have committed a high crime''); Steven J. Harper, *Why Did Alan Dershowitz Say Yes to Trump?*, N.Y. TIMES, Jan. 22, 2020, available at *https://www.nytimes.com/2020/01/22/opinion/alan-dershowitz-impeachment.html* (quoting Alan Dershowitz's 1998 comments regarding the Clinton impeachment that ''[i]t certainly doesn't have to be a crime if you have somebody who completely corrupts the office of president and who abuses trust and who poses great danger to our liberty. You don't need a technical crime. We look at their acts of state. We look at how they conduct the foreign policy. We look at whether they try to subvert the Constitution'').

3. U.S. CONST. art. II §4.

4. 18 U.S.C. §201(b).

5. The President does not contest that he is a ''public official,'' and the law confirms that it would be foolish to claim otherwise. The courts have found that a wide array of officials are subject to the bribery statute: from a cook at a federal prison, *U.S.* v. *Baymon*, 312 F. 3d 725, 728 (5th Cir. 2002), to a private in the United States army, *U.S.* v. *Kidd*, 734 F. 2d 409, 411–12 (9th Cir. 1984), to a housing eligibility technician employed by an independent public corporation, *U.S.* v. *Hang*, 75 F. 3d 1275, 1280 (8th Cir. 1996). It would defy reason to argue that a cook at a federal prison is a public official but the President of the United States is not.

6. Tom Porter, *Ambassador Sondland Said Trump Doesn't 'Give a S—' about Ukraine Except When it Benefits Him Personally, Official Testifies*, BUSINESS INSIDER, Nov. 19, 2019, available at *https://www.businessinsider.com/sondland-said-trump-doesnt-give-a-s-about-ukraine-official-2019-11*. This attitude to Ukraine is amplified by a statement made by Secretary of State Pompeo, who has refused to testify before the House of Representatives, when he recently asked a NPR political reporter whether she thought Americans gave a [expletive] about Ukraine. Mary Louise Kelly, *Encore: NPR's Full Interview with Secretary of State Mike Pompeo*, NPR, Jan. 25, 2020, available at *https://www.npr.org/2020/01/25/799470712/encore-nprs-full-interview-with-secretary-of-state-mike-pompeo*.

7. United States v. Williams, 705. F2d. 603, 602–23 (2d Cir. 1983) (''Corruption of office occurs when the officeholder agrees to misuse his office in the expectation of gain, whether or not he has correctly assessed the worth of the bribe.'').

8. U.S. v. Gorman, 807 F.2d 1299, 1304–05 (6th Cir. 1986) (explaining that ''anything of value'' should be ''broadly construed'' with a ''focus . . . on the value which the defendant subjectively attaches to the items received'').

9. U.S. v. Renzi, 769 F.3d 731, 744 (8th Cir. 2014) (citing *Williams* and *Gorman* in explaining importance of subjective test for ''anything of value'').

10. *Gorman*, 807 F. 2d 1299 at 1299.
11. *Williams*, 7 F. Supp. 2d 40 at 52–51.
12. U.S. v. Menendez, 132 F. Supp. 3d 635 (D.N.J. 2015); see Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 357 (2010) (''The absence of prearrangement and coordination of an expenditure with the candidate or his agent [. . .] undermines the value of the expenditure to the candidate,'' and therefore the government was not justified in placing limits on independent expenditures.)(internal citations and quotations omitted).
13. U.S. v. Sheker, 618 F. 2d 607, 609 (9th Cir. 1980);
14. U.S. v. Girard, 601 F. 2d 69, 70 (2d Cir. 1979).
15. U.S. v. Zouras, 497 F. 2d 1115, 1121 (7th Cir. 1974).
16. Sheker, 618 F. 2d at 609.
17. U.S. v. Williams, D.D.C.1998, 7 F.Supp.2d 40, vacated in part 240 F.3d 35, 345 U.S.App.D.C. 111 (emphasis added).
18. MEMORANDUM OF TELEPHONE CONVERSATION: TELEPHONE CONVERSATION WITH PRESIDENT ZELENSKY OF UKRAINE 3 (July 25, 2019).
19. Ryan Lucas, *House Committees Subpoena Rudy Giuliani in Impeachment Inquiry*, NPR, Oct. 1, 2019, available at https://www.npr.org/2019/10/01/765986709/house-committees-subpoenae-rudy-giuliani-in-impeachment-inquiry.
20. Tamara Keith, *Trump, Ukraine and the Path to the Impeachment Inquiry: A Timeline*, NPR, Oct. 12, 2019, available at https://www.npr.org/2019/10/12/768935251/trump-ukraine-and-the-path-to-the-impeachment-inquiry-a-timeline.
21. chael Biesecker, Mary Clare Jalonick & Eric Tucker, *Giuliani Associate Names Trump, Pence, More in Ukraine Plan*, ASSOCIATED PRESS, Jan. 17, 2020, available at https://apnews.com/708b81d4c77 038eb0b751c 30f72ff315 (quoting letter from Giuliani requesting a meeting with Zelensky ''as personal counsel to President Trump and with his knowledge and consent'').
22. nneth P. Vogel, *Rudy Giuliani Plans Ukraine Trip to Push for Inquiries that Could Help Trump*, N.Y. TIMES, May 9, 2019, available at https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html.
23. 3See Keith, *Trump, supra* n. 23.
24. Amy Chozick & Patrick Healy, *'This Changes Everything': Donald Trump Exults as Hillary Clinton's Team Scrambles*, N.Y. Times, Oct. 28, 2016, available at https://www.nytimes.com/2016/10/29/us/politics/donald-trump-hillary-clinton.html.
25. Benjamin Wood, *Mitt Romney Says Everybody Knows It 'Is Wrong' to Ask a Foreign Government to Probe a Political Rival*, Salt Lake Tribune, Oct. 11, 2019, available at https://www.sltrib.com/news/politics/2019/10/10/mitt-romney-says-he-hasnt/. Sen. Romney made this statement in regard to Trump's request, made live on national television, that China investigate the Bidens. But the logic of the Senator's claim applies with equal force to Trump's demand that Ukraine investigate the Bidens.
26. ile CrowdStrike is not actually a Trump political opponent, Trump was accusing them of conspiring with the Democratic National Committee and did not suggest any illegal conduct on their part unrelated to President Trump's political past and future.
27. ck Beauchamp, *Trump Didn't Want an Investigation into Biden. He Wanted a Political Show.*, VOX, Nov. 20, 2019, available at https://www.vox.com/policy-and-politics/2019/11/20/20974201/gordon-sondland-impeachment-hearing-testimony-biden-show-trump.
28. 3See United States Attorneys' Manual 1–7.400—Disclosure of Information Concerning Ongoing Criminal, Civil, or Administrative Investigations, 1997 WL 1944080. Only in special circumstances are U.S. attorneys permitted to make public statements about ongoing investigations, such as when necessary to ensure public safety.
29. Treaty of Mutual Legal Assistance, Ukraine-U.S., art. 1 cl.2, July 22, 1998, T.I.A.S. No. 12978.
30. 3The Trump-Ukraine Impeachment Inquiry Report: Report for the H. Perm. Select Comm. On Intelligence Pursuant to H. Res. 660 in Consultation with the H. Comm. On Oversight and Reform and the H. Comm. On Foreign Affairs at 122, 116th Cong. (2019).
31. DEPARTMENT OF JUSTICE, STATEMENT, Sept. 25, 2019 (''The President has not asked the Attorney General to contact Ukraine—on this or any other matter. The Attorney General has not communicated with Ukraine—on this or any other subject.'')
32. e Kenneth P. Vogel, *Rudy Giuliani Plans Ukraine Trip to Push for Inquiries that Could Help Trump*, N.Y. Times, May 9, 2019, available at https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html (quoting Giuliani, in response to questions about his travel to Ukraine, noting that ''this isn't foreign policy—I'm asking them to do an investigation [. . .] because that information *will be very, very helpful to my client* [Donald Trump], and may turn out to be helpful to my government.'') (emphasis added).
33. Miles Parks & Brian Naylor, *Trump Did 'Nothing Wrong,' His Legal Team Says in First Day of Impeachment Defense*, NPR, Jan. 25, 2020, available at https://www.npr.org/2020/01/25/797321065/president-trumps-legal-team-to-begin-impeachment-defense?utm-source=twitter.com&utm-term=nprnews &utm-campaign= npr&utm-medium= social (''American intelligence agencies have been unanimous in their assessment that it was Russia that interfered in the last presidential race'').
34. 18 U.S.C. §201(a)(3).
35. *See* U.S. CONST. art. II §2 (The President ''shall receive ambassadors and other public ministers,''); Zivotofsky ex rel. Zivotofsky v. Kerry, 576 U.S. 1, 135 S. Ct. 2076, 2086 (2015)(the Reception Clause ''assigns the President means to effect recognition on his own initiative'').
36. Cf. U.S. v. Birdsall, 233 U.S. 223, 231 (1914) ([I]t is sufficient that [the act] was governed by a lawful requirement of the executive department under whose authority the officer was acting; and such requirement need not have been prescribed by a written rule or regulation, but might also be found in an established usage which constituted the common law of the department.'').
37. *See* MARIAN L. LAWSON & EMILY M. MORGENSTERN, CONG. RES. SERV., R40213, FOREIGN AID: AN INTRODUCTION TO U.S. PROGRAMS AND POLICY (2019).
38. McDonnell v. U.S., 136 S. Ct. 2355, 2373. The meetings that the Court considered in *McDonnell* are not comparable. Nowhere in Virginia's constitution or statutes is the governor tasked with arranging meetings, hosting parties, or engaging in unofficial conversations with other government officials. The Court took issue with a jury instruction which stated that an official act need not have been taken ''pursuant to responsibilities explicitly assigned by law,'' whereas the President's actions here clearly are assigned by law.
39. *See* U.S. Const. art. II §2 (The President ''shall receive ambassadors and other public ministers''); *Zivotofsky*, 135 S. Ct. at 2086 (2015)(the Reception Clause ''assigns the President means to effect recognition on his own intiative''); 22 U.S.C. §2754; 22 U.S.C. §2311(a).
40. *See Zivotofsky* 135 S. Ct. at 2096.
41. 526 U.S. 398, 404 (1999).
42. U.S. v. Brewster, 506 F. 2d 62, 71 (D.C. Cir. 1974). In contrast, with a bribe under 201(c), the thing of value need not be a reason that the official performed the act at all. *See* infra 14–15.
43. DEPARTMENT OF JUSTICE, CRIMINAL RESOURCE MANUAL, 834. INTENT OF THE PARTIES, available at https://www.justice.gov/jm/criminal-resource-manual-834-intent-parties.
44. *Id.*
45. *McDonnell*, 136 S. Ct. at 2371.
46. United States v. Synowiec, 333 F. 3d 786, 789 (7th Cir. 2003).
47. *Id.* at 789–90.
48. MEMORANDUM OF TELEPHONE CONVERSATION, *supra* n. 21 at 5.
49. Charlie Savage & Josh Williams, *Read the Text Messages Between U.S. and Ukrainian Officials*, N.Y. TIMES, Oct. 4, 2019, available at https://www.nytimes.com/interactive/2019/10/04/us/politics/ukraine-text-messages-volker.html.
50. Lisa Mascare, Mary Clare Jalonick & Eric Tucker, *Watch: Ambassador Gordon Sondland Testifies Trump Directed Ukraine Quid Pro Quo*, ASSOCIATED PRESS, Nov. 19, 2019, available at https://www.wgbh.org/news/national-news/2019/11/19/watch-live-eu-ambassador-gordon-sondland-2-others-testify-on-day-4-of-impeachment-hearings.
51. Jessica Taylor, 'Get Over It': Politics is Part of Foreign Policy, Mulvaney Says, NPR, Oct. 17, 2019, available at https://www.npr.org/2019/10/17/770979659/watch-white-house-holds-now-rare-press-briefing-amid-impeachment-syria-conflicts.
52. *See* Trial Memorandum of President Donald J. Trump at 27–28 (Jan. 20, 2020) (rebutting ''radical claim that a President can be impeached and removed from office solely for doing something he is allowed to do, if he did it for the 'wrong' *subjective* reasons [. . .] By eliminating any requirement for wrongful conduct, House Democrats have tried to make thinking the wrong thoughts an impeachable offense'') (emphasis in original).
53. As discussed *supra* pp. 1–2, it is eminently clear that the President need not have violated ''established law'' in order to have committed an impeachable offense.
54. 18 U.S.C. §201(c).
55. *Brewster*, 506 F. 2d at 72.
56. MEMORANDUM OF TELEPHONE CONVERSATION, *supra* n. 21 at 3.
57. *Sun-Diamond Growers*, 526 U.S. at 404.
58. *See* Kevin Breuninger, *Trump Says China Should Investigate the Bidens, Doubles Down on Ukraine Probe*, CNBC, Oct. 3, 2019, available at https://www.cnbc.com/2019/10/03/trump-calls-for-ukraine-china-to-investigate-the-bidens.html (quoting President Trump, in response to question about what he wanted Ukraine to do, stating that ''[i]f they were honest about it, they would start a major investigation into the Bidens'').
59. McDonnell v. U.S. 136 S. Ct. 2355, 2371 (2016).
60. *Id.* at 2370–71 (2016); *see also* United States v. Hawkins, 37 F. Supp. 3d 964 (N.D. Ill. 2014), aff'd in part, vacated in part on other grounds, remanded, 2015 WL 309520 (7th Cir. 2015)(''What is required to make the act corrupt is not an intent to take a specific action, but the holding out of the performance of the duties of one's office for sale.'').
61. *See supra* pp. 12–13.
62. Andrew E. Kramer, *Ukraine Knew of Aid Freeze in July, Says Ex-Top Official in Kyiv*, N.Y. TIMES, Dec. 3, 2019, available at https://www.nytimes.com/2019/12/03/world/europe/ukraine-impeachment-military-aid.html; *Transcript: Laura Cooper and David Hale's Nov. 20 Testimony to House Intelligence Committee*, WASHINGTON POST, Nov. 20, 2019, https://www.washingtonpost.com/politics/2019/11/20/transcript-laura-cooper-david-hales-nov-testimony-house-intelligence-committee/. Any statement to the contrary by Zelensky is not reliable for the simple reason that Ukraine's future depends on remaining in Trump's good graces. As Catherine Croft, who testified that the Ukrainians knew about the hold much earlier than

she expected to, stated, the Ukrainians did not want the hold publicized because it ''would be a really big deal in Ukraine, and an expression of declining U.S. support for Ukraine.'' Charlotte Butash, *Summary of Catherine Croft's Deposition Testimony*, LAWFARE, Nov. 16, 2019, available at lawfareblog.com/summary-catherine-crofts-deposition-testimony.

63. Peter Baker, *Mulvaney Will Defy House Impeachment Subpoena*, N.Y. TIMES, Nov. 12, 2019, available at https://www.nytimes.com/2019/11/12/us/politics/mulvaney-impeachment-subpoena.html.

64. Interstate Circuit v. U.S., 306 U.S. 208, 226 (1939); *see* infra Part II.

65. H. Res. 755, 116th Cong. §1 (2019).

66. 18 U.S.C. §201(b); *see supra* pp. 2–13.

67. *See Report of the H. Comm. on the Judiciary, Impeachment of Donald John Trump, President of the United States* at 120–26, 116th Cong. (2019).

68. *See* Patricia Zengerle, Karen Freifeld & Richard Cowan, *Pelso Says Trump Has Admitted to Bribery as Impeachment Probe Intensifies*, REUTERS, Nov. 14, 2019, available at https://www.reuters.com/article/us-usa-trump-impeachment/pelosi-says-trump-has-admitted-to-bribery-as-impeachment-probe-intensifies-idUSKBN1XO1HD; Jessica Taylor, *Rep. Adam Schiff: Trump's Potentially Impeachable Offenses Include Bribery*, NPR, Nov. 12, 2019, available at https://www.npr.org/2019/11/12/778380499/rep-adam-schiff-trumps-potentially-impeachable-offenses-include-bribery (explaining that Rep. Schiff believes ''there's a clear argument to be made that Trump committed 'bribery' and 'high crimes and misdemeanors'—both explicitly outlined in the Constitution as impeachable offenses—when pressuring the Ukrainian government to investigate former Vice President Joe Biden's son in exchange for long-promised military aid''); Sean Collins, *A Republican Memo Details the Party's Impeachment Inquiry Defenses. They Aren't Very Strong*, VOX, Nov. 12, 2019, available at https://www.vox.com/policy-and-politics/2019/11/12/20961073/trump-impeachment-hearings-republican-testimony-strategy (quoting Rep. Speier: ''[t]he president broke the law. He went on a telephone call with the president of Ukraine and said 'I have a favor, though,' and then proceeded to ask for an investigation of his rival. And this is a very strong case of bribery'').

69. H. Doc. No. 109–153, *Jurisdictional History of the Judiciary Committee: The Committee and Impeachment*, at 124–27.

70. *See* H. Res. 1031, 111th Cong. (2010).

71. *Id.* at §1.

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Ms. WARREN. Mr. President, when I was elected to serve in the U.S. Senate, I swore an oath to support and defend the Constitution of the United States. Every U.S. Senator takes the same oath. The Constitution makes clear that no one is above the law, not even the President of the United States.

Over the past 2 weeks, the Senate has heard overwhelming evidence showing that the President of the United States, Donald J. Trump, abused the power of his office to pressure the President of Ukraine to dig up dirt on a political rival to help President Trump in the next election. The President then executed an unprecedented campaign to cover up his actions, including a wholesale obstruction of Congress's effort to investigate his abuse of power.

The Constitution gives the Senate the sole power to conduct impeachment trials. A fair trial is one in which Senators are allowed to see and hear all of the relevant information needed to evaluate the Articles of Impeachment, including relevant witnesses and documents. The American people expected and deserved a fair trial, but that is not what they got. Instead of engaging in a pursuit for the truth, Senate Republicans locked arms with the President and refused to subpoena a single witness or document. They even refused to allow the testimony of the President's former National Security Advisor, John Bolton, who possesses direct evidence related to the issues at the heart of the trial, even as more evidence continued to come to light and as Bolton repeatedly volunteered to share what he knows.

This trial boils down to one word: corruption—the corruption of a President who has repeatedly put his interests ahead of the interests of the American people and violated the Constitution in the process; the corruption of this President's political appointees, including individuals like U.S. Ambassador to the European Union Gordon Sondland, who paid $1 million for an ambassadorship; the corruption running throughout our government that protects and defends the interests of the wealthy and powerful to the detriment of everyone else.

Americans have a right to hear and see information that further exposes the gravity of the President's actions and the unprecedented steps he and his agents took to hide it from the American people. But more importantly, Americans deserve to know that the President of the United States is using the power of his office to work in the Nation's interest, not his own personal interest.

I voted to convict and to remove the President from office in order to stand up to the corruption that has permeated this administration and that was on full display with President Trump's abuse of power and obstruction of Congress. I will continue to call out this corruption and fight to make this government work not just for the wealthy and well-connected but to make it work for everyone.

Mr. PETERS. Mr. President, I swore an oath to defend the Constitution

both as an officer in the U.S. Navy Reserve and as a U.S. Senator.

At the beginning of the impeachment trial, I swore an oath to keep an open mind, listen carefully to the facts, and in the end deliver impartial justice.

After carefully listening to the arguments presented by both House managers and the President's lawyers, I believe the facts are clear.

President Trump stands accused by the House of Representatives of abusing his power in an attempt to extort a foreign government to announce a trumped up investigation into a political rival and thereby put his personal interest ahead of national security and the public trust.

The President illegally withheld congressionally approved military aid to an ally at war with Russia and conditioned its release on Ukraine making an announcement the President could use to falsely discredit a likely political opponent.

When the President's corrupt plan was brought to light, the White House engaged in a systematic and unprecedented effort to cover up the scheme.

The President's complete refusal to cooperate with a constitutionally authorized investigation is unparalleled in American history.

Despite the extraordinary efforts by the President to cover up the facts, the House managers made a convincing case.

It is clear.

The President's actions were not an effort to further official American foreign policy.

The President was not working in the public interest.

What the President did was wrong, unacceptable, and impeachable.

I expected the President's lawyers to offer new eyewitness testimony from people with firsthand knowledge and offer new documents to defend the President, 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.

Witness testimony is the essence of a fair trial. It is what makes us a country committed to the rule of law.

If you are accused of wrongdoing in America, you have every right to call witnesses in your defense, but you also don't have the right to stop the prosecution from calling a hostile witness or subpoenaing documents.

No one in this country is above the law—no one—not even the President.

If someone is accused of a crime and they have witnesses who could clear them of any wrongdoing, they would want those witnesses to testify. In fact, not only would they welcome it, they would insist on it.

All we need to do is use our common sense. The fact that the President refuses to have his closest advisers testify tells me that he is afraid of what they will say.

The President's conduct is unacceptable for any official, let alone the leader of our country.

Our Nation's Founders feared unchecked and unlimited power by the President. They rebelled against an abusive monarch with unlimited power and instead created a republic that distributed power across different branches of government.

They were careful students of history; they knew unchecked power would destroy a democratic republic.

They were especially fearful of an unchecked Executive and specifically granted Congress the power of impeachment to check a President who thought of themselves as above the law.

Two years ago, I had the privilege of participating in an annual bipartisan Senate tradition reading President George Washington's farewell address on the Senate floor.

In that address, President Washington warned that unchecked power, the rise of partisan factions, and foreign influence, if left unchecked, would undermine our young Nation and allow for the rise of a demagogue.

He warned that we could become so divided and so entrenched in the beliefs of our particular partisan group that ''cunning, ambitious and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government.''

I am struck by the contrast of where we are today and where our Founders were more than 200 years ago.

George Washington was the ultimate rock star of his time. He was beloved, and when he announced he would leave the Presidency and return to Mount Vernon, people begged him to stay.

There was a call to make him a King, and he said no. He reminded folks that he had just fought against a monarch so that the American people could enjoy the liberties of a free people.

George Washington, a man of integrity and an 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, Republicans in the Senate are offering him unbridled power without accountability, and he will gleefully seize that power.

And when he does, our Republic will face an existential threat.

A vote against the Articles of Impeachment will set a dangerous precedent and will be used by future Presidents to act with impunity.

Given what we know, that the President abused the power of his 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 this 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.

Mr. COTTON. Mr. President, I will soon join a majority of the Senate in voting down the Articles of Impeachment brought against the President by his partisan opponents. The time has come to end a spectacle that has elevated the obsessions of Washington's political class over the concerns and interests of the American people.

This round of impeachment is just the latest Democratic scheme to bring down the President. I say ''this round'' because House Democrats have tried to impeach President Trump at least four times—first, for being mean to football players; then for his transgender military policy; next for his immigration policy. And those are just the impeachment attempts. Along the way, Democrats also proclaimed that Robert Mueller would drive the President from office. Some even speculated that the Vice President and the Cabinet would invoke the 25th amendment to seize power from the President—a theory that sounds more like resistance fan fiction than reality.

What is behind this fanaticism? Simply put, the Democrats have never accepted that Donald Trump won the 2016 election, and they will never forgive him, either.

It is time for the Democrats to get some perspective. They are claiming that we ought to impeach and remove a President from office for the first time in our history for briefly pausing aid to Ukraine and rescheduling a meeting with the Ukrainian President, allegedly in return for a corruption inquiry. But the aid was released after a few weeks and the meeting occurred, yet the inquiry did not—even though, I would add, it remains justified by the Biden family's obvious, glaring conflict of interest in Ukraine.

Just how badly have the Democrats lost perspective? The House managers have argued that we ought to impeach and remove the President because his meeting with the Ukrainian President happened in New York, not Washington.

When most Americans think about why a President ought to be impeached and removed from office for the first time in our history, I suspect that pausing aid to Ukraine for a few weeks is pretty far down the list. That is not exactly ''treason, bribery, or other

high crimes and misdemeanors.'' And that is especially true when we are just months away from the election that will let Americans make their own choice. Indeed, Americans are already voting to select the President's Democratic challenger. Why not let the voters decide whether the President ought to be removed?

The Democrats' real answer is that they are afraid they will lose again in 2020, so they designed impeachment to hurt the President before the election. As one Democratic congressman said last year, ''I'm concerned that if we don't impeach this president, he will get reelected.'' Or, as minority leader CHUCK SCHUMER claimed earlier this month, impeachment is a ''win-win'' for Democrats; either it will lead to the President's defeat or it will hurt enough Republican Senators in tough races to hand Democrats the majority. Or maybe both.

The political purpose of impeachment was clear from the manner in which House Democrats conducted their proceedings. If impeachment was indeed the high-minded, somber affair that Speaker NANCY PELOSI claimed, House Democrats would have taken their time to get all the facts from all relevant witnesses. Instead, they barreled ahead with a slipshod and secretive process, denying the President's due-process rights, gathering testimony behind closed doors, leaking their findings selectively to the press, and ignoring constitutional concerns such as executive privilege.

The impeachment vote itself contradicted the pretensions of House Democrats. Speaker PELOSI said last year that she wouldn't support impeachment unless there was something ''so compelling and overwhelming and bipartisan'' that it demanded a response. Likewise, Congressman JERRY NADLER said that the House had to ''persuade enough of the opposition party voters'' before it voted to impeach. Democrats failed on both counts. Indeed, the only bipartisan aspect of the whole proceeding is that both Republicans and Democrats voted against impeaching the president. Not a single Republican voted for either article of impeachment in the House, resulting in the first party-line impeachment of a President in our Nation's history.

So instead of doing their work, House Democrats simply impeached the President and declared their job complete. Yet after piously declaring the urgency of this impeachment, they waited a month to send the articles over to the Senate. Maybe they had to wait for the gold-encrusted souvenir pens to arrive for Speaker PELOSI's ''signing ceremony.''

And once in the Senate, the political theater continued. The House Democrats repeatedly asserted a bizarre logical fallacy: their case was both ''overwhelming'' and in need of more evidence. Yet we heard from 17 witnesses—all hand-selected by the House Democrats—and received more than 28,000 pages of documents. The House could have pursued more witnesses during its impeachment, yet it instead chose to rush ahead rather than subpoena those witnesses or litigate issues in Federal court. In fact, when one of the House's potential witnesses asked a Federal court to rule on the issue, the House withdrew its subpoena and asked to dismiss the case. The House Democrats complain that the courts would have taken too long. Yet they expected the Senate to delay our work to finish theirs. And in a final, remarkable stunt, Congressman ADAM SCHIFF suggested that we depose witnesses—only his, of course, not the President's—with Chief Justice Roberts ruling on all questions of evidence and privilege, dragging him into this political spectacle.

But the curtain will soon come down on this political theater. The Senate will perform the role intended for us by the Founders, of providing the ''cool and deliberate sense of the community,'' as it says in Federalist 63, over and against an inflamed and transient House majority. Were we to do otherwise, were the Senate to acquiesce to the House, this process might have dragged on for many weeks, even for months, shutting down the normal legislative business of Congress even longer than it already has.

Even worse, by legitimizing the House's flawed, partisan impeachment, we would be setting a grave precedent for the future. Just consider how many times we heard about the impeachment trial of President Andrew Johnson during this trial. The Founders didn't intend impeachment as a tool to check the Executive over policy disagreements or out of political spite. And the House has never before used impeachment in this way, not when the Democrats claimed that President George W. Bush misled the country into the Iraq war or when President Barack Obama broke the law by releasing terrorists from Guantanamo Bay in return for the release of an American deserter, Bowe Bergdahl. Indeed, the Republican House did not impeach President Obama for, yes, withholding aid from Ukraine for 3 full years.

No House in the future should lead the country down this path again. By refusing to do this House's dirty work, the Senate is stopping this dangerous precedent and preserving the Founders' understanding that Congress ought to restrain the executive through the many checks and balances still at our disposal. More fundamentally, we are preserving the most important check of all—an election. It is time to teach that lesson to this House and to all future Houses, of both parties.

NANCY PELOSI and ADAM SCHIFF have failed, but the American people lost. Now it is time to get back to doing the people's business.

Mr. SULLIVAN. Mr. President, I rise today to speak about the impeachment of Donald J. Trump.

The Democratic House managers, who are prosecuting the case against the President, emphasized that history is watching. That is true. Every action taken by the House and the Senate during this impeachment sets a precedent for our country and our institutions of government, whether good or bad.

For that reason, it is our job as Senators to look at the entire record of this proceeding—from what happened in the House to final arguments made here in the Senate. It is also our duty to look at the whole picture, the flawed process in the House, the purely partisan nature of the articles of impeachment, the President's actions that led to his impeachment, and the impact of all of this on our constitutional norms.

Most importantly, we must weigh the impact on our Nation and on the legitimacy of our institutions of government, if the Senate were to agree with the House managers' demands to overturn the 2016 election and remove the President from the 2020 ballot. This has never happened in our country's 243-year history.

It is also our job as Senators during an impeachment trial to be guided by ''a deep responsibility to future times.'' This is a quote from U.S. Supreme Court Justice Joseph Story, two centuries ago, but it couldn't be more relevant today. With this grave constitutional responsibility in mind, and considering the important factors listed above, I will vote to acquit the President on both charges brought against him.

It may surprise some, but if you listened to all the witnesses in this trial and you examine the sweep of American history, one strong bipartisan point of consensus has emerged: Purely partisan impeachments are not in the country's best interest. In fact, they are a danger which the Framers of the Constitution clearly feared.

Alexander Hamilton's warning from Federalist No. 65 bears repeating: ''In many cases [impeachment] will connect itself with the pre-existing factions, and will inlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt . . . Yet it ought not to be forgotten that the demon of faction will, at certain seasons, extend his sceptre over all numerous bodies of men.''

The reason for this ''greatest danger'' is obvious: the weaponization of impeachment as a regular tool of partisan warfare will incapacitate our government, undermine the legitimacy of our institutions, and tear the country apart. Until this impeachment, our country's representatives largely understood this. During the Clinton impeachment—Democrats, including Minority Leader SCHUMER and House Managers LOFGREN and NADLER, argued that a purely partisan impeachment would be ''divisive,'' ''lack the legitimacy of a national consensus,'' and

''call into question the very legitimacy of our political institutions.''

Less than a year ago, Speaker PELOSI said: ''Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path because it divides the country.''

Yet here we are. Against the weight of bipartisan consensus and the wisdom of the Framers, the House still took this dramatic and consequential step, the first purely partisan impeachment in U.S. history. Only Democrats in the House voted to impeach the President, while a bipartisan group of House members opposed.

This was done through rushed House proceedings that lacked the most basic due process procedures afforded Presidents Clinton and Nixon during their impeachment investigations. A significant portion of the House proceedings last fall took place in secret, where the President was not afforded counsel, the ability to call his own witnesses, or cross-examine those of the House Democrats. Certain testimonies from these secret hearings were then selectively leaked to a pro-impeachment press. This happened in America. In my view, it sounds like something more worthy of the Soviet Union, not the world's greatest constitutional republic.

Yet here we are. A new precedent has been set in the House. When asked several times if these precedents and the partisan nature of this impeachment should concern us, the House managers dodged the questions, and my Senate colleagues, who in 1999 were so strongly and correctly and vocally against the dangers of purely partisan impeachments, have all gone silent.

Perhaps it is too late. Perhaps the genie is now out of the bottle. Perhaps the danger that Hamilton so astutely predicted 232 years ago is upon us for good. I hope not. No one thinks that partisan impeachments every few years would be good for our great Nation.

The Senate does not have to validate this House precedent, and a Senate focused on ''deep responsibility to future times'' shouldn't do so.

In addition to unleashing the danger of purely partisan impeachments, the House's impeachment action and their arguments before the Senate, if ratified, have the potential to undermine other critical constitutional norms, such as the separation of powers and the independence of our judiciary.

These traditions exist to implement the will of the people we represent and to protect their liberty. And yet so much of what has already been done in the House and what has now been argued in the Senate has little or no precedent in U.S. history, thereby threatening many of the constitutional safeguards that have served our country so well for over two centuries.

Take, for example, the debate we recently had on whether to have the Senate seek additional evidence for this impeachment trial. The House Managers claim that, by not doing so, we are undermining a ''fair trial'' in the Senate. The irony of such a claim should not be lost on the American people.

Throughout this trial, and in their briefs, the House managers have claimed dozens of times that they have ''overwhelming evidence'' on the current record to impeach the President, thereby undermining their own rationale for more evidence.

And in terms of fairness, it is well documented that the Democratic leadership in the House just conducted the most rushed, partisan, and fundamentally unfair House impeachment proceedings in U.S. history.

A Senate vote to pursue additional evidence and witnesses would have turned the article I constitutional impeachment responsibilities of the House and Senate on their heads. It would have required the Senate to do the House's impeachment investigatory work, even when the House affirmatively declined to seek additional evidence last fall, such as subpoenaing Ambassador John Bolton, because of Speaker PELOSI's artificial deadline to impeach the President by Christmas.

A vote by the Senate to pursue additional evidence that the House consciously chose not to obtain would incentivize less thorough and more frequent partisan impeachments in the future, a danger that should concern us all.

Another example of the House's attempt to erode long-standing constitutional norms is found in its second Article of Impeachment, obstruction of Congress. This article claims that the President committed an impeachable offence by resisting House subpoenas for witnesses and documents, even though the House didn't attempt to negotiate, accommodate, or litigate the President's asserted defenses, such as executive privilege and immunity, to provide such evidence.

These defenses have been utilized by administrations, Democrat and Republican, for decades and go to the heart of the separation of powers within the article I and article II branches of the Federal Government and even implicate a defendant's right to vigorously defend oneself in court. Indeed, the Supreme Court acknowledged in United States v. Nixon that the President has the right to assert executive privilege.

Nevertheless, the House managers argued that the mere assertion of these constitutional rights is an impeachable offense, in essence claiming the unilateral power to define the limits and scope of executive privilege, while simultaneously usurping that power from the courts, where it has existed for centuries.

Indeed, the House managers even argued that merely asserting these defenses is evidence of guilt itself. This is a dangerous argument that demonstrates a lack of understanding of basic constitutional norms. As U.S. Supreme Court Justice Brandeis stated in his famous dissent in Myers v. United States, ''The doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.'' If allowed to stand by the Senate, the implications of these House precedents for our Nation and the individual liberties of the people we represent are difficult to discern, but would be profound and likely very negative.

Similarly concerning were the attempts, both subtle and not so subtle, to inject Chief Justice Roberts of the U.S. Supreme Court into this trial. The smooth siren song of House Manager SCHIFF, casually inviting the Senate and Chief Justice into a constitutional labyrinth for which there may have been no exit, was a recurring theme of this trial.

''We have a perfectly good judge here,'' SCHIFF said over and over again, ''whom you all trust and have confidence in.'' Let him quickly decide all the weighty legal and constitutional issues before the Senate, the relevance of witnesses, claims of immunity and executive privilege, what House Manager NADLER described on day 1 of the trial as ''executive privilege, and other nonsense.''

Moreover, the Chief Justice could do this all within a week, SCHIFF told us. It all seemed so simple, rational, and efficient. But our Constitution doesn't work this way. The Chief Justice, in an impeachment of the President, sits as the Presiding Officer over the Senate, not as an article III judge. And while the Senate can delegate certain trial powers to him, it cannot delegate matters, such as a President's claims of executive privilege, over which the Senate itself does not have constitutional authority.

The quick and efficient fix SCHIFF was tempting the Senate with might have ended up as a form of constitutional demolition. And as the trial proceeded, it became apparent that it was more than just claims of efficiency behind the invitation to draw the Chief Justice fully into the trial.

There was something else afoot, a subtle and not so subtle attempt by some to attack the credibility and independence of the Chief Justice and the Court he leads. The junior Senator from Massachusetts' question for the House managers, which drew an audible gasp from those watching in the Senate after the Chief Justice read it, made this clear, when she asked about ''the loss of legitimacy of the Chief Justice, the Supreme Court, and the Constitution,'' so too did Minority Leader SCHUMER's parliamentary inquiry about the precedent from the impeachment of President Johnson 150 years ago, on the role of the Chief Justice in breaking ties on 50–50 votes in

the Senate during Presidential impeachments. Chief Justice Roberts' cogent, historically accurate, and constitutionally, based answer to this inquiry will set an important precedent on this impeachment issue for generations to come.

Perhaps it is all a coincidence, but as these attempts to diminish the Chief Justice's credibility by more fully dragging him into this impeachment trial were ongoing, much more harsh political ads directly attacking him in this regard were being launched across the country. Members of the Senate noticed, and we were not impressed.

The independence of the Federal judiciary as established in our Constitution is a gift to our Nation that has taken centuries to develop. The overreach of the House managers and certain Democratic Senators seeking to undermine this essential constitutional norm was a disappointing and even dangerous aspect of this impeachment trial.

When historians someday write about this divisive period of American history, they would do well to focus on these subtle and not so subtle attacks on the Chief Justice's credibility—and by extension the credibility of the Supreme Court—for it was clearly one of the important reasons why the Senate voted last week, 51 to 49, to no longer prolong the trial phase of this impeachment.

The impeachment articles do not charge the President with a crime. Although there was much debate in the trial on whether this is required, it is undisputed that in all previous presidential impeachments—Johnson, Nixon, and Clinton—the President was charged with having violated a criminal statute. And there was little dispute that these charges were accurate. Lowering the bar to non-criminal offenses has set a new precedent. However, whether a crime is required is still debatable. Instead, the House impeachment charged the President with an abuse of power based on speculative interpretation of his intent.

So what about the President's actions that were the primary focus of this impeachment trial and the basis of the House's first Article of Impeachment claim that he abused his power? The House managers argued that the President abused his power by taking actions that on their face appeared valid—withholding aid to a foreign country and investigating corruption—but were motivated by ''corrupt intent.''

One significant problem with this argument is that it is vague and hinges on deciphering the President's intent and motives, a difficult feat because it is subjective and could be—and was indeed in this case—defined by a partisan House. Further, the House managers argue essentially that there could be no legitimate national interest in pursuing investigations into interference of the U.S. 2016 elections by Ukraine and corruption involving Burisma.

I believe all Presidents have the right to investigate interference in U.S. elections and credible claims of corruption and conflicts of interest, particularly in countries where America sends significant amounts of foreign aid, like Ukraine, and where corruption is endemic, like Ukraine.

Were the President's actions perfect? No. For example, despite having the authority to investigate corruption in Ukraine and with Burisma, I believe he should have requested such an investigation through more official and robust channels, such as pursuing cooperation through the U.S. Mutual Legal Assistance Treaty with Ukraine, with the Department of Justice in the lead. I also believe that the role of Mr. Giuliani has caused confusion and may have undermined the Trump administration's broader foreign policy goals with regard to Ukraine.

But none of this even remotely rises to the level of an offense that merits removing the President from office. It is difficult to imagine a situation requiring a higher burden of proof. The radical and dangerous step that the House Democrats are proposing seems to have been lost in all of the noise.

What they are asking the Senate to do is not just overturn the results of the 2016 election—nullifying the votes of millions of Americans—but to remove the President from the 2020 ballot, even as primary voting has begun across the country.

Such a step, if ever realized, would do infinitely more damage to the legitimacy of our constitutional republic and political system than any mistake or error of judgment President Trump may have made.

An impeachment trial is supposed to be the last resort to protect the American people against the highest crimes that undermine and threaten the foundations of our Republic, not to get rid of a President because a faction of one political party disagrees with the way he governs. That is what elections are for.

I trust the Alaskan and American people, not House Democrats, with the monumental decision of choosing who should lead our Nation.

And soon, they will decide, again, who should lead our Nation. In churches, libraries, and school cafeterias, the people all across the country will vote for who they want to represent them.

And I am convinced that the American people will make their choices wisely.

Let me conclude by saying a few words about where we should go from here.

Right before this impeachment trial began, I was at an event in Wasilla, AK, where many of Alaska's military veterans attended. A proud veteran approached me with a simple but fervent request. ''Senator SULLIVAN,'' he said, ''Protect our Constitution.''

So many of us, including me, have heard similar pleas over the past few months from the people we represent, but there was something about the way he said it, something in his eyes that truly got my attention. I realized that something was fear. That man, a brave Alaskan who had served in the military to protect our constitutional freedoms, was afraid that the country he knows and he loves was at risk. And I have to admit that I have had similar fears these past weeks.

But I look around me, on this floor, and I continue to see hope for our Nation.

I see my colleagues on the other side of the aisle—my friends—who are willing to work with me on so many issues to find solutions sorely needed for the country.

And back home, I see my fellow Alaskans, some of them fearful, but also so hungry to do their part to help heal the divides.

We should end this chapter, and we should take our cues from them, the people whose spirit and character guides this great Nation. They want us to protect our Constitution. They need us to work together to do that and address America's challenges.

It's time to get back to the work Alaskans want the Congress to focus on: growing our economy, improving our infrastructure, rebuilding our military, cleaning up our oceans, lowering healthcare costs and drug prices, opening markets for our fishermen, and taking care of our most vulnerable in society like survivors of sexual assault and domestic violence and those struggling with addiction.

That is what I am committed to do.

Ms. CORTEZ MASTO. Mr. President, the decision I make today is not an easy one, nor should it be.

I have approached this serious task with an open and impartial mind, as my trial oath required. I have studied the facts and the evidence of the case before me.

I have been an attorney for over two decades, and I was the attorney general of Nevada for 8 years. And I keep coming back to what I learned in the courtroom. The law is a technical field, but it is also based on common sense.

You don't have to study the law for years to know that stealing and cheating are wrong. It is one of the first things we learn in our formative years.

And you don't have to be a law school professor to realize that a President should not be using the job the American people gave him to benefit himself personally.

Abraham Lincoln reminded us that our Nation was founded on the essential idea of government ''of the people, by the people, for the people.''

As I sat on the Senate floor thinking about President Lincoln and listening to the arguments in President Trump's impeachment trial, I thought of the awesome responsibility our Founding Fathers entrusted to each Senator.

I also thought about all of the Nevadans I represent—those who voted for President Trump and those who did not. For those who did, I put myself in

their shoes and considered how I would respond if the President were from my political party.

The removal of a sitting President through impeachment is an extraordinary remedy. It rarely occurs, and no Senator should rush into it.

Yet impeachment is a key part of our constitutional order. When our Founding Fathers designed the Office of the Presidency, the Framers of the Constitution had just gotten rid of a King, and they didn't want another one.

They were afraid that the President might use his extensive powers for his own benefit.

To prevent this, the Framers provided for impeachment by the House and trial by the Senate for ''treason, bribery, or other high crimes and misdemeanors.''

They didn't have to do things this way. They could have left it up to the courts to hold the trial of a President accused of wrongdoing.

But they wanted to make sure each branch of government could be a check on the other, which would bring balance to our system of government.

And the Framers were specifically concerned with the idea of an all-powerful Executive who might abuse his power and invite foreign interference in our elections.

This concern is reflected in the Articles of Impeachment laid out by the House managers.

Putting aside the biases I heard coming from both political parties, I focused on getting to the truth of the case—like any trial attorney.

The truth in any case that I have been involved with starts with the facts.

For 2 weeks I listened to the arguments presented by both sides, took notes, posed questions, and identified the facts that were supported and substantiated and those that were not.

With a heavy heart and great sadness, I became convinced by the evidence that President Trump intentionally withheld security assistance and a coveted White House meeting to pressure Ukraine into helping him politically, even though Ukraine was defending itself from Russia.

This wasn't an action ''of the people, by the people, for the people.''

President Trump used the immense power of the U.S. Government not for the people but, rather, for himself.

We know these facts from President Trump's own words in a phone call to Ukrainian President Zelensky in July and in statements to the press in October.

We also know it through the testimony of 17 American officials—many of them appointed by the President himself.

Those officials indicated that over the spring and summer of 2019, through both his personal lawyer, Rudy Giuliani, and through American diplomats, President Trump asked Ukraine to publicly announce investigations that would influence the 2020 elections in his favor.

We also know through testimony provided during the House investigation that President Trump tried to pressure Ukraine to announce those investigations, first by conditioning a visit by President Zelensky to the White House on them and later by denying $391 million in security assistance to Ukraine.

Some of my colleagues don't dispute these facts.

President Trump's actions interfere with the fundamental tenets of our Constitution. Citizens do not get to govern themselves if the officials who get elected seek their own benefit to the detriment of the public good.

The Framers knew this. They were very aware that officials could leverage their office to benefit themselves.

In Federalist No. 65, Alexander Hamilton explained why we had the impeachment power in the first place: it was to respond to ''those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust.''

With the undisputed facts condemning the president, I listened to the President's counsel argue that the Articles of Impeachment were defective because abuse of power and obstruction of Congress are not crimes.

However, many constitutional scholars soundly refuted this argument, and precedent supports them. The Impeachment Articles in President Nixon's case included abuse of power and obstruction of Congress.

During this impeachment investigation, the President blocked all members of his administration from testifying in response to congressional committee requests and withheld all documents.

This action is absolutely unprecedented in American history. Even Presidents Nixon and Clinton allowed staff to testify to Congress during impeachment investigations and provided some documents.

The executive branch has no blanket claim to secrecy. It works for the American people, as do Members of Congress.

In the Senate, the President's counsel argued that the House investigators should have fought this wholesale obstruction in court. Yet at the same time, in a court down the street, other administration lawyers contended that the courts should stay out of disputes between Congress and the President.

The President's counsel also argued that the American people should decide in the next election whether to remove President Trump for his actions. But if this were the standard, then the impeachment clause could only ever be utilized in the second term of a Presidency, when no upcoming election would preserve the country.

Most importantly, isn't the impeachment clause pointless if a president can abuse his power in office and then completely refuse to comply with a House impeachment investigation and a Senate trial in order to delay until the next election?

The Framers themselves actually argued about whether Americans could rely on elections to get rid of bad presidents. They decided that if they didn't put the impeachment power into the Constitution, a corrupt President would be willing to do anything to get himself reelected.

James Madison said that without impeachment, a corrupt President ''might be fatal to the Republic.''

And through my oath of office as a Senator, I swore to protect not just Nevadans but also our great Republic.

Our country, unfortunately, has never been more divided along party lines. It played out in the House impeachment investigation and in the Senate trial. The Senate rules for the trial were not written by all of the Senators with bipartisan input. Instead, they were written behind closed doors by one man in coordination with the President. In so doing, the Senate has abdicated its powerful check on the executive branch.

Without this important check, I am concerned about what the President will do next to put our Republic in jeopardy.

We have seen that President Trump is willing to violate our Constitution in order to get himself reelected. He has disrespected norms and worked to divide our country for his own political gain. He has undermined our standing in the world and put awesome pressure on foreign leaders to benefit himself, rather than to advance the interests of our country.

I have also learned from this trial that the President is willing to take any action, including cheating in the next election, to serve his personal interest.

No act in our country is more sacred and solemn for democracy than voting, and nothing in our system of government is more vital to the continued health of our democracy than its elections. No American should stand for foreign election interference, much less invite it.

American elections are for Americans.

That is why I cannot condone this President's actions by acquitting him.

Finding the President guilty of abuse of power and obstruction of Congress marks a sad day for our country and not something I do with a light heart.

But I was sent to Congress not just to fight for all Nevadans but also to fight for our children and their future. To leave them with a country that still believes in right and wrong, that exposes corruption in government and holds it accountable, that stands up to tyranny at home and abroad.

In my view, President Trump has fallen far, far short of those lofty ideals and of the demands of our Constitution.

That requires the rest of us, regardless of party, creed, or ethnicity, to work together all the more urgently to defend our democracy, our elections, and our national security.

I have faith in Americans because I have seen time and time again in Nevada our ability to come together and work with one another for our common good.

America is more than just one person, and like President Lincoln's, my faith will always lie with the people.

Ms. ROSEN. Mr. President, I didn't come to the Senate expecting to sit as a juror in an impeachment trial. I have participated in this trial with an open mind, determined to evaluate the President's actions outside of any partisan lens, and with a focus on my constitutional obligations. I listened to the arguments, took detailed notes, asked questions, and heard both sides answer questions from my colleagues. After thorough consideration, based on the evidence presented, sadly, I find I have no choice but to vote to remove the President from office.

The first Article of Impeachment charges the President with abuse of power, specifically alleging that the President used the powers of his public office to obtain an improper political benefit. I can now conclude the evidence shows that this is exactly what the President did when he withheld critically important security assistance from Ukraine in order to persuade the Ukrainian Government to investigate his political rival. I understand that foreign policy involves negotiations, leveraging advantages, and using all the powers at our disposal to advance U.S. national security goals. But this was different. The President sent his personal attorney, whose obligation is to protect the personal interests of the President, not the United States, to meet and negotiate with foreign government officials from Ukraine to get damaging information about the President's rivals, culminating in the July 25 phone call between the U.S. and Ukrainian Presidents, during which the President made clear his intent to withhold aid until a political favor was completed. In doing so, the President put U.S. national security and a key alliance against Russian aggression at risk, all so he could benefit politically from the potential fallout from an investigation into a possible opponent.

While I would like to hear more from witnesses and see the documents the administration is withholding, the evidence presented is compelling and not in doubt. The President withheld military aid in order to coerce an ally to help him politically. This is no mere policy disagreement; this is about whether the President negotiates with foreign governments on behalf of the United States; or on his own behalf. No elected official, regardless of party, should use public office to advance his or her personal interests, particularly to the detriment of U.S. national security, and in the case of the President of the United States, such conduct is particularly dangerous. As elected officials, we have no more important responsibility than ensuring our national security, and that includes protecting the Nation from future threats. The President's conduct here sets a dangerous precedent that must not be repeated in the future and requires a firm response by the representatives of the people. After hearing evidence that the President heldup congressionally approved military assistance to an ally fighting Russia in order to exact concessions from Ukraine that benefited him personally, we cannot trust the President to place national security over his own interests. It is therefore with sadness that I conclude that the President must be removed from office under article I and I will vote to convict him of abuse of power.

With respect to the second Article of Impeachment charging obstruction of Congress, the President's behavior suggests that he believes he is above the law. Certainly, there may be documents and testimony that are subject to executive privilege or are confidential for some other reason. But here, the President directed every agency, office, and employee in the executive branch not to cooperate with the impeachment inquiry conducted by the U.S. House of Representatives. As a Member of Congress, I take my oversight role seriously. It is how we ensure transparency in government, so the people of Nevada can know how their tax dollars are spent and whether their elected officials are acting legally, ethically, and in their best interests. The President's refusal to negotiate in good faith with the House investigators over documents and testimony and instead to impede any investigation into his official conduct can only be characterized as blatant obstruction.

More importantly, it suggests that he will continue to operate outside the law, and if he believes he can ignore lawful subpoenas from Congress, it will be impossible to hold him accountable. For these reasons, I will vote to convict the President of obstruction of Congress, as delineated in article II.

Impeachment is a grave constitutional remedy, not a partisan exercise. To fulfill my constitutional role as a juror, I asked myself how I would view the evidence if it were any President accused of this conduct. Based on the facts and arguments presented, I conclude that no President of the United States, regardless of party, can trade congressionally approved and legally mandated military assistance for personal political favors. No one is above the law, not this President or the next President. Having exercised my constitutional duty, I will continue what I have been doing over the course of this trial and have done since I first came to Congress, to look past partisanship and develop commonsense, bipartisan solutions that help hard-working families in Nevada and across the country.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 4:00 p.m., recessed subject to the call of the Chair and reassembled at 4:04 p.m., when called to order by the Chief Justice.

TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial is approved to date.

The Deputy Sergeant at Arms, Jennifer Hemingway, will make the proclamation.

The Deputy Sergeant at Arms, Jennifer Hemingway, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Donald John Trump, President of the United States.

As a reminder to everyone in the Chamber, as well as those in the Galleries, demonstrations of approval or disapproval are prohibited.

The CHIEF JUSTICE. The majority leader is recognized.

Mr. MCCONNELL. Mr. Chief Justice, the Senate is now ready to vote on the Articles of Impeachment, and after that is done, we will adjourn the Court of Impeachment.

ARTICLE I

The CHIEF JUSTICE. The clerk will now read the first Article of Impeachment.

The senior assistant legislative clerk read as follows:

ARTICLE I: ABUSE OF POWER

The Constitution provides that the House of Representatives ''shall have the sole Power of Impeachment'' and that the President ''shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors''. In his conduct of the office of President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald J. Trump has abused the powers of the Presidency, in that:

Using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election. He did so through a scheme or course of conduct that included soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage. President Trump also sought to pressure the Government of Ukraine to take these steps by conditioning official United States Government

acts of significant value to Ukraine on its public announcement of the investigations. President Trump engaged in this scheme or course of conduct for corrupt purposes in pursuit of personal political benefit. In so doing, President Trump used the powers of the Presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States democratic process. He thus ignored and injured the interests of the Nation.

President Trump engaged in this scheme or course of conduct through the following means:

(1) President Trump—acting both directly and through his agents within and outside the United States Government—corruptly solicited the Government of Ukraine to publicly announce investigations into—

(A) a political opponent, former Vice President Joseph R. Biden, Jr.; and

(B) a discredited theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 United States Presidential election.

(2) With the same corrupt motives, President Trump—acting both directly and through his agents within and outside the United States Government—conditioned two official acts on the public announcements that he had requested—

(A) the release of $391 million of United States taxpayer funds that Congress had appropriated on a bipartisan basis for the purpose of providing vital military and security assistance to Ukraine to oppose Russian aggression and which President Trump had ordered suspended; and

(B) a head of state meeting at the White House, which the President of Ukraine sought to demonstrate continued United States support for the Government of Ukraine in the face of Russian aggression.

(3) Faced with the public revelation of his actions, President Trump ultimately released the military and security assistance to the Government of Ukraine, but has persisted in openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit.

These actions were consistent with President Trump's previous invitations of foreign interference in United States elections.

In all of this, President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.

Wherefore President Trump, by such conduct, has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

VOTE ON ARTICLE I

The CHIEF JUSTICE. Each Senator, when his or her name is called, will stand at his or her place and vote guilty or not guilty, as required by rule XXIII of the Senate Rules on Impeachment.

Article I, section 3, clause 6 of the Constitution regarding the vote required for conviction on impeachment provides that no person shall be convicted without the concurrence of two-thirds of the Members present.

The question is on the first Article of Impeachment. Senators, how say you? Is the respondent, Donald John Trump, guilty or not guilty?

A rollcall vote is required.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—guilty 48, not guilty 52, as follows:

[Rollcall Vote No. 33]

GUILTY—48

Baldwin	Hassan	Romney
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warren
Gillibrand	Peters	Whitehouse
Harris	Reed	Wyden

NOT GUILTY—52

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Loeffler	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Murkowski	
Ernst	Paul	

The CHIEF JUSTICE. On this Article of Impeachment, 48 Senators have pronounced Donald John Trump, President of the United States, guilty as charged; 52 Senators have pronounced him not guilty as charged.

Two-thirds of the Senators present not having pronounced him guilty, the Senate adjudges that the Respondent, Donald John Trump, President of the United States, is not guilty as charged on the first Article of Impeachment.

ARTICLE II

The clerk will read the second Article of Impeachment.

The legislative clerk read as follows:

ARTICLE II: OBSTRUCTION OF CONGRESS

The Constitution provides that the House of Representatives ''shall have the sole Power of Impeachment'' and that the President ''shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors''. In his conduct of the office of President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald J. Trump has directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives pursuant to its ''sole Power of Impeachment''. President Trump has abused the powers of the Presidency in a manner offensive to, and subversive of, the Constitution, in that:

The House of Representatives has engaged in an impeachment inquiry focused on President Trump's corrupt solicitation of the Government of Ukraine to interfere in the 2020 United States Presidential election. As part of this impeachment inquiry, the Committees undertaking the investigation served subpoenas seeking documents and testimony deemed vital to the inquiry from various Executive Branch agencies and offices, and current and former officials.

In response, without lawful cause or excuse, President Trump directed Executive Branch agencies, offices, and officials not to comply with those subpoenas. President Trump thus interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, and assumed to himself functions and judgments necessary to the exercise of the ''sole Power of Impeachment'' vested by the Constitution in the House of Representatives.

President Trump abused the powers of his high office through the following means:

(1) Directing the White House to defy a lawful subpoena by withholding the production of documents sought therein by the Committees.

(2) Directing other Executive Branch agencies and offices to defy lawful subpoenas and withhold the production of documents and records from the Committees—in response to which the Department of State, Office of Management and Budget, Department of Energy, and Department of Defense refused to produce a single document or record.

(3) Directing current and former Executive Branch officials not to cooperate with the Committees—in response to which nine Administration officials defied subpoenas for testimony, namely John Michael ''Mick'' Mulvaney, Robert B. Blair, John A. Eisenberg, Michael Ellis, Preston Wells Griffith, Russell T. Vought, Michael Duffey, Brian McCormack, and T. Ulrich Brechbuhl.

These actions were consistent with President Trump's previous efforts to undermine United States Government investigations into foreign interference in United States elections.

Through these actions, President Trump sought to arrogate to himself the right to determine the propriety, scope, and nature of an impeachment inquiry into his own conduct, as well as the unilateral prerogative to deny any and all information to the House of Representatives in the exercise of its ''sole Power of Impeachment''. In the history of the Republic, no President has ever ordered the complete defiance of an impeachment inquiry or sought to obstruct and impede so comprehensively the ability of the House of Representatives to investigate ''high Crimes and Misdemeanors''. This abuse of office served to cover up the President's own repeated misconduct and to seize and control the power of impeachment—and thus to nullify a vital constitutional safeguard vested solely in the House of Representatives.

In all of this, President Trump has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, President Trump, by such conduct, has demonstrated that he will remain a threat to the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. President Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

VOTE ON ARTICLE II

The CHIEF JUSTICE. The question is on the second Article of Impeachment.

Senators, how say you? Is the respondent, Donald John Trump, guilty or not guilty?

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—guilty 47, not guilty 53, as follows:

[Rollcall Vote No. 34]

GUILTY—47

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	

NOT GUILTY—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Johnson	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Loeffler	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

The CHIEF JUSTICE. On this Article of Impeachment, 47 Senators have pronounced Donald John Trump, President of the United States, guilty as charged; 53 Senators have pronounced him not guilty as charged; two-thirds of the Senators present not having pronounced him guilty, the Senate adjudges that respondent, Donald John Trump, President of the United States, is not guilty as charged in the second Article of Impeachment.

The Presiding Officer directs judgment to be entered in accordance with the judgment of the Senate as follows:

The Senate, having tried Donald John Trump, President of the United States, upon two articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained therein, it is, therefore, ordered and adjudged that the said Donald John Trump be, and he is hereby, acquitted of the charges in said articles.

The Chair recognizes the majority leader.

COMMUNICATION TO THE SECRETARY OF STATE AND TO THE HOUSE OF REPRESENTATIVES

Mr. MCCONNELL. Mr. Chief Justice, I send an order to the desk.

The CHIEF JUSTICE. The clerk will report the order.

The legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by Rule XXII of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, and also to the House of Representatives, the judgment of the Senate in the case of Donald John Trump, and transmit a certified copy of the judgment to each.

The CHIEF JUSTICE. Without objection, the order will be entered.

The majority leader is recognized.

EXPRESSION OF GRATITUDE TO THE CHIEF JUSTICE OF THE UNITED STATES

Mr. MCCONNELL. Mr. Chief Justice, before this process fully concludes, I want to very quickly acknowledge a few of the people who helped the Senate fulfill our duty these past weeks.

First and foremost, I know my colleagues join me in thanking Chief Justice Roberts for presiding over the Senate trial with a clear head, steady hand, and the forbearance that this rare occasion demands.

(Applause.)

We know full well that his presence as our Presiding Officer came in addition to, not instead of, his day job across the street, so the Senate thanks the Chief Justice and his staff who helped him perform this unique role.

Like his predecessor, Chief Justice Rehnquist, the Senate will be awarding Chief Justice Roberts the golden gavel to commemorate his time presiding over this body. We typically award this to new Senators after about 100 hours in the chair, but I think we can agree that the Chief Justice has put in his due and then some.

The page is delivering the gavel.

The CHIEF JUSTICE. Thank you very much.

Mr. MCCONNELL. Of course, there are countless Senate professionals whose efforts were essential, and I will have more thorough facts to offer next week to all of those teams, from the Secretary of the Senate's office, to the Parliamentarian, to the Sergeant at Arms team, and beyond.

But there are two more groups I would like to single out now. First, the two different classes of Senate pages who participated in this trial, their footwork and cool under pressure literally kept the floor running. Our current class came on board right in the middle of the third Presidential impeachment trial in American history and quickly found themselves hand-delivering 180 question cards from Senators' desks to the dais.

No pressure, right, guys?

So thank you all very much for your good work.

(Applause.)

Second, the fine men and women of the Capitol Police, we know that the safety of our democracy literally rests in their hands every single day, but the heightened measures surrounding the trial meant even more hours and even more work and even more vigilance.

Thank you all very much for your service to this body and to the country.

(Applause.)

The CHIEF JUSTICE. The Chair recognizes the Democratic leader.

Mr. SCHUMER. Mr. Chief Justice, I join the Republican leader in thanking the personnel who aided the Senate over the past several weeks. The Capitol Police do an outstanding job, day in and day out, to protect the Members of this Chamber, their staffs, the press, and everyone who works in and visits this Capitol.

They were asked to work extra shifts and in greater numbers provide additional security over the past 3 weeks. Thank you to every one of them.

I, too, would like to thank those wonderful pages. I so much enjoyed you with your serious faces walking down right here and giving the Chief Justice our questions. As the leader noted, the new class of pages started midway in this impeachment trial. When you take a new job, you are usually given a few days to take stock of things and get up to speed.

This class was given no such leeway, but they stepped right in and didn't miss a beat. Carrying hundreds of questions from U.S. Senators to the Chief Justice on national television is not how most of us spend our first week at work, but they did it with aplomb.

I would also like to extend my personal thank you to David Hauck, Director of the Office of Accessibility Services; Tyler Pumphrey, supervisor; and Grace Ridgeway, wonderful Director of Capitol Facilities.

Everyone on Grace's team worked so hard to make sure we were ready for impeachment: Gary Richardson, known affectionately to us as ''Tiny,'' the chief Chamber attendant; Jim Hoover and the cabinet shop who built new cabinets to deprive us of the use of our electronics and flip phones during the trial; Brenda Byrd and her team who did a spectacular job of keeping the Capitol clean; and Lynden Webb and his team, who moved the furniture, and then moved it again and again and again.

Grace, we appreciate all your hard work. Please convey our sincerest thanks to your staff. Thank you all, the whole staff, for your diligent work through many long days and late nights during this very trying time in our Nation's history.

STATEMENT OF THE CHIEF JUSTICE OF THE UNITED STATES ON THE SENATE FLOOR

The CHIEF JUSTICE. At this time, the Chair also wishes to make a very brief statement.

I would like to begin by thanking the majority leader and the Democratic leader for their support as I attempted to carry out ill-defined responsibilities in an unfamiliar setting. They ensured that I had wise counsel of the Senate itself through its Secretary and her legislative staff.

I am especially grateful to the Parliamentarian and her deputy for their unfailing patience and keen insight. I am likewise grateful to the Sergeant at Arms and his staff for the assistance and many courtesies that they extended during my period of required residency. Thank you all for making my presence here as comfortable as possible.

As I depart the Chamber, I do so with an invitation to visit the Court. By

long tradition and in memory of the 135 years we sat in this building, we keep the front row of the gallery in our courtroom open for Members of Congress who might want to drop by to see an argument—or to escape one.

I also depart with sincere good wishes as we carry out our common commitment to the Constitution through the distinct roles assigned to us by that charter. You have been generous hosts, and I look forward to seeing you again under happier circumstances.

The Chair recognizes the majority leader.

ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT

Mr. MCCONNELL. Mr. Chief Justice, I move that the Senate, sitting as a Court of Impeachment on the Articles against Donald John Trump adjourn sine die.

The motion was agreed to, and at 4:41 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

LEGISLATIVE SESSION

ESCORTING OF THE CHIEF JUSTICE

Whereupon, the Committee of Escort: Mr. BLUNT of Missouri, Mr. LEAHY of Vermont, Mr. GRAHAM of South Carolina, and Mrs. FEINSTEIN of California, escorted the Chief Justice from the Chamber.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Sergeant at Arms escorted the House managers from the Chamber.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 562.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 563.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Joshua M. Kindred, of Alaska, to be United States District Judge for the District of Alaska.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joshua M. Kindred, of Alaska, to be United States District Judge for the District of Alaska.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 565.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 461.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent to move to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session for the consideration of Calendar No. 535.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Philip M. Halpern, of New York, to be United States District Judge for the Southern District of New York.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Philip M. Halpern, of New York, to be United States District Judge for the Southern District of New York.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls for these cloture motions be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO DONNA PASQUALINO

Mr. GRASSLEY. Mr. President I would like to recognize a remarkable Senate career that has drawn to a close after nearly 30 years. Donna Pasqualino began her career with the Office of the Legislative Counsel in May of 1990. Donna came to the office having spent several years at the Naval Research Lab. Hired to serve as a staff assistant in the office Donna quickly mastered the job and became a valuable asset to the office attorneys as they worked to produce draft legislation for the Senate. In 2001, Donna was promoted to office manager. She flourished in that position, carrying out her duties with the highest degree of professionalism keeping the office running smoothly and efficiently for the last 20 years.

Donna is a people person. While working for the office, she was frequently seen in the halls of the Senate office buildings, hustling to the Disbursing Office to drop off vouchers and other important papers for the office, just doing her daily walk during her lunch break to get in some exercise. Whether she was on official office business or just getting in some exercise, Donna always had a smile on her face or a kind word for the many Senators and Senate staffers that she met along the way.

Donna is now moving on to a well-earned retirement. She has relocated to the Eastern Shore of Maryland with her husband Frank and plans to learn to read music, to speak Italian, and spend more time with her four grandchildren. She departs with the immeasurable thanks and gratitude of the staff of the Office of Legislative Counsel and the Senate and with our best wishes for her and for her family.

VOTE EXPLANATION

Mr. BOOKER. Mr. President, throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 2/7/19 for vote No. 18, motion to table amendments to the Natural Resources Management Act, S. 47, PL 116–9.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 2/7/19 for vote No. 19, motion to table amendment to the Natural Resources Management Act, S. 47, PL 116–9.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 4/11/19 for vote No. 77, the confirmation of David Bernhardt to be Secretary of the Interior.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 9/24/19 for vote No. 300, the confirmation of Daniel Habib Jorjani to be Solicitor of the Department of the Interior.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not

present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 9/26/19 for vote No. 310, amendment to continuing appropriations, 2020/health extenders, H.R. 4378, PL 116–59.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 9/26/19 for vote No. 311, passage of continuing appropriations, 2020/health extenders, H.R. 4378, PL 116–59.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 10/17/19 for vote No. 324, passage of the powerplant rule disapproval, S.J. Res. 53.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 10/31/19 for vote No. 339, amendment to further continuing appropriations, 2020, H.R. 3055.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 10/31/19 for vote No. 340, amendment to further continuing appropriations, 2020, H.R. 3055.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: yes on 10/31/19 for vote No. 341, passage of further continuing appropriations, 2020, H.R. 3055.

Throughout my time in Congress, I have worked to address our Nation's most pressing environmental issues and have supported aggressive action to protect our environment, address climate change, and reduce air and water pollution. Although I was not present for the votes on the following nominees and legislation on the floor, I did vote no on the nomination of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service during her Senate Environment and Public Works Committee markup. In addition, if I had been present for the floor vote on her nomination and the additional votes outlined below, I would have voted in the following way: no on 12/11/19 for vote No. 395, confirmation of Aurelia Skipwith to be Director of the U.S. Fish and Wildlife Service.

ADDITIONAL STATEMENTS

REMEMBERING DENMAN WOLFE

● Mr. COTTON. Mr. President, Denman Wolfe of Scottsville, AR, was called home to be with the Lord last Thursday at age 98. He was Arkansas's last surviving Army Ranger who served in the Second World War.

Denman's whole life was a portrait of honor, but he will be remembered especially for his heroic actions at age 23, when he took part in the invasion of Normandy—one of many thousands of American troops who stormed the beaches that morning to free Europe from Nazi tyranny.

Private Wolfe was part of the elite 5th Ranger Battalion charged with silencing the guns atop Pointe du Hoc, a dagger-like cliff well-guarded by German defenders. His force landed at Omaha Beach amid intense artillery fire, sustaining casualties amid the fighting on the beachhead. He was still on the beach with his fellow Rangers when MG Norman Cota shouted the order that has now become part of Ranger lore: ''Rangers, lead the way!''

Denman Wolfe obeyed this order with distinction over the course of his military service. In addition to fighting on D-day, Wolfe led the way during the Allied invasions of North Africa and Sicily during World War II and later in Asia during the Korean war. In total, he served in the Army for more than 20 years, remaining on Active Duty until 1964 and attaining the rank of sergeant first class. For this valorous service, Wolfe was awarded the Bronze Star, Purple Heart, and many other combat decorations.

Denman's service to his country didn't end once he left the military, however. Once marked, a Ranger serves for life. After settling in Arkansas after the war, Denman was called to work for his adopted State as a correctional officer, deputy sheriff, and election judge.

But his heart was always with the land, where he worked for many years as a rancher. Denman's many friends and relatives remember him as an avid outdoorsman who spent his free time fishing, hunting, gardening, foraging—even winemaking.

Denman took special joy in sharing these hobbies with his family, including his wife, Kay, his two daughters, Lesa and Lori, and his many grandchildren and great-grandchildren.

Denman Wolfe was among the greatest of a great generation. It is fitting we honor him for his bravery at age 23 as a young private but also for a lifetime of service to his country and community. We honor him for his sake but also to hold up his life as an example worthy of emulation. It is worth noting that Denman has already inspired others to follow his lead: his daughter, Lesa, served in the U.S. Army just like he did. Let's hope that many others are inspired to serve by his example.

In every aspect of life, Rangers lead the way. Denman Wolfe took this motto to heart during his long life. Now he is leading the way again, going ahead of us to our eternal home. May he rest in peace.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3922. A communication from the Acting Director, Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, a report entitled ''OMB Final Sequestration Report to the President and Congress for Fiscal Year 2020''; to the Special Committee on Aging; Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; the Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Select Committee on Ethics; Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; Indian Affairs; Select Committee on Intelligence; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans' Affairs.

EC–3923. A communication from the Assistant Secretary, Office of Electricity, Department of Energy, transmitting, pursuant to law, a report entitled, ''Potential Benefits of High-Power, High-Capacity Batteries''; to the Committee on Appropriations.

EC–3924. A communication from the Assistant Secretary of the Navy (Research, Development, and Acquisition), transmitting, pursuant to law, a report entitled ''Report to Congress on Repair of Naval Vessels in Foreign Shipyards''; to the Committee on Armed Services.

EC–3925. A communication from the Acting Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Conforming the Acceptable Separation Distance (ASD) Standards for Residential Propane Tanks to Industry Standards'' (RIN2506–AC45) received in the Office of the President of the Senate on February 4, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC–3926. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Office of Legislation and Congressional Affairs, Department of Education, received in the Office of the President of the Senate on February 4, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC–3927. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems: Definition of Johnson County, Indiana, to a Nonappropriated Fund Federal Wage System Wage area'' (RIN3206–AN93) received in the Office of the President of the Senate on February 4, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–3928. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, received in the Office of the President of the Senate on February 4, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–3929. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems: Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas'' (RIN3206–AN87) received in the Office of the President of the Senate on February 4, 2020; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORAN, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 450. A bill to require the Secretary of Veterans Affairs to carry out a pilot program to expedite the onboarding process for new medical providers of the Department of Veterans Affairs, to reduce the duration of the hiring process for such medical providers, and for other purposes.

By Mr. MORAN, from the Committee on Veterans' Affairs, with an amendment:

S. 850. A bill to extend the authorization of appropriations to the Department of Veterans Affairs for purposes of awarding grants to veterans service organizations for the transportation of highly rural veterans.

By Mr. MORAN, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 2864. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on information sharing between the Department of Veterans Affairs and designated relatives and friends of veterans regarding the assistance and benefits available to the veterans, and for other purposes.

By Mr. MORAN, from the Committee on Veterans' Affairs, with an amendment and an amendment to the title:

S. 3182. A bill to direct the Secretary of Veterans Affairs to carry out the Women's Health Transition Training pilot program through at least fiscal year 2020, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. WARREN (for herself, Mr. MARKEY, Mr. MENENDEZ, and Mr. BOOKER):

S. 3254. A bill to end the epidemic of gun violence and build safer communities by strengthening Federal firearms laws and supporting gun violence research, intervention, and prevention initiatives; to the Committee on Finance.

By Ms. WARREN (for herself, Mr. BROWN, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. MERKLEY, Mr. MARKEY, Ms. HASSAN, Mr. SANDERS, Ms. HIRONO, Mr. PETERS, Ms. STABENOW, Ms. HARRIS, Mr. BOOKER, Mr. BLUMENTHAL, Mr. CARDIN, Ms. SMITH, and Ms. KLOBUCHAR):

S. 3255. A bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BROWN, Mr. DURBIN, Ms. HARRIS, Mr. CARDIN, Mr. REED, Mr. BOOKER, Mrs. FEINSTEIN, Mr. MARKEY, Mr. SANDERS, Mr. WHITEHOUSE, Mr. MURPHY, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. LEAHY, Mr. SCHUMER, Ms. HIRONO, Mr. MERKLEY, Mr. WYDEN, and Mrs. MURRAY):

S. 3256. A bill to permit employees to require changes to their work schedules without fear of retaliation and to ensure that employers consider these requests, and to require employers to provide more predictable and stable schedules for employees in certain occupations with evidence of unpredictable and unstable scheduling practices that negatively affect employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Ms. BALDWIN):

S. 3257. A bill to designate the facility of the United States Postal Service located at 311 West Wisconsin Avenue in Tomahawk, Wisconsin, as the ''Einar 'Sarge' H. Ingman, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER:

S. 3258. A bill to foster the implementation of the policy of the United States to achieve 355 battle force ships as soon as practicable; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself, Mr. DAINES, Ms. CANTWELL, Ms. SMITH, Ms. WARREN, Ms. MCSALLY, Mr. CRAMER, Ms. BALDWIN, Mr. UDALL, Ms. KLOBUCHAR, Mr. ROUNDS, Mr. HEINRICH, Mr. BARRASSO, Mr. HOEVEN, Mrs. FISCHER, and Mr. THUNE):

S. Res. 491. A resolution designating the week beginning February 2, 2020, as ''National Tribal Colleges and University Week''; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. MURRAY, Ms. CANTWELL, Ms. MCSALLY, Ms. BALDWIN, Ms. STABENOW, Ms. CORTEZ MASTO, Ms. HIRONO, Ms. ROSEN, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. GILLIBRAND, Ms. SINEMA, Ms. DUCKWORTH, Mrs. SHAHEEN, Ms. COLLINS, Ms. HARRIS, Mr. LEAHY, Ms. SMITH, Ms. HASSAN, and Ms. WARREN):

S. Res. 492. A resolution supporting the observation of ''National Girls & Women in Sports Day'' on February 5, 2020, to raise awareness of and celebrate the achievements of girls and women in sports; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 493. A resolution to authorize testimony, documents, and representation in United States v. Stahlnecker; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. DAINES, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to limit the amount of certain qualified conservation contributions.

S. 277

At the request of Ms. HIRONO, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 277, a bill to posthumously award a Congressional Gold Medal to Fred Korematsu, in recognition of his dedication to justice and equality.

S. 296

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 296, a bill to amend XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 633

At the request of Mr. MORAN, the names of the Senator from Indiana (Mr. YOUNG), the Senator from Delaware (Mr. COONS) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 633, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 983

At the request of Mr. COONS, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 983, a bill to amend the Energy Conservation and Production Act to reauthorize the weatherization assistance program, and for other purposes.

S. 1067

At the request of Ms. HARRIS, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1067, a bill to provide for research to better understand the causes and consequences of sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce and to examine policies to reduce the prevalence and negative impact of such harassment, and for other purposes.

S. 1352

At the request of Mr. CASEY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Hawaii (Ms. HIRONO), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 1352, a bill to establish a Federal Advisory Council to Support Victims of Gun Violence.

S. 1757

At the request of Ms. ERNST, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 1757, a bill to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

S. 1902

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1902, a bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

S. 2085

At the request of Ms. ROSEN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2085, a bill to authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, and for other purposes.

S. 2143

At the request of Ms. WARREN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2143, a bill to amend the Food and Nutrition Act of 2008 to expand the eligibility of students to participate in the supplemental nutrition assistance program, and for other purposes.

S. 2322

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Ms. SMITH) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2322, a bill to amend the Animal Welfare Act to allow for the retirement of certain animals used in Federal research.

S. 2365

At the request of Mr. UDALL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2365, a bill to amend the Indian Health Care Improvement Act to authorize urban Indian organizations to enter into arrangements for the sharing of medical services and facilities, and for other purposes.

S. 2417

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2417, a bill to provide for payment of proceeds from savings bonds to a State with title to such bonds pursuant to the judgment of a court.

S. 2561

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2561, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 2722

At the request of Ms. ERNST, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 2722, a bill to prohibit agencies from using Federal funds for publicity or propaganda purposes, and for other purposes.

S. 3095

At the request of Ms. WARREN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3095, a bill to develop voluntary guidelines for accessible postsecondary electronic instructional materials and related technologies, and for other purposes.

S. 3146

At the request of Mr. CARDIN, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3146, a bill to ensure a fair process for negotiations of collective bargaining agreements under chapter 71 of title 5, United States Code.

S. RES. 234

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 234, a resolution affirming the United States commitment to the two-state solution to the Israeli-Palestinian conflict, and noting that Israeli annexation of territory in the West Bank would undermine peace and Israel's future as a Jewish and democratic state.

S. RES. 372

At the request of Mr. UDALL, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 372, a resolution expressing the sense of the Senate that the Federal Government should establish a national goal of conserving at least 30 percent of the land and ocean of the United States by 2030.

S. RES. 458

At the request of Mr. LANKFORD, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 458, a resolution calling for the global repeal of blasphemy, heresy, and apostasy laws.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 491—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2020, AS ''NATIONAL TRIBAL COLLEGES AND UNIVERSITY WEEK''

Mr. TESTER (for himself, Mr. DAINES, Ms. CANTWELL, Ms. SMITH, Ms. WARREN, Ms. MCSALLY, Mr. CRAMER, Ms. BALDWIN, Mr. UDALL, Ms. KLOBUCHAR, Mr. ROUNDS, Mr. HEINRICH, Mr. BARRASSO, Mr. HOEVEN, Mrs. FISCHER, and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 491

Whereas there are 37 Tribal Colleges and Universities operating on more than 75 campuses in 16 States;

Whereas Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas Tribal Colleges and Universities serve students from more than 230 federally recognized Indian tribes;

Whereas Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which—

(1) enhances Indian communities; and

(2) enriches the United States as a nation;

Whereas Tribal Colleges and Universities provide access to high-quality postsecondary educational opportunities for—

(1) American Indians;

(2) Alaska Natives; and

(3) other individuals that live in some of the most isolated and economically depressed areas in the United States;

Whereas Tribal Colleges and Universities are accredited institutions of higher education that prepare students to succeed in the global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 15 percent of the students at Tribal Colleges and Universities are non-Indian individuals; and

Whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning February 2, 2020, as ''National Tribal Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate activities and programs to demonstrate support for Tribal Colleges and Universities.

SENATE RESOLUTION 492—SUPPORTING THE OBSERVATION OF ''NATIONAL GIRLS & WOMEN IN SPORTS DAY'' ON FEBRUARY 5, 2020, TO RAISE AWARENESS OF AND CELEBRATE THE ACHIEVEMENTS OF GIRLS AND WOMEN IN SPORTS

Mrs. FEINSTEIN (for herself, Mrs. MURRAY, Ms. CANTWELL, Ms. MCSALLY, Ms. BALDWIN, Ms. STABENOW, Ms. CORTEZ MASTO, Ms. HIRONO, Ms. ROSEN, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. GILLIBRAND, Ms. SINEMA, Ms. DUCKWORTH, Mrs. SHAHEEN, Ms. COLLINS, Ms. HARRIS, Mr. LEAHY, Ms. SMITH, Ms. HASSAN, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 492

Whereas athletic participation helps develop self-discipline, initiative, confidence, and leadership skills, and opportunities for athletic participation should be available to all individuals;

Whereas, because the people of the United States remain committed to protecting equality, it is imperative to eliminate the existing disparities between male and female youth athletic programs;

Whereas the share of athletic participation opportunities of high school girls has increased more than sixfold since the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (referred to in this preamble as ''title IX''), but high school girls still experience—

(1) a lower share of athletic participation opportunities than high school boys; and

(2) a lower level of athletic participation opportunities than high school boys enjoyed almost 50 years ago;

Whereas female participation in college sports has nearly tripled since the enactment of title IX, but female college athletes still only comprise 44 percent of the total collegiate athlete population;

Whereas, in 1972, women coached more than 90 percent of collegiate women's teams, but now women coach less than 50 percent of all collegiate women teams, and there is a need to restore women to those positions to ensure fair representation and provide role models for young female athletes;

Whereas the long history of women in sports in the United States—

(1) features many contributions made by female athletes that have enriched the national life of the United States; and

(2) includes inspiring figures, such as Gertrude Ederle, Wilma Rudolph, Althea Gibson, Mildred Ella ''Babe'' Didrikson Zaharias, and Patty Berg, who overcame difficult obstacles in their own lives—

(A) to advance participation by women in sports; and

(B) to set positive examples for the generations of female athletes who continue to inspire people in the United States today;

Whereas the United States must do all it can to support the bonds built between all athletes to break down the barriers of discrimination, inequality, and injustice;

Whereas girls and young women in minority communities are doubly disadvantaged because—

(1) schools in minority communities have fewer athletic opportunities than schools in other communities; and

(2) the limited resources for athletic opportunities in minority communities are not evenly distributed between male and female students;

Whereas the 5-time World Cup champion United States Women's National Soccer Team is leading the fight for equal pay for female athletes;

Whereas, with the recent enactment of laws such as the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115–126; 132 Stat. 318), Congress has taken steps—

(1) to protect female athletes from the crime of sexual abuse; and

(2) to empower athletes to report sexual abuse when it occurs; and

Whereas, with increased participation by women and girls in sports, it is more important than ever to ensure the safety and well-being of athletes by protecting them from the crime of sexual abuse, which has harmed so many young athletes within youth athletic organizations: Now, therefore, be it

Resolved, That the Senate supports—

(1) observing ''National Girls & Women in Sports Day'' on February 5, 2020, to recognize—

(A) the female athletes who represent schools, universities, and the United States in their athletic pursuits; and

(B) the vital role that the people of the United States have in empowering girls and women in sports;

(2) marking the observation of National Girls & Women in Sports Day with appropriate programs and activities, including legislative efforts—

(A) to ensure equal pay for female athletes; and

(B) to protect young athletes from the crime of sexual abuse so that future generations of female athletes will not have to experience the pain that so many female athletes have had to endure; and

(3) all ongoing efforts—

(A) to promote equality in sports, including equal pay and equal access to athletic opportunities for girls and women; and

(B) to support the commitment of the United States to expanding athletic participation for all girls and future generations of women athletes.

SENATE RESOLUTION 493—TO AUTHORIZE TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. STAHLNECKER

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 493

Whereas, in the case of *United States v. Stahlnecker*, Cr. No. 19–394, pending in the United States District Court for the Central District of California, the prosecution has requested the production of testimony, and, if necessary, documents from Sarah Harms, an employee of the office of Senator Sherrod Brown, Leah Uhrig, a former employee of that office, and, Kylie Rutherford, an employee of the office of Senator Shelley Moore Capito;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore be it

Resolved, That Sarah Harms and Leah Uhrig, current and former employees, respectively, of Senator Brown's office, and Kylie Rutherford, a current employee of Senator Capito's office, and any other current or former employee of the Senators' offices from whom relevant evidence may be necessary, are authorized to testify and produce documents in the case of *United States v. Stahlnecker*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent any current or former employees of Senators Brown and Capito in connection with the production of evidence authorized in section one of this resolution.

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing the production of testimony, documents, and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. President, this resolution concerns a request for evidence in a criminal action pending in California Federal district court. In this action, the defendant is charged with making threatening telephone calls last year to the Washington, D.C. offices of Senator SHERROD BROWN and Senator SHELLEY MOORE CAPITO. Trial is scheduled to commence on February 11, 2020.

The prosecution is seeking testimony at trial from three Senate witnesses who received the telephone calls at issue: current employees of Senator BROWN's and Senator CAPITO's offices and a former employee of Senator BROWN's office. Senators BROWN and CAPITO would like to cooperate with this request by providing relevant employee testimony and, if necessary, documents from their offices.

The enclosed resolution would authorize those staffers, and any other

current or former employee of the Senators' offices from whom relevant evidence may be necessary, to testify and produce documents in this action, with representation by the Senate Legal Counsel.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a hearing on the following nominations: Kipp Kranbuhl, of Ohio, to be an Assistant Secretary of the Treasury, Sarah C. Arbes, of Virginia, to be an Assistant Secretary of Health and Human Services, and Jason J. Fichtner, of the District of Columbia, to be a Member of the Social Security Advisory Board.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 9:30 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, February 5, 2020, at 10 a.m., to conduct a closed briefing.

AUTHORIZING TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. STAHLNECKER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 493, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 493) to authorize testimony, documents, and representation in United States v. Stahlnecker.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. 493) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, FEBRUARY 6, 2020, AND MONDAY, FEBRUARY 10, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m., Thursday, February 6, for a pro forma session only, with no business being conducted; further, that when the Senate adjourns on Thursday, February 6, it next convene at 3 p.m. on Monday, February 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Brasher nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today's session ripen at 5:30 p.m. on Monday.

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

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:15 p.m., adjourned until Thursday, February 6, 2020 at 11:30 a.m.