

My intention here is not to condemn my home State. To the contrary, I am exceedingly proud of the struggles for justice that have bloomed in Maryland through abolitionists like Harriet Tubman and Frederick Douglass and civil rights leaders like Thurgood Marshall. I draw inspiration from the lineage of African-American public servants in Maryland who overcame enormous obstacles in order to amplify the voices of their brothers and sisters.

These public servants include Verda Welcome, the first Black woman ever elected to any State's senate, as well as Adrienne Jones, the current speaker of the Maryland House of Delegates, who is the first African American and first woman to serve in that position.

They also include my friend and hero, Congressman Elijah Cummings, the son of sharecroppers who devoted his life to fighting for equality and fairness and lifting up our beloved community of Baltimore.

I am likewise grateful for all of the Marylanders whose names we might not know, but who nevertheless work every day to expand educational equity, reform our justice system, shrink the wealth gap, deliver healthcare, and otherwise make our society better. Thanks to brave and dedicated people like these in Maryland and across the country, we have made significant strides toward racial justice.

I began my remarks by discussing Maryland's bleaker moments in history for two reasons. First, to demonstrate that we must never take progress for granted—Maryland has not always been a tolerant, inclusive State, it did not become one by accident, and it will not continue to be one unless we work to make it so. Democracy and the rule of law do not just happen; we need to protect and nourish them every day.

Second, to illuminate how those injustices that still exist, of which there are many, are not new and are not incidental—they are not just disparate effects of forces beyond our control. They are deeply rooted in policies and systems intentionally designed to subjugate African Americans.

One of the strongest, most disheartening examples of this phenomenon is the ongoing assault on the right to vote. This is not ancient history. States all over the country continue to "modernize" strategies developed a century ago to suppress African-American voting power. Some of these strategies are blatant and recognizable, like mass purges of voter rolls; the gerrymandering of districts with "surgical precision," according to one court; and intimidation of Black voters. Some of the strategies are disguised behind excuses or fear tactics, like obstructive voter ID laws and felony disenfranchisement.

Regardless, these tools of oppression are alive and operating as intended.

One in every 13 African Americans has lost his or her right to vote because of felony disenfranchisement. Seventy percent of the voters purged

from one State's roll in 2018 were African Americans. Studies reveal that implementing strict voter ID laws widens the Black-White turnout gap by more than 400 percent.

So long as we allow these sorts of practices to continue under the exaggeration of voter "fraud," we are denying African Americans their full right to vote and breaking the promise we made 150 years ago. This is a problem on principle, of course, but also for practical reasons; when we exclude people from fully participating in our democracy, we prevent them from achieving the social, economic, and civic reforms they need to strengthen their families and communities.

So what are we going to do about that? I know what I will do; I will fight for laws that will guarantee every American a voice in our democracy. That is why I have introduced bills to restore the Federal right to vote to ex-offenders and to penalize the voter intimidation and deception efforts so frequently aimed at people of color. These measures alone will not eliminate suppression of the Black vote, but they are steps in the right direction.

The racism that we vowed to root out a long time ago is still here. We may have reined it in, or it may have taken new forms that we do not recognize yet, but it is still here.

The Reverend Dr. Martin Luther King, Jr. remarked, "It may be true that the law cannot make a man love me, but it can keep him from lynching me." It is true that we cannot legislate love, but we can and must legislate equality.

Until we guarantee the right to vote regardless of race, we fall short of the unique promise and potential of the United States of America. How can we be, at last, the Shining City on the Hill, while we continue to deny people their right to vote because of the color of their skin?

For the sake of our democracy and our common humanity, for the sake of those who have suffered and died, for the sake of those living and those yet to come, let us make good on our 150-year-old promise.

Let us build on the progress we have achieved, and let us stay vigilant about the threats that remain. Let us fulfill the right to vote.

#### IMPEACHMENT

Mr. LANKFORD. Madam President, the country is deeply divided on multiple issues right now. The impeachment trial is both a symptom of our times and another example of our division. At the beginning of our Nation, we did not have an impeachment inquiry of a President for almost 100 years with the partisan impeachment of Andrew Johnson. After more than 100 years, another impeachment inquiry was conducted when the House began a formal impeachment inquiry into President Nixon in an overwhelmingly bipartisan vote of 410-4. Within a

period of weeks, President Nixon resigned before he was formally impeached. Then, just over two decades later, President Clinton was impeached by the House, on another mostly partisan vote leading to a partisan acquittal in the Senate.

This season of our history has been referred to as the Age of Investigations and the Age of Impeachment. We have had multiple special counsels since 1974 over multiple topics. This is more than just oversight; it has been a unique time in American history when the politics of the moment have driven rapid calls for investigation and impeachment. Over the past 3 years, the House of Representatives has voted four times to open an impeachment inquiry: once in 2017, once in 2018, and twice in 2019. Only the second vote in 2019 actually passed and began a formal inquiry.

The Mueller investigation that consumed most of 2018 and 2019 answered many questions about Russian attacks on our voting systems—although no votes were changed—but it was also a \$32 million investigation that took more than 2 years of America's attention. For the last 4 months the country has been consumed with impeachment hearings and investigations. The first rumors of issues with Ukraine arose August 28 when POLITICO published a story about U.S. foreign aid being slow-walked for Ukraine, and then on September 18 when the Washington Post published a story about a whistleblower report that claimed President Trump pressured an unnamed foreign head of state to do an investigation for his campaign.

Within days of the Washington Post story on September 24, Speaker PELOSI announced that the House would begin hearings to impeach the President, which led to the formal House vote to open the impeachment inquiry on October 31 and then a vote to impeach the President on December 18. But after the partisan vote to impeach the President, Speaker PELOSI held the Articles of Impeachment for a month before turning them over to the Senate, which began the formal trial of the President of the United States on January 16, 2020. After hearing hours of arguments from both House managers and the President's legal defense team and Senators asking 180 questions to both sides, the trial concluded February 5, 2020.

There are key dates to know:

April 21, 2019, President Zelensky is elected President of Ukraine.

May 21, President Zelensky sworn in. After the ceremony, President Zelensky abolishes Parliament and calls for quick snap elections on July 21.

July 21, Ukrainian Parliamentary elections. President Zelensky's party wins a huge majority.

July 25, President Trump calls President Zelensky to congratulate him and his party.

August 12, An unnamed whistleblower working in the U.S. intelligence

community filed a complaint that he had heard from others that the President of the United States had tried to pressure President Zelensky of Ukraine to investigate former Vice President Joe Biden on an official phone call July 25, 2019.

August 26, the Inspector General for the Intelligence Community declares the whistleblower report “an urgent matter” and asks for its release within 7 days. The Justice Department looks over the report and notes that although it was written by a person in the intelligence community, it is not related to intelligence matters, so it does not fall within the Inspector General’s jurisdiction and it is forwarded on to the Department of Justice for review.

August 28, *POLITICO* publishes a story that the annual military aid for Ukraine is currently being slow-walked.

September 9, the Inspector General contacts the House Intelligence Committee to let them know that he has not been able to release the whistleblower report to their committee.

September 13, the House Intelligence Committee subpoenas the whistleblower report.

September 18, the *Washington Post* prints a story with “unnamed sources” that there is a whistleblower report about the President talking with a foreign leader about a campaign matter.

September 24, the House began an informal impeachment inquiry after Speaker Pelosi announced it at a press conference in the U.S. Capitol.

September 25, President Trump released the official unredacted “read out” of the phone call with President Zelensky from July 25.

September 26, the whistleblower report is declassified and released publicly.

October 31, the House formally votes along party lines for an impeachment inquiry.

December 18, the House votes to impeach the President with two articles—abuse of Power and obstruction of congress.

January 15, Speaker PELOSI releases the Articles of Impeachment to the Senate.

January 16, Senate trial on impeachment begins.

February 5, Senate trial concludes with acquittal on both articles.

Ukraine became independent in 1991 when it broke away from the Soviet Union, but the Ukrainians have faced constant pressure from Russia ever since. In 2014 Ukraine forced out its pro-Russia President, and Moscow retaliated by taking over Crimea—and stealing the Ukrainian Navy—then rolling tanks into eastern Ukraine and taking all of eastern Ukraine by force. Russian and Ukrainian troops continue to fight every day in eastern Ukraine.

The people of Ukraine face an aggressive Russia on the east and pervasive Soviet era corruption throughout the government and the business commu-

nity. President Trump met the previous President of Ukraine in 2017 to talk about other countries helping Ukraine with greater military support funds and to ask how Ukraine could address corruption on a wider scale. The two Presidents also spoke about lethal aid—allowing the Ukrainians to buy sniper rifles, anti-tank Javelin missiles, and other lethal supplies—to help them fight the invading Russians. The United States also started sending a couple hundred American troops to train Ukrainian soldiers in the far west of Ukraine.

On April 21, 2019, President Zelensky was overwhelmingly elected as the new President of Ukraine. He was a sitcom actor/comedian who had no political experience but was well known for his television show in which he played the part of a corruption-fighting teacher who was elected as President of Ukraine. His television popularity helped him win the election, but when he was sworn in on May 21, he was relatively unknown to most of the world.

On the same day as his inauguration, May 21, President Zelensky abolished Parliament and called for snap elections to put his party in power. With a new President in place and parliamentary elections in Ukraine coming, starting in June of 2019, the President ordered foreign aid to Ukraine to be held until the end of the fiscal year, but agencies were informed that they should do all the preliminary work needed before the aid was sent, so it would be ready to release at a moment’s notice. The leadership in Ukraine was not notified that there was a hold on their foreign aid.

The new Parliament was elected on July 21, and President Zelensky’s party won by a landslide. By mid-August, the new Parliament was working on anti-corruption efforts and trying to establish a high court on corruption, which they put in place September 5, 2019. There was a tremendous amount of uncertainty in the early days of the new administration, but by mid-August there was clear evidence of actual change in a country that desperately needed a new direction from its corrupt past.

On July 25, when President Trump called President Zelensky, the President congratulated President Zelensky for the big win in Parliament and talked about “burden-sharing”—other nations also paying their share of support for Ukraine. The two Presidents talked about their disapproval of the previous mbassadors to each other’s countries. But instead of following all the staff preparation notes written by Lieutenant Colonel Vindman, the National Security Council staffer assigned to Ukraine, and just talking about “corruption” in general, the President brought up a question about Ukraine and the 2016 election interference, which I will note below. President Zelensky also brought up to President Trump that his staff was planning to meet with Rudy Giuliani, President

Trump’s personal attorney, in the coming days, which led to a conversation about Joe Biden and the firing of the previous prosecutor in Ukraine.

After the call, Lieutenant Colonel Vindman contacted an attorney at the National Security Council to express his “policy concerns” about the call. It is interesting to note that Lieutenant Colonel Vindman’s boss, Tim Morrison, was also on the call, but he did not see any problems or concerns with the call according to his own testimony in the House impeachment inquiry. Within a month, a whistleblower filed a report about the call, saying he heard about the call secondhand and was concerned about the implications of a conversation about elections on a head-of-state call. To keep the July 25th call in context with other news, the day before it took place July 24 Robert Mueller had testified before Congress as the last official act to close down the 2½ year Mueller investigation and clear the President and his campaign team of any further accusation of election interference.

During the impeachment trial in the Senate, the House managers repeated over and over that the President was planning to cheat “again” on the next election, but the final conclusion of the Mueller report was that “ultimately, the investigation did not establish that the (Trump) Campaign coordinated or conspired with the Russian government in its election-interference activities.”

This is especially notable because for years a rumor circulated that Ukraine was part of the 2016 election interference and that someone in Ukraine was hiding the Democratic National Committee, DNC, server that was hacked by the Russians in 2016. As the conspiracy theory goes, it was actually the Ukrainians who hacked the DNC, not the Russians. This is the “Crowdstrike” theory that President Trump asked President Zelensky to help solve during the call.

Agencies of the U.S. intelligence community have stated over and over that they did not believe that Ukraine was involved in the Russian election interference from 2016. I personally agree with the intelligence community assessment but Rudy Giuliani and multiple others around President Trump believed there was a secret plan in 2016 to hurt President Trump’s election from Ukraine. This accusation was amplified by bits of truth, including that the Ukrainian Ambassador to the United States wrote an editorial in support of Hillary Clinton in 2016 right before the election, and several other Ukrainian officials publicly spoke out against Candidate Trump in 2016.

There is nothing illegal about a foreign nation speaking out for or against a Presidential candidate, whether Hillary Clinton or Donald Trump in 2016 or anyone else in the future. It may not be wise to take sides before an election, but it is not illegal. Just because some Ukrainian officials took sides

does not mean that the whole Ukrainian Government worked on a cyber attack on our elections. But since this rumor had persisted, and it was a new administration now in Ukraine, President Trump asked President Zelensky to help clear up the facts if he could. That is certainly not illegal or improper, and it is certainly not something that could help the President in the 2020 election, especially since the 2016 Russian election accusation had just been closed the day before.

The 2016 “Crowdstrike” theory is the issue that President Trump asked President Zelensky to “do us a favor” about, not the Bidens or Burisma. During the July 25 call after the question about “Crowdstrike,” President Zelensky mentioned to President Trump that one of his advisers would be meeting with Rudy Giuliani soon. Then, President Trump affirmed that meeting and encouraged them to talk about the Biden investigation and the firing of the Ukrainian prosecutor.

That may seem out of the blue, but in Washington, D.C., that week, the city was buzzing about a Washington Post article that had been written 3 days before July 22, 2019—detailing Hunter Biden’s giant salary—\$83,000 per month—for doing essentially nothing for a corrupt Ukrainian natural gas company and how it undercut Vice President Biden’s message on corruption.

It is important to get the context of that week to understand the context of the phone call that day. I have no doubt that the story was just as big of news in Kiev, Ukraine, as it was in Washington, D.C., that week. President Trump’s personal attorney, Rudy Giuliani, had been in and out of Ukraine since November 2018, meeting with government officials and trying to find out more about the “Crowdstrike” theory or any other Ukrainian connection to the 2016 election. During that time, Rudy Giuliani met several former prosecutors from Ukraine who blamed their departure on Vice President Biden. It is clear that Rudy Giuliani was working to gain information about both of these issues in his capacity as President Trump’s private attorney.

It is not criminal for Rudy Giuliani to work on opposition research for a Presidential campaign or to work on behalf of his client to clear his name from any issues related to the 2016 campaign, which he had done since November 2018. Some have stated that since this was “foreign information,” it is illegal. That is absolutely not true. In fact, Hillary Clinton and the Democratic National Committee in 2016 paid a British citizen, Christopher Steele, to work his contacts in Russia to create the now debunked “Steele Dossier,” which the FBI used to open its investigation into President Trump, leading directly to the appointment of Special Counsel Mueller. That dossier was opposition research done in Russia by a British citizen, paid for by the Clinton campaign team. Their opposi-

tion research was not illegal, but the use and abuse of that document by the FBI to start an investigation was certainly inappropriate and is most likely illegal. But the FBI warrant issue is still being investigated by the ongoing Durham probe.

During the July 25, 2019, call, President Zelensky brought up the issue of Rudy Giuliani, and President Trump replied to his statement. You can argue that President Trump should not have discussed the issue with President Zelensky when he brought it up, but it is certainly not illegal or impeachable to talk about it, especially when there are serious questions about Hunter Biden’s work with Burisma. That is not a conservative conspiracy theory; the issue of Hunter Biden’s employment in Ukraine was a problem for years at the State Department. It had been raised to Vice President Biden when he was still in office. Every State Department official interviewed for the Trump impeachment investigation noted that at best it was a clear conflict of interest, and it was the center of a huge story on corruption in the Washington Post on July 22, 2019. It had the appearance of high-level corruption by using a well-placed family member on the board of a known corrupt gas company in Ukraine to shelter it from prosecutors. Hunter Biden had only resigned from the Burisma board a few months before the July 25 phone call, just prior to when his dad announced his run for the Presidency in 2019.

After the July 25 phone call, Attorney General Barr did not have any followup meetings or calls with Ukrainian officials. Rudy Giuliani did have additional conversations with Ukrainian officials, which are legal to do since he is a private attorney representing the President.

#### TEXT OF JULY 25, 2019 PHONE CALL BETWEEN PRESIDENTS TRUMP AND ZELENSKY

The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn’t given much of a chance, and you ended up winning easily. It’s a fantastic achievement. Congratulations.

President Zelensky: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to achieve a unique success. I’m able to tell you the following; the first time you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

The President: (laughter) That’s a very good idea. I think your country is very happy about that.

President Zelensky: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new

people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

The President: Well it is very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it’s something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn’t do anything. A lot of the European countries are the same way so I think it’s something you want to look at but the United States has been very very good to Ukraine. I wouldn’t say that it’s reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

President Zelensky: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I’m very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say Crowdstrike. I guess you have one of your wealthy people . . . The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you’re surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it’s very important that you do it if that’s possible.

President Zelensky: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends

around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it . . . It sounds horrible to me.

President Zelensky: I wanted to tell you about the prosecutor. First of all, I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved, by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, they're incredible people.

President Zelensky: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will

be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support.

The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you. President Zelensky: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time. President Zelensky: Thank you very much Mr. President.

The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

President Zelensky: Thank you Mr. President bye-bye.

Based on a whistleblower report about the July 25 call, the House Intelligence Committee subpoenaed the report on September 13 and started its impeachment inquiry on September 24.

In the Senate impeachment trial, House managers stated their belief that the President had carried out a "scheme to cheat in the 2020 election" by withholding financial aid to Ukraine and withholding a White House meeting with the new President of Ukraine in exchange for Ukraine announcing it would investigate Joe Biden, Burisma, and 2016 election interference.

Let's discuss the facts of both.

#### WHITE HOUSE MEETING

There is no question that President Trump had offered a White House meeting to President Zelensky three times: once in May on a phone call after President Zelensky won his election, once in June in a letter, and finally in the July 25 call after President Zelensky's party won the parliamentary elections. But Tim Morrison—State Department official called as a witness by the House—also testified that they were working on heads-of-state meetings with 12 other heads of state during that same time period. Many nations were trying to line up meetings in the White House during the summer of 2019.

During the July 25 call, President Zelensky offered to instead move their

meeting from a White House meeting to a face-to-face meeting in Warsaw, Poland, when they would both be there on September 1, 2019. The Presidents agreed, and planning began on the meeting in August. By August 22, the meeting planning was in full swing, as noted by emails in the House hearing's evidence. However, Hurricane Dorian slammed into the United States in the hours leading up to the September 1 meeting, causing a last-minute shift to the Vice President traveling to Poland so the President could stay in the United States to monitor hurricane relief.

We know that Vice President PENCE met face-to-face with President Zelensky, and they spoke about other nations paying their fair share to help Ukraine and the issue of corruption across Ukraine. We know from the preparation materials and the meeting notes themselves that during the meeting the Vice President did not bring up or discuss the issue of Burisma, Joe Biden, or any other campaign conversation with President Zelensky.

The White House found the next available time when President Trump and President Zelensky would both be in the same place at the same time to set up a face-to-face meeting: September 25 at the U.N. Assembly in New York. That meeting was set up, and it took place as scheduled.

In the Senate impeachment trial, the House managers maintained that only a White House meeting was sufficient and that it was being withheld, but the facts show that President Zelensky himself floated the idea of a meeting in Poland and that the meeting was not barred or withheld.

In the early months of President Zelensky's term, there was a great deal of concern about him, his staff, and his plans because he was an unknown political figure. Until more was known about him, it was entirely appropriate to show caution in coordinating a meeting, but once his nationwide anti-corruption efforts began in August, it was clear that face-to-face meetings were planned and carried out.

There was no withholding of a face-to-face meeting with President Trump and President Zelensky. There cannot be a quid pro quo if the meeting was not withheld from Ukrainian officials.

The House managers claimed that there was a secret plot to "extort" or "bribe" the leadership of Ukraine to investigate Hunter Biden in exchange for around \$400 million of U.S. aid. The aid was State Department and foreign military aid that had been provided for the past 4 years, since Ukraine had been in a war with Russia.

After the Russian invasion of Ukraine in 2014 and its occupation of Crimea and the Donbas region in eastern Ukraine, the United States started sending aid to help the Ukrainian Government. Congress allowed lethal and non-lethal aid to support Ukraine, but during the previous administration, only non-lethal aid was sent. Under

President Trump's administration, it was determined that the United States would give the leadership of Ukraine lethal aid to help them fight off Russian tanks, which was President Zelensky's reference to "javelins" in the July 25 phone call and his gratitude to President Trump for allowing those tank killing rockets to flow to Ukraine.

To be clear, the theory of funds being withheld from Ukraine in exchange for an investigation does not originate from the July 25 call read-out. There is nothing in the text of the call that threatens the withholding of funds in exchange for an investigation.

The theory originates from the fact that aid was held back by the Office of Management and Budget, headed by the President's Acting Chief of Staff, Mick Mulvaney, and the "presumption" of U.S. Ambassador to the European Union, Gordon Sondland, that the aid must have been held because of the President's desire to get the Biden investigation done, since the President's attorney, Rudy Giuliani, was working to find out more about the Biden investigation.

Ambassador Sondland told multiple people about his theory, but when he finally called President Trump and asked him directly about it, the President responded that he did not have any quid pro quo; he just wanted the President of Ukraine to do what he ran on and "do the right thing." Obviously, people who assume the worst about President Trump take this as a secret message that there actually was a quid pro quo, but the most important fact is that Ambassador Sondland did not read it that way after his call with the President. Ambassador Sondland believed that the President was serious. Unfortunately, the White House Counsel was never allowed to cross examine Ambassador Sondland during the House investigation to get the facts about who he talked to and why he came to believe for a while that there was an effort to push for investigations in exchange for money.

During the Senate trial, I listened closely to the facts surrounding the withholding of aid money to Ukraine. This was by far the most serious charge against the President. Two key questions had to be answered for me: Why was the aid held, and why was the aid released? There was no question the aid was held for a of couple months. The question was why?

Statements from the House witnesses during the House impeachment inquiry answered the two key questions: The aid was held because there was a legitimate concern about the new President of Ukraine and his administration in the early days of his Presidency and the aid was released on time when the new Ukrainian Parliament starting passing anti-corruption laws in August and after Vice President PENCE sat down face to face with President Zelensky on September 1 in Poland to discuss their progress on corruption.

We should not lose track of what was happening in Ukraine in 2019. A new President was elected who was a TV actor with no political experience and no record on how he would handle Russia or the issue of widespread national corruption in Ukraine. He ran on a platform of anti-corruption at all levels, but no one knew how he would govern. His campaign was funded by a Ukrainian oligarch who owned a major media outlet, and one of his first advisers was the former attorney for that oligarch.

I personally spoke to many of the State Department officials in Ukraine in May of 2019 and heard their concerns about the new government. Then, newly elected President Zelensky used his power to dissolve their Parliament the day he was sworn in and called for "snap elections" in which the vast majority of the newly elected leaders were from his newly formed party. To our State Department and the White House, this was either a really a good sign or a really bad sign. Either Ukraine was about to take a major change for the better with new leadership, or this new young leader was about to assume real centralized power. No one knew for certain in May, June, and July of 2019. Within a few weeks in August, the new Parliament got to work passing anti-corruption laws and making significant changes in their accountability and for the country. This was a very good sign.

When Vice President PENCE met face to face with President Zelensky September 1, both sides had confidence the country was taking a new direction. On September 10 Vice President PENCE and Senator ROB PORTMAN met with President Trump to tell him about the progress that had been made, and both advised lifting the hold on aid. The aid was lifted the next day, September 11. No investigation into Hunter Biden or Burisma was ever done by Ukraine, and no part of the U.S. Department of Justice was ever involved in any investigation of Hunter Biden or Burisma.

Although the aid was frozen in June, there was no public announcement of the hold, as explained by the White House Counsel, to keep this from becoming a public issue while the White House monitored the progress and status of the transition in Ukraine.

On August 27, POLITICO published an article that noted that the foreign aid had been held by the United States. This caused President Zelensky's office to reach out to the State Department and ask why. During the House impeachment proceedings, four of the House witnesses—Ambassador Voelker, Ambassador Sondland, Ambassador Taylor, and Tim Morrison—all testified that the Ukrainian leadership learned about the temporary hold in aid after the POLITICO article was published.

The issue of the hold was also the first question from President Zelensky to Vice President PENCE when they met on September 1 in Poland. The idea that the leadership in Ukraine had

pressure placed on them to do an investigation fails the most essential test. Did the leadership of Ukraine even know that the aid was being held? The answer from multiple American and Ukrainian leaders was no, they did not know there was a hold on the aid from the White House. You cannot have pressure to act on an investigation if they did not even know the aid was being held.

It is interesting to note, when I researched the records of past foreign aid payment dates and times to Ukraine, I found the 2019 aid was in line with the date the 2016, 2017, and 2018 aid was sent. The vast majority of the military aid to Ukraine was obligated in August or September for the past 4 years. Although the aid was ready to go out the door a couple months earlier in 2019, it was certainly not late, based on the record of the previous 3 years. In fact, the State Department aid was obligated September 30 in 2019, but it was obligated September 28 in 2018. As quoted by the Ukrainian Minister of Defense, "The aid was held such a short time, we did not even notice."

During the 2 days of question-and-answer time, I asked a specific question related to this issue because I felt it was important to get the context of the aid, since there had been so much made of the issue during the trial. Here is the full text of my question to the White House Counsel:

House Managers have described any delay in military aid and state department funds to Ukraine in 2019 as a cause to believe there was a secret scheme or quid pro quo by the President. In 2019, 86% of the DOD funds were obligated to Ukraine in September, but in 2018, 67% of the funds were obligated in September and in 2017, 73% of the funds were obligated in September. In the State Department, the funds were obligated September 30 in 2019, but they were obligated September 28 in 2018. Each year, the vast majority of the funds were obligated in the final month or days of the fiscal year. Question: Was there a national security risk to Ukraine or the United States from the funds going out late in September in the two previous years? Did it weaken our relationship with Ukraine because the vast majority of our aid was released in September each of the last three years?

In response to my question, White House Counsel detailed the fact that military aid from the United States was not for immediate use. It was designed to help the Ukrainian military buy materials for the next year, so it was common for the aid to be obligated at the end of the fiscal year—September 30—and it was also common for some money to be left unobligated and carried over into the next fiscal year, as it was in 2019.

While it is easy to create an intricate story on the hold placed on foreign aid to Ukraine, it is also clear that President Trump has temporarily held foreign aid from multiple countries over the past 2 years, including: Afghanistan, Pakistan, Honduras, Guatemala, El Salvador, Lebanon, and others. There is no question that a President can withhold aid for a short period of

time, but it must be released by September 30, the end of the fiscal year, which it was in this instance.

Article I, section 2 of the U.S. Constitution grants the U.S. House of Representatives “the sole power of impeachment,” while article I, section 3 states that “the Senate shall have the sole power to try all impeachments.”

The Constitution is clear that the House does not control the Senate process and the Senate does not control the House process; however, during the impeachment trial of President Trump, the House tried repeatedly to dictate to the Senate how it should conduct its trial.

The “sole power to try” means laying out rules for the trial, including when and if to call additional witnesses or request more documents.

In addition to laying out roles and responsibilities for impeachment, our Constitution also provides basic rights for the accused. The Fifth Amendment ensures due process. However, the receipt of due process is not contingent upon waiving another right, like immunity or executive privilege. But that is exactly what the House tried to force President Trump to do.

The President is not above the law, but neither is the House of Representatives. If there was a question as to the scope and proper use of the President's right to assert immunity or executive privilege regarding conversations he had with his closest advisers, that question is proper for a court to determine, not Congress, and surely not the House on its own accord. To put this in constitutional terms, the legislative branch cannot prevent the executive branch from having access to the judicial branch. The House wanted to move quickly and prevent the President from ever going to court to resolve any issue. That has never been done for a good reason, the separation of powers. In previous legal battles with the President, it has taken months to resolve critical issues, like *Bush v. Gore* in 2000 or even in the Clinton impeachment trial, when the House took 2 months to resolve an issue with witnesses in court. It does not have to drag on for years.

The House also wanted the Chief Justice of the United States to “rule on” any issue quickly instead of allowing the President to go through the courts. This would have created a new judicial executive branch by putting all the judicial power of the nation in one person, not in the judicial branch, as is stated in the Constitution. It would have also ignored the text of the Constitution where it notes that the Chief Justice “presides” in the court of impeachment, not “decides.” The sole power of impeachment is in the Senate, not the Senate plus the one Justice. The Chief Justice keeps the trial moving along, based on the rules of the trial, but he or she is not a decider of fact; that is reserved to the Senate. The House managers wanted to ignore that part of the Constitution to move

the trial faster for expedience. We cannot ignore the Constitution or create bad precedent, no matter which party is being tried for impeachment.

Further, the Sixth Amendment guarantees that the accused has the ability to both confront the witnesses against him and to have the assistance of counsel. The majority of the impeachment inquiry in the House was done without a meaningful opportunity for the President to participate, and administration witnesses were denied the ability to have counsel present for depositions.

The Constitution lays out a clear separation of powers but importantly also provides a system of checks and balances. For something as important as impeachment, it is imperative that the process be one that is squarely within the bounds of the Constitution and is one that the American people can trust. Unfortunately, the process undertaken by the House to impeach President Trump falls wildly short of the standards put in place by our Founders.

Article II, section 4 of the Constitution states that “the President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.”

During the trial of President Trump, there was a lot of conversation about what constitutes a “high crime” or “misdemeanor.” Notably, the House did not charge the President with any crimes; rather, the House chose to impeach the President for “abuse of power” and “obstruction of Congress.”

The House theoretically could have chosen to file Articles of Impeachment for crimes such as bribery, extortion, solicitation of interference in an election, or violations of the Impoundments Clause Act. For any of these crimes, the House would have had to prove specific elements of each. Since they couldn't prove any of those crimes, they chose to charge the President with abuse of power. As was noted in the trial, 40 Presidents have faced accusation of abuse of power, going back as far as George Washington.

The abuse of power charge for President Trump was based on allegations that he improperly withheld aid to Ukraine and conditioned a meeting with President Zelensky at the White House in exchange for an investigation into former Vice President Biden and his son Hunter. Over the course of the last 4 months, we heard the term “quid pro quo” used over and over again, but the facts do not show criminal quid pro quo. As previously mentioned, President Zelensky asked to meet with President Trump in Poland, and that meeting was set up. Further, while the aid to Ukraine was delayed, it wasn't delayed more than it had been the previous 2 years, and the aid was released without an investigation—or even an announcement of one—into the Biden's.

The second Article of Impeachment, obstruction of Congress, had an even

weaker constitutional foundation. The investigation was announced September 24 did not officially begin until October 31. The impeachment vote in the House was December 18. This very short time table and the accusation that the President refused to follow the law, honor the courts, and that he acted like a “King” did not meet even the most basic constitutional standards for justice.

For example, during the Mueller investigation, the President's team fully cooperated with the investigation that included over 2,000 subpoenas and 500 witnesses, including the President's Chief of Staff, multiple Cabinet officials, and many lower level officials who were all made available. It was clear throughout the investigation that the President did not like or agree with the Mueller investigation, but he also fully cooperated with every subpoena, each witness, and every document. In fact, they released over a million pages of documents to the Mueller team.

President Trump also made his disagreement with the courts very clear on issues like the census, whether travel restrictions can be put in place to ensure national security, or whether particular funds can be used to secure our southern border. But each time the President lost in court, his administration complied with orders from the judiciary. That is how our system of government is supposed to work.

When disagreements happen between the legislative branch and the judicial branch, they usually lead to resolution, not impeachment. The Fast and Furious investigation, which lasted more than 3 years in the Obama administration, led to a vote in the House to hold then-Attorney General Eric Holder in contempt, but it never led to an impeachment inquiry, even though there was a clear and consistent refusal to cooperate with Congress or turn over key documents for 3 years.

In this case, the accusation that President Trump ignored subpoenas or refused to follow the law is not correct. The President's team made it very clear that they would cooperate during the impeachment inquiry with properly authorized and issued subpoenas, but the House refused to issue subpoenas that were consistent with the law to seek resolution for documents and witnesses. The House was focused on speed, not legal process.

The House, in a rush to impeachment last fall, issued multiple subpoenas for documents and testimony before the House had given authority to the committees to issue subpoenas for an impeachment inquiry, which happened October 31. Since there was no authority to issue the subpoenas, they were not duly authorized. The House also demanded testimony from the President's inner circle without working through the legal questions, and the House demanded executive agency witnesses appear without allowing them to bring agency counsel with them. All of those



issues created very real legal and constitutional problems. Agency individuals have always been allowed to have legal counsel with them when they are deposed, except this time.

As a Member of Congress, I cannot demand the President turn over documents or give testimony in any fashion that I would prefer just because I have oversight responsibilities. In the same way, the President or other executive branch officials cannot demand I turn over my notes or provide my staff for testimony without going through the courts and gaining a legal subpoena. Congress has vigorously and rightfully protected its rights from unwarranted investigations from any President and Presidents have done the same. But in all cases, the law must be followed and the proper process must be pursued to get the information in a legal way.

From the very first moments of the Senate trial, the House managers fought for additional witnesses and documents from the President. Their argument and justification for the second Article of Impeachment centered on the White House's refusal to turn over documents and make every witness available without going through the normal legal process.

Per the resolution adopted by the Senate, the House record was part of the trial record. The Senate had the testimony of the witnesses the House chose to question as part of the overall information of the trial. The House already had 28,000 pages of documents that were part of the evidence they submitted to the Senate, although, the House managers admitted during the Senate impeachment trial that they still have not released all of the documents and witness testimony that they had gathered in their investigation to the White House Counsel or to the Senate. We do not fully know why the House held back some of its witness testimony and released others.

The House witness testimony was used extensively in the Senate trial.

These are the witnesses who testified live or via video in the House and Senate Impeachment: David Holmes, Political Counselor, U.S. Embassy Ukraine, State Department; Dr. Fiona Hill, White House Advisor, National Security Council; David Hale, Under Secretary for Political Affairs, State Department; Laura Cooper, Deputy Assistant Secretary of Defense; Gordon Sondland, U.S. Ambassador to the European Union; Tim Morison, Former White House Adviser; Kurt Voelker, Former Special Envoy for Ukraine; LTC Alexander Vindman, National Security Council; Jennifer Williams, aide to the Vice President; Marie Yovanovitch, Former Ambassador to Ukraine; George Kent, Deputy Assistant Secretary of State; Bill Taylor, Former U.S. Ambassador to Ukraine.

The House managers repeated over and over that additional witnesses would only take a week to depose, which is a clearly false statement. New witnesses took longer than a week to

depose in the House inquiry; clearly it would take just as long or longer in a Senate trial. The remaining "wish list" of witnesses all had clear issues that needed to be resolved in the courts, which would take a couple of months to resolve, which is why the House managers did not push for their testimony in the House impeachment process. They valued speed more than legal process.

House managers repeatedly stated that witnesses only took a week to depose in the Clinton Senate impeachment trial, but they know that during the Clinton Senate trial, all three called witnesses previously deposed in the House inquiry or in the grand jury investigation, and all issues of executive privilege had already been decided through the courts. There were no new witnesses in the Senate trial of President Clinton. Also, the Clinton White House had already had the opportunity to cross-examine witnesses or the investigators in the Clinton impeachment inquiry. This time, the Trump White House had been denied that right. So, if new witnesses would be added for the Senate trial, the White House should have the right to also cross-examine the previous House witnesses they had been denied the right to cross examine in the past. This would all take much longer than a week, and the House managers knew that.

During the Clinton impeachment trial in the Senate, there were no additional documents requested, only previously deposed witnesses. The House managers did not go through the legal process to get documents, like the Mueller investigation had done, so all of the new document requests from the House managers would take at least 3 to 5 weeks to complete, once a legal subpoena is delivered. It takes time to search all databases, review the documents for classified materials, determine any legal issues, and release them to the investigation. Once the documents are turned over, both legal teams need time to review the documents. Again, the House managers knew these facts, but they continued to repeat over and over that it would only take a week to get all the documents.

The first question for the Senate trial was, do we have enough evidence and testimony to answer the questions the House presented in their Articles of Impeachment? If the answer is yes, then we do not need additional witnesses or documents. If the answer is no, then we do need additional information. There were many leaks and newspaper stories during the trial designed to push the Senate to vote to ask for more testimony, but that did not change the primary question. We already knew from evidence that there was no quid pro quo, no Ukrainian investigations, and no withholding of a public meeting with President Trump.

The New York Times story on January 26 and again on January 31 are

clear examples of an attempt to bring doubt on the information and witness testimony. Both stories stated that someone had read the pending John Bolton book manuscript and that in the book, Bolton stated that President Trump had talked about investigations in exchange for aid funding for Ukraine. The New York Times also wrote that the book would state that Acting Chief of Staff Mick Mulvaney and White House Counsel Pat Cipollone were also a part of the scheme. I looked at both stories closely and noticed that the reporters had not read the manuscripts or quoted the manuscripts; they were reports from someone who stated that they had read the manuscripts. Both stories took significant liberties to describe the intent in the manuscripts, but the reporter had apparently also not spoken to John Bolton.

On January 23, 2020, the National Security Council lawyers sent a letter to the legal team handling the book publishing for John Bolton to inform him that the manuscript contained some classified information and it would need have some edits before publication in March. Then, on January 26, the New York Times published a story that someone had leaked some of the details of the book, but they had not released the actual manuscript. While I am interested in seeing the actual manuscript, I am also very aware that this selective leak was designed by the New York Times and whoever leaked the information to influence the ongoing trial.

It was clear from the earliest days of the trial that the House had a clear political strategy as well as a courtroom strategy. During the trial, I had the responsibility to hear the facts but also to separate the politics from the facts. Politically, it was best for the House to move as quickly as possible through impeachment so that vulnerable Democratic Members could vote for impeachment and then move quickly to other topics. But since the Presidential election is in full swing, it was politically better for Democrats to make the Senate trial move as slow as possible to hurt the President during the campaign. That explains why the House did not take the time to formally request documents or testimony from many individuals; they needed to move fast and try to force the Senate to move slowly. It also explained why the House passed impeachment on a party line vote, then held the Articles of Impeachment for a month before delivering them to the Senate to start the trial. The House managers said repeatedly that the evidence was clear and that they had proved their case, but if that was true, why would the Senate need to call additional witnesses? I think the reason is that the witness process was about delay, more than facts.

The facts do not support the accusation in the Trump impeachment, and it certainly did not need to come to this moment of national division. While it was clear that the House managers

wanted to drag the trial on for months in the Senate, through the primary election season, their case consisted of hypothetical story lines and “presumptions” more than facts that warrant the removal of a President. This does not meet what Alexander Hamilton in *Federalist* 65 described as the “due weight” for the arguments.

But impeachment has certainly created the division in our society that Alexander Hamilton predicted. Over 200 years ago he wrote, “The prosecution [of impeachments], will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused.” This has been an incredibly divisive season in our Nation. It is not about one person; it is about all of us. We individually choose how we handle disagreements with family, friends, and people on the other side of particular issues. Our government represents us, so it is up to us to model for our government how to handle disagreements.

We are now past impeachment, and it is time to work on the issues that matter most to the American people. As we move forward, every American should speak out on the issues that are important to them and the voices that speak for their point of view. But we should remember that we have much more in common than we have that divides us. It is my hope that our Nation does not go through a season like this again for a very long time and that we can move past this age of impeachment to an age of oversight and accountability.

I appreciate all the engagement with our office during the impeachment proceedings. We had thousands of calls and emails over the past month. We had hundreds of thousands of views on the nightly Facebook Live updates each day during the trial. While not every Oklahoman agrees with every decision I make on behalf of our State, I am grateful most choose to be respectful in expressing their points of view. At the end of the day, we are Oklahomans. We may not all agree on each issue, but we can be respectful of each other in our disagreement.

I am honored to serve our State and Nation. We have many important issues to address in the coming days I pray we can work on them together for the future of our State and Nation.

Mr. TILLIS. Madam President, during the impeachment trial, this Chamber considered the evidence and heard the arguments presented by the House managers and White House Counsel. During the 12 days of the impeachment trial, the Senate heard from the House managers for nearly 22 hours, and we heard from the White House Counsel for nearly 12 hours. This was followed by 180 questions asked and answered over 2 days, concluding with closing arguments by the House managers and White House Counsel.

Ultimately, there were two questions the Senate had to answer when considering the Articles of Impeachment.

The first question, for the near-term, is should the President be removed from office?

The second question, for the long-term health of our Nation, is whether we should allow the impeachment process to be weaponized and used by a majority in the House to settle partisan political scores?

My answers to both questions are a resounding no.

That is why I voted against both Articles of Impeachment.

While my Democratic colleagues operated under the presumption of guilt, even if one is to assume the worst, the reality is the allegations against President Trump were neither criminal nor impeachable. They did not come close to meeting the standard of treason, bribery, or high crimes or misdemeanors set by our Founding Fathers.

It is remarkable to read the *Federalist* Papers and appreciate their clairvoyance. *Federalist* 65, written by Alexander Hamilton, was frequently quoted throughout these proceedings, and for good reason. Hamilton’s warnings to this body of using impeachment as a partisan device were borne out. Hamilton wrote that impeachment:

[W]ill seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions . . . and 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.

By placing the impeachment power within the House and Senate, Hamilton acknowledged that power may wind up in the hands of “the leaders or tools of the most cunning or the most numerous faction,” which may “hardly be expected to possess the requisite neutrality towards those whose conduct may be the subject of scrutiny.” It is because of this remarkable power that Hamilton argued the Senate had been granted the power to try impeachments because the Senate is more likely to preserve “the necessary impartiality between the INDIVIDUAL accused and the REPRESENTATIVES OF THE PEOPLE, HIS ACCUSERS?”

It is important to note that the Speaker of the House previously warned about the dangers of a politically motivated impeachment effort, stating in March 2019 that “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.”

History has proven that warning to be true. One only needs to compare the dramatically different outcomes between the Nixon impeachment inquiry, which resulted in resignation, and the Clinton impeachment process, which resulted in acquittal.

The Speaker’s warning rings as true today as it did when she said it nearly 1 year ago. Unfortunately, the House

majority ignored this warning, electing to lead a distinctly partisan process from beginning to end, based on a political timeline.

It began when the House majority refused to provide the President with basic due process rights for 71 of the 78 days of the formal House impeachment inquiry. The House majority also refused to provide proper rights to the minority, whose requests for an equal number of witnesses was denied.

It is no wonder why House Resolution 660, which permitted an impeachment inquiry, and House Resolution 755, the Articles of Impeachment against President Trump, failed to receive a single vote from the minority. In fact, the only thing that was bipartisan was the opposition to the articles.

The House majority presented a weak and completely partisan case for impeachment to the Senate. This is why the House managers attempted to convince the Senate to endorse its particular views of separation of powers, essentially asking the Senate to do the House’s job where it failed: to make a compelling case for the President’s removal.

This is yet another area Hamilton addressed. In *Federalist* 66, Hamilton outlined the differing roles and responsibilities between the House and Senate on impeachment, casting the House as the accusers and the Senate as the judges:

The division of them between the two branches of the legislature, assigning to one the right of accusing, to the other the right of judging, avoids the inconvenience of making the same persons both accusers and judges; and guards against the danger of persecution, from the prevalence of a factious spirit in either of those branches. As the concurrence of two thirds of the Senate will be requisite to a condemnation, the security to innocence, from this additional circumstance, will be as complete as itself can desire.

By dividing the power to accuse and the power to judge, the Founding Fathers further recognized the procedural nature of this process. Appropriate procedure would serve to protect the Executive from the designs of a partisan faction in the House and would ensure that removal was not just desirable, but truly necessary.

In this instance, removal was absolutely unnecessary, even if it was desirable to the whims of some in the House majority since the day the President was inaugurated in 2017.

This addresses the answer to the second question I posed on whether the Senate will allow the impeachment process to become the new normal.

It would create a dangerous precedent in which the House actively seeks opportunities to open impeachment inquiries to politically weaken and potentially remove the President of the opposing party.

Impeachment is the most powerful tool the Founding Fathers gave to us to defend against Executive misconduct, but it should never be abused. It should never be used to settle political scores, and it should never be used



as an effort to deny the American people the right to decide the President's fate at the ballot box.

To transform impeachment into a partisan political weapon is to diminish and undermine its critical constitutional role.

Despite the factions which formed during this impeachment trial, I remain optimistic about the direction of our Nation. For all the bitter partisan emotions this impeachment process has enflamed, this Congress now has the opportunity to move on and focus on forging consensus to conduct the business of the American people. Congress has recently demonstrated this ability—enacting historic criminal justice reform, agreeing on reforms to improve the delivery of healthcare to our brave veterans, and approving a fair and free trade deal with America's two largest economic partners, producing a win for American workers and consumers.

I hope, when the record is written of this impeachment, that history will say that the Senate ultimately retained the high bar which must be met to remove a President, that the Senate rejected the temptation to normalize the impeachment process for partisan political gain, and that Congress turned the page following the President's acquittal to prioritize the needs of the American people and, in turn, solve the most pressing challenges facing our great Nation.

#### TRIBUTE TO ROBERT J. JACKSON, JR.

Mr. BROWN. Madam President, I rise to express my appreciation for the work of Securities and Exchange Commission: Robert J. Jackson, Jr. Commissioner Jackson stepped down earlier this month from the SEC, having served with distinction since December 2017. He returns to teaching, having made many valuable contributions to policy debates at the SEC and beyond.

Mr. Jackson is no stranger to public service. Prior to his work at the SEC, he served in the Treasury Department as the Nation emerged from the financial crisis. Mr. Jackson has led by example, working diligently to ensure the SEC fulfills its three-part mission, particularly the protection of investors in an increasingly complex marketplace. As an outspoken voice on behalf of investors, Mr. Jackson stressed the importance of clear and sensible rules that put investors first, combined with a pragmatic understanding of how markets work.

Mr. Jackson brought a law professor's analytical approach to his responsibilities as a Commissioner. His careful and thoughtful work digging through data, developing original research, and presenting it in a clear and insightful manner provided the SEC and other policymakers with critical information and a valuable perspective with which to consider some of the most difficult questions in securities laws.

Over the years, Commissioner Jackson has been a leader on the issue of corporate political spending disclosure. He has helped to focus the conversation on how to think about reasonable and material disclosure as our political system has become awash in dark money. Similarly, Mr. Jackson's study of trends in stock buybacks and the potential for abuse by corporate executives raised many issues that merit additional consideration by regulators and lawmakers.

I would like to lead my colleagues in wishing Mr. Jackson the best of luck as he returns to academia. I expect that he will continue his insightful research and scholarship to benefit investors and make markets more efficient. The SEC benefited from Commissioner Jackson's tenure, and we know his students will benefit, too.

#### TRIBUTE TO KIMBERLY HAZELGROVE

Mr. BROWN. Madam President, today I rise to honor Kimberly Hazelgrove for her service and sacrifices for our country and her successful efforts to advocate for families like her own who lost loved ones serving our Nation.

Kimberly Hazelgrove is a former sergeant first class in the U.S. Army. In 2004, her husband, Chief Warrant Officer 2 Brian Hazelgrove was killed in a helicopter crash near Mosul, Iraq. That loss was devastating enough, but after his death, Ms. Hazelgrove also lost the military benefits her family earned serving the United States and that she needed to support her family. They lost those benefits because of a 1970s-era law that causes Gold Star families to lose out on financial benefits that their spouses paid into and earned.

For 16 years, Ms. Hazelgrove advocated on Capitol Hill for the repeal of that law, the Survivor Benefit Plan-Disability and Indemnity Compensation offset, while raising her family as a single mother. She said, "I was angry . . . Very angry for the inequities that I was seeing, not only for myself, but for a lot of my friends going through it and it just lit a fire, and I found a stronger voice than I had before."

My office and I met with Ms. Hazelgrove and took up her cause. Gold Star families like hers have sacrificed so much for this country and nothing should get in the way of providing them with benefits that they have paid into and earned. We worked together with colleagues on both sides of the aisle to write legislation that will fix this, and this past December, because she never gave up, we got it done. We passed a fix in the Senate, and the President signed it into law. Because of Ms. Hazelgrove's perseverance and strong advocacy, 67,000 military spouses will now get the benefits they have earned to support themselves and their families.

Thank you, Kimberly, for raising your voice and for all the work you do

to fight for fellow Gold Star families. I am sure my Senate colleagues will join me in honoring Ms. Kimberly Hazelgrove for her exemplary efforts.

#### REMEMBERING JEFFREY HAMMOND LONG

Mr. BLUMENTHAL. Madam President, I rise today to pay tribute to Jeffrey "Jeff" Hammond Long, an outstanding public servant and friend to many. Sadly, Jeff passed away on July 8, 2018. He was critically injured by a truck while riding his bike in Washington the previous day. Today, in honor of what would have been his 38th birthday, I wish to recognize Jeff's legacy of positivity.

Born in New York City, Jeff enrolled at Brunswick School in Greenwich, CT. Throughout his many years there, Jeff set an example for his fellow students. Not only did he mentor younger members of the community and cocaptain the lacrosse team, but he also served as president of the student body. Even after graduation, Jeff continued to serve the school as a result of the foundational experience he had at Brunswick.

Jeff studied at Hamilton College, where he was vice president of the student body and an Arthur Levitt Scholar. During his time at Hamilton, Jeff began his remarkable dedication to public service by interning for former President Clinton at the Clinton Foundation's New York office, as well as for Secretary Kerry's Presidential campaign and his U.S. Senate office.

I had the pleasure of first meeting Jeff in 2010. He worked in my Senate office for many years, serving as a legislative assistant on the energy, environment, and transportation portfolio. Jeff routinely demonstrated his extraordinary commitment to helping the people of Connecticut and the Nation. A diligent and bright member of my team, he always put the needs of others before his own, focusing on serving the people of Connecticut with tireless care and patience.

His incredible wife, Kaylie—another Connecticut native and devoted public servant—continues to honor his memory by doing acts of kindness on Jeff's birthday. She and their friends are guided by his motto: "It's cool to be nice."

Jeff's natural inclination to support others and bring smiles to people's faces touched countless lives from Connecticut to DC, and everywhere in between. He helped everyone around him find a positive side to any situation or take a moment to appreciate even the smallest parts of life.

I am grateful for the considerate and warm outlook Jeff brought wherever he went, and I know his memory will forever serve as a model of selflessness and unfailing devotion. My wife Cynthia and I extend our warmest thoughts to Kaylie, as well as to Jeff's parents, Nancy and David, and I hope my colleagues will join me in acknowledging Jeff's incredible impact.