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Senate

The Senate met at 12:30 p.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.

Eternal God, You are our rock and fortress. Keep us from dishonor. Only by walking in Your precepts can our lawmakers remain within the circle of Your protection and blessings. Lord, turn their ears to listen to Your admonition, as You infuse them with the courage to obey Your commands. We have trusted You since the birth of this land we love. That is why we will declare Your glory as long as we have breath. Lord, as our Senators prepare to gather for today's impeachment trial, we declare that You alone are our hope.

We pray in Your mighty 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRUZ). The majority leader is recognized.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, last Thursday, the U.S. Senate crossed one of the greatest thresholds that exist in our system of government. We began just the third Presidential impeachment trial in American history. This is a unique responsibility which the Framers of our Constitution knew that the Senate—and only the Senate—could handle. Our Founders trusted the Senate to rise above short-term passions and factionalism. They trusted the Senate to soberly consider what has actually been proven and which outcome best serves the Nation. That is a pretty high bar, and you might say that later today, this body will take our entrance exam.

Today, we will consider and pass an organizing resolution that will structure the first phase of the trial. This initial step will offer an early signal to our country. Can the Senate still serve our founding purpose? Can we still put fairness, evenhandedness, and historical precedent ahead of the partisan passions of the day? Today's vote will contain some answers. The organizing resolution we will put forward already has the support of a majority of the Senate. That is because it sets up a structure that is fair, evenhanded, and tracks closely with past precedents that were established unanimously.

After pretrial business, the resolution establishes the four things that need to happen next. First, the Senate will hear an opening presentation from the House managers. Second, we will hear from the President's counsel. Third, Senators will be able to seek further information by posing written questions to either side through the Chief Justice. Fourth, with all that information in hand, the Senate will consider whether we feel any additional evidence or witnesses are necessary to evaluate whether the House case has cleared or failed to clear the high bar of overcoming the presumption of innocence and undoing a democratic election.

The Senate's fair process will draw a sharp contrast with the unfair and precedent-breaking inquiry that was carried on by the House of Representatives. The House broke with precedent by denying Members of the Republican minority the same rights that Democrats had received when they were in the minority back in 1998. Here in the Senate, every single Senator will have exactly the same rights and exactly the same ability to ask questions.

The House broke with fairness by cutting President Trump's counsel out of their inquiry to an unprecedented degree. Here in the Senate, the President's lawyers will finally receive a level playing field with the House Democrats and will finally be able to present the President's case. Finally, some fairness.

On every point, our straightforward resolution will bring the clarity and fairness that everyone deserves—the President of the United States, the House of Representatives, and the American people. This is the fair roadmap for our trial. We need it in place before we can move forward, so the Senate should prepare to remain in session today until we complete this resolution and adopt it.

This basic, four-part structure aligns with the first steps of the Clinton impeachment trial in 1999. Twenty-one years ago, 100 Senators agreed unanimously that this roadmap was the right way to begin the trial. All 100 Senators agreed the proper time to consider the question of potential witnesses was after—after—opening arguments and Senators' questions.

Now, some outside voices have been urging the Senate to break with precedent on this question. Loud voices, including the leadership of the House majority, colluded with Senate Democrats and tried to force the Senate to precommit ourselves to seek specific witnesses and documents before Senators had even heard opening arguments or even asked questions. These are potential witnesses whom the House managers themselves—themselves—declined to hear from, whom the House itself declined to pursue through the legal system during its own inquiry.

The House was not facing any deadline. They were free to run whatever

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

investigation they wanted to run. If they wanted witnesses who would trigger legal battles over Presidential privilege, they could have had those fights. However, the chairman of the House Intelligence Committee and the chairman of the House Judiciary Committee decided not to. They decided their inquiry was finished and moved right ahead. The House chose not to pursue the same witnesses they apparently would now like—would now like—the Senate to precommit to pursuing ourselves.

As I have been saying for weeks, nobody—nobody—will dictate Senate procedure to U.S. Senators. A majority of us are committed to upholding the unanimous, bipartisan Clinton precedent against outside influences with respect to the proper timing of these midtrial questions. So if any amendments are brought forward to force premature decisions on midtrial questions, I will move to table such amendments and protect our bipartisan precedent. If a Senator moves to amend the resolution or to subpoena specific witnesses or documents, I will move to table such motions because the Senate will decide those questions later in the trial, just like we did back in 1999.

Now, today may present a curious situation. We may hear House managers themselves agitate for such amendments. We may hear a team of managers led by the House Intelligence and Judiciary Committees chairmen argue that the Senate must precommit ourselves to reopen the very investigation they themselves oversaw and voluntarily shut down. It would be curious to hear these two House chairmen argue that the Senate must precommit ourselves to supplementing their own evidentiary record, to enforcing subpoenas they refused to enforce, to supplementing a case they themselves have recently described as ''overwhelming''—''overwhelming''—and ''beyond any reasonable doubt.''

These midtrial questions could potentially take us even deeper into even more complex constitutional waters. For example, many Senators, including me, have serious concerns about blurring—blurring—the traditional role between the House and the Senate within the impeachment process. The Constitution divides the power to impeach from the power to try. The first belongs solely to the House, and with the power to impeach comes the responsibility to investigate.

The Senate agreeing to pick up and carry on the House's inadequate investigation would set a new precedent that could incentivize frequent and hasty impeachments from future House majorities. It could dramatically change the separation of powers between the House and the Senate if the Senate agrees we will conduct both the investigation and the trial of an impeachment.

What is more, some of the proposed new witnesses include executive branch officials whose communications with the President and with other executive branch officials lie at the very core of the President's constitutional privilege. Pursuing those witnesses could indefinitely delay the Senate trial and draw our body into a protracted and complex legal fight over Presidential privilege. Such litigation could potentially have permanent repercussions for the separation of powers and the institution of the Presidency that Senators would need to consider very, very carefully.

So the Senate is not about to rush into these weighty questions without discussion and without deliberation—without even hearing opening arguments first. There were good reasons why 100 out of 100 Senators agreed two decades ago to cross these bridges when we came to them. That is what we will do this time as well. Fair is fair. The process was good enough for President Clinton, and basic fairness dictates it ought to be good enough for this President as well.

The eyes are on the Senate. The country is watching to see if we can rise to the occasion. Twenty-one years ago, 100 Senators, including a number of us who sit in the Chamber today, did just that. The body approved a fair, commonsense process to guide the beginning of a Presidential impeachment trial. Today, two decades later, this Senate will retake that entrance exam. The basic structure we are proposing is just as eminently fair and evenhanded as it was back then. The question is whether the Senators are themselves ready to be as fair and as evenhanded.

The Senate made a statement 21 years ago. We said that Presidents of either party deserve basic justice and a fair process. A challenging political moment like today does not make such statements less necessary but all the more necessary, in fact.

So I would say to my colleagues across the aisle: There is no reason why the vote on this resolution ought to be remotely partisan. There is no reason other than base partisanship to say this particular President deserves a radically different rule book than what was good enough for a past President of your own party. I urge every single Senator to support our fair resolution. I urge everyone to vote to uphold the Senate's unanimous bipartisan precedent of a fair process.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IMPEACHMENT

Mr. SCHUMER. Mr. President, before I begin, there has been well-founded concern that the additional security measures required for access to the Galleries during the trial could cause reporters to miss some of the events on the Senate floor. I want to assure everyone in the press that I will vociferously oppose any attempt to begin the trial unless the reporters trying to enter the Galleries are seated.

The press is here to inform the American public about these pivotal events in our Nation's history. We must make sure they are able to. Some may not want what happens here to be public; we do.

Mr. President, after the conclusion of my remarks, the Senate will proceed to the impeachment trial of President Donald John Trump for committing high crimes and misdemeanors. President Trump is accused of coercing a foreign leader into interfering in our elections to benefit himself and then doing everything in his power to cover it up. If proved, the President's actions are crimes against democracy itself.

It is hard to imagine a greater subversion of our democracy than for powers outside our borders to determine the elections there within. For a foreign country to attempt such a thing on its own is bad enough. For an American President to deliberately solicit such a thing—to blackmail a foreign country with military assistance to help him win an election—is unimaginably worse. I can't imagine any other President doing this.

Beyond that, for then the President to deny the right of Congress to conduct oversight, deny the right to investigate any of his activities, to say article II of the Constitution gives him the right to ''do whatever [he] wants''—we are staring down an erosion of the sacred democratic principles for which our Founders fought a bloody war of independence. Such is the gravity of this historic moment.

Once Senator INHOFE is sworn in at 1 p.m., the ceremonial functions at the beginning of a Presidential trial will be complete. The Senate then must determine the rules of the trial. The Republican leader will offer an organizing resolution that outlines his plan—his plan—for the rules of the trial. It is completely partisan. It was kept secret until the very eve of the trial. Now that it is public, it is very easy to see why.

The McConnell rules seem to be designed by President Trump for President Trump. It asks the Senate to rush through as fast as possible and makes getting evidence as hard as possible. It could force presentations to take place at 2 o'clock or 3 o'clock in the morning so the American people will not see them.

In short, the McConnell resolution will result in a rushed trial, with little evidence, in the dark of the night—literally the dark of night. If the President is so confident in his case, if Leader MCCONNELL is so confident the President did nothing wrong, why don't they want the case to be presented in broad daylight?

On something as important as impeachment, the McConnell resolution is nothing short of a national disgrace. This will go down—this resolution—as