NUNES asked to call witnesses. He explained why in detail. It was denied by Manager SCHIFF. Ranking Member COLLINS asked to call witnesses, which was denied by Manager NADLER. And that is what they call fairness? That is not how our American justice system works, and it is certainly not how our impeachment process is designed by our Constitution.

The House took no action on the subpoenas issued to Mr. Duffey and Mr. Blair because they didn't want a court to tell them that they were trampling on their constitutional rights. Now they want this Chamber to do it for them.

Mr. Counsel CIPOLLONE. Mr. Chief Justice, we yield the remainder of our time.

The CHIEF JUSTICE. House managers have 24 minutes remaining.

Mr. Manager SCHIFF. Mr. Chief Justice, a couple of fact checks, once again.

First of all, the complaint is made that, well, the House wouldn't allow agency counsel. Why wouldn't the House allow agency counsel to be present in those secret depositions that you have been hearing so much about? As I mentioned earlier, those secret depositions allowed 100 Members of the House to participate. There are 100 Members of the Senate. We could have had that secret deposition right here on the Senate floor. During those depositions, Members of both parties were given equal time to ask questions of these witnesses.

By the way, where did Democrats get that rule of no agency counsel during these depositions? We got it from the Republicans. This was the Republican deposition rule, and we can cite you adamant explanations by Trey Gowdy and others about how these rules are so important that the depositions not be public, that agency counsel be excluded.

And why? Well, you get a good sense of it when you see the testimony of Deputy Assistant Secretary George Kent. Kent describes how he is at a meeting with some of the State Department lawyers and others, and they are talking about the document request from Congress and what are they going to do about these and what documents are responsive and what documents aren't responsive. The issue comes up in a letter the State Department sent to Congress saying: You are intimidating the witnesses. Secretary Kent testified: No, no, no. The Congress wasn't intimidating witnesses; it was the State Department that was intimidating witnesses to try to prevent them from testifying.

My colleagues at the other table say: Why aren't you allowing the Members from the State Department to sit next to those witnesses and hear what they have to say in the depositions? We have seen all too much witness intimidation in this investigation, to begin with, without having an agency minder sitting in on the deposition.

By the way, those agency minders don't get to sit in on grand jury interviews either. There is a very good investigative reason that has been used by Republicans and Democrats who have been adamant about the policy of excluding agency counsel.

It was also represented that the Intelligence Committee and the Judiciary Committee wouldn't allow the minority to call any witnesses. That is just not true. In fact, fully one-third of the witnesses who appeared in open hearing in our committee were minority-chosen witnesses. What they ended up having to say was pretty darn incriminating of the President, but, nonetheless, they chose them.

So about this idea that, well, we had no due process, the fact of the matter is, we followed the procedures in the Clinton and Nixon impeachments. They can continue to say we didn't, but we did. In some respects, we gave even greater due process opportunities here than there. The fact that the President would take no advantage of them doesn't change the fact that they had that opportunity.

Finally, the claim is made that we trampled on the constitutional rights by daring to subpoena these witnesses. How dare we subpoena administration officials—right?—because Congress never does that. How dare we do that. How dare we subpoena them. Well, the court heard that argument in the case of Don McGahn, and you should read the judge's opinion in finding that this claim of absolute immunity has no support, no substance; it would have resulted in a monarchy. It is essentially the judicial equivalent of: Don't let the door hit you in the backside on the way out, Counsel. There is no merit there.

Counsel can repeat that argument as often as they like, but there is no support in the courts for it. There should be no support for it in this body, not if you want any of your subpoenas in the future to mean anything at all.

I yield back.

The CHIEF JUSTICE. The majority leader is recognized.

MOTION TO TABLE

Mr. MCCONNELL. Mr. Chief Justice, I have a motion at the desk to table the amendment.

I ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The CHIEF JUSTICE. Are there any other Senators in the Chamber wishing to vote or change their vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 20]

YEAS—53

Alexander	Boozman	Cassidy
Barrasso	Braun	Collins
Blackburn	Burr	Cornyn
Blunt	Capito	Cotton
Cramer	Johnson	Romney
Crapo	Kennedy	Rounds
Cruz	Lankford	Rubio
Daines	Lee	Sasse
Enzi	Loeffler	Scott (FL)
Ernst	McConnell	Scott (SC)
Fischer	McSally	Shelby
Gardner	Moran	Sullivan
Graham	Murkowski	Thune
Grassley	Paul	Tillis
Hawley	Perdue	Toomey
Hoeven	Portman	Wicker
Hyde-Smith	Risch	Young
Inhofe	Roberts	

NAYS—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	

The motion to table was agreed to; the amendment is tabled.

The CHIEF JUSTICE. The Democratic leader is recognized.

AMENDMENT NO. 1290

Mr. SCHUMER. Mr. Chief Justice, I send an amendment to the desk to prevent the selective admission of evidence and provide for the appropriate handling of classified and confidential materials, and I ask that it be read. It is short.

The CHIEF JUSTICE. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1290.

On page 2, between lines 4 and 5, insert the following:

If, during the impeachment trial of Donald John Trump, any party seeks to admit evidence that has not been submitted as part of the record of the House of Representatives and that was subject to a duly authorized subpoena, that party shall also provide the opposing party all other documents responsive to that subpoena. For the purposes of this paragraph, the term ''duly authorized subpoena'' includes any subpoena issued pursuant to the impeachment inquiry of the House of Representatives.

The Senate shall take all necessary measures to ensure the proper handling of confidential and classified information in the record.

The CHIEF JUSTICE. The majority leader is recognized.

Mr. MCCONNELL. Let's take a 5-minute break. I ask everybody to stay close to the Chamber. We will go with a hard 5 minutes.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MCCONNELL. Mr. Chief Justice, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:19 p.m., recessed until 11:39 p.m. and reassembled when called to order by the CHIEF JUSTICE.

The CHIEF JUSTICE. Mr. SCHIFF, are you in favor or opposed?

Mr. Manager SCHIFF. In favor.

The CHIEF JUSTICE. Mr. Cipollone.

Mr. Counselor CIPOLLONE. Mr. Chief Justice, we are opposed.

The CHIEF JUSTICE. There are 2 hours for argument, equally divided.

Mr. SCHIFF, you may proceed first.

Mr. Manager SCHIFF. Senators, the majority leader amended his resolution earlier today to allow the admission of the House record into evidence, though the resolution leaves the record subject to objections.

But there is a gaping hole—another gaping hole—in the resolution. The resolution would allow the President to cherry-pick documents he has refused to produce to the House and attempt to admit them into evidence here.

That would enable the President to use his obstruction not only as a shield to his misconduct but also as a sword in his defense. That would be patently unfair and wholly improper. It must not be permitted, and that is what the Schumer amendment addresses.

The amendment addresses that issue by providing that if any party seeks to admit, for the first time here, information that was previously subject to subpoena, that party must do a simple and fair thing; it must provide the opposing party all of the other documents responsive to the subpoena. That is how the law works in America. It is called the rule of completeness.

When the selective introduction of evidence distorts facts or sows confusion in a trial, there is a solution. It is to ensure that documents that provide for a complete picture can be introduced to avert such distortions and confusion.

The rule of completeness is rooted in the commonsense evidentiary principle that a fair trial does not permit the parties to selectively introduce evidence in a way that would mislead factfinders. The Senators should embrace it as a rule for this trial, and the amendment does just that.

This amendment does not in any way limit the evidence the President may introduce during his trial. He should be able to defend himself against the charges against him as every defendant has the right to do around the country. But this amendment does make sure that he does it in a fair way and that his obstruction cannot be used as a weapon.

It is an amendment based on simple fairness, and it will help the Senate and the American people get to the truth.

House managers are not afraid of the evidence, whatever it may be. We want an open process designed to get to the truth, no matter whether it helps or hurts our case. That is what the Senate should want, and that is what the American people certainly want.

This amendment helps that process of getting more evidence so we can get to the truth, and we urge you to vote for it.

The amendment also addresses another omission in the majority leader's resolution by providing for the proper handling of confidential and classified information for the record. This amendment seeks to balance the public's interest in transparency with the importance of protecting limited, sensitive information bearing directly on the case you are trying.

As for confidential information, some of the evidence in this case includes records of phone calls. They establish important patterns of conduct, as we explain in the Ukraine impeachment report.

But the original phone records, including a great deal more information in context, should be available for this body to review if needed in a confidential setting. It contains personally sensitive information concerning individuals who are not at issue in this trial and would potentially subject them to intrusions on their privacy.

The Secretary of the Senate has the capacity to handle such material and make it available to you as needed.

The amendment allows the privacy interests of many individuals to be protected, while allowing the Senators access to the full record.

As for the classified information that this amendment addresses, there may be several very relevant classified documents.

Let me just highlight one in particular. It involves the testimony of the Vice President's national security aide, Jennifer Williams, and it concerns a conversation between the Vice President and the President of Ukraine, and the House managers believe that it would be of value to this body to see, in trying the case.

Let me start by saying that we have twice requested that the Vice President declassify this document. We have reviewed it, and there is no basis to keep it classified. The Vice President has not responded, and we can only conclude this was an additional effort by the President to conceal wrongdoing from the public. But as it stands now, it remains classified. It must be handled like any other classified document by this body in a method that would allow them.

Let me just take a moment to go further. The public should see that supplemental testimony as well. That supplemental testimony—that classified testimony—was added to the record by the Vice President's aide because she believed, I think, on further reflection, that it would shed additional light on what she has said publicly. You should see it and you should evaluate it for what it has to say, but, what is more, so should the American people.

So I would urge not only that you support this amendment to make sure that you can handle the classified information, there is a mechanism for it, and personal identifiable information need not be made public, but also information that is improperly classified that bears or sheds light on her decision should be accessible to you and should be accessible to the American people.

I reserve the balance of our time.

The CHIEF JUSTICE. Mr. Cipollone.

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice. Mr. Philbin and Mr. Sekulow will argue.

The CHIEF JUSTICE. Mr. Philbin.

Mr. Counsel PHILBIN. Mr. Chief Justice and Members of the Senate, the President opposes this amendment, and I can be brief in explaining why.

This amendment would say that any subpoena that was issued pursuant to the House's impeachment inquiry—any subpoena that they issued at all—becomes defined as a duly authorized subpoena for purposes of this amendment. As we have explained several times today, because the House began this inquiry without taking a vote, it never authorized any of its committees to issue subpoenas pursuant to the impeachment power.

The first 23 subpoenas, at a minimum, that the House committees issued were all unauthorized in ultra vires, and that is why the Trump administration did not respond to them and did not comply with them. That was explained in a letter of October 18, from White House Counsel Cipollone to Chairman SCHIFF and others, that it is a legal infirmity in those subpoenas.

There has never been an impeachment inquiry initiated by the House of Representatives against a President of the United States without it being authorized by a vote of the full House. This is a principle that the Supreme Court has made clear in cases such as United States vs. Rumely, that no committee of Congress can exercise authority assigned by the Constitution to the Chamber itself, of the House or the Senate, without being delegated that authority by the House or the Senate.

In Rumely, the Court explains that to determine the validity of a subpoena requires ''construing the scope of the authority which the House of Representatives gave to the committee.''

So this is a legal issue, an infirmity in those subpoenas, and this amendment proposes to do away with that legal infirmity by defining all their subpoenas as duly authorized, and we do not support that amendment.

In addition to that, I just want to respond briefly to Chairman SCHIFF's description of the rule of completeness. This is not about the rule of completeness. The rule of completeness has to do with a particular document or a particular piece of evidence which is misleading in itself. With that document, if there is something specific about it that there is another response on the email chain—something like that—that particular document has some specific thing attached to it, and then that should also come into evidence.

But since all the evidentiary motions are being preserved and objections can be made later, evidentiary arguments under the underlying resolution can be made. The rule of completeness can be argued. There is no need for that to do this amendment, because this amendment doesn't have anything to do with the rule of completeness.

With that, I will yield the remainder of my time to Mr. Sekulow.

The CHIEF JUSTICE. Mr. Sekulow.

Mr. Counsel SEKULOW. Thank you, Mr. Chief Justice and Members of the Senate. I will be brief. This amendment to the resolution we oppose, as Mr. Philbin just said, because it is in essence an unconstitutional attempt to cure a defect—a defect in their own proceeding.

To be clear, we are reserving our objections as it relates to hearsay, which is what the record primarily consists of.

I also want to respond very briefly to what Manager SCHIFF said regarding the proceedings in the House of Representatives and the lack of agency counsel. He said it is much like the grand jury. He best be glad and the Members of his committee best be glad that it is not like a grand jury, because if it was a grand jury and information was leaked, which it was consistently throughout this process, they could be subject to felony.

So I want to be clear. Utilizing this amendment to cure a constitutional defect—and that is what this is—is exactly what we have been arguing about now for almost 11 hours. It is changing the rules. It is different rules.

I can't determine if we are dealing with a trial, a pretrial motion—but we have now have spent 11 hours arguing about something that we will be arguing again next week.

But the idea that you can cure in three paragraphs constitutional defects doesn't pass constitutional muster.

We yield the rest of our time.

The CHIEF JUSTICE. The House managers have 54 minutes remaining.

Mr. Manager SCHIFF. Well, first of all, the counsel makes the argument once again that with subpoenas, the President gets to decide which are valid and which are invalid, and any subpoena the President doesn't like, he may simply declare invalid, and that is the end of the story. Therefore, it is invalid, and no documents are required, and no witnesses need to show up, and, therefore, you don't need to consider whether the President should be able to game the system by showing you a handful of documents to mislead you and deprive you of seeing all of the other documents relevant to that same subject. That is their argument. The President didn't like the way the subpoenas were issued, even though the Court has already ruled on this issue and said: No, Mr. President, you don't get to decide whether a subpoena is valid or not in an impeachment proceeding. That is the sole responsibility of the House.

But no, I guess they would suggest to you the President would never mislead you about documents. If they seek to introduce something, you can be assured that that document tells the complete truth.

But we already know you can place no such reliance on the President. How do we know this? We have already seen it.

Look at what they did in response to the FOIA, or Freedom of Information Act, requests. They blacked out all the incriminating information. They blacked out the ''we can't represent any more that we are going to be able to actually spend this money in time. We can't represent that we are not going to be in violation of the law of the Impoundment Act.'' They redact that.

Is that what you want in this trial, for them to be able to introduce one part of an email chain and not show you the rest?

You want to be able to have a situation where the President has withheld all these documents from you, can introduce a document that suggests a benign explanation but not the reply that confirms the corrupt explanation, because that is what we are really talking about here.

Now they clothe this in the argument that, well, we don't think these were duly authorized subpoenas. We are merely categorizing the universe of documents they should turn over if they want to turnover selective documents. Let them call them unduly authorized, therefore. The point is, that the documents that should be turned over should not be cherry-picked by a White House that has already shown such a deliberate intent to deceive.

Finally, counsel says they can't tell whether we are dealing with a trial here. Well, do you know something? Neither can we. If they are confused, they are confused for a good reason, because this doesn't look like any other trial that they are used to. People watching—they are confused, too, because they would think if this was a trial, there would be no debate about whether the party with the burden of proof could call witnesses. Of course, they could. Of course, they can.

The defendant doesn't get to decide who the prosecution can call as a witness. If you are confused, so is the public. They want this to look like a regular trial, and it should. That has been the history of this body. That has been the history of this body.

Now I know it is late, but I have to tell you it doesn't have to be late. We don't control the schedule here. We are not deciding we want to carry on through the evening. We don't get to decide the schedule.

There is a reason for why we are still here at 5 minutes to midnight. There is a reason why we are here at 5 minutes to midnight, and that is because they don't want the American people to see what is going on here. They are hoping people are asleep. You know, a lot of people are asleep right now, all over the country, because it is midnight.

Now, maybe in my State of California people are still awake and watching, but is this really what we should be doing when we are deciding the fate of a Presidency—that we should be doing this in the midnight hour?

I started out the day asking whether there could be a fair trial and expressing the skepticism I think the country feels about whether that is possible, how much they want to believe this is possible. But I have to say, watching now at midnight, this effort to hide this in the dead of night cannot be encouraging to them about whether there will be a fair trial.

I yield back.

The CHIEF JUSTICE. The majority leader is recognized.

MOTION TO TABLE

Mr. MCCONNELL. Mr. Chief Justice, I have a motion at the desk to table the amendment.

The CHIEF JUSTICE. The question is on agreeing to the motion.

Is there a sufficient second?

There is a sufficient second.

Mr. MCCONNELL. I ask for the yeas and nays.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk called the roll.

The CHIEF JUSTICE. Does any Senator in the Chamber wish to change his or her vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—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	

NAYS—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	

The motion to table is agreed to; the amendment is tabled.

The CHIEF JUSTICE. The Democratic leader is recognized.

AMENDMENT NO. 1291

Mr. SCHUMER. Mr. Chief Justice, I send an amendment to the desk to issue a subpoena to John Robert Bolton, and I ask that it be read.

The CHIEF JUSTICE. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1291.

At the appropriate place in the resolving clause, insert the following:

SEC. _____. Notwithstanding any other provision of this resolution, pursuant to

rules V and VI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Chief Justice of the United States, through the Secretary of the Senate, shall issue a subpoena for the taking of testimony of John Robert Bolton, and the Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or any other employee of the Senate in serving the subpoena authorized to be issued by this section.

The CHIEF JUSTICE. The amendment is arguable by the parties with 2 hours equally divided.

Mr. Manager SCHIFF, are you a proponent?

Mr. Manager SCHIFF. Yes, I am.

The CHIEF JUSTICE. Mr. Cipollone, are you an opponent?

Mr. Counsel CIPOLLONE. Yes, Mr. Chief Justice.

The CHIEF JUSTICE. Mr. SCHIFF, you may proceed, and you may reserve time for rebuttal.

Mr. Manager NADLER. Before I begin, Mr. Chief Justice, the House managers will be reserving the balance of our time to respond to the arguments of the counsel for the President.

Mr. Chief Justice, Senators, counsel for the President, the House managers strongly support this amendment to subpoena John Bolton. I am struck by what we have heard from the President's counsel so far tonight. They complain about process, but they do not seriously contest any of the allegations against the President. They insist that the President has done nothing wrong, but they refuse to allow the evidence and hear from the witnesses. They will not permit the American people to hear from the witnesses, and they lie and lie and lie and lie.

For example, for months, President Trump has repeatedly complained that the House denied them the right to call witnesses, to cross-examine witnesses, and so forth. You heard Mr. Cipollone repeat this lie today. Well, I have with me the letter that I sent as Chairman of the House Judiciary Committee last November 26, inviting the President and his counsel to attend our hearings, to cross-examine the witnesses, to call witnesses of his own, and so forth. I also have the White House letter signed by Mr. Cipollone, rejecting that offer. We should expect at least a little regard for the truth from the White House, but that is apparently too much to expect.

Ladies and gentlemen, this is a trial. At a trial, the lawyers present evidence. The American people know that. Most 10-year-olds know that. If you vote to block this witness or any of the evidence that should be presented here, it can only be because you do not want the American people to hear the evidence, that you do not want a fair trial, and that you are complicit in President Trump's efforts to hide his misconduct and hide the truth from the American people.

Ambassador Bolton was appointed by President Trump. He has stated his willingness to testify in this trial. He is prepared to testify. He says that he has relevant evidence not yet disclosed to the public. His comments reaffirm what is obvious from the testimony and documents obtained by the House, which highlight Ambassador Bolton's role in the repeated criticism of the President's misconduct.

In fact, extensive evidence collected by the House makes clear that Ambassador Bolton not only had firsthand knowledge of the Ukraine scheme but that he was deeply concerned with it. He described the scheme as a ''drug deal'' to a senior member of the staff. He warned that President Trump's personal lawyer, Rudy Giuliani, would ''blow everybody up.'' Indeed, in advance of the July 25, 2019, call, Ambassador Bolton expressed concern that President Trump would ask the Ukrainian President to announce these political investigations, which is, of course, exactly what happened. Of course, there weren't to be any investigations. All he cared about was an announcement to smear a political rival in the United States. He repeatedly urged his staff to report their own concerns about the President's conduct to legal counsel—that is, Ambassador Bolton did, not the President—as the scheme was unfolding.

Finally, as National Security Advisor, he also objected to the President's freezing of military aid to Ukraine and advocated for the release of that aid, including directly with President Trump. Of course, as we all know, the Impoundment Control Act makes illegal the President's withholding of that aid after Congress had voted for it, but the President ignored the warnings about that because all he cared about was smearing a political rival. The law meant nothing to him.

Ambassador Bolton has made clear that he is ready, willing, and able to testify about everything he witnessed, but President Trump does not want you to hear from Ambassador Bolton, and the reason has nothing to do with executive privilege or this other nonsense. The reason has nothing to do with national security. If the President cared about national security, he would not have blocked military assistance to a vulnerable strategic ally in the attempt to secure a personal political favor for himself.

No, the President does not want you to hear from Ambassador Bolton because the President does not want the American people to hear firsthand testimony about the misconduct at the heart of this trial. The question is whether the Senate will be complicit in the President's crimes by covering them up. Any Senator who votes against Ambassador Bolton's testimony or any relevant testimony shows that he or she wants to be part of the coverup. What other possible reason is there to prohibit a relevant witness from testifying here? Unfortunately, so far, I have seen every Republican Senator has shown that they want to be part of the coverup by voting against every document and witness proposed.

Ambassador Bolton is a firsthand witness to President Trump's abuse of power. As the National Security Advisor, he reported directly to the President and supervised the entire National Security Council. That included three key witnesses with responsibility for Ukraine matters who testified in great detail before the House—Dr. Fiona Hill, Tim Morrison, and LTC Alexander Vindman.

Moreover, in his role, John Bolton was the tip of the spear for President Trump on national security. It was his responsibility to oversee everything happening in the Trump administration regarding foreign policy and national security. By virtue of his unique position appointed by the President, Bolton had knowledge of the latest intelligence and developments in our relationship with Ukraine, including our support of the country and its new President, and that is why the President and some Members of this body are afraid to hear from Ambassador Bolton—because they know he knows too much.

There is also substantial evidence that Ambassador Bolton kept a keen eye on Rudy Giuliani, who was acting on behalf of the President in connection with Ukraine. As we will describe, Ambassador Bolton communicated directly with Mr. Giuliani at key moments. He knows the details of the so-called drug deal he would later warn against.

Perhaps most importantly, Ambassador Bolton has said both that he will testify and that he has relevant information that has not yet been disclosed. A key witness has come forward and confirmed not only that he participated in critically important events but that he has new evidence we have not yet heard. That is precisely what Ambassador Bolton has done. His lawyer tells us that Ambassador Bolton was ''personally involved in many of the events, meetings, and conversations about which the House heard testimony, as well as many relevant meetings and conversations that have not yet been discussed in the testimony thus far.''

Ambassador Bolton was requested as a witness in the House inquiry, but he refused to appear voluntarily. His lawyers informed the House Intelligence Committee that Ambassador Bolton would take the matter to court if issued a subpoena, as his subordinate did, but the Ambassador changed his tune. He recently issued a statement confirming that ''if the Senate issues a subpoena for my testimony, I am prepared to testify.''

So the question presented as to Ambassador Bolton is clear. It comes down to this: Will the Senate do its duty and hear all the evidence? Or will it slam this door shut and show it is participating in a coverup because it fears to hear testimony from the former National Security Advisor of the President, because it fears what he might say or it fears he knows too much?

Consider this as well: Why is President Trump so intent on preventing us from hearing Ambassador Bolton, his own appointee, his formerly trusted confidant? Because he knows—he knows—his guilt and he knows that he doesn't want people who know about it to testify. The question is whether Republican Senators here today will participate in that coverup.

The reasons seem clear. President Trump wants to block this witness because Ambassador Bolton has direct knowledge of the Ukraine scheme, which he called a drug deal. Let's start with the key meeting that took place on July 10.

Just 2 weeks before President Trump's now famous July 25 call with President Zelensky, Ambassador Bolton hosted senior Ukrainian officials in his West Wing office. That meeting included Dr. Hill, Lieutenant Colonel Vindman, Ambassadors Sondland and Volker, and Energy Secretary Rick Perry. As they did in every meeting they took with U.S. officials, Ukrainian officials asked when President Trump would schedule a White House meeting for the newly elected Ukrainian President because it was very important for the Ukrainian President, a new President of an embattled democracy being invaded by Russia, to show that he had legitimacy by a meeting with the United States.

Dr. Hill testified that Ambassador Sondland blurted out that he had a deal with Mr. Mulvaney for a White House visit, provided that Ukraine first announce investigations into the President's political rivals. Ambassador Bolton immediately stiffened and ended the meeting. Dr. Hill's testimony is on the screen.

In other words, Ambassador Bolton and others at the meeting were interested in the national security of the United States. They were interested in protecting an American ally against Russian invasion. They couldn't understand why this sudden order was coming from the President to abandon that ally because they didn't yet know—they didn't yet know—of the President's plot to try to extort the Ukrainian Government into doing him a political favor by announcing an investigation of a political rival.

When Dr. Hill reported back to Ambassador Bolton about the second conversation, Ambassador Bolton told Dr. Hill to go to the National Security Council's legal advisor, John Eisenberg, and tell him: ''I am not part of whatever drug deal Sondland and Mulvaney are cooking up on this.''

Here is an excerpt of her hearing testimony.

(Text of Videotape presentation:)

Ms. HILL. The specific instruction was that I had to go to the lawyers—to John Eisenberg, the senior counsel for the National Security Council, to basically say: You tell Eisenberg Ambassador Bolton told me that I am not part of this—whatever drug deal that Mulvaney and Sondland are cooking up.

Mr. GOLDMAN. What did you understand him to mean by the drug deal that Mulvaney and Sondland were cooking up?

Ms. HILL. I took it to mean investigations for a meeting.

Mr. GOLDMAN. Did you go speak to the lawyers?

Ms. HILL. I certainly did.

Mr. Manager NADLER. These statements of events are reason enough to insist that Ambassador Bolton testify. He can explain the misconduct that caused him to characterize the Ukraine scheme as a drug deal and why he directed his subordinates to report their concerns to a legal counsel. He can tell us everything else he knows about how Ambassador Sondland, Mr. Mulvaney, and others were attempting to press the Ukrainians to do President Trump's political bidding. Once more, only Ambassador Bolton can tell us what he was thinking and what he knew as this scheme developed. That is why the President fears his testimony. That is why some Members of this body fear his testimony.

Ambassador Bolton's involvement was not limited to a few isolated events; he was a witness at key moments in the course of the Ukraine scheme, especially in July, August, and September of last year. I would like to walk through some of these events. Please remember, as I am describing them, that this is not the entire universe of issues to which Ambassador Bolton could testify; they are only examples that show why he is such an important witness and why the President is desperate to block his testimony.

We know from Ambassador Bolton's attorney that there may be other meetings and conversations that have not yet come to our attention. To take one example, we know from witness testimony that Ambassador Bolton repeatedly expressed concerns about the involvement of President Trump's personal lawyer, Mr. Giuliani.

In the spring and summer of 2019, Ambassador Bolton caught wind of Mr. Giuliani's involvement in Ukraine and soon began to express concerns. Ambassador Bolton expressed strong concerns about Mr. Giuliani's involvement in Ukraine matters.

When Ambassador Bolton described Mr. Giuliani as ''a hand grenade that was going to blow everybody up,'' it was based on his fear that Mr. Giuliani's work on behalf of the President, his attempts to have Ukraine announce these investigations—these sham investigations—and his campaign to smear Ambassador Yovanovitch would ultimately backfire and cause lasting damage to the President. It turns out he was right.

(Text of Videotape presentation:)

Ms. SEWELL. Did your boss, Dr. Bolton—I mean Ambassador Bolton, tell you that Giuliani was ''a hand grenade''?

Ms. HILL. He did, yes.

Ms. SEWELL. What do you think he meant by his characterization of Giuliani as a hand grenade?

Ms. HILL. What he meant by this was pretty clear to me in the context of all of the statements that Mr. Giuliani was making publicly about the investigations that he was promoting, that the story line he was promoting, the narrative he was promoting was going to backfire. I think it has backfired.

Mr. Manager NADLER. In June, as Ambassador Bolton became aware of Mr. Giuliani's coordination with Ambassadors Volker and Sondland, he told Dr. Hill and other members of the National Security Council staff that ''nobody should be meeting with Giuliani.'' But, he, of course, did not know of the President's plot as to why people were meeting with Giuliani.

Dr. Hill also testified that Ambassador Bolton was ''closely monitoring what Mr. Giuliani was doing and the messaging that he was sending out.'' But Ambassador Bolton was keenly aware that Mr. Giuliani was doing the President's bidding. That is also why the President fears his testimony.

During a meeting on June 13, 2019, Ambassador Bolton made clear that he supported more engagement with Ukraine by senior White House officials but questioned that ''Mr. Giuliani was a key voice with the president on Ukraine.'' He joked that every time Ukraine is mentioned, Giuliani pops up.

Ambassador Bolton also communicated directly with Mr. Giuliani at key junctures. According to call records obtained by the House, Mr. Giuliani connected with Ambassador Bolton's office three times for brief calls between April 23 and May 10, 2019, a time period that corresponds with the recall of Ambassador Yovanovitch and the acceleration of Mr. Giuliani's efforts on behalf of President Trump to pressure Ukraine into opening investigations that would benefit his reelection campaign.

For instance, on April 23, the day before the State Department recalled Ambassador Yovanovitch from Ukraine, Mr. Giuliani had an 8-minute 28-second call from the White House. Thirty minutes later, he had a 48-second call with a phone number associated with Ambassador Bolton.

If he were called to testify, we could ask Ambassador Bolton directly what transpired on that call and whether that phone call informed his assessment that Mr. Giuliani was ''a hand grenade that was going to blow everyone up.'' We can ask Mr. Bolton why, when there are approximately 1.8 million companies in Ukraine—several hundred thousand of which have been accused of corruption—the President was focused on only one. He didn't care about anything else. He cared only about the company on which the former Vice President's son had been a board member. Can you believe that he was concerned with corruption and only knew about one company, when there are hundreds of thousands that were accused of corruption?

Although Ambassador Bolton did not listen in on the July 25 call between President Trump and President

Zelensky in which President Trump asked the Ukrainian President a favor—a favor to investigate one company and Joe Biden's son—we have learned from witness testimony that Ambassador Bolton was opposed to scheduling the call in the first place. Why? Because he accurately predicted, in the words of Ambassador Taylor, that ''there could be some talk of investigations or worse on the call.'' In fact, he did not want the call to happen at all because he ''thought it was going to be a disaster.''

How did Ambassador Bolton know that President Trump would bring this up? What made him so concerned that a call would be a disaster? I think we know, but only Ambassador Bolton can answer these questions.

Based on extensive witness testimony, we also know that throughout this period, multiple people on the National Security Council's staff reported concerns to Ambassador Bolton about tying American foreign policy to President Trump's ''domestic political errand,'' as Dr. Hill so aptly put it.

After he abruptly ended the July 10 meeting—the meeting in which Ambassador Sondland abruptly told the Ukrainians that a White House meeting could be scheduled in exchange for the announced investigations—Ambassador Bolton spoke to Dr. Hill and directed her to report her concerns to National Security Council's legal adviser John Eisenberg.

At the end of August, Ambassador Bolton advised Ambassador Taylor to send a first-person cable to Secretary Pompeo to relay concerns about the hold on the military aid.

Ambassador Bolton also advised Mr. Morrison—Dr. Hill's successor as the top Russia and Ukraine official on the National Security Council—on at least two different occasions to report what he had heard to the National Security Council's lawyers, it sounding so suspicious.

On September 1, Ambassador Bolton directed Mr. Morrison to report to the National Security Council's lawyers an explicit proposal from Ambassador Sondland to a senior Ukrainian official that ''what could help them move the aid was if the prosecutor general would go to the mike and announce that he was opening the Burisma investigation.''

On September 7, Ambassador Bolton instructed Mr. Morrison to report to the lawyers another conversation Mr. Morrison had with Ambassador Sondland. This time, Ambassador Sondland had conveyed that the administration would not release the military aid unless President Zelensky announced the investigations demanded by President Trump—the investigations of one company because the President was so concerned about the corruption in Ukraine. It was one company that had had Vice President Biden's son on the board, and the President just happened to pick that company from hundreds of thousands to be concerned about corruption. And the President also opposed funding for corruption aid to Ukraine.

Why did Ambassador Bolton tell his subordinates to report these issues to the national security lawyers? What does he know about how the lawyers responded to the concerns of Dr. Hill or of Lieutenant Colonel Vindman and Mr. Morrison? Again, only Ambassador Bolton can answer these questions, and we must assume that the answers go to the heart of the President's misconduct, given the President's attempt to block his testimony. Why would the President oppose the testimony of his own appointee as the National Security Advisor of the United States unless he knew that testimony would be damming to him? Those are other reasons the President fears Ambassador Bolton's testimony.

I would like to now turn to Ambassador Bolton's knowledge of and concerns about President Trump's illegal withholding of the military aid to Ukraine.

Of course, we all know that under the Anti-Impoundment Act of 1974—passed to prevent President Nixon from refusing to spend money appropriated by Congress—withholding money appropriated by Congress is illegal; nonetheless, the President did it for obviously corrupt motives.

By July of last year, Ambassador Bolton was well aware that President Trump was illegally withholding security assistance to Ukraine, and he and his subordinates tried to convince the President to pursue America's national security interests and release the aid instead of continuing to withhold vital military assistance to the President—instead of holding that vital military assistance hostage to the President's personal political agenda.

Throughout the rest of July, over the course of several interagency meetings, the National Security Council repeatedly discussed the freeze on Ukraine's security assistance. As National Security Advisor, Ambassador Bolton supervised that process. These meetings worked their way up to the level of Cabinet deputies, and every agency involved, except for the Office of Management and Budget, supported releasing the aid. OMB, meanwhile, said its position was based on President Trump's express orders.

We know that a number of individuals at OMB and the Department of Defense raised serious concerns about the legality of freezing the funds, which we know is illegal. We now have an explicit ruling from the Government Accountability Office, which we didn't need because we knew that is why the law was passed in 1974, that the freeze ordered by President Trump was illegal—and he was obviously told this—and violated the Impoundment Control Act.

We also know that after the meeting of Cabinet deputies on July 26, Tim Morrison talked to Ambassador Bolton, and according to Mr. Morrison, Ambassador Bolton said that the entire Cabinet supported releasing the freeze and wanted to get the issue to President Trump as soon as possible.

When did Ambassador Bolton first become aware that President Trump was withholding military aid to Ukraine and conditioning the release of that aid on Ukraine announcing political investigations? What was he told was the reason? What else did he learn about the President's actions in these meetings? Again, only Ambassador Bolton can answer these questions, and again we must presume that President Trump is desperate for us not to hear those answers. I hope not too many of the Members of this body are desperate to make sure that the American people don't hear these same answers.

We know that Ambassador Bolton tried throughout August, without success, to persuade the President that the aid to Ukraine had to be released because that was in America's best interest and necessary for our national security.

In mid-August, we know Lieutenant Colonel Vindman wrote a Presidential decision memorandum recommending that the freeze be lifted based on the consensus views of the entire Cabinet. The memo was given to Ambassador Bolton, who subsequently had a direct, one-on-one conversation with the President in which he tried but failed to convince him to release the hold.

(Text of Videotape presentation:)

Mr. SWALWELL. You said Ambassador Bolton had a one-on-one meeting with President Trump in late August 2019, but the President was not yet ready to approve the release of the assistance. Do you remember that?

Mr. MORRISON. This was 226?

Mr. SWALWELL. Yes, 266 and 268. But I am asking you: Did that happen or did it not?

Mr. MORRISON. Sir, I just want to be clear characterizing it. OK, sir.

Mr. SWALWELL. Yes. You testified to that. What was the outcome of that meeting between Ambassador Bolton and President Trump?

Mr. MORRISON. Ambassador Bolton did not yet believe the President was ready to approve the assistance.

Mr. SWALWELL. Did Ambassador Bolton inform you of any reason for the ongoing hold that stemmed from this meeting?

Mr. Manager NADLER. Ambassador Bolton's efforts failed. By August 30, OMB informed DOD that there was ''clear direction from POTUS to continue to hold.'' What rationale did President Trump give Ambassador Bolton and other senior officials for refusing to release the aid? Were these reasons convincing to Ambassador Bolton, and did they reflect the best interests of our national security or the President's personal political interests?

Only Ambassador Bolton can tell us the answers. A fair trial in this body would ensure that he testifies. The President does not want you to hear Ambassador Bolton's testimony. Why is that? For all the obvious reasons I have stated.

The President claims that he froze aid to Ukraine in the interest of our

national security. If that is true, why would he oppose testimony from his own former National Security Advisor?

Make no mistake. President Trump had no legal grounds to block Ambassador Bolton's testimony in this trial. Executive privilege is not a spell that the President can cast to cover up evidence of his own misconduct. It is a qualified privilege that protects senior advisers performing official functions. Executive privilege is a shield, not a sword. It cannot be used to block a witness who is willing to testify, as Ambassador Bolton says he is.

As we know from the Nixon case in Watergate, the privilege also does not prevent us from obtaining specific evidence of wrongdoing. The Supreme Court unanimously rejected President Nixon's attempts to use executive privilege to conceal incriminating tape recordings. All the similar efforts by President Trump must also fail.

The President sometimes relies on a theory of absolute immunity that says that he can order anybody in the executive branch not to testify to the House or the Senate or to a court. Obviously, this is ridiculous. It has been flatly rejected by every Federal court to consider the idea. It is embarrassing that the President's counsel would talk about this today.

Again, even if President Trump asserts that Ambassador Bolton is absolutely immune from compelled testimony, the President has no authority to block Ambassador Bolton from appearing here. As one court recently explained, Presidents are not Kings, and they do not have subjects whose destiny they are entitled to control.

This body should not act as if the President is a King. We will see, with the next vote on this question, whether the Members of this body want to protect the President against all investigation, against all suspicion, against any crimes, or not.

The Framers of our Constitution were most concerned about abuse of power where it affects national security. President Trump has been impeached for placing his political interests ahead of our national security. It is imperative, therefore, that we hear from the National Security Advisor who witnessed the President's scheme from start to finish. To be clear, the record, as it stands, fully supports both Articles of Impeachment. It is beyond argument that President Trump mounted a sustained pressure campaign to get Ukraine to announce investigations that would benefit him politically and then tried to cover it up. The President does not seriously deny any of these facts.

The only question left is this: Why is the President so intent on concealing the evidence and blocking all documents and testimony here today? Only guilty people try to hide the evidence.

Of course, all of this is relevant only if this here today is a fair trial, only if you, the Senate, sitting as an impartial jury, do not work with the accused to conceal the evidence from the American people.

We cannot be surprised that the President objects to calling witnesses who would prove his guilt. That is who he is. He does not want you to see evidence or hear testimony that details how he betrayed his office and asked a foreign government to intervene in our election. But we should be surprised that, here in the U.S. Senate, the greatest deliberative body in the world, where we are expected to put our oath of office ahead of political expediency, where we are expected to be honest, where we are expected to protect the interests of the American people—we should be surprised, shocked—that any Senator would vote to block this witness or any relevant witness who might shed additional light on the President's obvious misconduct.

The President is on trial in the Senate, but the Senate is on trial in the eyes of the American people. Will you vote to allow all of the relevant evidence to be presented here, or will you betray your pledge to be an impartial juror? Will you bring Ambassador Bolton here? Will you permit us to present you with the entire record of the President's misconduct, or will you, instead, choose to be complicit in the President's coverup?

So far, I am sad to say, I see a lot of Senators voting for a coverup, voting to deny witnesses—an absolutely indefensible vote, obviously a treacherous vote, a vote against an honest consideration of the evidence against the President, a vote against an honest trial, a vote against the United States.

A real trial, we know, has witnesses. We urge you to do your duty, permit a fair trial. All the witnesses must be permitted. That is elementary in American justice. Either you want the truth and you must permit the witnesses, or you want a shameful coverup. History will judge. So will the electorate.

Mr. Chief Justice, we reserve the balance of our time—the managers.

The CHIEF JUSTICE. Mr. Cipollone.

Mr. Counsel CIPOLLONE. Mr. Chief Justice, Members of the Senate, we came here today to address the false case brought to you by the House managers. We have been respectful of the Senate. We have made our arguments to you.

You don't deserve and we don't deserve what just happened. Mr. NADLER came up here and made false allegations against our team. He made false allegations against all of you. He accused you of a coverup. He has been making false allegations against the President. The only one who should be embarrassed, Mr. NADLER, is you, for the way you have addressed this body. This is the U.S. Senate. You are not in charge here.

Now let me address the issue of Mr. Bolton. I have addressed it before. They don't tell you that they didn't bother to call Mr. Bolton themselves. They didn't subpoena him. Mr. COOPER wrote them a letter. He said very clearly: If the House chooses not to pursue through subpoena the testimony of Dr. Kupperman and Ambassador Bolton, let the record be clear. That is the House's decision.

They didn't pursue Ambassador Bolton, and they withdrew the subpoena to Mr. Kupperman. So, for them to come here now and demand that, before we even start the arguments—they ask you to do something that they refuse to do for themselves and then accuse you of a coverup when you don't do it—it is ridiculous. Talk about out-of-control governing.

Now, let me read you a quote from Mr. NADLER not so long ago:

> The effect of impeachment is to overturn the popular will of the voters. There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by the other. Such an impeachment would produce divisiveness and bitterness in our politics for years to come and will call into question the very legitimacy of our political institutions.

Well, you have just seen it for yourself. What happened, Mr. NADLER? What happened?

The American people pay their salaries, and they are here to take away their vote. They are here to take away their voice. They have come here, and they have attacked every institution of our government. They have attacked the President, the executive branch. They have attacked the judicial branch. They say they don't have time for courts. They have attacked the U.S. Senate, repeatedly. It is about time we bring this power trip in for a landing.

President Trump is a man of his word. He made promises to the American people, and he delivered—over and over and over again. And they come here and say, with no evidence, spending the day complaining, that they can't make their case, attacking a resolution that had 100 percent support in this body. And some of the people here supported it at the time. It is a farce, and it should end.

Mr. NADLER, you owe an apology to the President of the United States and his family. You owe an apology to the Senate. But, most of all, you owe an apology to the American people.

Mr. Chief Justice, I yield the remainder of my time to Mr. Sekulow.

The CHIEF JUSTICE. Mr. Sekulow.

Mr. Counsel SEKULOW. Mr. Chief Justice, Members of the Senate, chairman NADLER talked about treacherous, and at about 12:10 a.m., January 22, the chairman of the Judiciary Committee, in this body, on the floor of this Senate, said ''executive privilege and other nonsense.'' Now, think about that for a moment—''executive privilege and other nonsense.''

Mr. NADLER, it is not nonsense. These are privileges recognized by the Supreme Court of the United States. To shred the Constitution on the floor of the Senate—to serve what purpose? The Senate is not on trial. The Constitution doesn't allow what just took place.

Look at what we have dealt with for the last now 13 hours. We, hopefully, are closing the proceedings, but not on a very high note.

Only guilty people try to hide evidence? So, I guess, when President Obama instructed his Attorney General to not give information, he was guilty of a crime. That is the way it works, Mr. NADLER? Is that the way you view the U.S. Constitution? Because that is not the way it was written. That is not the way it is interpreted, and that is not the way the American people should have to live.

I will tell you what is treacherous: To come to the floor of the Senate and say ''executive privilege and other nonsense.''

Mr. Chief Justice, we yield the rest of our time.

The CHIEF JUSTICE. The managers have 27 minutes remaining.

Mr. Manager NADLER. Mr. Chief Justice, Members of the Senate, the President's counsel has no standing to talk about lying. He told this body today—the President has told this body—and told the American people repeatedly, for example, that the House of Representatives refused to allow the President due process. I told you that it is available—public document, November 26 letter from me, as chairman of the Judiciary Committee, to the President, offering him due process, offering witnesses, offering cross-examination.

A few days later, we received a letter from Mr. Cipollone on White House stationery that said: No, we have no interest in appearing.

On the one hand, the House is condemned by the President for not giving him due process after they rejected the offer of due process. That letter rejecting it was December 1.

The President's counsel says that the House should have issued subpoenas. We did issue subpoenas. The President, you may recall—you should recall—said he would oppose all subpoenas, and he did. So many of those subpoenas are still being fought in court—subpoenas issued last April. So that is also untrue. It takes a heck of a lot of nerve to criticize the House for not issuing subpoenas when the President said he would oppose all subpoenas. We have issued a lot of subpoenas. He opposes all of them, and they are tied up in court.

The President claims—and most Members of this body know better, executive privilege, which is a limited privilege, which exists but not as a shield, not as a shield against wrongdoing, as the Supreme Court specifically said in the Nixon case in 1974. The President claims absolute immunity. Mr. Cipollone wrote some of those letters, not only saying the President but that nobody should testify that he doesn't want, and then they have the nerve—and that is a violation of the constitutional rights of the House of Representatives and the Senate and of the American people represented through them.

It is an assertion of the kingly prerogative, a monarchical prerogative. Only the President—only the President has rights, and the people as represented in Congress cannot get information from the executive branch at all. This body has committees. It has a 200-year record of issuing subpoenas, of having the administration of the day testify, of sometimes having subpoena fights, but no President has ever claimed the right to stonewall Congress on everything, period. Congress has no right to get information. The American people have no right to get information. That, in fact, is article II of the impeachment that we have voted.

It is beyond belief that the President claims monarchical powers—I can do whatever I want under article II, says he—and then acts on that, defies everything, defies the law to withhold aid from Ukraine, defies the law in a dozen different directions all the time, and lies about it all the time and says to Mr. Cipollone to lie about it. These facts are undeniable—undeniable.

I reserve.

Mr. Manager SCHIFF. Mr. Cipollone, once again, complained that we did not request John Bolton to testify in the House, but of course we did. We did request his testimony, and he was a no-show.

When we talked to his counsel about subpoenaing his testimony, the answer was: You give us a subpoena, and we will sue you. And, indeed, that is what Mr. Bolton's attorney did with the subpoena for Dr. Kupperman.

There was no willingness by Mr. Bolton to testify before the House. He said he would sue us. What is the problem with his suing us? Their Justice Department, under Bill Barr, is in court arguing—actually in that very case involving Dr. Kupperman—that Dr. Kupperman can't sue the administration and the Congress.

That is the same position that Congress has taken, the same position the administration is taking but, apparently, not the same position these lawyers are taking.

Here is the bigger problem with that. We subpoenaed Don McGahn, as I told you earlier. You should know we subpoenaed Don McGahn in April of 2019. It is January of 2020. We still don't have a final decision from the court requiring him to testify. In a couple of months, it will be 1 year since we issued that subpoena.

The President would like nothing more than for us to have to go through 1 year or 2 years or 3 years of litigation to get any witness to come before the House. The problem is, the President is trying to cheat in this election. We don't have the luxury of waiting 1 year or 2 years or 3 years, when the very object of this scheme was to cheat in the next election. It is not like that threat has gone away.

Just last month, the President's lawyer was in Ukraine still trying to smear his opponent and still trying to get Ukraine to interfere in our election. The President said, even while the impeachment investigation was going on, when he was asked: What did you want in that call with Zelensky, and his answer was: Well, if we are being honest about it, Zelensky should do that investigation of the Bidens.

He hasn't stopped asking them to interfere. Do you think the Ukrainians have any doubt about what he wants? One of the witnesses, David Holmes, testified about the pressure that Ukraine feels. He made a very important point: It isn't over. It is not like they don't want anything else from the United States.

This effort to pressure Ukraine goes on to this day, with the President's lawyer continuing the scheme, as we speak, with the President inviting other nations to also involve themselves in our election.

China—he wants to now investigate the Bidens. This is no intangible threat to our elections. Within the last couple of weeks, it has been reported that the Russians have tried to hack Burisma. Why do you think they are hacking Burisma? Because, as Chairman NADLER says, everybody seems to be interested in this one company out of hundreds of thousands Ukrainian companies. It is a coincidence that the same company that the President has been trying to smear Joe Biden over happens to be the company the Russians are hacking.

Why would the Russians do that? If you look back to the last election, the Russians hacked the DNC, and they started to leak campaign documents in a drip, drip, drip, and the President was only too happy—over 100 times in the last couple of months in the campaign—to cite those Russian-hacked Russian documents, and now the Russians are at it again.

This is no illusory threat to the independence of our elections. The Russians are at it, as we speak. What does the President do? Is he saying: Back off, Russia; I am not interested in your help; I don't want foreign interference? No, he is saying: Come on in, China. He has his guy in Ukraine continuing the scheme.

We can't wait a year or 2 years or 3 years, like we have had to wait with Don McGahn, to get John Bolton in to testify to let you know that this threat is ongoing.

Counsel also says: Well, this is just like Obama, right? This is just like Obama, citing, I suppose, the Fast and Furious case. They don't mention to you that in that investigation, the Obama administration turned over tens of thousands of documents. They don't want you to know about that. They say it is just like Obama.

When you find video of Barack Obama saying that under article II he can do anything, then you can compare Barack Obama to Donald Trump. When you find a video of Barack Obama saying: I am going to fight all subpoenas, then you can compare Barack Obama to Donald Trump.

And finally, Mr. Cipollone says, President Trump is a man of his word. It is too late in the evening for me to go into that one, except to say this. President Trump gave his word he would drain the swamp. He said he would drain the swamp. What have we seen? We have seen his personal lawyer go to jail, his campaign chairman go to jail, his deputy campaign chairman convicted of a different crime, his associates' associate, Lev Parnas, under indictment. The list goes and on. That is, I guess, how you drain the swamp. You have all your people go to jail.

I don't think that is really what was meant by that expression. For the purposes of why we are here today, how does someone who promises to drain the swamp coerce an ally of ours into doing a political investigation? That is the swamp. That is not draining the swamp; that is exporting the swamp.

I yield back.

The CHIEF JUSTICE. I think it is appropriate at this point for me to admonish both the House managers and the President's counsel in equal terms to remember that they are addressing the world's greatest deliberative body. One reason it has earned that title is because its Members avoid speaking in a manner and using language that is not conducive to civil discourse.

In the 1905 Swayne trial, a Senator objected when one of the managers used the word ''pettifogging,'' and the Presiding Officer said the word ought not have been used. I don't think we need to aspire to that high a standard, but I think those addressing the Senate should remember where they are.

The majority leader is recognized.

MOTION TO TABLE

Mr. MCCONNELL. Mr. Chief Justice, it will surprise no one that I move to table the amendment and ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second?

There is a sufficient second.

The legislative clerk called the roll.

The CHIEF JUSTICE. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—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	

NAYS—47

Baldwin	Blumenthal	Brown
Bennet	Booker	Cantwell
Cardin	Kaine	Schatz
Carper	King	Schumer
Casey	Klobuchar	Shaheen
Coons	Leahy	Sinema
Cortez Masto	Manchin	Smith
Duckworth	Markey	Stabenow
Durbin	Menendez	Tester
Feinstein	Merkley	Udall
Gillibrand	Murphy	Van Hollen
Harris	Murray	Warner
Hassan	Peters	Warren
Heinrich	Reed	Whitehouse
Hirono	Rosen	Wyden
Jones	Sanders	

The motion to table is agreed to; the amendment is tabled.

The CHIEF JUSTICE. The Democratic leader is recognized.

AMENDMENT NO. 1292

Mr. SCHUMER. Thank you, Mr. Chief Justice.

I send an amendment to the desk to provide for a vote of the Senate on any motion to subpoena witnesses or documents after the question period, and I waive its reading.

The CHIEF JUSTICE. Is there any objection to the waiving of the reading?

Mr. Counsel CIPOLLONE. I object.

Mr. SCHUMER. I withdraw my request for a waiver.

The CHIEF JUSTICE. Does any Senator have an objection to the waiving of the reading?

Ms. MURKOWSKI. I object.

The CHIEF JUSTICE. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1292.

On page 3, line 8, strike ''4 hours'' and insert ''2 hours''.

On page 3, line 10, strike ''the question of'' and all that follows through ''rules'' on line 12.

On page 3, line 14, insert ''any such motion'' after ''decide''.

On page 3, line 15, strike ''whether'' and all that follows through ''documents'' on line 17.

On page 3, line 18, strike ''that question'' and insert ''any such motion''.

On page 3, lines 23 and 24 strike ''and the Senate shall decide after deposition which witnesses shall testify'' and insert ''and then shall testify in the Senate''.

The CHIEF JUSTICE. The amendment is arguable by the parties for 2 hours, equally divided.

Mr. Manager Schiff, are you a proponent or opponent?

Mr. Manager SCHIFF. Proponent.

Mr. Counsel CIPOLLONE. We oppose it.

The CHIEF JUSTICE. Mr. SCHIFF, you may proceed and reserve time for rebuttal.

Mr. Manager SCHIFF. Senators, this amendment makes two important changes to the McConnell resolution.

The first is, the McConnell resolution does not actually provide for an immediate vote even later on the witnesses we have requested.

What the McConnell resolution says is that at some point after, essentially, the trial is over—after you have had the arguments of both sides and you have had the 16 hours of questioning—then there will be a debate as to whether to have a vote and a debate on a particular witness. There is no guarantee that you are going to get a chance to vote on specific witnesses.

All the resolution provides is that you are going to get an opportunity to vote to have a debate on whether to ultimately have a vote on a particular witness. This would strip that middle layer. It would strip the debate on whether to have a debate on a particular witness.

If my counsel, my colleagues for the President's team, are making the point that ''Well, you are going to get that opportunity later,'' the reality is that under the McConnell resolution, we may never get to have a debate about particular witnesses.

You heard the discussion of four witnesses tonight. There may be others who come to the attention of this body who are able to get documents that we should also call. But will you ever get to hear a debate about why a particular witness is necessary? Well, you may only get a debate over the debate. This amendment would remove that debate over debate regarding particular witnesses.

The other thing this resolution would provide is that you should hear from these witnesses directly. The McConnell resolution says that we deposed, and that is it. It doesn't say you are ever going to actually hear these witnesses for yourself, which means that you, as the triers of fact, may not get to see and witness the credibility of these witnesses. You may only get to see a deposition or deposition transcript or maybe a video of a deposition. I don't know. But if there is any contesting of facts, wouldn't you like to hear from the witnesses yourself and very directly?

Now, the reason why it was done this way in the Clinton case and why there were depositions—and again, in the Clinton case, all these people had been interviewed and deposed or testified before. The reason it was done that way in the Clinton case is because of the salacious nature of the testimony. Nobody wanted witnesses on the Senate floor talking about sex. Well, as I said earlier, I can assure you that will not be the issue here.

To whatever degree there was a reluctance in the Clinton case to have live testimony because of its salacious character, that is not an issue here. That is not a reason here not to hear from those witnesses yourself.

This resolution makes those two important changes, and I would urge your support.

I reserve time.

The CHIEF JUSTICE. Mr. Cipollone.

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice.

Mr. Purpura will argue this motion.

Mr. Counsel PURPURA. Mr. Chief Justice, Members of the Senate, good morning. I will be very brief on this.

We strongly oppose the amendment. We support the resolution as written. We believe, as to the two areas that Manager Schiff discussed, the resolution appropriately considers those

questions and strikes the impeachment balance in the Senate's discretion as the sole trier of impeachments.

The rules in place here in the resolution are similar to the Clinton proceeding in that regard in the sense that this body has the discretion as to whether to hear from the witness live, if there are witnesses at some point, or not.

But, more fundamentally, the preliminary question has to be overcome, which is there will be 4 hours total, with 2 hours for them to try to convince you, after the parties have made their presentation—which they will have 24 hours to do—as to the preliminary question of whether it shall be in order to consider and debate any motion to subpoena witnesses or documents.

Those were precisely the Clinton rules—actually, stronger than the Clinton rules. Those rules, as I have indicated before, passed 100 to 0. We think that the resolution strikes the appropriate balance, and we urge that the amendment be rejected.

I yield my time.

The CHIEF JUSTICE. Thank you, counsel.

Mr. SCHIFF, you have 57 minutes.

Mr. Manager SCHIFF. Don't worry. I won't use it.

I will say only that if there were any veneer left to camouflage where the President's counsel is really coming from, the veneer is completely gone now. After saying we are going to have an opportunity to have a vote on these witnesses later, now they are saying: No, you are just going to have a vote on whether to debate having a vote on the witnesses.

The camouflage was pretty thin to begin with, but it is completely gone now.

What they really want is to get to that generic debate about whether or not to have a debate on witnesses and have you vote it down so you never actually have to vote to refuse these witnesses, although you had to do that tonight. I don't see what purpose that serves except, I suppose, to put one more layer in the way of accountability.

But the veneer is gone. All this promise about ''You are going to get that opportunity, it is just a question of when''—no, the whole goal is for you to never get the chance to take that vote. And what is more, the vote on this resolution is a vote that says that you don't want to hear from these witnesses yourself. You don't want to evaluate the credibility of these witnesses yourself. Maybe—just maybe—you will let them be deposed, but you don't want to hear them yourself. You don't want to see these witnesses put up their hand and take an oath.

I don't know what the rules of these depositions are going to be. Maybe the public isn't going to ever get to see what happens in those depositions. We released all the deposition transcripts from our depositions—the secret 100-person depositions—but we have no idea what rules they will adopt for these depositions. Maybe the public will see them; maybe they won't. Maybe you will get to see them; I assume you will get to see them. But at the end of the day, this is also a vote you have to cast that says: No, I don't want to hear them for myself. No, I don't want to evaluate their credibility for myself.

This is, after all, only a vote, only a case, only a trial about the impeachment of the President of the United States. If you have a bank robbery trial or you have a trial where somebody is stealing a piece of mail, you could get live witnesses. But to impeach the President of the United States, they are saying: No, we don't need to see their credibility.

Is that really where we are here tonight? Is that what the American people expect of a fair trial? I don't think it is.

I yield back.

The CHIEF JUSTICE. The majority leader is recognized.

MOTION TO TABLE

Mr. MCCONNELL. Mr. Chief Justice, I move to table the amendment and ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—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	

NAYS—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	

The motion to table is agreed to; the amendment is tabled.

The CHIEF JUSTICE. The Democratic leader is recognized.

AMENDMENT NO. 1293

Mr. SCHUMER. Mr. Chief Justice, I send an amendment to the desk to allow adequate time for written responses to any motions by the parties, and I ask that it be read.

The CHIEF JUSTICE. The clerk will read the amendment.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1293.

On page 2, beginning on line 10, strike ''11:00 a.m. on Wednesday, January 22, 2020'' and insert ''9:00 a.m. on Thursday, January 23, 2020''.

On page 2, line 15, strike ''Wednesday, January 22, 2020'' and insert ''Thursday, January 23, 2020''.

The CHIEF JUSTICE. The amendment is arguable by the parties for 2 hours, equally divided.

Mr. Manager SCHIFF, are you a proponent of this amendment?

Mr. Manager SCHIFF. Mr. Chief Justice, I am a proponent.

The CHIEF JUSTICE. Mr. Cipollone, are you a proponent or an opponent of this amendment?

Mr. Counsel CIPOLLONE. Mr. Chief Justice, I am an opponent.

The CHIEF JUSTICE. Okay.

Mr. SCHIFF, you may proceed and reserve time for rebuttal if you wish.

Mr. Manager SCHIFF. Thank you, Mr. Chief Justice.

This amendment is quite simple. Under the McConnell resolution, the parties file motions tomorrow at 9 a.m.—written motions, that is—and the responding party has to file their reply 2 hours later. That really doesn't give anybody enough time to respond to a written motion.

When the President's team filed, for example, their trial brief, it was over 100 pages. We at least had 24 hours to file our reply, and that is all we would ask for. In the Clinton trial—again, if we are interested in the Clinton case—they had 41 hours to respond to written motions. We are not asking for 41 hours, but we are asking for enough time to write a decent response to a motion.

That is essentially it, and I would hope that we could agree at least on this.

I reserve the balance of my time.

The CHIEF JUSTICE. Mr. Sekulow.

Mr. Counsel SEKULOW. Thank you, Mr. Chief Justice and Members of the Senate.

So it seems like tomorrow is a day off according to your procedure; is that correct, Mr. SCHIFF?

Mr. Manager SCHIFF. I forgot the time.

Mr. Counsel SEKULOW. Today is tomorrow, and tomorrow is today. The answer is that we are ready to proceed. We will respond to any motions. We would ask the Chamber to reject this amendment.

The CHIEF JUSTICE. Mr. SCHIFF, there are 59 minutes remaining.

Mr. Manager SCHIFF. I yield back our time.

The CHIEF JUSTICE. The majority leader is recognized.

MOTION TO TABLE

Mr. MCCONNELL. Mr. Chief Justice, I move to table the amendment.

The CHIEF JUSTICE. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—52

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	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	
Fischer	Perdue	

NAYS—48

Baldwin	Harris	Reed
Bennet	Hassan	Rosen
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden

The motion to table is agreed to; the amendment is tabled.

The CHIEF JUSTICE. The Democratic leader is recognized.

AMENDMENT NO. 1294

Mr. SCHUMER. Mr. Chief Justice, on behalf of Senator VAN HOLLEN, I send an amendment to the desk to help ensure impartial justice by requiring the Chief Justice of the United States to rule on motions to subpoena witnesses and documents. I ask that it be read. This is our last amendment of the evening.

The CHIEF JUSTICE. The clerk will read the amendment.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for Mr. VAN HOLLEN, proposes an amendment numbered 1294.

On page 3, line 20, insert ''The Presiding Officer shall rule to authorize the subpoena of any witness or any document that a Senator or a party moves to subpoena if the Presiding Officer determines that the witness or document is likely to have probative evidence relevant to either article of impeachment before the Senate.'' after ''order.''.

The CHIEF JUSTICE. The amendment is arguable by the parties for 2 hours, equally divided.

Mr. Manager SCHIFF, are you a proponent or an opponent of the motion?

Mr. Manager SCHIFF. Mr. Chief Justice, I am a proponent.

The CHIEF JUSTICE. Mr. Cipollone, are you a proponent or an opponent of the motion?

Mr. Counsel CIPOLLONE. Mr. Chief Justice, I am an opponent.

The CHIEF JUSTICE. Mr. SCHIFF, you may proceed and reserve time for rebuttal.

Mr. Manager SCHIFF. Senators, this amendment would provide that the Presiding Officer shall rule to authorize the subpoena of any witness or any document that a Senator or a party moves to subpoena if the Presiding Officer determines that that witness is likely to have probative evidence relevant to either Article of Impeachment.

It is quite simple. It would allow the Chief Justice and it would allow Senators, the House managers, and the President's counsel to make use of the experience of the Chief Justice of the Supreme Court to decide the questions of the relevance of witnesses. Either party can call the witnesses, and if we can't come to an agreement on witnesses ourselves, we will pick a neutral arbiter, that being the Chief Justice of the Supreme Court. If the Chief Justice finds that a witness would be probative, that witness would be allowed to testify. If the Chief Justice finds the testimony would be immaterial, that witness would not be allowed to testify.

Now, it still maintains the Senate's tradition that if you don't agree with the Chief Justice, you can overrule him. If you have the votes, you can overrule the Chief Justice and say you disagree with what the Chief Justice has decided.

But it would give this decision to a neutral party. That right is extended to both parties, who will be done in line with the schedule that the majority leader has set out. It is not the schedule we want. We still don't think it makes any sense to have the trial and then decide our witnesses. But if we are going to have to do it that way, and it looks like we are, at least let's have a neutral arbiter decide—much as he may loathe the task—whether a witness is relevant or a witness is not.

We would hope that if there is nothing else we can agree on tonight, that we could agree to allow the Chief Justice to give us the benefit of his experience in deciding which witnesses are relevant to this inquiry and which witnesses are not.

With that, I reserve the balance of my time.

The CHIEF JUSTICE. Mr. Sekulow.

Mr. Counsel SEKULOW. Mr. Chief Justice, Members of the Senate, and with no disrespect to the Chief Justice, this is not an appellate court. This is the U.S. Senate. There is not an arbitration clause in the U.S. Constitution. The Senate shall have the sole power to try all impeachments. We oppose the amendment.

We yield our time.

The CHIEF JUSTICE. Mr. SCHIFF, you have 57 minutes remaining.

Mr. Manager SCHIFF. Well, this is a good note to conclude on because don't let it be said we haven't made progress today.

The President's counsel has just acknowledged for the first time that this is not an appellate court. I am glad we have established that. This is the trial, not the appeal, and the trial ought to have witnesses and the trial should be based on the cold record from the court below, but there is no court below, because, as the counsel has just admitted, you are not the appellate court.

But I think what we have also seen here tonight is, they not only don't want you to hear these witnesses, they don't want to hear them live. They don't want even really to hear them deposed. They don't want a neutral Justice to weigh in because if the neutral Justice weighs in and says: You know, pretty hard to argue that John Bolton is not relevant here, pretty hard to argue that Mick Mulvaney is not relevant here—I just watched that videotape where he said he discussed this with the President. They are contesting it. Pretty relevant.

What about Hunter Biden? Hunter Biden is probably the real reason they don't want the Chief Justice to have to rule on the materiality of a witness, right? What can Hunter Biden tell us about why the President withheld hundreds of millions of dollars from Ukraine? I can tell you what he can tell us—nothing. What does Hunter Biden know about why the President wouldn't meet with President Zelensky? He can't tell us anything about that. What can he tell us about these Defense Department documents or OMB documents? What can he tell us about the violation of the law, withholding this money? Of course he can't tell us anything about that because his testimony is immaterial and irrelevant. The only purpose in calling him is to succeed at what they failed to do earlier in this whole scheme, and that is to smear Joe Biden by going after his son.

We trust the Chief Justice of the Supreme Court to make that decision that he is not a material witness. This isn't like fantasy football here. We are not making trades—or we shouldn't be. We will trade you one completely irrelevant, immaterial witness who allows us to smear the President's opponent in exchange for ones who are really relevant whom you should hear. Is that a fair trial?

If you can't trust the Chief Justice, appointed by a Republican President, to make a fair decision about materiality, I think it betrays the weakness of your case.

Look, I will be honest. There has been some apprehension on our side about this idea, but we have confidence that the Chief Justice would make a fair and impartial decision and that he would do impartial justice, and it is something that my colleagues representing the President don't. They don't. They don't want a fair judicial

ruling about this. They don't want one that you could overturn because they don't want a fair trial.

And so we end where we started—with one party wanting a fair trial and one party that doesn't; one party that doesn't fear a fair trial and one party that is terrified of a fair trial.

I yield back.

The CHIEF JUSTICE. The majority leader is recognized.

MOTION TO TABLE

Mr. McCONNELL. Mr. Chief Justice, I make a motion to table the amendment, and I ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The CHIEF JUSTICE. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—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	

NAYS—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	

The motion to table is agreed to; the amendment is tabled.

Mr. McCONNELL. Mr. Chief Justice.

The CHIEF JUSTICE. The majority leader is recognized.

Mr. McCONNELL. Mr. Chief Justice, I would like to say, on behalf of all of us, we want to thank you for your patience.

(Applause.)

The CHIEF JUSTICE. Comes with the job. Please.

Mr. McCONNELL. On scheduling, assuming there are no more amendments, the next vote will be on adoption of the resolution, and then all Senators should stay in their seats until the trial is adjourned for the evening.

The CHIEF JUSTICE. The question is on adoption of S. Res. 483.

Mr. THUNE. Mr. Chief Justice, I ask for yeas and nays.

The CHIEF JUSTICE. There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The CHIEF JUSTICE. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—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	

NAYS—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	

The CHIEF JUSTICE. The yeas are 53, and the nays are 47.

The resolution (S. Res. 483) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

MORNING BUSINESS

CELEBRATION OF LIFE DAY

Mr. GRASSLEY. Mr. President, January 22 is celebration of life day, and I wanted to take that opportunity to recognize women facing unplanned pregnancies or parenting young children. Women with unplanned pregnancies sometimes lack access to advice and support. They deserve the backing of their community and access to information, resources, and quality care. In Iowa, programs like Ruth Harbor in Des Moines provide a safe place for young women, giving them counseling, education support, life-skills training, parenting training, adoption assistance, and access to health care at no cost. Programs like these are critical.

47TH ANNUAL MARCH FOR LIFE

Mr. GRASSLEY. Mr. President, Friday marks the 47th annual March for Life. This year's theme is ''Life Empowers: Pro-Life is Pro-Woman.'' This theme recognizes that 2020 is the centennial anniversary of the 19th amendment. The earliest feminists regarded abortion as a terrible consequence of our society's failure to embrace women's intrinsic value. These women instinctively embraced the sanctity of innocent human life, even though they could not have foreseen the advances in technology that have made it possible for newborn babies to survive at earlier and earlier stages of fetal development. Two examples of such miracle babies are Micah Pickering of Iowa, born prematurely at 22 weeks gestation, who is now 7 years old, and Jaden Wesley Morrow, born at 23 weeks gestation, who died a few weeks after his birth in Des Moines last year. We today celebrate the lives of these miracle babies, remember all the others who were lost to abortion, and focus on how women are empowered by upholding the dignity of life.

IMPEACHMENT

Mrs. BLACKBURN. Mr. President, today the Senate begins in earnest our efforts to determine if our colleagues in the House of Representatives have compiled sufficient evidence to justify removing a sitting President from office. This is no small task, and it will be made more difficult by the swirl of commentary that has engulfed the impeachment inquiry since well before it was officially initiated.

Much has been made of our debate over the inclusion of additional witness testimony into the prosecution's case against President Donald John Trump—so much, in fact, that many of my colleagues are inclined to allow that testimony in the name of bipartisan compromise. How misguided of them. Such a move would open the floodgates to a parade of politically-motivated testimony, a protracted legal battle, and ultimately unjustified impeachment proceedings in the U.S. Senate.

The Democratic Members of the House of Representatives spent a great deal of their time and energy holding hearings, interviewing witnesses, and putting together what they have insisted is their best, ironclad case against President Trump. I encourage my colleagues to resist allowing an additional, cathartic airing of grievances and instead accept that it is now the Senate's turn to listen to the facts as they are presented, deliberate, and cast a final vote.

TRIBUTE TO DR. JAMES NARAMORE

Mr. ENZI. Mr. President, I rise today to acknowledge the retirement of my friend, Dr. Jim Naramore. Dr. Naramore is retiring after 40 years of service practicing family medicine in Gillette, WY. He has been an outstanding doctor to many patients in Gillette, including myself, and will be