

it travel in its illiberal direction, how many more freedoms will be extinguished before it turns back we cannot say. But what we do here, in this moment, will affect its course and its correction.

Every single vote, even a single vote by a single Member, can change the course of history. It is said that a single man or a woman of courage makes a majority. Is there one among you who will say "enough"?

America believes in a thing called truth. She does not believe we are entitled to our own alternate facts. She recoils at those who spread pernicious falsehoods. To her, truth matters. There is nothing more corrosive to a democracy than the idea that there is no truth.

America also believes there is a difference between right and wrong, and right matters here. But there is more. Truth matters. Right matters. But so does decency. Decency matters.

When the President smears a patriotic public servant like Marie Yovanovitch in pursuit of a corrupt aim, we recoil. When the President mocks the disabled, a war hero who was a prisoner of war, or a Gold Star father, we are appalled because decency matters here. And when the President tries to coerce an ally to help him cheat in our elections and then covers it up, we must say "enough." Enough.

He has betrayed our national security, and he will do so again. He has compromised our elections, and he will do so again. You will not change him. You cannot constrain him. He is who he is. Truth matters little to him. What is right matters even less. And decency matters not at all.

I do not ask you to convict him because truth or right or decency matters nothing to him but because we have proven our case and it matters to you. Truth matters to you. Right matters to you. You are decent. He is not who you are.

In Federalist 55, James Madison wrote that there were certain qualities in human nature—qualities I believe, like honesty, right, and decency—which should justify our confidence in self-government. He believed that we possessed sufficient virtue that the chains of despotism were not necessary to restrain ourselves "from destroying and devouring one another."

It may be midnight in Washington, but the sun will rise again. I put my faith in the optimism of the Founders. You should too. They gave us the tools to do the job, a remedy as powerful as the evil it was meant to constrain: impeachment. They meant it to be used rarely, but they put it in the Constitution for a reason—for a man who would sell out his country for a political favor, for a man who would threaten the integrity of our elections, for a man who would invite foreign interference in our affairs, for a man who would undermine our national security and that of our allies—for a man like Donald J. Trump.

They gave you a remedy, and they meant for you to use it. They gave you an oath, and they meant for you to observe it. We have proven Donald Trump guilty. Now do impartial justice and convict him.

I yield back.

The CHIEF JUSTICE. The majority leader is recognized.

ADJOURNMENT OF THE COURT OF IMPEACHMENT

Mr. MCCONNELL. Mr. Chief Justice, I ask unanimous consent that the Senate, sitting as a Court of Impeachment, stand adjourned under the previous order.

There being no objection, at 2:59 p.m., the Senate, sitting as a Court of Impeachment, adjourned.

Mr. MCCONNELL. I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

#### LEGISLATIVE SESSION

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate will now resume legislative session.

#### THE JOURNAL

Mr. THUNE. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

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

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINRICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and to speak as in morning business.

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

#### IMPEACHMENT

Mr. HEINRICH. Mr. President, and all of my colleagues in the Senate, throughout this impeachment trial, I thought a lot about what this country stands for. For me, as the son of an immigrant whose family came to the United States from Germany in the 1930s, America stands as a beacon of liberty, equal justice, and democracy.

We are a nation forged by a revolution against a monarchy and its abso-

lute power. We are a nation founded by the ratification of the most radically democratic document in history, the Constitution of the United States of America.

Under the Constitution, we are governed not by monarchs—who act with impunity and without accountability—but by elected officers who answer to, and work for, "We the People."

Generations of Americans have struggled and sacrificed their lives to defend that audacious vision. The Senate has a duty and a moral responsibility to uphold that vision.

Over the last 2 weeks, I fear that the Senate has failed in that duty. I am deeply disappointed that nearly all of my Republican colleagues refused to allow for the kind of witness testimony and documentary evidence that any legitimate trial would include. You cannot conduct a fair trial without witnesses.

In my view, you also can't have a legitimate acquittal without a fair trial; that the Senate refused to shed more light on the facts is truly astonishing. Despite this, the facts as we know them are clear and plain. President Trump pressured the Government of Ukraine, an American ally, not for our national security interests but for his own selfish and corrupt political interests. When he was caught, he sought to cover it up by suppressing documents and preventing witnesses from testifying before Congress and the American people.

The President's defense team had every opportunity to present us with evidence that would explain his actions or give us reason to doubt this clear pattern of fact. Instead, they shifted their defense away from the damning facts and embraced an extreme legal philosophy that would allow any President to abuse their power and ignore the law.

This dangerous argument is not new. It was used by President Richard Nixon when he said: "Well, when the president does it, that means it is not illegal."

President Nixon also strayed far from his duties to our Nation for his own personal and political gain. It was only after courageous Members of the U.S. Senate, in his own political party, put their country first and stood up to him that President Nixon finally resigned.

We are now in yet another time when our Chief Executive has failed us, and our Nation requires more leadership and conscience from the U.S. Senate. Unfortunately, my Republican colleagues are unwilling to deliver that kind of moral leadership.

President Donald Trump has proven to be unfit for the office he occupies. He abused his powers and continues to engage in a coverup. He presents a clear and present danger to our national security and, more fundamentally, to our democracy itself.

That is why my conscience and my duty to defend our Constitution compel me to vote to convict Donald Trump. I

hope the rest of you will join in this vote, but I am not naive. I understand how President Trump operates. I know how ugly it can become if you dare to challenge him. But your fear of this bully cannot outweigh your duty to the American people. Your fear cannot blind you to how you will be viewed by history. What you should really fear is what will happen when there are no limits on any President, even when he is risking our national security and our foreign alliances to illegitimately maintain his grip on power.

What we should all fear is what President Trump will do next if the Senate does not hold him accountable for the clear abuses of power he has already committed. This is the same President who praises dictators and despots and jeopardizes our international alliances. This is the same President who stole billions of dollars from military construction funds to pay for his monument to division and racism. This is the same President who is more focused on lobbing insults and spreading Russian conspiracy theories on Twitter than he is on his own intelligence briefings.

Let me just say that I pay close attention to the intelligence that I am allowed to see, and from my seat on both the Armed Services and Intelligence Committees, I am acutely aware of the threats that our Nation faces. They include an emboldened North Korea, the Iranian regime, and terrorist organizations across several continents.

Russia and China are acting aggressively to assert their authoritarian influence and provoke American interests and our allies, including the Ukraine. Finally, with the 2020 Presidential election mere months away, Russia is once again targeting our election systems and manipulating our democratic discourse.

Right now, patriotic Americans working in the State Department, for our intelligence agencies, and serving in the military are defending us from those very threats. These Americans pledge to obey the orders of their Commander in Chief. They trust that their Commander in Chief's loyalty and sole focus is squarely on the best interests of the United States of America. I don't say this lightly: President Trump has betrayed that trust. He promised us that he would put America first. Instead, he put himself first.

Throughout our history, the defense of our Nation has depended on the leadership of men whose names we now remember when we visit their memorials, names like Lincoln and Washington and Roosevelt. These men all swore the same oath that President Trump did when they assumed our Nation's most powerful office. Our Presidents swear to "faithfully execute the Office of President of the United States" and to "preserve, protect, and defend the Constitution of the United States." President Trump has violated that oath.

So I will ask us once again, what does America stand for? In considering that question, I think of Dr. Martin Luther King, Jr.—the only man who did not serve as President whom we recognize with a memorial on our National Mall. More than 50 years after his assassination, Dr. King's life's work to make our Nation more fully live up to our founding principles still resonates. These are the same principles that compelled my father's family to come to this country: liberty, equal justice, democracy.

While fighting for those principles, Dr. King wrote in his letter from a Birmingham jail: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands in times of challenge and controversy." My colleagues, this is one of those times.

Two years after writing the Birmingham Jail letter, Dr. King led thousands on a 5-day, 54-mile march from Selma to Montgomery for our fundamental American right: the right to vote in free and fair elections. Remember, that right is what President Trump has threatened by inviting foreign interference in our elections. Upon reaching the steps of the Alabama State Capitol, Dr. King proclaimed: "We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience." I sincerely hope that those of us in this body can keep seeking that society, that America.

Before I finish, I also want to address Americans who have watched this trial unfold and are rightly disappointed by the coverup that it has become. I would urge you to remember what Dr. King said about accepting finite disappointment but never losing infinite hope. Despite what the Senate is about to do and the danger I fear it will bring about, I will never lose hope in what America stands for because we the people—not any King or dictator—still hold immense power in this Nation, and it is up to all of us now to wield that power.

I yield back.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, as Senators, we cast many votes during our time here. I have cast over 13,200. Each one of those votes is important, but a vote to convict or acquit the President on charges of impeachment is perhaps the most important vote a Senator could ever cast. Until now, it has happened only twice in our Nation's history, and it is something that should never be taken lightly.

President Trump has been charged of committing, according to the Constitution and in these articles, "high Crimes and Misdemeanors" for requesting that a foreign leader investigate his potential political opponent and, No. 2, obstructing Congress's inquiry into those actions. For this, we are asked to permanently remove him from office.

As a judge and juror, as we all are, I first ask whether the charges rise to an

offense that unquestionably demands removal from office. If so, I then ask whether the House proved beyond a reasonable doubt that it actually occurred.

The House's case fails on the first of those questions. The President's request is not impeachable conduct under our Constitution. A President isn't prohibited by law from engaging the assistance of a foreign ally in an anti-corruption investigation.

The House tries to make up for this hurdle by suggesting that subjective motive—in other words, political advantage—can turn an otherwise unimpeachable act into an act that demands removal from office. I won't support such an irreversible break from the Constitution standard for impeaching a President.

The Senate is an institution of precedent. We are informed and guided by history and the actions of our predecessors, but our choices also actually make history. These days, that can be difficult to keep in mind. A rush to convict or acquit can lead to cut corners and overheated rhetoric.

We are each bound by our oath to "do impartial justice." As President pro tempore of this institution, I recognize that we must also do justice to the Senate and to the Republic that this Senate serves.

This trial began with a full and fair debate on the rules to guide our process. We considered and voted on 11 amendments over nearly 13 hours. Consistent with precedent, the Senate adopted rules allowing the same length of time for arguments and questions as was agreed to unanimously in the 1999 Clinton impeachment. Consistent with precedent, we engaged in a robust debate on calling witnesses and pursuing additional evidence. We sat as a Court of Impeachment for over 70 hours. The final vote will be the product of a fair and judicial process consistent with precedent of the Senate.

I cannot say the same of the Articles of Impeachment that we are considering today from the House of Representatives, which has the sole power of impeachment. After 9 days of presentation and questions and after fully considering the record, I am convinced that what the House is asking the Senate to do is constitutionally flawed and dangerously unprecedented.

The House's abuse of power article rests on objectively legal conduct. Until Congress legislates otherwise, a President is within his authority to request that a foreign leader assist with anti-corruption efforts. To make up for this, the House of Representatives' abuse of power theory rests entirely on the President's subjective motive. This very vague standard cannot be sustained.

The House offers no limiting principle of what motives are allowed. Under such a flexible standard, future House of Representatives could impeach Presidents for taking lawful action for what a majority thinks are the wrong reasons.

The House also gives no guidance whatsoever on whether conviction rests on proving a single, corrupt motive or whether mixed motives suffice under their theory. In its trial brief, the House of Representatives argues that there is “no credible alternative explanation”—those are their words—for the President’s alleged conduct, but once the Senate heard from the President’s counsel in defense, then all of a sudden, the House changed its tune. Now, even a credible alternative explanation shouldn’t stop the Senate from removing the President.

Reshaping their own standard midtrial only serves to undercut their initial arguments. And simply asserting—at least 63 times that I counted—that their evidence was “overwhelming” doesn’t make the House of Representatives’ allegations accurate or prove an impeachable offense. Even after arguments had concluded, the House managers started repeating the terms “bribery” and “extortion” on the floor of the Senate, while neither term appears anywhere in their Articles of Impeachment.

So you get down to this point. It is not the Senate’s job to read into House articles what the House failed or didn’t see fit to incorporate itself. Articles of Impeachment shouldn’t be moving targets like moving a goalpost. The ambiguity surrounding the House’s abuse of power theory gives this Senator reason enough to vote not guilty. If we are to lower the bar of impeachment—and that is what the House of Representatives is trying to do—we better be clear on where the bar is being set.

The House’s second article impeaching the President for what they call obstruction of Congress is equally unprecedented and equally patently frivolous. This Senator takes great pride in knowing a thing or two about obstruction by the executive branch from both Republican Presidents and Democratic Presidents in the 40 years that I have been doing oversight. Congressional oversight—like rooting out waste, fraud, and abuse—is central to my role as a Senator representing Iowa taxpayers. In the face of obstruction, I use the tools the Constitution provides to this institution. Now, that is the very core of the checks and balances of our governmental system.

For example, I fought the Obama administration to obtain documents related to Operation Fast and Furious. Under the House’s obstruction standard, should President Obama have been impeached for his failure to waive privileges during the course of that investigation? We fought President Obama on this for 3 years in the courts, and we still didn’t end up with all that we asked for. We never heard a peep from the Democrats when Obama pulled that trick.

The hypocrisy here by the House Democrats has been on full display for the last 2 weeks. In the case before us, the House issued a series of requests and subpoenas to the executive branch,

but the House failed to enforce those requests. When challenged to stand up for its subpoenas in court, the investigating committee simply retreated.

The House may cower at defending its own authority, but the Senate shouldn’t have to clean up the mess of the House’s own making. For the many ways in which the House failed in the fundamentals of oversight and for the terrible new precedent this obstruction article would set, I will vote not guilty.

Another point: There has been debate about the whistleblower, whose complaint motivated the House’s impeachment inquiry. I have worked for and with whistleblowers for more than 30 years. I have sponsored numerous laws to strengthen whistleblower protections. Attempts by anyone to “out” a whistleblower just to sell an article or to score a political point are not helpful at all. It is not the treatment any whistleblower deserves. However, it is important for investigators to talk to whistleblowers and to evaluate their claims and credibility because those claims form the basis of an inquiry under checks and balances of government.

My office does this all the time. When whistleblowers bring significant cases of bipartisan interest, we frequently work closely with the Democrats to look into those claims. I know the House committees have followed that course in the past. Both parties understand how to talk to whistleblowers and respect confidentiality.

Why no efforts were taken in this case to take these very basic, bipartisan steps is very baffling to me. I fear that, to achieve its desired goal, the House majority weaponized and politicized whistleblowers for purely partisan purposes. I hope that the damage done will be short-lived. Otherwise, the separation of powers under our Constitution will be weakened.

Finally, I have always made it a priority to hold judicial nominees to a standard of restraint and fidelity to the law, and as judges in this case, which every Senator is, we should consider those factors which counsel restraint.

These articles came to the Senate as a product of a flawed, unprecedented, and partisan process. When the articles were voted on by the full House, the only bipartisanship was of those in opposition. Moreover, tonight, the Iowa caucuses will be finished. The 2020 Presidential election is underway. Yet we are all asked to remove the incumbent from the ballot based on an impeachment that is supported by only one party of the Congress.

The Senate should take no part in endorsing the very dangerous new precedent that this would set for future impeachments. We need no new normal when it comes to impeaching a President. We have precedents of the past that should be followed, and they have not been followed. We have had more than 28,000 pages of evidence. We have had 17 witnesses and over 70 hours of

open, transparent consideration by the Senate. The American people are more than adequately prepared to decide for themselves the fate of the President in November. This decision belongs to the voters. It is time to get the Senate back to work for the American people on issues of substance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have been in the Senate now for two Presidential impeachment trials, and I can tell you that this is never a situation I want to find our country in—not back then and certainly not today—when the odds of bipartisan cooperation, even on responsibilities as solemn as these, are brutally low.

In spite of this, I called for impeachment proceedings to begin in the House in July of this past year, and I did so because of the gravity of the threats to our democracy that has been outlined in Mueller’s report. At the time, I felt, if we did not fully explore those threats, we would fall short of our constitutional duty and set a precedent of congressional indifference to potentially flagrant violations of our Constitution—ones that could jeopardize our core democratic institutions.

After hearing both sides’ presentations and after reviewing every available source of information and testimony, I believe it is painfully clear that the President of the United States has abused his power and obstructed Congress and that he should be removed from office.

I want to talk about how I reached this conclusion, which I did not do lightly, and take a few minutes to reflect on the consequence of the decision each of us is individually about to make.

Throughout the trial, the contrast between the presentations by the House managers and the President’s defense team could not have been starker or more damning for the President.

The House managers built an iron-clad case that shows the President abused his power and obstructed Congress in ways that present grave, urgent threats to our national security and to the rule of law. Over the course of their arguments, it became undeniably clear: The corruption we have learned so much about in recent months starts at the very top—with the President of the United States.

President Trump demanded a foreign government to intervene in our elections for his own political gain, and he did so by withholding American taxpayer dollars and by ignoring congressional authority. The President’s associates acted with his full knowledge and consent, and he himself pressured Ukraine’s leader, knowing how much Ukraine depended on United States support. These actions have already made us less secure as a nation. By delaying vital military aid to Ukraine—a key partner—President Trump has

emboldened Russia, one of our chief adversaries, and he has undermined our credibility with other allies worldwide.

Critically, the President has also given every indication he will continue to put his own interests ahead of American interests, including in our upcoming elections, and he has, time and again, refused to recognize Congress's constitutional authority to oversee the executive branch. In addition, information continues to come out that further implicates the President and demonstrates not only his intent to abuse the power of our highest office but his direct personal engagement and efforts to do so.

To summarize, the House's arguments made it impossible to ignore a reality our Founders deeply feared—a President who betrays our national security for his own personal benefit and disregards the system of checks and balances on which our democratic institutions depend, who believes he is above the law—contrary to the most fundamental American principles.

The President's defense did not directly refute those charges against the President or the thorough case that the House presented. In fact, the President's defense only served to illustrate how indefensible the President's actions were. We heard complaints from the President's defense about the House's process, which the President refused to engage in.

We heard a debunked conspiracy theory about Ukrainian election interference even though the President's own advisers repeatedly explained to him that Russia, not Ukraine, interfered in our 2016 election.

We heard the denial of a quid pro quo that, as the House managers laid out in excruciating detail, was borne out not only on the President's July 25 call with President Zelensky but in hundreds of documents from before and after that call.

We did not, however, hear any substantive defense of the President's actions. Tellingly, the President's defense vehemently opposed common-sense requests for the President's own key aides to testify and for the consideration of his aides' documents as part of this trial.

If the President were as innocent as he claims, surely, his aides and his administration's materials would bear those claims out, and he would want them considered. He and his team do not.

In 1999, I said that, if we were to remove a sitting President, none of us should have any doubts. Based on the facts we have heard today and the distraction and obfuscation that has been offered in response, none of us should have any doubts that the President committed the impeachable offenses of which he is accused.

What we now know is the President of the United States demanded that a foreign government interfere in our elections to help him win his upcoming campaign. That truth is indisputable.

The question is, What does each of us as an individual do with that information?

In sitting here, I have been reminded that this trial is so much larger than any one of us—larger than any political party and much larger than President Trump. It is fundamentally about whether we will stand up for the institutions that secure our autonomy as a people—institutions we hope to leave stronger for our children and grandchildren.

To go a step further, really, this trial is about freedom in our country because, if the President feels he owes his office to a foreign government, not to Americans, then whom does the President truly serve? How can he be trusted? If foreign governments can skew our elections in their favor, if they interfere with Americans at the ballot box this November, then are Americans truly represented in the White House? Is there any American who is really free if a President can owe his election to an entity outside and aside from the American people and if foreign governments can help to decide who is in our highest office?

These questions and their chilling answers have led me to my final decision, and I hope others consider them carefully as they make their own.

I also want to speak for a minute about fear. There are really two different kinds at work in this moment. One is the fear of political consequences. I remember how many Members of Congress felt compelled to vote for the war in Iraq. The political pressure was palpable. That kind of political fear is palpable again today, but fear of political consequences must never supersede concern for our country, and we should be fearful for our country today.

We should be fearful for our future, for our safety, and the rule of law if the evidence we have heard cannot persuade this body to act on the painful truth before us. Our President has betrayed the public trust, flagrantly violated our laws, and proved himself a threat to our national security. So I ask my colleagues how they want to feel not in this moment here today but in the years ahead and as part of our Nation's history as more information continues to come out about this administration—and it will—as we get closer to an election we still have a unique opportunity to help protect, and as we explain this difficult but pivotal time to our grandchildren. Looking back, whom or what will you want to have stood for—this President or our country?

I believe, as Representative SCHIFF said so simply and powerfully, that in America, "right matters."

But I also note right matters only because so many people have, throughout our history, stood up for what is right, even when—especially when—it may be difficult.

Today each U.S. Senator is called to do the same.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to speak during a sad and perilous moment in our Nation's history.

Our Nation was founded on important, basic principles that "all men" and women "are created equal" and "that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

With rights, of course, always come responsibilities. America is a nation of laws, and no person, not even the President of the United States, is above these laws. No person, not even the President of the United States, is above these laws. That has been true since our Nation was founded, and it is still true today.

Unfortunately, President Donald Trump has abused his power and acted as if he is above the law. He did this by holding up critical military aid to pressure a new foreign leader to investigate a political rival for his own political benefit. Then he did everything he could to try and cover it up after he got caught.

As U.S. Senators, it is our constitutional duty to fairly and thoughtfully consider Articles of Impeachment, listen to the evidence, and make a decision that honors our Nation's values and our fundamental belief that no one is above the law.

That is exactly what I did, and it is why I will vote to convict President Trump and remove him from office.

The facts show the President did everything he could to cover up the truth, put our elections under even greater risk of foreign interference, and damaged the constitutional checks and balances essential to our democracy.

Let's be clear. We are here because of one person. We are here because of one person—President Donald J. Trump. The President was provided multiple opportunities to prove his innocence, as he should be. The House made countless requests for documents during the impeachment inquiry. The White House ignored them.

The House issued 42 subpoenas. The White House refused to comply and even went so far as to threaten and intimidate those people who chose to appear.

Yet, even with this unprecedented level of obstruction, the House made a strong case for impeachment.

Once impeachment moved to the Senate, the President again had numerous opportunities to defend himself. The American people and the people of Michigan strongly supported having additional documents and relevant witnesses—firsthand witnesses who could speak to the Articles of Impeachment. That is what a trial is supposed to be about.

Yet the Senate did not hear from people who clearly have key, relevant

information, including the former National Security Advisor, John Bolton, who is willing to testify, and, in fact, it is just a matter of time when we will hear publicly, all of us, what he would have said to the Senate; Acting White House Chief of Staff and Director of the Office of Management and Budget Mick Mulvaney; OMB Associate Director of National Security Programs Michael Duffy; and White House National Security Aid Robert Blair.

Common sense—common sense—says that if President Trump's top staff have evidence of his innocence, he would have insisted that we hear from them, as we should. They would have rushed into this Chamber.

Unfortunately, the exact opposite happened, lending strong support for the evidence presented by the House of Representatives.

Instead, the President's defense team argued that abuse of power is not a crime and, therefore, not an impeachable offense, and it became clear that they believe, as the President himself has said on many occasions, that he has power to do anything he wants under article II of the Constitution.

They also argued that if the President thinks his reelection is in the public interest, and if he does anything to benefit his reelection, including getting help from a foreign country, then that too is in the public interest and not an abuse of power.

Common sense would tell us otherwise.

Keep in mind that these are far from mainstream legal arguments, even in conservative legal circles.

These arguments have been made up to protect President Trump and cover up his wrongdoing. These arguments are nothing short of appalling, and I am alarmed at what they suggest President Trump could do next week, next month, in November, or what any President in the future could do.

Is it now OK for the President of the United States to ask a foreign leader to investigate a Member of Congress or any citizen if it helps him get reelected and, thus, in his mind, benefits the country? Is it now OK for the President of the United States to tell a Governor that they are not getting any critical disaster relief until they endorse him in the next election? Is it now OK for the President of the United States to ask foreign leaders to give campaign contributions or other political help in exchange for official visits?

I don't think any of this is OK. The people of Michigan don't think any of this is OK, and I intend to do everything I can to ensure that it doesn't become our new normal.

The Founders were smart. They had lived under a King, and they had no intention of doing so ever again. I have to wonder why so many of my Republican colleagues seem so, so eager to give it a try. This is the United States of America. In our country, no President is above the law, and it is illegal for a candidate or any elected official

to receive political help from a foreign government. Americans must decide American elections. This is fundamental to our democracy and worth continuing to fight for, which I intend to do.

Having said that, I am also deeply concerned about the divisions in our country, in our families, in our communities. It is critical that we find ways to listen to each other, respect differences, and find common ground so that we can address the important issues affecting our families and our country. These are indeed serious and perilous times. It is up to all of us to stand up for what we believe is right and to work to strengthen our democracy by coming together as Americans, by finding ways to work together to solve problems. Our children and our grandchildren are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. For the past 2 weeks, the President's defense team has spun bizarre legal arguments, conspiracy theories, and flatout lies that are unbecoming of the Office of the President of the United States.

The country knows the facts. The President pursued his personal and political interests in a way that harmed the national security of America. He smeared our own Ambassador to the Ukraine. He promoted Kremlin propaganda on 2016 election interference. He sent his personal lawyer and willing members of his administration to trade official acts in exchange for fabricated dirt on a political rival. He stopped \$391 million dollars in aid from going to the Ukraine, and when the Ukrainians made clear they were desperate for that aid to come through, he made his demands—come up with dirt on the Bidens, find or invent the server.

Donald Trump's defense team has claimed the President wanted to fight corruption in Ukraine, but they have produced zero hard evidence to support that claim.

Never in the history of our government has the President pursued a policy end without generating what usually is mountains of paper, and yet here there are no memos, no meeting records, no communiques on anticorruption—nothing. This defense is fiction.

It is fiction because the President was not fighting corruption in Ukraine. He was causing it.

We also know the President was telling the people around him to do what he wanted with respect to the Ukraine. He was telling them to talk to his personal lawyer—talk to Rudy. Because the President had forgotten what is good for the American people, he ignored the needs of our allies and forgiven the attacks on American democracy.

What the American Government under this President was after—the only thing it was after—was a corrupt favor for the personal benefit of Donald

Trump. This favor was to get a foreign government to target an American citizen when our own intelligence services were legally prohibited from doing so—an action that even Trump's own Secretary of State, Mike Pompeo, once admitted is illegal. Mike Pompeo said: "It is not lawful to outsource that which we cannot do." Yet that is what the President was seeking.

And that was not the only illegal action. The GAO has said that holding up the Ukraine aid was a violation of the Impoundment Control Act. And when the aid eventually went through in September of last year, it wasn't because they suddenly had a whole lot of new respect for the constitutional powers of the Congress; it was because they got caught.

When this abuse came to light, Donald Trump's response was: I pretty much can do what I want. I am above the law.

On the south lawn of the White House, he confirmed that he wanted Ukraine to smear the Bidens, smear them by announcing investigations. He said he wanted the same thing from China.

In a White House press briefing, Mick Mulvaney, the Chief of Staff, confirmed that the scheme had been politically motivated. A reporter who was clearly stunned at the Mulvaney admission asked for some clarification, and Mulvaney said: "I have news for everybody: Get over it."

And that, I would submit, is what this trial is all about, whether the Senate and the country have to simply get over it. I know some Senators are apparently prepared to do exactly that, but let's consider the precedent that just "getting over it" sends.

If this ends in an acquittal, it will signal that politicians can get away with selling out American interests to foreign coconspirators to rig an election. What is to stop the Russians from approaching a future President with their own proposition: Dial back your support for the Baltic States, and we will take down your opponent. What would prevent the Chinese Government from approaching a Senator and offering fabricated dirt on Senators of the other party in order to smooth the way for a sweetheart trade deal? What if the President hands the Saudis an enemies list of political opponents to hack in exchange for military tech and a few regiments of American soldiers in Yemen?

Ending in acquittal without hearing from any witnesses or getting any new evidence will say that the President can rig impeachment trials as well. Every impeachment trial—every one—includes witness testimony. That is just good government 101. It is what Americans expect. It is what I heard in open-to-all townhall meetings in Oregon from counties Donald Trump won and from counties Hillary Clinton won. The Republican Senate majority is apparently ready to acquit the Republican President without even going

through the motions, ignoring what the American people expect.

How will we sustain a functioning democracy when our leaders are allowed to rig an election and there are no consequences? The Congress is going to struggle to unwind that precedent. It could outlive all of us.

After these long days of arguments and questioning, in my view, this comes down to two simple questions.

First, the President swears an oath, just like we do, to protect and defend our revered Constitution. Does the President's oath of office mean anything? When a President puts his own interests first, when he extorts fabricated dirt from a foreign government for his political gain, he is obviously in violation of his oath. He is not protecting the constitutional right of Americans to choose their own leaders in free and fair elections. What he is doing is protecting himself and his own power.

What does the President's oath of office mean if violating it carries no consequences? If his oath means nothing and he cannot be charged with a crime, then he is bound by nothing. And if we will not hold him to his oath, are we not surrendering our own oath—our own oath to protect and defend the Constitution?

The second question is, Do we believe that this is a government of the people, by the people, and for the people? Because the President's lawyers stood on the floor right over there and said, in short, it is not.

Alan Dershowitz argued that nothing the President does to get reelected can be impeachable as long as he believes his reelection is in the public interest. The President's counsel continued to build on that argument even after they claimed it was misunderstood—this from the same administration that holds that the President cannot be charged with a crime, that he exists on a plane—literally a plane above the law, as it applies to everyone else.

If the President may commit crimes in office and cheat in an election to stay in power, then it is no longer a government of, by, and for the people. This is a government of, by, and for Donald Trump. The proposition of free and fair elections in America is gone, replaced by elections that happen on terms set by Donald Trump or on terms set by a future President with the same sort of boost from a foreign power.

Putting aside whatever political fallout there may be in the days and weeks ahead, we have to ask, how can the Senate accept this degradation of the sanctity and security of free elections? Isn't this institution supposed to protect our elections and defend our Constitution?

The President's attempt to cheat in the election and the extreme lengths he has gone to cover it up are obviously dangerously wrong. What he did is a violation of his oath. It is a betrayal of the system of democratic gov-

ernment left for us by the Founders. And we have no choice. He is guilty. He must be convicted.

I yield the floor.

The PRESIDING OFFICER (Ms. ERNST). The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to make remarks today, if I may, until I conclude.

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

Mr. MANCHIN. Madam President, I rise today to speak on the impeachment trial of President Donald John Trump. I know this was not a difficult decision for many of my friends and colleagues on both sides of the aisle, but it is one that has weighed heavily on me. Voting whether or not to remove a sitting President is no easy decision, and it shouldn't be, as the consequences for our Nation are severe.

As a moderate, centrist Democrat from West Virginia with one of the most bipartisan voting records in the Senate, I have approached every vote I have cast in this body with an open mind and pride myself in working across the aisle to bring my Republican and Democratic friends together to do what is best for our country.

Where I come from, party politics is more often overruled by just plain old common sense, and I have never, in over 35 years of public service, approached an issue with premeditated thoughts that my Republican friends are always wrong and my Democratic friends are always right. Since the people of West Virginia sent me here in 2010, I have never forgotten the oath I took to defend the Constitution and faithfully discharge the duties of the office of which I am honored to hold.

It is by the Constitution that we sit here today as a court for the trial of impeachments. It is the Constitution that gives us what Hamilton called the "awful discretion" to remove the President from office.

At the start of this trial, my colleagues and I took an oath swearing—to do impartial justice.

I have taken this oath very seriously throughout this process, and I would like to think my colleagues have done the same, because, as the House managers and our former colleague Republican Senator John Warner from Virginia said: It is not just the President who is on trial here but the Senate itself.

The Framers of the Constitution chose the Senate for this grave task because, according to Hamilton, they expected Senators to be able to "preserve, unawed and uninfluenced, the necessary impartiality" to discharge this awesome responsibility fairly, without flinching.

The Framers knew this would not be easy, but that is why they gave the job to us, the Senators. They believed the Senate was more likely to be impartial and independent, less influenced by political passion, less likely to betray our oaths, and more certain to vote on facts and evidence.

This process should be based simply on our love and commitment to our country, not the relationship any of us might have with this President. I have always wanted this President and every President to succeed, no matter what their party affiliation, but I deeply love our country and must do what is best for the Nation.

The Constitution refers to impeachment "trials" and says the Senate must "try" impeachments. The Framers chose their words carefully. They knew what a trial was and what it meant to try a case. By using the term "standards of judicial fact finding," it calls on us to do what courts do every day and receive relevant evidence and examine witnesses.

Sadly, the Senate has failed to meet its constitutional obligation, set forth by the Framers, to hold a fair trial and do impartial justice, and we have done so in the worse way, by letting tribal politics rule the day.

I supported President Trump's calls for a fair trial in the Senate, which he suggested himself would include witnesses. But instead this body was shortchanged, with a majority of my Republican colleagues, led by the majority leader, voting to move forward without relevant witnesses and evidence necessary for a fair trial, as our Framers intended.

History will judge the Senate harshly for failing in its constitutional duty to "try" this case and do impartial justice, to defend the Constitution, and to protect our democracy. Sadly, this is the legacy we leave to our children and grandchildren.

Removing a President from the office to which the people have elected him is a grave step to take, but the Framers gave the Senate this solemn responsibility to protect the Constitution and the people of this Nation.

Over the duration of this trial, I have listened carefully as both the House managers and the White House Counsel make their case for and against the Articles of Impeachment. I commend both sides for their great and grueling work in defending their respective positions.

The House managers have presented a strong case, with an overwhelming display of evidence that shows what the President did was wrong. The President asked a foreign government to intervene in our upcoming election and to harm a domestic political rival. He delayed much needed security aid to Ukraine to pressure newly elected President Zelensky to do him a favor, and he defied lawful subpoenas from the House of Representatives.

However, the President's counsel, too, defended their actions by laying out their case of the President's actions. They pointed to the unclassified transcript of President Trump's July 25 call with newly elected Ukrainian President Zelensky to make the argument that Trump discussed burden-sharing with other European countries and a mutual interest in rooting out



corruption. They presented their views that the President was not given due process in the House of Representatives and highlighted the expedited nature of the House's proceedings. Finally, they argued: If a President does something which he believes will help him get elected and reelected in the public interest, that cannot be the kind of quid pro quo that results in impeachment.

Over the long days and nights of this trial, I have listened to both sides present their case and answer our questions. I remain undecided on how I will vote, but these points I believe to be true. First, it was not a "perfect" call. A newly elected President Zelensky, with no experience in international politics, gets a call from the leader of the free world asking for a favor related to U.S. domestic political affairs.

No one—no one—regardless of political party, should think what he did was right. It was just simply wrong. Pressuring a NATO ally who is actively fighting off Russian aggression in his country is wrong. President Zelensky, or anyone else, should never feel beholden to the superpower of the world for a "favor" before they can receive military aid. It is not who we are as a country. We stand shoulder to shoulder with our allies and never, ever condition our support of democracy for a political favor.

Of all of the arguments we have heard from the House managers and White House Counsel during the long days and nights we have sat here, the most dangerous and the most troubling to me is the false claim that the President can do no wrong, that he is above the law, and if it is good for the reelection of the President, then, it is good for our country. That is simply preposterous. That is not who we are as Americans.

That is not how I was raised in the small coal mining town of Farmington, WV. Where I was raised, no one believed they were better than anyone else and could act with total disregard for the well-being of their neighbor if it was for their best interest. That is not why, over 230 years ago, the founding generation rebelled against a King and refused to crown a new one in this Republic. So let me be clear. No one, not even the President, is above the law.

Finally, the purpose of impeachment is not to punish the President but to protect the public. The ultimate question is not whether the President's conduct warrants his removal from office but whether our Nation is better served by his removal by the Senate now with impeachment or by the decision the voters will make in November.

As Hamilton warned us, impeachments "seldom fail to agitate the passions of the whole community." They divide us on party lines and inflame our animosities. Never before in the history of our Republic has there been a purely partisan impeachment vote of a President. Removing this President at this time would not only further divide our deeply divided Nation but also

further poison our already toxic political atmosphere.

In weighing these thoughts, and of all of the arguments brought forward in the case, I must be realistic. I see no path to the 67 votes required to impeach President Trump and haven't since this trial started. However, I do believe a bipartisan majority of this body would vote to censure President Trump for his actions in this manner. Censure would allow this body to unite across party lines and as an equal branch of government to formally denounce the President's actions and hold him accountable. His behavior cannot go unchecked by the Senate, and censure would allow a bipartisan statement condemning his unacceptable behavior in the strongest terms.

History will judge the Senate for how we have handled this solemn constitutional duty, and without bipartisan action, the fears of the great Senator Byrd will come true. As he said during the Clinton impeachment, the Senate will "sink further into the mire" because of this partisanship. "There will be no winners on this vote," Byrd said. "Each Senator has not only taken a solemn oath to support and defend the Constitution, but also do 'impartial justice,'" to help the Nation, "so help me God . . . . That oath does not say anything about political party; politics should have nothing to do with it."

I am truly struggling with this decision and will come to a conclusion reluctantly, as voting whether or not to remove a sitting President is the most consequential decision that I or any U.S. Senator will ever face.

But regardless of my decision, and in the absence of 67 votes, I am reminded again of the words of Senator Byrd: The House and Senate—Republicans and Democrats—and the President "must come together to heal the open wounds, bind up the damaged trust, and, by our example, again unite our people."

"For the common good, we must now put aside the bitterness that has infected our Nation . . . . We [must] begin by putting behind us the distrust and bitterness caused by this sorry episode, and search for common ground instead of shoring up the divisions that have eroded decency and good will and dimmed our collected vision."

It is not the legacy of the individual Senators we should be concerned about, but it is the legacy of this great institution, the U.S. Senate, that we leave for generations to come.

I thank you, and I ask the good Lord to continue to bless this great country of ours during this trying time.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, before I begin, I really want to take a moment to thank our friend and Majority Leader McCONNELL for the manner in which he has worked to make this trial run so smoothly. I also thank our colleagues for their perse-

verance and, of course, the staff that has worked so diligently and has been so patient as we have worked through this process.

The impeachment trial of President Donald J. Trump was a moment in history that should have been shrouded in the gravity of its potential consequences. Instead, day by day, we endured hyperbole in its most unserious form.

It is easy to forget that America's appetite for scandal fades quickly once you exit the beltway around Washington, DC, but I encourage my colleagues to recognize that the enthusiasm with which the House managers have sought President Trump's removal is completely and inarguably divorced from reality in the heartland.

As it appeared to my fellow Tennesseans, the intentional mishandling of the House of Representatives' constitutional duty was nothing more than an attempt to prelitigate the 2020 election. That is correct—to prelitigate the 2020 election and to remove President Trump from office and thereby remove him from the ballot.

Our partisan friends had decided on the outcome that was necessary for them. They just needed to find a path that was going to get them there. So they had their outcome. They needed a path.

We saw House Democrats freeze out the President's counsel, refusing them an opportunity to fairly participate in the House Intelligence Committee's investigation.

House Manager SCHIFF created the supposed conversations he falsely attributed to the President and waited to see if his assertions would be questioned or if they were going to be accepted as fact.

Let me tell you something. I am a mom and I am a grandmother. I will tell you this. I don't think there is any mother on Earth who would stand for it if her child did such a thing to a coach or a teacher or a Scout leader or a minister. They would not stand for it, and yet the Senate was expected to indulge this unseemly behavior. This is something that is appropriate that we question.

The House managers relied heavily on the assertions of a whistleblower but refused to reveal anything about the circumstances that led to the whistleblower's report. So here we are at the end of the trial. Do we know if the whistleblower is a person or if it is a group of people? Does the report represent a consensus of ideas or just biased opinion? Was it prepared by an individual or prepared by a committee?

No one can answer that question except House Manager SCHIFF and his staff from the House Intel Committee, but that is not something they wanted to come down and talk about.

When it became clear that the White House would push back on witness subpoenas seeking testimony protected by executive privilege, House Democrats chose to move on rather than fight as

hard as they could for their case. They looked at those subpoenas, thought about the evidence that might come from them, and decided: not worth the trouble. Instead, they tried to rely on the pandemonium created by a historic moment to convince their colleagues and the American people that justice demanded a do-over—a do-over for the House impeachment.

When that strategy failed, they blamed the Members of the U.S. Senate for our unwillingness to go in and clean up their mess. This wasn't a pressure tactic; it was a manipulation tactic aimed right at the hearts of the American people.

Unfortunately for the House managers, the people see with dazzling clarity what has transpired within the four walls of this Chamber. The House managers have asked us to go on the record and rubberstamp history's first—history's first—impeachment inquiry to be filed solely on the basis of partisan politics—first one. They have asked us to ignore how quickly they moved to impeach President Trump and to not compare their timeline to the timelines from the Nixon or the Clinton impeachment.

Colleagues, I did my constitutional due diligence. I have read the House managers' brief and those reports prepared by the House Republicans and the President's counsel. I saw it all in black and white, and it was my due diligence that has led me to support acquittal.

Now, when I was serving in the House, there were times when I became frustrated with President Bush or, then, with President Obama. And when we, as Members of the House, at that point in time were faced with President Obama's apology tour, his senseless pursuit of government-run healthcare, and his involvement in the Fast and Furious scandal or the DACA executive memo, my colleagues and I discussed the possibilities of impeachment: What are we going to do about this? We looked at all the facts, and ultimately we chose a different path, a different path that respected the American people. We litigated our policy differences in the courts, where those battles belong.

So, Madam President, I ask my colleagues that, when the time comes, they exercise the same restraint. I implore every Member of this body to recognize the supremacy of the Constitution over partisan spin. Vote to acquit. Vote to reject the two Articles of Impeachment.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

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

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

Ms. CANTWELL. Madam President, I come to the floor to join my colleagues speaking about what has transpired over the last several weeks and also to say something that I think is maybe not as obvious as what people realize, and that is that election interference is the issue of our day. It is not because we just spent 11 days talking about it, and what might have happened in the Oval Office about interference in the upcoming 2020 election. It is the issue of our day because we live in an information age, and weaponizing misinformation has become a lethal campaign tool. That is to say that, if you tarnish your opponent enough with misinformation, accuse them of corruption, then you can either score by wounding them fatally—that is, by getting people not to vote for them or by disincentivizing people to vote at all.

Claiming corruption seems to be a pretty good tool these days to wound anybody, to wound institutions, the free press, legitimate government oversight, but most seriously, it wounds our democracy by sowing doubt into free and fair elections. Once voters believe the election results are corrupt, it is hard for them to have faith in the results, and it is hard to make tough decisions that we need to make as a society to move forward. Voting, in and of itself, does give us confidence as a nation, unless we know there are free and fair elections, we know the public has spoken and the results are legitimate.

I am personally grateful to my predecessor, Senator Slade Gorton, for how he handled the 2000 election. After a 3-week recount and a margin of less than one half of 1 percent, with control of the Senate, a 50–50 split to be decided, he conceded. Since then—and even at that time—some States tried to suppress provisional ballots. But Senator Gorton not only believed that provisional ballots were legitimate, but he believed that the election was correctly decided. That must have been a tough moment for him as he saw a shift in public sentiment in the State of Washington, as we have moved more toward a different direction.

But today we live in a world of disinformation, where distrust can be served up like your own personal cocktail. After consuming and analyzing endless amounts of personal data about you, someone knows exactly what disinformation tactic will work best with you. It is almost like disinformation on steroids.

Our adversaries, the Russians, are especially sowing these seeds of distrust into our democracy trying to dissuade people from even voting and more seriously trying to divide us as a Nation and tarnish our democracy. I don't know if this is some payback from President Putin, who believes that the United States helped in the demise of the Soviet Union, or if Russia is just trying to undermine American and European trust and free and open demo-

cratic systems; or if Russia is trying to divide Europe so it can dominate European energy supplies and exert its influence over European policies. I just know this: We are not the first act of this play.

This has been going on for many years and in many places. They have interfered in European elections. A 2018 report shows, “the Europeans launched several multilateral and regional initiatives to improve Europe's reliance to improve Europe's resilience to building collective defenses against disinformation and cyber-attacks, improving cross-border cooperation . . . and applying sanctions against malicious actors.”

The Russians interfered in our 2016 election, our own intelligence agencies agreed.

The Special Counsel's investigation “established Russia interfered in the 2016 election principally through two operations. First, a Russian entity carried out a social media campaign that favored Presidential candidate Donald J. Trump and disparaged Presidential candidate Hillary Clinton, and second, a Russian intelligence service conducted computer intrusions and operations against entities, employees, and volunteers working for the Hillary Clinton campaign and released stolen documents.”

We must fight back against Russia or anyone who interferes in our elections. Protecting our elections should be a bipartisan effort. We should listen to what the intelligence community says, because they are warning us now that Russia will interfere again in the 2020 elections.

That is why I take so seriously the House charges that President Trump was involved in a scheme, over a long period of time, involving many people, to ask the Ukrainians to interfere in our election.

As Federal Election Commissioner Ellen Weintraub said, “let me make something 100% clear to the American people and anyone running for office. It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election. This is not a novel concept.”

So why has President Trump continued to sow distrust in our elections? He thought it was okay to ask the Russians to interfere in 2016, and he seems to be inviting Ukrainian interference in 2020.

As one of my former campaign staffers asked last weekend, “are campaigns now going to be communications directors, fundraising directors, and foreign operations directors? You know, those people who go around and seek influence, perhaps dark money or endorsements from foreign governments? Will this become some sort of norm because we're not acting?”

We already know what the dark, murky world of Paul Manafort looks like. That is why it is so important for us to be clear here. Seeking, requesting, and accepting interference in a



U.S. election campaign is wrong. It is not just inappropriate, it is not just improper, it is illegal. By calling it improper or turning a blind eye in this case, is enabling more election interference.

What is not clear is who are all the President's men in this administration who are helping him abuse his power. He is using his office for political gain. How are they accomplishing this task for him?

It is so disappointing to see that this might be happening in our Nation. Where will the abuse stop? I know this. As a young girl, I remember the Saturday Night Massacre, the time when Bill Ruckelshaus and Elliot Richardson stood up to illegal behavior. My father, at the time was definitely a Democrat, but he wanted me to understand this lesson. People of the other party might not share the same philosophy, but they did share the same Constitution, and the scales of justice are balanced.

Yes, there is probably no harder task than to stand up to the President of your own party, but that is what Bill Ruckelshaus and Elliot Richardson did.

I remember that lesson and called Bill Ruckelshaus after Jeff Sessions recused himself and was fired. Bill's advice was prophetic. He said, "You should use this opportunity now to make sure the next Attorney General will be an independent and help rein in this president's abuse of power." Well, we obviously did not get that done, and we all know what that outcome has been.

It occurred to me last weekend that maybe the Saturday Night Massacre in this case has happened. Maybe John Bolton and Fiona Hill will turn out to be those people who stood up to the abuse of power. I know this: It is important to have listened to them.

Twice in this gallery over the last several weeks I heard a young baby cry. I thought how unusual that somebody would bring a child to an event like this. Probably their parents wanted to be part of history. And then I thought about what that child would say, probably over the rest of their life: that they had been at this impeachment trial.

But what I want to know is about the reflections 30 or 40 years from now. Will we be remembered for rooting out illegal activity, stopping interference in our elections or not, or will this moment have been forgotten?

I know my constituents have been clear about this—and I don't mean my constituents that support the President or my constituents that don't support the President. I mean my constituents who want to know that we are going to enforce the law. They don't care about what the outcome is in the next election or how it might benefit either party. And it is clear that either party could overstep in this situation. They want to know if we are going to uphold the oath of office and hold people accountable for wrongdoings that they pursue.

I hope that we have taken this election interference issue seriously. I plan to work with my colleagues, on a bipartisan basis, to get more laws passed on election security and to stop interference. I have been a loud and consistent spokesperson for better cybersecurity in our Nation. I am not going to let our democracy be eroded by foreign interests that want to harm what is so precious in our Nation. I will be voting for both articles, and for impeachment.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Hawaii is recognized.

Mr. SCHATZ. Mr. President, the American experiment was a radical one. It imagined equal justice under the law. It imagined equal protection under the law. It imagined a cumbersome system in which tyranny could be avoided by the constant struggle between elected and appointed leaders, and it intentionally sacrificed speed, efficiency, and convenience to avoid the abuse of power. And so it is with unending regret that I see what is happening.

I grieve for the Senate, an institution both hallowed and flawed, an elite place in the worst sense of the word, and yet still the main place where American problems are to be solved. To paraphrase Winston Churchill, the Senate is the worst legislative body, except for all of the others.

There are millions of Americans who have formed a basic expectation about how a trial is to function based on hundreds of years of law and based on their common sense. Make no mistake—what the Senate did was an affront to the basic idea of a trial. And for all of the crocodile tears of my colleagues, all of the fake outrage at the accusation, we must call this what it was—it is a coverup.

I don't know what Mulvaney or Bolton or Pompeo would say. I don't know what the documents would illuminate. And I believe it is normally very dangerous to ascribe motives to fellow Senators when criticizing their vote. But it is impossible for me to escape the conclusion that they don't want to know; that they wanted to get this over with before the Super Bowl, of all things. They are afraid of this house of cards falling all the way down.

As I look at the Republican side of the Chamber, I know this moment in history has made their particular jobs extraordinarily difficult, requiring uncommon courage. They have to risk the scorn of their voters, their social circle, their colleagues, and their President in order to do the right thing.

On one level, I knew the likely outcome, but the bitter taste of injustice lingers in my mouth.

On behalf of everyone who couldn't get away with an unpaid traffic fine, is in jail for stealing groceries so they could eat that night, who can't get a job because of medical debt, I say

shame on anyone who places this President or any President above the law. The President is not above the law. No one is above the law. The President is guilty on both counts.

The Constitution gives extraordinary powers to the President under article II, and that makes sense because without a powerful magistrate, the government can't function. But in granting these powers, the Framers thought carefully about how to constrain them, and they decided that a President could be controlled to greater or lesser degrees by the legislature, by the judiciary, and by the voters. But the Framers couldn't contemplate this level of polarization where, even in the face of the overwhelming evidence of high crimes, one party would not just exonerate him for it but, in fact, ratify these crimes. They didn't imagine that one party would be so uniformly loyal to its President that it could maintain a hammerlock on the Senate, preventing the prospect of 67 votes from ever being available for removal.

I don't think we are in danger of the impeachment process becoming routine; I think we are in much greater danger of making the impeachment process moot. And if so, God help us all.

But all is not lost. We remain a government of, by, and for the people. If people across the country find this as odious to our basic values as we do, in 8 months the American public can render their own verdict on the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Oklahoma is recognized.

Mr. INHOFE. I ask unanimous consent to be allowed to speak as in morning business for whatever time I shall consume.

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

Mr. INHOFE. Mr. President, nearly 20 years ago, I was here in this exact spot—I remember it so well—deliberating the guilt or innocence of a President. It happens that at that time, it was President Clinton from your State of Arkansas. At that time, I said that I thought it would probably be the most important vote I would cast as a Senator. I was wrong. I think my vote on Wednesday—the day after tomorrow—to acquit President Trump will be the most important vote of my career. I really believe that.

Over the past few weeks, as we have considered impeachment, there has been a lot made of the fact that I was willing to vote to convict President Clinton 20 years ago and yet to vote the other way in the current process

we are under right now. Putting the morality question from President Clinton aside, this supposed debate highlights the central point of the differences in the impeachment process and why President Trump should not be impeached.

Before Clinton was even impeached, he admitted to the crime of perjury. This is a big difference because we have a President right now who has not admitted that. In fact, there have not really been accusations of a crime. Our debate then was about whether perjury was a high crime or misdemeanor. I believe it was. As I said then, the President should be held to the highest standard.

But that was substantially different than the question before us today. The question put to us by the House managers is an evidentiary one. It is one that asks the question if, according to the evidence presented, there is a determination that President Trump is guilty of a crime, and the answer is no. Presidents should be held to the highest standard, but that standard can't be a false, moving standard that isn't based on evidence or is established by a court of public opinion.

Here is why I will vote to acquit the President. The whole impeachment inquiry was initiated on the basis that President Trump orchestrated the quid pro quo with Ukrainian's President during a phone call on July 25 of 2019. It is kind of confusing.

A lot of people don't really understand what it is all about, but Ukraine has had serious problems. You know what is happening. The Russians have been there mass murdering the Ukrainians for a long period of time. We have watched that happen. So they kind of put this thing together saying: Well, there was an arrangement made by President Trump that they would withhold military aid to Ukraine unless there was a deal they could make and have something investigated by the President of Ukraine. Now, the House managers spent 75 percent of their time on this point and driving home the importance of our partnership with Ukraine and talking about the Russian aggression. The facts weren't there, but, worse, it is hypocritical. There was nothing wrong with President Trump's phone call with President Zelensky.

You might wonder how I can be so sure. It is simple. The House Democrats' allegations were secondhand, and that means they were hearsay. There was not one direct witness. In fact, they had 17 witnesses in the House of Representatives and not one of them were firsthand. The transcript speaks for itself. There was no evidence of a quid pro quo or of any wrongdoing, whatsoever, just of a President who understands both the importance of Ukraine as an ally and the importance of rooting out corruption. President Zelensky said publicly that he felt no pressure. He testified about this and Trump asking to investigate anything in exchange for foreign aid.

You have to keep in mind we have a very conservative President. He doesn't just dish out foreign aid to everybody who needs it. In this case, there was a necessity to have military aid. We couldn't get any lethal military aid from President Obama. All he wanted to send was blankets and K-rations. They don't have K-rations anymore; they call it something else. MREs. But, nonetheless, there was not going to be any military aid sent to them.

The Trump administration placed a brief, temporary hold on the aid to Ukraine to ensure that the American taxpayers were not going to be abused. This is very significant. He did this to Ukraine to make sure that the amount of money that was sent in there was going to be used properly and the amount of military aid that was going to be used.

But at the same time, you have to keep in mind he was doing that with everybody else too. He is just not a fast-spending President. He is going to make sure things have to be made in accordance with their needs. In fact, at other times, he withheld the same type financial aid to Afghanistan, South Korea, El Salvador, Honduras, Guatemala, Lebanon, and Pakistan. So the fact that he did it with Ukraine was consistent with his other policies. This is what he does and what he has always done.

I am confident about this because I talked to President Trump directly about it. I am the chair of the Senate Armed Services Committee, the committee is responsible for authorizing lethal aid to Ukraine. I have been working on securing that lethal aid for a long period of time, dating back to 2014. In 2014, we had a different President. It was President Obama. And then the Ukraine President Poroshenko—I can remember being in Ukraine with Poroshenko, and I talked to him about this. This was the same time Russia was in Ukraine and was mass killing the Ukrainians. We went to President Obama to get help, and he wouldn't do it. He didn't want to send any lethal military aid. And he said over and over again—we talked about blankets and K-rations. When President Trump came into office, he changed it. He is the first President to provide lethal aid to Ukraine. He has been a committed partner in the region helping them withstand Russian aggression.

I bring this up because during the first 3 days of the House managers' presentation, about 75 percent of that time was spent on this issue talking about his lack of support for Ukraine, when in reality, this President has been supporting Ukraine. The House managers who were serving in the House at that time—this is significant. Of the House managers—however many were sitting over here for the last week—they are all talking about things they want to do for Ukraine. Yet the first vote that was taken originated in the Armed Services Com-

mittee for FY 2016, and it happened to be that the Democrats—the very three Democrats who were serving at that time—voted against it. They didn't vote for it. This is the type of thing you get when this hate-motivated stuff was going on for such a long period of time.

The House didn't prove that Trump committed a crime. I am the first to admit I am not a lawyer. Sometimes I think that plays to my advantage. I look at things in a different way. I try to just inject a little bit of common sense. I listened to the lawyers and, frankly, I didn't even understand what some of them were saying, but I do know pretty much what is going on around here.

In this case, the reasons behind why the President should not be impeached are common sense. He didn't commit a crime. That didn't come just from me. You would expect me to say that. That came from others who were the well-respected attorneys who were involved in each side of this case. Each of the past impeachment cases in the House of Representatives accused Presidents Johnson, Nixon, and Clinton of committing a crime. This President didn't commit a crime. But Clinton did, and he admitted that he did. It was perjury at that time. That is a crime. It was the same thing with Nixon and the same thing with Johnson. So all those things that have happened in recent history have been crimes but not with this President.

The Democrats wanted to impeach President Trump since he took office. I think there was a witness we had today—I believe it was today—they had a visual up here that showed all the people who have been trying to impeach President Trump ever since he took office. I am talking about the first week he was in office. It was all documented up there. They are still at it. I have no doubt they will continue to do that, but it is not going to work. It didn't work in this case.

Democrats have wanted to impeach him since he took office. The Washington Post reported the concerted effort by the leftwing advocacy groups to move toward impeachment of the President only minutes after his inauguration. So they have been looking for a reason to impeach President Trump.

I think one of the stars of the testimony that went on was Alan Dershowitz. He is someone who is held in the highest regard. He is a law professor at Harvard University, and he is a strong Democrat. He is not a Republican. First thing he did was admit he voted for Hillary Clinton in 2016, so that qualifies him in a different way than most of the people who were here as witnesses. He was direct in his presentation and shredded the Democrats' case. He made it clear that abuse of power should be a political weapon suited for a campaign, not impeachment, as abuse of power is not a crime or impeachable conduct.

Dershowitz also explained that virtually every President since President Washington could have been accused of impeachment if they used the criteria that the House managers—the ones who were sitting over here—were using. That was a level that could not be used or it would have affected every other President if it had been used at that time.

He also had an important comment on whether or not we needed to hear sworn testimony from John Bolton. This is what he said. This is a quote by Dershowitz. He said: “Nothing in the Bolton revelations, even if true, would rise to the level of an abuse of power or an impeachable offense.” That is Alan Dershowitz.

It is clear that President Trump must be acquitted of the charge of abuse of power on its merits. A vote to convict in this case would be a dangerous precedent.

I would say, time and time again, that during the trial, the House managers have preached at us that the truth matters, that facts matter; that we must convict the President and remove him from office. In fact, the House managers’ closing arguments—I tried to keep count of every time they made the accusations using the words “cheat,” “obstruction,” “crimes,” and it was so many times, I lost track—but truth matters. Just because you say the President has committed a crime doesn’t make it true.

Here is what is true. This has been a partisan process from start to finish. Compare that to the past. The impeachment inquiry against President Nixon was authorized by a vote of 410 to 4 in the Congress, an overwhelming bipartisan vote. The same thing was true with Clinton. They had 31 Democrats who voted to impeach the President. Yet in the vote of this impeachment inquiry, the final vote to impeach President Trump was strictly partisan. Not a single House Republican voted to impeach the President. On the contrary, nearly every House Democrat did. The only bipartisan vote was against impeachment.

I listened to the facts and I have listened to the evidence and I am convinced President Trump has not committed a crime. All the legal minds who gave testimony pretty much agreed with that, including Dershowitz.

I think, though, it has to be said there is a hatred for Trump. We have to admit there is something about him that a lot of people don’t like, whether it is his demeanor or it is his style. I understand that. But when you listen to the substance, look at what he has done right now rebuilding the military, including killing the top terrorists. I am particularly sensitive to this because this is my committee. We have watched what he has done to the military.

Back during the Obama administration, using constant dollars during the last 5 years of his 8-year tenure, he ac-

tually reduced the spending in military by 25 percent. I don’t think that has ever been done in the history of this country, except maybe immediately following World War II. Yet there he is, rebuilding the military, and we are now back to where we are competitive. I have to admit, though, during those last 5 years of Obama, we really hurt ourselves in terms of our relationships in terms of China and Russia taking the leadership positions they have taken. He has been rebuilding the military. He has been confirming constitutional judges. Confirming 187 judges in the last 3 years is a record that hasn’t been done before. Oddly enough, these are judges who have actually read the Constitution. That is a novel idea.

I would say that this is the best economy we have had in decades. Last week we went to 3.5 percent unemployment. We used to consider 4 percent unemployment as being fully employed, and yet I don’t even have a memory to when it has been down to 3.5 percent.

The trade deal we did is new. It shows we are getting things done. We have more Americans working today than ever before, and the median household income is the highest it has ever been.

We are going to have a very significant vote on Wednesday. I think you know how I am going to vote. I am going to vote to acquit the President on both Articles of Impeachment. That will be a very significant vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that my full statement be included in the RECORD.

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

Mr. CARDIN. Mr. President, constitutional experts will be debating President Trump’s misconduct for generations to come, but I think they will reach consensus as to the misconduct of the Senate in the Trump impeachment. This is the first time in the history of impeachment that no witnesses and documents were allowed to be called by the U.S. Senate. It violates the Constitution in the impeachment trial of Donald Trump by its failure to hold a constitutionally fair trial.

At one time, I had the opportunity to present as a House manager an impeachment case here in the U.S. Senate on a district court judge by the name of Nixon. I remember, when I appeared before the Senate, I was cautioned immediately, even though Judge Nixon had been convicted of a bribery type of an offense in a criminal court, that it was incumbent for us to present the witnesses and documents in the U.S. Senate and that the Senate would conduct its own record in regard to the proceedings. Yet, here, we are not having witnesses in the President’s impeachment trial.

We had some help from the Supreme Court on this. In *Nixon v. United States*, 1993, pertaining to Judge Nix-

on’s trial, Justice Byron White had a concurring opinion. Justice White said that the term “try,” as used in article I, section 3, clause 6, meant that the Senate should conduct a proceeding in a manner that a reasonable judge would deem a trial.

We failed to conduct a constitutionally fair trial here in the U.S. Senate, and we can look to the President’s own counsel here for help in evaluating our own conduct of this trial. The President’s counsel, Philbin, said that you need to cross-examine witnesses in order to get to the truth. We had no witnesses under oath and no witnesses cross-examined. The tragedy here is, if the President is acquitted, there will always be a question as to whether this was a legitimate trial here in the U.S. Senate.

Let me just spend a moment comparing the impeachment proceedings of President Clinton’s versus those of President Trump’s.

With President Clinton, there was a trial in the Senate. It was acknowledged to be fair. Witnesses were called. President Clinton and his administration officials had testified under oath and had been subject to cross-examination. President Clinton showed remorse for his conduct and apologized for his misconduct, and President Clinton’s misconduct was personal in nature.

Compare that to President Trump. He blocked all witnesses and documents and then, through counsel, prevented the Senate trial from calling any witnesses or producing any documents. He has never shown any remorse. Even though most Senators here know that what he did was wrong, he has shown no remorse whatsoever, and his misconduct was that of abusing his office for personal gain—getting a foreign power to help in his election campaign.

Let me briefly go through article I.

Article I states that he solicited a foreign government, Ukraine, to interfere in the 2020 elections by its publicly announcing investigations that would benefit his reelection, conditioned on official U.S. Government acts of significant value to Ukraine. The House managers have submitted a voluminous amount of information that supports that, and I refer to that in my attached statement, so I will not spend the time here to go through that.

Yet, even though there is enough in the full record to establish the charges, there are other issues that add to the President’s committing these acts.

First, as I mentioned before, the President issued a blanket obstruction for any witness with firsthand knowledge of the President’s conduct to provide testimony on these articles here in the U.S. Senate. Yes, we can infer that, if the President had exculpatory witnesses, he would have produced those exculpatory witnesses.

Secondly, the President’s impeachment attorney, Mr. Sekulow, said that you cannot view this case in a vacuum. I agree. The President has consistently

misrepresented the facts and defamed anyone who challenges him.

Let me just give you one concrete example: the Mueller investigation, which has been cited in this impeachment trial. The President denies Russia's initial involvement in our elections. He resisted efforts to hold Russia accountable. He defamed the reputation of the special counsel. He willfully impeded the investigation. He attacked the integrity of our intelligence and law enforcement agencies. He also wrongfully claimed that the investigation exonerated him. He has done that over and over again. The findings in the report speak to a contrary conclusion. It says Russia interfered in our 2016 elections in a sweeping and systematic fashion. It reads: "If we had confidence that the president clearly did not commit a crime, we would have said so."

There are numerous instances in which the President may have obstructed justice, but we left the further pursuit of that to Congress or to a prosecutor after he leaves office.

Since he has taken office, the President's pattern has been to mislead and misstate facts and to act as a bully against those who have had anything to say against him that he has not liked. It makes it easier for us to understand how the illegal scheme in article I unfolded.

I have one additional fact of why this points to establishing the facts.

The President has consistently shown no remorse. He continuously tells us that the summary of the July 25 call shows a perfect call. We know how controversial that call was. It was far from perfect.

The next hurdle was, is this an impeachable offense? I concluded that it was. It is an abuse of power, which is an abuse of trust, which is clearly what our Founders intended as being a high crime and misdemeanor while in office.

The President's own analysis of this leads to the only conclusion, that being that abuse of power must be an impeachable offense. I say that because we had the President's counsel—once again, Professor Dershowitz—who told us that it was not an abuse of power and that it was not an impeachable offense. Professor Dershowitz said that if your election is in the public interest—if a President does something which he believes will help him get elected in the public interest—that it cannot be the kind of quid pro quo that results in impeachment.

Well, that is an absurd situation if you adopt the logic of the President's counsel that abuse of power is not an impeachable offense. It is clearly an impeachable offense. The President's conduct has jeopardized America's global leadership in promoting our values. Our values are our strength.

I thought it was very telling, the conversation of Ambassador Volker with Mr. Yermak, who is the principal counsel to President Zelensky of Ukraine.

Ambassador Volker said: Don't start an investigation in Ukraine on your opponent in your election because that will sow division in your community.

Mr. Yermak responded: Do you mean like asking us to investigate Clinton and Biden?

President Trump's conduct has endangered our national security, our global leadership, and American values.

Article II is a lot easier—obstruction of Congress—because the facts clearly establish that the President's blanket obstruction, which he orchestrated, denied any access to individuals or to documents in order to facilitate a coverup of what was uncovered under article I of the Articles of Impeachment.

It is essential for Congress to carry out our responsibilities and to be able to get that type of information from the President. It is exactly what the Framers of our Constitution intended when they developed the checks and balances in our system—that there would be no branch that would have absolute power. We do not have a Monarch.

President Trump has crossed the line with his personal interests over the country's interests. He used the power of his office for his own personal benefit. No one is above the law. We must act to protect the Constitution and our democratic system of government. It is with a heavy heart that I will support both Articles of Impeachment.

Senators have a grave responsibility when it comes to the power of impeachment, particularly when it involves the President of the United States. This is a very profound responsibility in which Senators have to do what is right for our country. Our decision here will affect not only this President but the future of the Presidency itself.

The Constitution leaves to the Senate "the sole power to try all impeachments." The Constitution clearly requires the Senate to conduct a trial. The Supreme Court, the ultimate interpreter of the Constitution, has given the Senate some guidance in carrying out its responsibility to conduct impeachment trials. Supreme Court Justice Byron White, in a concurring opinion in *Nixon v. United States*, 506 U.S. 224 (1993), found that the Framers of the U.S. Constitution clearly intended "that the term 'try' as used in article I, section 3, clause 6 meant that the Senate should conduct its proceeding in a manner that a 'reasonable judge' would deem a trial. Justice White acknowledged that the Senate 'has very wide discretion in specifying impeachment trial procedures,' but stated that the Senate 'would abuse its discretion' if it were to 'insist on a procedure that could not be deemed a trial by reasonable judges.'" Justice Blackmun concurred in Justice White's opinion.

The Senate has the sole power to "try" impeachments. Yet how can the Senate hold an actual "trial" without

hearing direct evidence from witnesses? The Senate chose not to hear additional relevant evidence and key witnesses with firsthand knowledge of the President's conduct. However, the Senate is not bound solely to the House record when conducting an impeachment trial. The Senate should have heard new and relevant evidence that bore directly on the Articles of Impeachment, including testimony from former White House National Security Advisor John Bolton, Acting White House Chief of Staff and Acting OMB Director Mick Mulvaney, as well as various other OMB and DOD officials. The Senate should have demanded additional documents from the White House, State Department, OMB, and DOD that bore directly on the Articles of Impeachment. The Senate should have been able to receive further evidence before concluding its trial in this case, whether or not the additional evidence was incriminating or exculpatory. As one of President Trump's counsel Mr. Philbin said during the trial, the best way to find out the truth is for witnesses under oath to be subject to cross-examination. The Senate therefore failed in its responsibility when it did not conduct a constitutionally fair trial. I suspect that Justice White in the Nixon case would have concluded that no "reasonable judge" would conclude these proceedings constitute such a trial.

The evident deficiencies of the Senate trial has made it more difficult for me to carry out my responsibility, and if the Senate fails to convict, that acquittal will always be questioned because of the absence of a fair trial. This process is not fair to the House, Senate, American people, or the President.

Now, in regards to the specific Articles of Impeachment, article I alleges "abuse of power" by the President, stating: "Using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election. He did so through a scheme or course of conduct that included soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage. President Trump also sought to pressure the Government of Ukraine to take these steps by conditioning official United States Government acts of significant value to Ukraine on its public announcement of the investigations. President Trump engaged in this scheme or course of conduct for corrupt purposes in pursuit of personal political benefit. In so doing, President Trump used the powers of the Presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States democratic process. He thus ignored and injured the interests of the Nation."

I reluctantly conclude that the President has indeed engaged in the conduct

alleged. I come to this conclusion based first on the record during this impeachment trial.

In weighing the facts and evidence in this case, I have listened carefully to all of the trial proceedings and taken extensive notes, including during the managers' presentations and Senators' questioning period. Let me highlight a few key facts and pieces of evidence that were determinative for my thinking, with the understanding that this is not an exhaustive list.

First, President Trump indicated his strong interest in having Ukrainian President Volodymyr Zelensky open a political investigation into the Bidens, in a July 26, 2019, phone call between the President and U.S. Ambassador to the European Union Gordon Sondland.

Second, Acting Chief of Staff and Office of Management and Budget Director Mick Mulvaney admitted that a quid pro quo existed in terms of tying the release of U.S. funding to Ukraine to the opening of a political investigation to help President Trump.

Third, there are numerous examples in the record of direct pressure on the Ukrainian Government to open political investigations for the personal benefit of President Trump, including a September 1, 2019, Warsaw meeting between Ambassador Sondland and Andriy Yermak, a top adviser to the Ukrainian President, which directly tied U.S. military assistance to Ukraine to the opening of political investigations to hurt President Trump's political rivals. These accounts were later confirmed in testimony by other U.S. diplomats, and on September 7, Ambassador Sondland reiterated these themes following discussions with President Trump.

Fourth, before the July 25 phone call between Presidents Trump and Zelensky, former U.S. Special Envoy to Ukraine Kurt Volker communicates with Yermak and conditions a White House visit to the launching of a political investigation against the President's rivals in Ukraine.

Fifth, on July 10, 2019, the White House held a series of meetings with high-level Ukrainian defense officials, which conditioned a White House visit from the Ukrainian President with the opening of political investigations in Ukraine sought by President Trump. Notably, former National Security Advisor John Bolton refused to be part of any "drug deal" and asked his staff to report these meetings to National Security Council lawyers. It was explained by National Security Council Member Fiona Hill that, by "drug deal," Ambassador Bolton was referring to conditioning a White House meeting for the President of Ukraine with the Ukrainians starting the political investigations desired by the President.

Mr. Bolton should have testified before the Senate, and we should not have to wait for his book release, after this Senate trial concludes, to get a full accounting of firsthand conversa-

tions here that bear directly on the impeachment charges against the President. Press reports indicate that, in his upcoming book, Bolton will state that the President explicitly told him that he did not want to release \$391 million in aid to Ukraine until it announced investigations into his Democratic rivals, including former Vice President Joe Biden. Also, the President specifically asked Bolton to arrange a meeting for President Trump's personal attorney, Rudy Giuliani, with President Zelensky to further the illegal scheme. Notably, the former White House Chief of Staff at the time, John Kelly, believes Bolton's account.

Sixth, the language used in the July 25, 2019, phone call between Presidents Trump and Zelensky was a direct solicitation of foreign interference (a "favor") by using a political investigation to help President Trump's campaign and hurt his Democratic rivals.

Seventh, why did the Administration keep secret its hold on assistance to Ukraine in order to allegedly combat corruption? The U.S. has generally notified countries, Congress, and the public when it is withholding foreign aid in order to change the country's behavior and let them know what steps they need to take to resolve the hold.

As the ranking member of the Helsinki Commission and as a senior member of the Senate Foreign Relations Committee, I know the importance of promoting American values in foreign policy. The President's conduct has weakened America's global leadership in fighting corruption, promoting democracy, and strengthening the rule of law.

President Trump's corrupt use of his foreign policy power compromised America's ability to help shape the global community that protects American values.

The record shows that Ambassador Volker tried to discourage Mr. Yermak and the Ukrainian Government from trying to prosecute the country's previous President. Ambassador Volker says he warned it would sow deep societal divisions. Ambassador Volker says that Mr. Yermak quipped in response, "You mean like asking us to investigate Clinton and Biden?"

In addition to the record, I am supported in my conclusions by three other considerations. First, why hasn't the President presented to the impeachment trial the testimony of the witnesses that have direct knowledge concerning the factual allegations in the Articles of Impeachment? I draw from the absence of such testimony that it would only corroborate the record presented by the House Managers. Secondly, counsel to President Mr. Sekulow acknowledged "you cannot view this case in a vacuum." I agree. President Trump, during his Presidency, has consistently misrepresented the facts and defamed anyone who has challenged him.

One clear and relevant example of this is how he tried to obstruct the

Mueller investigation and how, to this date, he mischaracterizes its conclusion. The President was not exonerated by the Mueller report, which found that Russia interfered in our 2016 Presidential election in a "sweeping and systematic fashion." President Trump consistently took steps to deny Russia's involvement in tampering in our elections, resisted efforts to hold Russia accountable, besmirched the reputation of the special counsel while trying to dismiss him or willfully impeded his investigation, and repeatedly attacked the integrity of our intelligence and law enforcement agencies.

Indeed, the Mueller report stated: "If we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and applicable legal standards, however, we are unable to reach that judgment." At a press conference, Special Counsel Mueller reiterated: "If we had had confidence that the president clearly did not commit a crime, we would have said so." The report detailed numerous instances in which the President may have obstructed justice, but left further pursuit of the matter to Congress or future prosecutors once the President leaves office.

With such a track record, it is easier to understand how the facts presented by the House managers tie together supporting an illegal scheme, orchestrated by the President, to get Ukraine involved in our 2020 elections to help Mr. Trump's reelection.

Third, the President has consistently failed to show any remorse for his conduct, leading to the conclusion that he will continue to violate the sacred trust of the office.

Having been satisfied that the President did commit the offenses in the first Article of Impeachment, the next hurdle is whether these constitute impeachable offenses. I conclude they do. President Trump is not a King or Monarch. The Founding Fathers wisely created a system of separation of powers and checks and balances so as not to concentrate power in only one office or department of government. The Senate must reject President Trump's statement on July 23, 2019, that his right under article II of the Constitution is "to do whatever I want as president."

As noted in the House Judiciary Committee report on constitutional grounds for Presidential impeachment (December, 2019), President Trump's claim here "is wrong, and profoundly so, because our Constitution rejects pretensions to monarchy and binds Presidents with law. That is true even of powers vested exclusively in the chief executive. If those powers are invoked for corrupt reasons, or wielded in an abusive manner harming the constitutional system, the President is subject to impeachment for 'high crimes and misdemeanors.' This is a core premise of the impeachment power." I agree.

The President's counsel notes that abuse of power could become too subjective a standard for Presidential impeachments. But as Representative William Cohen remarked in President Nixon's case, "It has also been said to me that even if Mr. Nixon did commit these offenses, every other President . . . has engaged in some of the same conduct, at least to some degree, but the answer I think is that democracy, that solid rock of our system, may be eroded away by degree and its survival will be determined by the degree to which we will tolerate those silent and subtle subversions that absorb it slowly into the rule of a few."

The premise that abuse of power being a too subjective standard belies common sense and could lead to the absurd conclusion given by Professor Dershowitz—one of President Trump's impeachment counsel—during the trial. He stated: "Your election is in the public interest. And if a president does something which he believes will help him get elected in the public interest, that cannot be the kind of quid pro quo that results in impeachment." Abuse of power, as used by President Trump, to further a scheme to get Ukraine to help in President Trump's campaign must be an impeachable offense if we believe our Constitution guarantees that no one, including the President of the United States, is above the law.

The President's counsel also observes that, when initiating Articles of Impeachment, the House should only proceed if there is bipartisan support, but that decision is left solely to the House. Once the House has acted, the Senate shall proceed to trial and must render a decision based upon the case presented.

There are clear distinctions between the Clinton and Trump impeachments. In Clinton, the trial was acknowledged to be fair; witnesses testified before the Senate; President Clinton and members of his administration testified under oath; and documents were produced for review by the President. President Clinton showed remorse for his conduct and apologized. His misconduct was personal in nature.

In contrast, President Trump blocked all witnesses and documents, and the Senate called no witnesses to testify under oath. President Trump has shown no remorse, continuing to say that the controversial call with President Zelensky was "perfect." Unlike President Clinton's misconduct, President Trump has abused the power of his office for personal gain.

Turning to the second Article of Impeachment, Obstruction of Congress, the House alleges, that, in response to their impeachment inquiry, President Trump "directed the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives . . . without lawful cause or excuse, President Trump directed Executive branch agencies, offices, and officials not to comply with

those subpoenas. President Trump thus interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, and assumed to himself functions and judgments necessary to exercise of the 'sole power of impeachment' vested by the Constitution in the House of Representatives."

In particular, the second article alleges that the President: No. 1, directed the White House to defy a lawful subpoena by withholding the production of documents; No. 2, directed other executive branch agencies and offices to defy lawful subpoenas and withhold the production of documents, including OMB and the Departments of State, Defense, and Energy; and No. 3, directed current and former executive branch officials not to cooperate with the investigating committees, including Mick Mulvaney and numerous other officials.

After reviewing the evidence, I believe that the Senate record supports conviction under article II as an impeachable offense.

President Trump carried out an extraordinary and unprecedented campaign of obstruction of Congress. Note that President Clinton provided evidence that was requested by the House and Senate during impeachment proceedings, and allowed multiple White House aides to testify in the underlying investigation. President Nixon cooperated to an extent in his investigation, allowing numerous White House officials to testify and providing substantial evidence to Congress in its inquiry. By contrast, President Trump issued an edict directing his administration to refuse to "participate" in all aspects of the House's impeachment inquiry. In particular, the October 8, 2019, letter from the White House Counsel did not even attempt to assert any specific privileges.

This trial has been very difficult for the Senate and our Nation, but each Senator must in his or her own judgment carry out the oaths we have taken as Senators to support the Constitution as well as our special oath to do "impartial justice" as participants in this Senate impeachment trial, with Chief Justice Roberts presiding over the Senate.

Weighing the credibility of President Trump, I find a clear pattern of misconduct in office. President Trump's obstruction of Congress shows a deep and abiding disrespect for Congress and lack of appreciation for the separation of powers and system of checks and balances in our government.

As the President and Commander in Chief, President Trump used his power to compromise and corrupt America's values. Our values are our strength. In particular, President Trump has undermined the rule of law, weakened our efforts to fight corruption both at home and abroad, damaged our national security, and helped our adversary, Russia.

President Trump's conduct clearly crossed the line when he put his own

personal interests over the country's interests, using the power of his office for his own personal benefit.

No one is above the law. We must act to protect the Constitution and our democratic system of government. It is with a heavy heart that I support both Articles of Impeachment, requiring the removal of the President from office as well as the disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Georgia.

**Mrs. LOEFFLER.** Mr. President, I am honored and humbled to stand before you today as Georgia's and our country's newest U.S. Senator.

As the 100th Senator, I have spent the least time in Washington, but as the least senior Senator, I am also the most recently attached to the private sector, where the vast majority of Americans live and work. I am intensely aware of the needs and the expectations that Americans hold for us.

Just 2 months ago, I left nearly a three-decade business career to serve the great people of Georgia and our Nation, but being here in this respected, historic Chamber is a very long way from where I started.

I was born and raised as the fourth generation of corn and soybean farmers, and I grew up working in our fields and with our cattle on the feedlot. I waitressed and sold watches and shoes to put myself through school. Then I moved around the country to pursue my dream of a business career. I have been a job seeker and a job creator. I haven't spent my life trying to get to Washington, but I worked hard to stand where I am today.

I have lived the American dream, and each day, I remember where I came from, and I am proud of my beginnings. While I am an outsider to politics, I am not new to getting results. I came here to get things done for the people of Georgia.

So why does all of this matter today, in this historic moment right now, just 2 days from my vote to acquit President Trump? Because for months and, sadly, years for many, Members of Congress who have meant to serve the American people have been tied up in a political game.

There is much to regret here—the House's false urgency to push through deficient articles, only to ask for more time, more evidence, more testimony; the deception of the House managers, who are more focused on political power than they are on pursuing the facts; the media who ran with the narrative the Democrats planted, with selective, unlawful leaks.

For the last 132 days, Congress has been neglecting the American people. I came here to get things done for Georgians, but for the last 2 weeks, we have been stuck in the Senate Chamber, working on something that most Americans have little interest in.

As my notebooks filled up, I thought to myself, how did this case even make it to the Senate?



When I am around the State, it is very clear that this is not what people at home care about. Georgians aren't losing sleep over a call the President made or questioning his constitutional right to conduct foreign policy. They are concerned with taking care of their families, their jobs, and their freedom to achieve the American dream and live the lives they imagined. I think of young kids, whether in the inner city or on a farm or in the suburbs. What example are we setting in Washington? Why should employers feel that Washington cares about job creation when there is a neglect of the engine that makes America strong?

Why are we here? We are public servants, charged with protecting the Constitution and our country and I hope, in the process, bettering the lives of all Americans.

Despite this monumental distraction, this administration has worked tirelessly to move our country forward.

Last week, the President signed into law the United States-Mexico-Canada Agreement. Sadly, this sat on Speaker PELOSI's desk for 1 year, denying American farmers and workers untold economic opportunity.

Last month, the administration completed a phase one deal with China, now holding China accountable for unfair trade practices and adding to our thriving economy.

For 3 years, as the Democrats have focused on taking down a duly elected President, President Trump's pro-growth policies have given us a booming economy. These policies have resulted in record employment, 7 million new jobs, and a blue-collar boom that is lifting up hard-working Americans.

This administration charges on, but it needs Congress's support if America is to move on with the American dream for all.

With that in mind, I say: Enough. Let's put our trust in the American people. They are the ones who should make a judgment about the President, and they will do that in 9 months. Let's not be so arrogant as to take that decision away from the American people. Instead, let's focus all of our energies on improving their lives. Impeachment does not do that. It is time to move on. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, I come before this body with a deep sadness that this institution has failed the Constitution and failed the American people.

We have reached a low point in our history. We have failed to hold a fair and honest impeachment trial, and we are nearing a vote wherein we will fail to hold the President accountable for his abuse of power and a coverup. Thanks to the Senate's Republican majority, this body is complicit in that coverup in its refusing to call witnesses and obtain documents to get the full truth. How can we turn a blind eye to the truth as we cast one of the most important votes we will ever take?

Yes, we are approaching a sad day for this body and for this country, but to those across the country who feel profoundly angry and saddened by this miscarriage of justice, my message is this: Do not give up. Do not stop fighting to save our democracy because America is worth the fight. America is worth the fight.

Make no mistake—try as they might to cover it up, the full truth will come out. And the facts that have already been revealed are damning.

The President's handpicked Ambassador, Gordon Sondland, testified, "Everyone was in the loop." The more we find out, the more revealing his testimony becomes.

Not only is the President implicated, so is the Vice President and the Secretary of State and the Attorney General and the President's acting Chief of Staff and his former Energy Secretary and even the White House Counsel, the lead lawyer in this very proceeding.

This is a Pandora's box the Republican Party is fighting to keep shut, but it will not stay shut. The President's misdeeds and his wide circle of accomplices will go down as one of the ugliest episodes in American history.

Even now, the evidence gathered by the House—that the President abused his office and taxpayer funds for personal gain—is staggering. Ambassador Sondland didn't sugarcoat the truth. "Was there a quid pro quo? The answer is yes." That was his quote. Using official power for personal gain—that is the very essence of abuse of power, and that is precisely what this President did. That is hardly even in dispute. The evidence is overwhelming.

The President first withheld a coveted meeting until the Ukrainian President would announce investigations into the Bidens and the debunked conspiracy theory that Ukraine, not Russia, interfered in our 2016 election. The President next withheld congressionally appropriated military aid illegally to try to force the Ukrainian President into making the announcement of the investigations.

The independent Government Accountability Office confirmed that the President acted illegally.

The President threatened our national security, the security of an ally, and the integrity of our next Presidential election. How much more could be at stake?

Ukrainian officials began asking about the aid only hours after the President's now-infamous July 25 call with President Zelensky. That is according to Laura Cooper, the Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia. A former Deputy Foreign Minister in Ukraine reports Ukraine knew of the freeze in July, and the whole world knew once the story broke the news on August 28.

Fortunately, the President got caught and was forced to release the aid. He got caught red-handed and immediately commenced a scorched-earth blockade in Congress and the courts to cover up his grave misdeeds.

Again, the facts are not in dispute.

So knowing that these are some of the most serious and solemn words I will ever say or utter on this floor, I will vote to convict the President on both Articles of Impeachment. He is guilty by any standard. If he is allowed to act with impunity, he will be a continuing threat to the sanctity of our democracy. He is patently unfit to hold the highest office in our land.

While the Senate may vote to acquit him, he will not be exonerated—not by this sham trial. While the Senate may vote to acquit the President, history will not.

Now, Senators on the other side of the aisle are publicly and not so publicly admitting that they believe the President is guilty, that the House managers proved their case. But these same Senators did not vote to hear witnesses and get documents. They will fail to hold the President accountable for the wrongdoing they now say he is guilty of.

This is one of the worst abuses of Presidential power in our Nation's history. This is as bad as or worse than President Nixon's. Nixon tried to corrupt the 1972 election and cover it up, but he didn't try to extort an ally or invite foreign interference into our election.

At that time, members of his party with courage refused to turn a blind eye. The Republican Party of today bears no resemblance to the party of Howard Baker, who insisted on getting to the truth. Howard asked: What did the President know and when did he know it? It bears no resemblance to the party of Barry Goldwater, John Rhodes, and Hugh Scott, who went to Nixon to tell him the Republican Party could no longer protect him from impeachment and removal.

I am grateful to the honorable officials who had the courage to act this time around, who defied the President's order not to come forward—Ambassador Yovanovitch, Lieutenant Colonel Vindman, Ambassador Taylor, Mr. Kent, and the others. They risked their careers and even their personal safety. We should at least—at least—show the same courage because the consequences of failing to hold this President to account could not be graver.

The guardrails have been taken off. The President invited Russian interference in the 2016 election and invited Chinese interference in the upcoming 2020 election. He said on national television he would probably take foreign interference again. He is unapologetic and unrepentant. What is he going to do next once the Senate Republicans let him get away with this abuse, once we show that we are no longer a co-equal branch?

We have never ceded so much power to the Executive. You can rest assured that this President of all Presidents will use that power and abuse it. Take

his word for it. He said, "Article II allows me to do whatever I want." Pulitzer Prize-winning Presidential historian Jon Meacham said the President is now, and this is his quote, "functionally a monarch." That is stunning.

Again, these are sad days for our Nation, but as I said at the outset, we cannot and will not concede our democracy. We cannot and will not concede the values and principles that make this Nation strong. We must restore the balance of power in our government. We must restore accountability. Most importantly, we must start doing the work the American people sent us here to do. Our institutions are not representing what the American people want. Senate Republicans' refusal to hold a fair impeachment trial, which is what 75 percent of the American people wanted, is just the latest example.

While the Senate and the Constitution took a terrible battering the last 2 weeks, I am even more committed to breathing life into our shared principles of representative government. I am going to continue the fight to take obscene amounts of secret money out of our elections, to make it easier to vote, and to bring power back to the American people and not hand it over to an imperial Presidency.

The Senate will have future opportunities to restore our constitutional system. The only question is whether Senators will rise to the occasion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. GILLIBRAND. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. GILLIBRAND. Colleagues, over the past few weeks, we have conducted the third impeachment trial in our entire Nation's history for a President.

Let's be perfectly clear about something: Democrats did not want to impeach President Trump. From the start, efforts to begin an impeachment inquiry in the House were met with resistance until the President's reckless behavior and unprecedented actions forced the Speaker's hand. The Speaker could not sit idly by after the President withheld congressionally approved military aid from a U.S. ally in order to orchestrate foreign interference in our upcoming election.

We have worked hard to find common ground with this President, and at times, Democrats have worked together to get good, bipartisan legislation accomplished. But President Trump's brazen misconduct forced this issue. His misdeeds posed a moral challenge to every single Member of Congress. How much corruption should we stomach? How much of our integrity should we sacrifice? How much malfeasance should we tolerate? Will we look the other way as the President flaunts our laws and ignores the Constitution?

Sometimes it can seem far easier to just stay silent. All of us know that it can be easier to avoid angry phone calls. But think about how much harder it would be to explain this moment in history to our children and our grandchildren. Think about how painful it will be to explain if you knew what President Trump did was wrong and you did nothing; if you knew what President Trump did was wrong under the Constitution that you swore to uphold; that you knew it was wrong, but you voted to acquit anyway because of your ambition, because of your political party.

Lest you think you can convince them otherwise, let me dispel this fiction. History's record of this time will be very clear. The American people can see through these lies. They recognize the inconsistencies and the double-speak. The American people are not naive. They are not stupid. They are not ignorant. They are not immoral.

My Republican colleagues are not naive or ignorant or immoral either. They are good men and women. They love their children, their neighbors, and our country. I consider many of them my friends. When we have dinner together, when we go to visit the troops overseas. We don't do it as Democrats and Republicans. We do it as colleagues, friends, and as peers in this body. We do so as elected Members of Congress, as Senators representing our States and our country.

It should be the very same when we judge President Trump. In I John 2:21, John writes to a group of believers who are in turmoil. He wrote: "I do not write to you because you do not know the truth, but because you do know it and because no lie comes from the truth."

This trial had the goal of accomplishing one thing—to discover the truth, to know what happened, to hold the President accountable. We pledged to listen to receive that evidence fairly and to judge honestly. We swore to defend the Constitution, not to defend a man or a political party, and we should all remember this when we cast our votes, because President Trump is not like you. He is not honest, kind, or compassionate. He doesn't have integrity or moral conviction. He is neither fair nor decent.

We, as Senators who swore to uphold the Constitution, should, based on the facts laid before us, vote to convict. Hold President Trump accountable for what he has done. We have to show the American people, ourselves, that President Trump does not represent our values, that we still believe that we must fight for what is right, for truth, for justice, for honesty, for integrity, and that laws mean something, and we don't put ourselves before the law.

For those who lack courage in this moment, those who are unwilling to do what they know in their heart of hearts, in their conscience and in their deepest thoughts to be right, if they do not do what they know they should,

they will be remembered as complicit. They will be remembered as not telling the truth. They will not be remembered well.

I urge you to vote your conscience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with the like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Tuesday, February 4, 2020.

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

#### UNANIMOUS CONSENT AGREEMENT—PRINTING OF STATEMENTS IN THE RECORD AND PRINTING OF SENATE DOCUMENT OF IMPEACHMENT PROCEEDINGS—MODIFIED

Mr. McCONNELL. Mr. President, I ask unanimous consent to modify the order of January 31 to allow the Senators to have until Wednesday, February 26, 2020—that would be the Wednesday after we come back—to have printed statements and opinions in the CONGRESSIONAL RECORD, if they choose, explaining their votes and include those in the documentation of the impeachment proceedings; finally, I ask that the two-page rule be waived.

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

#### ORDERS FOR TUESDAY, FEBRUARY 4, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, February 4; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following leader remarks, the Senate be in a period of morning business under the previous order.

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

#### ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the