

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 I ask unanimous consent that the order for the quorum call be rescinded.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

previous order, following the remarks of Senators MURKOWSKI and CORTEZ MASTO.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MURKOWSKI. Mr. President, I rise this evening to address the trial of Donald John Trump. The Founders gave this body the sole power to try all impeachments, and exercising that power—we all know—is a weighty, weighty responsibility. This was only the third time in the history of our country that the Senate convened to handle a Presidential impeachment and only the second in the past 150 years.

I was part of a small group that worked to secure a fair, an honest, and a transparent structure for the trial, and we based it on how this Chamber handled the trial of President Clinton some 20 years ago. So there were 24 hours of arguments for each side, 16 hours of questions from Members, with the full House record admitted as evidence.

That should have been more than enough to answer the questions: Do we need to hear more? Should there be additional process? Mr. President, the structure we built should have been sufficient, but the foundation upon which it rested was rotten. The House rushed through what should have been one of the most serious, consequential undertakings of the legislative branch, simply to meet an artificial, self-imposed deadline.

Prior Presidential impeachments resulted from years of investigation, where subpoenas were issued and they were litigated, where there were massive amounts of documents that were produced and witnesses deposed, where resistance from the Executive was overcome through court proceedings and through accommodations.

The House failed in its responsibilities. The House failed in its responsibilities. The Senate should be ashamed by the rank partisanship that has been on display here. We cannot be the greatest deliberative body when we kick things off by issuing letters to the media instead of coming together to set the parameters of the trial and negotiate in good faith on how we should proceed.

For all the talk of impartiality, it is clear to me that few in this Chamber approached this with a genuinely open mind. Some have been calling for the President to be impeached for years. Indeed, we saw just today clips that indicate headlines 19 minutes after the

President was sworn into office calling for his impeachment. Others in this Chamber saw little need to even consider the arguments from the House before stating their intentions to acquit.

Over the course of the past few weeks, we have all seen the videos from 20 years ago where Members who were present during the Clinton trial took the exact opposite stance than they take today. That level of hypocrisy is astounding, even for a place like Washington, DC.

The President's behavior was shameful and wrong. His personal interests do not take precedence over those of this great Nation. The President has the responsibility to uphold the integrity and the honor of the office, not just for himself but for all future Presidents. Degrading the office by actions or even name-calling weakens it for future Presidents, and it weakens our country.

All of this rotted foundation of the process—all of this—led to the conclusion that I reached several days ago that there would be no fair trial. While this trial was held here in this Senate, it was really litigated in the court of public opinion. For half the country, they had already decided there had been far too much process; they considered the entire impeachment inquiry to be baseless, and they thought that the Senate should have just dismissed the case as soon as it reached us.

Then, for the other half, no matter how many witnesses were summoned or deposed, no matter how many documents were produced, the only way—the only way—the trial could have been considered fair was if it resulted in the President's removal from office.

During the month that the House declined to transmit the articles to the Senate, the demon of faction extended his scepter, the outcome became clear, and a careless media cheerfully tried to put out the fires with gasoline. We debated witnesses instead of the case before the Senate. Rather than the President's conduct, the focus turned to how a lack of additional witnesses could be used to undermine any final conclusion. What started with political initiatives that degraded the Office of the President and left the Congress wallowing in partisan mud threatened to drag the last remaining branch of government down along with us.

Mr. President, I have taken tough votes before to uphold the integrity of our courts, and when it became clear that a tie vote here in the Senate would simply be used to burn down our third branch of government for partisan political purposes, I said "enough"—just "enough."

The response to the President's behavior is not to disenfranchise nearly 63 million Americans and remove him from the ballot. The House could have pursued censure and not immediately jumped to the remedy of last resort. I cannot vote to convict. The Constitution provides for impeachment but does not demand it in all instances. An in-

cremental first step: to remind the President that, as Montesquieu said, "Political virtue is a renunciation of oneself," and this requires "a continuous preference of the public interest over one's own."

Removal from office and being barred from ever holding another office of honor, trust, or profit under the United States is the political death penalty. The President's name is on ballots that have already been cast. The voters will pronounce a verdict in 9 months, and we must trust their judgment.

This process has been the apotheosis of the problem of congressional abdication. Through the refusal to exercise war powers or relinquishing the power of the purse, selective oversight, and an unwillingness to check emergency declarations designed to skirt Congress, we have failed. We have failed time and again. We, as a legislative branch, cannot continue to cede authority to the Executive.

The question that we must answer, given the intense polarization in our country, is, Where do we go from here? Where do we go from here? I wish that I had that magic wand. Sadly, I have no definitive answers, but I do have hope because we must have hope.

As I tried to build consensus over the past few weeks, I had many private conversations with colleagues, and so many—so many—in this Chamber share my sadness for the present state of our institutions. It is my hope that we have finally found bottom here, that both sides can look inward and reflect on the apparent willingness that each has to destroy not just each other but all of the institutions of our government. And for what? Because it may help win an election? At some point, Mr. President—at some point—for our country, winning has to be about more than just winning, or we will all lose.

Mr. President, I yield the floor.

Mr. YOUNG. Mr. President, as a U.S. Senator, I swore an oath to uphold the Constitution, and, while sitting in this High Court of Impeachment, I have fulfilled my duty to serve as an impartial juror.

After hearing all counsel arguments and reviewing all evidence in the voluminous record, including 17 witnesses, 192 witness video clips, and 28,578 pages of evidence, procedural rules, and constitutional concerns, I will vote to acquit the President, preventing his immediate removal from office and disqualification from the ballot.

A fair and accurate reading of this chapter in our Nation's history will conclude that, on the issues of fact and law presented to this High Court of Impeachment, reasonable and public-spirited Senators can disagree. This lends further support to the notion that the American people should be afforded the opportunity to register their opinions by participating in the coming national election.

While the Senate worked to remain impartial and open-minded throughout this trial, it must be acknowledged

that a political fever permeated this process from the beginning, dating back not just to the start of the House of Representatives' impeachment efforts, but all the way back to November 2016. As a result, the House improperly impeached. Now, the Senate should exercise restraint. Here is why.

First and foremost, a fair legal process is fundamental to our democracy. The House managers have repeatedly emphasized that no Americans are above the law. I could not agree more: No private citizen, President, or assembled majority of Congress can violate the rights guaranteed to other Americans under the Constitution. Accordingly, the President is entitled to basic due process rights, and the House failed to afford him these rights. Due process includes the right to legal counsel, the right to review evidence, and the ability to confront your accusers—rights denied by the House majority. House Managers breathlessly insist that “overwhelming” evidence already in the record proves “beyond any doubt” the President’s continued service constitutes an imminent threat to the American people. The House’s flawed and rushed process led to unfair proceedings and resulted in superficial, unspecific charges supported by a one-sided, improperly curated factual foundation.

Second, Separation of Powers is a cornerstone of our constitutional republic, and its preservation is essential to prevent abuse of power by one branch over another. A majority of the House should exercise extreme caution when it bases impeachment upon the President’s exercise of his foreign relations prerogatives, which are expressly granted to him by the Constitution. Additionally, in developing its Articles of Impeachment, the House majority chose to circumvent the judicial branch of government in order to clarify an issue of unsettled law pertaining to Executive Privilege. Instead, the House simply arrogated to itself a novel and dangerous new legal authority: absolute power to define Executive Privilege, even when the President is exercising his foreign relations powers granted by the Constitution.

As with prior impeachment inquiries, following a formal request by the House, the Federal courts could have compelled the executive branch to provide sensitive documents and witnesses. The House chose to ignore this longstanding precedent because it conflicted with its political timeline. Astonishingly, Speaker PELOSI rushed the mismanaged process forward only to delay it, again for political purposes, before finally sending the Articles of Impeachment to the Senate. Now the House, having failed to fully develop its evidentiary record, invites the Senate to act as an accomplice to its ramrod impeachment and create a dangerous new 51-vote Senate threshold to override executive branch claims of Executive Privilege.

To accept this invitation would be a violation of a long-established separation of powers.

Senators might be tempted by a burning curiosity or crass political calculation to further develop the House’s vague and tainted articles, but the constitutional separation of powers dictates that our legal charge must be more narrowly confined. To act otherwise would violate our oaths and dangerously incentivize calculating and intemperate House majorities to promiscuously impeach rival Presidents. We must set aside our personal preference because, under the Constitution, we are duty-bound by the “sole power to try” the infirm articles before us.

Lastly, Americans should stand against any Senate action which abets the creation of a constitutional crisis through the politicization of impeachment. The House majority’s misguided process created a precedent to weaponize impeachment, a new precedent that will lead to serial impeachments in a polarized America. If the House majority had its way and the Senate accepted its invitation to fix their broken articles, either political party would be tempted to impeach and potentially remove their political opponents from office by initiating slapdash impeachment investigations. This new precedent would reduce impeachment to a mere vote of no confidence, similar to that in the U.K. Parliament. During President Nixon’s impeachment, then Democratic Chairman Peter Rodino of the House Judiciary Committee urged that, for the American people to accept an impeachment, it must be powerfully bipartisan. This has been dubbed the Rodino rule, and I embrace the standard.

A decent respect for the law and the opinions of fellow citizens and a concern for future precedent requires that I pointedly emphasize what I am not arguing, that a President can lawfully do “whatever he wants,” that inviting foreign election interference is appropriate, that absolute immunity attaches to Executive Privilege, or that a statutory offense must be committed to impeach.

In summation, I have ineluctably arrived at a conclusion after impartially applying the law to all facts presented: House managers delivered tainted articles and failed to present requisite evidence to support their exceedingly high burden of proof. Therefore, I am duty bound to join my colleagues who would have the Senate resume the ordinary business of the American people.

The Founding Fathers, who warned of the political nature of impeachment, also provided us a means to address dissatisfaction with our Presidents: frequent elections. This week, Americans began the Presidential election process. For the sake of our Constitution and our Nation, the Court of the American People should render its verdict through an election to address its support of or opposition to the current administration.

ADDITIONAL STATEMENTS

TRIBUTE TO JASON OLSON

• Mr. CRAMER. Mr. President, after 32 years of serving his community in the Minot Police Department, including 8 of those years leading it, Chief of Police Jason Olson began a well-deserved retirement on January 31.

He became a police officer in 1988 at the age of 21, as he was completing his criminal justice degree at Minot State University. Starting as a patrol officer, he went on to spend 18 years on the SWAT team.

Officer Olson became chief of police at a time of significant change for the city of Minot and western North Dakota. The challenges this growth and development brought to the fourth largest city in North Dakota demanded a leader who would advocate for his staff and be open to change. The city had the right person in Chief Olson.

Serving on the frontlines during some of the greatest challenges to the city of Minot, Chief Olson was there for the tragic train derailment that spread anhydrous ammonia across the city in 2002 and for the historic flooding of the Souris River in 2011. Through the best and very worst of times, Chief Olson exhibited his trademark calm and collected demeanor.

Chief Olson credits his success to the experience he gained as a young officer from the veteran officers who had served for decades. Likewise, many of the 80-plus employees today praise him for the lessons he taught them as the head of the department. This includes the new Police Chief John Klug, a 25-year officer who took over on February 1, after being chosen in a national search. He speaks highly of Chief Olson and the example he set as a mentor and leader.

We cannot thank our law enforcement officers enough for their sacrifices keeping our communities safe and for the bravery they exhibit every day on the job. I join the residents of Minot and all North Dakotans thanking Chief Olson for his many years of dedicated professional service. I wish him a well-deserved and rewarding retirement. •

RECOGNIZING THE MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY

• Mr. HAWLEY. Mr. President, it is my privilege to honor the sesquicentennial of Missouri University of Science and Technology, as Missourians know it, S&T.

Founded in 1870, Missouri S&T was the first technological institution west of the Mississippi. Originally named the Missouri School of Mines and Metallurgy, the school was primarily focused on educating and training those who would mine the mineral rich area on the eastern side of the State.

By the 1920s, S&T had expanded into chemical, electrical, and civil engineering, as well as physics, chemistry,