

time for him, the demon, to exit the stage. We have indeed witnessed an abuse of power—a grave abuse of power—by just the kind of House majority that the Framers warned us about.

So tomorrow—tomorrow—the Senate must do what we were created to do. We have done our duty. We considered all the arguments. We have studied the “mountain of evidence,” and, tomorrow, we will vote.

We must vote to reject the House’s abuse of power, vote to protect our institutions, vote to reject new precedents that would reduce the Framers’ design to rubble, and vote to keep factional fever from boiling over and scorching our Republic.

I urge every one of our colleagues to cast the vote that the facts in evidence, the Constitution, and the common good clearly require. Vote to acquit the President of these charges.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASIDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, the majority leader can come up on the floor and repeat his talking points, but there are some salient points that are irrefutable.

The first, this is the first impeachment trial of a President or impeachment trial of anybody else that was completed that has no witnesses and no documents. The American people are just amazed that our Republican friends would not even ask for witnesses and documents.

I thought the House did a very good job. I thought they made a compelling case. But even if you didn’t, the idea that that means you shouldn’t have witnesses and documents, when we are doing something as august, as important as an impeachment trial, fails the laugh test. It makes people believe—correctly, in my judgment—that the administration, its top people, and Senate Republicans are all hiding the truth. They are afraid of the truth.

Second, the charges are extremely serious. To interfere in an election, to blackmail a foreign country to interfere in our elections gets at the very core of what our democracy is about. If Americans believe that they don’t determine who is President, who is Governor, who is Senator, but some foreign potentate out of reach of any law enforcement can jaundice our elections, that is the beginning of the end of democracy.

So it is a serious charge. Republicans refused to get the evidence because

they were afraid of what it would show, and that is all that needs to be said.

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

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Without objection, it is so ordered.

Mr. THUNE. Madam President, tomorrow we will be voting on the two impeachment articles sent over to us by the House of Representatives, a process, as the leader pointed out, that really started from the very day this President took office.

I will be voting to acquit the President for several reasons. First and foremost, I do not believe the facts in this case rise to the high bar that the Founders set for removal from office. The Founders imposed a threshold for impeachment of “Treason, Bribery, or other high Crimes and Misdemeanors”—in other words, very serious violations of the public trust.

The Founders were deliberate in their choice of words. They wanted to be clear that impeachment was a severe remedy to be deployed only for very serious violations. When George Mason proposed adding the term “maladministration” to the impeachment clause during the Constitutional Convention, the Framers rejected the proposal because, as Madison pointed out, the term was too vague and would be “equivalent to a tenure during pleasure of the Senate.”

The Founders recognized that without safeguards, impeachment could quickly degenerate into a political weapon to be used to turn over elections when one faction or another decided they didn’t like the President. That is why the Founders split the impeachment power, giving the House the sole authority to impeach and the Senate the sole authority to try impeachments. As a final check, the Founders required a two-thirds supermajority vote in the Senate to remove a President from office. All of these things show just how seriously the Founders regarded removing a duly elected President. They intended it as an extreme remedy to be used only in very grave circumstances.

I do not believe that the charges the House has leveled against the President meet that high bar. The House managers’ presentation, which stretched over 22 hours, included testimony from more than a dozen witnesses. We also heard from the House managers during more than 16 hours of questions from Senators—in all, about 180 questions—and we received more than 28,000 pages of testimony, evidence, and arguments from the House of Representatives.

I considered all the evidence carefully, but ultimately I concluded that

the two charges presented by the House managers—abuse of power and obstruction of Congress—did not provide a compelling case for removing this President.

According to public reporting, House Democrats toyed with charging the President with bribery, believing that it polled well, but they didn’t have the evidence to prove that charge or, indeed, to prove any actual crime.

While allegations of specific criminal conduct may not be constitutionally required, they anchor impeachment in the law, and their absence is telling. Lacking evidence of a specific crime, the House decided to use the shotgun approach and throw everything under the catchall “abuse of power” umbrella.

Abuse of power is vaguely defined and subject to interpretation. In fact, I don’t believe there has been a President in my lifetime who hasn’t been accused of some form of abuse of power. For that reason, abuse of power seemed to me a fairly weak predicate on which to remove a democratically elected President from office. During the Clinton impeachment, I voted against the abuse of power article precisely because I believed it did not offer strong grounds for removing the duly elected President.

With respect to the second article, obstruction of Congress, the House took issue with the President’s assertion of legal privileges, including those rooted in the constitutional separation of powers. Of course, every President in recent memory has invoked such privileges—for example, when the Obama administration cited executive privilege to deny documents to Congress during the Fast and Furious gunrunning investigation.

The House could have challenged the President’s privilege claims by going through the traditional channels to resolve disputes between the executive and legislative branches, that being, of course, the courts. That is what was done in previous impeachment inquiries, like the Clinton impeachment. But the House skipped that step in the hopes that the Senate would bail them out and compel testimony and documents that the House, in its rush to impeachment, was unwilling to procure. Again, it seemed like a very thin basis on which to remove a duly elected President from office.

The facts in the case are that aid to Ukraine was released prior to the end of the fiscal year. No investigation of the scandal-plagued firm Burisma or the Bidens was ever initiated. While we can debate the President’s judgment when it comes to his dealings with Ukraine or even conclude that his actions were inappropriate, the House’s vague and overreaching impeachment charges do not meet the high bar set by the Founders for removal from office.

My second consideration in voting to acquit the President is the deeply partisan nature of the House’s impeachment proceedings. The Founders’ overriding concern about impeachment was

that partisan majorities could use impeachment as a political weapon.

In *Federalist 65*, Alexander Hamilton speaks of the danger of impeachment being used by “an intemperate or designing majority in the House of Representatives.” By limiting the House’s power to impeaching the President and not to removing him from office, the Founders hoped that the Senate would act as a check on any attempt by the House to use the power of impeachment for partisan purposes.

Unfortunately, the Founders’ concerns about partisanship were realized in this impeachment process. For the first time in modern history, impeachment was initiated and conducted on a purely partisan basis.

While the Nixon impeachment proceedings in the House are held up as an example of bipartisanship, even the impeachment of President Clinton was initiated with the support of more than 30 Democrats. By contrast, in this case, House Democrats drove ahead in a completely—completely—partisan exercise. Then they rushed through the impeachment process at breakneck speed, rejecting a thorough investigation because they wanted to impeach the President as fast as possible. Then they expected the Senate to take on the House’s investigative responsibility.

House Democrats paid lip service to the idea that they regretted having to impeach the President, but their actions told a different story. The Speaker of the House—the Speaker—distributed celebratory pens when she signed the Articles of Impeachment and then went on TV and celebrated the impeachment with a fist bump.

It doesn’t require much work to imagine the damage that could be done to our Republic if impeachment becomes a weapon to be used whenever a political party doesn’t like a President. Pretty soon, Presidents would not be serving at the pleasure of the American people but at the pleasure of the House and the Senate.

We need to call a halt before we have gone too far to turn back. Endorsing the House’s rushed, partisan, and slipshod work would encourage future Houses to use impeachment for partisan purposes. Both parties need to learn that partisan impeachments are perilous.

Finally, I believe that except in the most extreme circumstances, it should be the American people, and not Washington politicians, who decide whether a President should be removed from office. Presidential primary voting, as we learned yesterday in Iowa, is already underway. We have a Presidential election in November, when the people of this country can weigh in and make their voices heard. I think we should leave the decision up to them.

Indeed, given the deep divisions plaguing our country, as reflected in the starkly different views about this impeachment, removing the President from office and from the ballots for the

upcoming election would almost certainly plunge the country into even greater political turmoil.

I am deeply troubled by the events of the past few months. I have always believed that we can differ here in Congress while still respecting and working with those who disagree with us, but Democrats have increasingly sought to demonize anyone who doesn’t share their obsession with impeaching this President. One of the House managers in this trial went so far as to suggest that any Senator who voted against them was treacherous.

At one point, a Senator asked whether the Chief Justice’s constitutionally required participation in the trial was contributing to “the loss of legitimacy of the Chief Justice, the Supreme Court, and the Constitution,” with the clear suggestion that the only way for the Supreme Court to maintain its legitimacy would be for it to agree with the Democratic Party. We have sunk pretty low when we have come to the point of suggesting that disagreement is unconstitutional.

But for all this, I remain hopeful. Congress has been through contentious times before, and we have gotten through them. There is no question that this partisan impeachment has been divisive, but I do believe we can move on from this. I am ready to work with all of my colleagues, both Democrat and Republican, in the coming weeks and months as we get back to the business of the American people. And for the Nation that we all love, I pray that proves possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Madam President, the Senate must determine whether to remove a President duly elected by the people. A decision of such magnitude deserves, first, full consideration of the procedures; second, the merits of the charges; and third, the ramifications removal would have on our Republic.

The Framers of the Constitution granted the House of Representatives impeachment powers yet cautioned against using that power unless absolutely necessary. Impeachment negates an election in which Americans choose their leader. If substantial numbers of Americans disagree with removing the President, removal damages civic society. It follows that the House should conduct thorough and complete investigations, even if time-consuming, before impeaching.

A thorough investigation educates Americans that a President should be impeached and removed. Failing to convince the people invites anger towards, disdain for, and abandonment of the democratic process.

The Framers also required a two-thirds Senate majority for removal to prevent partisanship, so that removal only occurs after the House convinces its own Members, the Senate, and the American people. The Watergate investigation, for example, convinced Amer-

icans that President Nixon committed crimes, forcing his resignation with overwhelming support for removal in the House and the Senate.

In the case against President Trump, the House declined to call witnesses it felt relevant, arguing that the courts would take too long and the President was an imminent threat to our Republic. House managers blamed legal resistance from the administration and witnesses. For example, Dr. Charles Kupperman threatened to sue. A congressional committee afraid of being sued while claiming to be fearlessly pursuing truth for the good of the country rings hollow. It also rang hollow when ADAM SCHIFF said that we could not wait for the next election for voters to decide President Trump’s fate after Speaker NANCY PELOSI held the articles for 37 days. That decision smacks of partisan political motivations.

The partisanship the Founders warned against was reflected in the House vote with the only bipartisan votes being against impeachment. House Managers SCHIFF, NADLER, and LOFGREN once said that party-line impeachment would divide the Nation. They never explained why their opinions changed.

The role of the Senate, though, is to judge the House’s evidence. House managers stated their case was “overwhelming” and “compelling.” Having not pursued further witness testimony in building their case, the House managers demanded the Senate call witnesses the House did not call.

Additional witnesses, however, would not have changed material facts, but allowing the House to poorly develop a case, sacrificing thoroughness for political timing, would have forever changed the dynamic of the Chambers respective to the role of each in the impeachment process. Should the Senate acquiesce in this manipulation of the process, it would welcome the House to use impeachment as a political weapon, whatever the merits of its case.

I have been speaking of procedure. I want to emphasize that procedure matters. Justice Frankfurter once wrote: “The history of liberty has largely been the history of the observance of procedural safeguards.” If the appropriate use of impeachment is to be preserved, procedural safeguards must be observed.

Moving now to charges, in article II, House managers argued the President obstructed Congress by acting on the advice of legal counsel to resist subpoenas. The judiciary resolves disputes between the executive and legislative branches. The House should have exhausted judicial remedies before bringing this charge. I shall vote against article II.

On article I, abuse of power, three issues must be addressed: one, the legal standard of guilt by which to judge the President; two, whether the President committed a crime; and if so, three, whether that crime warrants removal from office.

First, the standard of guilt was never established. Legal standards for conviction vary from the lower—more probable than not—threshold to the higher, which is beyond a reasonable doubt, which is used in criminal cases.

Since House managers charged “something akin” to a crime, “beyond a reasonable doubt” seems most appropriate, the higher threshold. As Senator Jay Rockefeller stated during President Clinton’s impeachment, beyond a reasonable doubt “means that it is proven to a moral certainty, that the case is clear, that the case is concise.”

Second, House managers allege that the President held military aid to Ukraine to leverage an investigation into former Vice President Biden as a quid pro quo, although they did not charge President Trump with the crime of requiring a quid pro quo or bribery. The President’s defense team cast reasonable doubt on this allegation.

For example, regarding the July 25 phone call, which was reported by the whistleblower and which triggered the House impeachment proceedings, the President raised the issue of corruption in Ukraine. President Trump has always been skeptical of foreign aid and especially when he thinks it is wasted. Hunter Biden was mentioned, but no connection was made with the release of aid to Ukraine.

Other defense arguments included that Ambassador Kurt Volker denied a connection between aid and corruption investigations; President Zelensky and Ukrainian officials denied feeling pressure; and President Trump denied a quid pro quo to Ambassador Sondland and told Senator RON JOHNSON, when asked if there was some sort of arrangement, “No way. I would never do that.”

Both aid to Ukraine was released before the statutory deadline and a meeting between Presidents Trump and Zelensky occurred without an announced investigation.

It is also important to note that the release of aid on September 11 followed new Ukrainian anti-corruption measures, which included swearing in a reformed Parliament and installing a new prosecutor general—August 29—and the newly established High Anti-Corruption Court meeting for the first time—September 5.

The third issue regarding article I, abuse of power, is that the term is a nebulous one which does not define a specific crime. Contrast this with the impeachment of President Nixon when the House drafted an Article of Impeachment alleging abuse of power which enumerated five specific criminal and noncriminal offenses against President Nixon.

The Constitution speaks of treason, bribery, or other high crimes and misdemeanors. Because high crimes and misdemeanors are not specifically defined, it is reasonable to assume that the Framers meant for impeachment to occur only if a crime approached levels as severe as treason and bribery.

Since the House managers allege President Trump committed something “akin to a crime,” in deciding whether abuse of power is a high crime or misdemeanor, the prudent decision is to apply the principle of lenity. This principle, relied upon by Supreme Court Justice Marshall and Justice Frankfurter, says that if a law is ambiguous, it is better to narrowly interpret the words of a law in favor of the defendant.

Although the preceding discussion finds that the House managers failed to prove their case beyond a shadow of a doubt, failed to define the crime, thereby invoking the principle of lenity, it is still a question that if a crime was committed, was it an impeachable crime?

In 1998, then-Democratic Congressman Ed Markey argued that even though President Clinton, as chief law enforcement officer of the land, lied under oath, the crime was not impeachable. The Senate agreed, establishing the precedent that to remove a President, the crime must reach a high threshold of severity. The allegation against President Trump was not proven beyond a reasonable doubt, and it does not meet that high threshold.

I shall vote against article I.

I end by speaking of the ramifications for our Republic. In 1998, then-Congressman CHUCK SCHUMER said of the Clinton impeachment:

I suspect history will show that we have lowered the bar on impeachment so much, we have broken the seal on this extreme penalty so cavalierly that it will be used as a routine tool to fight political battles. My fear is that when a Republican wins the White House, Democrats will demand pay-back.

Mr. SCHUMER was a prophet.

This must stop.

With that, I yield.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, I want to first thank the House managers and the counsel for the President for their time and their hard work and patience these past few weeks.

Yes, folks, we have had a robust and at times a rancorous trial. Some days I left here feeling angry, and some days I left more hopeful. Frankly, it is likely that many Americans—and in my case, Iowans—from every political stripe will feel hurt by this process at some level. But we are all representatives of the ideals and beliefs of the people we are here to represent.

Like all of you, I have sworn an oath to uphold the Constitution, and I take that oath very seriously. There have been a lot of arguments presented about what the Constitution says regarding the threshold for impeaching a President. It is clear to me that the Constitution goes out of its way to make it a high bar for removing the President. This is because the Founders were rightfully concerned that impeachment might be used to upend the electoral will of the American people.

Absent restraint, the impeachment process would be all too tempting for those who oppose a sitting President to simply use it as a tool to achieve political advantage.

Each of us had one job—one job—during this process: to decide, based on the evidence, whether the President committed an impeachable offense. Upon reviewing the record containing the testimony of 17 witnesses and over 28,000 pages, as well as hearing from both sides on their arguments presented throughout this process, I will vote against both Articles of Impeachment.

The arguments of the House managers simply did not demonstrate that the President’s actions rise to an impeachable offense. Given the constitutional requirements, voting any other way on these articles would remove the ability of the American people to make their own decision at the ballot box in November.

This process was fraught from the start with political aims and partisan innuendos that simply cannot be overlooked.

The House managers’ arguments have argued that the American people cannot be trusted to render their own judgment on this President. I reject this premise and the complete distrust of the American people with everything in my heart. To do this would set a new and dangerous precedent in American history.

As we sit here today, we believe we are experiencing a unique and historical event; however, if the case presented by the House of Representatives is allowed to be the basis for the removal of this President, I am afraid that impeachment will become just another tool used by those who play partisan politics. This is not what the Founders intended, and this is a very dark path to go down.

Under the Constitution, impeachment wasn’t designed to be a litmus test on every action of the President’s; elections were designed to be that check. Further, the issue of foreign affairs has historically been fraught with peril for Presidents. Foreign affairs is an art, not a science, and trying to insert a formula into every Presidential interaction with a foreign leader is a path toward ineffectiveness.

The Senate is about to close this chapter in American history. I pray that we do not allow this to become the norm. I also pray earnestly that we will shift into a spirit of cohesiveness, coming together to get our work done for the American people. Our people, our Founders, our country, and my great State of Iowa deserve better than this.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Mississippi.

Mr. WICKER. Madam President, tomorrow I will cast my vote against the removal of our duly elected President. I will do so based upon my understanding of the duty conferred upon me

by the Constitution of the United States.

I do not believe the House managers have proved the allegations contained in the Articles of Impeachment, nor do I believe the articles allege conduct that may be used as grounds for removal. I find the President's counsel to be persuasive in this regard. Significantly, much of the American public, without the benefit of learned constitutional instruction, has come to the same conclusion.

During the 2½ weeks of this trial, we have received more than 28,000 pages of documents, we have seen 192 video clips of 13 different witnesses, we had the opportunity to question each side for a total of 16 hours, and we have listened to literally hours and hours of argument. Clearly, I am unable to discuss every aspect of the trial in the time allotted me. Some facts in this case are in dispute, but many are not. Here is what we all know beyond a doubt:

First, we know that voices on the left have been calling for the impeachment of Donald Trump since day one—literally day one. The Washington Post on January 20, 2017, published an article titled “The Campaign to Impeach President Trump Has Begun” on Inauguration Day.

Secondly, we know that the years-long \$32 million Mueller investigation failed to reveal sufficient ammunition for those who desired impeachment.

Third, the impeachment of this President in the House was the result of a narrowly partisan vote, with no Republican Representatives—zero—voting in favor of the articles.

And fourth, a guilty verdict this week would not only immediately remove the President from office, but it would also remove his name from the ballot in an election, which is already going on, and the first caucuses of which were conducted only yesterday. The words are right there in articles I and II, on pages 3 and 4 of the resolution: “disqualification to hold . . . any office.”

The Founders of this country entrusted Congress with the power of impeachment as a check and balance on the executive branch. This power was never intended to settle policy differences or political disagreements—even intense disagreements. It was not designed so that Congress could get rid of a President they found odious or obnoxious or with whom they vehemently disagree.

The Constitution gives Congress this extraordinary authority as a remedy only for what it calls “high Crimes and Misdemeanors.” And making it clear what an extreme action of impeachment is, the Framers required the support of two-thirds in this Chamber in order to convict.

These standards intentionally set a very high bar to prevent abuse of the impeachment process. Meeting these standards requires this process be used to try only the most serious allega-

tions and requires broad consensus in the Senate. Members of both parties have, in the past, warned about the dangers of a narrowly partisan impeachment.

As late as last year, House Speaker NANCY PELOSI cautioned:

Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path because it divides the country.

Congressman NADLER, one of the impeachment managers, said in 1998:

There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy, would produce divisiveness and bitterness in our politics for years to come.

This wide approach has been supported in the past by House Manager ZOE LOFGREN, by Senator and future Vice President Joe Biden, and by our own colleagues, Senator MENENDEZ and SCHUMER, who feared that impeachment would become a routine tool.

These leaders had good company in taking this position. In Federalist No. 65, Alexander Hamilton warned of the danger that the decision to impeach “will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt.”

Many of our Democratic friends who once sided with Hamilton have apparently changed their minds. They have also reversed themselves on the urgency of doing so—a rather sudden and abrupt change of heart on that question.

House advocates of impeachment have argued that President Trump is willing to cheat in the ongoing election and amounting to such an imminent threat to our democracy that he must be removed at once. Unless he is out of office and out quickly, they assert, we cannot have any confidence that the 2020 election results will be trustworthy.

I ask: Does any Senator really believe that; that America cannot have a fair election if Donald Trump is in the White House? But that alleged danger was the reason for the abbreviated House procedure. The lead House manager, Congressman SCHIFF, said in an interview last year that the timing of impeachment was driven by the urgency of removing the President. Congressman NADLER agreed, saying that “nothing could be more urgent.” Speaker PELOSI repeated the same argument many times to explain the rushed process in the House and why there was not time to give the President a fair hearing. Senators heard the words repeated and repeated on video clips shown during this trial—“urgent,” “urgency.”

What happened to that urgency once the House voted? Did the Speaker then rush the papers to the Senate so we could address this imminent threat? Hardly. Speaker PELOSI held the arti-

cles for more than a month. If this trial was so urgent, why not send the articles without delay? Some might conclude that by withholding the articles, the Speaker exposed that she did not, in fact, believe that this case was so urgent. Perhaps it was an effort to influence our procedural decisions. I do not impugn motives here. Our rules prohibit me from doing so. I merely note an obvious change for whatever reason.

As I consider the high bar of impeachment tomorrow, I will vote not to convict. I will do so because there is not overwhelming evidence, because no high crimes are shown, because there is not a broad consensus among my countrymen, only articles passed on a narrowly partisan basis, and because removing President Trump on these charges at this time would set a dangerous precedent.

I conclude by reminding my colleagues that we are the trustees of the Constitution of 1787. We have the privilege and responsibility of standing on the shoulders of our remarkably perceptive Founders, but we also act as trustees for our Republic on behalf of future generations. With that in mind, we have an enhanced obligation to be careful, to resist the passions of the moment, and to remember that what we do today establishes precedence for decades and centuries to come.

Manager SCHIFF closed his remarks yesterday with an ominous reference to nefarious midnight decisions somehow threatening the freedom or welfare of Americans. His hopeful conclusion was that it is midnight in America, but the Sun will rise tomorrow, a sentiment I happen to share, though my concept of what amounts to a beautiful sunrise may differ from his.

Over a century ago, during the depths of World War I, Vachel Lindsay composed “Abraham Lincoln Walks at Midnight,” imagining an agonized, sleepless Lincoln walking the streets of Springfield, dismayed over the carnage in Europe.

Let us ask ourselves today, do Hamilton and Madison and Franklin walk these venerable halls at midnight? Do these Founding Fathers traverse the stone corridors of these great building, this symbol of stability and rule of law? If they do, they caution us, as they always have, to be careful, to avoid rash decisions, to resist the urges of partisanship, and to let the Constitution work. I hope my colleagues will heed their counsel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, as we think back over these last weeks, when we have sat together on the floor considering evidence and sitting in judgment as jurors and judges, spending countless hours deliberating, I often think about what I will remember from these days on a very personal level.

It has been a historic event, but in some ways, the human element strikes

me as the most memorable. I will remember vividly the bravery of dedicated public servants who had everything to lose and nothing to gain by telling the American people the truth about Donald Trump and his scheme to corruptly use power for his personal benefit. Their courage, their grace under pressure, their dignity, and unshakeable honesty should be a model for all of us.

I will remember, for example, LTC Alexander Vindman, whose video appeared before us, a man who was brought to the United States at the age of 3 and grew to love this country so much that he put his life at risk in combat and then his career at risk by coming before the Congress.

I will remember Fiona Hill, the daughter of a coal miner and nurse, who proceeded to get a Ph.D., swear an oath to this country, serving in both Republican and Democratic administrations, warning us not to peddle the “fictional narrative . . . perpetrated and propagated,” as she said, “by the Russian security services themselves” about this supposed Ukrainian effort to meddle in our election. I will remember very vividly Ambassador William Taylor, West Point graduate and decorated Vietnam war veteran, who testified that he thought it was “crazy to withhold security assistance for help with a political campaign.”

I will remember the whistleblower who came forward to express shock and alarm that the President of the United States would attempt to extort a vulnerable, fledgling democracy to help him cheat in the next election in exchange for the foreign military aid they so desperately needed to fight their adversary, Russia, and our adversary, Russia, attacking and killing their young men and women.

I have met some of those young men and women who came to Connecticut to the Burn Center at Bridgeport Hospital, so badly injured they could barely talk, and the stories of their suffering and hardship came back to me, as I sat on the floor here, and their courage and their bravery and strength also will stay with me.

I will remember the moment that we raised our hands and took an oath to be impartial, all 100 of us—99—at the same time, in a historic moment when the weight of that responsibility shook me like a rock. I will also remember the shame and sadness that I felt when this body—supposedly, the greatest deliberative body in the history of the world—voted to close its eyes, to put on blinders to evidence, witnesses, and documents; firsthand knowledge, eyes and ears on the President, black and white—documents don’t lie—that were necessary to understand the complete story and give the American people the complete truth. That moment—unfortunately, a moment of dismay and disappointment—will stay with me as well, after aspiring for so long to be part of this body, which I respected and revered, so utterly failing the American people at this moment of crisis.

And I will remember audible gasps, some laughs, and raised eyebrows in this Chamber when Professor Alan Dershowitz made the incredible, shocking argument that a President who believes that his own reelection serves the public interest can do anything he wants, and his actions are not impeachable. The implications of that argument for the future of our democracy are simply indescribable.

I have been a trial lawyer. I have spent most of my career in and out of the courtroom. So I can argue the legalities. But I am not here to rehash the legal arguments, because culpability here seems pretty clear to me. The President solicited a bribe when he sought a personal benefit and investigation of his political opponent, a smear of his rival, in exchange for an official act—in fact, two official acts: the release of military funding for an ally and a White House meeting—in return for that personal benefit. Those actions are a violation of section 201, 18 United States Code, today. They were a violation of criminal law at the time of the Framers, and that is why they put it in the Constitution.

Bribery and treason are specifically mentioned. Bribery is included as an abuse of power, as it was when Judge Porteous was convicted and impeached. Many of the Members of this Chamber voted to impeach him, although bribery was never mentioned in the articles charging him with abuse of power.

The idea that bribery or any crime has to be mentioned for there to be an abuse of power is clearly preposterous. In my view, the elements of bribery have been proved beyond a reasonable doubt, and there is no excuse for that criminal conduct. I am going to submit a detailed statement for the RECORD that makes the legal case, but, clearly, bribery has been committed by this President.

Looking beyond the legalities, what strikes me, perhaps, as most telling here is the constant theme of secrecy—the fact that the President kept his reasons for withholding aid a secret. Unlike other suspensions of aid to other countries—like the Northern Triangle in Central America or Egypt, where it was announced publicly and Congress was notified—here, he kept it secret. He operated through his personal attorney, Rudy Giuliani, in secret, not through the State Department, not through the Department of Justice. Despite all of his claims of corruption and wrongdoing by Hunter or Joe Biden, he either never went to the Department of Justice or they declined to investigate because there was no “there” there. Instead, he sought, secretly, the investigation of a political rival through a foreign government, targeting a U.S. citizen secretly.

His refusal to provide a single document to Congress, to allow a single witness to testify, keeping their testimony and that evidence secret, concealing it; his defiance of every subpoena in court, effectively neutering

Congress’s oversight authority—our oversight authority—to check any of these abuses, all of it is for the purpose of secrecy.

His claim of absolute immunity is totally discredited and rejected by the court because, as the court said in the McGahn case, he is not a King.

His claim of executive privilege as the reason for keeping that evidence secret—well, he never really invoked executive privilege, but executive privilege cannot be invoked to conceal criminal conduct that fits within the crime of a fraud exception.

And while the President’s lawyers argued before this body that the House should have gone to court to enforce those subpoenas instead of resorting to the remedy of impeachment, they then had the audacity to, simultaneously, at exactly the same time, argue in court that Congress cannot seek a judicial remedy to enforce subpoenas because it has the remedy of impeachment. They argued no jurisdiction because of impeachment, and at the same time no access to evidence necessary for impeachment because, supposedly, you can go to court. This duplicity is absolutely stunning.

Again, I will say, just on a personal note as a prosecutor, it is a dead giveaway. He is guilty. Regardless of what we do tomorrow, we know for sure, in this great democracy, the truth will come out. It always does. It is just a question of when. It comes out about all of us at some point. And, for this President, the truth is coming out in realtime, as we speak on this floor and as we vote tomorrow.

The revelations in the New York Times about what John Bolton has written in his book indicate the truth is going to come out in mid-March with John Bolton’s book, assuming the President doesn’t try to censor it and tie him up in court or exercise some prior restraint. It will come out in congressional investigations when John Bolton and others testify. It will come out because there are courageous men and women, like Ambassador Taylor, Fiona Hill, Colonel Vindman, and others, who are willing to put country ahead of their personal careers.

When my children grow up—and they are pretty well grown—I hope they will be more like them than like the President. I never, ever thought I would say that in the Senate of the United States, let alone anywhere, because this President has shown that he will take advantage of every opportunity for self-enrichment and self-aggrandizement. Whether it is violating the emoluments clause—and I, along with 199 of my colleagues, have sued him on that issue, making money from the Presidency, profiting and putting profit ahead of his official duties, or seeking to smear a political rival and soliciting a bribe. Even if the aid went through and even if the investigation was never announced, it is still a crime—putting that kind of self-benefit ahead of his duty to the country and

our national security, the welfare and fight of an ally at the tip of the spear against a common adversary who is seeking to destroy Western democracies. He is someone who has said: Show me the boundaries of the law, and I will push them, and if I can successfully cross them, I will do it again.

And he will do it again. Everyone in this Chamber knows it.

So, as we make this momentous decision, I implore each of my colleagues to think about the gravity of what we will do if we fail to convict this President, the message that we send to countries struggling to overcome corruption, because America is more than just a country. America is an idea and an ideal. When we implore them to fight corruption, our credibility is shredded when we condone it at home.

The Framers, in their wisdom, knew that elections every 4 years were an inadequate check against any President who corruptly abuses power for personal gain. And this situation and this President are exactly what they feared when our young infant country was struggling to avoid foreign interference in our elections. It was their worst nightmare, foreign interference, the threat of foreign meddling—exactly what this President has invited.

It was delegate William Davie of North Carolina who said: “If he be not impeachable whilst in office, he will spare no effort or means whatever to get himself re-elected.” It was precisely cheating in a future election, foreign interference in our domestic affairs, that the Framers established impeachment to prevent. That is why the remedy exists, and that is why we must use it now.

History will judge us harshly if we fail in this historic challenge. History will haunt the colleagues who fail to meet this challenge, who lack the courage that was demonstrated by those heroes: Taylor, Vindman, Hill, Cooper, and others. And they will continue to serve our country. The truth will come out.

The heroes of this darker era will be our independent judiciary and our free press. They will continue uncovering the truth. They will continue providing freedom of information material under the law. They will continue to protect civil rights and civil liberties. They will continue their vigilance, even if we fail in ours.

But we have this task now. History will sit in judgment of us, and the future of our Republic will be in jeopardy if we fail tomorrow to do the right thing.

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Maryland is recognized.

Mr. VAN HOLLEN. Madam President, it is the constitutional duty of each Senator to weigh the evidence before us and render a final verdict on the two Articles of Impeachment.

On the charge of abuse of power, the House managers have presented over-

whelming evidence, a “mountain of it,” as Senator ALEXANDER has conceded. For anyone with eyes to see or ears to hear, President Trump undoubtedly used the power of the Presidency to withhold vital, taxpayer-funded military aid from Ukraine to extort its government into helping him in his reelection campaign. He did so even though fighting Russian aggression is in our national interest. And make no mistake, the fact that he got caught before his scheme succeeded is no defense.

The House has also proved its case on the charge of obstruction of Congress. President Trump has engaged in unprecedented stonewalling, a blanket coverup that makes President Nixon look like an amateur—not a single document produced nor a single witness. Those who did testify did so despite the President’s order not to show up. They raised their right hands and swore to tell the truth. They included Trump political appointees and a major donor to his campaign, individuals who served our country in war, dedicated public servants who took an oath to defend the Constitution. Dismissing them as “anti-Trumpers” and “Democratic witnesses” is wrong, as were the President’s attempts to bully and intimidate them.

With the facts proven, the Senate must now ask: Do these charges meet the standard for impeachment? The President claims impeachment requires charging him with a statutory crime, but that is a fringe view with patently absurd results. Their lead lawyer making this argument, Alan Dershowitz, did not hold this view during the Clinton impeachment; nor does Trump’s Attorney General, William Barr; nor does Jonathan Turley, Trump’s constitutional law expert at the House Judiciary Committee hearing—nor does the authority cited by the President’s own lawyers here in the Senate and referenced nine times in their legal briefs. That authority, entitled “Impeachment: A Handbook” states that “the limitation of impeachable offenses to those offenses made generally criminal by statute is unwarranted—even absurd.”

This suggested standard has been roundly dismissed because it leads to ridiculous conclusions—for example, that a President could withhold taxpayer-funded disaster assistance to the people of a State until their Governor endorsed the President for reelection.

Even Alan Dershowitz recognized the folly of his own argument, so he switched to saying impeachment requires “criminal-like” conduct. Well, the President’s actions here have all the markings of criminal-like conduct, including what the Founders would consider bribery and extortion. Moreover, as made clear by the nonpartisan legal opinion I requested from the GAO, the President and his team broke the impoundment control law as part of his overall extortion scheme.

In fact, the toxic mix of misconduct we find here—a President corruptly

using his office in a manner that compromises our national security to get a foreign government to help him stay in power—is exactly the kind of abuse of power our Founders most feared.

Yet the President shows no sign of remorse or regret. His refusal to acknowledge any wrongdoing is an ongoing threat to our country and our Constitution. Even as this impeachment process has proceeded, he has continued to solicit other countries, including China, to help his reelection efforts, as he says the Constitution gives him “the right to do whatever I want as President.”

Let’s be honest. President Trump sees the Constitution not as a check on his powers but as a blank check to abuse power, and he will not change. His ongoing betrayal of the oath of office represents a clear and present danger to our Constitution, our democracy, and the rule of law.

Those who argue we must not remove the President before the next election ignore the fact that the Founders included an impeachment clause in the same Constitution that establishes 4-year terms for the President. They wrote the impeachment clause for exactly this moment, to prevent a corrupt President from enlisting a foreign power to help him cheat in an election.

President Trump has committed high crimes and misdemeanors against the Constitution, and we must use the Founders’ remedy. We must find him guilty and remove him from office. Failure to convict will send a terrible signal that this President and any future President can commit crimes against the Constitution and the American people and get away with it.

But it is not only the President who has violated his duty under the Constitution. So, too, has this Senate, not because of the ultimate conclusion expected tomorrow but because of the flawed way the Senate will reach that decision. While I strongly disagree with acquittal, that verdict might be accepted by most Americans if reached through a real and a fair trial. But this Senate did not hold a real trial. It held the first impeachment proceeding in our history not to call a single witness or seek a single document.

President Trump’s former National Security Advisor, John Bolton, offered us important information about the charges against the President. The Senate voted not to hear from him. President Trump said he wanted his Acting Chief of Staff, Mick Mulvaney, to testify at the Senate trial, but then he changed his mind and Senate Republicans voted not to hear from him. I offered to have the Chief Justice make decisions about relevant witnesses and documents, just as impartial judges do in trials every day across America. In fact, unlike in every other courtroom, it preserved the right of the Senate to overturn the Chief Justice’s decision by a majority vote. That is obviously a fair process for the President, but every Republican Senator voted

against it. And why? Because they are afraid of getting to the truth, the whole truth, and nothing but the truth. They know that, as more incriminating facts come out, it becomes harder to acquit. By joining the President's coverup, they have become his accomplices.

While the decision on the President will come tomorrow, the verdict on this Senate is already in—guilty, guilty of dereliction of its constitutional duty to conduct an impartial trial. And because the trial was a farce, the final result will be seen by most of the country as illegitimate, the product of a tainted trial.

President Trump must understand this: There is no exoneration, no vindication, no real acquittal from a fake trial. In failing to adhere to the principles of our Constitution and the values of our country, I fear we have done grievous injury to the nature of our democracy. I only hope America will find the resilience to repair the damage in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. PETERS. Madam President, I swore an oath to defend the Constitution, both as an officer in the U.S. Navy Reserve and as a U.S. Senator. At the beginning of this impeachment trial, I swore an oath to keep an open mind, listen carefully to the facts, and, in the end, deliver impartial justice.

After carefully listening to the arguments presented by both House managers and the President's lawyers, I believe the facts are clear. President Trump stands accused by the House of Representatives of abusing his power in an attempt to extort a foreign government to announce a trumped-up investigation into a political rival and thereby put his personal interest ahead of national security and the public trust.

The President illegally withheld congressionally approved military aid to an ally at war with Russia and conditioned its release on Ukraine making an announcement the President could use to falsely discredit a likely political opponent.

When the President's corrupt plan was brought to light, the White House engaged in a systematic and unprecedented effort to cover up the scheme. The President's complete refusal to cooperate with a constitutionally authorized investigation is unparalleled in American history.

Despite the extraordinary efforts by the President to cover up the facts, the House managers made a convincing case. It is clear the President's actions were not an effort to further official American foreign policy. The President was not working in the public interest. What the President did was wrong, unacceptable, and impeachable.

I expected the President's lawyers to offer new eyewitness testimony from people with firsthand knowledge and offer new documents to defend the

President, but that did not happen. It became very clear to me that the President's closest advisers could not speak to the President's innocence, and his lawyers did everything in their power to prevent them from testifying under oath.

No one in this country is above the law—no one, not even the President. If someone is accused of a crime and they have witnesses that could clear them of any wrongdoing, they would want those witnesses to testify. In fact, not only would they welcome it; they would insist on it. All we need to do is use some common sense. The fact that the President refuses to have his closest advisers testify tells me that he is afraid of what they will say.

The President's conduct is unacceptable for any official, let alone the leader of our country. Our Nation's Founders feared unchecked and unlimited power by the President. They rebelled against an abusive Monarch with unlimited power and, instead, created a republic that distributed power across different branches of government. They were careful students of history. They knew unchecked power would destroy a democratic republic. They were especially fearful of an unchecked executive and specifically granted Congress the power of impeachment to check a President who thought of themselves as above the law.

Two years ago, I had the privilege of participating in the annual bipartisan Senate tradition, reading President George Washington's Farewell Address to the Senate. In that address, President Washington warned that unchecked power, the rise of partisan factions and foreign influence, if left unchecked, would undermine our young Nation and allow for the rise of a demagogue. He warned that we could become so divided and so entrenched in the beliefs of our particular partisan group that "cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government."

I am struck by the contrast of where we are today and where our Founders were more than 200 years ago. George Washington was the ultimate rock star of his time. He was beloved, and when he announced he would leave the Presidency and return to Mount Vernon, people begged him to stay.

There was a call to make him a King, and he said no. He reminded folks that he had just fought against a Monarch so that the American people could enjoy the liberties of a free people. George Washington, a man of integrity and an American hero, refused to be anointed King when it was offered to him by his adoring countrymen. He chose a republic over a monarchy.

But tomorrow, by refusing to hold President Trump accountable for his abuses, Republicans in the Senate are offering him unbridled power without accountability, and he will gleefully seize that power. And when he does,

our Republic will face an existential threat. A vote against the Articles of Impeachment will set a dangerous precedent. It will be used by future Presidents to act with impunity. Given what we know—that the President abused his power in office by attempting to extort a foreign government to interfere with an American election; that he willfully obstructed justice at every turn; and that his actions run counter to our Nation's most cherished and fundamental values—it is clear the President betrayed the trust the American public placed in him to fully execute his constitutional responsibilities. This betrayal is, by definition, a high crime and misdemeanor. If it does not rise to the level of impeachment and removal, I am not sure what would.

The Senate has a constitutional responsibility to hold him accountable. If we do not stand up and defend our democracy during this fragile period, we will be allowing the President and future Presidents to have unchecked power. This is not what our Founders intended.

The oath I swore to protect and defend the Constitution demands that I vote to preserve the future of our Republic. I will faithfully execute my oath and vote to hold this President accountable for his actions.

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

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

Mr. WHITEHOUSE. Madam President, may I say that it is a pleasure to speak to the Senate with the new Senator from Georgia presiding for the first time, at least, that I have had this occasion.

Well, here we are. The impeachment outcome is settled, as it was from day one. In my view, the facts are clear, the conduct impeachable, and the obstruction unprecedented.

In my view, this impeachment process ran into a partisan wall, and the Senate's part was to deny the American people the most basic elements of a fair trial: witnesses and evidence.

Alexander Hamilton, years ago, warned us of what he called the "greatest danger" in impeachments, "that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

In my view, that danger has met us.

As a boy I often sang a hymn with the stanza that "to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side."

In my view, the Senate chose the wrong side.

We are obviously going to disagree about a lot here, so let me focus on two thoughts that perhaps we can agree on.

One is that what we have done here should carry little weight as precedent. Politics cast very long shadows over this proceeding. This was not our finest hour, by any stretch, and much of what was said and done here should not be repeated, let alone treated as precedent.

I hope history treats this episode as an aberration, not a precedent.

Too many things that are right and proper had to be bent or broken to get to the preordained result, and too much of what was said by White House counsel was not only wrong but disgraceful.

The presentation in this Chamber by White House counsel was characterized by smarminess, smear, elision, outright misstatement, and various dishonest rhetorical tricks that I doubt they would dare pull before judges.

Knowing that we were a captive and silent audience, knowing the outcome was predetermined in their favor, and grandstanding for a TV audience, particularly an audience of one, they delivered a performance that leaves a stain on the pages of the Senate RECORD.

Perhaps there will be consequences for some of their conduct in our Chamber.

The conduct of White House counsel in the Trump impeachment trial raise grave concerns.

A staunch Republican friend, who is an able and eminent lawyer, emailed me about a White House counsel argument, calling it “the most shocking thing I have seen a ‘serious’ lawyer say in my entire legal career.” He referred to Professor Dershowitz, but the conduct of White House counsel in this matter has indeed been shocking far beyond the excesses of Professor Dershowitz.

In some cases, we do not know who pays them. Mr. Sekulow is evidently anonymously paid, with dark money, through a mail drop box. Who is he working for here? Does his secret benefactor create a conflict for him? We should know.

Among them are lawyers who appear to have grave professional conflicts. They represent the President although they are fact witnesses to conduct charged in the impeachment. This concern was brought to their attention by House letter on January 21, 2020, putting them on notice. They ignored the letter.

The House argued that members of the White House counsel team actually administered a massive cover-up, using extreme and unprecedented arguments to protect a blanket defiance against congressional inquiry into alleged Presidential misdeeds, with the intent to hide evidence of those misdeeds.

There is new evidence that counsel were not just fact witnesses, but present at meetings in which the scheme at issue was advanced, and the misconduct alleged was confessed to, by the President. Being present during the commission of the offense and wit-

ness to an overt act in furtherance of the alleged scheme is more grave than being a mere fact witness. This needs further inquiry, but it raises the question of actual participation in the crime or fraud or misconduct at issue, which would waive their attorney-client privilege.

They have not been candid about the law. They have argued over and over that they will delay the Senate proceedings by litigation in United States District Courts if we allow witnesses or subpoenas, mentioning only once, in their pretrial brief, the case of *Walter Nixon v. United States*, where the Supreme Court save the federal Judiciary “no role” in senate impeachment proceedings, warning “that opening the door of judicial review to the procedures used by the Senate in trying impeachments would ‘expose the political life of the country to months, or perhaps years, of chaos.’” the very delay White House lawyers have threatened.

Further investigation may reveal whether various counsel made, or permitted co-counsel to make, arguments at odds with facts to which they were witness, thereby deliberately misleading the Senate. For a lawyer to participate in or be immediate witness to criminal or impeachable wrongful activity; and then practice as a counsel in matters related to that criminal or impeachable or wrongful activity; and then conceal from that tribunal what they knew about that criminal or impeachable or wrongful activity, and even affirmatively mislead that tribunal about the misconduct as they witnessed it, would be attorney misconduct of the gravest nature.

In light of these problems, one recurring argument by White House counsel takes on new meaning. In an often conflated argument, White House counsel insisted that no crime was alleged in the House of Representatives’ Articles of Impeachment and that there was no crime committed. If, as recent evidence suggests, at least one White House counsel was present at and participated in a meeting in furtherance of the scheme at issue, the argument that the scheme was not criminal is deeply self-serving. That self-serving nature is precisely why counsel under that sort of conflict of interest should not appear in proceedings addressing conduct which they witnessed, which they aided or abetted, or in which they participated.

White House counsel used their time before us to smear non-parties; to present virtual political commercials; to misstate, exaggerate or mislead about legal propositions; to misstate, exaggerate or mislead about factual propositions; to misstate, exaggerate or mislead about House managers’ arguments; and to float conspiracy theories and unsupported political charges to the public audience. In some cases, arguments are deeply unfair: for instance, calling secondary witnesses’ testimony hearsay and secondhand at the same time they are blocking the di-

rect witnesses’ testimony. It was in sum, a sordid spectacle, one that few if any courts would have tolerated. They came into our House, and dirtied it.

So enough of my professional disgust with their performance, but let us agree that this ought not be precedent.

Let us also agree on something else. There is one particular argument the White House made that we should trample, discard, and put out into the trash: the notion that a U.S. district court can supervise our Senate impeachment proceeding. I truly hope we can agree on this.

As a Court of Impeachment, we are constituted at the Founders’ command. The Chief Justice presided in that seat at the Founders’ command. We convened as a body at the Founders’ command. And at the Founders’ command, the Senate—the Senate—has the sole power to try all impeachments.

Every signal from the Constitution directs that we try impeachments and no part of the Senate’s power to do so is conferred anywhere else in the government. It is on us.

The President’s counsel proposed that they may interrupt the Senate’s trial of impeachment, delay the Senate’s trial of impeachment, in order to go down the street to the U.S. district court to litigate our trial determinations about evidence and privilege—determinations in our proceeding.

There are three arguments against that proposition. The most obvious one is the Constitution. The Constitution puts the trial in the hands of the Senate sitting as a Court of Impeachment and makes no mention of any role for any court to supervise or pass on the Senate’s conduct of this trial. It is simply not in the Constitution.

The second argument is the improbability—the improbability—that the Founders would convene the U.S. Senate as a Court of Impeachment, bring the managers of the U.S. House of Representatives over here to present their charges, put the Chief Justice of the U.S. Supreme Court into that chair to preside over the trial, give the Senate the sole power to try the impeachment, and then allow a defendant to run down the street to a district judge and interrupt the proceedings. That idea is contrary to common sense as well as constitutional order.

The impeachment provisions of the Constitution were adopted by the Founders in September of 1787, after that long, hot summer in Philadelphia, and ratified with the Constitution in 1788. The Judiciary Act establishing lower courts did not pass until 1789. It is hard to imagine that the Founders meant the proceedings and determinations of our Senate Court of Impeachment to be subject to the oversight of a judge down the road from us whose office did not even exist at the time.

The Founders in the Constitution put this squarely on us. No one else is mentioned. It is our “sole Power.” It is the duty of the Chief Justice under the Constitution to preside over the trial.

It is his duty to make appropriate rulings. And it is on us to live with that, unless—as we may—we choose to overrule the Chief Justice as a body, by recorded vote, and live with that. We run this trial—the Senators, the Senate—no one else. We are responsible to the people of the United States to run this trial. We were trusted by the Founders to live up to those responsibilities.

When we sit as a Court of Impeachment, it is all on us. The Founders put it squarely on us. We took that job when we took our oaths. That means we control the trial rulings, the timing, the evidence determinations, and the privileges we will accept. We can accept the rulings of the Chief Justice or we can reverse them, but it is our job.

Previous impeachments record the Senate making just such rulings. Never has the Senate referred such a ruling to a court. Indeed, in *Walter Nixon v. United States*, 506 U.S. 224, a 1993 decision, the Supreme Court held that Federal courts have no power to review procedures used by the Senate in trying impeachments, that it was a non-justiciable political question, and that “the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments.”

The Supreme Court in that decision even foresaw the delays that White House Counsel threatened us with and saw them as an argument against any judicial role. The Court said that “opening the door of judicial review to the procedures used by the Senate in trying impeachments would expose the political life of the country to months, or perhaps years, of chaos,” and the Court immediately went on to particularly highlight that concern with respect to the impeachment of a President.

It would have been nice if White House Counsel, when they were in this Chamber arguing for their threatened delays, would have addressed this Supreme Court decision.

The Constitution, common sense, and our impeachment precedents all put the responsibility for a Senate trial of impeachment squarely on us. We should not—we should never—shirk that responsibility.

This has been a sad and sordid moment for the Senate. It has done harm enough. Let it not provide any credit to this false White House argument, and let this not be precedent for future Presidential misconduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. SMITH. Madam President, this morning, I let Minnesotans know that I will vote to remove President Donald Trump from office. I rise today because, on this historic vote, I want Minnesotans to understand why and where I think we go from here.

I was reluctant to go down the path of impeachment. While I strongly disagree with the President on many issues, I see impeachment as a last re-

sort, and I feared that leaping to impeachment would only serve to drive us even further into our political corners. This changed when I read the whistleblower report, which alleged nothing less than the President’s corrupt abuse of power, an abuse that had the potential to undermine our election in 2020. For me, this left no choice but for the House to fully investigate these allegations.

When the House sent the two Articles of Impeachment to the Senate, it became my job to “do impartial justice according to the Constitution and the laws,” and I take that oath as seriously as anything I have ever done.

This impeachment trial has been about whether the President’s corrupt abuse of power—power that he used for his own personal, political benefit while betraying the public trust—is a high crime and misdemeanor as defined by the Founders of our Constitution.

I believe that it is, and I also believe that to condone corrupt behavior such as this undermines the core values we stand for as a nation that no one is above the law, including and most especially the President.

Over the past several weeks, I have listened carefully to hundreds of hours of presentations, questions and answers, and read thousands of pages of documents. Through it all, the facts underlying the case against the President were never really refuted.

The President, working through his personal lawyer, Rudy Giuliani, withheld Ukrainian security assistance and a prestigious meeting in the White House in an effort to persuade President Zelensky to announce he was investigating Joe Biden and the theory that Ukraine interfered in our 2016 elections. In order to improve his prospects for reelection, Trump directed that vital assistance be withheld until Ukraine announced investigations into a baseless conspiracy theory that originated as Russian propaganda, and he only released the aid when he was found out.

Then, when the House sought to investigate these actions, the Trump White House categorically blocked any and all subpoenas for documents and witnesses. No U.S. President has ever categorically rejected the power of Congress to investigate and do oversight of the executive branch—not Nixon, not Clinton. This obstruction fractures the balance of power between the legislative and executive branches.

How can our constitutional system work if we allow the President to decide if and how Congress can investigate the President’s misconduct? It can’t. If we say that the President can decide when he cooperates with a congressional investigation, we are saying that he is above the law.

While evidence of the President’s wrongdoing is substantial, I advocated every way I could for a trial that would be fair for both sides, which means hearing from witnesses with direct knowledge of the President’s actions. I

am greatly disappointed that almost all of my Republican colleagues in the Senate abandoned the historical, bipartisan precedent of hearing from witnesses in every Senate impeachment trial.

Ultimately, when so many people know the truth of what happened, the complete truth will come out. Yet the Senate abandoned its responsibilities when it blocked efforts to get the complete truth here in this Chamber. As a result, there will be a permanent cloud over these proceedings. The President may be acquitted, but without a fair trial he cannot claim to be exonerated.

The core question of this impeachment trial is this: Do we say that it is OK for the President to use his office to advance his personal political interests while ignoring or damaging the public good? My answer is no.

Corruptly soliciting a foreign government to interfere in our elections and to announce an investigation to damage a political rival and an American citizen at the expense of free and fair elections and our national security—that is the definition of an abuse of power. This is what Alexander Hamilton was talking about when he wrote that impeachment proceedings should concern “the abuse or violation of some public trust.”

Some have argued that what the President did was wrong, but his conduct does not rise to the level of impeachment. They agree that the President used his power to secure an unfair advantage in our elections but think that this abuse of power isn’t that bad. It isn’t bad enough to remove him from office.

It is that bad. Trump’s abuses of power are grave offenses that threaten the constitutional balance of power and the core value that no one, especially the President, is above the law. The President’s abuse of power undermines the integrity of our next election and calls into question whether our elections will be free and fair. His abuses of power damage national security by undermining the moral stature of the United States as a trusted ally and as a fighter against corruption.

For me, one of the saddest moments of this trial was the testimony from American diplomats who urged Ukrainian leaders not to engage in political investigations. According to the testimony, the Ukrainians responded by saying, in effect: Do you mean like the investigations you are asking us to do with the Bidens and the Clintons?

Some have said that we should wait and let the American people decide in the next election, only months away. But when the President has solicited foreign nations to influence our elections with disinformation and has prevented the American people from hearing a full and fair accounting of that effort, our duty to defend the Constitution requires that we act now. A vote to remove the President from office protects our next election.

When Leader MCCONNELL refuses to allow the Senate to consider election

security legislation and when the President shows no remorse and says publicly that he is ready to do it again, we have no choice but to act. When the President says that the Constitution allows him to do whatever he wants, Congress must act.

The President's conduct is a threat to our elections and our national security. What is more, if we fail to check this President, future Presidents may be emboldened to pursue even more shameless schemes.

Lots of countries have high-minded constitutions full of powerful words and strong enunciations of rights that don't really mean anything. As House manager ADAM SCHIFF pointed out, Russia has a Constitution like this. Our Constitution is different. It is not some dry, historic document that we keep behind glass in a museum. It is the big idea of our system of government that no one is above the law, and people, not Monarchs, are the source of power. Everything—everything—flows from this great idea realized in the lives of Minnesotans who, every day, seek the freedom and the opportunities they need to build the lives they want.

There is nothing inevitable about democracy. It is not a natural state. It is a state that we have to fight for. The fight for democracy and our Constitution has chosen us in this moment, and it is our job to rise to this moment.

After the Senate vote, the work of reinforcing the American values of fairness and justice will continue. We have a lot of work to do. Democracy is hard work, and I know that Minnesotans are up to it. The truth is that I see more signs of common ground, hope, and determination in Minnesota than I do the fractures of division, distrust, and partisanship, and that is a foundation for us all to build on going forward.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Kentucky.

Mr. PAUL. Mr. President, the great irony of the last several weeks in the impeachment trial is that the Democrats accused the President of using his governmental office to go after his political opponent. The irony is, they then used the impeachment process to go after their political opponent. In fact, as you look at the way it unfolded, they admitted as much.

As the impeachment proceedings unfolded, they said: We didn't have time for witnesses. We had to get it done before Christmas because we wanted it done and ready to go for the election. We had to get it done—the entire process needed to be completed—before the election.

They didn't have time for the process. They didn't have time for due process. They didn't have time for the President to call his own witnesses or cross-examine their witnesses.

The great irony is, they did exactly what they accused the President of. They used the government and the government's process to go after their political opponent.

What is the evidence that it is partisan? They didn't convince one Republican. Not one elected Republican decided that any of their arguments were valid or that the President should be impeached.

They made it into a sham. They made it into a political process because they didn't like the results of the election.

When did this start? Did the impeachment start with a phone call to the Ukrainian President? No, the impeachment and the attacks on the President started 6 months before he was elected.

We had something truly devastating to our Republic happen. We had, for the first time in our history, a secret court decide to investigate a campaign. At the time, when those of us who criticized this secret court for spying on the Trump campaign, they said: Oh, it is just a conspiracy theory. None of this is happening. There is no "there" there.

But now that we have investigated it—guess what—the FISA court admits they were lied to. The FBI has now been proven to have lied 17 times. We have a half a dozen people at the top level of our intelligence community who have admitted to having extreme bias. You have Peter Strzok and Lisa Page talking about taking down the President and having an insurance policy against him succeeding and becoming the President. You have McCabe, you have Comey, and you have Clapper.

You remember James Clapper, the one who came to the Senate, and, when asked by Senator WYDEN, "Are you storing, are you gathering information from Americans by the millions and storing it on government computers?" James Clapper said no. He lied to Congress. Nobody chose to impeach him, but he lied to Congress and committed a felony. Is he in jail? No, he is making millions of dollars as a contributor on television now, using and peddling his national security influence for dollars, after having committed a felony in lying to us.

These are the people who plotted to bring the President down. These are the people who continue to plot to bring the President down. Before all of this started, though, I was a critic of the secret courts. I was a critic of FISA. I was a critic of them abusing American civil liberties. I was a critic of them invading our privacy, recording the length of our phone calls, who we talk to, and sometimes recording conversations—all of this done supposedly to go after terrorists, but Americans, by the millions, are caught up in this web.

But now, for the first time, it is not just American civil liberties that are being abused by our intelligence agencies. It is an entire Presidential campaign, and it could go either way. This is why you want to limit power. Men are not angels, and that is why we put restrictions on government. We need more restrictions now. We can't allow secret courts to investigate campaigns.

This started before the election. It went on for the last 3 years, through the Mueller investigation. They thought they had the President dead to rights, and they would bring him down through this investigation. So, initially, the spying didn't work, and the Mueller investigation didn't work. They went seamlessly into the impeachment.

The question for the American public is now: Will they go on? Are they going to immediately start up hearings again in the House that will be partisan hearings again? I suspect they will. They have had their day in the Sun, and they loved it, and I think they are going to keep doing it time and time and time again.

Now, during the proceedings, I asked a question that was disallowed, but I am going to ask that question again this morning, because the Constitution does protect debate and does protect the asking of questions. I think they made a big mistake not allowing my question.

My question did not talk about anybody who is a whistleblower. My question did not accuse anybody of being a whistleblower. It did not make a statement believing there was someone who was a whistleblower. I simply named two people's names because I think it is very important to know what happened.

We are now finding out that the FISA investigation was predicated upon 17 lies by the FBI, by people at high levels who were biased against the President, and it turns out it was an illegitimate investigation. Everything they did about investigating the President was untrue and abused government to do something they never should have done in the first place.

So I asked this question. And this is my question—my exact question. We will put it up here:

Are you aware that the House Intelligence Committee staffer Shawn Misko had a close relationship with Eric Ciaramella while at the National Security Council together? Are you aware and how do you respond to reports that Ciaramella and Misko may have worked together to plot impeaching the President before there were formal House impeachment proceedings?

Now, why did I ask this question? Because there are news reports saying that these two people—one of them who works for ADAM SCHIFF and one of them who worked with this person at the National Security Council—that they knew each other and had been overheard talking about impeaching the President in the first month of his office. In January of 2017, they were already plotting the impeachment.

And you say: Well, we should protect the whistleblower. The whistleblower deserves anonymity.

The law does not preserve anonymity. His boss is not supposed to say anything about him. He is not supposed to be fired. I am for that.

But when you get into the details of talking about whistleblowers, there is a variety of opinions around here. The

greatest whistleblower in American history, in all likelihood, is Edward Snowden. What did people want to do with him? Half the people here want to put him to death and the other half want to put him in jail forever. So it depends on what you blow the whistle on, whether or not they are actually for the whistleblower statute.

I am not for retractions on the whistleblower. I don't want him to go to jail, and I don't want him to lose his job. But if six people, who all work together at the National Security Council, knew each other and gamed the system, knowing that they would get these protections—they gamed the system in order to try to bring down the President—we should know about that. If they had extreme bias going into the impeachment, we should know about that.

I think the question is an important one, and I think we should still get to the bottom of it. Were people plotting to bring down the President? They were plotting in advance of the election. Were they plotting within the halls of government to bring down the President? Look, these people also knew the Vindman brothers, who are still in government. So you have two Vindman brothers over there who know Eric Ciaramella, who also know Sean Misko, who also knew two people working on ADAM SCHIFF's staff, and ADAM SCHIFF throws his hands up and says: I don't know who the whistleblower is. I have never met him. I have no idea who he is.

So if he doesn't know who he is and the President's counsel doesn't know who he is, how does the Chief Justice of the United States know who the whistleblower is? I have no independent confirmation from anyone in government as to who the whistleblower is. So how am I prevented from asking a question when nobody seems to admit that they even know who this person is?

My point is, is by having such protections—such overzealous protection—we don't get to the root of the matter of how this started, because this could happen again. When the institution of the bureaucracy, when the intelligence community with all the power to listen to every phone conversation you have has political bias and can game the system to go after you, that is a real worry. It is a real worry that they spied on the President.

But what if you are an average ordinary American? What if you are just a supporter of President Trump or you are a Republican or you are a conservative? Are we not concerned that secret courts could allow for warrants to listen to your phone calls, to tap into your emails, to read your text messages? I am very concerned about that.

So we are going to have this discussion go on. It isn't really about the whistleblower so much. It is about reforming government. It is about limiting the power of what they can do as secret courts. I think the FISA Court

should be restricted from ever investigating campaigns. If you think a campaign has done something wrong, call the FBI, go to a regular court, where judges get to appear on both sides, and if you want to subpoena somebody or tap the phone, all right, we can do it, but it has got to be an extraordinary thing.

Think about it. Think about the danger. The other side says it is a danger to democracy. Think about the danger to democracy of letting your government tap the phones of people you disagree with politically.

I don't care whether it is Republican or Democrat. We cannot allow the intelligence community and secret courts like the FISA court to go after political campaigns. And I mean that sincerely—Republican or Democrat. We need to change the rules. We cannot have secret courts trying to reverse the elections.

I feel very strongly about this. I was for this reform before Donald Trump ever came on the scene and before any of this happened. I have been for having more significant restrictions on these secret courts and more significant restrictions on the intelligence community to make sure they don't abuse the rights of Americans. This is a big deal, and if we are going to get something good out of this, if there is going to be some positive aspect to having to go through this nightmare we have been through over the last several months or years now, the blessing in disguise here would be that we actually reform the system so this never happens to anyone else ever again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise to voice my opposition to these Articles of Impeachment. I want the people of Nebraska to know how I will vote and why, as the Senate prepares for the trial's final vote.

I took an oath to uphold the Constitution, and I have a responsibility to be an impartial juror during the trial.

I have given fair and careful consideration to the evidence presented during this trial, and I have engaged in the questioning process. This is a process that should be about facts and fairness, and that is what the Senate has done its very best to do, but the reality is that the House of Representatives didn't do its job.

Under the Constitution and by precedent, the impeachment investigation is the responsibility of the House, not the Senate. Hearings in the House inquiry during the Nixon impeachment investigation lasted for 14 months. The Clinton impeachment House inquiry relied on years of prior investigation and overwhelming amounts of testimony from firsthand witnesses. President Trump's inquiry in the House was deeply partisan, and it lasted only 12 weeks.

Disturbingly, there was a lack of due process during this House investigation. The President was not allowed to

have his lawyers cross-examine witnesses at the House Intelligence Committee hearings and depositions. This is the committee that was the lead on the investigative hearings. Shockingly, the President of the United States was prevented from participating in the House's impeachment for 71 of the 78 days of investigation. Our founding document protects the right of the accused. The Constitution explicitly states that no one should "be deprived of life, liberty or property without due process of law." Our blueprint for freedom protects all individuals' rights, whether that person is a truckdriver, a farmer, a businesswoman, or the President of the United States.

The third branch of government—our court system—is of foundational importance, and we have it for a reason. That reason is to provide every American with the opportunity to have justice in a fair way in accordance with the Constitution and the rule of law. But because House Democrats were in a rush to impeach the President before their holiday break, they decided to abandon the courts completely.

It was the House's constitutional right to subpoena witnesses. It was the President's constitutional right to assert privilege. And it was the court's constitutional right to enforce subpoenas. The House did not petition the court to enforce subpoenas. Short-circuiting the process led to an incomplete investigation by the House.

Article 1, section 3 of the Constitution provides that "the Senate shall have the sole Power to try all Impeachments." If the Senate were to become the factfinder in an impeachment investigation, it would completely change the role of the Senate from this point forward, this hallowed Chamber, the world's greatest deliberative body. It would become an investigative arm of the House. Setting this precedent would have a devastating effect on our political institution, transforming the very nature of the Senate during impeachment hearings for generations to come.

The Senate is supposed to conduct a fair trial, protect the Constitution, and guarantee due process of law.

My Republican colleagues and I understand the gravity of these proceedings. The record shows that President Clinton's impeachment trial was met with a motion filed by Senator Byrd to dismiss the Articles of Impeachment early on. This time, not a single Senator filed such a motion. We approached this process with the seriousness it deserves.

Senate Republicans supported a resolution that gave the House managers more than ample time to lay out their case. Since then, we have heard an extraordinary amount of information over the last 2 weeks. The House managers presented 192 video clips with testimony from 13 witnesses and submitted more than 28,000 pages of documents. Senators then submitted 180 questions. After 2 weeks of trial arguments, the House managers failed to

make a compelling case that the President should be removed from office; therefore, I will vote for the President's acquittal.

I firmly believe it is time for the Senate to move forward and return to the people's business. It is time to refocus our attention on our bipartisan work: providing for our servicemembers, caring for our veterans, funding research to cure diseases that cut short too many lives, fighting the opioid addiction, and improving our criminal justice system.

So I speak to Nebraskans and to all Americans in urging every Senator in this Chamber to have the courage, the heart, and the vision to move past this process and work together toward a brighter future for generations to come. That should be our mindset at this pivotal moment. That should be our mindset in everything we do.

I urge my colleagues to take the long view and fulfill our constitutional role. Let's reunite around our common goals and our values. Let's bring this process to an end and advance policies that will make life better for Nebraskans and better for all Americans.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise today to discuss why I will be voting to acquit President Trump on both Articles of Impeachment tomorrow afternoon.

Our Constitution makes clear that only a particularly grave act—"treason, bribery, or other high crimes and misdemeanors"—would justify a Senate voting to reverse the will of the people, the voters, and remove from office the person they chose to lead this Nation.

Besides making clear just how serious an offense needs to be in order to warrant impeachment, our founding document allows the President to remain in office unless two-thirds of our body—the Senate—votes for impeachment. To me, that underscores the need for a national consensus that runs across partisan lines before undoing an election.

The Senate has never in our history removed a President from office following an impeachment trial.

Our Founding Fathers recognized that impeachment should not be used as a blunt partisan instrument.

President Trump was duly elected by the people of this country to be President of the United States in 2016. Nothing that I have heard in this process has come close to providing a reason that would justify my voting to overturn the choice made by nearly half a million West Virginians and tens of millions of other Americans and even further—even further—to remove him from the ballot in 2020.

There is no doubt that the House impeachment process was partisan, politically driven, and denied President Trump some of his most basic rights of

due process. At the same time, the product that was brought to our Chamber was obviously flimsy, rushed, and contained incomplete evidence.

Time and again, House managers demanded that we do things here in the Senate that they neglected to do themselves during their House proceedings, such as calling witnesses they refused to call—witnesses they are now asking us to bring forward.

Regardless of the failings of the House managers, it is the Senate's job and, indeed, our oath to do impartial justice. In keeping with that oath, I supported a trial process that was modeled after the Senate's precedent in 1999, when it received the approval of 100 Senators. I am glad we conducted this trial under that process because I felt it was fair to both sides.

Both the managers and the President's attorneys were given 3 full days in the Senate to present their respective cases, and Senators spent 2 full days—16 hours—asking questions and receiving answers from the parties. Actually, I found that very instructive. The Senate heard testimony from witnesses in 192 video segments—some of them repetitive—and received more than 28,000 pages of documents. The House record, which we received here in the Senate, included the testimony of 17 witnesses. So there were witnesses. The House brought witness testimony into the Senate.

I keenly listened to these presentations with an open mind, and I have concluded that the arguments and evidence do not provide me with a sufficient rationale for reversing the 2016 election and removing President Trump from the ballot in 2020. That is especially true considering the partisan nature of this impeachment process.

In the cases of President Nixon and President Clinton, there was significant support from House Members of the President's party for opening impeachment inquiries. The impeachment inquiry into President Nixon was supported by more than 400 Members of the House, many of those—an overwhelming number of those—from his own party. And 31 House Democrats voted to open an impeachment inquiry into their President, the Democratic President, President Clinton.

By contrast, in this case, not a single Member of the President's party voted in the House of Representatives to start an impeachment inquiry or to adopt either Article of Impeachment against the President.

Many of the President's political opponents want—and have wanted for years—to have him removed from office, while virtually no one in his own party supports this impeachment.

We have a mechanism in this country for dealing with issues that divide along party lines. That mechanism is not impeachment or removal. That mechanism, quite simply, is an election, and we have one in 9 months. So, beginning yesterday, we think, and in 9

months, we will have the certainty everyone desires.

In the meantime, I am casting a "no" vote in this Chamber tomorrow. I am voting no on both of these articles. But do you know what? I am also going to do something else. I am going to take this opportunity to rededicate myself to the principles that this U.S. Senate stands for. I am going to take this opportunity to look at those principles and appreciate that these are the principles that are tied to making America better each and every day. Together we can do this, as Republicans and Democrats.

During the impeachment process, Republicans approached me all the time—West Virginians approached me all the time, regardless of party, to ask why we were spending all of this time on a wasted process. They asked me questions like, Why don't you just get on with the business of giving America the confidence that you are working on the things that we care about—this was the butcher in the grocery store who asked me this very question—our families, making our families stronger, our lives better, and our jobs more permanent?

When we rid ourselves of the shackles of politics, we can truly work together on issues like transportation, broadband, energy, ending the drug crisis, or strengthening our military. These are the issues that affect all of us. These are the issues that transcend the day-to-day lives of all the people we represent. They also transcend the day-to-day sound bites we hear from the constant barrage of both positive and negative media to which we are so attuned.

No one has been served by this intense—and, at times, sensationalized—and very divisive proceeding. When we rid ourselves of the poisonous venom of partisan politics, we see more clearly. We know that we don't always agree. That is pretty clear. But we can certainly find common ground, and we do, as was envisioned by our Founders.

So let's all just take a deep breath and move on from here. Let's listen to our better voices. Those are the Americans we represent, who remind us every day how important our freedom and our futures are to the country and to the constitutional institutions that gird our values.

We sure have work to do. The American public expects us to do better. We should expect that of ourselves. After these wayward few weeks, there is no question we will need to rebuild that confidence. Do you know what? I am in this for the long haul, as I know the Presiding Officer is—the one where West Virginians and Texans and Americans see better days ahead for themselves and their children; the ones where West Virginians, Texans, and Americans drive to work each day and hear that Congress is actually doing its job. We were sent to Congress to work

for the American people, to deliver results, to renew their faith in our institutions, to rise above our own parties, and to make life better.

I have always been humbled by the confidence that has been placed in me by my fellow West Virginians. It is truly an honor to serve, and it is one that comes with great responsibility. We need to roll up our sleeves, stop the bickering, and deliver.

I am looking at a lot of young people here in the Hall of the Senate, and I am thinking: How can I do better for you all? That is where our future lies.

I am an eternal optimist. I always have been. I am optimistic that we can find the solutions that move our country forward. Sure, there will be differences of opinion. There will probably be some harsh and sharp words along the way and differences in our philosophies, but Americans and these young people expect that we will bridge those gaps. It is going to take a lot of hard work, but I am certainly ready for the challenge, and I hope you will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, tomorrow, on this floor, the Senate will reconvene again as a court to vote on two Articles of Impeachment against President Trump. Now, after performing my due diligence, along with many others, and considering all assertions by the House and Senate managers, I believe the President should be acquitted from both charges. I do not believe that removal from office is warranted, more especially during an election year.

I, like everyone in this body, listened to 12 days of debate and testimony covering nearly 90 hours. I spent time meeting with my fellow Senators in order to reach a conclusion that was, one, fair; and two, met our constitutional mandates; and three, what will best serve our Nation.

I did not seek that responsibility. However, I have tried to carry it out to the best of my ability. As a Senate juror, I was asked to weigh whether or not the House Articles of Impeachment charging the President with obstruction of Congress or abuse of power had merit and, if true, whether the offenses rose to a level that requires the President to be removed from office—again, during an election year.

And like many of us, I am troubled by multiple factors. Quite frankly, I am troubled with the House managers' demand that we in the Senate fill in the gaps of their investigation and call more witnesses, something they failed to execute themselves. The job of the Senate is to be an honest jury, if you will, and not take up the role of prosecutor or prosecution. Nonetheless, after hearing House managers' statements, it is clear this is exactly the role they insisted we do.

I am troubled that countless times the House managers made Senators

feel as if we were the ones on trial. I believe the House managers were both incorrect and demanding, constantly stating that Senators have no choice but to agree with their line of reasoning, and if we did not, then we would deal with the consequences—a veiled threat yet to be defined.

I served in the House 16 years. For 12 years before that, I was chief of staff for a House Member. I know the House. I truly enjoyed my service there. But you don't come to the Senate and point fingers at Senate Members and make the insinuation that we are on trial if we do not do the right thing, as they have concluded. Enough of that.

Additionally, my top concern was what precedence would be set for future Presidents and their expectations of privacy in conversation with their advisers, not to mention the future, with regard to this situation, once again, with our Nation finding itself in a whirlpool of partisan impeachment. I have been most troubled that the House managers have not put cause before personal animus. I would think, back in the day, perhaps, that they had a barrel—like a rain barrel to capture the excess water off of the roof. I know we had that in Dodge City. I think it probably sat right over there. It is flowing over with personal animus. It is a rain barrel to catch that and get rid of it and let us get back to our business. I deeply regret that.

As has been stated frequently, Alexander Hamilton described it best, that charges against the President “will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or the other; and in such cases there will always be the greatest danger [to our Nation] that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.”

I don't know how many Senators and, for that matter, the distinguished professor from Harvard, Professor Dershowitz, said that over and over again. Unfortunately, the warning of Alexander Hamilton and our Founders have come into fruition today. It is infectious and harming our ability to function as the United States Senate, where the threads of comity are already getting pretty frayed, threadbare.

In this regard, I appreciated yesterday when the White House counsel showed clips of major bills important to the American people that we have done in a bipartisan fashion, despite our differences, despite the animus in the Senate, especially highlighting something called the farm bill, where we achieved 87 votes, with the support, by the way, of the distinguished Presiding Officer. We don't always agree on every issue on the Ag Committee,

but we can work together to accomplish great things for America. We have done that with the farm bill. Along with Senator STABENOW and the entire Agriculture Committee, we are the least partisan committee in this distinguished body. That is what we do in the Senate; that is what we do on behalf of our farmers, ranchers, our growers—everybody throughout rural and smalltown America—and we are charged with certainty and predictability, and we had to get it done. That is what the White House has done on a number of occasions. We use the threads of comity to get things done. It needs a lot of restitching.

So I ask, have President Trump's actions risen to the level and vision by our Founding Fathers and the Constitution as high crimes and misdemeanors warranting removal from office? Our Constitution requires that the threshold for that judgment must be set by each Senator sitting as a juror.

All of us in this Senate have concerns about the direction this country is heading, but let me just stress that we have come through, time and time again, dark times. These are not the worst of times. When I first arrived here in the Senate as a chief of staff for Senator Frank Carlson, it was within weeks we had the horrible tragedy of the assassination of Martin Luther King. Washington was burning. Marines were on the Capitol steps with sandbags and live ammunition. That was tough. Vietnam tore the country apart, so did Watergate, so did the impeachment of Bill Clinton, so did Iran-Contra, just to name a few.

Today a charge of impeachment against the President has placed this Nation in jeopardy again. The House managers' assertions are exactly the kind of situation the Framers were trying to avoid—the remarks by Alexander Hamilton that I just read—as they devised the impeachment mechanism to remove a sitting President whose actions endangered the Republic.

However, as we did back then, we will once again come together. As I said, these are not the worst of times, and we have always pulled it together. We are a strong nation because we have strong people. We are a strong nation because it is in our nature to work together, even as we disagree among ourselves.

So I made my choice very clear, and my plea is, let us restore the threads of comity in this distinguished body. Work together, we must. We will emerge strong because we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today to speak regarding the impeachment of President Trump.

For more than 2 weeks now, the Senate has listened as both the House managers and the President's counsel presented their cases. Nearly 28,000

pages of documents, including testimony from 17 witnesses gathered as part of the House investigation, will be part of the Senate record. Over the course of 2 days, Senators asked 180 questions of the House managers and the White House counsel. The Senate took its constitutional duty very seriously.

After carefully listening to the House managers, President's counsel, reviewing the documents and testimony, and asking questions, it is clear to me that the House should not have impeached President Trump, and the Senate should vote to acquit the President.

The House process did not provide the President with important due process rights. On the other hand, the Senate trial was conducted using past precedent of the Clinton trial as the framework. At the start of the Senate trial, the Senate agreed that the House evidence could be admitted into the record. We provided ample opportunity for both the House managers and White House counsel to make their arguments and ensure that Senators had substantial time to ask their questions. As I said, in fact, Senators asked 180 questions over 2 full days and received lengthy answers from both—and detailed answers from both President's counsel and the House managers.

The American public has seen the transcript of the call between President Trump and President Zelensky. President Zelensky has said on several occasions that he did not feel pressured to do anything in return for the security assistance. Further, the military aid was provided to Ukraine without any investigations being conducted. Given these facts, the House's allegations do not rise to the level of an impeachable offense.

Our Founding Fathers believed that impeachment should not be used as a partisan weapon and that the President serves at the will of the people. With an election to be held in coming months, it should be up to the American people to decide who will lead the country.

We need to put this impeachment behind us. We need to get back to work advancing measures to help improve the lives of Americans. These legislative priorities, delayed while the House and Senate focused its attention on partisan impeachment, include important items like addressing our Nation's infrastructure, lowering prescription drug costs, providing middle-class tax relief, promoting American energy development, supporting our military and veterans, upholding our trust and treaty obligations to our Tribal communities, securing our borders, and continuing to fight for our farmers and our ranchers. These should all be areas where we can work together on a bipartisan basis for the American people.

With these important priorities in mind, I look forward to getting back to work for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today as an unwavering believer in the system of checks and balances laid out by our Framers in the Constitution, with three coequal branches of government at times working with each other and at times working as a check against each other. It is this system of checks and balances that safeguards our Republic against tyranny and ensures that our government by the people, for the people, as Abraham Lincoln said, does not perish from the Earth.

My colleagues, what the facts of this trial have shown and what every Member of this body knows is that President Trump did exactly what the House has accused him of in these two Articles of Impeachment: abusing his power and obstructing Congress.

These articles strike at the very heart of a republic ruled not by men but by laws and the very notion of a government elected by and for the people.

I took my constitutional oath to do impartial justice seriously. I came to the trial with an open mind. I listened to both sides. I waited for the facts to persuade me. But in all the many hours I sat through this trial, not once did I hear the President's team make a compelling defense. Instead, I heard a damning case from the House managers detailing how President Trump subverted our national security and solicited foreign interference in our election for his own personal political benefit.

The facts show that the President used U.S. security assistance and an official White House meeting—two of Ukraine's highest priorities—not to advance our national security but, rather, his own 2020 reelection effort. In so doing, he violated the law known as the Impoundment Control Act and undermined Congress's constitutional authority.

As the ranking member of the Senate Foreign Relations Committee, I want to make something clear. When a foreign adversary like Russia interferes in our elections, it is not for the benefit of the United States; it is for the benefit of Russia.

The United States provides foreign assistance to countries all over the world because it benefits America's interests. We help Ukraine in their fight against Russian aggression because it is the right thing to do for our national security. But when U.S. officials tell Ukraine that in order to get the Oval Office meeting their President wants and the security assistance it urgently needs, their government must first announce investigation into President Trump's political opponents, that is not advancing our national security. That is corrupting it. That is forcing a foreign country to choose between their own security and getting perversely involved in another country's elections.

When we use U.S. foreign assistance as a political pawn, we weaken our standing and credibility in the world.

Ukraine needed our help. Yet, when it sought our military assistance, instead of sending it right away, the President of the United States said: Well, I would like you to do us a favor, though. The damage of that message cannot be undone. And if we don't hold this President accountable, then we are saying it is OK to do it again.

I fear the consequences of the President's actions, and I fear the consequences of our own inaction—not just for today or this year but for years to come when we have to explain to our allies "Trust us; we will be there" or when we tell the American people "Trust us; we are doing this in the name of U.S. national security" or when we press other countries about strengthening the rule of law and holding free and fair elections.

If we do not rein in this conduct, if we do not call it the abuse of power that it is, then we have failed to live up to the ideals of our Republic.

I fear we have already let the American people and our Constitution down by failing to hold a fair trial. There is no American across this country who would call a trial without witnesses and documents a fair trial. They would call it a sham. And by refusing witnesses and documents, the Senate is complicit in the President's obstruction of Congress—the essence of the House's second Article of Impeachment.

The House had a constitutional prerogative to conduct an impeachment and oversight investigation. Yet President Trump engaged in unprecedented obstruction in order to cover up his misconduct by blocking witnesses with firsthand knowledge, by denying access to any documents, by publicly disparaging and threatening—threatening—those with the courage to defy his orders and testify publicly, by casting aside a coequal branch of government, as if he can really do, as he himself has said, whatever he wants.

When a President tries to extort a foreign government for his own political aims and in doing so ignores the law and the Constitution, the only remedy can be that which our Framers gave us: impeachment and removal.

The Framers knew this day would come. They knew the threat of an Executive who welcomed or solicited foreign interference in our elections is real. What the Framers of our Constitution never could have imagined is that there would come a day when the U.S. Senate would shrink in the face of a President who would behave like a King, not out of principle but out of willful ignorance and blind party loyalty.

Our failure to conduct a fair trial casts doubt on the very verdict rendered by this body. This is not an exoneration of a President; it is a coronation of a King.

I believe that the day we fail to remove this President will go down in history as a day of constitutional infamy. It will be remembered as a dark

day for our democracy, for our national security, and for our constitutional order.

I ask my colleagues, what future damage will we enable if this body says that it is OK for a President to subvert our national security interests and solicit foreign interference in our elections? What will be left of our system of checks and balances if there are no consequences for obstructing investigations, blocking witnesses, and withholding evidence from Congress? If we do not remove this President, can we pull ourselves back to a place where the rule of law matters? How much more shredding of the Constitution as a nation can we possibly endure?

We already know President Trump thinks he can go to war without congressional authorization. He believes he can misuse congressionally appropriated funds for whatever he wants, like taking billions from the Department of Defense to spend on a border wall that every day proves to be a colossal waste. And through it all, the compliant and complicit Republican majority has further emboldened this President by eliminating the 60-vote threshold for Supreme Court nominations, by refusing to call witnesses in this trial, by further stripping the Senate of its David versus Goliath role in which we serve as a check on vast executive power.

If the Senate is prepared to say that this President and all future Presidents of either party can misuse congressionally appropriated funding to extract political favors from a foreign power, can deny all witnesses, can withhold all relevant documents, can openly threaten Ambassadors, career public servants, and Members of Congress—if a President can commit all of these gross abuses of power as if he were above the law, then the very essence of our democracy is broken, and what we must ask ourselves is, What is left? What is left of our Constitution if we are not prepared to defend it? What is left other than lawlessness?

We need Republicans of conscience and courage to say more than just “Yes, the President did it, and it was wrong.” We need our Republican colleagues to be intellectually honest. We need them to speak the truth and say it is impeachable so we can mount a bipartisan defense of the Constitution and all that America stands for.

I, for one, am prepared to defend our Constitution. I will vote guilty on the Articles of Impeachment, not because of loyalty to any party, not because of how it will or won't play in any upcoming election. I will vote for impeachment and removal not because I hate this President, because I don't, but because I love our country more.

I took an oath to uphold the Constitution, and with this vote, I intend to do so.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Massachusetts.

Mr. MARKEY. Madam President, I thank you.

Over the course of this trial, we have heard nothing less than a blistering, scalding indictment of President Trump's conduct. The House managers put forward a compelling—indeed, overwhelming—case that Donald Trump engaged in impeachable conduct. He withheld both congressionally approved aid to our ally Ukraine and an Oval Office meeting desperately sought by Ukraine's new President—two official acts—in exchange for personal favors that would benefit him politically.

Trump sought an announcement by Ukraine of baseless investigations into bogus corruption allegations against Joe Biden, whom Donald Trump most feared as an opponent in the 2020 Presidential election. He also wanted Ukraine to announce an investigation into the discredited and debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 Presidential election.

At every turn, Donald Trump refused to cooperate with and actively obstructed Congress's investigation into his wrongdoing. His obstruction was, in the words of the Articles of Impeachment, “unprecedented, categorical, and indiscriminate.”

I listened carefully to the President's lawyers as they presented their defense case. Like my colleagues, I took pages of notes. My colleagues were very patiently trying to hear each argument that was being made by the defense counsel. I took notes. They took notes.

As I sat at this desk, with the seriousness and sanctity of the proceedings thick in the air, I waited for the President's lawyers to rebut the avalanche of evidence against their client, and I waited and I waited. At the end of the case, I was still waiting. And that is because the President's lawyers did nothing to rebut any of the facts in this case—nothing. They knew what we all knew after we heard the House managers' case. Donald Trump did it. He did it. He did exactly what he was alleged to have done. He abused his power. He committed impeachable crimes. He is guilty. There is no question about it—no question at all.

There is no doubt that President Trump used his personal attorney, Rudy Giuliani, to solicit Ukraine's interference in the 2020 election. There is no doubt that President Trump froze the \$391 million of taxpayer dollars in Ukraine military aid and security assistance that Congress authorized and appropriated. There is no doubt that President Trump conditioned the release of that aid on the Ukrainian Government's announcement of politically motivated investigations.

There is no doubt that in a July 25, 2019, telephone call, President Trump directly solicited investigations from President Zelensky, as the partial transcript memorialized and as Acting White House Chief of Staff Mick Mulvaney admitted. There is no doubt

that President Trump released the aid to Ukraine only after a patriot within the intelligence community blew the whistle on him and after several House committees announced a joint investigation into the President's coercive scheme. There is no doubt that the President directed and orchestrated a coverup and the wholesale obstruction of Congress's investigation into his wrongdoing.

Donald Trump has shown no remorse, no contrition, no recognition whatsoever that his conduct was wrong. Instead, he has doubled down on his abuses, gaslighting us repeatedly with the assertion that his call with President Zelensky was “perfect” and by publicly urging Ukraine and China to investigate his political rivals.

The question now before the U.S. Senate is not, What are the facts? We know the facts. No reasonable person can dispute them. No, the question for the Senate is, What in the pursuit of impartial justice, as our oaths require, must we do with these facts?

To me, the answer is clear. We must vote to convict Donald Trump and remove him from office. All the evidence shows that he has committed impeachable offenses and is a clear and present danger to our democracy and our national security.

But if we fail to remove Donald Trump from office, we are left with an equally consequential question: What would prevent an acquitted Donald Trump from abusing his power again? We all know that the answer is nothing—nothing will. That is the answer I received from the House managers when I asked this question during the trial. In fact, we know that an acquittal will only embolden him.

We know that Donald Trump's phone call with Ukrainian President Zelensky took place the day after Special Counsel Mueller testified in the House of Representatives. The special counsel found and explained in his House testimony that there was evidence of a criminal conspiracy between members of the Trump campaign and Russia, but the evidence was not sufficient to bring charges. Robert Mueller never said there was no evidence of such a conspiracy. There was evidence. It was merely insufficient for a prosecution.

We know that Donald Trump took this as a green light to invite further foreign interference in our elections, which he did the very next day.

Donald Trump has no shame. He cannot help himself. If we acquit President Trump, he will believe himself to be accountable to no one, and when—not if, but when—he is again faced with a choice between the public interest and his personal interest, he will choose his personal interest, and it will, in part, be a reckoning of our own making. A majority in this Chamber will have made President Trump a dictator.

Then, what will we tell the American people? How will we convince them that we still have a democracy that they should have faith in, a system of

checks and balances that ensures accountability, that no one is above the law?

This weekend I asked some of my constituents what they would say on the floor of the Senate if they could make remarks in this trial.

Jennifer Baker Jones of Woburn said it perfectly:

Wednesday's vote won't be a vindication of Trump, but an end to the right of Congress to push back on the President. They are giving up their balance of power.

It will be difficult because we have already ceded much of our authority and, indeed, betrayed the public's faith in us by the conduct of this trial.

Hope Anderson in Lowell, MA, told me:

We need to not only hold our leaders and ourselves accountable, but seek to maintain and repair the public's trust.

We are not here simply to protect one election in 2020. We are here to protect all elections.

At the beginning of this trial, we each took an oath to do impartial justice, but then we held the trial without witnesses and without documents. We moved to vote on the Articles of Impeachment without hearing from John Bolton, a witness whose firsthand knowledge directly cuts the heart out of the President's case; without hearing from Mick Mulvaney, whose fingerprints are all over this scheme; without the emails, texts, and other documents we know exist, writings that memorialize communications about the actions at issue here.

A trial is a search for the truth, the full truth, the whole truth. That search for the truth requires hearing from relevant witnesses and seeing relevant documents so that the fact finders understand the entire story. By not pursuing this evidence, the Senate—the fact finders—have told the American people that the truth does not matter.

They deserve better from us. Our Constitution demands it, our democracy demands it, and I believe the vast majority of my Republican colleagues do understand what Donald Trump did here and know that it is very, very wrong. They know the House managers proved their case. Some are even saying that out loud.

I believe the vast majority of my Republican colleagues recognizes that abuse of power is an impeachable offense and that the President is not above the law. But, unfortunately, I also believe that they are simply too afraid of Donald Trump to do what they know is right.

Every Senator needs to consider this question. If what Donald Trump did here is not impeachable—extorting foreign interference in our free and fair elections and then covering it up—then, what is impeachable?

We have to have accountability. That is our duty. We cannot give future Presidents *carte blanche* to tear down our Constitution and interfere with free and fair elections, period. That has to be our standard.

I will end my remarks with the answer I got from my constituent Matthew Murray in Gloucester to what he would say if he were here. He said:

I urge you, my fellow Senators, to deliberate in accordance to your conscience and the oath you took when you were elected, and vote to remove this dangerous President from office.

This is the choice we must make: duty to this President or duty to democracy. For this reason, I will be voting to remove President Trump from office. This is an historic moment. I do not think that this body has a choice.

Thank you, Madam President. I yield back.

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

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

Mr. CARPER. Madam President, 233 years ago, our Founding Fathers gathered in Philadelphia, just a few miles north of us in Delaware. Eleven years earlier, we had declared our independence from the British Crown, the most powerful empire in the world. Despite long odds, David overcame Goliath, and we won our independence, but would the government of this new Nation endure?

When the Founders gathered in Philadelphia that summer of 1787, they began debating a new form of government. At times, the differences between our Founders—Northern States, Southern States, small States, and large States—seemed irreconcilable. However, a great compromise was eventually reached, and an intricate system of checks and balances was written into a governing document, the Constitution of the United States.

Nebraska Senator William Jennings Bryan once remarked: "Destiny is not a matter of chance. It is a matter of choice." Our Constitution has endured longer than any other on Earth, in large part because we did not leave our destiny to chance. Today, our Constitution remains the longest lasting Constitution in the world.

Our Founders, despite their many disagreements, made the crucial choice that this new Constitution would not lead to the creation of an all-powerful King. They came from places where they had done that, been there, and they didn't want to go through that again. Instead, the Constitution created three separate, coequal branches of government—an executive branch, a legislative branch, and a judicial branch. This ingenious system would ensure that a future President with the impulses of a King would be restrained by the other two branches.

The Constitution also provided another backstop against abuses from a future President who committed treason, bribery, or other high crimes and

misdeemeanors. That constitutional backstop is called impeachment.

As we consider the impeachment of Donald J. Trump, I ask my colleagues to remember that while we are here today because of the conduct of one man, the Constitution that guides us through these choppy waters some 233 years later is the triumph and wisdom of many men. We are here because of patriots like Washington, Adams, Jefferson, Franklin, Madison, Hamilton, and many others who lived under the harsh rule of a King and fought for the freedom to govern themselves.

Our Constitution gives the House of Representatives the sole power of impeachment, while the Senate has the sole power to conduct a trial in the event the House impeaches a sitting President.

We are now at the end of the impeachment trial of Donald J. Trump. It is not the trial that many of us had hoped for. We had hoped for a fair trial. The American people deserve a fair trial. A fair trial has witnesses. A fair trial has evidence.

I don't believe that history will be kind to those who have and continue to prevent the truth from coming to light during this trial. The American people deserve to know the truth, as does this jury, the Members of the United States Senate.

President Lincoln once said:

I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis.

Thomas Jefferson said something very similar to that. He said that if the people know the truth, they won't make a mistake.

The same is true of the Senate. If given the truth, we, too, can be depended upon to meet this crisis and do the right thing. I believe the truth will not only set us free but keep us free.

We now have an obligation to consider the evidence presented by House managers and the President's defense team related to two Articles of Impeachment—one, abuse of power; two, obstruction of Congress.

The House managers have presented a case that is a result of a 3-month-long investigation during which the House Intelligence Committee issued scores of subpoenas for documents and testimony. Donald Trump obstructed this process from the start. No President—not even President Richard Nixon during Watergate—has ever issued an order to direct a witness to refuse to cooperate in an impeachment inquiry. As a result of this unprecedented obstruction, the Trump administration did not provide a single document to the House of Representatives—not one.

Fortunately, those 17 brave public servants, many of whom risked their careers, came forward to testify under oath, and here is what we learned from them.

Donald Trump used the powers of his office to pressure the Government of Ukraine to interfere in the 2020 election on his behalf and to smear his

most feared political opponent, our former colleague, former Vice President Joe Biden. Donald Trump did this by illegally withholding funds appropriated by Congress to help an ally, Ukraine, in the midst of a hot war against Russia. Donald Trump did this by withholding a coveted White House meeting from the newly elected President of Ukraine, President Zelensky.

This President illegally withheld the funds and a meeting until President Zelensky merely announced sham investigations involving Vice President Joe Biden and a debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 election. And when he got caught in the midst of this corrupt scheme, President Trump even called for other foreign nations to interfere on his behalf in the upcoming 2020 election.

While I believe the evidence against Donald Trump is overwhelming, like any criminal defendant, he is entitled to a robust defense.

Many of us listened carefully to the President's defense team over the course of his 2-week trial. Not once did the President's defense team rebut the facts of the case. Not once did they defend their client's character or call an eyewitness who could contradict the assertions made by witnesses who testified under oath. Not once did we hear the President's defense team say: Of course, the President wouldn't use the weight of the Federal Government to smear his political rival.

What did we hear? Instead, we heard distractions, conspiracy theories, unfounded smears about Vice President Biden—our former colleague—and his family. Instead, we heard a farfetched legal theory that Presidents cannot be impeached for soliciting foreign interference in our elections if they believe their own reelection is in the national interest.

I believe the House managers proved their case, and there now appears to be some bipartisan agreement that the President abused his power. Still, does this merit conviction and removal from office? Think about that.

Our Constitution, agreed to in 1787, sought to establish "a more perfect Union"—not a perfect union, "a more perfect Union." The hard work toward a more perfect union did not end when Delaware became the first State to ratify the Constitution on December 7, 1787. In truth, it had only just begun. We went on as a nation to enact the Bill of Rights, abolish slavery, give women the right to vote, and much, much more.

Throughout our history, each generation of Americans has sought to improve our government and our country because, after all, we are not perfect.

In the words of Senator Bryan, we do not leave our destiny to chance. We make it a matter of choice. And we choose to make this a more perfect union, a reflection that the hard work begun in Philadelphia in 1787 is never—never—truly complete.

Our Constitution has weathered a Civil War, World War I, World War II, Vietnam, Watergate, a Great Depression, a great recession, death of Presidents, assassination of Presidents, and, yes, impeachment of Presidents. Our Constitution will weather this storm too.

A vote to acquit this President does not exonerate this President. A vote to acquit effectively legalizes the corruption of our elections—the very foundation under our democratic process. A vote to acquit says to the President, and to all who follow, that you may use the powers of the office to solicit foreign interference in our elections—the very thing that the Founding Fathers feared. A vote to acquit is the realization of our Founders' worst fears: leaving a President with the impulses of a King, unchecked by the other coequal branches of government and undeterred by the prospect of impeachment.

Donald Trump violated his oath. He broke the law. He attempted to cheat in the 2020 election, and when he got caught, he left little doubt that he will cheat again. That is not the conduct we expect of an American President. That is the conduct of someone who believes that he or she is above the law. Donald Trump is our President. He is not our King.

So colleagues, if our destiny is to remain the most enduring democracy in the history of the world, we must not leave this to be a matter of chance. We must choose to preserve and protect our Constitution, and, to do so, we must convict Donald Trump on both Articles of Impeachment and remove him from office.

As he left the Constitutional Convention in 1787, Benjamin Franklin was asked this question we heard asked several times in the last 2 weeks on this floor. He was asked: "What do we have, [what do we have here] a monarchy or a republic?" Franklin answered famously: "A republic, if you can keep it."

Today I want to pose the same question to all of us, to our colleagues, in this Chamber: What do we have here, a monarchy or a Republic? I guess we can all answer for ourselves, but I want to leave you with my answer today. Here it is. We have a Republic, and I intend to keep it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I rise also to discuss the pending matter, the serious matter of impeachment.

President Trump schemed to get Ukraine to help him win the 2020 election by strong-arming its new President to announce a bogus investigation against a political opponent. To carry out his scheme, he smeared, fired, and threatened a dedicated career ambassador, thwarted Congress by secretly withholding appropriated military aid over the advice of his national security team, violated two laws in order to hide his actions, outsourced critical

foreign policy to a rogue private attorney, hurt an American ally, gratified an adversary, and overturned longstanding precedent regarding the relationship between the executive and legislative branches. The scheme was so repellant that numerous members of his own administration fought against it, and then, when they could not stop it themselves, courageously brought it to light.

The House managers have proven both Articles of Impeachment. But I have struggled during the Senate process—which cannot be called a trial due to the shocking refusal to allow key witnesses and documents—with a basic question: Is it an abuse of trust for a President to behave exactly as expected?

President Trump's behavior has been appalling, but it has not been a surprise. The American people knew that Donald Trump would seek foreign help to win an election. He publicly did so in 2016 by appealing to Russia for help at the same time as our Chairman of the Joint Chiefs of Staff said Russia was America's chief adversary. That he is doing so again is no surprise.

The American public knew that Donald Trump would target political opponents with false attacks. He publicly did so in 2016 by leading crowds in chants of "Lock her up." That he will again target perceived opponents, Democrats or Republicans, Ambassadors or whistleblowers, Representatives or Senators, war heroes or teenage environmental activists, is no surprise.

The American public knew that Donald Trump would obstruct the release of information. He publicly did so in 2016, when he violated longstanding practice by refusing to release his tax returns. That he will continue to obstruct Congress, the media, and the American public is no surprise.

His bigotry is no surprise. His lying is no surprise. His lack of ethics is no surprise. His xenophobia is no surprise. His misogyny is no surprise. His obsessive selfishness is no surprise. His hateful, divisive, and ignorant rhetoric is no surprise.

But Presidential impeachment was not designed to remove an amoral leader that the Nation had knowingly and willingly elected. It was designed to rescue the Nation from a leader who abuses the public trust. Can one abuse the public trust by behaving exactly as expected?

The Senate impeachment process answered my question. In 1974, Senators of both parties were willing to condemn extreme Presidential misconduct. In 1999, Senators of both parties were able to distinguish between unacceptable personal behavior and "high Crimes and Misdemeanors." But in 2020, the Senate majority engineered an effort to conceal the truth rather than find the truth. Some described their motives as "let the people decide," even as they voted to hide critical evidence from the American people.

While the President's actions have not been surprising, the Senate's capitulation has surprised me. And last Friday, as the majority repeatedly blocked the effort to consider witnesses and documents, I had a sad epiphany. Unchallenged evil spreads like a virus. We have allowed a toxic President to infect the Senate and warp its behavior, and now the Senate's refusal to allow a fair trial threatens to spread a broader anxiety about whether "impartial justice" is a hollow fiction. An acquittal will lead to worse conduct.

I will not be part of this continual degradation of public trust; thus, I will vote to convict.

An acquittal will, however, underscore a higher principle. The removal of a man will not remove the moral void he exemplifies. Instead, every day, people of good will must engage as never before and show to ourselves and to the world that Americans still have the capacity to choose right over wrong, service over self, fact over fiction, and decency over malice.

With that, I yield the floor.

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

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

Mr. CRUZ. Madam President, tomorrow afternoon, the Senate will vote to acquit President Trump in these impeachment proceedings. That is the right thing to do. That is the decision that comports with both the facts and the law.

These impeachment proceedings began in the House of Representatives in a thoroughly partisan affair, driven by House Democrats, without allowing the President to participate in cross-examining witnesses and calling defense witnesses.

When the matter came to the Senate, the Senate was obligated to do much better. We had an obligation under the Constitution to conduct a fair trial, and that is what the Senate has done. Over the course of the last 2 weeks, we have heard hour upon hour upon hour of argument. The House proceeding heard testimony from 18 different witnesses. The Senate saw 193 video clips of witness testimony presented here on the Senate floor. The Senate posed 180 separate questions from Senators to the House managers or the White House defense team. Within the record were over 28,000 pages of documents, including the single most important evidence in this case, which is the actual transcript of the conversation at issue between President Trump and the President of Ukraine. The Trump administration, to the astonishment of everyone, declassified that transcript and released it to the world so that we can read precisely what was said in that conversation.

The reason acquittal is the right decision is that the House managers failed to prove their case. They failed to demonstrate that they satisfied the constitutional standard of high crimes and misdemeanors. The text of the Constitution provides that a President may be impeached for "Treason, Bribery, or other high Crimes and Misdemeanors." The House managers fell woefully short of that standard. Indeed, in the Articles of Impeachment they sent over here, they don't allege any crime whatsoever. They don't even allege a single Federal law that the President violated.

An awful lot of Americans looking at these proceedings have heard a lot of noise, have heard a lot of screaming, but are left wondering, What was this all about?

If you examine the substance, there are two things that the House managers allege the President did wrong. One, they allege that the President wrongfully delayed aid to Ukraine, and, two, they allege that the President wrongfully asked for an investigation into a political rival. Both of those are legitimate ends.

Let me address them one at a time because there is a deep irony in the argument of the House managers. Both of those objectives are consistent with law, are permissible and legal, and both of those objectives have been done, by any measure, substantially worse by the preceding administration, by the Obama administration.

Let's take delaying aid to Ukraine. I am a big believer in America standing with Ukraine. Indeed, I traveled to Ukraine. I went to the Maidan Square and stood with protesters who had been shot down by their government as the protesters stood for freedom.

I believe military aid to Ukraine is a good thing, and it is true that the Trump administration temporarily delayed aid to Ukraine. That is their right to do so. Presidents have delayed foreign aid before. The Trump administration has done so with regard to a number of countries. The Obama administration did so before that. Previous administrations have done so.

But we heard hour upon hour of the House managers trying to establish the proposition that aid to Ukraine was delayed when President Trump admits aid to Ukraine was delayed. There is no dispute about it.

We heard testimony about how Ukrainians died because aid was delayed. Here is the irony: If you support aid to Ukraine, as I do, military aid to Ukraine as they stand up to Russia, there is no dispute whatsoever that, for the entirety of his Presidency, President Obama refused to give lethal military aid, defensive aid, to Ukraine, despite the fact that I and other Members of this body called on President Obama to give aid to Ukraine. I remember when we all went to the floor of the House of Representatives to hear a speech to a joint session of Congress from President Poroshenko, then the

President of Ukraine, where the President of Ukraine called out the Obama administration because they were sending blankets and MREs—meals. And President Poroshenko rightly said that you can't fight a Russian tank with a blanket.

So if the House managers are right that there is something improper about delaying military aid, the Obama administration did so for the entirety of the administration. What did President Trump do? He did something Obama never did: He provided lethal defensive military aid—Javelin missiles that can take out Russian tanks.

The first ground they allege, of delaying aid, is legal and permissible, and by any measure, the Trump administration's record on it is much, much better than the Obama administration's.

How about the second ground: directing an investigation into your political rival. The most important legal question in this proceeding, the question that resolves this proceeding, is this: Does the President have the constitutional authority to investigate credible allegations of corruption?

The House managers built their case on the proposition that seeking an investigation into Burisma, the corrupt Ukrainian natural gas company, and Joe Biden and Hunter Biden—seeking any investigation into whether there was corruption was, in the words of the House managers, "baseless," "a sham," and utterly "without merit." In their opening arguments, the House managers spent over 2 hours trying to make that case, and Madam President, I will say, on the face of it, that proposition is objectively absurd.

The White House legal defense team laid out, in considerable detail, that there was very substantial evidence of corruption. Burisma is a company that was built on corruption. The oligarch who started Burisma, Mr. Zlochevsky, was the sitting energy minister in Ukraine, and he amassed his billions by, as the sitting energy minister, giving gas licenses to his own company that he was head of. That is where Burisma made their money. It was a company built on corruption from day one.

Now, I think it is worth pausing and examining the timeline of what occurred because, remember, the House managers' case is that it is baseless and a sham to even investigate corruption.

In early 2014, Vice President Joe Biden was named the point person for the Obama administration on Ukraine. In April—on April 13 of 2014—Devon Archer, business partner of Hunter Biden, the son of Joe Biden, joined the board of Burisma and began being paid a million dollars a year. On April 28, Britain's securities fraud bureau freezes \$23 million in accounts controlled by Zlochevsky, the oligarch who owned Burisma. Then, just 2 weeks later, on May 12, Hunter Biden, the son of Joe Biden, is named to the board and paid

a million dollars a year, despite having no background in oil and gas and no discernible background in Ukraine. Hunter Biden gets paid a million dollars a year, and Joe Biden actively, aggressively, vigorously leads the Obama administration's policies on Ukraine.

Now, the House managers were asked in questioning: What exactly did Hunter Biden do for his million dollars a year? They refused to answer that. That is a perfectly reasonable question to ask if you are investigating corruption. Joe Biden is seen on video not just admitting but bragging that he told the President of Ukraine he would personally block a billion dollars in foreign aid loan guarantees unless Ukraine fired the prosecutor who was investigating Burisma, the company paying his son a million dollars a year. As Joe Biden bragged on that video, "Well, son of a bitch," they fired him.

Now, that, on its face, raises significant issues of potential corruption. We don't know for sure if there was, in fact, corruption, but when President Trump asked that it be investigated to get to the bottom of what happened, the President has the authority to investigate corruption, and there was more than sufficient basis to do so.

Of course, the House managers are right that it is somehow illegitimate, it is somehow inappropriate—it is, in fact, impeachable—to seek the investigation of your political rival.

We know for a fact that the Obama administration not only sought the investigation but aggressively led an investigation marred by abuse of power, going after then-Candidate Trump, including wiretaps, including fraudulently obtained court documents and court warrants from the FISA Court.

Impeachment is an extraordinary remedy. It is not designed for when you disagree. It is not designed for when you have political differences or policy differences. It is designed for when a President crosses the constitutional threshold.

On February 6, 1974, the Democratic Judiciary Committee Chairman Peter Rodino, Democrat from New Jersey who led the impeachment inquiry into Richard Nixon, told his colleagues:

Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: This was the right course. There was no other way.

That was the standard that led to an overwhelming bipartisan vote to open the impeachment proceeding against Richard Nixon. That standard was not remotely followed by the House managers. This was a partisan impeachment, and we are right now in an election year. The voters are voting, and it is up to the voters to decide which policies they want to continue. The House managers have abused the constitutional process by trying to use impeachment to settle a partisan score. That is divisive to the country, and I

am proud that this body will vote—and I hope in a bipartisan way—to reject these Articles of Impeachment, to acquit the President, and to find President Trump not guilty of the articles the House has sent over.

I yield the floor.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will vote against each of the House Democrats' Articles of Impeachment, and I would like to explain why.

The House Democrats' impeachment proceedings and their Articles of Impeachment were and are fatally flawed. My friends, the House Democrats, say that the President is out of control. What they really mean is that the President is out of their control. And that is not grounds for impeachment.

First, the process. The House Democrats' impeachment proceedings were rigged. Speaker PELOSI and the House Democratic leadership decided before they even began to give President Trump a fair and impartial firing squad. Speaker PELOSI and the House Democrats' judicial philosophy from the very beginning was guilty. That is why much of the proceedings were held in secret.

Democracy, they say, dies in darkness, and I believe it. That is why the House Democrats hid the identity of the original accuser, the so-called whistleblower, thus prohibiting the American people from being able to judge the accuser's motives. That is also why the House Democrats prevented the President and his counsel from cross-examining the House Democrats' witnesses, from offering his own witnesses, from offering rebuttal evidence, and even from being able to challenge the House Democrats' evidence. The House Democrats wouldn't even allow the President or his counsel to attend critical parts of the impeachment proceedings.

The U.S. Senate cannot and should not consider an impeachment based on such a deficient record. It is true that in America no one is above the law, but no one is beneath it either. Fairness matters in our country.

The House Democrats' impeachment is also flawed because it is a partisan impeachment. Its genesis is partisan rage. Not a single, solitary House Republican voted for the Articles of Impeachment—not one.

The House Democrats made a conscious decision to turn impeachment into a routine Washington, DC, political weapon, to normalize it. Our country's Founders were concerned about impeachments based on partisan rage and our country's Founders were adamantly opposed. That is why in the Constitution they required a two-thirds vote of the Senate to impeach.

Now, a word about the substance of the House Democrats' Articles of Impeachment. The House Democrats accused the President of obstruction of justice. Why? Because he chose to assert executive privilege and testi-

monial immunity when the House Democrats sought testimony and documents from some of the President's closest aides. Anyone who knows a lawbook from a J. Crew catalog does not take this charge seriously. Executive privilege and testimonial immunity are well-established, constitutionally based Presidential and executive branch privileges that every President at one time or another has asserted. The proper course by the House Democrats in the face of the assertion of these privileges was to seek judicial review—go see a judge to seek judicial review from our third branch of government, which then would have balanced the policies underlining the privileges against the public interest of overriding the privileges. But House Democrats chose not to do that. They cannot now complain.

The House Democrats also accused President Trump of abuse of power. If you listen carefully to their allegations, you will see that they don't really argue that the President of the United States did not and does not have the inherent authority to pause U.S. foreign aid to Ukraine until Ukraine agreed to investigate corruption. That is clearly within the authority of the President of the United States.

Instead, the House Democrats, claiming to be able to read the President's mind, say that the President did it with a corrupt motive because the investigation of corruption was against former Vice President Joe Biden, a political rival. But the President didn't get Joe Biden's name out of a phonebook. Why did the President ask for an investigation involving former Vice President Biden? Four words: Hunter Biden and Burisma.

Now, these are the facts. President Obama put Vice President Biden in charge of the foreign affairs of our country for two other countries, Ukraine and China. And in both instances, the former Vice President's son, Hunter Biden, promptly walked away with millions of dollars in contracts from politically connected companies in those two countries, including Burisma Holdings. The message that this behavior sent to the world was that America's foreign policy can be bought like a sack of potatoes. No fairminded person can argue that an investigation of this possible corruption was not in the national interest.

The House Democrats' impeachment proceedings and their Articles of Impeachment are an example of swamped-up Washington, DC, both procedurally and substantively. On the basis of partisan rage—partisan rage coursing through their veins—the House Democrats seek to annul the 134 million Americans who voted in the 2016 Presidential election, which resulted in the Trump Presidency, and to do so when a new Presidential election is just 10 months away. No one in the Milky Way who is fairminded can believe this is good for America. A nation as great as ours deserves better.

So to my Democratic friends, here is what I say. The 2016 Presidential election is over. Let it go. Put aside your partisan rage. Stop regretting yesterday, and instead, let's try working together and creating tomorrow, because, after all, the future is just a bunch of things we do right now strung together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Madam President, in *Federalist Papers No. 65*, which we have heard referred to quite a bit in the last 2 weeks, Alexander Hamilton warned that the impeachment process should never be used as a partisan political weapon. He said that impeachment can "connect itself with the pre-existing factions and will enlist all their animosities, partialities, influence, and interest on one side or on the other . . . in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt."

Today, unfortunately, over two centuries later, Hamilton's fears have become reality. This current impeachment process has never been about the truth, justice, or the rule of law. For my colleagues across the aisle, this is only about overturning the 2016 election, impacting the 2020 election, and gaining the Senate majority.

From the start, this House process has been totally illegitimate. The Articles of Impeachment that the House of Representatives presented to us last month were nothing more than the fruit of a poisonous tree.

In America, we believe in the rule of law. In America, we believe in due process. In America, we believe anyone has the right to a fair trial. In America, we believe anyone is innocent until proven guilty. However, House Democrats violated each of these foundational precepts in using the impeachment process as a partisan political weapon.

Throughout the course of the House impeachment investigation, Democrats repeatedly denied President Trump due process and the fundamental rights of the accused in America. Simply put, what they did was not fair. They denied him the right to have counsel, the right to have witnesses, the right to cross-examine their witnesses, the right to see the evidence, and, lastly, the right to face his accuser.

Contrast that with the last two Presidents to face impeachment. The grand jury investigation of Clinton and the Watergate investigation of Nixon were conducted in a fair manner, with rights for the accused. No action was taken by the House of Representatives until the facts were clear and indisputable in both of those trials. When these investigations were complete and those two Presidents were found to have committed a crime, impeachment had bipartisan support, unlike this time.

This investigation is entirely different. It was rushed and was totally partisan, with not one single House Republican voting for these two pitiful Articles of Impeachment.

The impeachment trial in the Senate has been going on for the past 11 days. Unlike in the House, the Senate upheld its constitutional duty to conduct a fair trial. The Democratic House managers had the opportunity to present their case. Then, for the first time in this sad affair, the President and his team—his lawyers—had an opportunity to present their case, their defense.

Neither article I, "abuse of power," nor article II, "obstruction of Congress," qualify as constitutional reasons for impeachment.

It is pretty simple. I am not a lawyer, but if you look at the facts, it is very direct. The Constitution clearly lays out four explicit reasons for impeaching a President. Even corruption does not qualify under these definitions. It is very clear. They itemized treason, bribery, high crimes, and misdemeanors. And they explained to us in the hearings: Another translation in modern terms, using the Old English for misdemeanors, is crimes. It is another word for crime.

The charges against President Trump don't come close to any of these specified requirements. It is as simple as that. The House really was beginning to make up new constitutional law. Each of the other three Presidents who has faced impeachment was charged with committing a crime.

President Trump is the first President ever to face impeachment who was never accused of any crime in these proceedings, whatsoever. These two Articles of Impeachment simply do not qualify as reasons to impeach any President. Further, Democratic House managers did not prove their case for either of the two Articles of Impeachment.

The entire case for abuse of power is centered around the June 25, 2019, phone call between President Trump and President Zelensky of Ukraine. The Democrats allege President Trump only asked for help in investigating the Burisma situation for political gain. It is clear now, after hearing all the testimony, that the primary motivation to ask Zelensky to look into the Biden-Burisma corruption issue was to root out corruption in the Ukraine. Ukraine has had a long history of corruption and this President was well within his rights to ask for help in rooting out this fairly obvious example of corruption. Democrats completely failed to prove the President's request was for political gain only.

Regarding the obstruction of Congress article, every President has the right to exert executive privilege to protect our national interests and the separation of power. Honestly, this article should have never been received in the Senate in the first place. We should have dismissed this article out of hand. It simply is absurd.

Arguing that President Trump obstructed Congress by claiming his rights is unacceptably and would fundamentally weaken this right for future Presidents. When President Trump exerted executive privilege—his right under the Constitution—Democrats could simply have pursued the subpoenas. That is the way the Founders laid it out. They could have pursued the subpoenas in court. For some reason, the House Democrats chose not to do that.

House Democrats were in such a rush that they sent the Senate an incomplete case. That is why I believe the Senate should not have accepted them in the first place, because the process was illegitimate, inappropriate, and incomplete.

Bottom line: House Democrats simply did not do their job. In the Clinton investigation, the House investigated for over 400 days before they brought Articles of Impeachment. There was a conviction. In this case, it was barely 100.

The Democratic House managers brought the Articles of Impeachment and claimed they had overwhelming proof. Immediately in their opening statement, they had overwhelming proof. However, right away, even with that, they immediately demanded the Senate call witnesses that the House had already chosen not to call, like John Bolton. They could have easily called him but chose not to, claiming it would take too long. Instead, they demanded that the Senate call additional witnesses who were not included in the House investigation.

The Constitution requires that the House conduct the investigation, including calling witnesses, taking depositions, collecting evidence, and the Senate is charged to rule based on the evidence the House provides.

This was designed this way for a very specific reason, a very practical reason. In the House, committees can investigate these charges while the rest of the House continues to do their legislative work. Unfortunately, in the Senate, when Articles of Impeachment are brought and sent to the Senate, the Senate, by constitutional law, must stop what it is doing, must open an impeachment hearing, and while in a formal impeachment hearing, the Senate cannot do anything else by law. It goes into legislative shutdown by law.

In this case, if we were to call additional witnesses, then we would be setting a dangerous precedent for every future case. The House could theoretically make up any flimsy charge they wanted, with no investigation, no witnesses, no testimony, no evidence whatsoever, and then send the articles to the Senate and expect the Senate to do their job. That is not what the Founders wrote. That is not what they had in mind. It would open up a Pandora's box, shut the Senate down indefinitely, and you can see why the Founders did not want to go down that road. That is now how they built this

process. For the sake of our very system of government, we cannot yield to this unconstitutional effort.

The House actually did call 17 witnesses. They sent over 193 videos and 28,000 pages of documents. Ultimately, a majority in this body concluded it was unnecessary to hear from any of those witnesses again. On top of that, the impeachment rules do not require the Senate to call witnesses. That is the House's job. It is just that simple.

Let's be very clear. This entire impeachment process has been a purely partisan political stunt perpetrated by House Democrats. It truly is an embarrassment and exactly what Alexander Hamilton warned us all against.

It is no secret—Democrats have been trying to obstruct this President from day one. On the day President Trump was inaugurated, the headline of the Washington Post—right here in town—claimed “The Campaign to Impeach this President has Begun.”

House Democratic manager ADAM SCHIFF, in his opening remarks, said you can't trust elections. That is why we have impeachments. Really? Really? That is absurd.

The President has done nothing to warrant this impeachment process. He must be acquitted. If we let House Democrats get away with this today, we are setting a dangerous precedent for the future.

Already, we are in an era of impeachment. In the first 180 years, we only had one impeachment case that came to the Senate and was investigated in the House. In the last 45 years, we have had three investigated by the House, and two have actually made it to the Senate. If we let Democrats improperly use the impeachment process as a partisan political weapon, then it will only get worse in the future.

I call on my colleagues today—I plead with my colleagues today—to reject this unconstitutional effort and vote to acquit Donald J. Trump of these illegitimate and unconstitutional Articles of Impeachment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, I rise today in the very Chamber where just three Presidential impeachment trials have been held over the course of our Nation's history—President Johnson in 1868, President Clinton in 1999, and now President Trump.

In fact, I sat at this desk the past 2 weeks listening to over 65 hours of trial proceedings, and during that time, we heard from 13 witnesses, and we viewed 193 video clips and 28,000-plus pages of documentation. Senators, over a 16-hour period, asked over 180 questions. In the Senate, we took our solemn duty seriously.

If there is one thing to be remembered from this trial for generations to come, it is this: Sadly, over the course of our country's 244-year history, never has our Nation faced such a partisan abuse of power. Never has the Senate been faced with Articles of Impeach-

ment that allege no crimes in an attempt to remove a duly elected President of the United States from office. Never before have we seen such a partisan Presidential impeachment process.

In 1974, when President Nixon faced impeachment—Nixon, a Republican—177 House Republicans joined Democrats in support of the impeachment inquiry. During President Clinton's impeachment—a Democrat—31 Democrats joined House Republicans. But with President Trump, there were zero. Not one Republican supported it. In fact, there were some Democrats who opposed it. So, to be clear, there was actually bipartisan opposition.

This impeachment is an unprecedented, purely partisan threat to the Constitution. Our Founding Fathers, the Framers of our great Constitution, understood what the power of impeachment meant when they gave it to Congress after great deliberation.

Alexander Hamilton and James Madison feared—they feared—congressional abuse of power and legislative tyranny as they debated whether to include the power of impeachment in the Constitution because the Founders knew the removal of a President from office amounted to a political death sentence.

In Federalist 65, Hamilton warns that the House could be “intemperate,” was the word he used, and abuse their majority. He proclaimed that the Senate would be—and I use his words—“unawed and uninfluenced,” the “independent” institution to determine whether a House impeachment was warranted.

The Founders had the wisdom to establish a two-thirds Senate vote threshold to help ensure that removal could not be achieved by mere partisan politics. The Founders established that the thermonuclear option of impeachment must be bipartisan to safeguard not just the President from unwarranted removal but, importantly, to protect the will of the American people who elected the President in the first place.

Unfortunately, NANCY PELOSI, ADAM SCHIFF, and House Democrats have done exactly what the Founding Fathers feared. They have ignored what House manager and the chairman of the House Judiciary Committee, JERRY NADLER, himself correctly observed during the 1998 Clinton impeachment when he stated:

There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy.

That was JERRY NADLER in 1998.

Unfortunately, NANCY PELOSI's House of Representatives discarded NADLER's very wise words, and they stubbornly defied historical precedent by rushing these Articles of Impeachment, driven by a Christmas deadline, on a purely partisan vote and sending it to the Senate.

The Democrats' decision was a mistake, and it has only further divided

our Nation at a time when we need to be working together. It was wrong, and it has damaged our country. We now need to fear for future Presidents, Democrats or Republicans, who will hold the oath of office in this newly hyperpartisan era.

Importantly, for the first time in our Nation's history, the Articles of Presidential Impeachment passed by NANCY PELOSI's House accuse President Trump of no crimes, let alone demonstrate the President's actions warranted removal from office.

This partisan and weak case from the House managers proves what this impeachment has always been about—it is about purely partisan politics. This impeachment has been nothing more than an attempt to overturn the 2016 Presidential election and to severely impact the 2020 election.

By the way, if we were to convict the President of either one of these articles, one or both, he literally would be removed not only from office but from the 2020 ballot.

Speaking of the 2020 ballot, the 2020 election is already underway. Just yesterday, Americans cast their votes in Iowa for President of the United States. In fact, last Friday, Montanans submitted signatures and filed the paperwork to place President Trump on the Montana ballot for the 2020 election.

Sadly, it is no surprise that we are in this situation today. You see, the Democrats have been obsessed with impeaching President Trump since before he was even sworn into office. They could not accept the fact that Donald Trump won the 2016 election.

On December 15, 2016, just 5 weeks following the 2016 Presidential election, there was a headline from Vanity Fair, and I quote it: “Democrats are Paving the Way to Impeach Donald Trump.”

On January 20—now, when I think of January 20, 2017, I think about the day the President was inaugurated, which it was—the Washington Post headline read “The campaign to impeach President Trump has begun.” This article was posted 19 minutes—just 19 minutes—after President Trump was sworn into office.

It gets worse. Ten days later, on January 30, 2017, the attorney for the whistleblower who was talked about during the trial—the whistleblower's attorney, 10 days after President Trump was inaugurated back in 2017, said this in a tweet: “Coups has started. First of many steps. Rebellion. Impeachment will follow immediately.” That was the attorney for the whistleblower who really started this entire impeachment process.

We have even seen some House Democrats publicly state that the only way to beat President Trump in the next election is to impeach him.

Our Founding Fathers would be grieved by the careless use of this most powerful tool against the Presidency. Impeachment is not a tool to overturn

the results of a past election. It is not a tool to change the outcome of an upcoming election.

You see, in America, the power of our government doesn't come from 100 Senators in this body or a handful of lawmakers; our power is derived from the people whom we serve. This grand American experiment of our democratic Republic is built upon the idea of a government of, by, and for the people.

Montanans elected me to represent them in the U.S. Senate, to be their voice on this floor and in Washington, DC. Montanans overwhelmingly oppose this impeachment. Montanans stand with President Trump. In fact, President Trump won Montana by over 20 points in the 2016 election. Supporting this impeachment means ignoring the voices of Montanans who voted for President Trump in the last election, and it means silencing Montanans who plan to vote for President Trump in the 2020 election.

Keep in mind—never before has the U.S. Senate ever removed a President from office, and it is not going to happen now.

I am voting to acquit President Donald J. Trump.

For the good of our country, let it be seared in our minds forevermore: Impeachment must never ever again be used as a partisan weapon.

I encourage my colleagues on both sides of the aisle to fully understand the magnitude of what this would mean for our country. This is the first purely partisan impeachment in our Nation's history, and it must be our last. It should be up to the American people to decide who their next President is, not the U.S. Senate.

The answer is an election, not impeachment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, today, I rise to discuss the decision on whether to remove the President from office based on the Articles of Impeachment sent to us by the House of Representatives.

Our Founding Fathers included impeachment—effectively overturning the will of the American electorate—to be used only as a last resort. They trusted the Senate, requiring more solemn judgment than their counterparts in the House, to decide whether an allegation by the House has the substantiality to require removal from office.

According to "Commentaries on the Constitution" by Joseph Story, the Framers saw the Senate as a tribunal "removed from popular power and passions . . . and from the more dangerous influence of mere party spirit," guided by "a deep responsibility to future times."

This impeachment process, driven by partisan desire, was rushed and lacked any proper form and substance. This is an attempt by the House to undo the results of the 2016 election and impact the 2020 election.

Article II, section 4 of the Constitution states: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

During the debates at the Federal Convention of 1787, James Madison, Alexander Hamilton, and others relied heavily on Sir William Blackstone's work, "Commentaries on the Law of England," which Madison described as "a book which is in every man's hand."

Within his work, Blackstone discussed "high misdemeanors," which included many crimes against the King and government, including maladministration. According to Blackstone, maladministration applied to high officers in public trust and employment and was punished by the method of parliamentary impeachment. It is from this understanding that the Framers selected "high Crimes and Misdemeanors" for the impeachment clause in our Constitution.

The term "high Crimes and Misdemeanors" had a limited and technical meaning that was well known to the Framers. It was a term of art. As early as 14th century England, high crimes and misdemeanors were a category of political crimes against the State and were tried in parliamentary impeachments. It should be understood that the word "high" in high crimes and misdemeanors is a modifying adjective and also applies to the word "misdemeanors."

"High misdemeanors" was applied in impeachment proceedings conducted by Parliament long before there was such a crime as a misdemeanor as we know it today. Misdemeanors alone referred to criminal sanctions for private wrongs. High crimes and misdemeanors were charged against officers of the "highest rank and favor with the crown" or who were in "judicial or executive offices" and, because of their stations, were unindictable by ordinary rules of justice.

For those individuals who were not indictable by the ordinary rules of justice, the Founding Fathers, in their subtle brilliance, sought to have something akin to crimes and misdemeanors that allowed them to impeach for great and dangerous crimes committed against the State.

As we know, the Founding Fathers specifically adopted the phrase "high crimes and misdemeanors." The emphasis on high misdemeanors is important in this context because the House of Representatives has not alleged treason, and they have not alleged bribery. Their case rests on whether the articles charged are the types of high crimes and high misdemeanors intended by our Framers.

In defining high misdemeanors, Blackstone stated that "the first and principal is the mal-administration of such high officers." However, the Founding Fathers specifically chose not to include maladministration as a basis for impeachment.

When George Mason and James Madison debated the specific language of the impeachment clause, Mason stated:

Why is the provision restrained to treason and bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Hastings is not guilty of Treason. Attempts to subvert the Constitution may not be Treason as above defined.

Mason then moved to add after bribery, "or maladministration," to which Madison replied and I quote: "So vague a term will be equivalent to a tenure during pleasure of the Senate."

The Framers knew what they were adopting when they chose "high crimes and misdemeanors." They explicitly rejected maladministration and other vague terms in favor of more specific allegations, which had a limited and technical meaning.

In the first Article of Impeachment before the Senate, the question is whether abuse of power as a charge on its own is an impeachable offense.

The answer is no. Abuse of power does not have a limited meaning and is as vague as maladministration. The Framers actually discussed abuse of power and rejected it.

At the Virginia ratifying convention, James Iredell, one of the first Supreme Court Justices, stated:

No power of any kind or degree can be given but what may be abused; we have, therefore, only to consider whether any particular power is absolutely necessary. If it be, the power must be given, and we must run the risk of abuse.

In the first Article of Impeachment, the House has claimed that the abuse of power is within the scope of high crimes and misdemeanors. I believe the Founding Fathers saw abuse of power as an inherent risk within the delegation of that authority. The Framers did not intend impeachment proceedings to be brought every time an abuse of power is alleged.

In the second Article of Impeachment, the House alleges the President obstructed Congress when he refused to comply with congressional subpoenas. The President rejected the legitimacy of those subpoenas. The House then failed to pursue redress through the courts, rejecting the court's rightful role in settling disputes between the two branches of government.

The separation of powers doctrine recognized executive privilege as a lawful exercise for the President to protect both Presidential and deliberative process communications. The House showed a deliberate disregard for the proper role of the judicial branch and now expects the Senate to gather evidence after they have already impeached.

Alleging an obstruction of Congress charge before the House exhausted its remedy for judicial relief would change the balance of power between our co-equal branches of government and ignore the rightful place the courts hold in arbitrating differences between the executive and legislative branches.

No branch of government is above the Constitution. We are obligated

under oath of office to support and defend it.

Article I, sections 2 and 3 of the Constitution state “the House shall have the sole Power of Impeachment,” and “[t]he Senate shall have the sole Power to try all Impeachments.” The Framers intentionally separated these authorities.

The Senate does not have the authority to impeach; however, the Senate does have the authority to judge the sufficiency of articles presented to it. The Senate, as a trier of facts, should not overstep its role. It is the House’s responsibility to bring the evidence to make their case, not simply make an allegation.

This does not mean that the Senate cannot call witnesses, but it most certainly should not be the Senate’s obligation to do so because the House failed to do so in the first place.

Upon the founding of the Senate, James Madison explained that the Senate would be a “necessary fence” against the “fickleness and passion” that tended to influence the attitudes of the general public and Members of the House of Representatives.

George Washington is said to have told Thomas Jefferson that the Framers had created the Senate to “cool” House legislation, just as a saucer was used to cool hot tea. For impeachment, there can be no difference.

When the House is ignited by partisan passions, eager to reach a desired result, the Senate must be cool and firm in its heightened review. In recognizing the haste and half-hearted attempt by our colleagues in the House, the Senate must also recognize these Articles of Impeachment to be wholly insufficient and not warranting a removal from office.

Let this decision lie in its rightful place, with the electorate. The Senate has conducted a fair, impartial trial. We did our due diligence and fulfilled our constitutional duty. Now it is time to bring this process to a close and get on with the business of the American people who sent us here.

I will vote against the Articles of Impeachment, in keeping with the constitutional intent our Framers expected.

Madam President, I ask unanimous consent that citations to my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITATIONS

1. According to Commentaries on the Constitution by Joseph Story, the Framers saw the Senate as a tribunal “removed from popular power and passions . . . and from the more dangerous influence of mere party spirit,” guided by “a deep responsibility to future times.” 2 Joseph Story, Commentaries on the Constitution § 743 (1833).

2. During the debates of the Federal Convention of 1787, James Madison, Alexander Hamilton and others relied heavily on Sir William Blackstone’s work, Commentaries on the Laws of England, which Madison described as “a book which is in every man’s

hand.” 3 The Debates in the Several State Conventions on the Adoption of the Federal Constitution, at 501 (Jonathan Elliot 2nd ed. 1987).

3. According to Blackstone, maladministration applied to high officers in public trust and employment and was punished by the method of parliamentary impeachment. 4 William Blackstone, Commentaries on the Laws of England, *122.

4. The term “high crimes and misdemeanors” had a limited and technical meaning that was well-known to the framers. Raoul Berger, Impeachment: The Constitutional Problems 74 (1973).

5. “High misdemeanors” was applied in impeachment proceedings conducted by parliament long before there was such a crime as a ‘misdemeanor’ as we know it today. 4 Blackstone at *121.

6. “High misdemeanors” was applied in impeachment proceedings conducted by parliament long before there was such a crime as a ‘misdemeanor’ as we know it today. Misdemeanors alone referred to criminal sanctions for private wrongs. Berger at 61.

7. High crimes and misdemeanors were charged against officers of the “highest rank and favor with the crown” or who were in “judicial or executive offices” and because of their stations, were un-indictable by ordinary rules of justice. Berger at 60; See also id. “The House of Lords was reminded of this history by Serjeant Pengelly during the impeachment of Lord Chancellor Macclesfield in 1725: your lordships are now exercising a power of judicature reserved in the original frame of the English constitution for the punishment of offenses of a public nature, which may affect the nation; as well in instances where the inferior courts have no power to punish the crimes committed by ordinary rules of justice; as in cases within the jurisdiction of the courts of Westminster Hall, where the person offending is by his degree, raised above the apprehension of danger, from a prosecution carried on in the usual course of justice; and whose exalted station requires the united accusation of all the Commons.”

8. In defining high misdemeanors, Blackstone stated “. . . the first and principal is the mal-administration of such high officers . . .” 4 Blackstone at *122.

9. When George Mason and James Madison debated the specific language of the impeachment clause, Mason stated: “Why is the provision restrained to treason and bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Hastings is not guilty of Treason. Attempts to subvert the Constitution may not be Treason as above defined.” 2 The Records of the Federal Convention at 499. See also id: The impeachment of Warren Hastings was a failed attempt between 1788 and 1795 to impeach the first Governor-General of Bengal in the Parliament of Great Britain. Hastings was accused of misconduct during his time in Calcutta particularly relating to mismanagement and corruption.

10. Mason then moved to add after bribery, “or maladministration,” to which Madison replied, “So vague a term will be equivalent to a tenure during pleasure of the Senate.” 2 The Records of the Federal Convention at 499.

11. At the Virginia ratifying convention, James Iredall, one of the first Justices of the Supreme Court, stated: “No power of any kind or degree can be given but what may be abused; we have, therefore, only to consider whether any particular power is absolutely necessary. If it be, the power must be given, and we must run the risk of abuse.” 4 The Debates in the Several State Conventions on the Adoption of the Federal Constitution, at 95 (Jonathan Elliot 2nd ed. 1987).

12. Upon the founding of the Senate, James Madison explained that the Senate would be a “necessary fence” against the “fickleness and passion” that tended to influence the attitudes of the general public and members of the House of Representatives. George Washington is said to have told Thomas Jefferson that the framers had created the Senate to ‘cool’ House legislation, just as a saucer was used to cool hot tea. U.S. Senate, “Senate Created,” at http://www.senate.gov/artandhistory/history/minute/Senate_Created.htm (January 3, 2020).

Mr. ROUNDS. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I come to the floor this afternoon to express my profound disappointment. This is a sad moment in our Nation’s history. I, like all of us in the Senate, came to this body to try and make a difference for our constituents, to address the kitchen table issues that affect their everyday lives—lowering prescription drug costs, rebuilding our crumbling infrastructure, making college more affordable, protecting our environment, helping our veterans, supporting our small businesses—so many of the things that I and others here have worked on.

Critics have argued that the impeachment process is nothing more than a political attack orchestrated by those who have wanted to remove this President since his election. I flatly reject that argument.

I have repeatedly expressed my reluctance to the use of impeachment. Unfortunately, it is this President’s disturbing actions that have put us in this position.

President Trump went to great lengths to try and force the Ukrainian President to help smear Joe Biden, his political rival. This scheme included withholding military aid and withholding a meeting at the White House with the Ukrainian President.

Each of us here took an oath to support and defend the Constitution. The Constitution requires us to do this job. It tells us that the Senate shall have “the sole Power to try all Impeachments.” After the power to declare war, the power to impeach is among the most serious and consequential powers granted to Congress by our founding document.

When we all stood here at the beginning of this trial, we took an oath to do “impartial justice.” That should mean a commitment to seek all of the facts. A fair trial means documents and witnesses, facts that will help us better understand the truth.

Previous Senates understood this. In fact, every Senate impeachment trial in history included witnesses. Most recently, in the Judge Porteous impeachment trial in 2010, when I was one of the Senators who served on that impeachment committee, we heard from 26 witnesses, 17 of whom had not testified before in the House. We believed then that Senate witnesses were important for impeachment of a Federal district court judge. So why wouldn’t we

want witnesses in something as important as an impeachment of a sitting President?

We know that documents exist that could help shed more light on this case. We also know of other witnesses with additional firsthand information whom we have yet to hear from. We have one witness, in particular—former National Security Advisor John Bolton, who has told the world he has relevant information and he is willing to testify.

Yet, despite all of that, the Senate, on a partisan vote, refused to listen to Ambassador Bolton or any other witnesses. Members of this institution have willfully turned their back on important, relevant, firsthand information.

On the Articles of Impeachment before us, I have listened to the extensive arguments from both the House managers and the defense counsel for the President. I believe the evidence clearly shows that the President abused his power—which has been acknowledged by several Republican Senators—and he obstructed Congress, which is why I will be supporting both Articles of Impeachment.

On the first Article of Impeachment, it is my strong view that the House managers have proved that President Trump withheld military aid and a White House meeting from the Government of Ukraine to further his own political interests in the upcoming Presidential election and to damage the candidacy of his opponent. The evidence presented to the Senate was overwhelming.

Further supporting the House managers' case, the independent Government Accountability Office, the GAO, concluded that the withholding of military aid to Ukraine was improper and illegal under the law. The nature of the President's offenses outlined in the articles strike at the very heart of our democratic system.

Our Founding Fathers were very concerned about both foreign interference in our democracy and the executive abusing the powers of the office for electoral gain. James Madison warned of a President who "might betray his trust to foreign powers."

George Washington, in his Farewell Address, warned us all "to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government."

As a Senator who sits on the Armed Services and Foreign Relations Committees, I am keenly aware of the serious national security interests that are at stake here. This body, the Senate, has been deeply supportive of an independent Ukraine and a strong U.S.-Ukraine relationship. I join with Senators from both sides of the aisle in support of providing lethal assistance to help Ukraine better defend itself from Russian aggression. We continue to do so because it is in our direct national security interest to support our partner in the midst of an active war with Russia, our adversary.

We know that Russia has serious designs on Eastern Europe. They are looking at ways to influence European countries—former Soviet republics where they think they can make inroads—and Ukraine is standing at the wall between Eastern Europe and Russia.

I also joined the bipartisan leadership of the Ukraine Caucus in writing a letter expressing deep concerns over reports that aid to Ukraine was being held up. This September 2019 letter clearly stated that the administration's hold on assistance would do lasting damage to the Ukrainian military and would undo the progress made by Ukraine to defend itself. That was a bipartisan letter.

Putting our national security at risk in order to secure personal political favors is an unacceptable abuse of power, and that is why we are here today. In response to the overwhelming evidence presented by the House managers, the President's counsels failed to refute these serious allegations. Their arguments that President Trump was focused only on the national interest are not supported by the facts. The President has never demonstrated an interest in rooting out corruption in Ukraine and has a troubling pattern of personally seeking political dirt from foreign governments. I worry that this behavior will continue.

The 2020 election is 9 months away, and the President continues to suggest that he would consider receiving political help from foreign governments. Just recently, the President suggested that China should also investigate the Bidens.

Now, with respect to the second article dealing with obstruction of justice, the House managers have also presented overwhelming evidence that President Trump obstructed the investigation into his conduct toward Ukraine. The President has repeatedly denied the House of Representatives' constitutional authority to conduct an impeachment inquiry. The President ordered Federal agencies and officials to ignore all requests for documents and all subpoenas. Those agencies obeyed the President's order, and not a single document was turned over to the House. In total, nine witnesses called by the House followed President Trump's order and refused to testify under subpoena in the impeachment proceedings. This is an unprecedented attempt to thwart Congress's constitutional authority to exercise the impeachment power. Even President Nixon instructed his White House staff to voluntarily appear before Congress and to testify under oath.

Despite the administration's stonewalling, many courageous officials did come forward to testify at great personal and professional expense. I want to thank those who testified. Their bravery and commitment to the truth should be commended. But if the President is allowed to completely stonewall congressional impeachment

investigations into executive branch abuses, then the congressional power of impeachment is meaningless.

As a Senator, I never imagined I would have to participate in an impeachment trial of a sitting President. These proceedings cause strain and division not just here in Congress but across the country. I would much prefer that Congress be engaged in the critical bipartisan work that is needed on important issues, things that can improve lives across this country and move our Nation forward. I hope that this body will move on from this disappointing day and will get back to the business of the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Madam President, the decision to remove a President at any point in their term—particularly 9 months before an election—is not something we should take lightly. Impeachment should not be a tool that Congress uses to settle policy or personal disagreement. Instead, it should only be used if a President engages in misconduct so egregious that their conviction and removal is necessary and in the Nation's best interest.

Alexander Hamilton wrote in *Federalist 65* that the Founders chose the Senate as "the most fit depository of this important trust" to make such a weighty decision. They actually had faith that this body could rise above pure partisanship to conduct a fair trial and reach a just verdict.

In this case, however, we could not reach bipartisan agreement—not even on how to conduct the trial. It is a fact that, for the first time in this Nation's history, the Senate will render a verdict in an impeachment hearing without hearing from a single witness and without reviewing key documents that have been withheld by the executive branch.

As recently as last Friday, OMB admitted it continues to withhold key documents. Let me provide an example. In a court filing, an OMB lawyer wrote that 24 White House emails were being withheld because they "reflect communications" by the President, Vice President, or top advisers on the "scope, duration, and purpose of the hold on military assistance to Ukraine."

Proceeding without such vital evidence is a real mistake. I came to this trial with an open mind, to listen to the case presented by both sides and then to make a determination based on the facts. After hearing the House managers' case, it is clear that President Trump withheld U.S. aid in an effort to obtain Ukraine's assistance to

win reelection by asking that Ukraine launch and make public an investigation into Joe Biden, Mr. Trump's political opponent.

The President's legal team tried to argue that this didn't happen, but without seeing key documents and hearing from key fact witnesses such as John Bolton and Mick Mulvaney, top advisers with firsthand knowledge of the President's conduct and motives, their arguments were not persuasive.

So, after weighing the evidence available to us and considering the President's pattern of similar misconduct, I will vote yes on the Articles of Impeachment.

The House presented a compelling factual case. Congress appropriated nearly \$400 million in foreign aid to Ukraine, an ally engaged in a war with a major power, Russia. It was signed into law by President Trump, who knew what he was signing and what it entailed. President Trump also knew that Ukraine desperately needed the aid and America's partnership in its efforts against the huge power, Russia.

He used that vulnerability to his advantage. He privately demanded that, in exchange for U.S. aid and a White House meeting for Ukraine's newly elected President, Ukraine's leaders had to publicly announce an investigation that would damage his political rival, Vice President Joe Biden. The President relayed those same demands to senior Ukrainian officials through both private and official government channels. This was a clear quid pro quo, and it is at the heart of the argument in the first Article of Impeachment: abuse of power.

President Trump took this action to benefit himself personally and not for the good of the Nation. He violated the law by withholding appropriated funds in order to benefit himself and not our country. President Trump did not withhold these funds because of concern about corruption generally. Instead, he demanded just two specific investigations—Burisma and Biden—both intended to help him win reelection in 2020.

After hearing the House managers' presentation, I think we have got to really ask ourselves, How can this President deal with any foreign nation after compromising himself in such a fashion? How can he be trusted to ensure that American elections are free from foreign interference? Other countries are watching. After the President compromised himself this way with Ukraine, what is to keep them, or any other country, from seeking benefits from the President in exchange for political or personal assistance? So, if the Senate refuses to correct this precedent now, the door to foreign political influence in our elections will be opened.

The House managers also presented a strong case on the second Article of Impeachment: obstruction of Congress. Here, the facts themselves are not in dispute. President Trump ordered his

administration to withhold all documents and ordered executive branch witnesses not to testify before the House began its inquiry. The President's legal team countered that he has a right to defy congressional subpoenas as a matter of executive privilege, but there is no precedent for their sweeping claim of absolute immunity from congressional oversight, particularly in the context of impeachment proceedings.

President Trump has taken the position that there are no checks on his Presidential authority, effectively placing himself above the law, and I don't believe the Senate can let this stand. Unfortunately, the President's actions are not isolated incidents. Both Articles of Impeachment point to this. The articles note: "These actions were consistent with President Trump's previous invitations of foreign interference in U.S. elections" and with "previous efforts to undermine United States Government investigations into foreign interference in United States elections."

During the 2016 campaign, President Trump welcomed Russia's assistance to defeat his opponent, Hillary Clinton. The Mueller report detailed exactly how the Trump campaign sought to work with Russia to improve his electoral chances, including providing internal campaign polling data to a Russian operative, inviting Russia to hack Hillary Clinton after Russia had already successfully hacked the Democratic National Committee, and obtaining information about upcoming releases of emails stolen by Russian agents and weaponizing these stolen documents to harm Hillary Clinton.

When this conduct came under question, President Trump obstructed the investigation. Special Counsel Mueller catalogued not 1 or 2 but 10 clear instances where President Trump sought to interfere in this investigation. This isn't my view. This isn't anyone else's view; it is a catalogue of a group of legal professionals indicating 10 clear instances where Trump sought to interfere in the investigation.

This egregious pattern of soliciting foreign interference and blocking any effort to investigate continues to this day. As recently as October, while the House impeachment inquiry was going on, President Trump stood on the White House lawn and asked China to investigate the Biden family.

This trial must do impartial justice as is required by the oath we all took. After listening to the arguments of both sides, it is clear the House managers have proven their case. The President's conduct with respect to Ukraine has mirrored other parts of his Presidency, and it is all about what is best for President Trump. If we vote to acquit and allow President Trump's behavior, we will set a dangerous precedent, one that has the strong possibility of inflicting lasting damage on our country.

We will be saying that any President, Republican or Democratic, can lever-

age their office for personal political gain. We will be inviting more foreign interference into our elections and saying it is acceptable to use the Presidency to solicit that assistance. His defense counsel admitted as much.

And we will be accepting the President's extreme view that article II of the Constitution gives him the right to do whatever he wants.

I am convinced this is a rare instance where this Senate has no choice but to vote to convict and remove this President. I reach this conclusion reluctantly and with deep concern but with the belief that this action is necessary and cannot and should not be ignored.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, before I get started on my comments, I want to commend my colleague from California, who has served in this body with great distinction for a long time, who was present during the preceding impeachment proceedings under President Clinton, and who, time and again—and I have had the honor of following in her shoes on the Intelligence Committee—has always been a voice who stood up for what is right, for what is correct, oftentimes what may not be politically expedient but what she thinks is right and appropriate.

It is with great honor that I follow her as I make my statement as well on this most serious of matters, the impeachment of Donald J. Trump. So I thank my friend, the senior Senator from California, for her comments.

Mrs. FEINSTEIN. I thank Mr. WARNER.

Mr. WARNER. I will echo many of her thoughts.

Madam President, I want to begin my remarks the way we began this trial: with the oath we each took to do impartial justice. Now, any other day, we walk into this Chamber as Republicans and Democrats, but in this trial we have a much greater responsibility.

The allegations against this President are grave. The House managers presented a compelling case, based on the testimony of more than a dozen witnesses. And the remarkable thing about the dozen witnesses that we saw clips of: all of these witnesses were either appointees—political appointees—of President Trump or career public servants. The fact that these dozen-plus witnesses had the courage to speak truth to power when they knew that their careers, their reputations would be sullied in many ways speaks volumes.

Their testimony and the House managers' case presents a clear fact pattern, a fact pattern that even many of my Republican colleagues acknowledge is true.

This evidence reflects a corrupt scheme to solicit foreign interference in support of this President's reelection. The President both unlawfully withheld aid to an ally at war with Russia and he withheld a White House

meeting that would have strengthened our relationship with a democratically elected leader of Ukraine, a leader who was trying to prevent further Russian occupation of his country.

The President used these powerful tools of American foreign policy as leverage—not leverage to further advance America's national interests but leverage to secure investigations into a political opponent. He also used these as an opportunity to try to expound on the so-called CrowdStrike conspiracy theory, a notion that has been repeatedly debunked by Mr. Trump's own law enforcement and intelligence agencies; a theory that somehow it was Ukraine, not Russia, that attacked our democracy in 2016. It is a theory, by the way, that currently has been and continues to be promoted by the Russian spy services.

Since this information came to light, the President has attempted to confound the House of Representatives' constitutional role in the impeachment process. The White House issued a blanket refusal to provide any witnesses or documents without any historical precedent or sound legal argument to support this position. For this reason, President Trump is also charged with obstruction of Congress.

Frankly, I understand some of the points the President's defense team has raised concerning this second Article of Impeachment. There are legitimate questions to consider about executive privilege and separation of powers, but we cannot accept the absolute immunity argument this White House has invented. This absolute stance and the evidence we have seen about the President's corrupt actions and intentions do not reflect a principled, good-faith defense of executive privilege. Rather, it suggests an effort to deny Congress the constitutional authority to investigate Presidential wrongdoing and, ultimately, to prevent exposure of the President's conduct.

In reviewing this evidence, I have tried to stick to my oath of impartiality. I have tried to keep an open mind about what witnesses like John Bolton and Mick Mulvaney—people who were in the room with the President—could tell us. If anyone can provide new information that further explains the President's actions, it is they. But I don't see how the White House's desperate efforts to block witnesses is anything but an admission that what they would say under oath would not be good for this President. And I am deeply disappointed that the Senate could not achieve the majority necessary for a full, fair trial. Consequently, the defense of the President that we are left with is thin, legalistic, and, frankly, cynical.

Instead of disputing the core facts, which are damning on their own terms, the President's lawyers have resorted to remarkable legal gymnastics. The notion that even if the President did what he is accused of, abuse of power is not impeachable; that foreign inter-

ference is not a crime; that even calling witnesses to seek the truth about the President's actions and motivations might somehow endanger the Republic. And then when Professor Dershowitz made his bizarre argument that abusing Presidential power to aid your reelection cannot be impeachable if you believe your own election to be in the national interest, I paid close attention. Frankly, I paid closer attention to what Professor Dershowitz said in this Chamber than I paid when I was in his class back in 1977. But you don't need a Harvard Law School degree to understand what utter nonsense that argument is and where it could take us if we followed it to its logical conclusion.

The Framers wrote impeachment into the Constitution precisely because they were worried about the abuse of Presidential power. And if an abuse of power is what the Framers had in mind when they crafted impeachment, then, the two questions remaining in our deliberations are simple: Did President Trump abuse his power and should he be removed from office?

The House managers have presented a compelling case that the President did pressure Ukraine to announce politically motivated investigations. Again, a number of my Republican colleagues have acknowledged these facts, acknowledged that what the President did was wrong. And, frankly, it is clear why he did it. Does anyone here honestly believe that Donald Trump wanted an investigation into the Bidens for any other reason than to damage Joe Biden politically and, therefore, aid in his own reelection? Time and again, this President has shown a willingness to attack anyone who stands in his way. And on this he is ecumenical—Republicans, Democrats, members of his staff, Members of this body. Nobody is off limits. There is nothing out of character about this President using every available tool to damage an opponent regardless of their political party.

I don't find fault for the President in his unorthodox style. That is not an impeachable offense. The long list of things I disagree with this President on are not impeachable offenses either. But the Constitution draws a line that is much clearer than the President's lawyers have tried to argue. The President crossed it. He abused his power. He commandeered America's foreign policy, not to advance America's interest but to advance Donald Trump's political interest. And despite his efforts to cover it up, he got caught.

Now, each one of us must vote guilty or not guilty. I will vote to convict the President because I swore an oath to do impartial justice and the evidence proves the charges against him are true. There must be consequences for abusing the power of the Presidency to solicit foreign interference in our elections.

If the Senate fails to hold him accountable, we will be setting a dangerous precedent. We will be giving the

green light to foreign adversaries and future Presidents that this kind of behavior is OK. I will vote to convict the President because it is the Senate's constitutional responsibility to uphold this bedrock American principle that no one is above the law, not even the President, and especially not the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I am going to read a statement and then I am going to go back through the information that I used to make the decision to be able to write this statement.

Montanans sent me to the U.S. Senate to hold government accountable. I fought to allow this trial to include documents and testimony from witnesses with firsthand knowledge of the allegations against the President, regardless of whether they were incriminating or exculpatory, so that the Senate could make its decision based on the best information available.

Unfortunately, my Republican colleagues and the administration blocked this information, robbing the American people of their legitimate right to hold their elected officials accountable.

Based on the evidence that was available to me during this trial, I believe President Trump abused his power by withholding military aid from an ally for personal political gain, and that he obstructed legitimate oversight by a coequal branch of government.

It is a sad day for this country and for all Americans who believe that no one—not even the President of the United States—is above the law.

So how did I get to this point? Well, just a little over 2 weeks ago, we came into this Chamber and we started hearing testimony. That testimony resulted in these two notebooks full of notes, because, quite frankly, the House managers laid out a compelling case. The defense made their arguments, but the case of the House was incredibly compelling.

An impeachment is a solemn time. It is not something we should be taking without the deepest and most serious consideration. I compare it to a vote to send our people to war. But in this particular case, there was very little transparency, and none, if the President would have had it his way, of information coming to this body during this trial. This, in fact, is the shortest impeachment trial of a President ever. If we are going to have information to make good decisions—and I always said if you have good information, you can make good decisions—then, the President really needed to open up and cooperate just a little bit.

This is the first time ever that we had a trial with no witnesses and no documents—a trial in the Senate with no information from the executive branch. And I get it. I get “executive privilege,” and I think there are times when executive privilege has to be used because the information is sensitive.

But I have to tell you that the Williams letter is a prime example. I went down to the SCIF. I read it. I have to tell you something. If there is something in there that needs to be classified, you have me. The information in that letter was information that I knew before I went in the SCIF. It is the same with many of the emails—if not all of the emails—that the President has requested to be classified and kept away from this body and kept away from the press.

That is not the way this democracy should work. It should be open. If things are done, the people should be allowed to know.

There are moments in time when documents have to be classified on sensitive information, but I am here to tell you I have seen none of that. I think many of the FOIA requests that have been brought forth show heavily redacted email messages, and then when we find out what was really in them, there was no need for that redaction.

So when it comes to the obstruction of Congress, the article II impeachment, I don't think there is any doubt that the President obstructed our ability—the Senate of the United States—to do its job as a coequal branch to make sure that the executive branch is being honest and forthright.

Let's talk about the abuse of power. There is a lot of information that was brought forth during this trial about what the President did. It has been stated many times on this floor over the last nearly 3 weeks. The fact of the matter is, there is little doubt that the President withheld the aid to an ally for the purpose of creating a position where they had to do an investigation if they were going to get that money, or at least announce that investigation on a U.S. citizen who happened to be a political foe, to corrupt our next election.

There is no doubt about that. Many of the folks who are not going to vote for impeachment have already said that the President has wrongdoing, but it is not an impeachable offense. And I am here to tell you, if anybody in this country—especially the President of the United States—corrupts an election and that is not an impeachable offense for the President of the United States, I don't know what is. Fair elections are a foundational issue for this country, and to corrupt our elections is something that we need to hold people accountable for if they have done it. And I will tell you that the prosecution proved that point beyond a shadow of a doubt.

I would also say that if you take a look at the episodes that happened before we got to this point that have actually nothing to do with the impeachment, but it does have something to do with the point that the defense said about folks having been calling for impeachment since this President got in office, I offer you this: Freedom of speech is something that is very impor-

tant to this country. And I can tell you that when the President first got into office and he got in a fight with the Prime Minister of Australia and the Prime Minister of Sweden and got in a fight with the Prime Minister of the best friend the United States has, Canada, I was critical of the President. When the President pushed back on NATO and embraced every dictator in the world, from Putin, to Erdogan, to Xi, to Kim Jong Un, yes, I was critical of the President. When the President pulled troops out of northern Syria and left our allies the Kurds on the field alone, I was critical of the President. When the President did his trade wars that put American family farmers and Main Street businesses at risk of closure, I was critical of the President. And we should be. That had nothing to do with the impeachment, but it absolutely has everything to do with your freedom of speech.

Today—tomorrow, I should say—we are going to vote on whether to convict or acquit the President on taking taxpayer dollars and withholding them from an ally that is at war with an adversary for his own personal and political good, and we are going to vote on whether to convict a President of withholding information from the entire executive branch. And the only ones who testified were those patriotic Americans who defied his order. We are going to vote whether he obstructed Congress. This is a no-brainer. He absolutely, unequivocally is guilty of both article I and article II of the impeachment.

So the question is this: If it goes as predicted tomorrow and the President gets acquitted, where do we go from here? I am very concerned about where we go from here because the next President will use this precedent to not give any information to a coequal branch of government when we question them. The next President will use this as, geez, if it is good for me and my election, it is good for the country, as Dershowitz said. So, Katy, bar the door.

As Chairman SCHIFF said yesterday, if you think this President is going to stop doing these actions, you are living on a different planet than I am living on. This will empower him to do anything he wants.

At some point in time—if we want to listen to what the Framers said—at some point in time, we are going to have to do our constitutional duty. It doesn't appear we are going to do it this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, for more than 200 years after our Constitution was adopted, only one President faced an impeachment trial before the Senate. That was Andrew Johnson in 1868. But now we are concluding our second impeachment trial in just 21 years.

While each case must stand on its own facts, this trend reflects the in-

creasingly acrimonious partisanship facing our Nation. The Founders warned against excessive partisanship, fearing that it would lead to "instability, injustice, and confusion," ultimately posing a mortal threat to our free government.

To protect against this, the Founders constructed an elaborate system of checks and balances to prevent "factions" from sacrificing "both the public good and the rights of other citizens." Impeachment is part of that elaborate system. The Founders set a very high bar for its use, requiring that the President may only be removed by a two-thirds vote of the Senate.

The Framers recognized that in removing a sitting President, we would be acting against not only the officeholder but also the voters who entrusted him with that position. Thus, the Senate must consider whether misconduct occurred, its nature, and the traumatic and disruptive impact that removing a duly elected President would have on our Nation.

In the trial of President Clinton, I argued that in order to convict, "we must conclude from the evidence presented to us with no room for doubt that our Constitution will be injured and our democracy suffer should the President remain in office one moment more." The House managers adopted a similar threshold when they argued that President Trump's conduct is so dangerous that he "must not remain in power one moment longer."

The point is, impeachment of a President should be reserved for conduct that poses such a serious threat to our governmental institutions as to warrant the extreme step of immediate removal from office. I voted to acquit President Clinton, even though the House managers proved to my satisfaction that he did commit a crime, because his conduct did not meet that threshold.

I will now discuss each of the articles.

In its first Article of Impeachment against President Trump, the House asserts that the President abused the power of his Presidency. While there are gaps in the record, some key facts are not disputed.

It is clear from the July 25, 2019, phone call between President Trump and Ukrainian President Zelensky that the investigation into the Bidens' activities requested by President Trump was improper and demonstrated very poor judgment.

There is conflicting evidence in the record about the President's motivation for this improper request. The House managers stated repeatedly that President Trump's actions were motivated "solely" for his own political gain in the 2020 campaign. Yet the President's attorneys argued that the President had sound public policy motivations, including a concern about widespread corruption in Ukraine.

Regardless, it was wrong for President Trump to mention former Vice

President Biden on that phone call, and it was wrong for him to ask a foreign country to investigate a political rival.

The House Judiciary Committee identified in its report crimes that it believed the President committed. Article I, however, does not even attempt to assert that the President committed a crime. I sought to reconcile this contradiction between the report and the articles in a question I posed to the House managers, but they failed to address that point in their response.

While I do not believe that the conviction of a President requires a criminal act, the high bar for removal from office is perhaps even higher when the impeachment is for a difficult-to-define, noncriminal act.

In any event, the House did little to support its assertion in article I that the President “will remain a threat to national security and the Constitution if allowed to remain in office.”

As I concluded in the impeachment trial of President Clinton, I do not believe that the House has met its burden of showing that the President’s conduct, however flawed, warrants the extreme step of immediate removal from office, nor does the record support the assertion by the House managers that the President must not remain in office one moment longer. The fact that the House delayed transmitting the Articles of Impeachment to the Senate for 33 days undercuts this argument.

For all of the reasons I have discussed, I will vote to acquit on article I.

Article II seeks to have the Senate convict the President based on a dispute over witnesses and documents between the legislative and executive branches. As a general principle, an objection or privilege asserted by one party cannot be deemed invalid, let alone impeachable, simply because the opposing party disagrees with it.

Before the House even authorized its impeachment inquiry, it issued 23 subpoenas to current and former administration officials. When the House and the President could not reach an accommodation, the House failed to compel testimony and document production. The House actually withdrew a subpoena seeking testimony from Dr. Charles Kupperman, a national security aide, once he went to court for guidance. And the House chose not to issue a subpoena to John Bolton, the National Security Advisor, whom the House has identified as the key witness.

At a minimum, the House should have pursued the full extent of its own remedies before bringing impeachment charges, including by seeking the assistance of a neutral third party—the judicial branch.

In making these choices, the House substituted its own political preference for speed over finality. The House managers described impeachment as a “last resort” for the Congress. In this case, however, the House chose to skip the basic steps of judicial adjudication and

instead leapt straight to impeachment as the first resort. Therefore, I will vote to acquit on article II.

This decision is not about whether you like or dislike this President, or agree with or oppose his policies, or approve or disapprove of his conduct in other circumstances. Rather, it is about whether the charges meet the very high constitutional standard of “Treason, Bribery, or other High Crimes or Misdemeanors.”

It has been 230 years since George Washington first took the oath of office, and there are good reasons why during that entire time the Senate has never removed a President. Such a move would not only affect the sitting President but could have unpredictable and potentially adverse consequences for public confidence in our electoral process.

It is my judgment that, except when extraordinary circumstances require a different result, we should entrust to the people the most fundamental decision of a democracy; namely, who should lead their country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, in 1974, after the House Judiciary Committee voted to approve Articles of Impeachment against President Nixon, Chairman Peter Rodino, of my home State of New Jersey, a lifelong Newark resident of my home city who had been thrust into the high-profile position only the previous year, returned to his office and called his wife. When she answered the phone, this chairman, this longtime Congressman broke down in tears and cried.

Forty-six years later, our Nation has found itself under similar duress, and I agree with my fellow Newarker—impeaching a President is a profoundly sad time for our Nation. It is a painful time. No matter what party, if you love your country, then this is heart-breaking.

When we think about our history as Americans, so many of us have reverence for our Founding Fathers and our founding documents. They represented imperfect genius. We talk about the Declaration of Independence. We hail the Constitution. These documents literally bent the arc of not just our own history but human history for democratic governance on the planet. While these were milestones in the path of our Nation’s relatively brief existence, the governing document that came between the Declaration of Independence and our Constitution is often overlooked—the Articles of Confederation.

With the benefit of hindsight, it is easy to view the development of our Nation as preordained, inevitable—as if it were an expected march toward the greatness we now collectively hail, that this was somehow a perfectly plotted path toward a more perfect union. But it wasn’t.

In 1787, as our Founders gathered in Philadelphia, our fledgling country was

at a crisis and at a crossroads. Its future, as in so many moments of our past, was deeply uncertain.

You see, when the Framers designed our system of government in the Articles of Confederation, you can say they overcompensated. With the tyranny of King George III fresh in their minds, they created a government with powers so diffuse and decentralized that nothing could really get done. Instead of one Nation, we were operating essentially as 13 independent States. The Federal Government could not tax its citizens. It could not raise money. It lacked a judiciary and an executive branch.

So when our Framers arrived in Philadelphia that hot summer, they would have to thread a difficult needle, providing for a strong central government that represented the people and one that also guarded against the corrupt tendencies that come when power is concentrated, as they well knew was so in a monarchy.

Our democratic Republic was their solution. The Nation needed a powerful Executive, yes, but that Executive needed guardrails, and his power needed to be checked and balanced. So the Framers created what we now almost take for granted—three coequal branches of government: the legislative, the executive, and judicial branches. Each branch would have the ability to check the power of the other branches to ensure, as James Madison so profoundly argued, that ambition would “be made to counteract ambition.”

But this system of checks and balances was not enough for our Founders. Still reeling from their experience under the oppressive rule of the King, many feared an unaccountable, autocratic leader. So the Founders created a mechanism of last resort—impeachment.

George Mason prophetically asked the Founders to wrestle with the concept of impeachment at the Constitutional Convention, saying: “Shall any man be above Justice?”

The Founders answered that question with a resounding no. The Constitution made clear that any Federal officer, even the President, would be subject to impeachment and removal. No one—no one—is above the law. This was seen as the ultimate safeguard, and it has only been invoked twice before in American history. This is the third.

I sat in this very spot and listened to the evidence presented, honoring my oath to be objective, and based on the evidence that was presented in hour after hour after hour of presentations, I concluded that the President, Donald John Trump, is guilty of committing high crimes and misdemeanors against the United States of America, against the people. I believe he abused the awesome power of his office for personal and political gain to pressure a foreign power to interfere in the most sacred institution of our democracy, our elections. He then engaged in a concerted,

far-reaching, and categorical effort to cover up his transgression and block any efforts for the people's representatives to have the truth.

It brings me no satisfaction to come to this conclusion. I feel that sadness of my predecessor. Yet we have sworn an oath to protect and defend the Constitution of the United States.

This is not a moment that should call for partisan passions. It is not a moment that we think of in terms of the limitlessness of personal ambition. This is a patriotic moment. It is about putting principle above party. It is about honoring this body and the Senate's rightful place in our constitutional system of checks and balances. It is about fulfilling the enormous trust the Founders placed in this body as an impartial Court of Impeachment and a necessary check on what they foresaw as the potential for "grave abuses" by the Executive.

If we fail to hold this President accountable, then we fail the Founders' intent; we fail our democracy; and I fear the injury that will result.

When our grandchildren and their children read about this chapter in the history books at a time far into the future, when this President is a memory along with those of us serving in this Chamber, it will not be seen through the eye of politics or partisanship. They will read about how this body acted in their moment of constitutional crisis. I fear that their unflinching eyes, at a time when the full body of evidence will be out in the public domain, will see clearly how this body abdicated its constitutional responsibilities, surrendering them to partisan passions. They will read about how the Senate shut its doors to the truth, even though it was within easy reach; how, for the first time in our history of impeachment proceedings for judges and for past Presidents, the world's greatest deliberative body conducted an impeachment trial without demanding a single witness and without subpoenaing a single document; how, even as new evidence during the trial continued to be uncovered, the Members of this body failed to even view it. They failed to pursue with even the faintest effort those things that would have easily and more perfectly revealed the breadth and depth of the President's misconduct.

We know across the street, in the Supreme Court, the saying is that justice is blind, but that means that no one is above the law. It does not mean that this body should abdicate its responsibilities and it should abandon its senses and even abandon common sense. If there is evidence we know about that could speak beyond a reasonable doubt to this President's alleged crimes and misconduct, it makes no sense whatsoever that we should deny, in this deliberative body, the truth—the truth.

This kind of willful ignorance, this metaphorical closing of our eyes and ears, is a grave danger to any democ-

racy. It is the rot from within, when the ideals of truth and justice fall victim to the toxic tyranny of absolute partisanship.

This President has claimed authoritarian power that our Constitution was explicitly designed to prevent. He has literally said that article II allows him to do whatever he wants. That outrageous statement tomorrow could be given life within this democracy.

He has declared himself unaccountable to and above the law. He has shredded the very governing ideals of this great Republic, and we, the Senate, the body designed to check such abuses of power, that "dignified . . . independent . . . unawed and uninfluenced" tribunal, as Hamilton so famously wrote in Federalist Paper No. 65, have been enablers to this destructive instinct.

This is a sad day. This is a sad moment in the history of this body and in our Nation, and I fear that it is emblematic, that it is a symptom of deeper challenges to this Nation, challenges that are being exploited by our enemies abroad and by opportunists here at home.

The factionalism that our Founders warned us of has deepened beyond mere partisanship to a self-destructive tribalism. The "cunning, ambitious, and unprincipled men" seeking to subvert the power of the people, as Washington predicted in his profound and prophetic Farewell Address, have found their season to flourish here in our time. Many in our society now hate other Americans, not because of the content of their character or their virtue and the values they hold dear, but we, as Americans, now more and more see hate proliferating in our country between fellow Americans because of what party we belong to.

We have failed to listen to the words that come out of each other's mouths, failed to listen to the ideals or the principles or the underlying facts because we now simply listen to partisanship. This Nation was founded with great sacrifice. The blood, sweat, and tears of our ancestors, which gave life and strength to this Nation, are now being weakened and threatened, as our very first President warned.

And, yes, today is a sad moment, but we, as a nation, have never been defined by our darkest hours. We have always been defined by how we respond to our challenges, how we have refused to surrender to cynicism, and how we have refused to give in to despair.

As Senator after Senator today gets up and speaks, I fear that mere words in this time are impotent and ineffective. It may mark where we as individuals stand for the record, but the challenge demands more from all of us in this time. We have already seen on this Senate floor that sound arguments have been dismissed as partisanship. We have heard speech after speech and seen how they will not cure this time. They will not save this Republic from our deepening divides.

So I ask: What will? How? How do we heal? How do we meet this crisis? I know that this President is incapable of healing this Nation. I have never seen a leader in high office ever take such glee in meanness. He considers it some kind of high badge of virtue in the way he demeans and degrades his political adversaries. He demonizes others, often the weak in our society, and I firmly believe that he has shown that he will even conspire with foreign nations to defeat his adversaries, and then defend himself not with any truth or transparency but by trying to heighten and ignite even more partisan passions.

So the question is really, How do we heal this Nation? How do we meet this challenge that is not embodied in any individual?

It was a man far greater than me named Learned Hand who said:

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias.

I continue to quote this great judge.

Our dangers, as it seems to me, are not from the outrageous but from the conforming; not from those who rarely and under the lurid glare of obloquy upset our moral complaisance, or shock us with unaccustomed conduct, but from those, the mass of us, who take their virtues and their tastes, like their shirts and their furniture, from the limited patterns which the market offers.

I love our Nation's history. I am telling you right now we have seen that the true test of our democracy will not come simply from the low actions from our leaders on most high. The true test of our democracy will not turn alone on the actions of this body because Presidents before and this body before have failed us in dark times. They failed the ideals of freedom when time and again they defended slavery. This body has failed the ideals of liberty when time and again it rejected civil rights. This body has failed the ideals in the past of equality when it voted down, again and again, suffrage for women. Lo, Presidents before and the Senate before has failed this Nation in the darkest of times. As the songs of my ancestors have said, our path has been watered with the tears and blood of ancestors.

How do we heal? How do we move forward? I say on this dark day that the hope of this Nation lies with its people. As Learned Hand said: The spirit of liberty is not embodied in the Constitution. Other nations have constitutions and have failed. The hope of this Nation will always lie with its people.

So we will not be cured today, and, I tell you, tomorrow's vote—it is a defeat. But we, as a people facing other defeats in this body, must never be defeated. Just like they beat us down at

Stonewall and they beat us back in Selma, the hope of this Nation lies with the people who faced defeats but must never be defeated.

So my prayer for our Republic, now yet in another crisis in the Senate, is that we cannot let this be leading us further and further into a treacherous time of partisanship and tribalism where we tear at each other and when we turn against each other. Now is the time in America where we must begin, in the hearts of people, to turn to each other and to begin to find a way out of this dark time to a higher ground of hope. This is not a time to simply point blame at one side or another. This is a time to accept responsibility.

Like our ancestors in the past so understood, that change does not come from Washington. It must come to Washington. As I was taught as a boy, we didn't get civil rights because Strom Thurmond came to the Senate floor one day and pronounced that he had seen the light. No, this body responded to the demands of people, and now is a time that we must demand the highest virtues of our land and see each other for who we are—our greatest hope and our greatest promise.

We are a weary people in America again. We are tired. We are frustrated. But we cannot give up. That flag over there and we who swear an oath to it and don't just parrot words or say them with some kind of perfunctory obligation—but those who swear an oath to this Nation—must now act with a greater unyielding conviction. We must act to do justice. We must act to heal harms. We must act to walk more humbly. We must act to love one another unconditionally. And now, more than ever, perhaps we need to act in the words of a great abolitionist, a former slave, who in a dark, difficult time when America was failing to live up to its promise, gave forth a sentiment of his actions captured in the poetry of Langston Hughes. He declared through his deed and through his work and through his sacrifice:

America never was America to me,
And yet I swear this oath—
America will be!

As a Nation, in this difficult time where we face the betrayal of a President, the surrender of obligation by a body, may we meet this time with our actions of good will, of a commitment to love and to justice, and to yet again elevating our country so that we, too, may be like, as it says in that great text, "a light unto all Nations."

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am here today to talk about the Senate trial and the factors I have considered in making my decision on the Articles of Impeachment from the House. I have now read hundreds of pages of legal briefs and memos, including the testimony of 17 witnesses. Here, on the Senate floor, I have reviewed more than 190 witness videos and listened care-

fully to more than 65 hours of detailed presentations from both the House managers and from the President's legal team.

As cofounder and cochair of the Ukraine Caucus and someone who is proud to represent many Ukrainian Americans in Ohio, I have been active for the past several years in helping Ukraine as it has sought freedom and independence since the 2014 Revolution of Dignity that saw the corrupt Russian-backed government of Viktor Yanukovich replaced with pro-Western elected leaders.

Since first seeing the transcript of the phone call between President Trump and President Zelensky 4 months ago, I have consistently said that the President asking Ukraine for an investigation into Joe Biden was inappropriate and wrong. I have also said, since then, that any actions taken by members of the administration or those outside the administration to try to delay military assistance or a White House meeting pending an investigation by Ukraine were not appropriate either.

But while I don't condone this behavior, these actions do not rise to the level of removing President Trump from office and taking him off the ballot in a Presidential election year that is already well under way.

I first looked to the fact that the Founders meant for impeachment of a President to be extremely rare, reserved for only "Treason, Bribery, or other high Crimes and Misdemeanors." Any fair reading of what the Founders meant in the Constitution and in the Federalist papers in the context of history and just plain common sense makes it clear that removing a duly elected President demands that those arguing for conviction meet a high standard.

As an example, for good reason there has never been a Presidential impeachment that didn't allege a crime. In the Clinton impeachment, the independent counsel concluded that President Clinton committed not one but two crimes. In this case, no crime is alleged. Let me repeat. In the two Articles of Impeachment that came over to us from the House, there is no criminal law violation alleged. Although I don't think that that is always necessary—there could be circumstances where a crime isn't necessary in an impeachment—without a crime, it is even a higher bar for those who advocate for a conviction, and that high bar is not met here.

What is more, even though it was delayed, the President ultimately did provide the needed military assistance to Ukraine, and he provided it before the September 30 budget deadline, and the requested investigations by Ukraine were not undertaken. It is an important point to make. The aid went. The investigations did not occur.

The military assistance is particularly important to me as a strong supporter of Ukraine. In fact, I was one of those Senators who fought to give

President Obama and his administration the authority to provide badly needed lethal military assistance to Ukraine in response to the Russian aggression that came right after the Revolution of Dignity in 2014.

I must say, I strongly urged the Obama administration to use that authority, and, like Ukraine, I was deeply disappointed when they did not. I strongly supported President Trump's decision to change course and provide that assistance shortly after he came into office. While visiting Ukrainian troops on the frontlines in the Donbas region of Ukraine, I have seen firsthand how much those soldiers need the military assistance President Trump alone has provided.

Beyond whether the President's conduct met the high bar of impeachment, there is also the underlying issue of the legitimacy of the House impeachment process. The House Democrats sent the Senate a flawed case built on what respected George Washington University constitutional law professor Jonathan Turley calls "the shortest proceeding, with the thinnest evidentiary record, and the narrowest grounds ever used to impeach a President."

Instead of using the tools available to compel the administration to produce documents and witnesses, the House followed a self-imposed and entirely political deadline for voting on the Articles of Impeachment before Christmas. After the rushed vote, the House then inexplicably stalled, keeping those articles from being delivered here in the Senate for 28 days, time they could have used to subpoena witnesses and resolve legitimate disagreements about whether evidence was privileged or not. They didn't even bother to subpoena witnesses they then wanted the Senate to subpoena for them.

The House process was also lacking in fundamental fairness and due process in a number of respects. It is incomprehensible to me that the President's counsel did not have the opportunity to cross-examine fact witnesses and that the House selectively leaked deposition testimony from closed-door sessions.

Rushing an impeachment case through the House without due process and giving the Senate a half-baked case to finish sets a very dangerous precedent. If the Senate were to convict, it would send the wrong message and risk making this kind of quick, partisan impeachment in the House a regular occurrence moving forward. That would be terrible for the country.

Less than a year ago, Speaker NANCY PELOSI said: "Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path." She was right.

It is better to let the people decide. Early voting has already started in some States, and the Iowa caucuses occurred last night. Armed with all the

information, we should let the voters have their say at the ballot box.

During the last impeachment 21 years ago, now-House Manager Congressman JERRY NADLER said:

There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy.

In this case, the impeachment wasn't just "substantially supported" by Democrats; it was only supported by Democrats. In fact, a few Democrats actually voted with all the Republicans to oppose the impeachment.

Founder Alexander Hamilton feared that impeachment could easily fall prey to partisan politics. That is exactly what happened here with the only purely partisan impeachment in the history of our great country. For all of these reasons, I am voting against the Articles of Impeachment tomorrow.

It is time to move on and to move on to focus on bipartisan legislation to help the families whom we represent. Unlike the House, the Senate is blocked from conducting its regular business during impeachment.

My colleague from New Jersey asked a moment ago, how do we heal? How do we heal the wounds? Our country is divided, and I think the impeachment has further divided an already polarized country. I think we heal, in part, by surprising the people and coming out from our partisan corners and getting stuff done—stuff that they care about that affects the families we were sent here to represent.

While in the impeachment trial, we were prevented from doing the important legislative work our constituents expect, like passing legislation to lower prescription drug costs, like rebuilding our crumbling roads and bridges, like addressing the new addiction crisis—the combination of synthetic opioids like fentanyl and crystal meth, pure crystal meth coming from Mexico. It is an opportunity for us to strengthen our economy with better skills training, including passing legislation to give workers the skills they need to meet the jobs that are out there. Those are just a few ideas that are ready to go—ideas the President supports, Republicans support, and Democrats support.

I have been working on bipartisan initiatives like the JOBS Act to provide that needed skills training, the Restore Our Parks Act to deal with the infrastructure that is crumbling in our national parks, the Energy Savings and Industrial Competitiveness Act, which promotes energy efficiency—something we should be able to agree on across the aisle. All of these have been sitting idle this year as we have grappled with impeachment.

How do we heal? How do we heal the wounds? In part, let's do it by working together to pass legislation people care about.

Back home, I have seen that the impeachment process has, indeed, further

divided an already polarized country. A conviction in the Senate, removing Donald Trump from office and taking his name off the ballot, would dangerously deepen that growing rift. That is one reason I am glad we are not likely to see a conviction because I do care about our country and bringing it together.

Instead, my hope is that lessons have been learned; that we can heal some wounds for the sake of the country; that we can turn to the bipartisan work most Americans expect us to do; and that we can allow American voters, exercising the most important constitutional check and balance of all, to have their say in this year's Presidential election. I believe this is what the Constitution requires and what the country needs.

I yield back my time.
The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, as I rise today to discuss this impeachment trial, I am reminded of an inscription above the front door of the Finance Building in Harrisburg, PA, from the 1930s. Here is the inscription: "All public service is a trust, given in faith and accepted in honor."

I believe that President Trump and every public official in America must earn that trust every day. That sacred trust is given to us, as the inscription says, "in faith," by virtue of our election.

The question for the President and every public official is this: Will we accept this trust by our honorable conduct? The trust set forth in the inscription is an echo of Alexander Hamilton's words in Federalist No. 65, where Hamilton articulated the standard for impeachment as "offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust."

Over the past 2 weeks, I have listened carefully to the arguments put forward by the President's defense lawyers and the House managers. In light of the substantial record put forth by the managers in this case, I have determined that the managers have not only met but exceeded their burden of proof.

President Trump violated his duty as a public servant by corruptly abusing his power to solicit foreign interference in the 2020 election and by repeatedly obstructing Congress's constitutionally based investigation into his conduct.

President Trump's clearly established pattern of conduct indicates that he will continue to be "a threat to national security and the Constitution if allowed to remain in office." For these reasons, I will vote guilty on both article I and article II.

This impeachment was triggered by the President's conduct. We are here because the President abused his power—the awesome power of his office—to demand that an ally investigate a political opponent, proving his contempt for the Constitution and his duties as a public official.

The House managers provided substantial evidence of wrongdoing. First, as to article I regarding abuse of power, many of the facts here are undisputed. For example, there is no dispute that the President has said, when referring to the Constitution itself: "Article II allows me to do whatever I want." This is what the President of the United States of America said.

Then he withheld congressionally authorized military assistance to Ukraine in a White House meeting with President Zelensky and conditioned that military assistance and the meeting on Ukraine publicly announcing investigations into Vice President Biden and his son, as well as a debunked conspiracy theory about the 2016 election interference. The memorandum of the July 25 phone call in which President Trump asked President Zelensky "to do us a favor though," after Zelensky brought up in the conversation military assistance, that evidence is compelling evidence of wrongdoing.

The President reiterated on the White House lawn on October 3 that Ukraine should "start a major investigation into the Bidens" before adding that China should also "start an investigation into the Bidens."

President Trump's own politically appointed Ambassador to the European Union, Gordon Sondland, explicitly testified that the meeting and the assistance were conditioned on announcing—announcing—the investigations.

The President's defense lawyers first insisted on this floor that he "did absolutely nothing wrong." But later, after even Republican Senators would not make that claim, the new justification for his misconduct was "corruption" and "burden-sharing."

If the President were so concerned about corruption in Ukraine, why did he dismiss one of our best corruption-fighting diplomats, Marie Yovanovitch? In May, the Department of Defense also certified—certified—that Ukraine had taken "substantial actions" to decrease corruption.

If there were legitimate foreign policy concerns about corruption, the President would not have released aid to Ukraine without delay in 2017 and in 2018, only to delay it in 2019, after Joe Biden announced his run for President.

If there were legitimate foreign policy concerns, the President would not have been interested in pursuing investigations based on—as Dr. Fiona Hill testified—a "fictional narrative that is being perpetrated and propagated by the Russian security services" to raise doubts about Russia's own culpability in the 2016 election interference and to harm the relationship between the United States and Ukraine.

Furthermore, the President's defense team would have us believe that he legitimately asserted executive privilege over the House's well-founded impeachment inquiry, despite the fact that he never actually asserted a privilege over a single document or witness. Rather, he issued a blanket directive in which

he refused to cooperate entirely with the House investigation. This action not only obstructed the House's constitutional responsibility of oversight, it also sought to cover up the President's corrupt abuse of power.

At the time of the drafting of the Constitution, the Framers' understanding of "high Crimes and Misdemeanors" was informed by centuries of English legal precedent. This understanding was reflected in the language of Federalist No. 65 that I referred to earlier regarding "an abuse or violation of some public trust." Based on this history, both Chambers of Congress have consistently interpreted "high Crimes and Misdemeanors" broadly to mean "serious violations of the public trust."

The President's defense lawyers argued that impeachment requires the violation of a criminal statute to be constitutionally valid. This argument is offensive, dangerous, and not supported by historical precedent, credible scholarship, or common sense about the sacred notion of the public trust.

When applying the impeachment standard of an "abuse or violation of some public trust," it is clear that President Trump's conduct exceeded that standard. Any effort to corrupt our next election must be met with swift accountability, as provided for in the impeachment clause in the Constitution. There is no other remedy to constrain a President who has acted time and again to advance his personal interests over those of the Nation.

Furthermore, as demonstrated through Special Counsel Mueller's report regarding Russian interference in the 2016 election and the substantial evidence presented in this impeachment trial and the House proceedings, President Trump has engaged in ongoing efforts to solicit foreign interference in our elections.

As the Washington Post reported on September the 21st in a story written by three reporters who have covered the President for several years, the President's conduct on the Ukraine phone call revealed a "President convinced of his own invincibility—apparently willing and even eager to wield the vast powers of the United States to taint a political foe and confident that no one could hold him back."

This President will abuse his power again.

At the outset of this trial and throughout the proceedings, Senate Democrats and 75 percent of the American people have repeatedly called for relevant witnesses and relevant documents to be subpoenaed to ensure a full and fair trial for all parties. For example, we sought testimony from former National Security Advisor John Bolton, whose unpublished manuscript indicates that the President explicitly told Bolton that he wanted to continue the delay in military assistance to Ukraine until it announced the political investigations he was seeking. Fifty-one Senate Republicans refused

to examine this or other relevant evidence, thereby rigging this trial to the benefit of the President. Fair trials have witnesses and documents. Cover-ups have neither.

This is the third Presidential impeachment trial in our country's history, and it is the only one—the only one—to be conducted without calling a single witness. In fact, every completed impeachment trial in history has included new witnesses who were not even interviewed in the House of Representatives. Senate Republicans slammed the door shut on relevant testimony, contrary to the national interest.

Our Founders had the foresight to ensure that the power of the President was not unlimited and that Congress could, if necessary, hold the Executive accountable for abuses of power through the impeachment process. This trial is not simply about grave Presidential abuse of power; it is about our democracy, the sanctity of our elections, and the very values that the Founders agreed should guide our Nation.

I go back to the beginning and that inscription: "All public service is a trust, given in faith and accepted in honor." President Trump dishonored that public trust and thereby abused his power for personal political gain. In order to prevent continuing interference in our upcoming election and blatant obstruction of Congress, I will vote guilty on both articles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise today to address the topic that has consumed this body for the past several weeks, which is, of course, the impeachment trial of the President of the United States.

After the passage of two Impeachment Articles in the House, Speaker PELOSI waited nearly a month to transmit the articles to the Senate. Once she finally did, the trial took precedence, and the wheels were set in motion to conduct the proceedings and render a verdict.

Since it became clear that the House would vote to impeach the President, I have taken my constitutional duty to serve as a juror in the impeachment trial with the seriousness and attention that it demands.

In light of the extensive coverage the situation received, it was impossible not to take notice of the process that unfolded in the House over the course of its investigation. Its inquiry was hasty, flawed, and clearly undertaken under partisan pretenses.

Having rushed to impeach the President ahead of an arbitrary deadline, as well as failing to provide adequate opportunities for the President to defend himself, the impeachment investigation in this case specifically was contrived, at least partially, and was a vehicle to fulfill the fierce desire among many of the President's detractors

that has existed since before he was even sworn in to remove him from office.

Be that as it may, the Constitution makes clear that the Senate has a duty to try all the impeachments. As such, the chief concern I had, as I know many of my colleagues also shared, was for the process in this body to be fair. It was clear to me that what transpired in the House was incredibly partisan and unfair.

I believed the Senate must and would rise to the occasion to conduct a trial that was fair, respectful, and faithful to the design and intent of our Founders. I believed that the organizing resolution that we passed was sufficient in establishing a framework for the trial and also would address the outstanding issues at the appropriate times.

Throughout the course of the trial, I stayed attentive and engaged, taking in the arguments and the evidence presented to the Senate, which included the testimony of over a dozen witnesses and thousands of documents as part of the House investigation.

The House impeachment managers were emphatic that their case against the President was overwhelming, uncontested, convincing, and proven. The President's counsel made an equally forceful case in his defense, countering the claims made by the House and underscoring the grounds on which the Senate should reject the articles and, by necessity, the attempt to expel him from office and a future ballot.

Based on the work done by the House—or maybe, more accurately, the work not done and the inherently flawed and partisan nature of the product it presented to the Senate—I was skeptical that it could prove its case and convince anybody, apart from the President's longtime, most severe critics, that his behavior merited removal from office. After 2 weeks of proceedings in the Senate, my assessment of the situation has not been swayed, nor has it changed. That is why I will vote to acquit the President and reject the weaponization of Congress's authority to impeach the duly elected President of the United States.

To be clear, the partisan nature of this impeachment process potentially sets the stage for more impeachments along strictly partisan lines—a development that would be terrible for our country. The Constitution lays out justifications for impeachment, which include "Treason, Bribery, or other high Crimes and Misdemeanors."

As a U.S. Senator, there is perhaps no more important decision that I am asked to make aside from voting to send Americans to war. That is exactly why I treated this impeachment trial with the gravity and the thoughtfulness I believe that it deserved.

The accusations explicitly made by the House impeachment managers and echoed by some on the other side that the Senate is engaging in a coverup are wrong on the merits and further drag this process down into the rhetoric of

partisan political warfare. I regret that it has descended to such a place. Fulfilling my constitutional obligation after drawing my own conclusions is far from a coverup.

The attempt to turn the impeachment power into a weapon of political convenience will be far more damaging than any other aspect of this chapter in our Nation's history.

At the end of the day, this partisan, deficient process yielded a product built on inadequate foundation, in addition to being clearly motivated by the desire to remove the President, who some vocal activists have viewed as illegitimate since Election Day 2016.

Not even a year ago, Speaker PELOSI was still attempting to stem the push for impeachment within her own party, arguing that "impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path." She was right, and this impeachment process has failed by each of these metrics. It has further divided the country.

The case is certainly not overwhelming, and it has been anything but bipartisan. In fact, the vote against impeaching the President in the House was bipartisan. As a result of Senate rules and precedents, it has also brought the legislative process nearly to a grinding halt.

But as the trial reaches its conclusion, I believe we must move on and return to doing the work of trying to get things done for the American people. The average Arkansan, like many other Americans, is looking for results and asking how the elected leaders they have chosen are trying to help make their lives better and move our country forward. They are not interested in the political games and theater that have consumed much of Washington since September. It is my hope that we return to that real, pressing work in short order.

In just a few months, the voters of this country will get to decide who they prefer to lead our country. I trust them to make that decision, and I trust that the process by which we choose our President and other leaders will remain free and fair and that the outcome will represent the will of the people. The hard-working men and women of our intelligence, law enforcement, and national security communities will continue to work tirelessly to ensure that this is the case, and I have every confidence they will succeed in that endeavor.

It is time to get back to the important work before us and to remember that those we represent are capable of judging for themselves how this impeachment was conducted and, maybe just as importantly, how we conducted ourselves as it unfolded.

We have a responsibility to lead by example. I implore my colleagues to join me in committing to getting back to doing the hard and necessary work before us when this impeachment trial reaches its conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, we are in our third week of the impeachment trial right now. After thousands of documents being reviewed and over a dozen witnesses that we have heard, well over 100 video testimony clips that we have gone through, we are nearing the end.

The country is deeply divided on multiple issues right now, and the impeachment trial is both a symptom of our times and another example of our division.

The Nation didn't have an impeachment inquiry for almost 100 years, until 1868, the partisan impeachment of Andrew Johnson.

Another impeachment wasn't conducted for over 100 years after that, when the House began a formal impeachment inquiry into President Nixon with an overwhelmingly bipartisan vote of 410 to 4.

Just a little over two decades later, there was another partisan impeachment process—President Clinton, when he was impeached on an almost straight partisan vote.

Tomorrow I will join many others to vote to acquit the President of the United States. His actions certainly do not rise to the level of removal from office. This is clearly another one of our partisan impeachments, now the third in our history.

Over the past 3 years, the House of Representatives has voted four times to open an impeachment inquiry: once in 2017, once in 2018, and twice in 2019. Only the second vote in 2019 actually passed and turned into an actual impeachment inquiry.

For 4 months the country has been consumed with impeachment hearings and investigations. First, rumors of issues with Ukraine arose on August 28, when POLITICO wrote a story about U.S. aid being slow-walked for Ukraine, and then September 18, when the Washington Post released a story about a whistleblower report that claimed President Trump pressured an unnamed foreign head of state to do an investigation for his campaign.

Within days of the Washington Post story, before the whistleblower report came out, before anything was known, Speaker PELOSI announced the House would begin hearings to impeach the President, which led to a formal House vote to open an impeachment inquiry on October 31 and a formal vote to impeach the President on December 18.

The House sent over two Articles of Impeachment, asking the Senate to decide if the President should be removed from office and barred from running for any future office in the United States—one on abuse of power; the second on obstruction of Congress. Let me take those two in order.

The abuse of power argument hinges on two things: Did the President of the United States use official funds to compel the Ukrainian Government to

investigate Joe Biden's son and his work for the corrupt natural gas company in Ukraine, Burisma, and did the President withhold a meeting with President Zelensky until President Zelensky agreed to investigate Joe Biden's son?

To be clear, the theory of the funds being withheld from Ukraine in exchange for an investigation doesn't originate from that now-infamous July 25 call. There is nothing in the text of the call that threatens the withholding of funds for an investigation. The theory originates from the belief of Ambassador to the European Union Gordon Sondland's—what he said—presumption—and he repeated that over and over again—presumption that the aid must have been held because of the President's desire to get the Biden investigation done, since the President's attorney—his private attorney—Rudy Giuliani was working to find out more about the Biden investigation and Burisma.

Ambassador Sondland told multiple people about his theory. When he actually called President Trump and asked him directly about it, the President responded that there wasn't any quid pro quo. He just said he wanted the President of Ukraine to do what he ran on and to do the right thing.

Interestingly enough, that is the same thing that President Zelensky said and his Defense Minister said and his chief of staff said. The aid was held because there was legitimate concern about the transition of a brand-new President in Ukraine and his administration in the early days of his Presidency. An unknown on a world stage was elected, President Zelensky, on April 21. His swearing-in date was May 21. During his swearing-in, he also abolished Parliament and called for snap elections. No one knew what he was going to do or what was going to happen.

Those elections happened July 21 in Ukraine, where an overwhelming number of President Zelensky's party won in Parliament. There was an amazing transition in a relatively short period of time in Ukraine and there were a lot of questions.

I will tell you, I was in Ukraine in late May of 2019, and our State Department officials there certainly had questions on the ground about the rapid transition that was happening in Ukraine. It was entirely reasonable for there to be able to be a pause in that time period. Those concerns were resolved in August and early September when the new Parliament started passing anti-corruption laws, and Vice President PENCE sat down face-to-face with President Zelensky on September 1 in Poland to discuss the progress and corruption and their progress on getting other nations to help supply more aid to Ukraine.

As for the meeting with the President being withheld, as I just mentioned, the Vice President of the United States met with President

Zelensky on September 1. That meeting was originally scheduled to be with the President of the United States and all the planning had gone into it, and there was documentation for that. There was a meeting happening between President Zelensky, which was actually the place and date that he asked for to meet with President Trump, except in the final moments of that and the final days leading up to it, Hurricane Dorian approached the United States and that meeting had to be called off by the President while he stayed here, so the Vice President went in his stead.

There was no quid pro quo in a meeting. The meeting that was requested actually occurred. It was interesting to note, as well, when I researched the record about the aid dates for Ukraine in the past 3 years, I found out that, in 2019, the aid arrived in September. It is interesting, from 2016 to 2018, the vast majority of military aid for each of those years—2016, 2017, and 2018—also went to Ukraine in September.

Well, it is easy to create an intricate story about the hold of foreign aid. It is also clear that President Trump has held foreign aid from multiple countries over the last 2 years, including Afghanistan, Pakistan, Honduras, Guatemala, El Salvador, Lebanon, and others. There is no question that a President can withhold aid for a short period of time, but it has to be released by September 30, which it was to Ukraine on time.

The hold did occur. There are messages back and forth about being able to hold, but it is entirely reasonable to have the hold, and it was such a short period of time—the aid arrived at the same time as it usually did each of the past 3 years—that the Minister of Defense for Ukraine actually stated that the hold was so short, they didn't even know it.

What is interesting about this is this is stretched from not just an "abuse of power," but also "obstruction of Congress." That is the second Article of Impeachment. The House argument was that the President didn't turn over every document and allow every witness without submitting everything to Congress immediately. They argued that, if the President challenged any subpoena, he was stalling, he was acting guilty, and so it was grounds for impeachment.

Remember how fast this all happened. The investigation started September 24. The official start of impeachment started October 31 and ended on December 18, with a partisan vote in the House for impeachment. If President Trump obstructed Congress because he didn't turn over documents that didn't even have a legal subpoena within 2 months, then I would say President Obama was not impeached, but maybe he should have been, though I don't think he should have been.

But you could argue in that same way because President Obama did not honor three subpoenas in 3 years on the

Fast and Furious investigation when that happened. For 3 years, he stalled out, but there was no consideration for impeaching President Obama because he shouldn't have been impeached. He was working through the court system as things moved.

This was a serious issue that became even more serious when the House managers moved, not just to say that this is obstruction of Congress if the President doesn't immediately submit, but they took this to a different level by saying the President should not have access to the courts at all, literally stating: Does the Constitution give the legislative branch the power to block the executive branch from the judicial branch?

House managers said, yes, they can rapidly move through a trial, then bring the case to the Senate and have it only partially investigated and then try to use the power of the Senate to block the executive branch from ever going to court to resolve any issue. That has not been done in the past, nor should it be. The President, like every other citizen of the United States, should have access to the courts, and it is not grounds for contempt of Congress to block the President from ever trying to go to court to resolve issues that need to be resolved. Every other President has had that right. This one should have had that right as well.

This tale that President Trump thinks he is a King and doesn't want to follow the law begs reality. Let me remind everyone of the Mueller investigation, where 2,800 subpoenas were done in over 2½ years, with 500 witnesses, including many of the President's inner circle. All of those were provided. None of those were blocked by the administration.

After 2½ years, the final conclusion was there was no conspiracy between the President's campaign and the Russians. The President did honor those subpoenas. The President has been very clear in multiple court cases that he did not like it and he did not agree with it. He has been outspoken on those, but he has honored each court decision. It would be a terrible precedent for the Senate to remove a President from office because he didn't agree that Congress couldn't take away his rights in court like every other American.

The difficulty in this process, as with every impeachment process, is separating facts and the politics of it. There are facts in this case that we took a lot of time to go through. Each of us in this body sat for hour upon hour upon hour, for 2½ weeks, listening to testimony and going through the record. We all spent lots of time being able to read, on our own, the facts and details. That was entirely reasonable to be able to do.

But we have to examine, at the end of the day, what is a fact-based issue that has been answered—and each of the key facts raised by the House all have answers—and what is a politics

issue—to say in an election year, what is being presented by the House that says: What can we do to slow down this process and to try to give the President a bad name during the middle of an election time period? To separate out those two is not a simple process.

But we begin with the most basic element. Do the facts line up with the accusations made by the House? They do not. Are there plenty of accusations? Yes, there are. My fear is that, in the days ahead, there will be more and more accusations as we go. There have been for the last 3 years.

But at this moment and the facts at this time, in the partisan rancor from the House and into the Senate, I am going to choose to acquit the President of the United States. This certainly does not rise to the level of removal from office and forbidding him to run for any other office in the future. It certainly doesn't rise to that level.

In the days ahead, as more facts come out, all of history will be able to see how this occurred and the details of what happens next. I look forward, actually, for that to continue to be able to come out so all can be known.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I would like to share my remarks, not only with my colleagues today, but more so with those who will come after us. I want to touch on four issues: the trial evidence; the President's actions as outlined in articles I and II of the Articles of Impeachment; and finally, and most importantly in my mind, the implications of our decision this week on the future of our government and our country.

First, the trial—weeks ago, I joined my colleagues in swearing an oath to "do impartial justice." Since that time, I have done everything possible to fulfill that responsibility. I paid full attention, taken three legal pads' worth of notes, reviewed press accounts, and had conversations with my colleagues and citizens in my home State of Maine.

The one question I got most frequently back home was how we could proceed without calling relevant witnesses and securing the documents that would confirm or deny the charges against the President, which are at the heart of this matter.

But for the first time in American history, we failed to do so. We robbed ourselves and the American people of a full record of this President's misuse of his office. This failure stains this institution, undermines tomorrow's verdict, and creates a precedent that will haunt those who come after us and, indeed, will haunt the country. But now, we are here, left to make this decision without the facts, concealed by the White House and left concealed by the votes of this body last Friday.

This was not a trial in any real sense. It was, instead, an argument based upon a partial, but still damning,

record. How much better it could have been had we had access to all the facts, facts which will eventually come out, but too late to inform our decisions?

As to the articles themselves, I should begin by saying I have always been a conservative on the subject of impeachment. For the better part of the last 3 years, I have argued both publicly and privately against the idea. Impeachment should not be a tool to remove a President on the basis of policy disagreements. The President's lawyers are right when they argue that this would change our system of government and dangerously weaken any President.

But this reluctance must give way if it requires my turning a blind eye to what happened last summer. The events of last summer were no policy disagreement. They were a deliberate series of acts whereby the President sought to use the power of his office in his own personal and political interests, specifically by pressuring a government of a strategic partner—a partner, by the way, significantly dependent upon our moral and financial support—pressuring that government to take action against one of the President's political rivals and, thereby, undermine the integrity of the coming American election.

This last point is important. In normal circumstances, the argument of the President's defenders that impeachment is not necessary because the election is less than a year away would be persuasive. I could understand that. But the President, in this matter, was attempting to undermine that very election, and he gives every indication that he will continue to do so.

He has expressed no understanding that he did anything wrong, let alone anything reassembling remorse. Impeachment is not a punishment; it is a prevention. The only way, unfortunately, to keep an unrepentant President from repeating his wrongful actions is removal. This President has made it plain that he will listen to nothing else.

Article I charges a clear abuse of power, inviting foreign interference in the upcoming election. The President tasked his personal attorney to work with a foreign head of state to induce an investigation—or just the mere announcement of an investigation—that could harm one of the President's top political rivals.

And to compel the Ukrainians to do so, he unilaterally withheld nearly \$400 million appropriated by Congress to help them fend off Russia's naked and relentless aggression. The President's backers claim that this was done in an effort to root out corruption. So why not use official channels? Why did he focus on no examples of corruption generally other than ones directly affecting his political fortunes? And why did he not make public the withholding of funds, as the executive branch typically does, when seeking to leverage Federal moneys for policy goals?

No matter how many times the President claims his phone call with President Zelensky was perfect, it simply wasn't. He clearly solicited foreign interference in our elections. He disregarded a congressionally passed law. He impaired the security of a key American partner. He undermined our own national security. And, if he was simply pursuing our national interests rather than his own, why was his personal attorney Rudy Giuliani put in charge? Why was Rudy Giuliani mentioned in that phone call?

Put bluntly, no matter the defense, and as a majority of the Members of this body apparently now recognize, President Trump placed his own political interests above the national interests he is sworn to protect. And, as I mentioned, he has shown no sign that he will stop doing so when the next occasion arises, as it surely will.

The implications of acquitting the President on article I are serious. This President will likely do it again, and future Presidents will be unbound from any restraints on the use of the world's most powerful political office for their own personal political gain.

We are moving dangerously close to an elected Monarch—the very thing the Framers feared most.

Article II, to me, is even more serious in its long-term implications. Article I concerns an incident—an egregious misuse of power, to be sure, but a specific set of actions in time. A scheme is probably the most appropriate description, which took place over the course of the past year.

Article II, however, which concerns the President's wholesale obstruction of the impeachment process itself, goes to the heart of Congress's constitutionally derived power to investigate wrongdoing by this or any future President.

I do not arrive at this conclusion lightly. I take seriously the White House counsel's argument that there is a legitimate separation of powers issue here, that executive privilege is real—although I have to note it was never actually asserted in this case, but that executive privilege is real—and that there must be limits on Congress's ability to intrude upon the executive function.

But in this case, despite counsel's questions about which authorizing resolution passed when or whether the House should have more vigorously pursued judicial remedies, the record is clear and is summarized in the White House letter to the House in early October—that the President and his administration “cannot participate” in the impeachment process—cannot participate.

To me, it is this ongoing blanket refusal to cooperate in any way—no witnesses, no documents, no evidence of any kind—that undermines the assertion that a categorical refusal, with overt witness intimidation thrown in, was based upon any legitimate, narrowly tailored legal or constitutional privilege.

No prior President has ever taken such a position, and the argument that this blanket obstruction should be tested in court is severely undercut by the administration's recent argument that the courts have no jurisdiction over such disputes and that the remedy for stonewalling Congress is—you guessed it—impeachment. They argued that in the Federal court in Washington this week.

Interestingly, the first assertion of executive privilege was by George Washington, when the House sought background documents on the Jay Treaty. Washington rested his refusal to produce those documents on the idea that the House had no jurisdiction over matters of foreign policy, but, interestingly, Washington, in his message to Congress, did specify one instance where the House would have a legitimate claim on the documents' release. What was the instance? You guessed it—impeachment.

If allowed to stand, this position that the President—any President—can use his or her position to totally obstruct the production of evidence of their own wrongdoing eviscerates the impeachment power entirely, and it compromises the ongoing authority of Congress to provide any meaningful oversight of the executive whatsoever.

For these and other reasons, I will vote guilty on both Articles of Impeachment.

A final point, the Congress has been committing slow-motion institutional suicide for the past 70 years, abdicating its constitutional authorities and responsibilities one by one: the war power, effectively in the hands of the President since 1942; authority over trade with other countries, superseded by unilateral Presidential imposed tariffs on friends and foes alike; and even the power of the purse, which a supine Congress ceded to the President last year, enabling him to rewrite our duly passed appropriations bill to substitute his priorities for ours. And now this.

The structure of our Constitution is based upon the bedrock principle that the concentration of power is dangerous, that power divided and shared is the best long-term assurance of liberty. To the extent we compromise that principle, give up powers the Framers bestowed upon us, and acquiesce to the growth of an imperial Presidency, we are failing. We are failing our oaths, we are failing our most fundamental responsibility, we are failing the American people.

History may record this week as a turning point in the American experiment—the day that we stepped away from the Framers' vision, enabled a new and unbounded Presidency, and made ourselves observers rather than full participants in the shaping of our country's future.

I sincerely hope I am wrong in all of this, but I deeply fear that I am right.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 24, following the prayer and pledge; further, that Senator BALDWIN be recognized to deliver the address.

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

ADDITIONAL STATEMENTS

TRIBUTE TO ALICE PRIESTER

• Mr. MANCHIN. Madam President, it is my distinct honor to recognize a beloved member of my hometown of Farmington, WV, as well as a very dear lifelong friend to me and my family: Alice Priester, who celebrated her 100th birthday on February 2, 2020.

Particularly what comes to mind when I think of Alice is our bond with the coal miners of our great State. She and I have both lost loved ones to accidents in the coal mines. Every day, as I fight for these brave souls who perform this dangerous work, I am also thinking of the family members like Alice, who also depend on safety standards, fair wages, and precautions. She and her late husband Paul have one son, Fred, who is also involved in the coal industry. I carry this heritage with me no matter where I am but especially when I am in Washington.

The women in my life who raised me are the most important people in the world to me. Even those not related by blood are considered as good as family in tight-knit communities like Farmington, and Alice is an inspiration to me and so many others. Having defeated cancer twice, Alice is one of the strongest, most inspirational people I have ever had the pleasure of calling a dear friend. When she is not cheering on the WVU Mountaineers, Alice is very involved with our church, helping with funeral dinners and driving her neighbors and friends to town and church functions. She also has had a history of involvement with the volunteer fire department and fundraising, and she treats her neighbors as family.

From her days working at the local mine's company store to her retirement from the dining hall at Fairmont State University, Alice has showcased an unparalleled work ethic and zest for life that truly represents the very best of what it means to be a West Virginian.

Alice while you weren't born here, you certainly are a West Virginian in your heart and soul. In West Virginia, if you are hungry, you will be fed. If

you are lost, someone will not only give you directions but will offer to drive you to your destination. I am so deeply proud of the people of my home State and the values that make us stand out from the rest of the Nation. Gayle and I are so deeply appreciative of your very dear friendship, your generosity to the Farmington community, and your warm, welcoming hospitality.

Alice, as your family and friends honor you, please know that you have provided so much happiness and wisdom to the lives of those around you throughout the years. It is my wish that the memory of your special 100th birthday remains with you just as your guidance and influence will remain in all the lives you have touched. Again, it is with the greatest admiration that I send to you my best wishes.●

TRIBUTE TO MATTIE FLORENCE JONES

• Mr. PAUL. Madam President, I want to recognize Ms. Mattie Florence Jones, recipient of the 2020 Dr. Martin Luther King, Jr. Freedom Award, for her lifetime of commitment to the dream of equality so beautifully articulated by Dr. King. Her tireless civil rights advocacy is surpassed only by her loving commitment to her family, including the dozens of foster children who were welcomed into her Louisville household. Her legacy of activism and service are unparalleled and worthy of this special distinction.●

RECOGNIZING SUN HARVEST CITRUS

• Mr. RUBIO. Madam President, as chairman of the Senate Committee on Small Business and Entrepreneurship, each week I honor a small business that demonstrates America's unique entrepreneurial spirit. I am pleased to recognize a business that has been a notable member of their local community for nearly 30 years. Today, it is my pleasure to name Sun Harvest Citrus of Fort Myers, FL, as the Senate Small Business of the Week.

Founded in 1990 by Sandy McKenzie Nicely, Sun Harvest Citrus is known for their high-quality citrus products, which makes them a premiere Fort Myers destination. Their produce is sourced from citrus groves originally purchased by Sandy's grandfather Robert Edsall, Sr., in 1940. The grove, located along the east coast of Florida and consisting of approximately 800 acres of land, has passed through her family for three generations and is now managed by her brother, David McKenzie. Sandy became inspired to open the Sun Harvest Citrus store in 1990 when the Florida citrus industry dealt with overproduction. The store became a great way to sell the surplus citrus from the groves, while offering a location for customers to gather. Since 1990, they have expanded their products to offer several different types of citrus produce, juices, candies, and sweets, as

well as serve as a tourist attraction for the Fort Myers area.

Today, Sun Harvest Citrus employs more than 25 Floridians and produces a diverse variety of orange and grapefruit products. The store sells seasonal citrus baskets and produces up to 2,500 gallons of juice a day. One of their most popular products is the Orange Vanilla mix soft-serve ice cream that has become a well-known tourist stop for people traveling down the west coast of Florida. Many of their products are seasonal, such as Valencia oranges or Honeybell tangelos, with Sun Harvest Citrus providing each seasonal fruit and juice during the months they are produced.

In addition to their store and citrus groves, Sun Harvest Citrus has become a centerpiece in the Fort Myers community. USA Today listed Sun Harvest Citrus as one of the 10 best places to shop in the Fort Myers area. Sun Harvest Citrus also distributes their juice to local businesses and community events. For example, in an effort to spread Christmas cheer, Sun Harvest Citrus provided their fresh orange juice to patients and families at a holiday event hosted by the local Fort Myers Kiwanis at the John Hopkins All Children's Outpatient Care center.

Sun Harvest Citrus is an excellent example of a family run business that is making a positive impact in their community. I commend this Florida business for its dedication to providing great products to the community and creating a gathering place where all local residents and visitors are welcomed. I am proud to recognize everyone at Sun Harvest Citrus, and I look forward to seeing their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON FEBRUARY 4, 2020—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying