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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Strong Deliverer, our shelter in the time of storms, we acknowledge today that You are God and we are not. You don't disappoint those who trust in You, for You are our fortress and bulwark.

Lord, show our Senators Your ways and teach them to walk in Your path of integrity.

Through the seasons of our Nation's history, You have been patient and merciful. Mighty God, be true to Your name. Fulfill Your purposes for our Nation and world.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. BLACKBURN). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to speak for 1 minute.

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

PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Last night, in the State of the Union Address, President Trump called on Congress to put bipartisan legislation to lower prescription drug prices on his desk and that he would sign it.

Here are the facts. The House is controlled by Democrats. The Senate requires bipartisanship to get any legislating done. There are only a couple of months left before the campaign season will likely impede anything from being accomplished in this Congress. So the time to act is right now.

I am calling on my colleagues on both sides of the aisle to get off the sidelines and to work with me and Senator WYDEN, as President Trump already is, to heed the call to action that he gave us last night and pass the Prescription Drug Pricing Reduction Act. It is the only significant bipartisan bill in town. President Trump, the AARP, and the libertarian Cato think tank, to name just a few people involved, have all endorsed the bill.

If you are serious about fulfilling promises to lower drug costs, my office door is open, as Senator WYDEN's door is open. It is time for the Senate to act and to deliver for the American people. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

IMPEACHMENT

Mr. MERKLEY. Madam President, as Senators, our decisions build the foundation for future generations. I want those generations to know that I stood here on the floor of this Chamber fighting for equal justice under law. I stood here to defend our Senate's responsibility to provide a fair trial with witnesses and documents. I stood here to say that when our President invites and pressures a foreign government to smear a political opponent and corrupt the integrity of our 2020 Presidential election, he must be removed from office.

As a number of my Republican colleagues have confessed, the House managers have proven their case. President Trump did sanction a corrupt conspiracy to smear a political opponent, former Vice President Joe Biden. President Trump assigned Rudy Giuliani, his personal lawyer, to accomplish that goal by arranging sham investigations by the Government of Ukraine. President Trump advanced his corrupt scheme by instructing the three amigos—Ambassador Volker, Secretary of Energy Rick Perry, and Ambassador Gordon Sondland—to work with Rudy for this goal. President Trump did use the resources of America, including an Oval Office meeting and security assistance to pressure Ukraine, which was at war with Russia, to participate in this corrupt conspiracy. The facts are clear.

But do President Trump's acts rise to the level the Framers envisioned for removal of a President, or are they, as some colleagues in this Chamber have said, simply "inappropriate," but not "impeachable"? With respect to those colleagues, "inappropriate" is lying to the public; "inappropriate" is shunning our allies or failing to put your personal assets into a blind trust or encouraging foreign governments to patronize your properties. That is something you might call "inappropriate," but that word does not begin to encompass President Trump's actions in this case—a corrupt conspiracy comprising a fundamental assault on our Constitution.

This conspiracy is far worse than Watergate. Watergate was about a break-in to spy on the Democratic National Committee—bad, yes; wrong, definitely. But Watergate didn't involve soliciting foreign interference to destroy the integrity of an election. It didn't involve an effort to smear a political opponent. Watergate did not involve an across-the-board blockade of access by Congress to witnesses and documents.

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



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If you believe that Congress was right to conclude that President Nixon's abuse of power merited expulsion from office, you have no choice but to conclude that President Trump's corrupt conspiracy merits his expulsion from office.

President Trump should be removed from office this very day by action in this very Chamber, but he will not be removed because this Senate has failed to conduct a full and fair trial to reveal the extensive dimensions of his conspiracy and because the siren call to party loyalty over country has infected this Chamber.

Every American understands what constitutes a full and fair trial. A full and fair trial has witnesses. A full and fair trial has documents. A full and fair trial does not begin with the jury foreman declaring that he is working hand-in-glove with the defendant. When discussing why the Senate tries impeachments, Alexander Hamilton stated: "Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent" for that daunting responsibility?

Every American should feel the sadness, the darkness, the tragedy of this moment in which this Senate is neither sufficiently dignified nor sufficiently independent for that responsibility.

The Senate trial became a coverup when the majority voted on January 22 and again on January 31 to block all access to witnesses and documents. If this coverup goes forward, it will be the latest in a set of corrupt firsts this Senate has achieved under Republican leadership.

It has been the first Senate to ignore our constitutional responsibilities to debate and vote on a Supreme Court nominee in 2016. It became the first Senate to complete the theft of a Supreme Court seat from one administration giving it to another in 2017.

And now, it becomes the first Senate in American history to replace an impeachment trial with a coverup. President Trump might want to consider this: With a coverup in lieu of a trial, there is no "exoneration," no matter how badly President Trump might want it. No matter how boldly he might claim it, there is no "exoneration" from a coverup.

If this Senate fails to convict President Trump when we vote later today, we destroy our constitutional responsibility to serve as a check against the abuses of a runaway President. It is a devastating blow to the checks and balances which have stood at the heart of our Constitution.

Our tripartite system is like a three-legged stool, where each leg works in balance with the others. If one leg is cracked or weakened, well, that stool topples over. If the Senate's responsibility is gutted and the limits on Presidential power are undermined, then, there is lasting damage to the checks and balances our Founders so carefully crafted.

Let's also be clear. The situation that we find ourselves in today didn't

spring out of nowhere. With respect to the Chief Justice, the road to this moment has been paved by decisions made in the Supreme Court undermining the "We the People" Republic, while Justice Roberts has led the Court—decisions like *Citizens United* in 2010, which corrupted our political campaigns with a flood of dark money, the equivalent of a stadium sound system drowning out the voice of the people; decisions like *Shelby County* in 2013, which gutted the Voting Rights Act, opening the door to voter suppression and voter intimidation—if you believe in our Republic, you believe in voter empowerment, not voter suppression—decisions like *Rucho v. Common Cause* in 2019, giving the green light to extreme partisan gerrymandering, in which politicians choose their voters rather than voters choosing their politicians. It is one blow after another giving more power to the powerful and undermining the vision of government of, by, and for the people—blow after blow making officials more responsive to the rich and wealthy donors than the people they are elected to represent.

These Supreme Court decisions have elevated government by and for the powerful, and trampled government by and for the people, paving the path for this dark moment in which the U.S. Senate chooses to defend a corrupt President by converting a trial into a coverup. A trial without access to witnesses and documents is what one expects of a corrupted court in Russia or China, not the United States of America.

We know what democracy looks like, and it is not just about having the Constitution or holding elections. Our democracy is not set in stone. It is not guaranteed by anything other than the good will and good faith of the people of this country. Keeping a democracy takes courage and commitment. As the saying goes, "freedom isn't free." It is an inheritance bequeathed to us by those who have fought and bled and died to ensure that government "of the people, by the people, for the people shall not perish from the Earth."

Fighting for that inheritance doesn't only happen on the battlefield. It happens when Americans everywhere go to the polls to cast a ballot. It happens when ordinary citizens, distraught at what they are seeing, speak up, join a march, or run for office to make a difference. And it happens here in this Chamber—in this Senate Chamber—when Senators put addressing the challenges of our country over the pressures from their party.

Before casting their votes today, I urge each and every one of my colleagues to ask themselves: Will you defend the integrity of our elections? Will you deliver impartial justice? Will you protect the separation of powers—the heart of our Constitution? Will you uphold the rule of law and the inspiring words carved above the doors of our Supreme Court, "Equal Justice Under Law"?

I stand here today in support of our Constitution, which has made our Nation that shining city on a hill. I stand here today for equal justice under law. I stand here today for a full and fair trial as our Constitution demands. I stand here today to say that a President who has abused this office by soliciting a foreign country to intervene in the election of 2020 and bias the outcome—betraying the trust of the American people and undermining the strength of our Constitution—must be removed from office.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

STATE OF THE UNION ADDRESS

Mr. SCHUMER. Madam President, I will speak later this afternoon, at about 3:30—prior to the vote on the Articles of Impeachment—about impeachment, but this morning, I would like to briefly respond to President Trump's third State of the Union Address. It was a sad moment for democracy.

The President's speech last night was much more like a Trump rally than a speech a true leader would give. It was demagogic, undignified, highly partisan, and, in too many places, just untruthful. Instead of a dignified President, we had some combination of a pep rally leader, a reality show host, and a carnival barker. That is not what Presidents are.

President Trump took credit for inheriting an economy that has been growing at about the same pace over the last 10 years. The bottom line is, during the last 3 years of the Obama administration, more jobs were created than under these 3 years of the Trump administration. Yet he can't resist digging at the past President even though the past President's economic number was better than his.

He boasted about how many manufacturing jobs he has created. Manufacturing jobs have gone down, in part, because of the President's trade policies for 5 months late last year. There was a 5-month-long recession last year. Farmers are struggling mightily. Farm income is way down. Bankruptcies are the highest they have been in 8 years. Crop prices are dwindling, and markets may never recover from the damage of the President's trade war as so many contracts for soybeans and other goods have gone to Argentina and Brazil. These are not 1-year contracts; these are long-term contracts.

The President talked at length about healthcare and claimed—amazingly at one point—he will fight to protect patients with preexisting conditions. This President just lies—just lies. He is in court right now, trying to undo the protections for preexisting conditions. At the same time, he says he wants to do it, and all the Republicans get up