

one of the darker moments in the Senate history, perhaps one of even the darkest.

Leader MCCONNELL has just said he wants to go by the Clinton rules. Then why did he change them, in four important ways at minimum, to all make the trial less transparent, less clear, and with less evidence? He said he wanted to get started in exactly the same way. It turns out, contrary to what the leader said—I am amazed he could say it with a straight face—that the rules are the same as the Clinton rules. The rules are not even close to the Clinton rules.

Unlike the Clinton rules, the McConnell resolution does not admit the record of the House impeachment proceedings into evidence. Leader MCCONNELL wants a trial with no existing evidence and no new evidence. A trial without evidence is not a trial; it is a coverup.

Second, unlike the Clinton rules, the McConnell resolution limits presentation by the parties to 24 hours per side over only 2 days. We start at 1, 12 hours a day, we are at 1 a.m., and that is without breaks. It will be later. Leader MCCONNELL wants to force the managers to make important parts of their case in the dark of night.

No. 3, unlike the Clinton rules, the McConnell resolution places an additional hurdle to get witnesses and documents by requiring a vote on whether such motions are even in order. If that vote fails, then no motions to subpoena witnesses and documents will be in order.

I don't want anyone on the other side to say: I am going to vote no first on witnesses, but then later I will determine—if they vote for McConnell's resolution, they are making it far more difficult to vote in the future, later on in the trial.

And finally, unlike the Clinton rules, the McConnell resolution allows a motion to dismiss at any time—any time—in the trial.

In short, contrary to what the leader has said, the McConnell rules are not at all like the Clinton rules. The Republican leader's resolution is based neither in precedent nor in principle. It is driven by partisanship and the politics of the moment.

Today I will be offering amendments to fix the many flaws in Leader MCCONNELL's deeply unfair resolution and seek the witnesses and documents we have requested, beginning with an amendment to have the Senate subpoena White House documents.

Let me be clear. These amendments are not dilatory. They only seek one thing: the truth. That means relevant documents. That means relevant witnesses. That is the only way to get a fair trial, and everyone in this body knows it.

Each Senate impeachment trial in our history, all 15 that were brought to completion, feature witnesses—every single one.

The witnesses we request are not Democrats. They are the President's

own men. The documents are not Democratic documents. They are documents, period. We don't know if the evidence of the witnesses or the documents will be exculpatory to the President or incriminating, but we have an obligation—a solemn obligation, particularly now during this most deep and solemn part of our Constitution—to seek the truth and then let the chips fall where they may.

My Republican colleagues have offered several explanations for opposing witnesses and documents at the start of the trial. None of them has much merit. Republicans have said we should deal with the question of witnesses later in the trial. Of course, it makes no sense to hear both sides present their case first and then afterward decide if the Senate should hear evidence. The evidence is supposed to inform arguments, not come after they are completed.

Some Republicans have said the Senate should not go beyond the House record by calling any witnesses, but the Constitution gives the Senate the sole power to try impeachments—not the sole power to review, not the sole power to rehash but to try.

Republicans have called our request for witnesses and documents political. If seeking the truth is political, then the Republican Party is in serious trouble.

The White House has said that the Articles of Impeachment are brazen and wrong. Well, if the President believes his impeachment is so brazen and wrong, why won't he show us why? Why is the President so insistent that no one come forward, that no documents be released? If the President's case is so weak, that none of the President's men can defend him under oath, shame on him and those who allow it to happen. What is the President hiding? What are our Republican colleagues hiding? If they weren't afraid of the truth, they would say: Go right ahead, get at the truth, get witnesses, get documents.

In fact, at no point over the last few months have I heard a single, solitary argument on the merits of why witnesses and documents should not be part of the trial. No Republicans explained why less evidence is better than more evidence.

Nevertheless, Leader MCCONNELL is poised to ask the Senate to begin the first impeachment trial of a President in history without witnesses; that rushes through the arguments as quickly as possible; that, in ways both shameless and subtle, will conceal the truth—the truth—from the American people.

Leader MCCONNELL claimed that the House "ran the most rushed, least thorough, and most unfair impeachment inquiry in modern history." The truth is, Leader MCCONNELL is plotting the most rushed, least thorough, and most unfair impeachment trial in modern history, and it begins today.

The Senate has before it a very straightforward question. The Presi-

dent is accused of coercing a foreign power to interfere in our elections to help himself. It is the job of the Senate to determine if these very serious charges are true. The very least we can do is examine the facts, review the documents, hear the witnesses, try the case, not run from it, not hide from it—try it.

If the President commits high crimes and misdemeanors and Congress refuses to act, refuses even to conduct a fair trial of his conduct, then Presidents—this President and future Presidents—can commit impeachable crimes with impunity, and the order and rigor of our democracy will dramatically decline.

The fail-safe—the final fail-safe of our democracy will be rendered mute. The most powerful check on the Executive—the one designed to protect the people from tyranny—will be erased.

In a short time, my colleagues, each of us, will face a choice about whether to begin this trial in search of the truth or in service of the President's desire to cover it up, whether the Senate will conduct a fair trial and a full airing of the facts or rush to a predetermined political outcome.

My colleagues, the eyes of the Nation, the eyes of history, the eyes of the Founding Fathers are upon us. History will be our final judge. Will Senators rise to the occasion?

I yield the floor.

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#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess, subject to the call of the Chair.

Thereupon, the Senate, at 12:58 p.m., recessed subject to the call of the Chair and reassembled at 1:18 p.m., when called to order by the CHIEF JUSTICE.

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#### TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment.

#### THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The CHIEF JUSTICE. I am aware of one Senator present who was unable to take the impeachment oath last Thursday.