



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, MONDAY, FEBRUARY 3, 2020

No. 22

Senate

The Senate met at 11:05 a.m. and was called to order by the Chief Justice of the United States.

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

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

The Chaplain will lead us in prayer.

PRAYER

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

Let us pray.

Arise, O Lord, as we enter the final arguments phase of this impeachment trial. Mighty God, we continue to keep our eyes on You, on whom our faith depends from start to finish. May our Senators embrace Your promise to do for them immeasurably, abundantly, above all that they can ask or imagine.

Lord, help our lawmakers to store Your promises in their hearts and permit You to keep them from stumbling. Grant that they will leave a legacy of honor as they seek Your will in all they do.

We pray in Your amazing Name. Amen.

PLEDGE OF ALLEGIANCE

The Chief Justice 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.

THE JOURNAL

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

The Deputy Sergeant at Arms will make the proclamation.

The Deputy Sergeant at Arms, Jennifer Hemingway, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles

of impeachment exhibited by the House of Representatives against Donald John Trump, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. Chief Justice, colleagues.

Today the Senate will hear up to 4 hours of closing statements by the two sides. We will take a 30-minute lunch break after the House has made its initial presentation. Then we will come back and finish this afternoon.

The CHIEF JUSTICE. Pursuant to the provisions of S. Res. 488, the Senate has provided for up to 4 hours of closing arguments, equally divided between the managers on the part of the House of Representatives and the counsel for the President. Pursuant to rule XXII of the rules of procedure and practice of the Senate when sitting on impeachment trials, the arguments shall be opened and closed on the part of the House of Representatives.

The Presiding Officer recognizes Mr. Manager SCHIFF to begin the presentation on the part of the House of Representatives.

Mr. Manager CROW. Mr. Chief Justice, Members of the U.S. Senate, counsel for the President.

Almost 170 years ago, Senator Daniel Webster of Massachusetts took to the well of the Old Senate Chamber, not far from where I am standing. He delivered what would become perhaps his most famous address, the "Seventh of March" speech. Webster sought to rally his colleagues to adopt the Compromise of 1850, a package of legislation that he and others hoped would forestall a civil war brewing over the question of slavery.

He said:

It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity, and its own high responsibilities, and a body to which the country looks with confidence, for wise, moderate, patriotic, and healing counsels. It is not to be denied that

we live in the midst of strong agitations and are surrounded by very considerable dangers to our institutions and our government. The imprisoned winds are let loose . . . but I have a duty to perform, and I mean to perform it with fidelity—not without a sense of surrounding dangers, but not without hope.

Webster was wrong to believe that the Compromise of 1850 could prevent secession of the South, but I hope he was not wrong to put his faith in the Senate because the design of the Constitution and the intention of the Framers was that the Senate would be a Chamber removed from the sway of temporary political winds.

In Federalist 65, Hamilton wrote:

Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation, to preserve, unawed and uninfluenced, the necessary impartiality between an individual accused, and the representatives of the people, his accusers?

In the same essay, Hamilton explained this about impeachment:

The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself.

The prosecution of them, for this reason, 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 such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.

Daniel Webster and Alexander Hamilton placed their hopes in you, the Senate, to be the court of greatest impartiality, to be a neutral representative of the people in determining—uninfluenced by party or preexisting faction—the innocence or guilt of the President of the United States.

Today you have a duty to perform, with fidelity, not without a sense of surrounding dangers, but also not without hope.

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



Printed on recycled paper.

S773