

our heartfelt views of right and wrong are in conflict with the popular opinion of our constituents?

What happens when the devotion to our oaths, to our values, to our love of country depart from the momentary passion of the large number of people backing us? Those are the times that try our souls.

CBS news reported last night that a Trump confidante said that GOP Senators were warned: "Vote against the President, and your head will be on a pike." I don't know if that is true.

"Vote against the President, and your head will be on a pike." I have to say when I read that—and again, I don't know if that is true, but when I read that, I was struck by the irony. I hope it is not true. I hope it is not true. I was struck by the irony of the idea, when we are talking about a President who would make himself a Monarch, that whoever that was would use the terminology of a penalty that was opposed by a Monarch—"head on a pike."

Just this week America lost a hero, Thomas Railsback, who passed away on Monday, the day before this trial began. Some of you may have known or even served with Congressman Thomas Railsback. He was a Republican from Illinois and the second ranking Member on the House Judiciary Committee when that committee was conducting its impeachment inquiry into President Nixon.

In July of 1974, as the inquiry was coming to a close, Congressman Railsback began meeting with a bipartisan group of Members of the House—three other Republicans and three Democrats. Here in the Senate they might have called them the Gang of 7.

They gathered and they talked and they labored over language and ultimately helped develop the bipartisan support for the articles that led a group of Republican Senators, including Barry Goldwater and Howard Baker, to tell President Nixon that he must resign.

Some say that the Nixon impeachment might not have moved forward were it not for those four courageous Republicans led by Congressman Railsback, and it pained the Congressman because he credited Nixon with giving him his seat and with getting him elected. He did it, he said, because "seeing all the evidence, it was something we had to do because the evidence was there." One of his aides, Ray LaHood, eulogized him saying: He felt an obligation to the Constitution to do what is right.

Now, soon, Members of this body will face the most momentous of decisions—not, as I said at the outset, between guilt and innocence, but a far more foundational issue: Should there be a fair trial? Shall the House be able to present its case with witnesses and documents through the use of subpoenas as has been the case in every impeachment trial in history?

Now, the President's lawyers have been making their case outside of this

Chamber, threatening to stall these proceedings with the assertion of false claims of privilege. Having persuaded this body to postpone consideration of the witnesses and documents, they now appear to be preparing the ground to say it will be too late to consider them next week.

But consider this: Of the hundreds of documents that we have subpoenaed, there is no colorable claim and none has been asserted. To the degree that you could even make a claim, that claim has been waived. To the degree that even superficially the claim would attach, it does not conceal misconduct. And what is more, to the degree that there were a dispute over whether a privilege applied, we have a perfectly good judge sitting behind me empowered by the rules of this body to resolve those disputes.

When the Chief Justice decides where a narrow application of privilege ought to apply, you will still have the power to overrule him. How often do you get the chance to overrule a Chief Justice of the Supreme Court? You have to admit, it is every legislator's dream.

So let us not be fooled by the argument that it will take too long or persuaded that the trial must be over before the State of the Union. This is no parking ticket we are contesting and no shoplifting case we are prosecuting. It is a matter of high crimes and misdemeanors.

How long is too long to have a fair trial—fair to the President and fair to the American people? The American people do not agree on much, but they will not forgive being deprived of the truth and certainly not because it took a back seat to expediency.

In his pamphlet of 1777, "The American Crisis," Thomas Paine wrote:

Those who expect to reap the blessings of freedom must . . . undergo the fatigue of supporting it.

Is it too much fatigue to call witnesses and have a fair trial? Are the blessings of freedom so meager that we will not endure the fatigue of a real trial with witnesses and documents?

President Lincoln, in his closing message to Congress in December 1862, said this:

Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.

I think he was the most interesting President in history. He may be the most interesting person in our history. This man, who started out dirt poor—dirt poor. Like hundreds of thousands of other people at the time, he had nothing—no money and no education. He educated himself. He educated himself. But he had a brain in that head, a brilliance in that mind that made him one of the most incredible, not just Presidents, but people in history.

I think he is the most interesting character in our history. Out of the

hundreds and hundreds of thousands of other Americans at the time, why him? Why him?

I think a lot about history, as I know you do. Sometimes I think about how unforgiving history can be of our conduct.

We can do a lifetime's work, draft the most wonderful legislation, help our constituents, and yet we may be remembered for none of that. But for a single decision, we may be remembered, affecting the course of our country.

I believe this may be one of those moments—a moment we never thought we would see, a moment when our democracy was gravely threatened and not from without but from within.

Russia, too, has a constitution. It is not a bad constitution. It is just a meaningless one. In Russia, they have trial by telephone. They have the same ostensible rights we do to a trial. They hear evidence and witnesses, but before the verdict is rendered, the judge picks up the telephone and calls the right person to find out how it is supposed to turn out. Trial by telephone. Is that what we have here—a trial by telephone, someone on the other end of the phone dictating what this trial should look like?

The Founders gave us more than words. They gave us inspiration. They may have receded into mythology, but they inspire us still. And more than us, they inspire the rest of the world. They inspire the rest of the world.

From their prison cells in Turkey, journalists look to us. From their internment camps in China, they look to us. From their cells in Egypt, those who gathered in Tahrir Square for a better life look to us. From the Philippines, those who were the victims and their families of mass extrajudicial killings, they look to us. From Elgin prison, they look to us. From all over the world, they look to us.

Increasingly, they don't recognize what they see. It is a terrible tragedy for them. It is a worse tragedy for us, because there is nowhere else for them to turn. They are not going to turn to Russia. They are not going to turn to China. They are not going to turn to Europe with all of its problems. They look to us because we are still the indispensable Nation. They look to us because we have a rule of law. They look to us because no one is above that law.

One of the things that separates us from those people in Elgin prison is the right to a trial. It is a right to a trial. Americans get a fair trial.

So I am asking you. I implore you. Give America a fair trial. Give America a fair trial. She is worth it.

The CHIEF JUSTICE. The majority leader is recognized.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. MCCONNELL. Mr. Chief Justice, I ask unanimous consent that the trial adjourn until 10:00 a.m., Saturday, January 25, and that this order also constitute the adjournment of the Senate.

There being no objection, at 8:54 Impeachment, adjourned until Saturday, the Senate, sitting as a Court of day, January 25, 2020, at 10 a.m.