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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Eternal God, the source of our joy, thank You for hearing our prayers, for Your mercy is unending. Strengthen our lawmakers that they may grow in grace and increase in their knowledge of You. Give them courage to cry out against injustice, to lift burdens, and to break fetters. May they strive to transform dark yesterdays into bright tomorrows. Lord, remind them that Your favor has a lifetime guarantee. Use our Senators as instruments of Your glory. May Your peace go with them as they see to do Your will on Earth, even as it is done in Heaven.

We pray in Your loving 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Madam President, the President of the United States made a superb choice. He chose to fill a place on the Nation's highest Court with one of the Nation's brightest legal minds. Brett Kavanaugh brings unimpeachable academic credentials as a

student at Yale and a lecturer at Harvard. He carries over a decade of experience ruling from the Nation's most consequential circuit court. Along the way, he has earned the admiration and praise of his peers—legal professionals with all manner of judicial and political philosophies—for his professional abilities and his experience, as well as qualities that simply go beyond his resume.

Nevertheless, the instant Judge Kavanaugh was announced, far-left groups and some of our own Democratic colleagues in the Senate started pushing the same old scare tactics. More than a week before the nomination, one Democratic Senator explained on cable news that President Trump's nominee, whoever it was, would threaten "the destruction of the Constitution, as far as I can tell." The President hadn't even named his selection, and already our entire system of government was on its last legs? Give me a break. This Senator, by the way, serves on the Judiciary Committee.

One leftwing group had an angry press release all ready to go for whoever the nominee would be, but after Judge Kavanaugh's nomination was announced, they forgot to fill in his name. They had the press release ready with a big blank there, and they forgot to fill in the name. They wound up decrying all the terrible things that would happen if we confirmed the President's "nomination of blank to the Supreme Court," and they sent it out. That kind of says it all—fill-in-the-blank opposition.

Our Democratic friends have learned Judge Kavanaugh's name by now, but the hysterical attacks haven't gotten any less desperate or any more sensible. No sooner are these silly attacks launched than they are beaten back by the facts.

One of the flavors of the week was the outlandish claim that in law review articles he wrote 10 or 20 years ago, Judge Kavanaugh supposedly said that

sitting Presidents cannot be held accountable under the law. Some far-left special interests claimed he said that. So did some congressional Democrats. It was the perfect conspiracy theory, catnip for their far-left base. The only problem was, it wasn't true. People who have actually looked at these articles note that Judge Kavanaugh "does not reach legal conclusions on issues" of Presidential accountability. If anything, he seems to arrive at the opposite conclusion of what has been alleged.

Professor Noah Feldman of Harvard Law School observed that "from a legal and constitutional perspective," Judge Kavanaugh "wasn't saying that the courts should find that the President shouldn't be investigated" or held accountable; "to the contrary." To the contrary. Professor Feldman observes that Judge Kavanaugh's logic would seem to imply that any President is open to being investigated and held accountable under the law. Here is how Professor Feldman finished his debunking of this unfair attack. This is what he said: "Trying to oppose him on logically backward grounds doesn't serve anyone's interests."

The Washington Post Fact Checker jumped on the Democrats' mischaracterization. It explained that Judge Kavanaugh's scholarly articles actually contained "a mainstream view" on this constitutional question. They blasted the Democratic rhetoric as "an extreme distortion of what he has written."

Let me sum that up. According to the Washington Post, it is Judge Kavanaugh's analysis that is mainstream. It is the distortions of his record by congressional Democrats and far-left special interest groups that are extreme.

We have a word for blatantly misrepresenting the record and character of a judicial nominee in order to achieve a political objective. We call it an attempt to Bork the nominee. It refers to how Judge Robert Bork was

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



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