

Committee. One-third of the documents we are getting, which is a small percentage of the total documents, are being deemed as “committee confidential” by the majority and have not been released, stacking an additional layer of secrecy on top of multiple layers of existing secrecy.

Why are I and my staff and the other 79 Senators not on the Judiciary Committee being denied the ability to review so many of these documents that have been given to the Judiciary Committee? What are the Republicans on the Judiciary Committee hiding? The moniker “committee confidential” sounds like another way to shield Judge Kavanaugh’s record from the eyes of the American people and the Senate, and we have no knowledge of why these documents are being withheld.

Even the National Archives—non-partisan and neutral—felt compelled to release a statement about this process. They are usually very quiet. They are archivists. They go ahead and do their job. They felt that what was going on was wrong. You can tell by the statement they released. The Archives clarified that Burck’s review of Kavanaugh’s records is “a separate review—completely apart from the National Archives and the George W. Bush Presidential Library’s efforts. This effort by former President Bush does not represent the National Archives or the George W. Bush Presidential Library.” That is what the archivists said. They are separating themselves from such a secretive, non-democratic process. For a down-the-middle organization like the National Archives—very reluctant to comment on political matters—to put out a statement like this goes to show how far the Republicans and Chairman GRASSLEY have departed from precedent.

The obstruction here is shocking. Everywhere you look, Republicans are deciding what constitutes the proper review of a nominee chosen by a Republican President. Republicans have unilaterally decided what documents are relevant to the Senate. Republican lawyers are the ones combing through those documents and deciding unilaterally which can be released to the Senate. The Republican majority and the chairman of the Judiciary Committee are then deciding unilaterally which of those documents remain under the committee’s lock and key. It is like letting only the defendant in a lawsuit decide what evidence is admissible. Let me say that again. This is exactly like letting only the defendant in a lawsuit decide what evidence to admit. It would be a rigged trial. That is what is happening here.

It seems as though the Republicans are trying to rush Judge Kavanaugh through with as little scrutiny as possible because they know there are some troubling beliefs in his history. Think about what we already know. Judge Kavanaugh has written opinions skep-

tical of our healthcare, reproductive rights, and even the contraceptive coverage requirement. On this issue, he is far to the right of the American people. That is maybe why our Republican friends don’t want people to know his views. He has argued that Presidents should effectively be above the law; that they should be immune from civil and criminal investigations while in office; that Presidents can decline to enforce a law they deem unconstitutional, even if a court has held it constitutional; that Presidents should be able to reach into independent Federal agencies to hire and fire the heads of those agencies at will. He rules almost reflexively against actions by Federal agencies, whether it is net neutrality, environmental protections, or dark money.

That is another one. He seems to agree with the Citizens United decision and would seem to allow dark money—poisoning our politics, leaving American people with little faith in government, that they will have an influence—to have greater influence than ever.

This isn’t just about allowing the Senate to review documents for the sake of it; we need to scrutinize Judge Kavanaugh’s record because his beliefs will matter a great deal in the decades ahead, if he gets approved, on issues ranging from healthcare, to women’s reproductive rights, to Executive power and accountability.

Rudy Giuliani, the President’s lawyer, just declared that the President may not decide to comply with a subpoena issued by the special counsel or whomever. A court case on this matter could reach the Supreme Court. So this isn’t a hypothetical case; it is well within the realm of possibility that the Supreme Court will have to decide whether President Trump, who has shown so little respect for rule of law, will have to comply with a duly issued subpoena. So it really matters what Brett Kavanaugh thinks about this.

Before we elevate someone to the Supreme Court who may have to rule on the issue of Presidential subpoenas, don’t the Senate and American people deserve to know what the nominee thinks? This is just one of many reasons the Senate and the public must be able to review the nominee’s full record.

There must be a reason Republicans are so intent on hiding this nominee’s record and rushing through his confirmation. What are they hiding? What are they afraid of? I think they realize that if the American people knew exactly how Judge Kavanaugh felt before he became a judge, they might not want him to be there.

Republicans demanded all of Elena Kagan’s documents, and Democrats agreed to request them. Again, we have this hairsplitting argument by the chairman of the Judiciary Committee. He says: We are giving more documents before—it is the percentage of docu-

ments that matter. Are you seeing the whole record or only part of the record? Some people have bigger records than others. Kagan—we Democrats in the majority, when our Republican friends, including the Senator from Iowa, asked, gave them the whole record. That is what we should be getting as well.

In fact, Republicans, including the distinguished majority leader, demanded all of Judge Sotomayor’s records, including documents from her time as district attorney and even her records as a board member of the Puerto Rican Legal Defense Fund. We agreed. But now they have totally changed the rules. And I understand. The chairman of the Judiciary Committee is a decent man, and when he has to do things like this, he doesn’t like it. But he ought to rise to the occasion.

What they are doing is flat-out wrong. The American people deserve a methodical and thorough examination of a nominee who will yield immense influence over their lives for generations. The Republican majority seems intent on denying the American people that basic right.

I yield the floor, and I suggest the absence of a quorum.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF BRETT KAVANAUGH

Mr. HATCH. Madam President, I rise to discuss the confirmation process for Judge Brett Kavanaugh. For the last few weeks, Democrats have complained endlessly about documents. First, they said there weren’t enough documents. Then, when the Judiciary Committee released a recordbreaking number of documents, Democrats complained there wasn’t enough time to review them all. They then complained that the documents were not public. When we made the documents public, the Democrats were disappointed to find they contained no smoking gun. There has been much ado about documents, but in the end it is much ado about nothing.

One thing I have heard many of my colleagues say is, because we reviewed all of Justice Elena Kagan’s records from her time in the executive branch, we must review every last scrap of paper that crossed Judge Kavanaugh’s desk while he was in the executive branch. That just isn’t so.

When Justice Kagan was nominated, the Senate did not ask for, nor did it receive, all of her records from her time in the Obama administration. In fact, the Senate never requested, and the Obama administration never provided, any of Justice Kagan’s records from her time as Solicitor General.

They certainly didn't ask for every document from the Solicitor General's Office that contained a mere reference to Justice Kagan "by name, initials, or title."

Producing sensitive internal deliberations and other documents from the Solicitor General's Office would have been extraordinarily inappropriate and even damaging to the executive branch, which is exactly why the Senate did not ask for Justice Kagan's records. This decision was especially difficult because Justice Kagan had no judicial records to review.

By contrast, we have over 12 years of Judge Kavanaugh's rulings on the DC Circuit. These rulings, which my Democratic colleagues are reluctant to even acknowledge, let alone talk about, are the most relevant documents for evaluating what type of Justice Judge Kavanaugh will be.

Judge Kavanaugh's court decisions are highly relevant to understanding his legal reasoning. The same can't be said of his White House documents, which more accurately reflect the conveyor belt process for Presidential decision making.

Those who argue they need every document that even mentions Judge Kavanaugh are only now realizing the absurdity of this argument. At this point, Democrats are simply stalling for time. They made no effort to make their proposals any less unreasonable, and Senator GRASSLEY rightly rejected them.

By now, Americans are starting to see through the ruse. The real objective of these ridiculous demands is to delay—delay Judge Kavanaugh's hearing to delay his inevitable confirmation.

Last week, Senator GRASSLEY announced that the hearing for Judge Kavanaugh would start on September 4. Immediately, Democrats insisted that the committee is rushing to hold Judge Kavanaugh's confirmation hearing, but the hearings for the last three nominees—Justices Sonia Sotomayor, Elena Kagan, and Neil Gorsuch—were all held 48 or 49 days after the President announced their nominations. By comparison, Judge Kavanaugh's hearing will start 57 days after his nomination was announced. Apparently, the Judiciary Committee is in such a rush that it has given Senators an extra week to review the nominee's record. The left is pushing a false narrative that Republicans are rushing to hold Judge Kavanaugh's hearing. Progressives are doing this in an attempt to muddy the waters. They are hoping people will focus on spurious process arguments rather than diving into Kavanaugh's judicial record, which is all but unassailable.

Last week, a number of my colleagues tried to make hay out of the fact that the Judiciary Committee received some documents about Judge Kavanaugh on a confidential basis. These colleagues said it was a travesty that they were not being made public,

but they knew then that these documents were being reviewed so important information like Social Security numbers and other similar personal information could be redacted and removed. In the meantime, the Senators and their staff were given access to the documents right away so they could review them for the upcoming hearing. In any event, the criticism that documents were being kept confidential was quickly blown apart.

Chairman GRASSLEY recently made public more than 103,000 pages of materials from Judge Kavanaugh's time in the executive branch, and more materials are on the way. Most laughable of all, some on the left are now claiming that because there is no smoking gun in the documents, surely the production process must be nefarious.

Maybe the huge number of documents is just too boring for Judge Kavanaugh's opponents to sift through or maybe they have looked through the documents already and know the American people have nothing to complain about.

Consider the damning evidence already uncovered in these documents: Judge Kavanaugh goes to church on Sunday morning. He appreciates pizza when he is working late. He thought the last play of the Redskins game was "a total disgrace." If these mendacities aren't grounds for disqualification, then what is? What more do we have to learn about Judge Kavanaugh before we can see him for what he truly is: Joseph Stalin without the moustache or, as one of my colleagues so calmly put it, a man who will "pave the path to tyranny."

If I could tell the American people one thing today, it would be this: Judge Kavanaugh may seem like the human incarnation of a vanilla ice cream cone, but he is actually something far more sinister. Judging by the rhetoric from the left, I am convinced that this minivan-driving carpool dad is actually the second coming of Genghis Khan. Now, I have no evidence for this assertion—not right now, anyway, but if Chairman GRASSLEY will just give us a few more years to read over each and every one of Judge Kavanaugh's work emails and maybe even every handwritten note he passed in grade school, I am sure they will find something because there is no way Democrats are just making this stuff up. I hope this isn't too much to ask.

Naturally, I am being facetious only to prove a point. We have more than we need to determine Judge Kavanaugh's fitness for the Supreme Court. Based on the number of documents alone, this will be the most thorough vetting of a Supreme Court nominee in our Nation's history. I have only been here for 42 years, but I can tell you this is the most thorough vetting of a Supreme Court nominee in our Nation's history.

We should call this hubbub about documents for what it really is—a naked partisan ploy, a red herring meant to distract the American people

from Judge Kavanaugh's indisputable credentials. Watching this confirmation unfold is like watching the tortured last moments of a blowout basketball game. Democrats are down 30 with 10 seconds left, but they keep fouling to stop the shot clock in an attempt to avoid their inevitable defeat. Enough already.

It is time Democrats come home from their fishing trip. We could spend eons angling for scandal in the river of documents the Judiciary Committee provided us, but nothing will bite because there is nothing there. Democrats know this by now, and it is time they admit it to the American people. The longer they wait, the more desperate they look.

To my progressive colleagues—and I have to laugh at the word "progressive." They are anything but progressive; they are regressive, but I will call them progressives today. To my progressive colleagues, I will say this: Let's not waste any more time. By now, it is evident to even the most committed partisans that Judge Kavanaugh is supremely qualified for the Supreme Court. So stop playing politics and join us in supporting his confirmation.

NATIONAL SUICIDE HOTLINE IMPROVEMENT ACT

Mr. HATCH. Madam President, on another matter, I would like to thank those who have worked with me on the important issue of mental health and suicide prevention. This week, President Trump signed into law my National Suicide Hotline Improvement Act, a bill that stands to save thousands of lives.

This legislation becoming law is the high point of an effort that began in December 2016, when I held a roundtable discussion at East High School in Salt Lake about the growing issue of teen suicide. A theme from that roundtable, and many other subsequent conversations, was the need for greater access to help—simply finding someone to talk to.

Too many Americans who are struggling with mental illness or see their friends or family members suffering do not know where to turn for help. By making resources like the National Suicide Prevention Lifeline system more accessible and user-friendly, we can truly save thousands of lives.

I thank all of those who helped get this bill across the finish line, including Utah State Senator Daniel Thatcher and Representative Steve Eliason, and of course Congressman CHRIS STEWART, who introduced the bill in the House. Most important, though, were the voices of so many Utahns who have felt the tragic effects of the suicide epidemic. I am heartbroken by their loss, but hopeful this law and their continued advocacy will turn the tide in the campaign against this epidemic. This is important, and I hope we will all get behind this and do what is right.