M. McCright (Michigan State) R. E. Dunlap (Oklahoma State)

Beyond Misinformation: Understanding and Coping with the ‘Post-Truth’ Era By Stephani Lewandowsky (GMU, University of Bristol), Ulrich Ecker (University of Western Australia), and John Cook (George Mason University)

Misinformation and Worldviews in the Post-Truth Information Age: Commentary on Lewandowsky, Ecker, and Cook By David N. Rapp & Amalia M. Donovan (Northwestern University)

The “Echo Chamber” Distraction: Disinformation Campaigns as the Problem, Not Audience Fragmentation By R. Kelly Garrett (Ohio State University)

Leveraging Institutions, Educators, and Networks to Correct Misinformation: A Commentary on Lewandowsky, Ecker, and Cook By Emily K. Vraga (George Mason University) & Leticia Bode (Georgetown University)

Mr. WHITEHOUSE. Mr. President, I yield the floor.

NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, as the world knows by now, yesterday we had another hearing on the nomination of Judge Brett Kavanaugh to be a member of the U.S. Supreme Court. It was necessary to do so because an allegation had been made by Dr. Christine Ford to the ranking member, our friend Senator FEINSTEIN from California, dated July 30, but because Dr. Ford requested confidentiality and she wanted to remain anonymous, none of this was brought to anybody’s attention until some time after the judge’s original confirmation hearing occurred. The judge visited with 60-plus Members of the Senate, including the ranking member, and it was never mentioned to him. No questions were asked about it.

Contrary to her wishes, Dr. Ford was thrust into the national spotlight. She said she didn’t agree to have her letter released to the press. She did not consent to having her identity revealed. She did not want to be part of what has turned into a three-ring circus. But, once there, when she asked to tell her story, we consented to doing that, and yesterday we heard from Dr. Ford as well, Mr. President.

Judge Kavanaugh asked to be heard to clear his good name and speak directly to the American people, and he did so forcefully yesterday.

Now we have heard Dr. Ford’s story, and we have heard Judge Kavanaugh’s rebuttal. What we have learned is that there is no evidence to corroborate Dr. Ford’s allegation. All of the people she said were there on the occasion in question said they have no memory of it or it didn’t happen—no corroboration.

As we all watched Judge Kavanaugh defend his personal integrity in front of the Nation, we saw his righteous indignation. He choked back his tears and aimed his fury not at Dr. Ford—none of us did that—but, rather, at this unfair confirmation process, which, frankly, is an embarrassment to me and should be an embarrassment to the U.S. Senate. The judge who has requested confidentiality and leak that information to the press and then to thrust her into the national spotlight under these circumstances, I think, is an abuse of power. But having made that request that she be put in the spotlight, we felt it was very important to treat her respectfully and to listen to her story.

I told anybody who would listen that I wanted to treat Dr. Ford the same way I would expect that my mother or my sister or my daughters would be treated under similar circumstances. Conversely, I thought that we should treat Judge Kavanaugh fairly, too, just as we would our father, our brother, or our son. In other words, this is more than just about Dr. Ford; this is about Dr. Ford and Judge Kavanaugh.

We heard the judge respond with quite a bit of righteous indignation, as I said, talking about his family having been exposed to the vilest sorts of threats, including his two young daughters. I know it was a hard pill for many of our Democratic colleagues to swallow to hear the truth of what this terrible process has resulted in, both for Judge Kavanaugh and Dr. Ford, but too much was on the line for Judge Kavanaugh to withhold his defense of his good name. After all, his reputation is on the line, his family is on the line, and his family, including his wife and his two daughters, are all caught up in what must be a miserable experience.

Still, I am glad we held the hearing, and I am grateful to Rachel Mitchell for participating and asking her probing questions.

Some have questioned: Why would a Senator yield to a professional in the sexual abuse field to ask questions of Dr. Ford? Well, it was simply because she wanted to focus on that process and to treat Dr. Ford with respect and gently, recognizing that somehow, somewhere, she has been exposed to some terrible trauma. But it was important for Ms. Mitchell to ask questions and to get answers to those questions so we could do our job.

I appreciate Chairman GRASSLEY for doing his best to keep order in running the committee efficiently, as much as I would much rather that is possible. After Senators would speak over each other and would endlessly make motions that were out of order—when one Senator said, “I am breaking the confidentiality rules,” I said, “This seems like a pretty silly argument, but I do have the kind of demeanor and civility that you would expect from the U.S. Senate. I think Chairman GRASSLEY has done the best anybody could do under difficult circumstances.”

As I said, this hearing was not easy for either Dr. Ford or for Judge Kavanaugh. It has been painful for everybody involved.

Thankfully, we are much closer to a resolution on this nomination. Today, there was a markup in the Judiciary Committee, and I am glad we were able to pass that nomination out of the committee to the Senate floor.

Some are saying that the process is moving too fast. To them, I would say that it is pretty clear what the objective of the opponents of the nomination is. Their objective is delay, delay, delay. Some have said that their goal is to delay this confirmation past the midterm election, hope that the election turns out well for them, and essentially defeat the nomination and keep the Supreme Court vacancy open until President Trump leaves office.

First, there was the paper chase; they needed more documents or, perhaps, they said there were too many. But the question I always had is this: If you have already announced your opposition to the nominee, why do you need more information? Unless, of course, you are open to changing your mind—but it is clear that is not the game that they are engaging in here.

Now there are those who demand that the background investigation be opened into two new allegations that appeared following Dr. Ford’s. Today, the majority leader and some of our colleagues have announced an agreement to extend the background investigation for up to another week for these witnesses to be interviewed by the FBI. But I would note that the most recent allegations are so absurd, so fantastic that not even the New York Times would run a story about Judge Kavanaugh’s time in college as reported by Ms. Ramirez. They worked hard to try to corroborate her story by interviewing dozens of potential witnesses. None of them would confirm or corroborate Ms. Ramirez’s story, but they did find, as Ms. Ramirez was talking to one of those individuals who was interviewed, where she admitted that she may have misidentified Judge Kavanaugh. In other words, she admitted that she may have the wrong guy—not credible, not serious, but dangerous.

It is dangerous in the sense that some of our colleagues take the position that all you need to do is listen to an accusation, and that is enough to make up your mind. You don’t need to listen to the other side. As Judge Kavanaugh said, it didn’t happen; he wasn’t there. If you listen to just one side of the argument, I guess it does make making up your mind a lot easier because you don’t actually have to think about it and you don’t have to think about what a fair process is in order to decide whose arguments you believe or whether somebody has met the burden of showing evidence that their claim is actually true.

This has become so ridiculous that the newest claims made by a young woman named Julie Swetnick, who is represented by Stormy Daniels’ lawyer, are riddled with holes. Why would a
woman continue to go to parties with high schoolers when she was in college, and why in the world would she go to not 1, not 2, but 10 of these alleged drug- and alcohol-infused parties where gang rape occurred? It is just outrageous.

We have encouraged all of these individuals, no matter how incredible the allegation may be, to work with the Judiciary Committee and submit to an interview with the bipartisan representation on the Judiciary Committee there. This is standard operating procedure for the Judiciary Committee. The basic background investigation is done by the FBI. But they are not investigating a crime; it is a background investigation in which they take notes on their conversations with witnesses. They don’t tell you which witness to believe or what conclusions to draw from that. They send that to the Judiciary Committee, and the Judiciary Committee follows up with additional questions, if necessary. Lying to the FBI—just like lying to the committee—is actually a crime punishable by a felony, so both carry serious consequences and a serious warning to those who might try to lie their way into a background check.

What is so ridiculous about where we find ourselves is that in addition to Dr. Ford’s confidential letter to the ranking member being released against her wishes and without her consent, contributors and contributors’ spouses are being investigated. Lying to the FBI—just like lying to the committee—is actually a crime punishable by a felony, so both carry serious consequences and a serious warning to those who might try to lie their way into a background check.

For those who continue to say that they want the FBI involved, I will tell them that the FBI has been and is involved and conducted background checks, and none of these matters have come up previously. What we were doing yesterday with Judge Kavanaugh is that we continue to make more and more demands. It is clear that their appetite for delay is insatiable, and delay is their ultimate goal.

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need in order to shoot down any figure at any time would be innuendo—innuendo, speculation, suspicion, unproven allegations, nothing more. We are not going to let that happen. We are not going to establish that precedent. It would be bad for the Senate. It would be bad for the United States of America.

Please don’t misunderstand me. I am glad Dr. Ford had a chance to have her say. We owed her that much. I know it took some courage, and it is a reminder all Americans that victims can and should be heard. As I said, I myself have two daughters. We all have a mother. Some are fortunate to have sisters or a spouse. This can be a very personal matter to every one of us. Yet we all know that all of us have fathers, and many of us have brothers. Some have husbands and sons. In other words, my point is, if this kind of uncorroborated allegation would seem so manipulated in exploiting vulnerable people, we would accuse it like this and we tolerate that, I think it will forever poison the confirmation process and discourage good people from coming forward.

We must always be fair to both the victims and those who stand accused. It has to be a two-way street. I have supported Judge Kavanaugh’s nomination because I have known him since the year 2000. In my experience, he has always been an upstanding and certainly he is an incredibly well-qualified individual.

We have heard everybody—from his fellow lawyers to his law clerks, to women he has worked with, to former Presidents of the United States—say that. We know he has an incredible record on the DC Circuit Court of Appeals, where many of his decisions have been affirmed by the U.S. Supreme Court. I know he will judge fairly and carefully. I believe he belongs on the Nation’s highest bench. In a few more days, after a few more delays, we will finally vote to put him there and say enough with the games. Finally vote to put him there and say. We owed her that much. I know it.

I suggest the absence of a quorum.

Mr. WYDEN. Mr. President, I am submitting two letters into the CONGRESSIONAL RECORD in order to clarify the application of the Congressional Review Act, CRA, to the recent rule Rev. Proc. 2018–38, issued by the Treasury Department and the IRS, to dramatically weaken the disclosure rules for large contributions to certain tax-exempt organizations, including many that engage in political activity, what I and others call the dark money rule. In doing so, I also want to take the opportunity to comment on the rule itself and on the inappropriate and irresponsible approach that the administration is taking in the application of the CRA to the dark money rule.

By way of background, in 1971, as part of a general effort to improve the ability of the IRS to assure that tax-exempt organizations are complying with the tax and election laws, the Treasury Department promulgated a legislative regulation requiring certain tax-exempt organizations to disclose to the IRS, as part of their annual filing, the identity of those who contribute $5,000 or more to the organization. This information is not made available to the public, except in certain cases, but it is can be used by the IRS, State tax administrators, and other Federal agencies.

In recent years, this disclosure requirement has become controversial. Some, particularly conservative groups, have called for the rule to be repealed. The donor information was part of the IRS rule to prevent tax-exempt organizations from engaging in excessive political campaign activity under false pretenses of “social welfare.” For example, I have been particularly concerned about reports that a group that is tax exempt under Tax Code section 501(c)(4) that is associated with the National Rifle Association, which has engaged in extensive political activity, has received large contributions from foreign sources. In the midst of all of this controversy, on July 16, without any public notice and comment or any consultation with me as ranking Democratic member of the Finance Committee, the Treasury Department and the IRS issued Rev. Proc. 2018–38, which invokes a narrow provision that makes clear that matters that are covered under the IRS’s own internal procedure manual that is in the Federal Register, “if so published.” To be clear, the question was not whether the CRA applied to the dark money rule, but rather, when the clock for congressional review began.

After consulting with the Parliamentarian, who advised that the CRA process would be clarified if the IRS would confirm, in writing, that the rule would not be published in the Federal Register, I sent Acting Commissioner David Kautter a brief letter asking him to do so. This seemed to me to be a very straightforward request. The IRS’s own internal procedure manual makes clear that matters that are issued as “revenue procedures” are published in the IRB rather than the Federal Register. Further, an IRS official had informally confirmed by email that was the case here. On top of that, the dark money rule was in fact published in the IRB.

I ask unanimous consent that my August 21, 2018, letter be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR ACTING COMMISSIONER KAUTTER: As you know, on July 26, the Treasury Department and IRS submitted to the Senate,