

8. After reading her first person account of the assault in The Washington Post on September 16, 2018, I contacted Christine's lawyers to advise them that she had told me about this assault in 2013.

I solemnly swear or affirm under the penalties of perjury that the matters set forth in this Declaration are true and correct to the best of my personal knowledge, information, and belief. Executed on this 24th day September, 2018.

ADELA GILDO-MAZZON.

#### DECLARATION OF REBECCA WHITE

I, Rebecca White, hereby state that I am over (18) years of age, am competent to testify, and have personal knowledge of the following facts:

1. I have been friends with Christine Blasey Ford for more than six years. We are neighbors and our kids went to the same elementary school.

2. In 2017, I was walking my dog and Christine was outside of her house. I stopped to speak with her, and she told me she had read a recent social media post I had written about my experience with sexual assault.

3. She then told me that when she was a young teen, she had been sexually assaulted by an older teen. I remember her saying that her assailant was now a federal judge.

4. I have always known Christine to be a trustworthy and honest person.

I solemnly swear or affirm under the penalties of perjury that the matters set forth in this Declaration are true and correct to the best of my personal knowledge, information, and belief. Executed on this 25 day of Sept, 2018.

REBECCA WHITE.

#### JEREMIAH P. HANAFIN—POLYGRAPH EXAMINATION REPORT

Date of Report—08/10/2018.

Date of Examination—08/07/2018.

Location of Examination—Hilton Hotel, 1739 West Nursery Road, Linthicum Heights, MD 21090.

Examinee's Name—Christine Blasey.

Synopsis—On August 7, 2018, Christine Blasey reported to the Hilton Hotel, 1739 West Nursery Road, Linthicum Heights, MD 21090, for the purpose of undergoing a polygraph examination. The examination was to address whether Blasey was physically assaulted by Brett Kavanaugh while attending a small party in Montgomery County, MD. This assault occurred in the 1980's when Blasey was a high school student at the Holton-Arms School. Accompanying Blasey was Attorney Lisa Banks of the firm Katz, Marshall & Banks. After introductions were made, this examiner left the room so Blasey and Attorney Banks could discuss this matter. During this discussion, Blasey provided a written statement to Banks detailing the events that occurred on the evening of the assault. The statement was provided to this examiner when he returned. Blasey stated that the statement was true and correct and signed it in the presence of this examiner and Banks attesting to its accuracy. A copy of this statement is attached to this report. After a brief discussion, Banks departed.

Blasey was then interviewed in an effort to formulate the relevant questions. During this interview, Blasey described the events that occurred on the night of the assault. She stated she attended a small party at a house where the parents were not home. Those attending the party were drinking beer. Blasey stated that Kavanaugh and his friend, Mark, became extremely intoxicated. Blasey stated that she had met Kavanaugh before at previous parties and she briefly dated one of his friends. She stated that Kavanaugh attended Georgetown Pre-

paratory School and she previously attended parties hosted by students of this school. Blasey remembers another male at this party, PJ, who she described as a very nice person. At some point in the evening, Blasey went upstairs to use the restroom. When she got upstairs, she was pushed into a bedroom by either Kavanaugh or his friend, Mark. The bedroom was located across from the bathroom. She was pushed onto a bed and Kavanaugh got on top of her and attempted to take her clothes off. She stated she expected Kavanaugh was going to rape her. Blasey tried to yell for help and Kavanaugh put his hand over her mouth. Blasey thought if PJ heard her yelling he may come and help her. Blasey stated that when Kavanaugh put his hand over her mouth that this act was the most terrifying for her. She also stated that this act caused the most consequences for her later in life. Blasey stated that Kavanaugh and Mark were laughing a lot during this assault and seemed to be having a good time. Kavanaugh was having a hard time trying to remove Blasey's clothes because she was wearing a bathing suit underneath them. She stated Mark was laughing and coaxing Kavanaugh on. Blasey recalls making eye contact with Mark and thinking he may help her. Mark continued to encourage Kavanaugh. On a couple of occasions, Mark would come over and jump on the bed. The last time he did this, all three became separated and Blasey was able to get free and run to the bathroom. She stated she locked herself in the bathroom until she heard Kavanaugh and Mark go downstairs.

Following this interview, Blasey was given a polygraph examination consisting of the following relevant questions:

#### SERIES I

A. Is any part of your statement false? Answer: No

B. Did you make up any part of your statement? Answer: No

Four polygraph charts (which included an acquaintance or "stim" chart) were collected using a Dell Inspiron 15 notebook computer and Lafayette LX4000 software. This software obtained tracings representing thoracic and abdominal respiration, galvanic skin response, and cardiac activity. All of these physiological tracings were stored in the computer along with the time that the questions were asked as well as text of each question.

The format of the test was the two question Federal You Phase Zone Comparison Test (ZCT). As part of a 2011 meta-analysis study done by the American Polygraph Association (APA), the ZCT is one of the polygraph examinations considered valid based upon defined research protocol. As part of the validation process, the APA chose techniques that were reported in the Meta 22 Analytic Survey of Validated Techniques (2011) as having two, independent studies that describe the criterion validity and reliability. The ZCT includes relevant questions addressing the issues to be resolved by the examination, comparison questions to be used in analysis, symptomatic questions, and neutral or irrelevant questions. All questions were reviewed with Blasey prior to the test. The charts collected were subjected to a numerical evaluation that scored the relative strength of physiological reactions to relevant questions with those of the comparison questions. An analysis was conducted using a three (3) point scale (-1, 0, +1). If reactions were deemed to be greater at the relevant questions, then a negative score was assigned. If responses were deemed to be greater at the comparison questions, then a positive score was assigned. A decision of deceptive is rendered if any individual question score is -3 or less or the grand total of both

questions is -4 or less. A decision of non-deceptive is rendered if the grand total of both questions is +4 or more with a +1 or more at each question.

Blasey's scores utilizing the three (3) point scale are +4 at Question A and +5 at Question B with a total score of +9. Based upon this analysis, it is the professional opinion of this examiner that Blasey's responses to the above relevant questions are Not Indicative of Deception.

A second analysis was conducted utilizing a scoring algorithm developed by Raymond Nelson, Mark Handler and Donald Krapohl (Objective Scoring System Version 3) which concluded "No Significant Reactions—Probability these results were produced by a deceptive person is .002." Truthful results, reported as "No Significant Reactions," occur when the observed p-value indicates a statistically significant difference between the observed numerical score and that expected from deceptive test subjects, using normative data obtained through bootstrap training with the confirmed single issue examinations from the development sample. Truthful results can only occur when the probability of deception is less than .050.

Deceptive results, in which an observed p-value indicates a statistically significant difference between the observed numerical score and that expected from truthful persons, and are reported as "Significant Reactions."

When the observed p-value fails to meet decision alpha thresholds for truthful or deceptive classification the test result will be reported as "Inconclusive." No opinion can be rendered regarding those results.

A third analysis was conducted utilizing a scoring algorithm developed by the Johns Hopkins University Applied Physics Laboratory (PolyScore Version 7.0) which concluded "No Deception Indicated—Probability of Deception is Less Than .02."

One high school summer in 80's, I went to a small party in the Montgomery County area. There were 4 boys and a couple of girls. At one point, I went up a small stairwell to use the restroom. At that time, I was pushed into a bedroom and was locked in the room and rushed onto a bed. Two boys were in the room. Brett laid on top of me and tried to remove my clothes while groping me. He held me down and put his hand on my mouth to stop me from screaming for help. His friend Mark was also in the room and both were laughing. Mark jumped on top of us 2 or 3 times. I tried to get out from under unsuccessfully. Then Mark jumped again and we toppled over. I managed to run out of the room across, to the bathroom and lock the door. Once I heard them go downstairs, I ran out of the house and went home.

CHRISTINE BLASEY,  
August 7, 2018.

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER (Mr. BAR-RASSO). Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate chaplain.

#### PRAYER

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

Let us pray.

Eternal Lord God, who rules the raging of the sea, our thoughts are not Your thoughts and our ways are not Your ways. As the Heavens are higher than the Earth, so are Your thoughts

higher than our thoughts and Your ways higher than our ways.

We thank You for those who know that this is not the time for summer soldiers and sunshine patriots. Today, help our lawmakers approach their decisions with confidence by claiming Your promise in James 1:5-6. In that promise, You said to people of faith, "If you need wisdom, if you want to know what God wants you to do, ask him and He will gladly tell you. He will not resent your asking. But when you ask, be sure that you really expect him to answer."

Lord, may this great promise illuminate the path of those who realize that you are the only constituent they absolutely must please.

We pray in the Name of Him who is the truth. Amen.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, like so many of us here, I have been watching and listening to my colleagues speak on the floor about the Judge Kavanaugh nomination for several days.

Like so many of my colleagues, I want to commend Senator COLLINS of Maine for her thorough, detailed, and eloquent remarks yesterday. Sometimes a Member gives a speech that we know will always be remembered because of its thoroughness, its seriousness, its thoughtfulness, and statesmanlike quality. I think we all are in agreement that that happened yesterday with Senator COLLINS. I also want to highlight the remarks of my very good friend Senator MURKOWSKI last night. While we voted differently yesterday and we will most likely do so again in a few hours, she made some important points, particularly regarding some of the issues surrounding this confirmation process as it relates to our great State of Alaska. I very much appreciate her friendship, and, like so many, I know this process has been difficult for her, and she talked about that last night. In fact, for millions of Americans and, no doubt, for thousands of Alaskans, the process to confirm Judge Brett Kavanaugh to the U.S. Supreme Court has been a searing one—certainly for Judge Kavanaugh and his family and for Dr. Christine Blasey Ford and her family, and for this Senate family, it has been a difficult period. It has also evoked very traumatic memories of experiences that far too many women in Alaska and America have had—far too many. I am hopeful that in the aftermath of all this, we can go through a much needed period of healing.

As you know, the advise and consent responsibility of the Senate is a solemn one, one of the most important responsibilities we have here. The process I went through in order to cast my vote for Judge Kavanaugh has been extensive and thorough and, I believe, fair, which is what I believe my constituents back home in Alaska demand of me.

After the President announced Judge Kavanaugh's nomination, I read hundreds of pages of decisions that he authored. I listened to the views of Alaskans and continued to do so up until yesterday, those who we were in favor, those who opposed.

In my first meeting several weeks ago with Judge Kavanaugh, we discussed at length and in great depth his viewpoint on a variety of national and Alaska-focused legal issues.

Now that wasn't the first time I had met Judge Kavanaugh. In fact, I had known him back when we served together in the Bush Administration. I knew him as an honest and dedicated public servant, and I actually followed his career as a judge on the DC Circuit Court of Appeals.

The lengthy meeting in my office convinced me that he is someone who will interpret the law and the Constitution as written. He understands the importance of separation of powers and federalism and holds a healthy skepticism regarding the expansive power of Federal agency, and he is a strong protector of the Second Amendment. These are all issues that are very important to my constituents and that they care deeply about, which is why I focused on these issues in my discussions with Judge Kavanaugh in my office several weeks ago. I was convinced then and remain so that he is well qualified to be a Justice on the U.S. Supreme Court.

As we all know, after a number of these meetings—several weeks, in my case, after meeting with Judge Kavanaugh—two issues arose that I took very seriously. The first was a claim that, if confirmed, Judge Kavanaugh would not fully recognize or respect the rights of Alaskan Native people and the U.S. Government's trust responsibilities to them. This is very important to constituents of mine. The Alaska Federation of Natives, a very important group back home in Alaska that represents the Native people of my great State, wrote a memo speculating how Judge Kavanaugh, if confirmed, would threaten unique laws and programs for the Alaskan Native people.

The second issue that arose, of course, which we have been debating here and the country is fully aware of, was the allegation that Judge Kavanaugh sexually assaulted Dr. Ford in 1982 when she was 15 and he was 17. Like many Senators, I put my heart and soul investigating such claims, particularly given how important both of these issues were to my constituents, and I want to address each of these in turn.

The memo of the Alaska Federation of Natives, or AFN, as we call it back home, was focused on concerns stemming from an amicus brief written by Judge Kavanaugh 18 years ago, when he was a private attorney, in a case dealing with indigenous Hawaiians before the Supreme Court called *Rice v. Cayetano*, in which the U.S. Supreme

Court in a 7-to-2 opinion essentially agreed with Judge Kavanaugh's position.

Alaska Natives make up roughly 20 percent of my State. They are incredible Americans—patriotic, hard-working, a beautiful culture—and their legal and sovereign rights, which are based on the U.S. Constitution and Federal statutes, have been extremely hard-fought, including in this body, over decades. Such rights are fundamental to the health and well-being of Alaska Natives in my State.

After the AFN legal memo and similar letters and op-eds were published back home, in Alaska, I sent them to the White House for Judge Kavanaugh's review. I then spoke directly to him about these issues. He reiterated to me in a thoughtful and thorough discussion that the legal rights of Alaska Natives, to include Tribes and regional and village corporations, are very clear and well established in the law, which is actually different from the situation of indigenous Hawaiians. Therefore, the views expressed by the Supreme Court in the *Cayetano* opinion, which limit the rights of Native Hawaiians, do not extend to Alaska Natives and are not applicable legally in any way in Alaska. This is because Congress has repeatedly and explicitly recognized the rights and the Tribal status for Alaska Natives, including the Federal Government's trust responsibility, while, unfortunately, in my view, Congress has not done the same for Native Hawaiians.

Senator MURKOWSKI was on the floor last night. I am going to talk a little bit about that, but I think the Alaska delegation has always tried to be supportive of the Hawaiian Nation in this regard, and we continue to be, but, legally, they are very different.

In response to a question for the record to Judge Kavanaugh released by the Senate Judiciary Committee, Judge Kavanaugh unequivocally endorsed this point. He stated—this is his language:

The Supreme Court has recognized that Congress has the ability to fulfill its treaty obligations with Native Alaskan Regional and Village Corporations and American Indian Tribes through legislation specifically addressed to their concerns. Unlike indigenous peoples of Hawaii, Congress has explicitly recognized in statute that "Indian Tribe" includes any recognized Indian or Alaska Native tribe, band, nation, pueblo, village or community. . . . Native Alaskans are Indian Tribes and therefore enjoy all the relevant rights and benefits that come in their trust relationship with the United States.

In my conversations with Judge Kavanaugh about Alaska Native legal issues, he also reiterated a point emphasized by Chief Justice Roberts in the recent Supreme Court case called the *Sturgeon* case that because of Federal statutes like the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act, Congress has repeatedly made clear that Alaska is different in many

ways from the lower 48, and he recognized and told me as part of this confirmation process that many legal issues involving my State need to be viewed through that lens.

To be perfectly clear, if I believed or saw evidence that Judge Kavanaugh's views were somehow opposed to or hostile to Alaska Natives—a very important population of my State that happens to include my wife and my three daughters and my mother-in-law—I would not support his confirmation. I told Judge Kavanaugh this directly, but that I was also satisfied with his response after we had this discussion—a deep, detailed discussion about these issues.

Importantly, Senator MURKOWSKI came to the same conclusion in her discussions with Judge Kavanaugh and she said as much in her remarks last night.

Of course, there is another allegation, a claim that I want to talk about this afternoon—the allegation that has been the focus of much attention here in the Senate regarding sexual assault, which I likewise took extremely seriously.

I respect very much Dr. Ford's bravery and sincerity in coming forward to testify in front of the Judiciary Committee. I am convinced that she went through a traumatic experience that has left deep wounds. I also applaud the bravery of the men and women who have called and written and visited my office to share their experiences in this regard. So much of this has been very painful for so many to revisit these episodes.

As I repeatedly stated, any allegation—all allegations—of this kind of conduct should be seriously looked at. So I undertook the due diligence that my constituents expect of me and that is required in the Senate's important advise and consent role. I watched the Senate Judiciary hearing on this issue gavel to gavel. I read every piece of information available, including all of the interviews conducted under the penalty of perjury by the Senate Judiciary Committee investigators. I read text messages, threads, witness statements, letters between the Committee and lawyers who have been involved, and confidential committee documents. I supported and read the professional and thorough supplemental FBI report recently submitted to the Senate which looked deeper into this allegation and spoke to additional witnesses in relation to it. Most importantly, I met with and heard from hundreds of Alaskans who have suffered from sexual abuse and domestic violence. Many flew thousands of miles—most on a moment's notice—to come to my office to meet with me and Senator MURKOWSKI. I applaud their bravery and their passion. So much of this process has been painful for them.

Alaska is an amazing State. I come down to the floor all the time to talk about its majesty and beauty and our wonderful people, and I believe that in

my soul. But one area where we are not so great or wonderful or majestic is this. My State has the highest rates of sexual assault and domestic violence in the country, by far, in almost every category. It is a horrible, horrible thing, and it impacts so many families in the Last Frontier, horribly.

Throughout my public career in Alaska, I have worked to combat sexual assault and domestic violence by putting more offenders in jail, bringing more resources to survivors, including much needed legal services, and raising awareness of this heinous problem by working to change the culture of violence, which is too pervasive in my State. We have a lot more work to do on this issue in Alaska and across America, including on our college campuses, and I applaud Senator GILLIBRAND for her leadership in this area and many other Senators as well.

The allegations by Dr. Ford have been difficult and wrenching here in the Senate to address. One thing is clear to me. Her allegations had been taken seriously, as they should have been.

Mr. President, I have a summary from the Judiciary Committee on its investigation into these and other allegations that I would ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF SENATE JUDICIARY COMMITTEE  
INVESTIGATION  
(as of October 4, 2018)  
BACKGROUND

The Senate Judiciary Committee has engaged in a thorough and robust investigation of allegations raised against Judge Kavanaugh. Throughout the last month, Committee staff members have collected statements, letters, and calls from individuals around the country. The reports range from substantive allegations of sexual misconduct, to short messages to senators passing along internet rumors and theories.

Committee staff continue to work tirelessly to pursue any and all substantive leads. In the course of the continuing investigation, staff members have spoken with 35 individuals, a task that requires extensive work during nights and weekends. More than 20 Committee staffers have contributed to the investigative efforts. The Committee has not received any evidence that would corroborate the claims made by Dr. Ford, Ms. Ramirez, Ms. Swetnick, or anybody else.

ALLEGATIONS AND SUBJECTS

*Ford Allegations*

In response to Dr. Ford's allegations, Committee staff repeatedly requested an opportunity to interview Dr. Ford, but her lawyers repeatedly refused. Committee staff offered to fly to California or any other location to interview Dr. Ford. But as Dr. Ford explained at her hearing, she was not clear that this offer had been made.

The Committee thus reopened the hearing on Judge Kavanaugh's nomination.

During the additional hearing day (Day 5), the Committee solicited more than 8 total hours of public testimony under oath from Dr. Ford and Judge Kavanaugh.

In connection with the hearing, the Committee collected 24 pages of evidence from

Dr. Ford in two productions. The Committee also received Judge Kavanaugh's calendars.

The Committee also received a statement, submitted under penalty of felony, from Dr. Ford's ex-boyfriend, who cast serious doubt on the credibility of some of Dr. Ford's testimony before the Committee.

Notably, he stated that he had not known her to have any fear of flying or related claustrophobia and that she had previously provided advice to someone on how to successfully take a polygraph, directly contradicting her hearing testimony.

Despite repeated requests by the Chairman, Dr. Ford still has not supplied several key items, including the charts from her polygraph examination, any recording of her polygraph examination, and the therapy notes that she claimed corroborated her story. Dr. Ford has not provided these therapy notes to the Committee, even though she shared these same notes with the media.

In addition to conducting the hearing, the Committee obtained statements from the three individuals who Dr. Ford identified as being present at the 1982 gathering: PJ Smyth, Leland Ingham Keyser, and Mark Judge (who submitted two statements).

Each person denied having any knowledge of the alleged gathering. Ms. Keyser stated that she does not even know Judge Kavanaugh and does not recall ever meeting him. And Mr. Smyth and Mr. Judge each said they had never witnessed Judge Kavanaugh engage in conduct of the kind described by Dr. Ford.

The Committee contacted a total of 15 former classmates of Judge Kavanaugh and Dr. Ford. The Committee also received several statements, signed under penalty of felony, that support Judge Kavanaugh's explanation of terms in his high school yearbook.

Finally, prior to Day 5 of the hearing, the Committee staff conducted a transcribed telephone interview with Judge Kavanaugh regarding Dr. Ford's allegations. The Minority staff refused to attend.

*Ramirez Allegations*

In response to the allegations from Ms. Ramirez, the Committee contacted Ms. Ramirez's counsel 7 times seeking evidence to support the claims made in *The New Yorker*. Ms. Ramirez produced nothing in response. Ms. Ramirez's counsel refused the Committee's request for an interview. Committee staff nevertheless pursued the investigation. Staff interviewed 5 witnesses with relevant information. Committee staff also investigated the public statements of 3 other individuals and found they had no knowledge of the alleged event.

Prior to Day 5 of the hearing, Committee staff conducted a transcribed telephone interview with Judge Kavanaugh, subject to penalty of felony. He denied Ms. Ramirez's allegations. Minority staff attended the interview under protest and refused to participate.

*Swetnick Allegations*

In response to allegations by Ms. Swetnick, the Committee requested evidence on 6 occasions from her. Ms. Swetnick refused the Committee's request for an interview. Despite this obstruction, Committee staff attempted to pursue the investigation by interviewing 12 witnesses who claimed to have relevant information. Committee staff obtained two sworn statements from individuals with knowledge of Ms. Swetnick's character and allegations.

Prior to Day 5 of the hearing, Committee staff also interviewed Judge Kavanaugh on these allegations on two separate transcribed telephone interviews, subject to penalty of felony—both before (when Ms. Ramirez's allegations were also discussed) and after Ms. Swetnick was identified by name.

Judge Kavanaugh denied Ms. Swetnick's allegations, asserting that he does not even know Ms. Swetnick. Minority staff attended the interview under protest and refused to participate.

#### *Anonymous Allegation from Colorado*

In response to an anonymous allegation claiming Judge Kavanaugh pushed his girlfriend against a wall in a violent and sexual manner in 1998, Committee staff obtained a sworn statement from the woman dating Judge Kavanaugh at the time. She unequivocally denied that this incident ever took place.

Committee staff also questioned Judge Kavanaugh on these allegations during a transcribed telephone interview, subject to penalty of felony. Like his then-girlfriend, he denied that the incident ever took place. Minority staff attended but refused to participate in the interview.

#### *Allegations by Others*

The author of one allegation recanted in a public Tweet. The Committee referred the individual to the FBI for possible violations of 18 U.S.C. §§1001 (materially false statements) and 1505 (obstruction of congressional-committee proceedings). Committee staff questioned Judge Kavanaugh about the allegation during a transcribed telephone interview, subject to penalty of felony. He unequivocally denied the allegation. Minority staff attended but refused to participate in the interview.

A second allegation was completely anonymous. Committee staff questioned Judge Kavanaugh about the allegation during a transcribed telephone interview, subject to penalty of felony. He unequivocally denied the allegation. Minority staff attended but refused to participate in the interview. A woman has subsequently begun contacting Senate offices, claiming to be the author of the anonymous letter. Even though there are doubts about the authenticity of her claim, Committee staff is investigating.

#### CONCLUSION

The Committee's investigation, like the FBI supplemental background investigation, has found that there is no corroboration of the allegations made against Judge Kavanaugh.

Mr. SULLIVAN. This report shows a staff of over 20 members of the Judiciary Committee literally working around the clock for weeks on all leads—any lead that came in on these serious allegations. These investigators have the authority of the law. When people speak to them, if people speak to them and lie, they commit perjury. They spoke to more than 35 individuals, pursuing any and all substantive leads. This is in addition to the FBI report.

I want to commend Chairman GRASSLEY for this serious and diligent work in this regard and the work of the Committee. It wasn't highlighted a lot, but it is very serious work. A lot of it is detailed here.

Two important points stand out from this work. First, the Committee has not obtained or received any evidence that would corroborate the claims made by Dr. Ford. They talked to and tried to pursue leads in so many different areas. Dr. Ford's allegations were investigated respectfully and thoroughly by this Senate Judiciary staff and the FBI. As I mentioned, she certainly had courage in coming for-

ward. Nevertheless, these allegations were not corroborated.

Four people Dr. Ford claims were present had no knowledge or memory of any such event, and the others the FBI asked about the alleged incident had no knowledge either. One of them was a lifelong friend of Dr. Ford's. Leland Kaiser said she didn't even know Judge Kavanaugh. As you know, all these statements were made under the penalty of perjury.

Another important point from the Judiciary Committee summary—again, I would suggest people take a look at it given the seriousness of the allegations and the seriousness of the investigation—that has not been picked up on is that the minority staff of the committee, those representing my colleagues on the other side of the aisle, refused to participate in most of these investigations, sometimes not attending any interviews at all, and when they did, they refused to ask questions. This is truly a mystery to me.

One of the constant refrains and arguments—and I am saying it has been in good faith from my colleagues on the other side of the aisle, which continues today—is the need for more investigations into the allegations against Judge Kavanaugh. They have been making that argument very regularly. Yet when you read what happened in the committee, they have refused to take part in almost any part of the intensive ongoing investigations from the Judiciary Committee staff investigators of which there are 20. They have been working on this diligently.

I am not a member of the Judiciary Committee, but it is my understanding that this is a very significant break from past bipartisan investigations that have almost always occurred on the Judiciary Committee for every other previous Supreme Court nominee, so I am not sure why this happened. Perhaps one of my colleagues can explain it, but it does make one wonder. Where does this leave us?

As Alaska's former attorney general and now as a Senator, I strongly believe in ensuring perpetrators of sexual assault pay a very serious penalty. I oversaw prosecutors who put such criminals away for decades and even indicted an alleged rapist according to his DNA sequencing in order to hold the statute of limitations for such a crime when we couldn't physically locate the alleged perpetrator.

I also believe in the presumption of innocence, the sacrosanct and fundamental American principle, whether in a criminal trial, a Senate committee hearing, or the court of public opinion.

I am convinced due process should apply as much to the Senate's advice and consent responsibility as it should in a court of law. If we lose this basic concept of fairness, then we risk doing irreparable damage to the very foundation of our democracy and core conceptions of American justice and even liberty. We do not want a system of guilty until proven innocent in Amer-

ica. Such a principle can lead to incentivizing false accusations that do lasting damage, especially when coupled with breathless media reports that repeat verbatim such charges.

Unfortunately, we have seen this phenomenon during this confirmation process. Now, I am not referring to the allegations of Dr. Ford, which were taken seriously, but in the aftermath of her allegations, some horrendous, and what appear to be patently false, claims were made against Judge Kavanaugh. Such false allegations do tremendous damage to the accused and his or her family, but just as bad, they also risk undermining the credibility of true victims and true survivors of sexual assault. This is something that has been overlooked, I believe, in these discussions.

One of the most disheartening aspects of this confirmation process has been how some of my Senate colleagues and members of the media were so quick to publicly embrace some of the most outrageous and incredible claims made against Judge Kavanaugh, like, for example, he participated in the drugging and raping of women as a teenage boy. A senior Member of the Judiciary Committee referenced this sickening allegation in her opening statement in one of the hearings. The immediate damage to the accused and to his family by such a charge which reverberated across the Nation was obvious. Less obvious but perhaps more damaging—as so many are in the long run—is how such false claims undermine the ability of true victims and real survivors with real claims of sexual assault to get justice, to be believed.

I certainly hope this is not one of the outcomes of this dysfunctional confirmation hearing process, but it underscores how and why the entire system of American justice and fairness can be undermined if we abandon the presumption of innocence.

Finally, I again want to thank and applaud so many of the women in particular, including so many Alaskans, who flew to DC, who have spoken out about this nomination, and have shared stories about their very difficult experiences with assault. I know from being in meetings with them and hearing from them and listening and reading, that this process has brought fresh and painful and difficult memories for so many. I want them to know that from the bottom of my heart, I am committed more than ever to work on combating these horrible crimes in domestic violence and trying to change the culture in our Nation to one of respect.

Indeed, if there is a silver lining to come out of this contentious confirmation process, it is that the awareness and commitment to do more to combat these horrible crimes has been heightened. I have heard this from many of my colleagues on both sides of the aisle in the past few days—including Senators MURKOWSKI, COLLINS, HARRIS, and

KLOBUCHAR—and I am certainly committed to working with all of them to make this happen.

At the same time, I do not agree with some of the comments made on the floor that a vote in favor of Judge Kavanaugh is somehow condoning sexual assault or somehow not believing all survivors. As Senator COLLINS stated yesterday, nothing could be further from the truth. A bipartisan majority of Senators, men and women, are likely to vote for Judge Kavanaugh in a few hours. To mark all of them as somehow not caring about the broader issue of sexual assault in America is not only untrue and an affront to them but undermines the larger cause of working together to combat this issue.

I do not believe this is a binary choice. This is not and should not be a Republican-versus-Democratic issue. This is actually an American epidemic, and, frankly, it should be viewed more as an American male issue. The men are the ones who are committing the vast majority of the abuse, and we need to work together in this body and across the country to be united to stop it.

I will be voting to confirm Judge Kavanaugh as the next Associate Justice on the Supreme Court, but on this broader topic that I have been discussing this afternoon, our country has a lot of healing and a lot of work to do. I am certainly ready to do my part in that regard with all of my Senate colleagues, Republican and Democratic.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, article II, section 2 of the Constitution gives this body, the Senate, the responsibility to advise and consent on judicial appointments. It is an important check on executive power. We are invested with this special responsibility to ensure that individuals nominated by the President to be Supreme Court Justices will be people who will make decisions fairly and impartially, without favor and without bias. That is why Lady Justice wears a blindfold and holds a balance scale on which to weigh the merits of arguments and claims that come before her. The integrity of the Supreme Court requires that every person who comes before that Court has confidence that each Justice will fairly weigh the evidence and the arguments. Judge Kavanaugh does not meet that standard.

I had that concern at the very beginning of this process, and I fear it more than ever today at the end of the process. Any remaining hope that Judge Kavanaugh could be trusted to be an impartial Justice or could be perceived to be an impartial Justice was shattered by his opening statement at his last hearing. In that statement, which he emphasized he wrote in his own words, Judge Kavanaugh launched into an ultra-partisan diatribe and into wild conspiracy theories. He suggested that Dr. Ford's compelling testimony about

her sexual assault was somehow manufactured by Democrats as payback for his participation in the Starr investigation, as if Dr. Ford were an actor in a bitter partisan battle rather than a brave citizen who had come forward to tell her story.

While Judge Kavanaugh attempted the other day to walk back his words in his Wall Street Journal op-ed, the damage he had done was irreversible. If he is confirmed, hundreds of people who go before the Supreme Court and the millions of Americans whose lives will be affected by his decisions will believe that Judge Kavanaugh has already put his hands on the scales of Justice before they have had their say in court.

That is why hundreds of law professors, Jesuits, and personal friends withdrew their previous support for his nomination after his statement at that hearing. That is why the American Bar Association has called a meeting to reconsider its endorsement, and that is why former Justice John Paul Stevens took the extraordinary step of saying that Judge Kavanaugh was not fit to serve on the Supreme Court of the United States.

It didn't have to be this way. The process was flawed from the start, and it got worse as time went on. It started when President Trump contracted out the process of picking a Supreme Court nominee to rightwing groups like the Federalist Society and the Heritage Foundation. During his campaign, candidate Trump said he was going to pick Supreme Court nominees based not on who would be impartial, based not on who would be independent but based on who would do his bidding on certain issues. He had a number of litmus tests.

For example, during the campaign, when talking about the Affordable Care Act, candidate Trump promised that, unlike Chief Justice Roberts, his nominee would "do the right thing" and get rid of the Affordable Care Act. The Federalist Society and the Heritage Foundation didn't need much coaxing, but they dutifully compiled lists of names of people to fit the bill. Judge Kavanaugh fit the bill, and he fit the bill according to his own former law clerks.

One of his former law clerks wrote an article entitled "Brett Kavanaugh Said ObamaCare was Unprecedented and Unlawful" in order to assure people that Judge Kavanaugh would be the Justice Kavanaugh to undo the protections of the Affordable Care Act. Another one of Judge Kavanaugh's own law clerks said that no other contender on President Trump's list is on record so vigorously criticizing the Affordable Care Act. These are Judge Kavanaugh's law clerks.

We all know that the case of Texas v. United States, which threatens to take away protections for millions of people with preexisting conditions, is currently making its way through our Federal courts as we gather here today.

It was filed by a group of 20 Republican attorneys general. The Trump administration decided not to defend the current law and decided not to defend the Affordable Care Act, and he said to these Republican attorneys general to have at it—to get rid of the Affordable Care Act.

We know that the Texas case is very likely to end up in the Supreme Court of the United States. In Judge Kavanaugh, President Trump has his man, according to Judge Kavanaugh's own law clerks, to rule against the Affordable Care Act—in doing so, stripping millions of Americans from their protections for preexisting health conditions.

On the issue of a woman's right to reproductive freedom and choice, Candidate Trump promised he would appoint a Justice to take those rights away. Specifically, he said overturning Roe "will happen automatically, in my opinion, because I am appointing pro-life justices on the court." Again, he found his man in Judge Kavanaugh, and we have Judge Kavanaugh's own law clerks saying as much.

In a July 3, 2018, National Review article, one of his former clerks wrote: "No court-of-appeals judge in the nation has a stronger, more consistent record of enforcing restrictions on abortion."

Now, at the confirmation hearing, we all heard Judge Kavanaugh say that Roe v. Wade was an important precedent, and he said to some Senators that it was settled law. We know from many Republican judicial nominees who have testified before the Senate about settled law that as soon as they have gotten on the Supreme Court, it has no longer been settled. In fact, Judge Kavanaugh, before he was a judge, said himself in a 2003 memo that came to light: "I am not sure that all legal scholars refer to Roe as the settled law of the land at the Supreme Court level since the Court can always overrule its precedent"—a clear indication of where Judge Kavanaugh's reasoning lies, especially in light of the testimony from his own law clerks.

If you look at other parts of his record, you will find that Judge Kavanaugh consistently rules in favor of powerful special interests and against the public interest. He has sided with those who want to lift all of the restrictions on political campaign expenditures. In one opinion, Judge Kavanaugh wrote that PACs are constitutionally entitled to raise and spend unlimited money in support of candidates for elected office because it was "implausible" that contributions to independent groups could corrupt candidates.

Those million-dollar expenditures on behalf of candidates have no impact on the thinking of those candidates once they are elected. This is according to Judge Kavanaugh and, of course, according to the Citizens United decision. In fact, Judge Kavanaugh has been

credited by one campaign finance expert as “the man who created the super-PAC.”

Judge Kavanaugh has gone further. He has even suggested that limits on direct contributions to candidates are unconstitutional. Back in March of 2002, in an email, he wrote: “I have heard very few people say that the limits on contributions to candidates are unconstitutional, although I, for one, tend to think those limits have some constitutional problems.”

We can see that if it is Justice Kavanaugh, not only will he double down on Citizens United, which says that corporations can spend unlimited amounts of money, including unlimited amounts of secret money, but he will question the constitutionality of putting limits not only on independent expenditures but on direct contributions to candidates.

We know Judge Kavanaugh was also the pick for those who want corporate power to trump workers’ rights, consumers’ rights, and environmental protections. The day that Judge Kavanaugh was nominated for the Supreme Court, the White House circulated a letter to corporate leaders that touted the fact that he would protect their interests. The White House proudly noted that he had overruled Federal regulators 75 times on cases involving clean air, consumer protections, net neutrality, and other issues.

When it comes to workers’ rights, Judge Kavanaugh has routinely sided with corporations that want to prevent workers from unionizing, even at President Trump’s own hotel in Atlantic City, which at the time had admitted its refusal to bargain with workers in a 2012 case.

When the card dealers across several hotels voted to unionize, Judge Kavanaugh and a panel of judges invalidated the will of the workers, overturned an administrative law judge’s ruling that the union be certified, and allowed the Trump hotel to continue violating workers’ rights.

On environmental issues, Judge Kavanaugh’s record shows that time and again, he favors polluters over clean water and clean air. With his confirmation, it will be much harder for Americans to seek redress in the courts, and it will be easier for polluters to continue to pollute the environment. As a circuit court judge, he has written 10 dissenting opinions in environmental cases, and in each one, he has argued against the side that sought to protect the public health and the environment.

Judge Kavanaugh’s sweeping view of executive power should cause alarm among every Member of this Senate, Republican and Democrat alike. We have all heard the testimony, and we have seen the writings. It appears to be no surprise that President Trump, who is watching that Mueller investigation get closer and closer to his doorstep, would want a judge who will give excessive deference to the executive

branch—somebody who may be on the Supreme Court when that Court has to decide whether or not President Trump can be subpoenaed in that case or otherwise or be brought to justice in that case, if that is what the conclusions demand.

It is clear on all of these issues that President Trump and the Republicans had their man in Judge Kavanaugh. They have someone they believe will overturn the Affordable Care Act, once again giving insurance companies a green light to discriminate against people with preexisting conditions.

They think they have someone who will overturn *Roe v. Wade* or dramatically limit a woman’s right to reproductive freedom and choice; someone who will gut environmental regulations, undermine workers’ rights, and consumer protections; someone who will give corporations the ability to continue to spend unlimited amounts of money in elections and who might even argue that the contribution limits to candidates are unconstitutional and can be limited; and, finally, someone the President believes will get him off the hook if the Mueller investigation gets too close to him.

So here we had Republicans in this Senate and a President on the verge of getting someone they thought could do all of those things, and then something unexpected happened: The country learned about what happened to Dr. Ford.

Our Republican colleagues seem to have forgotten that Dr. Ford did not want to come publicly to report her sexual assault. It was only when she found out that Judge Kavanaugh was on the second short list that was released that she became concerned. Even then, she didn’t want to come forward publicly. But she thought it was her civic duty to let people know what had happened to her, so she reached out to her Representative in Congress on a confidential basis.

The story did become public, and when it did, she felt dutybound to testify before the Senate Judiciary Committee and tell Senators what happened to her on that awful day. We all know she had nothing to gain. She has been subjected to all sorts of awful death threats and other kinds of verbal abuse. She had nothing to gain and everything to lose.

Our Republican Senators who listened to her testimony, for the most part, said that her testimony was both powerful and credible; we know she answered questions directly. By contrast, Judge Kavanaugh’s testimony was partisan, evasive, and, on many points, even under oath, untruthful.

When the female prosecutor Republicans hired to ask questions for them could not discredit Dr. Ford’s testimony, we saw many of our Republican colleagues launch into full partisan attack mode; no longer did the facts matter. They picked up on Judge Kavanaugh’s opening statement about partisanship rather than seeking to get

to the truth about what happened to Dr. Ford and others who have alleged sexual assault.

What mattered was ramming through their nominee. The majority leader, Senator MCCONNELL, said they would “plow right through” and, by God, nothing was going to stop them. They even scheduled the vote on Judge Kavanaugh before they had heard the testimony about sexual abuse and sexual assault from Dr. Ford and Judge Kavanaugh.

It was only when Senator FLAKE recognized what a sham the process was that he at least forced the Republican leadership to do what they did not want to do and agree to a short FBI investigation into the allegations of Dr. Ford and Deborah Ramirez, but the goal never changed. The goal of ramming through the nomination never changed.

That is why Senate Republicans and the White House dramatically limited the scope of the FBI investigation. They tied the hands of the FBI. They told the FBI whom they could interview. The investigation that was already going to be short at about a week was cut even shorter and was finished up in a matter of days.

What is the result? The result is completely predictable. The result is we have lots of key witnesses who were not interviewed who say they have corroborating evidence to support the allegations of Dr. Ford and Deborah Ramirez. The country will continue to hear from these witnesses after today’s vote.

Because the investigation was orchestrated by the White House and the Senate Republican leadership, the FBI was not allowed to do its full job. It would have been better for all parties involved—and I mean all parties, including Judge Kavanaugh—to have had a thorough investigation where, at the end of the day, the public could have confidence that all of the available evidence could have been tracked down and reviewed. That would have been best for the integrity of the Court and the integrity of the Senate.

We all know there is no requirement that we rush this confirmation. We all know that. After all, it was the Republican leader who kept a seat open on the Supreme Court for months and months and months after President Obama had nominated Judge Merrick Garland. So this notion that there is some kind of artificial deadline is simply untrue. This is all being done, as the majority leader said, to “plow right through.”

Taking time to do the investigation right would have put the entire enterprise at risk—the entire plan to put on the Supreme Court the person President Trump and Republicans believe will deliver the legal outcomes they want. Even if all of the testimony shows he can no longer be impartial, in this case, his record and testimony indicate that he will deliver the legal outcomes they want.



Dr. Ford's courage in coming forward and telling what happened to her has empowered many of my Maryland constituents and many others around the country to come forward with their own stories of abuse.

I have received written statements from over 50 Marylanders—over 50 Marylanders—telling me about the sexual abuse they had encountered. Some of them told me they have shared with me what they have not shared with their own family members. They felt it was important that I know why they did not report their abuse at the time, why they did not tell their parents, and why their memories were not perfect decades later.

They told me what they do remember. They told me they remember the clothing they wore the day they were assaulted. They told me they remember the scent, the cologne, and the feeling of unwanted hands. Those memories haunt them.

These stories are reminders of how our society has let down survivors of sexual assault for decades. The way that these survivors have been treated has been shameful. I am humbled by the trust they have shown in sharing these experiences with me, and I will let the stories of a few of them speak for themselves here on the floor of the Senate.

Here is what one woman wrote:

Once [when] I was 16, I was at a party. There was alcohol. He was popular, I wasn't. He was big and strong, I have never been. He threatened me afterwards. He needn't have bothered. He told me no one would believe me. He told me I wanted it. I showed a friend the bruises. He said everyone would say I was a slut. I told another friend I was frightened. She said I should just avoid him in school. I told an adult I trusted at my job. She told me about how when she reported when she was young, how the police treated her, how her parents reacted. How she regretted saying anything. I never told my parents. I went to a free clinic and the "therapist" asked how could I know it was rape if I had been drinking.

Those are the powerful words from one Marylander.

Another wrote:

I remember the assault vividly. I was on my way home from church. I don't remember the sermon before. Details are fuzzy. But I remember the assault. I remember looking at a nearby home where I knew elderly people lived. I could see that their TV was on and I wondered, "Would they even hear me scream?" I didn't tell people. I didn't think people would believe me.

Another constituent wrote me this quickly, without editing. She told me she cried when she read it to her husband. Here is what she wrote:

Having experience in working with victims in a prosecutorial manner, or as a judge, or even defending the accused does not make you an expert. The expert is the victim. I am that victim. I am that expert. And as such I can tell you absolutely, without hesitation, that what haunts you most, what affects how you relate in the future with your loving spouse, what affects how you feel about yourself, and what affects even your sense of smell, is the memory of the person who abused you. Not the address where it took

place, not the time on the clock, not the day of the week—but the smell of the person assaulting you, the feel of their hands, the confusion in your head because you don't know what is happening because it's all happening so fast, and yes—their name. You never forget their name.

She went on to say:

Then comes the shame. What did I do to cause this? What will people think of me now because I've been touched, I've been tarnished, I'm not pure. Will I be believed? At this point my life has already been altered beyond repair, but it's an internal alter. If I talk, it alters my external world as well. Maybe it's better to just not talk because then at least I can pretend things are as they have always been. I can just pretend that I'm exactly the same person—but I'm not.

Another wrote that she understood that a man could move on from assaulting a woman particularly if they were drunk at the time. She said:

The man who assaulted me later acted as if he was catching up with an old friend and had no memory of the event. I have several friends who have experienced the same thing.

Another echoed a similar experience, writing:

He had been drinking heavily with friends at a restaurant or bar. I had not. Later that night, he raped [me]. He was very inebriated and displayed a complete personality change. He was violent and angry and did not even seem to see me. I was paralyzed and probably saved my own life by not fighting back as he had essentially become a rabid animal. The next day I confronted him about what happened and he had no memory of the crime he committed.

These are not isolated incidents for survivors. As I have said, I have gotten over 50—over 50—personal testimonials from survivors since Dr. Ford had the courage to come forward. These are people who have not shared what happened to them with some of their closest friends or family members. These are stains etched in their memories. Many of them never told a soul. Others were ignored or dismissed when they brought up these awful experiences and were told to stay quiet.

It is an insult to these survivors when some have called them partisan. In many cases, they went out of their way in their messages to me to say their concerns had nothing to do with ideology or partisanship—nothing. Some told me they are Republicans, and others are Independents. Some of them grew up in families who had no care about politics. Others told me they were Democrats but they would be more than willing to accept a different, conservative judge—but not this one.

When Donald Trump went to a campaign rally and mocked Dr. Ford, he mocked every one of those 50 survivors who wrote to me. He mocked every survivor of sexual abuse around the country. And this Senate's decision to do as the majority leader said, "plow right through" without undertaking a thorough and serious investigation into the charges from Dr. Ford, Deborah Ramirez, that also disrespects these survivors. That is what they say to me.

Of course, Judge Kavanaugh did the same thing in his opening statement at

his most recent hearing because his entire opening statement suggested that Dr. Ford's coming forward was part of some political conspiracy. Unfortunately, that is where this conversation has gone ever since—not an effort to really get to the truth, to really get all the facts but just to do what the majority leader said before she even testified: "Plow right through."

We know that etched above the Supreme Court are the words "Equal Justice Under Law." It does not say "plow right through."

The decision to "plow right through" will undermine and haunt the integrity of the Supreme Court for decades to come, and it will also haunt and undermine the integrity of this U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I have to say I am sick of this. I am sick of everyone who wants to rewrite the history of what happened in the Senate with the nomination of Brett Kavanaugh to the United States. It isn't even over yet, and they want people to believe that what we have witnessed over the past weeks was what they call a "political hit job perpetrated by Democrats with a grudge."

That is the story the nominee himself tried to sell in his testimony on Thursday. He accused Democrats of lying in wait. He twisted Ranking Member FEINSTEIN's respect for Dr. Christine Blasey Ford's wish for privacy. He falsely claimed Democrats had her accusation "ready," that Dr. Ford's accusation "was held in secret for weeks," because the Democrats, as Judge Kavanaugh put it, "couldn't take me out on the merits."

What a paranoid fantasy.

Brett Kavanaugh's entire performance was an hour's long rant. I am quoting him. He said:

This whole two-week effort has been a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election.

Fear that has been unfairly stoked about my judicial record. Revenge on behalf of the Clintons, and millions of dollars in money from outside left-wing opposition groups.

Unbelievable, in my view. He claimed to have written this screed on his own without showing it to any of his handlers. I find that hard to believe, given that he was reported to have spent 10-hour days at the White House preparing for this hearing.

We heard Dr. Ford's raw and sincere account of that night as a drunk teenage Brett Kavanaugh and Mark Judge attacked her. The nominee called it a "grotesque and coordinated character assassination." But this isn't a conspiracy, Judge Kavanaugh. It is real.

Look at what Dr. Ford's coming forward has triggered. People believe her for many reasons. Her recall of events is consistent with the way survivors of trauma remember things. Her demeanor was forthright and open. She had everything to lose and nothing to

gain by coming forward, and despite what many are saying, there is quite a bit of collaboration of her story.

She knew Brett Kavanaugh. She socialized with his circle of friends. She had told people in her life what happened to her long before Brett Kavanaugh was nominated to the Supreme Court. His calendar attests to him having attended at least one gathering consistent with her recollection.

But another reason so many people believe Dr. Ford is that her account is so familiar. It has echoes in so many of our own stories, our own experiences. So many women have survived some version of what happened to her, along a spectrum of experiences that range from creepy looks or catcalls to rape and other violent attacks. So many women have kept their stories to themselves for fear of not being believed, for fear of retaliation or humiliation, or shunning.

In a column written by Monica Hesse in the *Washington Post*, entitled “Dear dads: Your daughters told me about their assaults. This is why they never told you,” Ms. Hesse writes about all the reasons why survivors don’t even tell people closest to them about what happened to them.

She writes:

For all the stereotypes that linger about women being too fragile or emotional, these past weeks have revealed what many women already knew: A lot of effort goes into protecting men we love from bad things that happen to us.”

She writes to fathers who are only now finding out about the daily indignities women endure and explains why they were never told and why their loved ones were now writing to Hesse herself.

I am going to quote extensively from this article:

To the father of the young woman who was assaulted by the student athlete she was hired to tutor: She never told you because she didn’t want to break your heart. But she told me, in a long email, because the memory of it was breaking her own heart and she’d spent five years replaying it.

To the father of the junior high student who was pinned down and undressed at a gathering 30 years ago: She didn’t tell you because she didn’t want to see you cry. But she told me that she still remembers every detail.

To the father of the teenager who was raped at a party: You don’t know about this, because she was certain that if you knew, you would kill her attacker and go to prison, and it would be her fault.

To the father of the son who was assaulted by an older man: I wish I could tell you more about what happened to him, but he wouldn’t tell me, and he definitely won’t tell you, because manliness is important to you, he says.

To all the fathers of all the silent victims: Your children are quietly carrying these stories, not because they can’t handle the emotions but because they are worried that you can’t.

They are worried that your emotions will have too many consequences. Or they fear you won’t think of them the same way. Or that you’ll be distraught because you didn’t protect them.

These words and stories are powerful, and Ms. Hesse is right. So many sur-

vivors want to protect their loved ones, but Ms. Hesse is also right that they shouldn’t keep their stories in. She urges them, saying:

So, to the rest of you: If you could tell your father in a way that feels safe, and in a way that would bring you comfort, tell your father. Tell your brothers. Let them be uncomfortable; let them share some of your pain. Don’t let them be ignorant.

And once women are able to share their experiences, what should we do with them? I agree with the author Rebecca Traister, who captured so much of what I have been thinking lately in a piece called “Fury Is a Political Weapon, and Women Need to Wield It.” This is in the *New York Times*. I want to read some of it to you.

Ms. Tracer wrote:

Outside the room where Christine Blasey Ford forward was testifying on Thursday morning, women were incandescent with rage and sorrow and horror.

They were getting angry in a new way, a public way, an unapologetic way—a way that is typically reserved for men, and that would again serve men well, when afternoon came.

Brett Kavanaugh bellowed; he snarled; he pouted and wept furiously at the injustice of having his ascendance to power interrupted by accusations of sexual assault.

He challenged his questioners, turned their queries back on them.

What happened inside the room was an exceptionally clear distillation of who has historically been allowed to be angry on their own behalf, and who has not.

And outside the room was a hint of how it might be changing.

Most of the time, female anger is discouraged, repressed, ignored, swallowed. Or transformed into something more palatable and less recognizable as fury—something like tears. When women are truly lived, they often weep.

Maybe we cry when we’re furious in part because we feel a kind of grief at all the things we want to say or yell that we know we can’t.

Maybe we’re just sad about the very same things that we’re angry about. I wept as soon as Dr. Blasey began to speak.

On social media, I saw hundreds of messages from women who reported the same experience, of finding themselves awash in tears, simply in response to this woman’s voice, raised in polite dissent.

The power of the moment, the anxiety that it would be futile, the grief that we would even have to put her—and ourselves—through this spectacle, was intense.

Tears are permitted as an outlet for wrath in part because they are fundamentally misunderstood.

One of my sharpest memories from an early job in a male-dominated office, where I once found myself weeping with inexpressible rage, was my being grabbed by the scruff of my neck by an older woman—a chilly manager of whom I’d always been slightly terrified—who dragged me into a stairwell.

“Never let them see you crying,” she told me. “They don’t know you’re furious. They think you’re sad and will be pleased because they got to you.”

This political moment has provoked a period in which more and more women have been in no mood to dress their fury up as anything other than raw and burning rage.

Many women are yelling, shouting, using Sharpies to etch sharply worded slogans onto protest signs, making furious phone calls to representatives.

Many of the women shouting now are women who have not previously yelled pub-

licly before, many of them, white middle-class women newly awakened to political fury and protest.

Part of the process of becoming mad must be recognizing that they are not the first to be furious, and that there is much to learn from the stories and histories of the lived women—many of them not white or middle class—who have never had reason not to be mad.

If you are angry today, or if you have been angry for awhile, and you’re wondering whether you’re allowed to be as angry as you feel, let me say: Yes. Yes, you are allowed. You are, in fact, compelled.

If you’ve been feeling a new rage at the flaws of this country, and if your anger is making you want to change your life in order to change the world, then I have something incredibly important to say: Don’t forget how this feels.

That is Rebecca Traister’s article.

Traister ends her article by endorsing anger and telling women not to let go of it. She says:

What you’re angry about now—injustice—will still exist, even if you yourself are not experiencing it, or are tempted to stop thinking about how you experience it, and how you contribute to it.

Others are still experiencing it, still mad; some of them are mad at you. Don’t forget them; don’t write off their anger. Stay mad for them, alongside them, let them lead you in anger.

That is what I am left with, Mr. President. Anger. Fury. Disgust. At a process that could not see the truth of what Dr. Ford tried to tell us.

The rewriters of truth are already at it. In column after column, on cable news shows across the country, and even here on the Senate floor, they are casting Judge Kavanaugh as the victim.

I was asked a few days ago whether the four Democratic women on the Judiciary Committee had a special responsibility to address the question of sexual assault. I reject the premise of that question. It is not just up to the women in this country to stand up. Men have to join us. They have to hold themselves and other men accountable. They have to push back against the fear that those with power feel when they are challenged. We saw some of the ways that this kind of fear operates just this week among some of my Senate colleagues.

When approached by survivors of sexual assault who waited to talk to them about the Kavanaugh nomination, they said things like “Grow up,” insinuating that the women sharing their painful, traumatic accounts were there to enjoy themselves. Enjoy themselves?

We saw the President of the United States sink to a level I didn’t think possible. The mocker-in-chief mocked Dr. Ford, a survivor of sexual assault. He mocked her for not remembering some peripheral things about the attack. But the thing she said she was 100 percent sure of was that it was Brett Kavanaugh who attacked her.

In case some of my colleagues don’t get it, sexual assault survivors often



don't remember how many steps, how many rooms, the kinds of things the President mocked Dr. Ford about. But they remember the attack itself with 100 percent accuracy. They remember how it felt, the fear, the laughter of the attackers.

The kinds of insults that have been hurled at Dr. Ford and others in her situation are cruel and unnecessary. I am left with anger and determination, just like millions of people across the country.

I will take Rebecca Traister's advice and commend it to the women of America and the men who understand their stories. I will stay mad and let that anger propel us to change. Going forward, I will continue to listen to women who have shared their stories. I will tell them that I hear them, I see them, and I want all of us to be the change that needs to happen in our country.

Before I yield the floor, I want to read a statement from Debbie Ramirez dated October 6, 2018. She says:

Thirty-five years ago, the other students in the room chose to laugh and look the other way as sexual violence was perpetrated on me by Brett Kavanaugh. As I watch many of the Senators speak and vote on the floor of the Senate I feel like I'm right back at Yale where half the room is laughing and looking the other way. Only this time, instead of drunk college kids, it is U.S. Senators who are deliberately ignoring his behavior. This is how victims are isolated and silenced.

But I do have corroborating witnesses speaking for me, although they were not allowed to speak to the FBI, and I feel extremely grateful for them and for the overwhelming amount of support that I have received and continue to receive during this extremely difficult and painful time. There may be people with power who are looking the other way, but there are millions more who are standing together, speaking up about personal experiences of sexual violence and taking action to support survivors. This is truly a collective moment of survivors and allies standing together.

Thank you for hearing me, seeing me and believing me. I am grateful for each and every one of you. We will not be silenced.

We stand in truth and light, Debbie Ramirez.

I yield the floor.

Mr. ENZI. Mr. President, I rise today in support of the nomination of Brett M. Kavanaugh to be our next Associate Justice on the Supreme Court of the United States.

Confirming Supreme Court Justices is one of the most important and sacred roles of the Senate. Supreme Court candidates represent individuals who have reached the highest level of their profession and are often the brightest legal minds of their generation. Beyond their stellar resumes, they must have a proven track record of approaching each case with care and a commitment to upholding our rule of law and the Constitution. Judge Kavanaugh easily exceeds these standards and is highly qualified for confirmation to our nation's highest court.

I met with Judge Kavanaugh in July and got the chance to talk with him

about his judicial philosophy and record. During our conversation, I was struck by his professionalism, commitment to the Constitution, and vast knowledge of our legal system. We discussed the important issues facing Wyoming, and I believe he understands my State's unique challenges. As a rural, western State, we are constantly battling Federal Government overreach from Washington, DC. Judge Kavanaugh has a long history of reining in executive agencies that stretch beyond their statutory authorities, which is a welcome relief for my State. Wyoming is a State full of citizens who expect our courts to uphold the Constitution as the framers originally intended it.

I voted to confirm Judge Kavanaugh as a judge to the DC Circuit Court of Appeals over a decade ago. Since that time, Judge Kavanaugh has become widely regarded by his peers as one of the most respected circuit judges in the Nation. He is a prolific writer and has authored more than 300 opinions, demonstrating his firm commitment to the rule of law. Having reviewed his record, and based on his experience and writings, I believe Judge Kavanaugh will fairly and impartially interpret the law.

Over a decade ago, when the Senate was considering the nominations of Justice Alito and Chief Justice Roberts, I gave a floor speech where I stated that "[W]e have shifted into an era of judges who legislate. We must return to the elementary doctrines that [recognize] the important and distinct roles of each branch." That sentiment is more true now than ever. Elected representatives in Congress are held accountable to the people and must demonstrate their fidelity to their constituents' concerns to remain in office. There is no such check on our judiciary. Congress's job is to write the law, and the courts are tasked with interpreting the law and determining its adherence to the Constitution, not writing it themselves. I believe Judge Kavanaugh understands this distinction thoroughly and has a proven track record of refraining from rewriting laws from the bench. His confirmation to the Supreme Court will set a new standard for our judicial system that encourages this type of philosophy, one that shies away from activism and focuses on the true role of the courts to interpret the law.

I also appreciate Judge Kavanaugh's commitment to service. Since the beginning of his career, he has spent several decades in various roles in the public sector, serving our Nation. From the Bush administration and now to the courts, he has dedicated his life to public service and served our Nation honorably. He is also a family man who volunteers his extra time at his church or helping deliver meals to other people. Of all of the shining spots on Judge Kavanaugh's resume, this may be the most impressive.

Serious accusations were recently made against Judge Kavanaugh. It is a

Senator's job when giving advice and consent on nominations to give such accusations, and the people making them, careful consideration. I do not condone sexual assault in any case, and allegations must be taken seriously. All parties deserve fair treatment. I believe they got it, and the committee rendered its decision.

The situation surrounding these accusations included noise and political pandemonium the likes of which we have thankfully not had too many occasions to witness in the history of our country. That is why I was appreciative of how Judiciary Committee Chairman CHUCK GRASSLEY conducted committee consideration of this nomination. He cut through the conjecture, speculation, frenzy, and focused the committee on fair consideration for accusers and accused.

I made my decision to vote for Judge Kavanaugh based on my meeting with him, his long and meritorious record of public service and as a judge, which involved multiple FBI background checks, including the most recent supplemental review, and the Judiciary Committee's work on the nomination. That work included a day of questions about the accusations made against Judge Kavanaugh. At the conclusion of this process, no new facts were revealed and no corroboration of the accusations was presented.

Like Justice Gorsuch before him, I believe Judge Kavanaugh would issue decisions adhering to a strict interpretation of the Constitution, free from outside pressure. I applaud President Trump for taking his responsibility to nominate qualified Justices so seriously.

Thank you.

Ms. HIRONO. Mr. President, yesterday, we heard our colleague from Maine express the hope that his "nomination is where the process has finally hit rock bottom." On this, I agree. I hope we never again reach a place where women are as disrespected, ignored, and disregarded, as they have been throughout this confirmation process.

My colleague also observed that "[w]e live in a time of such great disunity" that "people bear[] extreme ill will toward those who disagree with them." While that may be true for some, I think many of us who have strongly spoken out about our concerns about Judge Kavanaugh's nominations do not bear any ill will against those who disagree with us. In fact, being able to strongly disagree with others and voice our opinions without being told to "grow up" or called a "loud mouth" reflects a respect for the American values of democracy and respecting women. It is in that spirit, I would like to clarify several misunderstandings raised by my colleague.

As my colleague from Maine noted, she cares about protecting women's reproductive rights. Given this concern, I feel compelled to clarify her description of Judge Kavanaugh's record on

reproductive rights. She referenced, without naming, Judge Kavanaugh's dissenting opinion in favor of a religious organization, Priests for Life. In that case, he argued that religious employers could deny their women employees access to healthcare coverage of contraception because filling out a 2-page form was too burdensome for them.

Despite this conclusion, my colleague described Judge Kavanaugh's decision as "seeking to ensure the availability of contraceptive services for women while minimizing the involvement of employers with religious objections." It is hard to see how blocking access to contraceptives for women by finding a 2-page form too burdensome is truly seeking to ensure access to contraceptives.

She claimed that his critics "frequently overlook" the fact that he wrote that "Supreme Court precedent 'strongly suggested' that there was a 'compelling interest' in facilitating access to birth control." But that ignores the fact that regardless of this rhetoric, Judge Kavanaugh has consistently demonstrated hostility to women's reproductive rights, including in the very case that she referenced, *Priests for Life v. Department of Health and Human Services*. Moreover, if he is confirmed to the Supreme Court, Judge Kavanaugh can make clear to the entire country that facilitating access to contraceptives is not a compelling interest.

I am also very concerned that my colleague failed to mention the key case addressing Judge Kavanaugh's views on women's reproductive rights, *Garza v. Hargan*. In that case, a 17-year-old undocumented immigrant sought release from HHS custody to obtain an abortion. In his dissent, Judge Kavanaugh mischaracterized the case as one of "parental consent" case to reach his desired outcome, denying this young woman access to her constitutional right to an abortion. Parental consent was not at issue at all in that case. The young woman had already received a proper judicial bypass from a Texas judge. That case is troubling not only because it shows Judge Kavanaugh's complete disregard for a woman's right to make her own decisions about the most intimate aspects of her life, but also because it reveals his willingness to misrepresent the law and facts to reach his partisan, desired outcome.

Although some of my colleagues have tried to hang their hat on Judge Kavanaugh's generic statements about his respect for precedent, even his own colleagues have criticized him for ignoring precedent, when expedient. In one case, *United States v. Anthem*, his colleagues in the majority sharply criticized his dissent, stating that their "dissenting colleague applies the law as he wishes it were, not as it currently is."

My colleague from Maine also noted Judge Kavanaugh's "rave reviews . . .

as a judge, including for his judicial temperament." She pointed to the fact that the American Bar Association's Standing Committee on the Federal Judiciary, ABA, "concluded that 'his integrity, judicial temperament, and professional confidence met the highest standard.'" But I would be remiss if I didn't further note that the ABA informed the Judiciary Committee yesterday morning that it was reopening its evaluation of Judge Kavanaugh because of "[n]ew information of a material nature regarding temperament during the September 27th hearing before the Senate Judiciary Committee." This new information includes Judge Kavanaugh's angry, partisan screed on September 27, when he accused Senators of "orchestrat[ing] a political hit" as "revenge on behalf of the Clintons" and ominously said, "what goes around comes around."

These statements, which were not mentioned by my colleague, directly contradict Judge Kavanaugh's statements of nonpartisanship that my colleague quoted in her remarks. But the most important clarification that I feel compelled to make is my colleague's discussion of Dr. Christine Blasey Ford's testimony. My colleague stated that she "found [Dr. Ford's] testimony to be sincere, painful, and compelling." She also said that she "believe[s] [Dr. Ford] is a survivor of a sexual assault and that this trauma has upended her life."

But these statements of support were followed in the caveat, "Nevertheless." "Nevertheless," it was said, "the four witnesses [Dr. Ford] named could not corroborate any of the events of the evening gathering where she said the assault occurred." My colleague raised questions about the fact that no one came forward from this small gathering in the summer of 1982 to say that they were at the party or that they gave Dr. Ford a ride home that night. Point by point, these statements sought to poke holes in Dr. Ford's testimony based on little details.

In the midst of the questions raised about these little details in Dr. Ford's testimony, the bottom line message was clear: Dr. Ford was not to be believed. She was mixed up, mistaken. By contrast, Judge Kavanaugh was to be believed because he "forcefully denied the allegations under penalty of perjury." But there was no mention of the fact that Dr. Ford also testified until penalty of perjury and said she was "100 percent" certain it was Brett Kavanaugh who sexually assaulted her in the summer of 1982.

In contrast to the claim that there was a "lack of corroborating evidence," there was significant corroborating evidence, as my colleagues have already entered into the RECORD. To highlight just a few, Dr. Ford's account was corroborated by Dr. Ford's therapist, results of a polygraph examination, and other witnesses who were told about Dr. Ford's account of her sexual assault, even before Judge Kavanaugh was nominated to the Supreme Court.

In contrast to my colleague's description of this process as a dysfunctional "frenzy" of special interest groups spreading "outright falsehoods," I believe what we have heard over the past few weeks is democracy in action. Across America, women and men have been sharing their painful experiences of sexual assault and why it matters that someone who commits sexual assault should not be rewarded with a seat on the highest court in the land. They are saying character, credibility, candor, and temperament matter. Those are the American values we will be rejecting today, if Brett Kavanaugh is confirmed to the Supreme Court.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Hawaii for her comments. She has had a strong voice of reason and conscience throughout this whole debate.

This is not a normal confirmation vote. I have now served in the Senate for 19 Supreme Court nominations, more than any other Senator. I have never seen so much at stake with a single seat. I have never seen this much at stake precisely because this is about so much more than one seat. Indeed, the integrity of two of the three coequal branches of our Republic is at stake. This vote will decide whether the U.S. Senate—which, at its best, can serve as the conscience of the Nation—causes the Supreme Court to be indelibly tainted in the eyes of millions of Americans, perhaps more than half of the country.

To be clear, my opposition to Judge Kavanaugh is not because he was nominated by a Republican President. In my 44 years in the Senate, I have voted for more Republican-appointed judges than almost every single Republican Senator serving today. That includes, of course, voting to confirm Chief Justice John Roberts. But Judge Kavanaugh is not a typical conservative nominee. My opposition is driven by my firm belief that his confirmation will bring great harm to the court, to this body, and to millions of hard-working Americans.

Judge Kavanaugh has been relentlessly dishonest under oath. I am not just referring to the fact that he was not telling the truth about his high school drinking or the obvious misogyny in his yearbook or whether he is "Bart O'Kavanaugh," who passed out from drunkenness. All of that, of course, does speak to his credibility, as he concocted far-fetched story after far-fetched story, all to avoid conceding facts that would corroborate the Brett Kavanaugh as described by Dr. Ford and Ms. Ramirez.

But it is much more than that—much, much more than that. Every single time Judge Kavanaugh has testified before the Senate—in 2004, in 2006, and twice in 2018—he has misled and dissembled. On issues big and small, anytime he has been faced with questions that are incriminating, or would place

him in the middle of controversy, he has shown that he cannot be trusted to tell the truth. He misled the Senate. Following questions by both Republicans and Democrats, he misled the Senate about his role in a hacking scandal and thefts from the U.S. Senate. He misled the Senate about his role in confirming several controversial judicial nominees and in shaping the legal justifications for some of the Bush administration's most extreme and eventually discredited policies. I have never seen a nominee so casually willing to evade and deny the truth in service of his own raw ambition. For decades, that ambition has let him, step after step, evade the truth if it is in any way going to stop his ambitions.

The truth is, we are just beginning to learn about Judge Kavanaugh's dishonesty under oath. His false testimony during his 2004 and 2006 confirmation hearings only came to light as the Judiciary Committee obtained some of his White House emails—some because Senate Republicans blocked access to 90 percent—90 percent—of his White House records. Compare that to when Justice Kagan was here, we made sure that Republicans and Democrats had 99 percent of her records, and they were briefed on the remaining 1 percent. Here, 90 percent was blocked. So everything we have learned about his prior dishonesty comes from just 10 percent of his record. Many more of these records are eventually going to become public after today. In fact, I joined a lawsuit, led by Senator BLUMENTHAL, to force the National Archives to release these records. So if 10 percent of his records show dishonesty, what are the chances that the other 90 percent do not contain additional evidence of Judge Kavanaugh's dishonesty under oath? I would say the chance is about zero.

It is not just Judge Kavanaugh's voracity that is disqualifying; it is also his temperament and his partisan zeal. When Brett Kavanaugh was nominated to the D.C. Circuit Court of Appeals in 2004, he was known only as a hyper-partisan political operative. Because he was seen as so hyperpolitical, it took 2 years to get him confirmed. Since Judge Kavanaugh's nomination to the Supreme Court, I had wondered whether his earlier partisan zeal that held him up for 2 years has remained.

Well, it was confirmed last week that it does remain. I have never seen a nominee, either Republican or Democrat, so consumed by partisan rancor. In testimony that veered into a tirade, he angrily attacked Senators and dismissed Dr. Ford's testimony as part of a smear campaign to ruin his name and sink his nomination. His conspiratorial ramblings—attributing the allegations to "revenge on behalf of the Clintons," wherever that came from—were an insult to Dr. Ford and to survivors of sexual violence everywhere. It is not how a patron of the President of the United States continues to deride victims of sexual violence.

Former Justice John Paul Stevens, a Republican appointee—actually, he was the first nominee I was able to vote on as a U.S. Senator, and I voted for him. This Republican appointee, well-respected Supreme Court Justice, declared that Judge Kavanaugh's unimpaired performance last week demonstrates "potential bias." Justice Stevens said that "for the good of the Court," Judge Kavanaugh's confirmation ought not to proceed. Just yesterday, contrary to the statements made on the floor of the Senate, the American Bar Association announced that it is reopening its evaluation of Judge Kavanaugh's fitness to serve as a judge. These developments—both unprecedented—should serve as flashing red warning signs to any Senator inclined to vote yes at this time.

And there are more flashing red signs.

Dr. Ford's credible and compelling testimony captivated the Nation and inspired survivors of sexual violence across the country. Every minute of her testimony was credible. She disclosed the abuse long before Judge Kavanaugh was a household name. She remembered vivid details of that night. She expressed 100 percent certainty that Judge Kavanaugh was her abuser. In a moment that I will never forget, when I asked her: Doctor, what is your strongest memory—something that she could not forget—she testified: "Indelible in the hippocampus is the laughter, the uproarious laughter between the two" as a teenage Brett Kavanaugh and a friend drunkenly assaulted Dr. Ford.

Dr. Ford had nothing to gain by coming forward. I believe her, just as I believed Anita Hill. In my view, no one who truly believes Dr. Ford can credibly justify voting yes. Unfortunately, the Senate appears to be on the brink of failing Dr. Ford, just as it will fail Ms. Ramirez, and just as it failed Anita Hill.

The FBI investigation completed over the last few days falls short of any standard. And it fell short by design. We have already heard about its deficiencies from Dr. Ford, Ms. Ramirez, and numerous other witnesses who attempted, unsuccessfully, to share relevant information with the FBI.

Senate Republican leadership in the White House did everything in their power to ensure this investigation was not a search for truth but rather a search for cover. Even a basic search for the truth would have allowed the FBI to interview Judge Kavanaugh and Dr. Ford, as well as her husband and her therapist. A search for truth would have allowed the FBI to view numerous high school and college classmates who come forward saying they could provide information about Judge Kavanaugh's conduct during those years that was consistent with the allegation.

A search for the truth would have allowed the FBI to interview a man who wrote a sworn statement asserting he

could corroborate Ms. Ramirez's allegations or two women who contacted authorities with evidence that Judge Kavanaugh tried to head off Ms. Ramirez's story before it became public. That was in clear contradiction to his testimony before the Judiciary Committee. A search for the truth would have allowed the FBI to at least speak with Julie Swetnick, a third accuser.

As Vermonters said to me last weekend when I was home, if they have nothing to hide, why the rush? If they have nothing to hide, why don't they take the time to find the whole truth?

Instead of calling on the FBI to take these basic investigatory steps, inexplicably, the Republican-controlled Judiciary Committee has solely tried to discredit these women. The committee released a statement from a former acquaintance of Ms. Swetnick. This individual had no knowledge of the alleged incident but instead wanted to describe the alleged sexual preferences of Ms. Swetnick. According to the National Task Force to End Sexual and Domestic Violence—one of the most nonpartisan and respected voices on Capitol Hill—this shameless attempt to smear the victim violates the intent of the Rape Shield law.

Look what happened. On the one hand, you have the President of the United States at a rally trying to shame the victim, who, of course, is a woman. Then, on the other hand, we have Ms. Swetnick, who has never even been interviewed by the FBI. She was ignored. She was silenced. Then, to follow the routine of this administration, she was shamed. It is outrageous she has been treated that way.

Republicans have also claimed the other individuals Dr. Ford identified at the gathering where she was assaulted have refuted her testimony. These Republicans know that is false. Those individuals stated publicly they do not recall the event.

As Dr. Ford told the Judiciary Committee, this is not surprising, as "it was a very unremarkable party . . . because nothing remarkable happened to them that evening." One of these individuals has said publicly she believes Dr. Ford.

Republicans have claimed the investigation failed to review core objective evidence for any of these allegations. Despite the numerous restrictions placed on this investigation, that simply is not true, but a predicate fact for developing thorough corroborating evidence is a thorough investigation. This investigation fell far short. When I was a prosecutor, I never would have allowed an investigation to have left out so many salient points. It is a disservice to Ms. Ford, Ms. Ramirez, Ms. Swetnick. It is a disservice to survivors everywhere.

The manic rush to place Judge Kavanaugh on the bench was more important to many in this Senate than these women. Pushing toward confirmation while so many leads remain unexamined will forever taint a Justice

Kavanaugh, and, unfortunately, the Supreme Court itself.

Yet truth can be dogged. It has a way of coming out, eventually. For any Senator who votes yes while troubling new developments in this nominee are occurring in real time, it will be on their conscience when more disqualifying information later emerges—and it will. I urge them to think carefully about what a “yes” vote would mean to the legitimacy of the Supreme Court, to the integrity of the Senate, and to the increasing divisiveness in our Nation.

As partisan as this process has been, this is not a partisan dilemma. Many prominent conservatives will make a fine Supreme Court Justice. As I said at the beginning of my speech, I voted for more Republican nominees than almost any Republican Senator in this body, but these other people would not cast a shadow over the Supreme Court and a shadow over the U.S. Senate. Judge Kavanaugh is not that choice. To avoid risking permanent damage in the integrity of our institution as a government, I urge Senators to join me in voting no on Judge Kavanaugh’s nomination.

I yield the floor.

Mr. CASEY. Mr. President.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we come together today to talk about a critical nomination to the U.S. Supreme Court at a time when the Court will be considering a range of issues that are critically important to the American people. Right now, one of the issues a lot of Americans are most concerned about is the issue of healthcare. There are so many aspects to that issue we can examine today.

I will get to larger overriding concerns I have with the nomination in a moment. For now, what I will do is walk through some concerns I have when it comes to healthcare itself and, in particular, Americans with disabilities because I think, in this part of the debate and in this part of Judge Kavanaugh’s record and the potential impact his decisions as an Associate Justice of the Supreme Court will have on healthcare itself and people with disabilities—this whole part of his record and what might happen has not been examined enough in this debate.

I will start with healthcare. If Judge Kavanaugh is confirmed today, he could be the deciding vote in eliminating key healthcare protections for people with preexisting conditions—an action that would have serious repercussions on the healthcare of millions of Americans. This administration and congressional Republicans have been trying for the better part of the last 2 years to rip away healthcare coverage from the people who need it the most across America.

Republicans in both branches of government—the executive branch and the legislative branch—have attempted to

decimate Medicaid. Although they have been unable so far to fully repeal the Affordable Care Act in Congress, the Republicans have turned to the courts to sabotage the healthcare system and the Affordable Care Act.

By the way, while we are mentioning the Medicaid Program, let’s remind the American people what that program is. The Medicaid Program is not a “them” program, it is an “us” program. It is about us—who we are as Americans, whether we are going to take care of the family of America.

I think my home State is representative of the impact Medicaid has on people across the country. Forty percent of the children in Pennsylvania get their healthcare through the Medicaid Program; 50 percent of the people with disabilities in Pennsylvania rely upon Medicaid; and 60 percent of seniors trying to get into a nursing home for long-term care in the twilight of their lives rely upon the Medicaid Program. Forty percent of the kids, 50 percent of people with disabilities, and 60 percent of seniors rely upon this program—some 70 million Americans.

The decisions by this Congress, or this body, and the entire legislative branch are critically important on Medicaid and healthcare; obviously, the decisions of the executive branch. Now we have to focus as well on the judicial branch, especially with the nomination that could tip the balance in 5-to-4 decisions.

Judge Kavanaugh has twice disagreed with rulings upholding the Affordable Care Act. It is no coincidence he has been nominated by this President, by this administration. President Trump apparently believes he can count on Justice Kavanaugh, were he to be confirmed, to rule against the Affordable Care Act when he is on the Supreme Court, if he were to be confirmed today.

You don’t have to take my word for this. A former law clerk of Judge Kavanaugh’s said it best when she spoke up about Kavanaugh’s view of the Affordable Care Act: “No other contender on President Trump’s list is on record so vigorously opposing the law”—the law meaning the Affordable Care Act that brought healthcare to 20 million Americans, about more than half of them because we expanded Medicaid.

Right now, courts are considering whether people with preexisting conditions should be protected from being charged more, from being denied coverage, or being dropped from their insurance simply because of their health status. Who would ever believe that after putting into law, enacting into law, those protections for 130 million Americans, we would still be debating it and that an entire political party would be in a court of law arguing those protections are unconstitutional? It is an insult to who we are as Americans.

In *Texas v. United States*, the administration last sided with 20 Republican

State attorneys general and is refusing to defend the Affordable Care Act’s protections for people with preexisting conditions. What is at stake in this legal battle that could obviously end up, down the road, in the Supreme Court? It is 130 million Americans with preexisting conditions. That means people with diabetes or cancer or anything else that is a preexisting condition could have their lives grossly adversely impacted. The Supreme Court might be the last line of defense to maintaining those protections for people with preexisting conditions. A Justice Kavanaugh could be the deciding vote to rip away protections which are in law now, right now, and they could be taken away.

If Republicans were to win this fight, coverage for millions of Americans who have these protections would be adversely impacted. That is probably an understatement. We also have to be concerned about the fundamentals of our health insurance system—the fundamental stability of our healthcare system, which could be undermined or worse.

Such a decision by the Supreme Court would have real-life consequences. In Pennsylvania alone, 5.3 million people, including 643,000 children, have a preexisting condition. I will tell you the story of one of those children.

Jackson Corbin is 13 years old and lives in Hanover, PA. He lives with his mother Anna, his father Michael, and his brother Henry. Jackson, Henry, and their mom all have Noonan syndrome—a congenital disability that often involves heart attacks, bleeding problems, possible developmental delays, short stature, and malformation of the rib cage—all of that in the life of one child. Jackson’s most troubling concern is a form of hemophilia called Von Willebrand disease. Because of this disease, he has to be very careful not to cut himself or to do things that might cause internal bleeding. This means Jackson cannot play sports. He cannot roller skate or even jump on a trampoline. The cost of his healthcare—including medications and treatments and specialists—is more than what his parents would make in a year. Without health insurance coverage they are able to purchase through the Affordable Care Act—including protections for preexisting conditions—the Corbin family would either go bankrupt or Jackson, his mother, and his brother would have to go without treatment, risking their lives.

Last month Jackson testified in front of the Judiciary Committee and spoke about what Judge Kavanaugh’s nomination meant for him, Jackson Corbin.

My Noonan Syndrome is part of who I am. It has been a part of me since the day I was born, and will be a part of me for the rest of my life. If you destroy protections for preexisting conditions, you will leave me and all the kids and adults like me without care or without the ability to afford our care—all because of who we are.

Let me repeat those last few words of Jackson Corbin, 13 years old: “without care or without the ability to afford our care.”

That is what we are talking about here. Judge Kavanaugh could very well be the deciding vote in determining the future of this child and the future of members of his family.

All of us, everybody in this building today, are just one illness away—each of us is just one injury away—from having our own preexisting condition, if we don’t have one already.

Maybe Senators and judges and Justices don’t have to worry about protections for preexisting conditions. Maybe they can all buy that protection one way or another, but 130 million Americans have to worry and have to worry about this consequential nomination on an issue of such grave importance as healthcare itself and maybe, most especially, protections for people with preexisting conditions.

How about disabilities? Judge Kavanaugh’s record on the rights of individuals with disabilities is troubling as well. I will give you one example. Liz Weintraub, like Jackson, testified in front of the Judiciary Committee in opposition to Judge Kavanaugh’s nomination to the Supreme Court. I know Liz Weintraub well. She is 51 years old. She is from Rockville, MD. She has cerebral palsy and an intellectual disability. She had two loving parents and three loving sisters, and for 4 months this year, she was on my staff as a legislative fellow. So I am not objective when it comes to Liz Weintraub, but here is what she told us. The work she did, of course, on our staff was significant. She helped to organize hearings and worked on disability issues to educate our office and me, as well as other Senate offices about the importance of hiring people with disabilities.

But Liz experienced low expectations in her life. She was told by educators she could never attend college. She spent 9 years in a private institution. She was told she had to work in a sheltered workshop.

Despite these barriers, Liz persevered and achieved her dream of being a disability policy advocate. Her knowledge, experience, and wisdom made my office a better place on these issues and a better place to work in. It strengthened our office’s ability to work on disability policy.

Let’s get to the judge’s record on these issues.

Judge Kavanaugh, on the DC Circuit, shows a pattern of siding against individuals with disabilities. He has sided with employers over employees who have a disability, making it more difficult for employees to prove discrimination in court and have their rights protected under the law.

In a case called *Doe v. District of Columbia*, he called into question the very autonomy and right to self-determination of people with disabilities. The case involved three women who had intellectual disabilities and lived

in facilities run by the District of Columbia. The District allowed medical professionals to decide when elective surgeries would be performed on these women without even consulting with them and without even trying to determine the wishes of these three women.

The trial court sided with the women in this case and said the District of Columbia had to attempt to determine what these women wanted before making medical decisions on their behalf. Judge Kavanaugh overturned the lower court decision. He questioned the basic liberty of individuals with disabilities. He allowed the government to continue making medical decisions on behalf of these three women in the District of Columbia without ever attempting to determine what they wanted.

This decision is offensive to the American people, but it is offensive, I think, to people with disabilities even more so and to people who have fought for decades to secure the rights of people with disabilities. The decision robbed these women of their autonomy, and it robbed them of their humanity.

Liz Weintraub said in her testimony:

I worry that if a Justice on the Supreme Court does not believe that we, as people with intellectual disabilities, CAN MAKE decisions for ourselves, then we will have the right to make those decisions taken away from us. . . . That is why I am opposing Judge Kavanaugh.

These are the words of Liz Weintraub, speaking for many Americans with disabilities. I want to thank Liz for her testimony and for coming forward to speak on behalf of those Americans.

These decisions about these rights for people with disabilities don’t just impact the individuals in the particular lawsuit. They also set a precedent for future cases and send a message about the values of our country about whose rights we consider worthy of protection.

If our courts don’t protect the rights and dignity of people with disabilities, then, what are our courts there for? We have to ask that question.

I want to conclude with just a couple of more comments.

There has been a lot of debate and a lot of commentary and a lot of vigorous disagreement about the back and forth that occurred just last week, but I think I am like many Americans who say I believe Dr. Ford’s testimony. I thought she was both credible and persuasive, and I wrote the following earlier this week in an op-ed in the *Philadelphia Inquirer* dated October 2, in describing part of her testimony, the “details of a sexual assault she experienced as a 15-year-old”—that made an impression on Americans, of course. Then, I went on to say: “the terror she felt in that moment, the horror of the physical assault, and the psychological trauma of believing she might die.”

I believe that testimony, and that alone is troubling enough when it comes to making a determination on this nomination.

I was further concerned when I listened to the testimony of Judge Kavanaugh, concerned about his lack of judicial temperament—I think that is an understatement in that moment—and also whether or not he could be an impartial Justice based upon what he said in response to the allegations, and especially what he was saying about Democrats in the Senate.

So I will vote no for several reasons, many of them outlined with regard to healthcare and disability policy. I will vote no on this nomination, and I urge my colleagues to vote no as well.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, in a few moments we will vote to confirm Judge Kavanaugh to the U.S. Supreme Court. It is time.

Justice Gorsuch and Justice Sotomayor were confirmed 66 days after they were nominated. Today marks the 90th day since President Trump nominated Judge Kavanaugh. So this is in line with the timeframe for previous Justices.

What is different, though, about this nomination is the manifest unfairness in the way it was conducted and in the tone and behavior of some Senators, as well as the special interest groups that support them.

This institution used to be known as the world’s greatest deliberative body, but you wouldn’t know it now on this nomination.

The Senator from Maine said yesterday that we have hit rock bottom when it comes to the judicial confirmation process and, sadly, I agree—this, despite the heroic efforts of Senator GRASSLEY, who along with his staff, has been magnificent as chairman of the Judiciary Committee.

What precipitated this embarrassing period for the Senate was the intentional and deliberate withholding of Dr. Ford’s allegations from the Judiciary Committee and Judge Kavanaugh until the 11th hour, and then publicly ambushing everyone else concerned.

It has been a process that, in words that echo from another dark period for the Senate, the McCarthy hearings, has been cruel, reckless, and indecent, both to Dr. Ford and Judge Kavanaugh.

Still, despite these hijinks and the weaponization of the confirmation process, we bent over backwards to try to accommodate Dr. Ford once she said she wanted to come before the committee.

We know she requested confidentiality as her allegations were investigated. She did not consent to nor authorize the release of her letter. She didn’t want a public spectacle. Judiciary Committee staff even offered to fly to California on a bipartisan basis and interview her confidentially, but this offer was not even shared with her by her partisan lawyers. In other words, she said she never understood that offer was on the table. She thought the only way she could tell her story was

in the midst of the three-ring circus that that hearing became.

But after the damage to her was done when her identity became known, we invited Dr. Ford to testify. She came and did so, and I respect and admire her courage. It could not have been easy. We listened respectfully to her story. We took it very seriously. We treated her the same way we would want our wives or daughters to be treated, and we tried to learn the facts—cold hard facts—as elicited by an expert in dealing with sexual assault cases.

We all know after the hearing what that attorney told us because it became public. She said, as a prosecutor, she would never recommend charges under these circumstances because, in her view, there was no corroboration of Dr. Ford's account and there were inconsistencies in her story regarding the place, the time, and the people involved in relevant events. In other words, this was not a case of he said, she said. It was a case of she said, they said, including everyone Dr. Ford claimed was a witness. Not only was there no corroboration, but the alleged witnesses refuted her claim, including her best friend, Leland Keyser, who said she never met Brett Kavanaugh.

Even after all of that, even after hiding information that should have been shared confidentially with the Judiciary Committee, even after the outrageous conduct by some Senators at the first hearing, intentionally violating committee rules and seeking delay after delay, even after that, we took another additional step to address any lingering concerns. The FBI lunched a supplemental background investigation. There are two words to note about this investigation: "supplemental" and "independent." It is supplemental because Judge Kavanaugh has had six other previous background investigations. This was the seventh. It is independent, because now opponents are saying: Well, the investigation was merely checking a box. It wasn't thorough or comprehensive enough.

But that simply doesn't jibe with the facts. The FBI was told to investigate current credible allegations, and they had a free rein to contact anyone they wanted, and they contacted many of the people that our Democratic colleagues, Dr. Ford, and Ms. Ramirez themselves said were eyewitnesses or persons with relevant knowledge. I am talking about folks like Mark Judge and others.

So opponents are trying to have it both ways: They demand an investigation but then badmouth it when it doesn't reveal what they hoped it would. Politics should not have and didn't dictate the terms of this supplemental background investigation. The FBI knows how to do its work, and now opponents of this nomination should accept its findings.

But this has never been a search for the truth by Senators who had already announced their opposition to this

nomination—some of them, even before Judge Kavanaugh was named. Rather, it has become a matter of delay, defeat, and destroy.

I do believe the Senator from Arizona and others who joined in his request did us a great favor by insisting on the FBI supplemental background investigation. The American people can feel better that leads have been followed and exhausted for those still interested in a search for the facts.

The American people now know that we took it upon ourselves to take one last step to dispel any doubts about Judge Kavanaugh's fitness to serve on the highest Court in the land, and now that step is complete. So to Senators FLAKE, COLLINS, and others who requested that supplemental background investigation, I say thank you.

Both Dr. Ford and Judge Kavanaugh have been badly treated throughout this process. Dr. Ford has been treated less as a real person than as a poker chip in a card game. Her wishes for confidentiality were ignored, her letter was leaked, and her story was weaponized in a political ambush.

This whole sad charade has likewise been unfair to Judge Kavanaugh. These allegations could and should have been investigated by the committee under normal procedures and timelines designed to protect both the accuser and the accused. Instead, we got mob rule.

Some blame Judge Kavanaugh for his righteous indignation and impassioned defense at the second hearing, but as somebody who served for 13 years on the bench myself, I know the difference between deciding a case as a judge for which Judge Kavanaugh's temperament has been universally praised and defending oneself against character assassination and personal destruction. Judge Kavanaugh understands the difference, too, and I have no doubt whatsoever about his judicial temperament.

Imagine what this has been like for Judge Kavanaugh's parents or his wife or his children or the friends and colleagues who know the real Brett Kavanaugh—shocking or embarrassing doesn't begin to describe it. I am disappointed more than I can say at those who have unleashed these unjustified attacks on the judge and his family and disappointed in their lack of any empathy or remorse for what they have put them through—no empathy, no remorse, none.

For some of them, it seems the end justifies the means. Chew good people up, spit them out. No problem. All in a day's work.

After the dust settles on this dark period, we need to think about the damage all of this has done to the Senate as an institution and to the judicial confirmation process that we most certainly will embark upon again in the near future.

It is my hope—it is my prayer—that the politics of personal destruction, simply because you don't agree with the nominee's judicial philosophy or the President who nominated him or

her, will stop. The low road is not available to us anymore because there is no lower road than the one we have been on.

It is my hope that some of the tactics we have seen—intimidation, bullying, violating the rules, taunting Members, trying to coerce them through bribes, carpet bombing them with TV ads, sending them coat hangers in the mail, screaming at them in the hallway—these cannot become the new normal. So we cannot reward those tactics. I guarantee that if these tactics had succeeded in blocking Judge Kavanaugh, they would become the new normal, and that ought to chasten all of us. I hope we have learned a painful lesson these last few weeks and will strive to do better. I pledge my good faith and best efforts to do so and to try to help.

We should recall the not-so-distant past when Ruth Ginsburg, the former counsel for the American Civil Liberties Union, was confirmed by a vote of 96 to 3; when Justice Scalia was confirmed by a vote of 98 to 0; and John Paul Stevens was confirmed by a vote of 98 to 0 as well. In a rational, logical world, Judge Kavanaugh should have similarly lopsided numbers; that is, if people were willing to get past their tribalism and look at our nominee's record, look at over the 300 opinions he has authored, the decisions he has authored that the Supreme Court has unanimously embraced. If they would look at his scholarship, talk to his former colleagues and law clerks, if opponents were willing to do that honestly and thoroughly, they would have found a brilliant individual who cuts no corners in his legal analysis, who lets the chips fall where they may, and respects the very important but limited role of the judiciary in our constitutional system.

In my view, a vote against Judge Kavanaugh is an endorsement of the way the opponents have mishandled and abused the confirmation process, as well as the shameful intimidation tactics they employed.

A "no" vote neglects all the man is and all he has accomplished based on unproven accusations about adolescent conduct. It justifies the manipulation and mistreatment of people like Dr. Ford for political gain. It would establish a dangerous precedent and legitimize mob rule, including the presumption of guilt in violation of everything in our Constitution—

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Senator will suspend.

The Sergeant at Arms will restore order in the Galleries.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, it would establish a dangerous precedent.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Senator will suspend.

As a reminder to our guests in the Galleries, expressions of approval or



disapproval are not permitted in the Senate Galleries.

The Senator from Texas.

Mr. CORNYN. Mr. President, it would establish a dangerous precedent and legitimize mob rule, including the presumption of guilt, in violation of everything our Constitution and fundamental notions of fairness that we stand for.

Some say we are a nation divided, but I am not so pessimistic as some. I actually hope we can all learn, we must learn, I believe, from this cruel, reckless, and indecent episode, but a “no” vote will not unite us; it will help reward despicable tactics and set a new ugly precedent. It will only encourage the spurning of tradition and agreed-upon rules, norms, and process. We should not ignore, we cannot acquiesce in or condone what has happened here. We should send a message loud and clear that the U.S. Senate will not be intimidated.

I will cast my vote in favor of Judge Kavanaugh’s confirmation to the Supreme Court of the United States.

(Disturbance in the Visitors’ Galleries.)

The PRESIDING OFFICER. The Senator will suspend.

(Disturbance in the Visitors’ Galleries.)

The PRESIDING OFFICER. The Sergeant At Arms will restore order to the Galleries.

The Sergeant at Arms will restore order to the Galleries.

As a reminder to our guests in the Galleries, expressions of approval or disapproval are not permitted in the Senate Galleries.

The assistant Democratic leader.

Mr. DURBIN. Thank you, Mr. President.

Let me say at the outset that I would like to set the record straight on the question of the FBI interview, which has been raised repeatedly by Members on the other side of the aisle.

It was our request from the start, when we heard the complaints of Dr. Ford and her allegations, that there be a thorough FBI investigation. On the Democratic side, we asked for that repeatedly from the Republican majority. It wasn’t until Senator FLAKE and some of his Republican colleagues made a point of saying they wouldn’t move to go forward without the FBI investigation that it finally was agreed to.

Let me also add that statements have been made publicly by the public spokesman at the White House about how the witnesses were chosen for this FBI investigation. According to Mr. Shah, who works in the White House, he told us that a list of witnesses was sent by Senate Republicans to the White House, and they were included in their request. That is not the investigation we were looking for. We were hoping the FBI would revert to its professional status and interview all of the witnesses who are relevant. Certainly, among those relevant witnesses would

have been Dr. Ford herself who could have been questioned under penalty of criminal prosecution if she misled or lied to the FBI, who could have provided substantial corroborative information. She was never called on. Neither was Judge Kavanaugh by the FBI.

Dr. Ford provided eight different witnesses whom she thought should be called to back up her side of the story, not a single one of them was called by the FBI. Ms. Ramirez suggested 20 witnesses be called on by the FBI on her behalf, and not one of them was called.

This was not the FBI investigation which we sought, nor does it clear the charges against Kavanaugh that were raised by Dr. Ford. In fact, it was a scant interview that involved some 10 witnesses in a matter of just a few days with a limited roster of people who were going to be questioned.

Let me speak to the matter at hand in a larger context. I have been in public life for a few years, but I have never seen the public reaction to this particular nomination and the hearings leading up to it that I have seen in this case.

I went back to Illinois last week on Friday. Before I could get off the airplane at Midway Airport, people were talking to me—just passengers at random, about what had happened the day before with Dr. Ford and Judge Kavanaugh testifying before our committee. The same thing happened with cab drivers, the doorman at the hotel holding an umbrella in the rain and talking to me about the testimony that was given to the Judiciary Committee. For the next 3 days, everywhere I turned, every person had a comment to make. America was tuned in and watching carefully because they knew how important this hearing was. It wasn’t just the nomination for someone to serve on the Supreme Court. It was critically important to Americans to know who would be that person, what their views were when it came to the health of women, the protection of our health insurance, our privacy, our right to vote. It also was very clear that we held this hearing in the context of a national debate on sexual harassment and sexual violence. Is it any surprise that this explosive issue, which has touched corporate boardrooms, our churches, sports, Congress, has now been raised in our debate over a nomination to our highest Court?

I ask my colleagues: Is there a single one of us in the last 2 weeks who has not had an experience with someone coming forward, either in writing or in person, to tell you of their experience when it came to sexual harassment and sexual violence?

Just a few minutes ago, I read the latest letters we received in our office. Two women from my State of Illinois told me in their letters they were saying for the first time what actually happened to them many years ago and how much they identified with Dr. Ford and what she had gone through. That is a fact of life.

The fact that this touched a nerve with so many Americans, and particularly women who have gone through this experience, should put this whole debate in context. It should not be cheapened or lessened by political charges. We ought to understand the gravity of this debate in light of the cultural change we are now facing in America.

This afternoon, we have reached that day of reckoning. Those of us who count votes for a living know how this will end, but I want to make it clear there is something we need to remember. One of the closest votes in the history of the Supreme Court will occur this afternoon with Judge Kavanaugh’s nomination. One has to go back 137 years in American history to find a closer vote for a Supreme Court Justice. That portrays the seriousness with which this matter has been considered and undertaken by Members of the Senate and how divided we are on this nomination.

I want to ask my colleagues not just to reflect on this afternoon but to reflect on tomorrow. What about the future of this Supreme Court and this important critical institution in our Constitution?

Six years ago, in the days before the *NFIB v. Sebelius* decision deciding the fate of the Affordable Care Act, a Pew Research poll showed that the public approval of the Supreme Court had reached an all-time low. Citizens United and *Bush v. Gore* had branded the Supreme Court as a political tool in the eyes of most Americans. Chief Justice Roberts stepped in and wrote a decision in that case which infuriated conservatives but brought momentary credibility to the Court.

Filling this critical Kennedy vacancy with Judge Kavanaugh will again raise the question about Supreme Court politics.

Chief Justice Roberts, are you watching?

What can we expect from this newest Member of the Court, Brett Kavanaugh? After his contentious nomination process, Clarence Thomas gave us 10 years of brooding silence on the Bench of the Supreme Court. What can we expect from this new Justice? Will he be the soup kitchen volunteer or the Federalist Society favorite?

Will he be the man who raged at the Clintons and promised revenge for his ordeal or the judge who impressed Senator COLLINS as more moderate than most of us on this side of the aisle ever found him?

Will he be a Justice forever grateful to President Trump who nominated him, or a Justice who honors the rule of law more than any political leader or political party?

And what about this Senate? What should the next Supreme Court vacancy look like? Will we continue to follow the Merrick Garland plow-it-through playbook of judicial appointments at any cost, freezing out a nominee to the Supreme Court for almost 1

year, abandoning the blue-slip process in the Senate Judiciary Committee, ignoring American Bar Association ratings, overturning rules protecting debate, concealing documents, tweeting confidential background investigation reports? When we sweep aside all of the rules and traditions of the Senate Judiciary Committee just to pile up more and more Republican appointments to the Court, what is left?

Thomas More, in "A Man for All Seasons," said famously:

And when the last law was down and the Devil turned round on you, where would you hide . . . the laws all being flat?

And if you cut them down . . . do you really think you could stand upright in the winds that would blow then?

So will we establish and reestablish rules and procedures that show mutual respect for one another as Senators and respect for this body we are honored to serve? I sincerely hope that conversation begins and begins soon.

I want to say a word about the leaders on the Judiciary Committee. CHUCK GRASSLEY is my friend. He has been my friend for a long time. We do a lot of legislation together. We have a difference of political views. He is a loyal Republican; I am a loyal Democrat. We have adjoining States, and we find some things that we can work on in common. I want to say personally to Senator GRASSLEY: Thank you for your leadership on this committee. I think there are moments when the White House and even your staff got the best of you. But I trust CHUCK GRASSLEY in terms of where this committee is going. You have it within your power to restore the traditions of the Senate Judiciary Committee, and I hope that you will. I will join you in that effort.

I want to say a word about DIANNE FEINSTEIN too. She has been the subject of more attacks by my colleagues than I have ever heard any Member face in the Senate. It is just not fair. DIANNE FEINSTEIN is a woman of integrity. She is a person who is caring, and she has given a major part of her life in public service at so many different levels.

Some of the charges and innuendo that I have heard on the floor of the Senate are unbecoming this body, and she does not deserve them. I thank Senator COLLINS yesterday for specifically saying that in her remarks. I couldn't be more happy than to join her in those comments.

I want to say a word about protesting and mob rule. I will tell you that if you believe in freedom of speech and our right as citizens to petition our government, then you accept some tough consequences. There are things that are said and done in the name of free speech that you may not agree with. Violence is never acceptable; let me make that clear. But the decision that is about to be made in the United States is not being made by a mob. It is not mob rule. It is a decision made by men and women of the Senate who are acting in accordance with the U.S. Constitution.

One last point on the subject—this is one that I always remind my colleagues and even my opponents of. I believe the hottest ring in hell is reserved for those who attack our children and our families. If you want to take me out on an issue, so be it. Leave my family, my kids alone. That ought to be a rule on both sides of the aisle.

There is another issue we need to face squarely: Will victims of sexual violence be more or less likely to step forward and tell their stories after this high-profile political battle ends?

To Dr. Christine Blasey Ford, to your husband and your children: I will never forget your brave testimony last Thursday. You gave new meaning to the term civic duty. You spoke not just for yourself but for millions of sexual violence victims who will never ever have that opportunity. I am sorry—genuinely sorry—for the pain that you and your family endured. And I am sorry you were mocked by President Trump at his rally in Mississippi last Tuesday.

The Washington Post reported:

The President laid into Ford with the ruthlessness of an attack dog and the pacing of a stand-up comedian. The crowd roared with laughter and applause.

No one could have been surprised with the President's performance. And when I hear repeated over and over again on the other side of the aisle "We wanted to treat her just as we would have our wife or our daughter to be treated," that certainly didn't happen when it came to the President's comments. We owe it to our wives, daughters, granddaughters, and all the women and men in this country who have been victimized to treat them with respect, not ridicule. We owe it to these victims to listen, learn, and stand with them as they relive their shattering experiences.

I believe the debate over this nomination has created a stronger force in our Nation for justice for victims of sexual violence, and I hope those who step forward know that they are not alone. Thank you for your courage.

Tomorrow is another day. We are blessed to live in a democracy that protects our freedoms and gives our citizens the last word at the polling place.

Today, I will cast my vote in the Senate in opposition to the nomination of Brett Kavanaugh to the Supreme Court.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I speak, I ask unanimous consent that following my remarks and those of Senators SCHUMER and MCCONNELL, all postcloture time be considered expired on this nomination.

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

Mr. GRASSLEY. Mr. President, I come one final time in support of Judge Kavanaugh's confirmation to serve as Associate Justice of the United States Supreme Court.

Democratic leaders did everything in their power to make Judge

Kavanaugh's confirmation about anything except his judicial record and his outstanding academic qualifications. The Democratic leaders promised to oppose Judge Kavanaugh's confirmation from day one and use every play in the book to accomplish that goal.

Even though the Senate had access to more of Judge Kavanaugh's records than we have had for any other Supreme Court nominee, Democratic leaders tried to bury the Judiciary Committee in mountains of irrelevant paperwork.

When routine process arguments failed, they resorted to outright character assassination of the judge. Their smear campaign featured baseless allegations of perjury and claims that, as a teenager, he participated in gang rapes of women.

I have been around long enough to see ugly leftwing smear campaigns against Supreme Court nominees, but this was beyond the pale—even beyond Judge Thomas and Anita Hill, and I was there.

I am encouraged that most of my colleagues had the courage to stand against the politics of personal destruction. Ignored in the media circus that the Democratic leaders created was Judge Kavanaugh's extraordinary record as a judge and also as a citizen.

I have said from the day the President announced Judge Kavanaugh's nomination on July 9 that Judge Kavanaugh is quite possibly the most qualified person ever nominated to the Supreme Court. He has spent 25 years of his career at the highest levels of government, including the last 12 years as a judge on the second most important Federal court.

Judge Kavanaugh's record on the DC Circuit has been outstandingly remarkable. On a court containing some of the brightest legal minds, Judge Kavanaugh has set himself apart. The Supreme Court, in at least 12 separate cases, adopted positions advanced in Judge Kavanaugh's lower court opinions.

As the liberal law professor, Amar, wrote in the New York Times:

Good appellate judges faithfully follow the Supreme Court; great ones influence and help steer it. Several of Judge Kavanaugh's most important ideas and arguments . . . have found their way into the Supreme Court opinions.

Judge Kavanaugh will not only bring his keen intellect and deep knowledge of the law to the Supreme Court; he will bring some other very important judicial characteristics as well. First among these is a proper understanding of the role of a judge in our constitutional system. He knows that a judge should interpret and apply law as written, not how he wishes it were written. As we all know, it is Congress's job to write the laws, not judges'.

He has explained in numerous cases that the fundamental goal of the separation of powers under our constitutional system is the protection of individual liberty. He has interpreted the

Constitution according to text, history, and tradition, not his own personal views. That is exactly the type of a person we need on the Supreme Court.

Judge Kavanaugh has also demonstrated judicial independence and courage. In the 2 years after he was appointed to the DC Circuit by President George W. Bush, he ruled against Bush administration agencies on 23 cases. So don't let anybody tell you that he is obligated to President Trump. We can expect that Justice Kavanaugh will be beholden to no one and nothing except the Constitution.

Judge Kavanaugh also has a well-earned reputation for collegiality. He has an excellent relationship with all of his colleagues on the DC Circuit, and his judicial record demonstrates the same.

Indeed, Judge Kavanaugh was in the majority in 97 percent of the cases that he participated in on that DC Circuit. His Democratic-appointed colleagues were as likely to join majority opinions written by Judge Kavanaugh as his Republican-appointed colleagues were. He will bridge the divide on the Supreme Court.

Judge Kavanaugh has also shown a dedication to public service, to mentorship, and to diversity. He spent all but 3 years of his legal career in public service. Judge Kavanaugh is a proven mentor to law students and young lawyers.

Judge Kavanaugh has taught courses at Harvard Law School and other top law schools for many years. The Senate Judiciary Committee received a letter in support of his confirmation from these former students. They wrote:

We may have differing views on political issues surrounding the confirmation process, but we all agree on one thing: Judge Kavanaugh is a rigorous thinker, a devoted teacher, and a gracious person.

Federal judges also play a very important role in mentoring the next generation of lawyers by hiring law clerks. Judge Kavanaugh has clearly taken seriously this mentorship role. His former law clerks submitted a letter to this committee strongly supporting his confirmation.

I quote from that letter:

It was a tremendous stroke of luck to work for and be mentored by a person of his strength of character, generosity of spirit, intellectual capacity, and unwavering care for his family, friends, colleagues, and us, his law clerks.

One of the areas in which Judge Kavanaugh has had a particular impact is in his commitment to diversity. More than half of his law clerks have been female. When confirmed to the Supreme Court, his class of law clerks will be all female—for the first time in the history of the Supreme Court.

Judge Kavanaugh's female law clerks sent the committee a letter, which reads:

We know all too well that women in the workplace still face challenges, inequality, and even harassment. Among other things,

women do not enjoy a representative share of prestigious clerkships or high-profile legal positions, but this committee and the American public more broadly should be aware of the important work Judge Kavanaugh has done to remedy those disparities. In our view, the judge has been one of the strongest advocates in the Federal judiciary for women lawyers.

As I think about history, it leads me to this: The confirmation of Judge Kavanaugh is particularly meaningful to me. Thirty-one years ago, leftwing groups and their Senate allies fired the opening shots in the judicial confirmation wars. They engaged, at that time, in unprecedented character assassinations against President Reagan's nominee, Judge Robert Bork.

Since then, they have only escalated this war—slandering several Republican nominees to the Supreme Court and expanding their tactics to lower court nominees. So then, as history tells us, more than three decades later, leftwing groups and their Democratic allies in this body went back to the very same playbook. They tried the very same character assassination tactics against the person nominated to the very same seat that Judge Robert Bork was supposed to fill.

They succeeded 31 years ago, but, this time, they failed. So I look forward to voting to confirm Judge Kavanaugh this afternoon and to greeting him as "Justice Kavanaugh" the next time I see him.

I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Arizona.

Mr. KYL. Mr. President, I know that the Democratic leader is scheduled to speak next, but if there is a minute that I could take in between, I just wanted to comment on my colleague who spoke yesterday, Senator COLLINS. I had wanted to come to the floor to speak on her behalf, but too many other people had been speaking at that time. People had remarked on her comments and reflected on the fact that she had done her homework, and she, indeed, had. I, simply, wanted to relay this anecdote.

When I helped to introduce Judge Kavanaugh to my fellow former Senators, former colleagues, I think of all of the meetings that we had, and many of them were lawyers who are Senators. Probably the most thorough meeting of all was that held with Senator COLLINS. She had clearly done her homework, and the interview with Judge Kavanaugh consumed more than 2 hours without a break. It was a grilling that could have been done by any fine lawyer because she had clearly done her homework and was very well prepared, and I know she did further followup after that.

I do want to commend her for the depth and the breadth of her comments. As the Wall Street Journal said this morning, she not only debated like it used to be done in this body—with evidence and sound reasoning—but also with a reference to our founding principles and the higher things that

should motivate our public service and our discussions here on the Senate floor.

So I wanted to take this opportunity to commend her for her remarks and to tell those who don't know her that this was par for the course. Her performance was magnificent, but it was not out of the ordinary for Senator COLLINS. I just wanted my colleagues to know that.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, in a short time, the Senate will take a final vote on the nomination of Judge Kavanaugh to the Supreme Court. The road that led us here has been bitter, angry, and partisan, steeped in hypocrisy, hyperbole, resentment, and outrage.

From start to finish, President Trump's nomination of Brett Kavanaugh to the U.S. Supreme Court has been one of the saddest moments in the history of the Senate. When the history of the Senate is written, this chapter will be a flashing red warning light of what to avoid. Truly, Judge Kavanaugh's confirmation is a low moment for the Senate, for the Court, and for the country.

The Republican majority has conducted one of the least transparent, least fair, and most biased processes in Senate history, slanting the table from the very beginning to produce their desired result.

Why do I say this? Because they withheld over 90 percent of the nominee's record from the Senate and the American people; because they refused to allow Dr. Ford to call a single corroborating witness at the hearing, including the only other eyewitness to the incident; because they refused to have an independent investigation of the facts before the hearing in order to inform the questioning; because they hired an outside prosecutor to question Dr. Ford, as if she were on trial; because the White House kept the FBI investigation on a short leash, dictating the scope and even the kinds of questions the FBI was allowed to ask; because Republican Senators, sensing after Dr. Ford's testimony that a debate about the truth and facts was not working, adopted a cynical new strategy to shout, pound the table, and portray Judge Kavanaugh as the helpless victim of some unseen partisan conspiracy; because the President of the United States, stooping to new depths—even for him—chose to stand before a crowd of thousands and cruelly ridicule a survivor of sexual assault; and because this grossly distorted, biased, and unfair process, run by the Republican majority, the Senate is about

to elevate a nominee who doesn't belong on the Nation's highest Bench.

Now, why doesn't Judge Kavanaugh belong on the Bench in the Nation's highest Court? Judge Kavanaugh doesn't belong on the Bench because he obscured his views, shrouding his jurisprudence in smoke so thick that the American people would never know what he really believed.

Judge Kavanaugh doesn't belong on the Bench because he was chosen by a President and a far-right organization, both dedicated to overturning and undermining *Roe v. Wade*, and he did not do anything to refute the presumption that he would want to overturn it too.

Judge Kavanaugh doesn't belong on the Bench because he was chosen by far-right organizations that are bent on repealing healthcare protections for Americans with preexisting conditions, and he did nothing to refute the presumption that he would too.

Judge Kavanaugh doesn't belong on the Bench because he believes Presidents should not be subject to investigations of any kind while in office—a distortion of our founding principle that no person is above the law.

Judge Kavanaugh does not belong on the Bench because his jurisprudence is deeply skeptical of environmental protections, consumer protections, workers' rights, civil rights, LGBT rights, rights of treaties and agreements with Native Americans, and a host of other hard-earned rights.

Mr. SCHUMER. Judge Kavanaugh doesn't belong on the Bench because he has repeatedly misled the Senate, putting into serious doubt his credibility. A judge must be credible, believable, and honest, above all.

Judge Kavanaugh doesn't belong on the Bench because he is an extreme partisan—something we have seen from his earliest days in his career and reconfirmed when he gave one of the bitterest, most partisan testimonies ever presented by a nominee.

Judge Kavanaugh doesn't belong on the Bench because of his injudicious demeanor. His partisan screed will go down ignominiously in history and make it clear that it would be virtually impossible for him to rule impartially on the Supreme Court. Judges must be temperate, judicious, and evenhanded. Judge Kavanaugh is anything but.

Republican leaders knew before he was nominated that Judge Kavanaugh was a very flawed choice, but once President Trump selected him, Republicans decided they had to rush him through. They became a steamroller over truth, fairness, and our traditions of bipartisan cooperation—any means necessary to reach their desired end. They blamed Dr. Ford and Democrats for Judge Kavanaugh's flaws.

They were intent on shrouding the truth, because they knew that if the truth came to light, Judge Kavanaugh would be exposed as a truly flawed nominee.

So, my colleagues, my fellow Americans, what is the appropriate response?

Our country needs to have a reckoning on these issues, and there is only one remedy. Change must come from where change in America always begins—the ballot box.

So to Americans, to so many millions who are outraged by what happened here, there is one answer: Vote.

If you believe Dr. Ford and other brave women who came forward and you want to vindicate their sacrifice, vote.

If you believe the Supreme Court should uphold women's rights, vote.

If you believe the Supreme Court must protect healthcare and our preexisting conditions that are protected now, vote.

If you believe the Supreme Court should defend workers, consumers, the environment, civil rights, and Native populations, vote.

If you believe the Supreme Court should be a check on an overreaching President, vote.

If you believe the process here in the Senate was a sham and you believe Americans deserve better, vote.

If you believe that Supreme Court Justices should conform to the highest standards of character, impartiality, temperament and, above all, honesty and credibility, vote.

I understand and I share the deep anguish that millions of Americans are experiencing today, but I say to you, my fellow Americans, there is one answer: Vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, "the Constitution of the United States was made not merely for a generation that then existed, but for posterity."

Those are the words of Henry Clay, Kentucky's own. They underscore that the decision U.S. Senators will make today will echo in the history of our Nation.

The very survival of our constitutional form of government requires an expert and independent judiciary. Without fair and impartial "courts of justice," as Alexander Hamilton put it in the *Federalist Papers*, "all the reservations of particular rights or privileges would amount to nothing."

The courts guard our rights and the Senate guards our courts. That is why today is such an important day. That is why the vote we take this afternoon—a vote to confirm a new Associate Justice of the Supreme Court of the United States—represents one of the most consequential decisions a Senator ever makes.

The Members of this body are duty bound to ensure we confirm Justices of the Supreme Court who are men and women of the highest character and the most superlative qualifications. Fortunately, that is just the sort of nominee who stands before us today.

Twelve weeks ago, the President nominated a jurist who has been described by legal peers of all political stripes as "a superstar" and a "serious

scholar" who is "legendary for his preparation" and possesses "the qualifications, the temperament, and judicial philosophy to be an excellent Associate Justice."

The President nominated a brilliant student of the law. Those who taught and knew the nominee at Yale say "it is hard to name anyone with judicial credentials as strong as Judge Kavanaugh." They describe a "true intellectual," "a leading thinker," and a "wonderful mentor and teacher."

Those he has mentored—a diverse group of bright young lawyers who clerked for Judge Kavanaugh—talk about his work ethic, his "unflinchingly honest advice," and his "fundamental humility."

For 12 weeks, the Senate has seen that this is not empty praise. We have seen the legendary preparation of a tireless judge. We have seen the patience of a committed mentor and teacher. We have seen the humility of a true intellectual who let his record speak for itself.

Each of us has seen this for ourselves. Every Senator who came into this process with an open mind has seen that very same Brett Kavanaugh firsthand.

We have seen his brilliance, his painstaking thoroughness on display in the 300-plus opinions he issued on the DC Circuit. For 12 years, Judge Kavanaugh excelled on the bench that many experts see as the second most important court in our Nation.

We have seen his geniality and kindness firsthand in our private meetings with the nominee—precisely the collegial approach that is so necessary on the Court.

We have seen his professional excellence as we reviewed more pages of documents pertaining to Judge Kavanaugh's career than for any other Supreme Court nomination in our history—pages that depict a meticulous and dedicated public servant. And, yes, we have now studied the results of seven—seven—FBI background investigations—inquiries that have produced no evidence whatsoever to corroborate any prior misconduct but rather are consistent with all we know about this nominee's sterling character.

This historically tall mountain of evidence adds up to one clear message: Judge Brett Kavanaugh is among the very best our Nation has to offer. He will make the Senate and the country proud. He will serve with distinction on our highest Court.

He unquestionably deserves confirmation and the country deserves such a Supreme Court Justice.

Now, as I have explained, the stakes are always high—always high—where a Supreme Court confirmation is concerned, but this time—this time—the stakes are higher—a lot higher than they have been in the past.

I can't sum this up better than our friend and distinguished colleague, the senior Senator from Maine, put it in her historic remarks yesterday. This is

what the senior Senator from Maine said: "It is when passions are most inflamed that fairness is most in jeopardy." She said, "when passions are most inflamed" is when "fairness is most in jeopardy."

We all know that the events of recent weeks have strained the country's comity and fanned the flames of partisan discord. But, even more critically, our very commitment to the basic principles of fairness and justice is also being tested. The basic principles of fairness and justice are being tested right here.

A vote to confirm Judge Kavanaugh today is also a vote to send a clear message about what the Senate is.

This is an institution where the evidence and the facts matter. This is an institution where the evidence and the facts matter. This is a Chamber in which the politics of intimidation and personal destruction do not win the day.

This is the body whose Members themselves uphold the same commitment to American justice that we seek in the judges we examine.

A vote to confirm Judge Kavanaugh today is a vote to end this brief, dark chapter in the Senate's history and to turn the page toward a brighter tomorrow.

The Chamber we are privileged to occupy is often called the world's greatest deliberative body for good reason. We are called the world's greatest deliberative body for a good reason. When the rubber meets the road, when the hour is critical, when a historic precedent needs to be set, the U.S. Senate most often finds its way to doing what is right.

Today, we can honor that history. We can vote to turn away from the darkness. We can vote to set a precedent about fairness and judgment that will define this body for the better. We can vote to confirm an excellent Supreme Court Justice who will make the Senate and the American people proud.

I yield the floor.

The VICE PRESIDENT. As a reminder to our guests in the Galleries, expressions of approval or disapproval are not permitted in the Senate Gallery.

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

(Disturbance in the Visitors' Gallery.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Senate.

The clerk will call the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Montana (Mr. DAINES).

Further, if present and voting, the Senator from Montana (Mr. DAINES) would have voted "yea."

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 223 Ex.]

YEAS—50

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Capito	Hoeven	Rounds
Cassidy	Hyde-Smith	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Kyl	Thune
Cruz	Lankford	Tillis
Enzi	Lee	Toomey
Ernst	Manchin	Wicker
Fischer	McConnell	Young
Flake	Moran	

NAYS—48

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Jones	Schumer
Cardin	Kaine	Shaheen
Carper	King	Smith
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Markey	Udall
Donnelly	McCaskill	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—1

Daines

The nomination was confirmed. (Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Gallery.

The clerk may resume.

(Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Gallery.

The clerk will continue.

(Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Gallery.

The clerk may continue.

Ms. MURKOWSKI. Mr. President, my friend, the Senator from Montana, Senator DAINES who is walking his daughter down the aisle this afternoon, if he were present and voting, he would have voted aye. I have voted no. The pair will not change the outcome of the vote. I therefore withdraw my vote.

The VICE PRESIDENT. The Senator has that right.

Mr. CARPER. Mr. President, how am I recorded?

The VICE PRESIDENT. The Senator is not recorded.

Mr. CARPER. Carper votes no.

The VICE PRESIDENT. As a reminder to our guests in the gallery, expressions of approval or disapproval are not permitted in the Senate gallery.

On this vote, the yeas are 50, the nays are 48. The nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States, is confirmed.

The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

(Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

(Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Gallery.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Disturbance in the Visitors' Galleries.)

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

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

DESIGNATING THE U.S. COURTHOUSE AT 300 SOUTH FOURTH STREET IN MINNEAPOLIS, MINNESOTA, AS THE "DIANA E. MURPHY UNITED STATES COURTHOUSE"

Mr. MCCONNELL. Mr. President, I understand that the Senate has received a message from the House to accompany S. 3021.

The PRESIDING OFFICER. The majority leader is correct.

Mr. MCCONNELL. I ask that the Chair lay before the Senate the message to accompany S. 3021.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, that the bill from Senate (S. 3021) entitled "An act to designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the 'Diana E. Murphy United States Courthouse,'" do pass with the following amendments.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendments.

The PRESIDING OFFICER. The motion is pending.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented