

important investigation in the 1970s. Mr. Barr would not commit to following the guidance of career DOJ ethics officials on whether he should recuse himself. He would not commit to deferring to special counsel Mueller's investigative decisions. Finally, he would not commit to making special counsel Mueller's final report public. In essence, Mr. Barr is asking the American people and those of us who represent them to trust him to do the right thing. There are reasons to believe that he will, but there are, as I have laid out briefly, reasons to be gravely concerned that he will not.

Something my predecessor here in the Senate, Senator Joe Biden, expressed in voting to confirm him back in 1991, was his grave concerns about his expansive view of Executive power, but that was a very different time in our history, with a different Court and a different context.

I think we must be clear-eyed about the moment our country faces and the Attorney General's potentially pivotal role in ensuring the integrity of the rule of law and the institutions of our democracy. I believe it is my responsibility in the Senate to protect the special counsel investigation, to ensure that other ongoing Federal investigations are not interfered with because of a narrow or partisan purpose, and to safeguard the rule of law.

If Mr. Barr is confirmed, I hope he will prove me wrong. I hope he will demonstrate to the American people of all parties and backgrounds that he will put the interests of our democracy above the moment and partisan priorities. I hope he will prove to be a terrific, solid, and reliable steward for the ongoing investigation. Special Counsel Mueller is leading into Russian interference in the 2016 election. If so, I will gladly put aside our policy differences to work with him for the good of the American people during this critical time, but I regret I have reached the conclusion that I cannot support his nomination this week.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### BORDER SECURITY

Mr. CORNYN. Mr. President, on Monday, I was in El Paso, TX, to talk with some of my constituents about the challenges that exist along our south-west border and how we can work together to address them.

It is almost surreal to have people here in Washington, DC, who have never been to the border and whose, perhaps, only supposed knowledge is from novels they have read or movies they have seen. Having spent quite a bit of time along the border of Texas and Mexico, myself, I can tell you it is a unique part of our country and certainly a unique part of my State.

The people you learn the most from are not the elected officials who serve here in Washington but rather from the Border Patrol, the sheriffs, the mayors,

and countless others who live and work along the border. They can provide, I think, the kind of expert knowledge that we need in order to address the challenges that exist.

What they tell me and what I have learned is that there is no one-size-fits-all, because you can look at urban environments, like El Paso, or you can go out to Big Bend, which has thousands-of-feet-high cliffs overlooking the Rio Grande. Obviously, a physical barrier in one place, like in highly trafficked urban areas, is one situation, but putting it atop a 3,000-foot cliff is another. So no one-size-fits-all solution works.

That is why it is important to listen to the stakeholders who live and work in these communities, and this is key to actually doing something with the feedback they provide. What I have constantly been reminded of is that border security is a combination of three parts: physical barriers in some hard-to-control locations, personnel, and technology. What is best for a high-trafficked urban area, as I said, is probably much different than what is good for the vast expanses between the ports of entry. Figuring out what we need or where we need it is not a decision that ought to be micromanaged in Washington. It should come from the experts who know the threats and challenges along every mile of the border.

While I was in El Paso, we also talked—as we must—about the important role the border plays with our economy. Border communities in Texas depend on people and goods moving legally through our ports.

For example, in Laredo, TX, alone, about 14,000 trucks pass each day through the ports of entry. It is one of the largest if not the largest land-based port in the United States. These goods need to move legally through our ports, and any disruption in legitimate international commerce can have a swift impact on these communities.

For the people of El Paso, for example, border security means much more than just safety. It means economic security as well. Just as it is important to keep the bad actors out, it is equally important to promote efficient transit through our ports for legitimate trade and commerce.

On Monday, I also had a chance to reconnect with my friend Mayor Dee Margo, the Mayor of El Paso. Among other things, we talked about the importance of ensuring that in our efforts to create a strong border, we are not neglecting our ports of entry.

In recent months, a number of El Paso Sector Customs officers have been sent to other high-need areas along the U.S.-Mexico border. The personnel shortage has resulted in increased wait times for both pedestrian traffic and commerce. Certainly, fewer CBP agents mean a reduced vigilance in terms of screening out contraband and other things that we don't want coming into the country. The goods moving through the ports in El Paso fuel not just the local economy, as I said, but

also that of the entire State of Texas—and, I would argue, of the Nation. I share the mayor's concerns on the harmful impact these slowdowns at the ports of entry can have.

As we debate the importance of securing our borders to stop the illegal movement of people and goods, we shouldn't neglect the importance of facilitating legal movement through our ports. We need to do both, whether that means providing additional funding for infrastructure improvements or scanning technology to make sure the ports of entry aren't exploited by drugs in vehicles or other places where they are hard to find. In the absence of scanning technology, if we are unable to find them, the cartels win, and the American people lose. We also know that in addition to that technology, we need additional personnel.

I hope my colleagues listen to the feedback that we have all gotten from the experts and these local stakeholders and take seriously the economic impact on our ports of entry as well.

As I said yesterday, I look forward to reviewing the details of the funding agreement struck by the conference committee, and I hope that, in addition to physical barriers where appropriate, it reflects these principles of smart border security, because when we listen to the experts—the law enforcement officials who work along the border and in the communities—that is when we move in the right direction, spending money in a responsible and smart way rather than just pursuing political agendas from Washington.

#### NOMINATION OF WILLIAM BARR

Mr. President, we are also going to be voting—perhaps today, maybe tomorrow—on the nomination of William Barr to serve as the next Attorney General of the United States. The role of Attorney General is unique in the President's Cabinet because while you are a political appointee of the President, you are also the Nation's chief law enforcement officer and, obviously, are obligated to put your highest loyalty in upholding the rule of law.

I asked Mr. Barr about this unique role during his confirmation hearing. He told me that over the years he has received a number of calls from people who were being considered for appointment to the position of Attorney General. He told them that if they wanted to pursue any political future, they would be crazy to accept the job of Attorney General. He said: "If you take this job, you have to be ready to make decisions and spend all your political capital and have no future because you have to have that freedom of action." He assured me that he is in a position now in his life where he can do what he needs to do without fear of any consequences.

I was glad to hear that because I believe that is the most fundamental quality of an Attorney General. The Department of Justice must be able to operate above the political fray and

prioritize the rule of law above all else, and to do that it needs a strong and principled leader like Bill Barr—particularly, on the heels of Loretta Lynch's and Eric Holder's administrations as Attorneys General of the United States during the Obama term of office, where we know that, unfortunately, politics pervaded the actions not only of the Department of Justice but also the FBI in things ranging from the Hillary Clinton email investigation to the counterintelligence investigation of some of the people associated with the Trump campaign.

Of course, this isn't the only reason he is the right person for the job. We know that he can faithfully execute the duties of the office because he has done it before.

More than two decades ago, President George Herbert Walker Bush recognized the talent in this promising young attorney and nominated him to three increasingly important positions in the Department of Justice. For all three positions, Assistant Attorney General for the Office of Legal Counsel, Deputy Attorney General, and, finally, Attorney General, he was unanimously confirmed by the Senate. I would hope that he would be unanimously confirmed as Attorney General once again, but I have my doubts.

After hearing Mr. Barr speak about his views of the role of Attorney General, I have no question as to why not a single Senator opposed his nomination during those three previous confirmation votes. He spoke of the importance of acting with professionalism and integrity, of ensuring that the character of the Department of Justice is maintained and can withstand even the most trying political times, and of serving with independence, providing no promises or assurances to anyone on anything other than faithfully administering the rule of law.

When Mr. Barr was nominated for Attorney General the first time, then-Judiciary Chairman Joe Biden noted that Mr. Barr, a nominee from the opposing political party, would be a "fine Attorney General." I agree, and I thank Mr. Barr for agreeing to serve, once again, this country in this critical position. I look forward to voting yes on his nomination.

I would just add that I am saddened by the way the politics of the moment—the desire to defeat any legislation or oppose any nominee by this President—has led some of our colleagues across the aisle to oppose this nomination. I don't know whether it is out of fear of the most radical fringe of their political party or by their antipathy for this President, but it is regrettable.

I do believe, however, that Mr. Barr will be confirmed, as he should be, as the next Attorney General of the United States. I look forward to casting a "yes" vote on that nomination.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, once again, I would like to respond to the

Senator from Texas as he continues to hold the position that the Democrats on this side of the aisle simply oppose all of the President's nominees because they happen to be this lying President's nominees. That is not the case at all.

Donald Trump has consistently thought to nominate people to his Cabinet who he believes will do his bidding and protect his interests. Once confirmed, if these Cabinet Secretaries displease him, out they go—Jeff Sessions, Jim Mattis, Rex Tillerson.

The President believes William Barr will be an Attorney General who will protect him. Why does the President believe that? Because William Barr auditioned for this position. How? Mr. Barr wrote a highly unusual and factually unsupported, unsolicited 19-page memo to the Sessions Justice Department, arguing that Special Counsel Robert Mueller should not be permitted to interrogate the President about obstruction of justice. Nobody asked him to weigh in.

He admits he didn't have any facts or inside information, and, in fact, Deputy Attorney General Rod Rosenstein chose not to discuss the matter with him, but Mr. Barr felt compelled not only to put his views in writing and send them to the Department of Justice, but he also made sure the President's lawyers knew his views. His memo sent a clear message to this President that he would protect Donald Trump from the Mueller probe.

Once Donald Trump did nominate him for Attorney General, after having earlier offered him a job as his personal attorney—virtually the same job in Donald Trump's mind—Mr. Barr came to the Judiciary Committee and continued to signal his willingness to shield Trump from scrutiny.

First, he refused to commit to follow the advice of career ethics officials on the question of recusal from the Trump investigations. He didn't want to make the same mistake Jeff Sessions did and open himself up to Presidential humiliation, no matter what the ethics experts recommended.

Second, he refused to commit to make public Special Counsel Mueller's report. In both instances, he said he wanted to keep his options open, leave himself room to make his own decisions, and trust his ultimate judgment.

While these answers were reassuring to the President, they certainly were not to those of us who want an Attorney General independent of a President who does not believe the rule of law applies to him. When asked at his hearing, Mr. Barr should have affirmatively committed to allowing all active investigations to continue until the prosecutors say they are done. That includes the special counsel's investigation, as well as the probes being conducted by, again, at least three U.S. attorney's offices. Instead, he gave his usual equivocal response.

Of course, these are all active investigations having to do with Mr. Trump

and his activities. Barr's position on these investigations is consistent with his views on the unitary Executive. He has long endorsed a view that the President is an all-powerful Executive, restrained by very little, least of all by Congress. This is a very dangerous view for the Attorney General to have, especially at a time when we have a President who attacks and undermines the rule of law.

Mr. Barr's views on the Trump investigations and the unitary Executive aren't the only reason he should not be confirmed as Attorney General. His agreement with this administration's immigration policy also, in my view, disqualifies him. There was no daylight between Donald Trump and Jeff Sessions on immigration. Mr. Barr has given every indication that he will follow the lead of Jeff Sessions and of Matthew Whitaker in aggressively implementing, basically, Stephen Miller's extreme immigration policies.

As George H.W. Bush's Attorney General, Barr played a key role in the Justice Department's policy in the early 1990s of detaining HIV-positive Haitian refugees at Guantanamo Bay. These refugees were held in prison-like living conditions and denied medical treatment until a Federal court ruled that their indefinite detention was illegal.

More recently, in November 2018, Mr. Barr cowrote an op-ed with the title "We Salute Jeff Sessions," full of praise for Sessions' tenure at DOJ, including on immigration. Mr. Barr praised Sessions for "attack[ing] the rampant illegality that riddled our immigration system, breaking the record for prosecution of illegal-entry cases," and increasing prosecution of "immigrants who reentered the country illegally" by 38 percent.

These statements are deeply concerning because as Attorney General, Mr. Sessions implemented policies that are abhorrent and in direct opposition to American values.

Sessions instituted the zero-tolerance policy—a stain on our Nation that resulted in thousands of children being separated from their families, many of whom may never be reunited. This country, under Jeff Sessions, made instant orphans out of thousands of children. That is hardly a value that I think any of us can support.

At his hearing, Mr. Barr also embraced key aspects of the Trump-Miller immigration agenda, including endorsing Donald Trump's vanity wall; attacking cities that refused to undermine their own anti-crime efforts by cooperating with the Federal Government's draconian policies; agreeing with the Trump administration's atrocious treatment of legal asylum seekers; joining President Trump in criticizing judges for blocking the President's Muslim travel ban; and astoundingly, refusing to say whether birthright citizenship is guaranteed by the Constitution, telling me, when I asked him this, that he hadn't "looked at that legally." What is there to look at?

The Fourteenth Amendment plainly states that all persons “born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside.” Nullifying birthright citizenship would violate the Constitution and impact millions, but it is certainly something the President wants done.

Mr. Barr’s record and position on some of DOJ’s other important responsibilities, such as enforcing civil rights laws, defending laws enacted by Congress, and protecting established constitutional rights, are unacceptable to me in the Nation’s top law enforcement officer.

Some examples include: Mr. Barr’s refusal to admit that voter fraud is incredibly rare and his focusing on so-called voter fraud problems rather than voter suppression problems. States are very busy continuing to pass laws that should be attacked as a silly veiled effort at voter suppression, but that is not where Mr. Barr is; his stand that LGBTQ people are not protected from employment discrimination under Federal civil rights laws, contrary to what the Equal Employment Opportunity Commission and two Federal courts have held; his personal involvement in two challenges to major premises of the Affordable Care Act; his record of belief that *Roe v. Wade* was wrongly decided, including his statement that this landmark Supreme Court case guaranteeing a woman’s right to choose, as he put it, was a “secularist” effort to “eliminate laws that reflect traditional norms.” At a time when the newest Trump-appointed Justices on the Supreme Court have demonstrated a hostility toward a woman’s constitutional right to an abortion, such an anti-choice Attorney General is a danger to women.

In some of his academic writings, William Barr expressed his dismay at the moral decay of American society, but when I asked him at his hearing, he testified that he didn’t have any problems with a President who lies every single day and has undermined so many of America’s most important institutions such as the FBI, the Justice Department, and the intelligence community.

An Attorney General is a member of the President’s Cabinet and is entitled to enforce the administration’s policies, but in this instance, the policies this President pursues are often pushed beyond the constitutional breaking point and just as often are plain cruel; i.e., the separation of children from their parents at the border, making them instant orphans.

The Attorney General’s independence is critical in normal times, but it is absolutely essential in these times that are anything but normal that his independence cannot be questioned. Sadly, I cannot say that.

I cannot support William Barr’s nomination. I urge my colleagues to vote against his confirmation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

Mr. DURBIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The Barr nomination is pending before the Senate.

Mr. DURBIN. Mr. President, I rise to speak about the nomination of William Barr to be the next Attorney General of the United States.

Mr. Barr has an admirable record of public service in his career. He has dramatically more qualifications and experience than many of his predecessors and, certainly, the Acting Attorney General. We can see he brings more experience to the job.

I respect Mr. Barr and his family. I have told him as much to his face. He has a wonderful family, and he brought them with him to the hearing, and many of them have chosen public service careers, as he has.

I carefully reviewed his record, trying to consider him in not only the context of this awesome responsibility of being Attorney General, but at this awesome moment in history.

When it comes to the ongoing investigation of President Trump’s campaign by Robert Mueller, I fear that Mr. Barr has said and done things that raise questions about his objectivity. He has clearly indicated to President Donald Trump and to all of us how he would oversee this investigation if he is confirmed. Just look at the unsolicited—unsolicited—19-page memo that William Barr sent to Special Counsel Mueller’s supervisors and to the Trump legal defense team just in June of 2018.

It is notable that Mr. Barr did not send this memo to Special Counsel Mueller himself, and he did not make it public.

This was the only time Mr. Barr had sent a memo like this to the Justice Department, and he did not disclose in his memo that he had personally interviewed with the President the previous year about serving on the President’s defense team.

This memo is critical for its substance. In it, Mr. Barr argued that Bob Mueller, the investigator, the special counsel, should not be permitted to ask the President any questions about obstruction of justice, even though Mr. Barr’s analysis focused only on one narrow obstruction theory.

The memo calls into serious question Mr. Barr’s ability to impartially oversee the obstruction of justice issues in the Mueller investigation at a moment in history when that is an essential question. Mr. Barr has made no commitment to recuse himself from such questions. That is worrisome.

That William Barr would volunteer a 19-page legal memo with dramatic efforts at research and verification, give this to the President’s defense team and to Mr. Mueller’s supervisors at the Department of Justice, and basically make arguments diminishing the authority of the special counsel to move forward in the investigation raises a serious question about his impartiality.

Just as important, I am alarmed by Mr. Barr’s continued hedging about what he will do when Mr. Mueller completes his investigation and has a presentation of his conclusions, his evidence, and his findings.

Make no mistake. Special Counsel Mueller’s findings and conclusions should be shared with the American people and with the U.S. Congress. Current Department of Justice regulations and policies allow for such a release. I am concerned that Mr. Barr will exercise his discretion under those regulations narrowly and issue a cursory report that does not take the findings of the Mueller investigation in their entirety and make them available to the American people. This investigation is too critical to seal its result in some vault at the Department of Justice.

I believe we can trust Bob Mueller to be impartial and unbiased. I don’t know if he will find the President or people around him guilty of wrongdoing beyond the indictments and convictions that have already come down or whether he will conclude that there is no further responsibility or culpability, but I trust his findings, whatever they are. He is a true professional.

It is important, after we have gone through a year or two of investigation, that the American people hear the details, hear the information that may be part of the Mueller investigation.

I am also concerned that Mr. Barr will continue his predecessor’s harsh approach on immigration instead of charting a different course.

It was just last year, I believe in April in 2018, when the Attorney General Jeff Sessions announced something called the zero-tolerance policy.

Do you remember it?

The zero-tolerance policy said that the U.S. Government would forcibly remove infants, toddlers, and children from their parents at our border.

The inspector general’s reports say that it had been going on for a year before it was publicly announced.

Twenty-eight hundred children were removed from their parents. What happened to them next is shameful. There was no effort made to trace these children and the parents who were forced to give them up.

It was only when a Federal judge in San Diego stepped forward and required the Department of Homeland Security and Department of Health and Human Services to make an accounting of how many children were still not united with their parents that they took the effort to do so months—months—after those children had been separated from their parents.

I saw those kids in an immigration court in Chicago in a large office building that you would never guess was a court building in the Loop in Chicago. There it was, the immigration court taking up most of one floor in this office building. People were stacked three and four deep in the corridors, waiting for their hearing. But the judge—and she was a good person, a real professional—couldn't get her hearing underway. She had a problem with those who were appearing before her court that day. The problem was this: She had said that before they could start the proceeding, those who were appearing had to sit down. One of the clients who was in there for a hearing that day had some difficulty. I was there to witness it. The difficulty was she was 2 years old. She wasn't tall enough to crawl up in that chair without somebody lifting her.

The other client who had a hearing that day, who had been removed under this zero-tolerance policy, was a little more skillful. He spotted a Matchbox car on the top of the table, and this 4-year-old boy got up in the chair to play with it.

Those were two of the clients before this immigration judge in this office building in the Loop in Chicago. They had been forcibly removed from their parents, and they were up for a hearing. It was in August.

As a result of the hearing, as with most of the hearings, they said: We are going to postpone this until we get further evidence. The next hearing will be in December—December.

I would ask any parent, any grandparent: What would you think about being separated from that little girl, that 2-year-old girl, whom you love so much, for 6 months, 8 months, 9 months?

That was the policy of this Trump administration with zero tolerance—a policy created and announced by Attorney General Jeff Sessions.

So when I asked Mr. Barr: You are going to take over this job. What is your view on this type of policy? Sadly, I didn't get a direct answer.

I am concerned that in many respects Mr. Barr could continue the harsh approach to immigration that we have seen by the Trump administration instead of charting a different course, a course more consistent with America's values and history.

We are in fact a nation of immigrants. Throughout American history, immigration has strengthened and renewed our country. I stand here today, the son of an immigrant girl who came to this country from Lithuania at the age of 2. Her son grew up and got a full-time government job right here in the Senate. It can happen. It is my story. It is my family's story. It is America's story.

When I listened to the diatribes by this President in the State of the Union Address about immigrants coming to this country—of course there are bad people. We don't want any of them

in this country, and if they are here, we want them to leave. But think of all of the good people who have come to this country and made America what it is today. The President dismisses those folks, doesn't take them as seriously as he should, as far as I am concerned.

I want to know if this Attorney General, Mr. Barr, subscribes to the President's theories on immigration. For the past 2 years, President Trump and Attorney General Jeff Sessions did everything in their power to make America's immigration policy harsh and unwelcoming.

Mr. Barr's comments and history make me fear that he will bring the full weight of the Justice Department to advance the President's anti-immigration agenda. Mr. Barr has refused to disavow the cruel and un-American zero-tolerance policy, which I just described, that led to thousands of children being forcibly removed from their parents, and he has fully and repeatedly echoed President Trump's call for a border wall after the debate we have been through over the last several months, falsely arguing that it will help to combat the opioid epidemic. That is a ludicrous argument. In fact, the Drug Enforcement Administration, which Mr. Barr would supervise, has found that the vast majority of deadly narcotics coming into America through the Mexican border are coming in through ports of entry. They are not being carried in backpacks by people scaling fences. That is where our security efforts should be made, not with some medieval wall.

Mr. Barr also falsely and repeatedly was critical of our asylum laws for a host of problems. Our asylum laws, which have historically had broad bipartisan support until this President came along, simply ensure that we honor our legal and moral obligation to provide safe haven to families and children who are fleeing persecution.

Who are these families seeking asylum and refugee status in the United States? You can find members of those families right here on the floor of the United States Senate. You can find three Cuban-American U.S. Senators—one Democrat and two Republicans—whose families came here as refugees from Castro's Cuba. Are we having second thoughts now about whether they are a valuable part of America? I am not. These people, these Cuban-Americans, have become an integral part of our Nation. They were once refugees and asylees. Now, they are party of America's future, and we are better off for it.

I could tell that story so many different ways. Soviet Jews trying to escape persecution in the old Soviet Union and the Vietnamese who stood by us and fought by our men and women in uniform during the Vietnam war, who had to escape an oppressive regime, came to the United States as refugees and asylees. We are now seeing under President Trump the lowest level of refugees in modern memory.

We are walking away from our obligation to the world.

And Mr. Barr called for withholding of Federal funds to force cities to cooperate with the Trump administration's immigration agenda, even though courts have repeatedly struck down that approach.

Perhaps most troubling is Mr. Barr's comment to me that he thinks it is absolutely appropriate for the Attorney General to change the immigration rules to help advance a President's campaign. He said he did it to help the campaign of President Bush in 1992. The idea of an Attorney General letting campaign politics drive immigration enforcement is unacceptable regardless of the President.

I am also concerned with the views Mr. Barr expressed on something known as the unitary executive theory and his expansive view of Presidential power. He put it bluntly in that 19-page memo I mentioned before, when he said the President alone is the executive branch. We need an Attorney General who recognizes the need for checks and balances, but he did not believe that this President should be held accountable for many of the actions he has taken. I may be naive, but I don't believe any American is above the law, including the President of the United States.

This is not an ordinary time in the history of the Justice Department. President Trump has criticized the Judiciary, individual Federal judges, our intelligence Agencies, and the Department of Justice when they continued an investigation into his campaign. He has undermined their independence and integrity with his storm of tweets every single day.

William Barr said he sees the Attorney General as "the President's lawyer"—in his words—but the chief law enforcement officer of the United States is supposed to be the lawyer for the people of the United States. We need an Attorney General who will lead the Justice Department without fear or favor and who will serve the Constitution of the American people even if it means standing up to a President.

If he is confirmed, I hope Mr. Barr will prove me wrong and that he will be a good Attorney General who came at the right moment in history, but I have not received the reassurances I was looking for from him to give him a vote to reach that position. I will be voting no on the Barr nomination.

I see my colleague and friend Senator LEAHY on the floor. I will withhold two other statements for the RECORD to yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the Senator from Illinois, the senior Senator from Illinois, for his comments. He knows what it is to have immigrants in your family, as do I. I was fortunate to have a little more understanding as my paternal grandparents immigrated to Vermont from Italy,

and my wife's parents immigrated to Vermont from French-speaking Canada. I still struggle with the Italian I knew as a child. I have done a little better with French, in order to speak to Marcelle's family. But I see the diversity that came of it. I see it in our State of Vermont, and I hope our country is better for it. So I thank the Senator from Illinois.

The last time William Barr was before the Senate was 28 years ago, during the George H.W. Bush administration, and I voted for him to be Attorney General. I did so despite having some reservations that I shared with him and the Senate at the time. Mr. Barr and I did not see eye to eye on many issues. We did not then, and we do not now. But he was clearly qualified for the position, and he had earned the confidence of the Senate. So I felt free to vote for him.

I am concerned by some of the remarks that Senator DURBIN has referred to which seem to indicate that Mr. Barr may feel that he is the lawyer for the President, not only the Attorney General of the United States. He is there to represent everybody—everybody—and to make sure the laws are upheld for everybody.

Now we find ourselves considering his nomination under extraordinarily different circumstances than we did when my friend President Bush had nominated him. Multiple criminal investigations loom over the Trump Presidency. In fact, these investigations may ultimately define the Trump Presidency, and the President has reacted to it with apparently the only way he knows how. He just attacks relentlessly. He doesn't respond to them, but attacks. That includes attacking investigators, witnesses, even the justice system itself. That also includes firing both the FBI Director and his previous Attorney General for not handling one of the investigations as the President wanted, but instead as the law required.

The President views the Justice Department as an extension of his power. He has repeatedly called on it to target his political opponents. He has even reportedly told his advisers that he expects the Attorney General to protect him personally. I have been here with eight Presidents. I have never known a President, either Republican or Democrat, to have such an outrageous and wrong—wrong—view of the Department of Justice.

The integrity of the Justice Department has not been so tested since the dark days of Watergate. Yet when the Judiciary Committee considered the nomination of Elliot Richardson to be Attorney General in the midst of that national crisis, nominated by Richard Nixon, the nominee made numerous, detailed commitments to the committee. Mr. Richardson did so, in his words, to "create the maximum possible degree of public confidence in the integrity of the process." That same principle applies equally today.

Indeed, that may be the only way the Justice Department escapes the Trump administration with its integrity intact. In large part due to the relentless politicizing of the Department by the President, millions of Americans will see bias no matter which way the Department resolves the Russia investigation. Because of seeing such bias, our country is diminished. The justice system is greatly diminished. In my view, the Department has only one way out—transparency. The American people deserve to know the facts, whatever they may be. That requires the special counsel's report, and the evidence that supports it, be made public.

Unfortunately, despite efforts from both Republicans and Democrats in the Senate, Mr. Barr has repeatedly refused to make that commitment. Worse, much of his testimony before the Judiciary Committee left us with more doubts. Will Mr. Barr allow President Trump to make a sweeping, unprecedented claim of Executive privilege that allows him to hide the report? Will Mr. Barr, relying on a Department policy to avoid disparaging uncharged parties, not disclose potential misconduct by the President simply due to another policy to not indict sitting Presidents? We don't know the answer, but we do know that Mr. Barr's testimony on these issues could lay the groundwork for potentially no transparency at all.

Mr. Barr also repeatedly refused to follow the precedent of Attorney General Jeff Sessions and commit to follow the advice of career ethics officials on whether he needs to recuse himself from the Russia investigation. He even declined my request to commit to simply sharing their recommendation with the Judiciary Committee. That is critical because there is reason to question whether an appearance of a conflict exists.

Prior to his nomination, Mr. Barr made his unorthodox views on the special counsel's obstruction of justice investigation very clear. He did that with a 19-page memo sent directly to the President's lawyers. Mr. Barr spoke dismissively about the broader Russia investigation. He even claimed that a conspiracy theory involving Hillary Clinton was far more deserving of a Federal investigation than possible collusion, and this was notwithstanding the fact that, by that time, that conspiracy had been debunked. He was asked, in effect, whether this memo was a job application, because it is difficult to imagine that these views escaped the attention of the President. That makes it all the more critical that Mr. Barr follow the precedent of prior Attorneys General and commit to following the advice of career ethics officials on recusal.

I am also concerned that, if confirmed, Mr. Barr would defend policies that I believe are both ineffective and inhumane. We heard Senator DURBIN speak eloquently about the horrible, horrible program of separating families

at the border, and I think the Nation is still reeling from that systematic separation. But, in light of that, Mr. Barr praised Jeff Sessions for "breaking the record for prosecution" of the misdemeanor offenses that forced families to be separated. In other words, on a misdemeanor, you take the child away from the parents and separate them. Nobody seems to know where everybody goes after that.

Ask a 4-year-old: What are your parents' name? They will say, in whatever language: Mommy and daddy.

Where do you live?

We live in the house next to so-and-so.

They don't know the addresses. They rely on their parents, and now they have been separated from them.

It makes me think Attorneys General should be able to stand up for the rule of law. I remember a time when former Acting Attorney General Sally Yates stood up for the rule of law. She refused to defend President Trump's first iteration of his Muslim ban as a deeply flawed order. It was stained with racial animus, that even applied to individuals who were lawful permanent residents and had valid visas. Mr. Barr described Ms. Yates's decision as "obstruction" and a "serious abuse of office."

My God, this country should not have religious tests. If we did, my grandparents would not have been able to come to this country.

Relevant to each of my concerns is Mr. Barr's extremely broad views of executive power. He is an advocate of the unitary executive theory, believing that the Constitution vests nearly all executive power "in one and one only person—the President." He has said that an Attorney General has "no authority and no conceivable justification for directing the department's lawyers not to advocate the president's position in court." This expansive view of a President's power would concern me no matter whose administration it was. In fact, if you go way back in history, it conflicts with Supreme Court Justice James Iredell's observation in 1792 that the Attorney General "is not called the Attorney General of the President, but Attorney General of the United States."

I find Mr. Barr's deferential view of Executive power especially concerning. We already know much of what President Trump intends to do. It includes taking billions of dollars that Congress has already appropriated and diverting it toward a wasteful and ineffective vanity wall. What would Mr. Barr do when confronted with such an order? He has essentially told us: Mr. Barr has argued that Congress's appropriations power provided under Article I, Section 9 of the Constitution is "not an independent source of congressional power" to "control the allocation of government resources." That would come as great news to everybody—Republicans and Democrats—who has been an appropriator in any session of Congress.

He even believes, that if a President “finds no appropriated funds within a given category” but can find such money “in another category,” he can spend those funds as he wishes so long as the spending is within his broad “constitutional purview.” Such views should concern all of us here—Republicans and Democrats alike—who believe, as the Founders of this country believed, that Congress possesses the power of the purse.

Unfortunately, I fear that Mr. Barr’s long-held views on Executive power would essentially be weaponized by President Trump—a man who we know derides any limits on his authority. Over the past two years, we have seen the erosion of our institutional checks and balances in the face of creeping authoritarianism. That can’t continue.

In conclusion, let me be clear. I respect Mr. Barr. I voted for him when President George H. W. Bush nominated him. As Attorney General, I do not doubt that he would stand faithfully by his genuinely held convictions, but I fear this particular administration needs somebody who would give him a much tighter leash, as Attorneys General have in the past. So because of that, I will vote no on Mr. Barr’s nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, while Senator LEAHY is still on the floor, I want to thank him for his extraordinary work on the conference committee to try to resolve our budget impasse. I know he has been working night and day. He has shared with many of us the work he has been doing on behalf of getting a budget that reflects the will of this body and of the House, and hopefully it will be completed before midnight on Friday.

So I want to personally thank the distinguished Senator, the senior Senator from Vermont, Mr. LEAHY, for the work he has done to keep the government open, to provide security for our borders, and to make sure we get all of our appropriations bills done.

Mr. LEAHY. Thank you.

Mr. CARDIN. Mr. President, I ask unanimous consent to proceed as in morning business.

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

#### BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, 54 years ago, 600 nonviolent protesters set off to march from Selma to Montgomery, AL, to protest the disenfranchisement of Black voters in the South.

They got as far as the Edmund Pettus Bridge when they saw police officers lined up on the other end, waiting with tear gas, clubs, and dogs. The iconic bridge stood between the police and protesters like a physical barrier between hope and violence, democracy and second-class citizenship.

Although the 13th, 14th, and 15th Amendments—which cemented into law the freedom, citizenship, and vot-

ing rights of Black Americans—passed nearly 100 years earlier across the country, literacy tests, poll taxes, violence, and intimidation stood in the way of this constitutional promise. This was especially true in Alabama.

According to the 1961 Civil Rights Commission report, at the time of the famous protests, fewer than 10 percent of the voting-age Black population was registered in Alabama’s Montgomery County. This infamous march from Selma was intended to right the wrong and to shine light on the injustice of all the many laws that kept voting from being accessible to Black Americans.

For months leading up to it, a community of activists—led by Martin Luther King, Jr., and of course our esteemed colleague Representative JOHN LEWIS—carried out voting registration drives and nonviolent demonstrations, all against the resistance of the local government and members of the Ku Klux Klan. These efforts laid the groundwork for the march from Selma, which ended with Alabama State troopers attacking the protesters.

The images of the State-sponsored violence were shown across the country, galvanizing the American public in favor of voting rights in a day that has since become known as Bloody Sunday.

Five months later, on August 6, 1965, the Voting Rights Act was signed into law. The bill is one of the crowing victories of the civil rights movement and for our American democracy.

This monumental legislation outlawed the malicious barriers to the polls and held States accountable for the discriminatory obstacles imposed on citizens who sought to fulfill their constitutional right. It opened doors for Black citizens across the South to register, to cast a vote, or to run for office in higher numbers than ever before.

As we celebrate this February as Black History Month, we must remember that Black history is American history. We must remember that too often in our Nation’s past, the work to create a more perfect Union has fallen upon the shoulders of Americans whose full rights of citizenship were discounted simply because of the color of their skin. The right to vote is a fundamental American tenet. Yet it has historically been denied to men and women of color.

We must remember that when we tell stories of those who fought and struggled to secure voting rights in our Nation’s past, it is because their stories serve as a precursor to our own.

Today voting rights are still under attack. Many who survived the brutal attack on Bloody Sunday and lived to see the passage of the Voting Rights Act have also lived to see the same monumental bill weakened by the 2013 Shelby County Supreme Court decision.

They have watched our President and Republican legislators tout myths of voter fraud to justify strict voter ID

laws, partisan gerrymandering, and limited access to voting information. These efforts undoubtedly disadvantage Black Americans more than most and put a scourge on the system that defines our democracy. It is an insult to those who were robbed of their freedom and oftentimes their lives to create a more equal future.

One such example of modern voter disenfranchisement can be found in the fact that the United States denies voting rights to citizens with felony convictions. We are one of the exceedingly few Western democracies that permanently strip citizens of their right to vote as a punishment for their crimes.

Let’s be clear. We are not talking about voting rights for felons currently incarcerated; we are talking about voting rights for those who have served their time and have since been released, attained jobs, raised a family, paid taxes, and moved on with their lives. Under the current law in 34 States, these individuals are still denied the right to vote, and that is simply unfair and undemocratic.

Black History Month demands that we bring this injustice to light because felony disenfranchisement disproportionately affects men and women of color. One out of thirteen Black Americans is currently unable to vote because of a prior conviction for which they have already served time—a rate that is more than four times greater than the non-Black Americans.

Right now, in total, more than 2 million Americans are unable to vote because of prior convictions, despite having already served their time and paying their debt to society. That is why this year I will again be introducing the Democracy Restoration Act, a bill that would restore voting rights to individuals after they have been released and returned to their community.

I am committed to seeing this legislation passed. My hope is that Black History Month inspires all of my colleagues on both sides of the aisle to join me.

We must also combat efforts to intimidate and disenfranchise voters. That is why last year I introduced legislation that would prohibit and penalize knowingly spreading misinformation, such as incorrect polling locations, times, or the necessary forms of identification. This Deceptive Practices and Voter Intimidation Act will prohibit and penalize intentionally and knowingly spreading misinformation to voters that is intended to suppress the vote, including the time and place of an election and restrictions on voter eligibility.

Reliably, these tactics always seem to target minority neighborhoods and are blatant attempts to reduce turnout. Such tactics undermine and corrode our very democracy and threaten the integrity of our electoral system.

In Stacey Abrams’ response to the State of the Union last week, she said that “the foundation of our moral leadership around the globe is free and fair