

NOMINATION OF CHAD A. READLER

Mr. President, the second nominee is Chad Readler, a 46-year-old attorney in the Trump Justice Department. When he was nominated to another circuit court of appeals, the Sixth Circuit, it was a clear sign of the Trump administration's strong negative feelings about the Affordable Care Act and the fact that that act covers preexisting conditions.

Mr. Readler filed the Trump administration's brief in the *Texas v. United States* case, in which he opposed the Affordable Care Act's preexisting coverage requirement. Do you remember that issue from the last election? It was a big one. It might have been the biggest one.

We basically said that we think health insurance should be available to you even if you don't have a perfect medical record. And who does? Hardly any of us. Certainly, each of us knows someone in their family who struggles with a medical challenge, and without a perfect medical record, you can be denied insurance or charged premiums you can't pay, unless you have the protection of the law. The law is known as the Affordable Care Act, or ObamaCare.

Mr. Readler argued that this requirement of covering people with preexisting conditions, which benefits tens of millions of Americans, had to be stricken from the law. The brief Mr. Readler signed was deeply controversial. Our colleague Senator LAMAR ALEXANDER, Republican from Tennessee, called the argument that Mr. Readler made in his brief opposing ObamaCare "as far-fetched as any I ever heard." Thank you, LAMAR.

Two Department of Justice attorneys withdrew from the case when they were asked to sign the crazy arguments in this brief, and a senior Department of Justice litigator resigned in protest of the bizarre arguments that Mr. Readler signed up for.

However, almost immediately, after Mr. Readler signed this crazy brief, he was nominated by the White House for a lifetime appointment to a Federal judiciary.

What message is the Trump administration sending with this nomination? They are doubling down on their attack on coverage of people with preexisting conditions. They are putting in a lifetime appointment a circuit court judge who will be watching for vindication. They are rewarding those who have led the fight against the preexisting coverage requirement. This is deeply troubling.

That is not my only concern with Mr. Readler. He has also defended the Trump administration's unconscionable family separation policy. Do you remember that one? Remember when, in March of last year, Attorney General Sessions came forward and proudly announced the family separation policy? Do you remember then that 2,800 infants, toddlers, and children were forcibly, physically removed from their

parents and placed in detention and that these infants, toddlers, and children were then lost in the system? They didn't keep a computer check on where they were sent or who their parents were.

It took a Federal judge in San Diego, CA, to mandate and require this administration to account for these children. It is one of the most shameful chapters in recent American history, and, of course, Mr. Readler, this nominee, defended it.

He argued in favor of the Trump administration's efforts to end the DACA Program—790,000 young people brought here as children to this country, who went through all of the hoops and paid the fees and qualified to have a chance to stay in America without fear of deportation. Well, it turns out Mr. Readler thinks that is a bad idea.

He litigated against the rights of same-sex couples and opposed anti-discrimination protections for LGBTQ Americans. He advocated for making the death penalty more widely available and applying it to children. He argued for denying Byrne JAG violence prevention funds to a city I represent: Chicago.

It is hard to imagine a more controversial partisan nominee than Mr. Readler. Yet his nomination is going to be rammed through this week.

NOMINATION OF ERIC E. MURPHY

Mr. President, Senate Republicans have also scheduled to vote this week on Eric Murphy, a 39-year-old nominee to another Ohio-based seat on the Sixth Circuit. Mr. Murphy is well known for his advocacy against LGBTQ rights, including the landmark *Obergefell* case, in which he argued against the right of same-sex couples to marry.

He has a lengthy record of defending restrictive voting laws. He has fought for laws to make it more difficult for Ohioans to exercise their fundamental right to vote, including voter purge laws and laws limiting the ability of poll workers to assist voters.

I know a little bit about Ohio's experience because, a few years ago, I chaired a subcommittee that held a hearing in Cleveland, OH, discussing their decision as a State to start limiting the opportunity of people to vote in Ohio. I called those witnesses before my subcommittee—election officials from both political parties, Democrats and Republicans—put them under oath and asked them a basic question: What was the incidence of voter fraud in Ohio that led you to restrict the access of people to vote, to require voter IDs, to limit early voting? What were the instances which led to that conclusion? They could tell me none, not one. I asked them: How many people have been prosecuted for voter fraud in Ohio that led to this? Well, maybe one several years ago—here or there—despite millions of votes being cast. Let's call this for what it is: voter suppression authored by Republicans at every level of government, even here in Congress, designed to fight demography.

Republicans understand they are not doing well with growing segments of the U.S. population, so they are trying to restrict and limit the rights of some groups who may vote against them to actually show up and vote. They go to ridiculous lengths. It turns out that Mr. Eric Murphy—a nominee we will have before us this week for a circuit court position—agrees with their position on voter suppression.

My Republican colleagues are largely silent about the outrageous incident that occurred in North Carolina last week. There was a glaring case of election fraud, and it involved their party, not the Democrats. It involved a gentleman whose conduct was so outrageous and criminal, they voided the congressional election. I can't remember that ever occurring. Why would the Republican Party ignore that occurrence in their own ranks and then try to restrict voting for people who, frankly, have a right, as all of us do, to legally vote in this country? Why are they appointing judges who would defend that approach? I think it is because of the endgame. The endgame is to restrict the number of people who are going to vote in the future and try to limit those who might vote against the Republican Party.

I also am troubled that Mr. Murphy, the nominee before us, has declined to commit to recuse himself from matters involving tobacco. As the Campaign for Tobacco-Free Kids noted, Mr. Murphy personally and extensively represented the tobacco company R.J. Reynolds when he was in private practice. For example, Mr. Murphy was the attorney to R.J. Reynolds on a series of petitions to the Supreme Court that sought to limit that tobacco company's liability from a landmark lawsuit in Florida. Mr. Murphy's refusal to commit to recuse himself from matters where he clearly has expressed his opinions and has gotten paid for it raises serious questions about whether he can serve the cause of justice.

The nominations of Eric Murphy and Chad Readler are being pushed through this week over the opposition of Ohio Senator SHERROD BROWN. Senator BROWN testified before the Senate Judiciary Committee about his opposition to Murphy and Readler. He said: "I cannot support nominees who have actively work to strip Ohioans of their . . . rights." I hope my colleagues will listen to Senator BROWN. No one has fought harder for the rights and opportunities of Ohioans than that Senator.

It is shameful that circuit court nominees like Murphy and Readler are being moved forward over the legitimate objections of their home State Senators. Each of us as Senators knows our State. We know when our State's legal community lacks confidence in a nominee's qualifications.

The blue-slip procedure is the mechanism Senators use for each State to speak as to these nominees. This last week, when it came to a circuit court position in the Ninth Circuit, two Senators from the State of Washington