

Senate completes its business today, it adjourn until 10 a.m., Wednesday, May 15; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Lee nomination.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

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

The PRESIDING OFFICER. The Senator from Connecticut.

NOMINATION OF WENDY VITTER

Mr. BLUMENTHAL. Madam President, later this week, Wendy Vitter will receive a vote on her nomination to the U.S. District Court for the Eastern District of Louisiana. Once our votes are cast, she almost certainly will be confirmed by a slim margin on largely partisan lines, and she will join the Federal judiciary for a lifetime tenure. My hope is that my Republican colleagues will think again and that some of them will demonstrate some conscience and conviction based on principles that I think are more important than any single district court judge and indeed more important than any of us individually, because Ms. Vitter will never again face public accountability for her fitness, her moral character, and her fidelity to the bedrock norms of our time. She will be insulated from all political process.

That is what we afford our judiciary. It is the right thing to do. They ought to be, in effect, guardians of the Constitution with lifetime appointments that protect them from political vindictiveness or revenge. But that independence must be earned. It is earned by vetting through a public confirmation process. The Founders placed that responsibility in this body with us, and for nearly a century, these confirmation hearings have helped the American public judge our would-be judges and weed out our wildly radical or unfit nominees. The confirmation process is a vetting that includes a hearing and then a committee vote and then a vote here in the Senate.

On the most basic principles of the confirmation process, Ms. Vitter fails to pass muster. She failed to produce more than 100 speeches, interviews, and press articles to the Senate Judiciary Committee for review. She defiantly declined to answer my question on one of the baseline notions of constitutional liberty—the correctness of the

Supreme Court's decision in *Brown v. Board of Education*.

As a member of the Senate Judiciary Committee, I ask these questions to every nominee when they appear because I believe it is unquestionably an important reason for considering whether to vote for these nominees—their beliefs as to whether *Brown v. Board of Education* and other well-established precedents are indeed correctly decided.

This iconic ruling of the U.S. Supreme Court is special even among those well-established decisions. Anyone who fails to endorse such a sacrosanct decision is clearly out of the legal and societal mainstream and unworthy of confirmation.

When I asked Ms. Vitter if she thought *Brown v. Board* was correctly decided, here is how she responded:

I don't mean to be coy, but I think I can get into a difficult, difficult area when I start commenting on Supreme Court decisions which are correctly decided and which I may disagree with. Again, my personal, political, or religious views I would set aside. That is Supreme Court precedent.

I was stunned by her answer. I am still stunned to read it back. I am tempted to read it again out of disbelief. *Brown* is woven into the fabric of our Nation. How could anyone suggest disagreeing with *Brown*, as she did, and then say: Well, even though I disagree with *Brown v. Board of Education*, I would follow it. That answer says something very profound about the person giving it.

In 2019, the only reasonable answer to my question—"Do you think *Brown v. Board of Education* was correctly decided?"—is a resounding yes. *Brown* is about more than just its historic ruling; a separate but equal school is inherently unequal and unconstitutional. A segregated school, even if it is called equal, is inherently unequal. That is *Brown*. It is about core values and principles deeply embedded in the constitutional consensus that binds and bonds our constitutional democracy. It is about more than just the words on paper; it is about our values and our principles, what holds us together as a nation.

When nominees like Ms. Vitter refuse to say that a seminal case like *Brown* was correctly decided and instead merely says that it is precedent, that it is a binding decision, what they are asserting essentially is that a case that is decided is only a decision, that it is only good law until it is reversed.

The reason for giving such an answer is that Ms. Vitter and the vast majority of President Trump's nominees do not really think that a lot of Supreme Court precedent is correct, and they would be perfectly happy for reversals.

We know that the President has a litmus test for his judicial nominees. He has told us repeatedly that he will appoint judges who will overturn another landmark Supreme Court decision, *Roe v. Wade*.

What is particularly striking and pernicious about Ms. Vitter's answer to

my question on *Brown* is that her extreme views on *Roe*, abortion, and reproductive rights are already well known and authoritatively established.

In May 2013, at an anti-choice protest outside the future site of a Planned Parenthood clinic, Ms. Vitter said:

Planned Parenthood says they promote women's health. It is the saddest of ironies that they kill over 150,000 females a year. The first step in promoting women's health is to let them live.

This is a radical view. It is wrong on the facts. It makes no secret of what Ms. Vitter thinks about the precedent of *Roe*, and it is worth noting that Ms. Vitter initially didn't even disclose this speech to the Senate.

In November of 2013, Ms. Vitter moderated a panel at the conference for Louisiana Right to Life titled "Abortion Hurts Women's Health." Again, Ms. Vitter did not disclose this to the Senate. On the panel was a so-called "expert" who falsely claimed that contraception pills are linked to cancer, an absurd and very dangerous lie. Ms. Vitter advocated that viewers download this speaker's brochure and ask their doctors to display it saying: "Each one of you can be a pro-life advocate."

At her confirmation hearing, a number of Senators asked Ms. Vitter whether she believed the claims made in the brochure. She refused to answer and insisted she had not studied the details of the brochure. How strange that she asked the audience of her panel discussion to have their doctors display it. At the same Louisiana Right to Life event, Ms. Vitter applauded Texas for the "great strides in making it very difficult to get abortions in Texas."

Ms. Vitter was applauding a law that requires physicians who perform abortions to have admitting privileges at a nearby hospital, and it required abortion clinics in the State to have facilities comparable to an ambulatory surgical center. The Supreme Court struck down the law as unconstitutional because it would have closed most clinics in Texas and placed an undue burden on Texas women to access safe, legal abortion services.

As a district court judge, Ms. Vitter undoubtedly would have upheld this unconstitutional restriction of a woman's right to choose. She celebrated a Louisiana law that forced women to look at an ultrasound before having an abortion. These kinds of requirements serve no medical purpose, which is why they have been struck down. They are only an obstruction to a woman's right over her own reproductive health, and they conflict with basic Supreme Court principles about the rights of privacy under the Constitution.

Federal judges are entrusted with this kind of lifetime appointment because they will be neutral arbiters. They will give everyone a fair, impartial hearing and rule on the facts and the law. That is the theory. Ms. Vitter, despite her best efforts to hide her