

which could only apply to the Court itself. The minority leader of the United States Senate threatened two Associate Justices of the U.S. Supreme Court. Period. There is no other way to interpret that.

Even worse, the threat was not clearly political or institutional. As I will discuss in a moment, these kinds of threats are sadly nothing new from Senate Democrats. This was much broader—much broader.

The Democratic leader traveled to the workplace of the two Justices, and in front of a crowd of activists, he told those Justices “you will pay the price” right in front of the Supreme Court building and “you won’t know what hit you.” He said this right in front of the Supreme Court building.

If any American had these words shouted at them from a sidewalk outside their office, they would hear those threats as personal, and most likely they would hear them as threatening or inciting violence. That is how any American would interpret those words if they were directed at them. That is certainly how the press and leading Democrats would have characterized them if President Trump or any senior Republican had said anything even remotely—remotely—similar. We have seen much more hay made out of much less.

Perhaps our colleague thinks this is absurd. Perhaps he would like the most generous possible interpretation; that he got carried away and he didn’t mean what he said, but if he cannot even admit to saying what he said, we certainly cannot know what he meant.

At the very best, his comments were astonishingly reckless and completely irresponsible. Clearly, as the Chief Justice stated in a rare and extraordinary rebuke, they were “dangerous” because no matter the intention, words carrying the apparent threat of violence can have horrific, unintended consequences.

In the most recent year on record, the U.S. Marshal Service tracked thousands of threats and inappropriate communications against the judiciary—thousands of threats against the judiciary.

Less than 3 years ago, of course, an unhinged and unstable leftwing activist attempted a mass murder of congressional Republicans at a baseball field right across the river.

A Senate leader appearing to threaten or incite violence on the steps of the Supreme Court could literally be a matter of deadly seriousness.

So I fully anticipate our colleague would quickly withdraw his comments and apologize. That is what even reliably liberal legal experts like Laurence Tribe and Neal Katyal have publicly urged.

Instead, our colleague doubled down—doubled down. He tried to gaslight the entire country and stated that he was actually threatening fellow Senators, as though that would be much better, but that is a fiction. A

few hours later, the Democratic leader tripled down. Instead of taking Chief Justice Roberts’ sober and appropriate statement to heart, he lashed out, yet again, and tried to imply the Chief Justice was biased—biased—for doing his job and defending the Court. Let me say that again. He tripled down, and he lashed out, yet again, and tried to imply that the Chief Justice was biased for doing his job and defending the Court. Our colleague therefore succeeded in attacking 33 percent of the Supreme Court in a space of a few hours.

Throughout the impeachment and the Senate trial, for months, Washington Democrats preached sermons about the separation of powers and respect among equal branches.

So much for all of that. And sadly, this attack was not some isolated incident. The leftwing campaign against the Federal Judiciary did not begin yesterday—not yesterday. My colleagues will recall that during the impeachment trial the senior Senator from Massachusetts and outside pressure groups tried to attack the Chief Justice, sitting right in that chair, for staying neutral instead of delivering the outcomes that they wanted. These same groups came to Senator SCHUMER’s defense yesterday with gratuitous attacks against the Chief Justice for condemning the threats against his colleagues.

Last summer—last summer a number of Senate Democrats sent an extraordinary brief to the Supreme Court. It threatened to inflict institutional change on the Court if it did not rule the way the Democrats wanted. In other words, give us the ruling we want or we will change the numbers of the Court. Here is what they wrote: “The Supreme Court is not well. . . .”

Really?

The Supreme Court is not well. . . . Perhaps the Court can heal itself before the public demands it be “restructured. . . .”

What that means is, you rule the way we want or we are going to expand the numbers and change the outcome—a political threat, plain as day. As you read the document, you half expected it to end by saying: That is some nice judicial independence you got over there. It would be a shame if something happened to it.

It couldn’t have been more clear. Independence from political passions is the cornerstone of our judiciary in our country. Judicial independence is what enables courts to do justice even when it is unpopular, to protect constitutional rights even when powerful interests want them infringed. Judicial independence is what makes the United States of America a republic of laws rather than of men.

It has been almost a century since the last time Democrats threatened to pack the Supreme Court because they wanted different rulings. History still judges that disgraceful episode to this day.

I would suggest that my Democratic colleagues spend less time trying to

threaten impartial judges and more time coming up with ideas that are actually constitutional.

Fortunately, this extraordinary display contains one ironic silver lining. These clumsy efforts to erode a pillar of American governance have just reminded everyone why that pillar is so crucial. These efforts to attack judicial independence remind us that independence is essential. Every time Democrats try to threaten sitting judges, we are reminded exactly—exactly—why the Framers gave them life tenure and salary protection, precisely why they did it. Every time Democrats toy with packing new seats onto the Court, we are reminded exactly why, as Justice Ginsburg recently said, “Nine seems to be a good number.” Justice Ginsburg said, “Nine seems to be a good number.”

The distinguished men and women of the Supreme Court do not and must not serve at the pleasure of angry partisans—must not serve at the pleasure of angry partisans. They do not need to pay any mind to unhinged threats, as shameful as they may be. In fact, as the Chief Justice reminded us yesterday, they are duty-bound to pay such things no attention at all. Their job description is simple: to apply the law to the facts, as the Chief Justice put it, “without fear or favor from whatever quarter.” I have great confidence the Court will do just that. I am confident that if the facts and the Constitution would have led the Court to disappoint Democrats the day before yesterday, they would still feel free to do so today, tomorrow, and beyond, notwithstanding these shameful tactics.

I had hoped I would not need to reiterate what every Republican Senator told the Court in August after Senate Democrats sent their threatening brief, but today I have no choice but to say it again: Republicans are absolutely and unshakably committed to the core constitutional principle of an independent Federal judiciary—the core constitutional principle of an independent Federal judiciary.

As long as this majority holds the gavel, we will never let the minority leader’s dangerous views become policy. This majority will ensure that the only casualties of this recklessness are the reputations of those who engage in it.

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#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.