

our political system to keep the political system honest and open and transparent.

The New York Times opinion pages ostensibly provide a space for the free exchange of ideas and thought-filled conversation on issues of the day. I have long counted journalists as the constables of the fourth estate. They serve a very vital role in bolstering our system of checks and balances. They have a responsibility to set the tone for open dialogue.

Last week, the New York Times flunked this standard. The Gray Lady ghosted Senator COTTON's opinion piece after a meltdown in its ivory tower and when the ivory tower workforce hyperventilated.

It is certainly reasonable to disagree on the merits and to debate if recent events rise to the level of past riots that justified invoking the Insurrection Act.

I certainly think we should be hesitant to deploy our military forces domestically, even in difficult situations.

But the overheated reaction by alleged journalists even to have this debate raises the question, Do they consider themselves neutral reporters or activists for a certain world view?

Even a casual reader is able to read between the lines and know that the New York Times ascribes to a left-leaning ideology, but the mutiny in their newsroom seems to cross the line from journalism with a leftwing bias to political activism and ideological conformity.

Sadly, last week the New York Times lowered the bar of journalistic integrity. It snubbed a voice of dissent and rebuked the free exchange of ideas.

The First Amendment protects five fundamental freedoms that sets America apart as the leader of the free world: freedom of religion, speech, press, assembly, and the right to petition the government.

The Constitution does so because the expression of diverse opinions is necessary to preserve liberty.

Within 4 days of publishing Senator COTTON's commentary, the New York Times caved to an ideological revolt in the newsroom.

Under mob rule, the casualty among its ranks was none other than the editorial page editor. He was forced out of his job for having the audacity to publish an opinion of a U.S. Senator.

At first, the publisher made a feeble effort to stand on principle, defending, in his words, "openness and a range of opinions." Within a few days, the publisher threw James Bennet under the bus.

It is a sad day for journalism, a sad day for the free press. These actions damage the wall dividing the newsroom and the opinion desk. They solidified their silo of leftwing thought. Canceling dissenting views is a very slippery slope. Sooner or later, it mutes the exchange of ideas in a free society.

As a student of history, I know that freedom has often been threatened by

those who are convinced their views were on the right side of history.

I offer a bit of wisdom without malice to the New York Times: Don't back down from the First Amendment. Swapping your free press for party-line propaganda and punishing dissent is not a good look. Ask the people of North Korea, China, and Iran.

On Independence Day 2020, I encourage members of the media and all Americans to step out of your comfort zones and seek to understand other viewpoints.

Before we can expand America's promise, end racism, and beat the virus, we must come together as Americans. No matter one's race, politics, creed, wealth, celebrity, remember, we are bound together by self-evident truths "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

I want even a leftwing newspaper to be a responsible policeman for our political system.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Before Senator PORTMAN and I do our unanimous consent, I just can't believe what I heard.

Senator GRASSLEY, going to the floor and talking about the media that way, when his majority—they owe their majority to Rush Limbaugh and FOX News, and they swear allegiance to a President of the United States who has lied thousands of times and then attacks the media every time they disagree with him or call him out, attacks the media as fake news, is just shocking to me.

The PRESIDING OFFICER. The Senator from Ohio.

#### COMMEMORATING OTTO FREDERICK WARMBIER AND CONDEMNING THE NORTH KOREAN REGIME FOR THEIR CONTINUED HUMAN RIGHTS ABUSES

Mr. PORTMAN. Mr. President, today I rise to ask unanimous consent to pass S. Res. 623, which is a resolution commemorating Otto Fredrick Warmbier and condemning the North Korean regime for their continued human rights abuses.

Otto Warmbier was a native of my hometown of Cincinnati, OH. He was also a young man of great spirit, intellect, and promise.

He attended the University of Virginia, and in 2015, he flew to North Korea on a cultural trip. He went with a tour group.

At the end of his brief visit there, he was unjustly arrested by North Korean security officials at the airport, as he was departing, and he was imprisoned for 17 months on trumped-up charges relating to a political poster.

During his captivity, he was badly mistreated and was returned to the United States on June 13, 2017, only

after falling into a comatose state. He never recovered. Otto died on June 19, 2017—6 days later and 3 years ago tomorrow.

Senator BROWN from Ohio and I have introduced this resolution to remember what happened to him, to keep the memory of Otto, alive, and to hold the North Korean regime accountable for their gross mistreatment, their human rights abuses. Many others, in addition to Otto Warmbier, have been subject to those human rights abuses, including the North Korean people, whom they continue to repress, even starve and mistreat.

Our resolution calls for the United States to continue to use our voice, including at the United Nations and other forums, to speak out against the human rights abuses of the North Korean Government.

It calls for the sanctions enacted under the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 to remain fully implemented.

Most importantly, this resolution honors and remembers Otto Warmbier, lest we forget what the North Korean dictatorship did to him.

His parents, Fred and Cindy, have channeled their grief into constructive efforts to expose the human rights abuses of the North Korean dictatorship, and I commend them for that. No parent should have to endure what they have gone through.

Jane and I plan to visit with them at their home in Cincinnati tomorrow on the third anniversary of Otto's death, and I hope to be able to hand them a copy of this resolution and to be able to say that the entire U.S. Senate voted to approve it.

This resolution is the right thing to do, and I encourage my colleagues on both sides of the aisle to pass it by unanimous consent.

I yield the floor to my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I want to thank my friend Senator PORTMAN and the rest of my colleagues who have been steadfast in their memory and remembrance of Otto Warmbier, a young Ohioan, as Rob said, whose life was cut short by the North Korean regime's awful human rights abuses.

I take this moment to recognize—I never knew Otto, but I have gotten to know his parents and his family, and I especially thank Cindy and Fred for their advocacy in memory of their son and turning their grief into something so positive for the country and for the world.

Last year, we worked together on sanctions legislation to send a clear bipartisan signal that the United States is serious about maintaining strong economic and diplomatic pressure on North Korea to give up its nuclear weapons and to stop its human rights abuses.

Those abuses took the life of Otto Warmbier. We must continue to shine a

light on what the regime does to its own people and to others.

I thank Senator PORTMAN for his leadership on this.

Mr. PORTMAN. Mr. President, as in legislative session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and that the Senate now proceed to S. Res. 623.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 623) commemorating Otto Frederick Warmbier and condemning the North Korean regime for their continued human rights abuses.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. PORTMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 623) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 16, 2020, under "Submitted Resolutions.")

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Texas.

#### DACA

Mr. CRUZ. Mr. President, today's decision from the U.S. Supreme Court in *Department of Homeland Security v. Regents of the University of California* is disgraceful.

Judging is not a game. It is not supposed to be a game. But, sadly, over recent years, more and more Chief Justice Roberts has been playing games with the Court to achieve the policy outcomes he desires.

This case concerned President Obama's Executive amnesty—amnesty that President Obama decreed directly contrary to Federal law. He did so with no legal authority. He did so in open defiance of Federal statutes. Of course, he was celebrated in the press for doing so.

Obama's Executive amnesty was illegal the day it was issued and not one single Justice of the nine Supreme Court Justices disputed that—not a one.

Chief Justice Roberts wrote the majority opinion, joined by the four liberal Justices on the Court. This is becoming a pattern.

The majority assumes that DACA—Obama's Executive amnesty—is illegal, and then bizarrely holds that the Trump administration can't stop implementing a policy that is illegal.

Think about that for a second.

In fact, it is even worse. The majority explicitly concede, of course, the

administration can stop an illegal policy. "All parties agree"—that is a quote—"all parties agree that DHS may rescind DACA."

OK. Easy. Everyone agrees. DHS can rescind DACA. Right?

Not so fast. A clever little twist. The majority says: Do you know what? The agency's legal explanation wasn't detailed enough. Yes, you have the authority to do it. Everyone agrees. There is no argument that you don't have the authority to do it, but we are checking your homework and, you know, the memo you wrote explaining it just didn't have all the detail we need. Just a touch more, so start over.

What is interesting is that is exactly the sleight of hand that Chief Justice Roberts did almost exactly a year ago today in another case where the Chief joined with the four liberals from the Court and struck down another one of the Trump administration's policies.

In that case a year ago, the Commerce Department, which is charged by the Constitution with conducting a census every 10 years—the Commerce Department wanted to ask a common-sense question in the course of the census: Are you a citizen of the United States? That is a question that has been asked in nearly every census since 1820. It ain't that complicated, asking someone in the course of a census: Are you a citizen?

But in today's politically fraught world, the Democratic Party has decided they are the party of illegal immigration, as is the press. And so what did John Roberts do a year ago? Same thing. He wrote an opinion saying: Of course, the Commerce Department has the authority in the census to ask if you are a citizen. Of course. We have done it since 1820.

For those who are math impaired, that is 200 years ago.

Steadily since then, every 10 years, over and over and over again, but no, no, no, no—John Roberts, little twist of hand.

Do you know what? The Commerce Department didn't explain their reasoning just clearly enough. We looked at their memo announcing it, announcing that they were making a policy decision that they have unquestioned legal authority to do, that the Bill Clinton administration had asked that question, but John Roberts and the four liberals are going to strike it down because they say it wasn't explained clearly enough.

This is a charade. Last year, they pretended it was just about the agency could go back and do it again. They knew full well there wasn't time to do it again; that they had to start the census, and so they got the result they wanted. They didn't like, as a policy matter, asking this. There was no legal reason, no legal authority to strike it down, so they played a little game: Go back and start over. Of course, now we are doing the census without asking that question.

That is the same game here today in DACA. They don't like the policy so

they say: Just go back and do it over. Just give a little more explanation. Just start over. Everyone knows the game they are playing. They are hoping that in November, in the election, that there is a different result in the election; that there is a new administration that comes in that decides amnesty is a good thing, and so this sleight of hand is all about playing policy.

Five Justices today held that it was illegal for the Trump administration to stop breaking the law. That is bizarre. The reasoning is because the Obama administration violated Federal immigration laws, for now—wink, wink, let's pretend, because that is what they are doing, is pretending—Trump has to continue violating the law and behaving illegally.

Chief Justice Roberts knows exactly what he is doing. We saw earlier this week a decision rewriting title VII of our civil rights laws—rewriting title VII, the prohibition on sex discrimination, on discrimination against women or against men, rewriting it to add "sexual orientation or gender identity."

Now, as a policy matter, there are a lot of people who support that. Indeed, legislation to do that has passed the House of Representatives twice. It has passed this body once. But the Court just rewrote it. The Court just engaged in legislation, plain and simple, as Justice Alito powerfully wrote in dissent.

By the way, Chief Justice Roberts, again in the majority, assigned that majority. This is gamesmanship. Chief Justice Roberts knows exactly what he is doing. The fact that elites in Washington don't see a problem with illegal immigration doesn't answer the reality for millions of working men and women who do, and these kinds of games ultimately make a mockery of the rule of law. They make a mockery of the Constitution and Bill of Rights.

It is the same legerdemain we saw Chief Justice Roberts do several years ago upholding *ObamaCare*, where, again, just with a little flip of the wrist, he changed a penalty into a tax. That is not clever; that is lawless.

This decision today was lawless; it was gamesmanship; and it was contrary to the judicial oath that each of the nine Justices has taken.

#### JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, we are in the midst of one of the greatest public health crises in our Nation's history. Over 2 million Americans have been infected by the COVID-19 virus. Over 115,000 Americans have died. Sadly, infections are still trending upward in many States. And what is the response of the Republican majority in the U.S. Senate to this public health crisis? This week, the majority leader, Senator MCCONNELL has scheduled a vote on his family friend and former intern, Justin Walker, to be a judge on the DC Circuit, the second highest court in the land.