

who had gravitas as a lawyer and who lived before judges and needed to make sure he kept their good will and respect.

Now, for a lot of people, that would have meant taking no chances—not for Steve. I have a practice, from time to time, in the Senate, of writing Supreme Court amicus briefs as an amicus curiae—a friend of the court and not the party. The Court rules allow me both to express their views on the law and on the background facts in cases—those people are called friends of the court—and I have filed those briefs over and over again. They are not the usual friend-of-the-court brief. Let's just say that.

I believe that as a U.S. Senator, I best show my respect for the Court and the Justices by being candid with them about where I think they have made grievous mistakes or where they have been led astray.

So these are not your ordinary briefs. This one was about the Consumer Financial Protection Board, and I focused on the favor-seeking interests that caused the underlying 2008 meltdown and how those same favor-seeking interests were interested in undoing the Consumer Financial Protection Board so they could get back to the same mischief again. I talked about the dangers of corruption from those interests. Well, those are powerful interests. To talk about them in that way in an amicus brief is not nothing.

Now, the brief talks about the fake notion of freedom that some espouse, which is, for instance, the freedom to pollute as opposed to the freedom to have a clean river free of the pollution. That freedom—the freedom to harm consumers—that freedom is a fake and wrong freedom, and we said so quite clearly in this brief. We talked about the value of regulation that we have clean air and water, that we have safe pharmaceuticals, that we have an orderly economy, and that people are not cheated in stock swindles because we have a regulatory system that has knowledgeable people in it who devote

their careers to looking out for the public against very clever and often wily special interests.

We push back hard on the notion that deregulation is a great asset. In fact, we pointed out that the failures of regulation have almost always occurred when the regulated interest got too much control over the regulator and got into the mischief business through the regulator, but honest regulation has been almost always a virtue for our country.

We went after this thing called the unitary executive theory and showed how it had been cooked up in corporate rightwing hothouses. This thing had come through like an assembly line of billionaire-funded rightwing phony front groups to propagate itself out into the world and tried to get some legitimacy as a legal theory, and we went through the whole history of that. That is pretty rough stuff because people put a lot of money into trying to cook up this unitary executive theory.

Last week, we pointed out that the judicial selection process that is going on around here right now is directly related to the deregulation process. The judges are being picked by special interests so they will rule against regulation and give special interests a break and they can pollute and cheat and harm people to a greater degree than they would with strong regulators. That was a point that we made in this brief. And, by the way, I quoted Trump's legal counsel, Don McGahn, who actually said this. It is not like we were making it up. He called them two sides of the same coin—fill the court with judges who hate regulation and let the big industries deregulate and have more freedom to harm.

And, finally, we did something that I have not done before in a brief, but because there is so much special interest money floating around in the Supreme Court and because there is so much mischief swirling around it, we actually put an appendix into the brief at the end that looked at some of the

other amici who had showed up to show how often they were funded by the same secretive groups and how many of them were basically tentacles of the same creature, and we backed that up with research showing one by one how they had been funded and sourced thoroughly.

This was not your usual Supreme Court brief. Why do I dwell on this brief? Because here is the name on it: Brief of Amici Curiae, U.S. Senator SHELDON WHITEHOUSE, RICHARD BLUMENTHAL, MAZIE HIRONO in Support of Court-Appointed Amicus Curiae, Stephen D. Susman, Counsel of Record. Like the thousands of pleadings that bear Steve Susman's name, so did this brief.

He took a chance to sign on a brief that was written the way we wrote this one. He did not mind. He knew that what we were saying was right. He was willing to put his name behind that, even though it might have caused blowback because that is the kind of man he was, and I will miss that. We have too little of that in this country these days, and, Steve, God speed.

I yield the floor.

Mr. COONS. So our respect to Steve Susman, a man of rare courage.

With that, I yield the floor.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:12 p.m., adjourned until Tuesday, July 28, 2020, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 27, 2020:

THE JUDICIARY

WILLIAM SCOTT HARDY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.