

a Senate majority, future Democrats should “immediately move to expand the Supreme Court.”

From another colleague:

If [they hold] a vote in 2020, we pack the court in 2021. It’s that simple.

Speaker PELOSI intimated on television last weekend that she may consider launching a new frivolous impeachment simply to tie up the Senate’s time. She said: “We have our options.”

The junior Senator from Massachusetts said Democrats “must abolish the filibuster and expand the Supreme Court.”

The junior Senator for Hawaii said: “All of those matters will be on the agenda.”

The senior Senator from Connecticut said: “Nothing is off the table.”

Just yesterday, former Vice President Biden himself refused to rule out that he might seek to pack the Supreme Court.

Bear in mind, none of them assert this majority would be breaking any Senate rule by holding this vote; it is just that our Democratic friends worry they might not like the outcome.

For some reason, they cannot bear to see Republicans governing within the rules as Republicans—doing exactly what Americans elected us to do. So they threaten to wreck the makeup of the Senate if they lose a vote and to wreck the structure of the Court if somebody is confirmed whom they oppose.

It has been interesting to watch our colleagues try to recast their disturbing threats as somehow tied to this Supreme Court vacancy. No one should fall for this trick. Democrats have already been threatening these actions for months. This isn’t anything new.

Our colleagues now say that “nothing” would be “off the table” if a new Justice were to be confirmed. They want badly for people to believe these are new threats that Democrats would take off the table—would take off the table—if Republicans would just help them sink President Trump’s nominee. Let me say that again. They want badly for people to believe these are new threats that Democrats would take off the table if Republicans would just help them sink President Trump’s nominee.

Let me read another quotation. This is the junior Senator from California speaking, our distinguished colleague who is now running for Vice President:

We are on the verge of a crisis of confidence in the Supreme Court. We have to take this challenge head on, and everything is on the table to do that.

Sound familiar? Of course it does. Our colleague made that remark in March of 2019—in March of 2019.

These threats are not new. They have nothing to do with this new vacancy. Democrats have already been playing this game for more than a year and a half.

It was more than a year ago that several Senate Democrats threatened the

Supreme Court in a written brief. They said: “The Court is not well [and] perhaps the Court can heal itself before the public demands it be ‘restructured.’”

It was more than a year ago that Democrats, competing for their party’s Presidential nomination, made court-packing a central element in their platforms.

It was more than 6 months ago that the Democratic leader appeared across the street outside the Court and threatened specific Justices if they did not rule his way.

For goodness’ sake, the junior Senator from Maryland came right out and admitted this yesterday. Someone asked him whether he would support these acts of institutional vandalism if a nominee is confirmed this year, and he helpfully pointed out: “I’ve always said I’m open, even before this seat opened . . . [those] possibilities were on the table before we got to this point,” thereby proving my point.

These threats are not new. They have nothing to do with this vacancy.

Our friend the junior Senator from Delaware said on television this Sunday that he wants to persuade Republicans to forgo filling this vacancy, but all the way back in June—long before 5 days ago—he himself notably refused to rule out breaking the Senate’s rules to kill the filibuster.

There is no degree to which rewarding these threats would buy the Nation any relief from this. There is nothing you can give them to stop all the threats. There is no “deal” that would stop these dangerous tactics. Giving in to political blackmail would not do a thing to secure our institutions. You do not put a stop to irresponsible hostage-taking by making hostage-taking a winning strategy.

I will tell you what really could threaten our system of government. It is not Senate Republicans doing legitimate things squarely within the Senate rules and within the Constitution that Democrats happen to dislike—no, no. What could really threaten our system is if one of our two major parties continues to pretend the whole system is automatically illegitimate whenever they lose; if they continue to act like, for their side of the aisle, a legitimate defeat is an oxymoron. That is the danger to our democracy.

Every one of these attacks on our institutions only underscores how important they are. Every threat to turn our courts into a political tug-of-war only reinforces why the Senate is charged with protecting our independent judiciary and why this majority’s work with President Trump on this task is so crucial.

The President plans to use the power the voters gave him to make a nomination. Senators will use the power the voters gave us to either provide or withhold consent as we see fit. The only ones responsible for those threats will be the people making them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Madam President, tomorrow the recently departed Supreme Court Justice Ruth Bader Ginsburg will lie in repose at the Supreme Court, and on Friday Ruth Bader Ginsburg will lie in state here in the Capitol, the first time in our Nation’s long history that a woman has ever received the honor.

I can think of no more fitting tribute for a woman who made a life’s work of going where women had never gone before. Even with the benefit of a few days, the loss of Justice Ginsburg is devastating. You need only walk by the Supreme Court today, where flowers, candles, chalk-written notes, and spontaneous demonstrations have clogged the sidewalks for 4 days straight, to know her impact on this country.

We will honor her this week, and, by all rights, we should honor her dying wish, imparted to her granddaughter, that she “not be replaced until the next President is installed.” All the words and encomia for Justice Ginsburg from the other side ring hollow if they will not honor her last dying wish.

Yesterday, the Republican side—so often, President Trump—seemed to make it worse. President Trump mocked Justice Ginsburg’s dying wish by insinuating that her granddaughter was a liar, once again confirming every terrible thing we know about our President.

He said that Justice Ginsburg’s statement was something that “sounds like a Schumer deal or maybe Pelosi or shifty Schiff.” That is the President of the United States baselessly suggesting that Democrats fabricated the dying wish of the late Justice Ginsburg. It was a coarse, shameful, lying insult to the late Justice Ginsburg and to her family.

If the President had a shred of human decency—even a little—he would apologize, but we all know he will not. Everyone here in the Senate ought to be disgusted by the President’s comments. How low can this President go? He knows no depth. You can never know that.

You would think that, after the Republican majority led a historic blockade just 4 years ago to keep open a vacancy on the Supreme Court because it was an election year, they would have the honor and decency to apply their

own rule when the same scenario came around again. You would expect the Senate majority to follow their own rule. What is fair is fair.

This is what Leader MCCONNELL said in 2016:

The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new President.

This is the McConnell rule—the McConnell rule. This is the principle that Leader MCCONNELL and then-Chairman GRASSLEY used to justify their refusal to even meet with President Obama's Supreme Court nominee.

Here it is—the McConnell rule: When it is a Presidential season, you can't vote on a Supreme Court nominee because "the American people should have a voice." Now, Leader MCCONNELL repeated that refrain for almost a year and so did almost every other Republican in the Chamber:

The American people shouldn't be denied a voice.

Give the people a voice.

The Senate should not confirm a new Supreme Court Justice until we have a new President.

I don't think we should be moving on a nominee in the last year of a President's term. I would say that if it was a Republican President.

If an opening came in the last year of President Trump's term and the primary process had started—

The primary process had started—we'll wait to the next election.

I don't even have to tell you who those quotes came from. It was nearly every single Republican in this Chamber. That is how they justified the unprecedented blockade of President Obama's Supreme Court nominee: no vote during a Presidential election year because we have to let the people decide.

They promised to stay consistent if a Republican President won in November. It turns out, a Republican President did win that fall, and a Supreme Court vacancy did arise in the final year of his term, not just during the primary process but long after it was over, with little more than a month—a month—before the election.

Now, whoops, didn't mean it. It is different now. We are supposed to believe this specious, flimsy, and dishonest argument that it is about the orientation of the Senate and the Presidency or how angry Republicans are at Democrats and all the big, scary things we might do in the future. Maybe that will justify it—anything not to admit the plain fact that they all made one argument for a year, an argument they insisted was a "principle" when it was good for them politically, and now they are doing the opposite thing.

The McConnell rule: "The American people should have a voice in the selection of their next Supreme Court Justice." It turns out, the McConnell rule was nothing more than a McConnell ruse.

Leader MCCONNELL, sadly, sadly, is headed down the path of breaking his

word to the Senate and the American people. He has exposed once and for all that a supposed principle of giving the people a voice in selecting the next Justice was a farce. Sadly, again—sadly—Leader MCCONNELL has defiled the Senate like no one in this generation, and Leader MCCONNELL may very well destroy it.

If Leader MCCONNELL presses forward, the Republican majority will have stolen two Supreme Court seats, 4 years apart, using completely contradictory rationales. How can we expect to trust the other side again?

For those of you on the other side who are still thinking about this and maybe some who might change their minds, just think of what this does to this body and people's word on one of our most solemn and sacred obligations: to choose a Supreme Court Justice fairly and honestly.

It is obvious why the Republican leader, when he comes to the floor, sounds so angry and defensive in his remarks. I will note for the record that the Republican leader did not once mention his principle in 2016—that the American people should have a voice in selecting the next Supreme Court Justice—in any of his speeches because he can't mention it.

Just to give you a sense of how far down the rabbit hole my friend from Kentucky has gone, yesterday—listen to this—this is what he said. Leader MCCONNELL said that President Obama asked the Senate "for an unusual favor" by fulfilling his constitutional duty to nominate a Supreme Court Justice with almost a year left in the term—"an unusual favor."

Only the Republican leader could look at our system of government so cynically. Apparently, the Senate's constitutional duty to advise and consent is an unusual favor when a Democratic President is in office but a categorical imperative when a Republican is in office.

That is actually his argument. I listened to the Republican leader yesterday. I listened to him this morning. Gone are all the invocations of giving the American people a voice. It is nothing so supposedly high-minded this time. No, this time the Republican leader isn't even hiding that his decision is nothing—nothing—but raw, partisan politics.

According to the Republican leader, when the President and the Senate majority are the same party, you can break all the rules to get your Justice. Change the rules of the Senate to pass Supreme Court Justices on a majority vote. Rush it through before an election. It doesn't matter if you said the exact opposite thing 4 years ago, 2 years ago, or even, for some Senators, a few months ago.

This is how our vaunted traditions of bipartisanship and compromise—on life support before—now end. This is how. By one side—in this case the Republican majority under Leader MCCONNELL—deciding that the rules don't

apply to them, even their own rules. That, when push comes to shove, it is brute political force, all the way down.

If my friends on the Republican side want that kind of Senate, they can follow Leader MCCONNELL down the very dangerous path he has laid down.

CORONAVIRUS

Mr. SCHUMER. Madam President, one final matter. According to the official tally at Johns Hopkins University, the United States today will reach a staggering milestone of 200,000 Americans lost to COVID-19—200,000 Americans—more than any other country on Earth. Far more than we should have. Far more than we would have had there been a proper, coordinated, and energetic response to the virus by the Trump administration.

In the face of this tragic milestone, what does President Trump do? Does he mourn the astounding loss of lives? No, he goes off on the campaign trail, where yesterday he told his supporters that the virus "affects virtually nobody."

Affects virtually nobody? Tell that to the families and friends of the 200,000 who are in mourning.

Seriously, the day before the United States hits 200,000 deaths from COVID-19, the President said the virus "affects virtually nobody."

He also said: "If you take the blue states out, we're really at a very low level."

He also said: "It is what it is."

This is our President? My goodness.

Do you want to know why we have the worst pandemic response of any developed nation on Earth? You want to know why now nearly one out of every five deaths from COVID-19 come from America? It is because President Trump lied to the American people from day one about the gravity of this disease, and he is still doing it now, in a desperate and vile effort to boost his political fortunes.

And here in the Senate, Republicans will do anything—anything to back him, no matter what he says or does, as long as he nominates their judges.

I yield the floor.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to resume consideration of the following nomination, which the clerk will report.