

Here is what I said in my very first floor speech following the death of Justice Scalia: “The Senate has not filled a vacancy arising in an election year when there was divided government since 1888, almost 130 years ago”—not setting some new precedent, just stating a fact.

Fifteen times in American history, during a Presidential election year, new Supreme Court vacancies have arisen and Presidents have made nominations. Seven of those 15 times, voters had elected an opposite-party Senate to check and balance the sitting President. Not surprisingly, in those situations, only two of the seven were confirmed, and none since 1888. The other eight times, the same party controlled the Senate and the White House. Seven of those eight were confirmed—all but one. The one exception unraveled in a scandal.

We followed precedent in 2016, and we are following precedent this week.

No. 2, it has been claimed that Chairman GRAHAM broke the rules by reporting out Judge Barrett’s nomination—not so. As the Parliamentarian confirmed on Thursday, standing rule XXVI and Senate precedent are crystal clear. If a majority of a committee is physically present and votes in favor of a nomination, reporting it to the floor is a valid action, irrespective of what committee rules may say.

Chairman GRAHAM didn’t even violate the rules of his own committee. Past chairmen of both parties have done precisely what Chairman GRAHAM did on Thursday morning. In 2014, for one example, Chairman LEAHY and the committee’s Democratic majority voted multiple Federal judges to the floor without two members of the minority present—just a few years ago. Nothing remotely unprecedented took place—not in committee, not on the floor.

No. 3, timing. Some colleagues kept repeating the absurd claim that this is the most rushed confirmation process in history. Well, that is flatout false. From the announcement of the nomination to the start of hearings, eight Supreme Court nominations in the last 60 years moved more quickly than this one. Eight in the last 60 years moved more quickly than this one. Then, from the end of the hearing to the committee vote, half of all confirmations since 1916 actually moved faster than this one.

Justice John Paul Stevens was confirmed in 19 days, from start to finish; Justice Sandra Day O’Connor, in about 4 weeks. In the past, Justices have been confirmed in 1 week; some in 1 day. There is no argument that Judge Barrett’s nomination has moved at a breakneck pace. Facts are facts.

No. 4, contrary to what has been claimed, the Senate has absolutely confirmed Supreme Court nominees later in Presidential election years than this one. Multiple Justices were confirmed after elections had already happened. We have had multiple Su-

preme Court Justices confirmed in December of election years. Senates have even confirmed nominees for lameduck Presidents who just lost. That is another nonissue.

All of these false claims embarrass those who repeat them, but the most important point is this: In this country, legitimacy does not flow from the whims of politicians. Legitimacy does not depend on which political party makes that decision. Legitimacy comes from traditions, rules, and the Constitution.

Our Democratic colleagues have spent months obsessively demanding that our President repeatedly acknowledge that the election will be legitimate even if he loses. But here in the Senate, with this confirmation process, Democrats are flunking their own test. Let me say that again. Democrats want President Trump to keep repeating that the election will be legitimate regardless of whether he wins, but here in the Senate, the very same people are saying our vote on Monday will only be valid if they like the outcome.

Our Republic cannot abide any political faction making “illegitimate” a sloppy synonym for “we are not happy.” Of course, they are not happy. That doesn’t make anything about this illegitimate.

That kind of recklessness leads down a road that none of us should want to travel. That is why I keep correcting the record, even though it might seem silly. After all, if Republicans have the votes, why not ignore our colleagues and their statements and move on? I have chosen not to do that. It remains our duty to separate right from wrong, fact from fiction, for the good of the Senate and for our country.

Judge Barrett’s confirmation process has followed every rule. It has followed the Constitution in every respect. We have abided by the norms and traditions dictated by our history, and we are going to vote tomorrow.

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. Mr. 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 Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I just heard the Republican leader say there is no inconsistency between what the Republicans are doing now with Amy Coney Barrett’s nomination and what they did with Merrick Garland in 2016. Who would believe that? The contradiction is glaring. The contradiction will be a stain on the leader’s forehead and on the entire Republican caucus if it continues.

We just heard another warped, distorted, and convoluted history lesson from Leader MCCONNELL. We know how defensive he is about the blatant, 180-

degree, hypocritical turn he has made on Supreme Court nominations, but a distorted, warped history lesson will not remove the stain.

Only one thing will, Leader MCCONNELL: Withdraw the nomination of Amy Coney Barrett until after the election, plain and simple.

Now we meet here in a rare Saturday session because there is nothing—nothing—remotely normal about the Republicans’ drive to confirm Judge Barrett to the Supreme Court only days before a Presidential election.

Four years ago, the entire Republican Senate said it was a principle—that was their word, “principle”—that Supreme Court Justices should not be confirmed in Presidential election years. Leader MCCONNELL said: “The American people [deserve a choice] in the selection of their next Supreme Court Justice.” That is the principle they insisted the Senate must follow, and they declared that this principle bound the Senate not to consider the nomination of Judge Garland even though it was 8 months before the Presidential election of 2016.

Well, here we are today, just a few days from another Presidential election. More than 50 million Americans have already voted, and that number will only increase between today and Monday—the date of Judge Barrett’s confirmation vote. Americans are waiting in line now, patiently, at early voting locations around the country, to cast their ballots in Arizona and North Carolina, in Maine and Colorado, in Iowa and Kansas, in Georgia, Alaska, and Kentucky, in 26 States where early voting centers are open and in another 15 States where early votes can be dropped off at election offices.

In my home State of New York, where today marks the first day of early voting, it may look a little different this year. The lines are longer, not just because of enthusiasm but also because they are more socially distant. Everyone should be wearing a mask. But as we speak, millions of Americans are using their voices to say who they want to have select Supreme Court Justices.

At the same time, when the Republican majority in the Senate is ramming through the lifetime appointment of a Justice who will make hugely impactful decisions about their lives and freedom, Leader MCCONNELL has the temerity to say there is no contradiction between Merrick Garland and how they treated him and Amy Coney Barrett and how they are treating her. Give me a break. Our colleagues are saying to the American people: You get no say. You get no choice.

Four years ago, when a Democratic President nominated a Justice, the Republicans professed to care about giving the American people a voice—not so now, not when a Republican-nominated Justice is on the line, not when their own political power is at stake.

What became of that high-minded principle the Republican Senators embraced so fervently in somber tones? Just 4 years ago, Leader MCCONNELL and they told the Nation that the Senate must heed the voices of the American people when they vote. Where on Earth did that principle go? What principles govern their current mad rush to confirm another Trump Justice 8 days before this Presidential election?

If this process has revealed anything, it is that the supposed Republican principle was a farce—no principle at all and never was. It was a naked, opportunistic, transparent, cynical, last-ditch grab for power. Of course, it is the continuation of their shameful, lockstep subservience to President Trump—the most unprincipled President in American history. This will go down as the most partisan, most hypocritical, and least legitimate Supreme Court nomination in our Nation's history.

Once again, Leader MCCONNELL, when you talk about history—a distorted, one-sided view, that is all you give—it doesn't erase what you have done. It stares the American people in the face. They know it. We know it. We all know it, and history will know it.

It is a very dark moment for the Senate, and I am ashamed that the Republicans are going along with this. This, again, will be the most partisan, most hypocritical, and least legitimate Supreme Court confirmation in our Nation's history.

UNANIMOUS CONSENT REQUEST—H.R. 925

Mr. President, now let's look at the status of our country. It is even less justified in light of that.

We had a record number of COVID infections yesterday. Let me repeat—a record number. Are Senate Republicans doing anything about that? No. This is not a regional crisis like before. These spikes are now widespread, across the whole country, putting all of our Nation at risk. In fact, in per capita terms, I believe North and South Dakota have the highest in the Nation. I read this morning that beds are running out, and we are not doing a thing.

In the past month, there has been a 35-percent increase in the number of Americans hospitalized with COVID. COVID is now the third leading cause of death in the United States. In countries like Germany and Japan and Australia, COVID isn't close to being in the top 10. Experts like Dr. Fauci are predicting, unfortunately, or projecting that we could hit 400,000 American deaths this year and that the darkest and worst days of this pandemic, unfortunately, are ahead of us, not behind us.

The next huge wave of this pandemic is not looming; it is here. We cannot afford to wait, but are the Republicans doing anything about it? No. There are tens of millions of Americans out of work, and businesses are failing every day. Are Senate Republicans doing anything about that? No. There are foreign powers, particularly Russia, try-

ing to undermine our elections. Are the Republicans doing anything about that? No. They are too focused on implementing their deeply unpopular agenda through the courts because they know they could never get it through the Senate. Most of them wouldn't even vote for it.

Today, we are going to give the Republican majority in the Senate the opportunity to consider critical legislation that has, so far, languished in Leader MCCONNELL's legislative graveyard. Many bills that are just sitting here, awaiting action, that were passed in the House—many with bipartisan support—are waiting for Senate action. We should be doing that, not rushing through this nomination while people are voting and wanting their choices to be listened to, not the Republican Senate's choice.

So we are going to start with comprehensive legislation that addresses the most serious problems facing America right now, the Heroes Act, which would deliver urgent and necessary relief to the Nation and to the people who are suffering. The Heroes Act would have a comprehensive regime for testing and tracing of \$75 billion—the money that is needed but that this administration never gave. In fact, there is \$9 billion sitting there from what we approved months ago in the CARES Act that they have not even given out yet, so incompetent are they.

I saw Donald Trump in the debate. He said: Oh, it will go away. He has been saying that since January. That is why people know he is an incompetent President during the most difficult of times. Yet he still says it.

We need that money. We need money to open up our schools safely and soundly. That takes extra money. The school districts can't afford it. We need ventilation, more buses, PPE, oftentimes more teachers, hotspots so that people can get Wi-Fi when they don't have it in their own homes, and so much more.

We need money to prevent people from being evicted from their houses. They have lost their jobs through no fault of their own, and they are getting kicked out either as a renter or as a mortgagor. The Heroes Act deals with that.

We need money to help our small businesses—and not just a few. The restaurants, stages and venues, broadcasters and newspapers, nonprofits and rural hospitals—all left out of the Republicans' proposal—are in the Heroes bill.

There is money for unemployment. The \$600 pandemic unemployment kept 10 million people out of poverty. It has pumped money into the economy as well as given people who are not wealthy at all an ability to get by. That is in the Heroes bill, and there is so much more.

There is money to make sure our elections are guarded and safe. There are provisions that allow for the census to be counted in a fair way.

All of that is in the Heroes bill. The American people so much want us to pass it, but Leader MCCONNELL will not even put it on the floor for a debate.

If Leader MCCONNELL and his Republican majority had an ounce of concern for average American families, they would halt this sham Supreme Court process and join us in taking up the critical pieces of legislation which my colleagues and I will be putting on the floor all afternoon. In each case, we are not asking the Senate to pass it; we are simply asking to debate it. We are asking them to overrule Leader MCCONNELL and put these bills on the floor and let there be a debate and let there be amendments. That is all we ask during the most desperate—desperate—of times.

All we ask is for the ability to debate something that really matters to the American people instead of rushing through a judge, a Supreme Court nominee, when the American people want the decision to be made by them, not by Republican Senators, not when her views on key issues only represent an extreme minority of the American people.

Mr. President, in order to proceed to the consideration of H.R. 925, Heroes 2, I ask unanimous consent that the Senate proceed to legislative session.

THE PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. THUNE. Mr. President, reserving the right to object, the minority leader is requesting to move to legislation after having repeatedly, this week, requested and asked for votes to adjourn multiple times—leave town. Now, all of a sudden, he wants to legislate.

I think there is a serious question about the sincerity of the minority leader's request here. And, frankly, to his point, the U.S. Senate has now twice—and most recently this week, on Tuesday—Tuesday this week—voted on legislation that would do all the things that he says that he wants to do: Help people who are unemployed; we voted on a bill that had unemployment insurance for people who are unemployed. Help small businesses; we had a bipartisan agreement on the Paycheck Protection Program to provide assistance to small businesses, and that was blocked by the Democrats earlier this week. It had money in there, resources on a bipartisan, agreed-upon objective, and that is more money, more resources, for schools and universities to open safely—\$100 billion in there for schools to open safely. They blocked it. They objected.

It had money in there for farmers, something that is important to the Presiding Officer and to me as well. They blocked it.

It had money in there for the Postal Service, something that his side has been saying repeatedly we need to address. They blocked it. We had that vote this week.

We have taken up legislation exactly along the lines of what the Democratic

leader is asking for, and they have consistently blocked it.

And then to say: Well, let's adjourn; we have had multiple votes on adjourning. This isn't serious, and he knows it. This is all about politics. This is a bogus issue to detract the Senate from the work at hand, which is to confirm a well-qualified judge to the Supreme Court, who had a "well qualified" recommendation from the American Bar Association, which the Democratic leader in the past has said is the gold standard—the gold standard when it comes to processing and considering judicial nominations. So let's see this for what it is, call it out for what it is.

And the bill he is calling up, by the way, from the House of Representatives, if you look at all the stuff it has in it—and this is the all-or-nothing approach that they are advocating right now—tax cuts for Manhattan millionaires? They are always complaining about tax cuts for the rich. This is tax cuts for millionaires in New York and California. Blue State bailouts for his State of New York. Think about that. Is that really what the American people think we ought to be voting on right now when they are unemployed, small businesses need help?

And that is the other thing. The bill he is calling up—trying to call up right now has no assistance in there for the PPP program, the very program that everybody around the country has said has provided enormous assistance to small businesses, kept them in business, and there are other businesses who need that help. He talked about wanting to help businesses that are going out of business. Well, that bill that he is trying to call up right now doesn't include assistance for small businesses.

So, anyway, this is clearly an attempt to detract the Senate from the work at hand, which is to consider a very well-qualified nominee to the U.S. Supreme Court—one of the Senate's most important constitutional duties and responsibilities, and we intend to stay focused on that.

And if the leader is genuinely interested, he could let us get on the bill that we tried to call up earlier this week that deals with all the coronavirus relief issues that he mentioned earlier, all of which are bipartisan issues—every single one of them on that list. But that isn't what this is about. This is about politics.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. Mr. President, just a few quick points.

No. 1, no one is—we are not talking about, and the American people are not about qualifications. We are talking about views on issues.

Do the American people want their healthcare taken away from them? Amy Coney Barrett has said that she disagrees with the decision to keep it.

Do the American people—do American women want the right to choose

taken away from them? Amy Coney Barrett, in the past, has said she would do that.

Do the American people want to make it even harder to form a union so they might get some good pay? Amy Coney Barrett. How about gun safety? She is to the right of Scalia.

The issue on Amy Coney Barrett is twofold, and nothing they say changes it. No. 1, her views on the issues are so far and so extreme that she does not represent even the views of the people in this body on the Republican side; and, No. 2, if they feel that the American people want her, let them vote and decide—the very same thing my friend from South Dakota and everyone else said with Merrick Garland. We know hypocrisy when we see it. We know contradictions when we see them.

And on the bill—yes, let's debate it. But their bill is inadequate on testing, inadequate on small business, inadequate on schools. We went to school administrators. No money for State and local governments, and I dare say to my friend from South Dakota, a police officer, a firefighter, someone who picks up the garbage or drives the buses needs help in South Dakota, if it is a red State, or New York, if it is a blue State. It is despicable, when the bill goes for all States, to say: "It is just for blue States." That is the kind of divisiveness that Donald Trump has created in this country. It is why so many people don't like him, and what our Republican colleagues, unfortunately, since he has become President, have followed through on.

Our bill is far more comprehensive. It deals with the needs. Very little money for testing, very little money for State and local governments, no money to help restaurants or stages or non-profits or rural hospitals, no money for hospitals, in general.

So the bottom line is very simple. Ours is a broad, comprehensive bill. Theirs is a narrow, skinny bill done to appease 20 Republican Senators who wanted no money—no money. And they won't even debate that either.

So I say to my good friend from South Dakota, and he is my friend, we have one view. The American people are for a \$2 trillion bill, a recent poll showed—60, 70 percent. They have a much narrower view, based on a hard-right philosophy.

Bring this bill to the floor, and let's debate it. It passed the House. It is the only thing that has a chance of getting done, and if you want to make amendments to cut back on the money and help we need, we welcome that debate, but don't just block something that has a real chance of becoming law as opposed to the farcical exercise they engaged in on Tuesday on a totally partisan bill that got not a single Democratic vote. Let's have a debate.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Mr. President, if I could just make one quick observation here,

first off, the funding that was provided in the Republican bill wasn't inconsequential. It was \$650 billion.

And to the Democratic leader's point about the people in this country want what is now a \$2.4 trillion bill—boy, I can tell you, I haven't seen that anywhere, and maybe there is some polling out there that indicates that. But I think if you ask the question: Would you want to spend \$2.4 trillion dollars if you knew you were borrowing it from your children and grandchildren, you might get a different answer.

And the truth of the matter is, we have gone \$3.5 trillion—all borrowed money, all added to the debt—already to address coronavirus relief.

That being said, we did bring a bill up that was another \$650 billion, and the Democrats blocked it. Why? Because it didn't spend enough, and they didn't think it spent enough on the things that they thought it ought to spend money on.

Well, if that is the debate, let's get on our bill. Let's start at the \$650 billion base level, and they can offer amendments to increase funding.

By the way, we did have funding in there for testing and vaccines—significant amounts of money negotiated by LAMAR ALEXANDER, the chairman of the Health, Education, Labor, and Pensions Committee. But if that is what they want to do, then let's start there, and then they can have an opportunity to debate it and offer amendments, but they have blocked even getting on the bill—not the bill itself, even debating it.

So when he says: We want to have a debate, we could have had a debate. All they had to do was let us get on the bill, and then we could be offering up and debating and discussing these various amendments that they want to offer.

But I would argue that all the things that our bill includes are things that are important to the American people. It was a targeted bill. It was a fiscally responsible bill. And, yes, it got 52 out of 53 Republicans to vote for it—not a single Democrat. Why? Because the Democrats have an all-or-nothing approach, and they want to hold this process hostage to get a leftwing agenda of items included in the legislation, many of which—many of which have no relationship whatsoever to the coronavirus.

So the leader's point—and, by the way, with respect to the judge, yes, Judge Barrett is, I think, everything that the American people want to see in a Supreme Court Justice. And for him to get up here and say that she doesn't have views that are supported by the American people, I don't understand exactly that argument because my understanding of what a judge is supposed to do is to take the facts of the case, apply the law, apply the Constitution in an impartial way, and apply those as written—not to try and get some perceived outcome or result or policy preference. That is not what judges do.

What you heard him say is exactly why we have a difference of opinion about the judiciary in this country because they view the judiciary as an auxiliary legislature where you go to get outcomes and results that you can't get through the two political branches of our Government.

Well, that is not what the judiciary is. The judiciary is supposed to be independent. It is supposed to be a fair arbiter—it calls balls and strikes and doesn't try and step on the scales or write the rules of the game. That is what a judge is supposed to be.

So they don't like this Justice or this judge, I should say—hopefully, soon to be Justice—because they think she is going to rule a certain way on particular cases, and they have no idea about that.

I mean, think about it. The same argument has been made against Republican nominees to the Supreme Court, literally, for the last 30 or 40 years. Every single time a Republican President nominates an individual to the Supreme Court, the Democrats and the left get up and say: They are going to cut healthcare. They are going to destroy healthcare. They were saying that about Justices on the Supreme Court that vote with their wing more than anybody else. They said that about Chief Justice Roberts. He was going to kill healthcare. He was going to destroy healthcare for millions of Americans.

He cast the deciding vote to uphold the Affordable Care Act, otherwise known as ObamaCare.

So they don't know what a judge is going to do. But I know what she is going to do because she has proven it as a judge on the appellate circuit, the Seventh Circuit, as an academic, in her writings, that she believes the role of a judge is to take the facts of a case, apply the law, apply the Constitution, as written, impartially, and to render a decision.

That, to me, is what I think every American believes we ought to have in a Supreme Court Justice. So, yes, this may be fair game for them to come down here and offer up all these motions that we are going to hear repetitively today, none of which has anything to do with the issues that they are going to say they want to talk about but everything to do with the fact that we are considering an incredibly well-qualified—not by my opinion but by everybody who has ever worked with her, including the dean of the Notre Dame Law School who hired her, the ABA—the American Bar Association—which passes judgment on all these nominees, her colleagues on the Seventh Circuit, staff, everybody this person has ever interacted with, stellar recommendations. This is an incredibly qualified individual and somebody, by the way, who I think can be relatable to the American people because she deals with the same issues that all Americans do, trying to raise seven kids. Imagine that.

Imagine trying to organize her schedule around seven kids, continue to be a professional, and do exceptional work.

She is highly qualified, a “towering intellect,” she has been described by her colleagues.

So that is what this is about. It is about trying to block a well-qualified Justice to the Supreme Court simply because they don't like the process. And I understand that, but this is a constitutional process. This is a vacancy.

The Constitution doesn't follow the political calendar when it comes to filling vacancies, and, as you heard Leader MCCONNELL point out earlier today, precedent on this issue, on confirming a nominee by a President to a vacancy created in an election year, the precedent falls all one way, if you go back throughout history.

So just so people know, every time they get up and offer a unanimous consent request to call up a piece of legislation, it has nothing to do with the legislation, because they have already moved to adjourn multiple times this week, meaning they want to get out of town. They don't want anything to do with this Supreme Court. So they are going to get up and say Republicans are blocking this or that. As I pointed out, the first one that was offered was a bill to deal with the coronavirus and provide relief to people across this country, which, by the way, we just voted on 2 days ago—3 days ago here in the U.S. Senate. They blocked even getting on the bill—not considering the substance of it, which, by the way, as I said, includes a lot of bipartisan objectives and priorities; they blocked even considering.

So that is what this is about, and I expect that is what we are going to hear today, tomorrow, and the next day, but it is not going to deter us from the important work we have at hand.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, I listened carefully to the Senator from Kentucky in his statement on the floor this morning. It was a lengthy defense of the procedure that is being followed in terms of the nomination of Amy Coney Barrett to the Supreme Court. It is not the first time he has made this historic defense, and clearly he is going to continue. He obviously feels that he is on the defense when it comes to explaining. I think he is. I think everyone remembers Merrick Garland and the pronouncement by Senator MCCONNELL and all of the Republican Senators that Barack Obama did not have the authority in the last year in office to fill a vacancy on the Supreme Court.

We sent the name “Merrick Garland” to the Hill. Senator MCCONNELL let the word go out that he would not even meet with the man in his office. He would not show him the respect of meeting with him. Two or three Republican Senators broke with that command from Senator MCCONNELL. Most

went right along. It was a very low moment. It is one we haven't forgotten and I don't believe the American people have forgotten, because we have rewritten the rules. Now when it comes to a Republican President, Senator MCCONNELL says, why, of course he can fill the vacancy. He can even fill it while votes are being cast in his reelection campaign. It is an enormous departure from 4 years ago, and Senator MCCONNELL comes to the floor regularly to try to explain it away, and it just doesn't work. He will keep trying. He has no alternative.

But if most Americans tuned in to this session this morning and afternoon, I am not sure they would dwell on the rules of the Senate or the rules of the Senate Judiciary Committee. They would probably be asking themselves and members of their family a very basic question: What is wrong with the Senate? Doesn't the U.S. Senate know what is going on across America?

This morning's New York Times front page: “New Peak for US Cases: Over 82,000 in a Single Day. 13 States Endure Their Worst Week Yet—Warnings of a Cold-Weather Surge.”

The article—of course referring to COVID-19—says:

The United States is in the midst of one of the most severe surges of the coronavirus to date, with more new cases reported across the country on Friday than on any other single day since the pandemic began.”

We sit here arguing about the rules of the committee and the rules of the Senate and who came first and who shot whom. The American people would like us to focus on something that has real relevance to their lives.

Listen to some of the things that were reported this morning in this newspaper about what is going on across America when it comes to this coronavirus:

On Thursday, the same day that President Trump said the coronavirus was “going away” and Joseph Biden warned of a “dark winter ahead,” the United States recorded one of its highest daily totals of new cases—75,064. By Friday evening, a new peak in the pandemic had been reached when more than 82,000 cases in a single day were reported nationwide, breaking the daily record set on July 16 by more than 3,000 cases. Thirteen States have had more new infections in the past week than in any other 7-day stretch. Hotspots are emerging across the country. Officials in Kentucky—Kentucky—announced more than 1,470 cases on Thursday, the biggest 1-day jump in that State. More than 1,300 cases reported in Colorado—another single day record. In the State of Washington, Governor Jay Inslee tweeted that the State had passed the 100,000-case mark, adding that “we all need to commit to having fewer, shorter, safer interactions, especially as the weather keeps us inside more often.”

Mr. President, that is what is happening in America. It is not what is

happening on the floor of the Senate. We are embroiled in a political controversy over a Supreme Court nominee instead of focusing on the deadly situation that is going on across our Nation.

I have spoken to Governor Pritzker, the Governor of Illinois, regularly about his battle to try to find equipment and treatment for the people in our State. It is a lonely, unpopular battle that he fights. This Governor in Illinois and Governors across the Nation have to stand up—if they are responsible—have to stand up and say to the people, the residents of their States, some things they don't want to hear.

I don't like wearing these masks—most people don't—but it is a simple, effective way to dramatically decrease the spread of this virus. I don't like the notion of social distancing, and I certainly don't like the idea of being away from my grandkids and the rest of my family, but if it means keeping them alive, I will do it, as painful as it may be. These are the simple, basic things that we are now debating from one end of America to the other.

This coronavirus situation has reached such a terrible state that yesterday, when the director of public health for the State of Illinois gave her daily briefing—Dr. Ezike is her name. She is a wonderful African-American doctor who has just been steadfast through this whole battle against the pandemic. In the middle of her presentation about what was facing our State, she broke down crying. I would have too. She turned her back for a moment and tried to compose herself. She could barely finish her press conference. She begged the people of my State of Illinois: Please, if for no other reason, for the sake of the healthcare professionals who risk their lives to treat these people, please help us put an end to this virus.

Last Saturday, a week ago today, one of my dear friends for years and years was feeling sick. She called her daughter and said: I think I need to go to the hospital. Her daughter took her to the major hospital not far from their home for admission because of lung problems. The hospital would not accept her. All the rooms were full. She then went to the second largest hospital in the area, asking if she could be admitted and treated. They would not accept her. All the rooms were full. She finally made it into the third hospital. She survived until Tuesday morning, when she passed away.

In the United States of America, that someone who had health insurance, was prepared to pay, could not even be admitted to major hospitals because of this coronavirus pandemic—and we are sitting here on the floor arguing about who was appointed by which President 100 years ago? Do you wonder why people look at the Senate and say: You are irrelevant. You are not even addressing the issues we care about.

And the procedural play here means nothing. Oh, I offered an amendment,

and you voted no. People, at the bottom line, say: Grow up and do something to help America.

We know what it takes to reach an agreement, as we found on March 26 when we passed the CARES Act. It passed in the Senate by a vote of 96 to nothing—a bipartisan, strong vote, not a single dissenting vote—\$3.3 trillion to address this pandemic and our economy. We rose to the occasion. I went home, and people were amazed. You mean you actually did something in the Senate? Yes, we did.

How did we reach that point? It wasn't through the regular order; it was through honest, serious negotiation that took place between the White House and the leaders in Congress. But since then—since then—we have not seen that. There has been one group who has stayed away from all of the negotiations around the table. The White House is there. Secretary Mnuchin is there. Speaker PELOSI is there. CHUCK SCHUMER, the Democratic leader of the Senate, is there. The Republicans have refused to sit down and negotiate at the table.

That is how it gets done around here. People sit down and work out their differences and put a bill on the floor and pass it 96 to nothing. But Senator MCCONNELL has steadfastly refused to attend these negotiating sessions. KEVIN MCCARTHY, the House Republican leader, joins him. So they boycott the sessions and come to the floor with a take-it-or-leave-it, partisan amendment in order to cover some political concerns back home. What a shame. What a waste.

When Senator MCCONNELL announced just a few days ago to the White House, stop negotiating; there will be no bill before the election; there will be no COVID relief before the election, people back in Illinois said to me: What is he thinking? Doesn't he understand the reality of what is going on in States like Illinois, Wisconsin, Michigan, and across the Nation, the infection rate, the death rate, hospitals being pushed to the limit? No. Clearly that is not a priority for Senator MCCONNELL and Senate Republicans. The priority is not the millions who are at risk. The priority is not the hundreds who are dying. The priority is one Supreme Court nominee. So we are bound to spend 5 straight days on that issue and not a minute of that time dealing with COVID-19. How do you explain that to the American people? I don't believe you can.

I could go through the lengthy history—I will put it in the record—of this Barrett nomination, but I will just state that when it comes right down to it, we cannot explain how we are going to leave here Monday night voting on one nominee but empty-handed when it comes to COVID-19. There is no excuse—no excuse for that. That is where we find ourselves.

I want to tell a story on why the nomination of Amy Coney Barrett directly links up with my concern about

this pandemic. Having lost 220,000 American lives, my concern and the concern of everyone is to keep our families safe. The first question we ask one another is, You do have health insurance, don't you? It is the obvious question.

I remember a time in my own life, newly married, law student, my wife and I blessed with a little girl who came pretty quickly, and she was pretty sick, and we had no health insurance—no health insurance. She was treated by local hospitals here in Washington, where I was going to law school, and they called me in one day and said: Well, since you don't have any health insurance, you have three options: You can declare bankruptcy with all these medical bills.

I said: That doesn't sound right to me. I haven't even taken the bankruptcy course in law school. What else?

Well, you could file—we think you qualify for welfare, Medicaid.

That doesn't sound right either. I am training to be a lawyer. I am supposed to end up with a good paying job at some point in my life. Going on welfare in law school? What is the other option?

Well, the only other option is, we will total up all your bills, and you can pay them back to us over a period of years.

It took us 10 years—10 years to pay those bills because I had no health insurance. Did I remember that moment? I remembered it for the rest of my life, to be a father and a husband without health insurance and a sick baby, thinking, my goodness, is this going to keep the good doctors away? Will she get the treatment she needs to survive?

That is what we are up against now, because the Affordable Care Act, which I voted for 10 years ago on this floor, extended health insurance to 23 million Americans—600,000 in the State of Illinois—and it changed health insurance for everybody because now the health insurance companies have lost some of their tricks of the trade. They can no longer put a lifetime limit on how much they pay out. They can no longer discriminate against a person because they happen to be a woman. They can no longer discriminate based on pre-existing conditions. They have to provide family health insurance, the option to keep kids on the policy until they reach the age of 26. That affects all policies.

So what has been the approach of the Republicans, particularly this President? He wants to eliminate that. What I have just described, he wants to eliminate. Don't take my word for it; it has been filed in a case across the street, *Texas v. California*. A group of Republican attorneys general came forward and said: We want to eliminate the Affordable Care Act. And the President said: I am going to join you. Let's get rid of it.

They tried to, on the Senate floor, in 2017. It is one of those moments etched in my memory, sitting down there at that desk. I looked at that door over

there, and it opened at 1:30 a.m., and John McCain, Republican Senator from Arizona, walked through that door, stood in the well. He could barely lift that right arm, which had been shattered when he was a prisoner of war. He lifted it just enough to say “no.” That “no” saved the Affordable Care Act from being eliminated by the Senate.

So where do they turn if they can't get it done in Congress? Off to the courts. And why is that important in terms of this nomination of Amy Coney Barrett? Because they are bound and determined to fill that vacancy on the Court before November 10. Why November 10? Because that is the day the Court takes up the oral arguments on the future of the Affordable Care Act. And if she is not in her black robe listening to that argument, by tradition she can't vote on whether to eliminate it or not.

She sent plenty of signals in the past about what she feels about the Affordable Care Act. To my friend from South Dakota who says, “You don't know how she is going to rule.” there is some truth to that. She could change her mind. But I will tell you, if you were a betting person, you would say the statements that she made criticizing Chief Justice Roberts for saving the Affordable Care Act and other statements that she has made about the law itself suggest that she will not be a friend when she has the opportunity to vote.

Do we take that seriously on behalf of 600,000 people in Illinois? You bet we do. It directly relates to this pandemic and the opportunity for people across this country to have the coverage they need.

I am going to tell a quick story about one of them. I have a photo of her here that I want to share with people. It is a situation that she faces. I am sorry that I don't have that in front of me, but I am going to tell the story anyway, as I remember it.

Her last name is Danenberger. She is from New Berlin, IL. She is an amazing young woman. She is battling breast cancer.

Here it is. Thank you.

When we cut corners when it comes to the Affordable Care Act, Susan Danenberger is one of the victims. She is a fifth-generation farmer and wine maker. She has a great little vineyard and a great little restaurant, and I have been out there with my family. She is also a two-time cancer fighter with stage IV metastatic breast cancer. She has been through the gauntlet of medical procedures, treatments, and complications of recent years—a double mastectomy, radiation, IV, chemo, pulmonary embolisms, lung infections, and more. Her oral chemo medications alone have cost her thousands of dollars every single month, even with insurance.

As a business owner, Susan offers insurance to her employees. She was relieved to learn, when opening her new health policy, that the ACA guarantees

that she gets coverage even with that medical history. It also allows her 23-year-old son to stay on the family plan.

Here is what she says to me:

Most of the time I feel driven. Making wine and running a winery is more than just a job. It's my purpose. I am more scared than I pretend to be, and that is how I make it through. I pretend that everything is OK. But this year, it is harder to pretend that everything is going to be OK. I am worried about the future. I am worried about money. I am worried that I won't be able to afford to fight cancer. I am worried about taxes, health insurance changes, and being at the mercy of insurance companies.

For Americans like Susan, with a family, a business, and preexisting conditions, there is so much at stake with this case pending before the Supreme Court and the judges and Justices who will vote on it.

Susan, bless you—she just can't afford for this Court to strike down the Affordable Care Act. Where will she turn?

Oh, but you must conclude it. Durbin, you are not telling us the whole story. Tell us about the Republican alternative to the Affordable Care Act. Tell us about their substitute, the one that is going to save everybody so much money and provide all the same coverage—tell us about that. Well, I sure would like to, but I can't because it has never been written down on paper, ever. There is no Republican alternative. They are bound and determined to kill ObamaCare with no substitute. That is why John McCain voted no. He said: We owe it to the American people to give them an alternative. Sadly, sadly, unfortunately, there is still no alternative.

Senator SCHUMER, earlier today, noted that there are a lot of other things we should be taking up at this moment in time. I am going to mention a few here this morning. These are measures which passed the House of Representatives sometimes months ago, sometimes over a year ago, and sent to the desk of Senator MCCONNELL. They were never taken up. They have been sitting there while we have done little or nothing on the floor of the Senate except entertain his judicial nominations.

The first one is personal to me—not that it affects me personally or legally, but it is related to a bill that I introduced a long time ago. On June 4, 2019, the House of Representatives passed H.R. 6, the American Dream and Promise Act, with a strong bipartisan vote, giving a path to citizenship to Dreamers. I introduced the first DREAM Act 19 years ago. I have been reintroducing on this ever since.

These are young immigrants brought to the United States as toddlers, infants, and children. The Dream and Promise Act has now been sitting on Senator MCCONNELL's desk for more than a year—more than a year. On June 22, I sent a letter signed by all the Democratic Senators calling on Senator MCCONNELL to finally bring it up for a vote, and, 4 months later, Senator MCCONNELL has not even responded.

We sent our letter after the Supreme Court rejected President Trump's effort to end deportation protections for Dreamers. In the opinion by Chief Justice Roberts, here is what he said about the actions of the Trump administration on DACA. Here is what he said: arbitrary and capricious. That was the description.

I joined with Senator Dick Lugar, a Republican, years ago, asking for the President to create DACA. President Obama responded by creating it by Executive order. Sadly, President Trump eliminated it, and, literally, hundreds of thousands of young people have their fate in doubt because of it.

The same thing is true when it comes to temporary protected status for people in the United States.

This administration has been a scourge when it comes to the issue of immigration, particularly inspired by Stephen Miller, a person I could never, ever understand. They have decided to be as mean as possible and cruel when it comes to people who are in this country having left horrible circumstances at home.

Now is the time for us to take up this measure and to start the debate. It isn't as if we have so much else to do. What we should be doing is to make sure that we do this.

So, in order to proceed in consideration of H.R. 6, the American Dream and Promise Act, I ask unanimous consent the Senate proceed to legislative session.

THE PRESIDING OFFICER (Mr. JOHNSON). Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, reserving the right to object, I have only been here a little under 2 years, and in the time that I have been here, it has been disappointing that when it comes to real attempts to make legislative progress, so often I see that we are far apart in terms of how we want to go about it.

I came here from a State like Indiana, where serving in our State legislature and running a business for 37 years, we seemed to get things done. Even though we were divided, of course, like most legislative bodies are, we came together and did things that made a difference for our constituents.

In the time before the impeachment saga came along, COVID, and civil unrest, I thought many of us were putting our shoulders to the grindstone—and I am on committees like Health, Education, Labor, and Pensions—wanting to weigh in on talking about some of things the Democrats have brought up about healthcare. And, to me, again, I think it brings in front of us differences in approach, certainly.

I am a believer that rather than trying to get government even more involved in certain things, that we might look at what actually works in the real world and works in many States, including healthcare, which I agree is probably the No. 1 issue we face in the country. It was the No. 1 issue when I was running a business.

I think there is so much commonality, in the sense that we have a broken healthcare system. We sometimes, as conservatives, are slow to maneuver and may not be interested in doing things that need to be done, but I think there is a time and a place for that. I was pleased to see, I think, that 70 or 80 Senators weighed in on trying to fix healthcare. But what interrupted that progress was several months of an impeachment saga that proved to go nowhere, and then we have been confronted with the biggest health crisis, certainly, in a century—other issues.

But, in this case, I think, to me, trying to cut to the chase, this is clearly a sequence of maneuvers that is trying to interject in a process of getting one of the most qualified judges across the finish line to become a Supreme Court Justice.

I think the American people are watching, too. They see what goes on here. They see that, year after year, we seem not to deliver results. When it comes to stuff that should be simple—when it is clear, based upon the credentials, especially, of someone like Amy Coney Barrett, who comes from my State, who has done such an outstanding job as an appellate judge, has impeccable credentials, and to where now this is being litigated not on the merits of who she is and how she will handle herself as a Supreme Court Justice—it has gotten so partisan. I think that really does turn people off.

I think this is more a sequence that maybe we are both guilty of, to where we do not roll up our sleeves and get to the heart of the matter. I was happy to be the first Republican to come across and acknowledge that climate is an issue. I formed the Climate Caucus and got six other Republicans to do it. I think we have to be engaged in the key issues of the day. Again, as I said earlier, we sometimes are slow to come to the discussion, but in the time that I am going to spend here, I would hope that we do legislation in the time that is there to do it and not try to interject it into a process like this.

I am so happy that we have this in a situation where we are going to get her voted in on Monday, and, in the meantime, I think that any of the attempts that are made by the other side to belabor the point just shows the American public what is wrong with this institution.

So, that being said, I do think that she is a qualified nominee to the Supreme Court. It is of the utmost importance that we do not belabor the process, and I object to proceeding to legislative session.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I will say to the Senator from Indiana, I recognize that he is new to this body, and what he has seen in the Senate is not the Senate that I was elected to.

There was a time—the Senator may find it hard to believe—when we actu-

ally brought bills to the floor. We allowed amendments. Before that, of course, the committee had done its work. We allowed amendments on the floor up or down, and we ended up deliberating and voting on measures. If they passed here, we then had a conference, and, miraculously, at some point, they became law. That has not happened here for a long, long time, and I don't think you have seen it. Maybe the Defense authorization bill is as close as it gets, though we don't have active amendments there.

In this circumstance, on this bill which I brought before the Senate Judiciary Committee 18 years ago—18 years ago—it has passed the House of Representatives and is sitting on Senator McCONNELL's desk for a year. It has been referred to the Senate Judiciary Committee, and I cochair the Immigration Subcommittee with your colleague, who is standing to your right, from Texas. We have met once in the last 2 years—once—and have never taken this up. So for the sake of the people affected by it, asking that it come to the floor is not an unreasonable request. Their lives are tied up in it.

So I would love to see regular order. We haven't seen it in so long. Most people wouldn't recognize it. But I understand your objection.

I have a series, but I am only going to make one more unanimous consent request because I see Members waiting to speak. This one is very relevant and very timely.

UNANIMOUS CONSENT REQUEST—H.R. 4617

Mr. President, we know that foreign election interference continues to be a real threat in America. Just this week we learned of a foreign influence campaign carried out by Iran in which fake, menacing emails were sent to Democratic voters who were told to vote for Trump or “we will come after you.” The origin, we are told by intelligence agencies, is Iran.

FBI Director Wray has said that Russia has been “very active in its efforts to influence the election” and seeks to “denigrate Democratic nominee Joe Biden”—two countries up to their elbows in trying to make a mess of our election campaign.

It is well past time to address this threat. We spend a time of lot talking about it. We could do it today by passing the House-passed SHIELD Act.

This is a bill passed in the House of Representatives that would establish a duty to report election interference from foreign entities so the FBI and the Federal Election Commission are aware when foreign powers are offering unlawful—unlawful—election assistance to campaigns and other political committees.

This bill would restrict the exchange of campaign information with foreign entities by making it illegal to offer nonpublic campaign material to foreign governments and those linked with foreign governments.

The bill would improve transparency by applying existing campaign adver-

tising requirements to online advertisements, and it would close critical loopholes in the law to further limit political spending by foreign nationals and foreign governments to try to influence the outcome of a U.S. election.

Finally, the bill would prohibit deceptive practices about voting procedures to stop individuals from providing false information about voting rules and qualifications for voting.

In light of these ongoing threats to both Presidential candidates, President Trump as well as Vice President Biden—this is a bipartisan attack. They are not just going after Democrats or Republicans; they are going after all of us. Isn't it about time we said that we are fed up with it, and it has to stop? That is all this bill does. It is bipartisan.

In order to proceed to the consideration of this bill in time for it to affect the outcome of this election, perhaps, H.R. 4617, the SHIELD Act, I ask that we proceed to consideration of it to prevent foreign interference in elections. I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, reserving the right object, as I said earlier, the Senate is currently considering the nomination of a highly qualified nominee to be an Associate of the Supreme Court. This request is another procedural move just to belabor the process.

They voted to adjourn until after the election four times this week, so, obviously, this bill, even though it may have merits that we need to discuss, should not be done in this format.

Continuing to consider this highly qualified nominee to the Supreme Court is the utmost, most important thing that we should do here. Therefore, I object to proceeding to legislative session.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

UNANIMOUS CONSENT REQUEST—H.R. 4995, H.R. 4996, AND H.R. 1585

Mr. DURBIN. Mr. President, H.R. 4995 is one that passed the House from Representative ENGEL to help address maternal health gaps and disparities in rural communities. The bill would provide grants at HHS to networks of healthcare providers and academic partners to expand obstetric capacity and improve trainings in underserved rural areas.

The trainings would help to address implicit bias, which—more so than economic status, health status, or education level—can contribute to health negative outcomes for moms and their babies.

Due to lack of specialists and geographic gaps, maternal health outcomes in rural Illinois are worse than in urban areas. So when it comes to responding to and tackling the urgent health challenges of the moment,

alongside addressing the COVID-19 pandemic, these bills can help close the disparities and gaps that exist in health care in America.

H.R. 4996, sponsored by Congresswoman ROBIN KELLY from Illinois, passed the House in September. It closely mirrors a provision in legislation I have introduced in the Senate, the MOMMA Act. This critical legislation addresses our Nation's unconscionable disparities in maternal and infant mortality by ensuring mothers can maintain access to care and prevent pregnancy-related complications.

The U.S. is 1 of only 13 countries in the world where the maternal mortality rate is worse now than it was 25 years ago. Nationwide more than 700 women die every year as a result of their pregnancy, and more than 70,000 others suffer severe, near-fatal complications. Across the country, women of color are four times more likely to die from pregnancy-related complications than white women. The COVID-19 pandemic has magnified these racial and ethnic health disparities that already existed. These gaps in our health system are unacceptable.

Medicaid covers half of the births in Illinois. This policy would help thousands of mothers in Illinois and nationwide by enabling Medicaid to provide coverage for low-income mothers for up to 1 year, compared to the current limit of 60 days. It is time we turn the page on this unacceptable inequity in our healthcare system and address a real need across America.

H.R. 1585, the Violence Against Women Act was signed into law 26 years ago, and it must be reauthorized. This law has been a lifeline for survivors of domestic violence and sexual assault in my State of Illinois and across the country. Over a year ago, the House voted to reauthorize and strengthen VAWA. But the Republican-controlled Senate has refused to bring this bill to the floor for a vote.

For many Americans, home is not always a safe place, and the COVID-19 pandemic has presented particular challenges for people facing abusive situations and domestic violence. It is shameful that Leader MCCONNELL has refused to call this critical reauthorization to the Senate floor for a vote.

It is long past time for the Senate to renew and strengthen VAWA.

In order to proceed to the consideration H.R. 4995, the Maternal Health Quality Improvement Act of 2020; H.R. 4996, the Helping MOMS Act of 2020; and H.R. 1585, the Violence Against Women Reauthorization Act, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana.

Mr. BRAUN. Mr. President, I object to proceeding to everything en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

NOMINATION OF AMY CONEY BARRETT

Mr. CORNYN. Mr. President, on Thursday, the Senate Judiciary Committee advanced the nomination of Judge Amy Coney Barrett unanimously. It was unanimous because our Democratic colleagues sought to boycott the meeting. But what they basically did was expedite consideration of her nomination.

It was really kind of puzzling to see the chairs that were set aside for our Democratic colleagues filled with large, blown-up pictures, and I will sort of get to that in a moment, the false narrative that we have seen here because our colleagues cannot successfully attack the character or the qualifications of this incredible nominee to this seat on the Supreme Court.

Judge Barrett discussed everything from the separation of powers to the free expression clause of the First Amendment. Many of us marveled at her knowledge and her ability to recall facts and legal decisions without so much as even a note in front of her.

It is no surprise that the American Bar Association, which the minority leader has called the gold standard, gave her their highest rating.

The chair of the Standing Committee on the Judiciary said: "[I]n interviews with individuals in the legal profession and community who know Judge Barrett, whether for a few years or decades, not one person uttered a negative word about her character."

That assessment is in line with the glowing letters of support we have seen from her former colleagues and students whose political philosophies and beliefs fall across the entire political spectrum.

What we have repeatedly heard is about Judge Barrett's brilliance, her strong character, her great temperament, and her impressive humility. Judge Barrett, I am convinced, will serve our Nation well in the Supreme Court.

It is clear that the mountains of evidence stand in sharp contrast to the portrait our colleagues across the aisle have attempted to paint of this nominee. Democrats have tried to claim that she is somehow "too radical," despite the fact that in her 3 years on the Seventh Circuit Court of Appeals, she has agreed with her colleagues 95 percent of the time in the 600 cases they have decided.

Back in 2017, when she was nominated to the Seventh Circuit, she was attacked explicitly because of her Catholic faith, even though our colleagues know that under the Constitution, no religious test is permissible, really suggesting that because of her faith, she couldn't follow her oath to decide cases on the facts and the law that come before her—truly insulting and completely out of character with the person we saw in Judge Barrett in front of the Judiciary Committee.

Our colleagues even went so far as to hold up a chart with more than 100 cases listed and claimed that Judge

Barrett would overturn every single one of those precedents. There is certainly no evidence of that. Nothing in the record would suggest it. With her fidelity to the law, do you think she would be so reckless? Well, of course not. There is just no evidence to support it.

But we know that because they couldn't attack her on the merits, they decided to use fearmongering instead. Through innuendo, misinformation, and intellectually dishonest arguments, they have been trying to stoke fears about how she may rule on a case she has not even heard yet. This is sort of a sky-is-falling argument, a Chicken Little argument.

It really has more to do with the way our Democratic colleagues view the judicial branch. They view it as another political branch, as opposed to an apolitical branch that is supposed to interpret the law and the facts and decide cases on their own merits.

Instead of addressing her judicial philosophy, our Democratic colleagues eagerly shared their plan, should she be confirmed, to pack the Supreme Court with additional Justices to give them the political results they cannot achieve with the current composition of the Court.

This is something that Ruth Bader Ginsburg explicitly condemned, saying that this would turn the Supreme Court into just another political body. You can imagine if Democrats, when they are in power, decide to add additional judges who may decide cases in the way they would like to see them decided, the temptation would be great for the other side of the aisle to add judges to the Supreme Court. It would completely destroy what has been rightly called the crown jewels of our Constitution, and that is our independent judiciary.

For many Americans, the idea of mutating our only apolitical branch of government is absolutely terrifying. So, not surprisingly, our colleagues across the aisle have tried to rebrand and call this rebalancing the Court. Back home, this is what we call putting lipstick on a pig.

Using words like "rebalance" is a way to obscure, really, what their goal is. They want to seize what they view as an unaccountable body and use it to secure wins they can't win in the rough and tumble of the legislative process. If you can't win an election, if you can't win a vote in Congress, well, get the Supreme Court, get the judiciary to bail you out. That is not the appropriate role of judges or the judiciary under our Constitution.

Our Democratic colleagues seem absolutely fearful about judges who will actually apply the law as written. They want somebody to impose a result that they wish were required.

They want judges to evaluate cases not by the letter of the law but through the same lens of personal and political biases. In short, they don't really want a fair and impartial judge