

The PRESIDING OFFICER. The Senator from Hawaii.

CORONAVIRUS

Mr. SCHATZ. Mr. President, before I talk about the Supreme Court, I want to express my condolences to the families and the loved ones who have experienced the human toll of the coronavirus pandemic.

Over 220,000 Americans have died, and millions of others have been forever changed. I am going to read some of the names of those we have lost. The families of these individuals have given permission for their names to be read on the Senate floor, adding them and their stories to the CONGRESSIONAL RECORD: Mike Hawk, Stephen R. Chatman, Milan Fryszak, Santos Gomez, Jack Larvin, Jeanne Lanson, Wendy Darling-Minore, Rose DePetrillo, Molly Stech, Larry "Grouse" Cummings, Sarah Ann Staffa Scholin, Elizabeth Woollett, Lorraine Mallek, Bob Matusевич, Javier "Chino" Ascencio, Joel Cruz, Michelle Horne, Juan Carlos Rangel, Laura Brown, Faye Ann Barr, Yoshikage Kira, Patricia Manning, Barbara Johnson Hopper, Harry Conover, Stanley Gray, Mary J. Wilson, Richard Gordon Thorp, Joe Hinton, Angela Chaddlesone McCarthy, Gurpaul Singh, Paul J. Foley Jr., Tim Mulcahy, Kelvin Lurry, Robert Wherry, Fred Westbrook.

NOMINATION OF AMY CONEY BARRETT

Mr. President, the Senate used to be a body that valued bipartisanship, deliberation, and compromise—a body that balanced the demands for debate with the demands for action. But that was in the past. The Senate no longer is the body that examines, considers, and protects our democracy.

The Senate I see now is ruled by partisanship and uncompromising ideology, and in their rush to jam through a divisive nomination days before the election and before the American people get a chance to have their say, the majority leader and the Republican Party are inflicting procedural violence on the Senate itself and the American people to achieve their ideological objectives.

In fact, many Republicans bragged that they had the votes to confirm the President's nominee before the nominee was chosen. The world's greatest deliberative body, with the constitutional responsibility for advice and consent and a special responsibility to advise and consent on the highest Court in the land, decided that they were A-OK with whatever Donald Trump decided, that their role in advice and consent was to basically agree in advance and to abdicate their role.

Now, we are not a parliamentary system. We are a separate, coequal branch of the government, and we are supposed to have our own views. The Federalist Society is not a branch of government. Donald Trump should not run the U.S. Senate. Nobody outside of this Chamber should be in charge of us, and to announce that you are for a nominee, sight unseen, is an abdication of your role.

Why would you even run for this job? Why would you even run for this job? Just go be the executive vice president of the Federalist Society. If you don't believe in the importance of the legislative branch, don't be a legislator.

We are less than 2 weeks away from the most consequential decision, election, of our lifetimes. Almost 60 million Americans have already voted. And there are legitimate concerns around an election dispute, and that is because of the President. The President has proposed postponing the election. He has threatened to challenge the results if he doesn't win. He has called it rigged in advance. He has refused repeatedly to commit to a peaceful transfer of power.

He has openly admitted that one of the reasons that he wanted to hurry in confirming this nominee—one of the reasons he wanted to hurry in confirming this nominee—is, in case there is an election dispute, to referee which votes get counted.

What is funny about this—not funny like hilarious funny but kind of weird funny—is that that is the kind of thing that, if I said that you are just putting this person in to referee an election dispute, I would have expected the people on the other side to say: How dare you make that accusation?

But, to the contrary, the junior Senator from Texas actually said that is the reason they have to hurry: We had better get her in so she can rule against counting votes—in wherever the Democrats are counting their votes. That is what he said. This isn't a partisan accusation. It is literally what TED CRUZ said.

The President of the United States expects his nominee, Judge Barrett, to be Justice Barrett tomorrow night, to assist him with ensuring reelection, if necessary. These statements by the President should alarm every Member of this body—Democrat and Republican. But, actually, it didn't alarm certain Members. They found that to be a justification for hurrying.

Disturbingly, in an exchange with the Senator from New Jersey, Judge Barrett would not say that President Trump should commit to a peaceful transfer of power. When the Senator from California asked her if the Constitution gives the President the power to delay an election, Judge Barrett said that she didn't want to give off-the-cuff answers, even though the Constitution does not, in fact, give the President that power.

This is part of a pattern. I will take you through some of this stuff. Anytime there is a live controversy—and by "live controversy" it is, basically, anytime Donald Trump says something—she is unwilling to cross him. She is unwilling to cross him.

Our judges are supposed to be independent and unbiased interpreters of the law. That means Judge Barrett should know what the law says and how to apply it, especially when the President threatens to break it in

order to hold onto political power. But she dodged these important questions and refused to defend democracy. I have real doubts about her ability to serve our Nation impartially, especially in the case of an election dispute.

There was a 4-4 decision which allowed a lower court decision to be upheld regarding—it is an election dispute in Pennsylvania. I won't get into great detail. The litigants now, because it was 4-4, are going right back to the Supreme Court, figuring that Amy Coney Barrett will rule for them, in the middle of this election.

This isn't some theoretical, wild-eyed, internet-driven paranoia. This is happening. They went back to the Supreme Court to say: How about now? And I would be a little surprised if they don't rule 5-4 on behalf of Republicans who want to restrict the vote.

In moving forward with the confirmation, the Senate Republicans and the majority leader are going against the precedent they set 4 years ago.

Look, I understand. I am reasonably good at politics. I know that hypocrisy abounds. I understand that hypocrisy abounds. I understand that, if we take our case to the American voter and say, "They are hypocrites," the American voters are going to shrug their shoulders and say, "You're all hypocrites." I get that.

But I am a little bit old-school in the following way: I come from a legislature, and I believe your word should be your bond. Otherwise, this kind of place won't work.

When LINDSEY GRAHAM said, "Use my words against me," I actually believed him. I have worked with LINDSEY before. I have had dinner with LINDSEY. I sort of personally like him. That probably gets me in tons of trouble politically.

But I just guess I thought that, if I am coming from the Hawaii Legislature, where your word is your bond, that is the most foundational rule of politics. I remember when I was first elected in 1998. The National Conference of State Legislatures, this training body for legislators, used to issue cassette tapes about how to be an effective legislator.

And I remember this. The first tape, I would stick it in my Nissan truck, and I listened to it every day—Roz Baker. Your word is your bond. That is the most important coin of the realm.

And I get that. Look, most of the people in this body are pretty smart. So they are going to use their ample brains to justify their new position. But let's be clear: This is the most rank hypocrisy I have ever seen in anything politically, and it is one of the most important things that I have ever seen.

It is not a trivial thing that you held up Merrick Garland. Now, do I go around saying that on the cable shows and whatever? No, because I know, outside of this body, nobody cares. Inside of this body, we are supposed to care