

would have done the same thing. Why? Because they had the elections that made those decisions possible.

The reason we were able to make the decision we did in 2016 is because we had become the majority in 2014. The reason we were able to do what we did in 2016, 2018, and 2020 is because we had the majority. No rules were broken whatsoever.

All of these outlandish claims are utterly absurd. The louder they scream, the more inaccurate they are. You can always tell—just check the decibel level on the other side. The higher it goes up, the less accurate they are.

Our Democratic colleagues keep repeating the word “illegitimate” as if repetition would make it true. If you just say it often enough, does it make it true? I don’t think so. We are a constitutional Republic. Legitimacy does not flow from their feelings. Legitimacy is not the result of how they feel about it. You can’t win them all. Elections have consequences.

What this administration and this Republican Senate has done is exercise the power that was given to us by the American people in a manner that is entirely within the rules of the Senate and the Constitution of the United States.

Irony, indeed. Think about how many times our Democratic friends have said—berating President Trump for allegedly refusing to accept legitimate outcomes he does not like. How many times have we heard that: President Trump won’t accept outcomes he does not like. They are flunking that very test right before our eyes.

That is their problem. They don’t like the outcome.

Well, the reason this outcome came about is because we had a series of successful elections. One of our two major political parties increasingly claims that any—any political system that deals them a setback is somehow illegitimate. And this started actually long before this vacancy, as we all know.

One year ago, Senate Democrats sent the Court—the Court, directly, an amicus brief that read like a note from a gangster film. They wrote: “The Supreme Court is not well” in their amicus brief. “The Supreme Court is not well. . . . Perhaps the Court can heal itself [heal itself] before the public demands it be ‘restructured.’”

In March of this year, the Democratic leader stood outside the Court. He went over in front of the Court and threatened multiple Justices by name. Here is what he said: “You won’t know what hit you if you go forward with these awful decisions.”

“You will pay the price!”

That is the Democratic leader of the Senate in front of the Supreme Court mentioning Justices by name and, in effect, saying: If you rule the wrong way, bad things are going to happen.

For multiple years now, Democrats in this body and on the Presidential campaign stump have sought to revive

the discredited concept of Court packing. Every high school student in America learns about Franklin Roosevelt’s unprincipled assault on judicial independence, so now they are thinking about repeating it. Former Vice President Biden, who spent decades condemning the idea here in the Senate, obediently says he will look into it.

Most importantly, the late Ruth Bader Ginsburg said last year, when asked about this, she said nine is the right number. That is the vacancy we are filling right now. I don’t think any of them quoted her on this issue, have they? Ruth Bader Ginsburg said nine is the right number.

These latest threats follow decades of subtler attempts to take independent judges and essentially put them on political probation: You don’t rule the way I want, something dire might happen.

How many consecutive nominees have Democrats and the media insisted would “tip the balance” of the Court? How often do we hear that—“tip the balance” of the Court? Has anyone tallied up how many “hard right turns” the courts have supposedly taken in our lifetimes? All this ominous talk is a transparent attempt to apply improper pressure to impartial judges.

Rule how we want or we are coming after the Court. Rule how we want or we are coming after the Court. Vote how we want or we will destroy the Senate by adding new States. These have been the Democratic demands. This is not about separation of powers. It is a hostage situation—a hostage situation.

Elections come and go. Political power is never permanent. But the consequences could be cataclysmic if our colleagues across the aisle let partisan passion boil over and scorch—scorch the ground rules of our government.

The Framers built the Senate to be the Nation’s firewall. Over and over, this institution—our institution—has stood up to stop recklessness that could have damaged our country forever.

So tonight, colleagues, we are called on to do that again. Tonight, we can place a woman of unparalleled ability and temperament on the Supreme Court. We can take another historic step toward a Judiciary that fulfills its role with excellence but does not grasp after power that our constitutional system intentionally assigns somewhere else.

And we can state loud and clear that the U.S. Senate does not bow to intemperate threats.

Voting to confirm this nominee should make every single Senator proud.

So I urge my colleagues to do just that.

Mr. SCHUMER. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The PRESIDENT pro tempore. A quorum is present.

All postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Amy Coney Barrett, of Indiana, to be Associate Justice of the Supreme Court of the United States?

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 224 Ex.]

#### YEAS—52

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeben	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Loeffler	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

#### NAYS—48

Baldwin	Harris	Reed
Bennet	Hassan	Rosen
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden

The PRESIDENT pro tempore. The nomination of Amy Coney Barrett, of Indiana, to be an Associate Justice of the Supreme Court of the United States is confirmed.

(Applause.)

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 865.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of James Ray